NORTHERN TERRITORY OF AUSTRALIA

TEACHER REGISTRATION (NORTHERN TERRITORY) ACT 2004

As in force at 6 November 2026

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 6 November 2026

TEACHER REGISTRATION (NORTHERN TERRITORY) ACT 2004

An Act to provide for the registration of teachers and the regulation of the teaching profession and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Teacher Registration (Northern Territory) Act 2004*.

2 Commencement

(1) This Act, other than sections 7(3), 23(6), 72 and 73, comes into operation on the day on which the Administrator's assent to this Act is declared.

(2) Sections 7(3), 23(6), 72 and 73 come into operation on 1 February 2005.

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.

4 Definitions

In this Act:

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

alternate member means an alternate member of the Board, appointed under section 9.

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.

Board means the Teacher Registration Board of the Northern Territory established by section 6.

Board member means a member of the Board appointed under section 7.

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

committee means a committee established under section 25.

criminal history, of a person, means the person's criminal record as defined in section 3(1) of the *Criminal Records (Spent Convictions) Act 1992*.

Director means the Director of the Board appointed under section 14.

early childhood service means an education and care service as defined in section 5 of the *Education and Care Services National Law (NT)*, but does not include:

(a) a family day care service as defined in section 5 of the *Education and Care Services National Law (NT)*; or

(b) an outside school hours service; or

(c) any other service of a kind prescribed by regulation.

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

full registration means full registration as a teacher granted under section 36(1).

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

inquiry means an inquiry held in accordance with Part 6, Division 4.

inquiry committee means a committee appointed under section 60.

interim certificate of registration means a certificate issued under section 34.

investigation panel means a panel appointed under section 55.

investigator, see section 55(1).

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.

preliminary investigation means an investigation held in accordance with Part 6, Division 3.

prescribed means prescribed by regulation.

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.

provisional registration means provisional registration as a teacher granted under section 36(1)(b).

reasonably believes means believes on reasonable grounds.

referee, for a specified person, means each of the following:

(a) a current or previous employer of the specified person;

(b) a registration authority;

(c) an institution at which the specified person is, or was previously, enrolled for the purpose of obtaining a prescribed qualification;

(d) the Commissioner of Police;

(e) the Screening Authority;

(f) a person nominated by the specified person to give a character reference for the specified person.

register means the Register of Teachers kept under section 26.

registered, in relation to a teacher, means currently registered under this Act.

registration means provisional registration or full registration.

registration authority means a statutory body in a State or another Territory of the Commonwealth, or in New Zealand, established to register teachers and includes a similar body in other jurisdictions.

regulatory authority means:

(a) for the Territory – the person declared by section 9(5) of the *Education and Care Services (National Uniform Legislation) Act 2011* to be the Regulatory Authority for the *Education and Care Services National Law (NT)*; or

(b) for another participating jurisdiction under the *Education and Care Services National Law* – the person declared by a law of the participating jurisdiction to be the Regulatory Authority for the *Education and Care Services National Law* in that jurisdiction.

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

relevant person means:

(a) a registered teacher; or

(b) a teacher whose registration is suspended; or

(c) a person to whom an authorisation relates if the authorisation is in effect or suspended.

school, see section 5 of the *Education Act 2015*.

school year means the period from the beginning of the first term of school to the end of the last term within the same calendar year.

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

sexual offence means a prescribed offence.

teach, at a school or early childhood service, see section 4A.

teacher means:

(a) a person who is qualified to teach at a school or early childhood service; and

(b) for Part 6 – a person who is, or has been, a registered teacher.

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.

unregistered person means a person who is not registered under this Act.

Note for section 4

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

4A Meaning of *teach*

(1) For this Act, to ***teach*** at a school or early childhood service:

(a) means to undertake duties that include the following:

(i) programming and delivering a course of instruction at the school or early childhood service;

(ii) in relation to a school – assessing the work of students in a course of instruction delivered at the school;

(iii) in relation to an early childhood service – assessing the learning and development of children at the early childhood service; and

(b) does not include to undertake duties of a kind prescribed by regulation.

(2) Without limiting subsection (1)(b), the regulations may prescribe the duties by reference to the circumstances or capacity in which the duties are undertaken at a school or early childhood service.

5 Act binds Crown

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

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.

Part 2 Teacher Registration Board

6 Establishment of Board

(1) The Teacher Registration Board of the Northern Territory is established.

(2) The Board:

(a) is a body corporate with perpetual succession; and

(b) has a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially are to take judicial notice of the common seal of the Board affixed to a document and must assume that it was duly affixed.

7 Composition of Board

(1) The Board consists of 12 members appointed by the Administrator, of whom:

(a) one is to be a person nominated by the Chief Executive Officer; and

(b) 2 are to be teachers (of whom one is to be based at a remote school) nominated by the Northern Territory Branch of the Australian Education Union; and

(c) one is to be an indigenous teacher at a government school and is to be nominated by the Chief Executive Officer; and

(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

(g) one is to be an educator nominated by the Catholic Education Office; and

(h) one is to be an educator nominated by the Charles Darwin University; and

(i) one is to be an educator nominated by the Batchelor Institute of Indigenous Tertiary Education; and

(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).

(2) An organisation or body mentioned in subsection (1) must nominate a panel of persons from which the Board member, and an alternate member if required, can be selected.

(3) A Board member (or alternate member) who is required to be a teacher must be a registered teacher.

(3A) If an organisation or body mentioned in subsection (1) fails to nominate a panel of persons as required under subsection (2):

(a) the Administrator may appoint a person to be a Board member; and

(b) the person appointed is taken to have been nominated by that organisation or body.

(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 Term of appointment

(1) Subject to this Act, a Board member holds office until the expiration of the period, not exceeding 4 years, specified in his or her instrument of appointment, but is eligible for re-appointment.

(2) If a period of appointment is not specified in an instrument of appointment of a Board member, the Board member holds office, subject to this Part, for 4 years.

(3) Despite subsections (1) and (2), the Minister may extend the term of appointment of a Board member for a period not exceeding 12 months.

9 Alternate members

(1) If the Board requests, the Minister may appoint a person to be an alternate member to act in the place of a Board member of the Board during the absence or inability to act of the Board member.

(2) The Minister must not appoint a person to be an alternate member unless the person is eligible for appointment as a Board member under the same paragraph of section 7(1) as the Board member to whom he or she is an alternate.

10 Chairperson and deputy chairperson

(1) The Board members must elect a chairperson and a deputy chairperson who are to be chosen by the Board members from among their own number.

(2) The deputy chairperson acts as chairperson when the chairperson is absent from a meeting of the Board (or a committee), or is otherwise unable to perform the functions of the chairperson, or there is a vacancy in the office of the chairperson, despite that an alternate member may be acting in the place of the chairperson.

11 Functions of Board

(1) The Board has the following functions:

(a) to administer the scheme of registration under Part 4;

(b) to make recommendations to the Minister in relation to the minimum qualifications and other requirements for registration;

(c) to grant, if satisfied it is appropriate to do so, authorisation to a person to employ an unregistered person as a teacher;

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

(e) to liaise with the Agency administering the *Education Act 2015* in relation to strategic priorities for professional development of teachers in the Territory;

(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;

(g) to develop and maintain a code of professional ethics for the teaching profession;

(h) to liaise with employers of teachers in the Territory in relation to developing the competencies of teachers during the early stages of the teachers' careers;

(i) to research and promote best practice in teaching in the Territory;

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

(j) to deal with complaints about teachers, hold preliminary investigations and inquiries in relation to teachers and take disciplinary action under Part 6;

(k) to prosecute offences against this Act.

(2) In addition, the Board has those functions imposed on it by this or any other Act or that are prescribed.

12 Powers of Board

(1) The Board has power to do all things necessary or convenient to be done in connection with the performance of its functions.

(2) In particular, the Board has power to do the following:

(a) suspend or cancel the registration of a person, or an authorisation;

(b) disqualify a person from registration, or from teaching under an authorisation, for a specified period;

(c) share information with:

(i) other registration authorities, whether in Australia, New Zealand or elsewhere; and

(ii) regulatory authorities;

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

(f) with the permission of an applicant for grant or renewal of registration, or an unregistered person – seek information about, or a document or other thing relating to, the applicant or unregistered person from a referee for the applicant or unregistered person.

Part 3 Administration of Teacher Registration Board

14 Director

(1) The Minister must appoint a public sector employee employed in the Agency to be the Director of the Board.

(2) The Director is subject to the direction of the Board in the exercise of the Director's powers and performance of the Director's functions under this Act.

14A Staff and facilities of Board

The Chief Executive Officer of the Agency must provide the Board with staff, facilities and other support services to enable the Board to properly exercise the Board's powers and perform the Board's functions.

15 Delegation

(1) The Board may delegate to a Board member, a committee or the Director any of its powers and functions under this Act, other than this power of delegation, the power to grant registration or the power to take disciplinary action under Part 6.

(2) A power or function delegated under this section, when exercised or performed by the delegate, is taken to have been exercised or performed by the Board.

(3) A delegation under this section:

(a) must be in writing; and

(b) does not prevent the exercise of a power or the performance of a function by the Board.

16 Meetings

(1) The Board will meet as determined by the Board but must meet at least 3 times per year.

(2) The chairperson:

(a) may convene a meeting of the Board; and

(b) must convene a meeting on request by any 5 Board members.

(3) The Minister may at any time direct the chairperson to convene a meeting of the Board and the chairperson must convene a meeting accordingly.

(4) Subject to this Act, the Board determines the procedure to be followed at or in connection with its meetings.

17 Quorum and voting at meetings

(1) At a meeting of the Board, 7 Board members form a quorum.

(2) When deciding a matter at a meeting of the Board:

(a) the chairperson has a deliberative vote only; and

(b) a question is decided by a majority of votes of the Board members present and voting.

(3) If there is an equality of votes, the question stands adjourned until the next meeting of the Board but if there is again an equality of votes, the question is resolved in favour of the status quo.

18 Attendance at meetings

(1) The employer of a person who is a Board member or alternate member must, without penalty or deduction from the person's salary, allow him or her the time that is necessary to attend Board meetings.

(2) If a school or early childhood service incurs expense through engaging a relief teacher to cover for a teacher who is attending a Board meeting as a Board member or alternate member, the Board must reimburse the school or early childhood service for the expense.

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.

20 Validity of proceedings

An act or proceeding of the Board or of a person acting under the direction of the Board is valid even if:

(a) the appointment of a Board member was defective; or

(b) there is a vacancy in the membership of the Board.

22 Disclosure of interest

(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) A disclosure in accordance with subsection (1A) must be recorded in the minutes.

(3) Unless the Board (exclusive of the Board member or alternate member) determines otherwise, the Board member or alternate member:

(a) must not be present during any deliberations of the Board in relation to the matter; and

(b) must not take part in any decision of the Board in relation to the matter.

Maximum penalty: 50 penalty units.

(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.

23 Vacation of office

(1) A Board member or an alternate member may resign his or her office in writing to the Minister.

(2) The chairperson or deputy chairperson may resign the office of chairperson or deputy chairperson but remain a Board member.

(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.

(4) The Minister may remove a Board member or an alternate member from office if the Board member or alternate member:

(a) is absent from 3 consecutive meetings of the Board, or (if an alternate member) is absent from 3 consecutive meetings of the Board that the Board member in whose stead he or she was appointed to act requested him or her to attend in the Board member's place, without permission of the Board; or

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or

(c) is found guilty in the Territory or elsewhere of an offence punishable by imprisonment; or

(d) fails, without reasonable excuse, to comply with his or her obligation under section 22; or

(e) is found guilty of an offence against this Act.

(5) The Minister may remove a Board member or an alternate member from office if satisfied that the Board member or alternate member:

(a) has acted improperly in the performance of his or her duties as a Board member or alternate member; or

(b) has disclosed confidential information provided to the Board member or alternate member in the course of his or her duties as a Board member or alternate member; or

(c) is unable to competently perform his or her duties as a Board member or alternate member.

24 Filling of vacancies

(1) If the office of a Board member becomes vacant, the Minister may appoint to the vacant office for the remainder of that Board member's term of office a person who is eligible for appointment as a Board member under the same paragraph of section 7(1) as the former Board member.

(2) If the organisation or body referred to in the relevant paragraph of section 7(1) fails to nominate a person by the date specified by the Board for the nomination:

(a) the Minister may appoint a person as the Minister thinks suitable to fill the vacancy; and

(b) the person appointed is taken to have been nominated by the organisation or body.

25 Board may establish committees

(1) The Board may establish committees as it considers appropriate to assist the Board in performing its functions.

(2) A committee is to be comprised of one or more Board members and any other persons as the Board considers appropriate.

(3) The Board may give written directions to a committee established by it and the committee must comply with those directions.

(4) A committee must keep accurate minutes of its proceedings.

(5) Except as provided by this Act, a committee may regulate its own proceedings.

(6) The powers and functions of a committee are limited to enquiring into, and making recommendations to the Board in relation to, a matter referred to it by the Board.

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.

25B Ministerial directions to Board

(1) Subject to subsection (3), the Minister may give written directions to the Board in relation to:

(a) the exercise of the Board's powers and the performance of its functions under this Act; and

(b) the administration of the Board.

(2) Without limiting subsection (1), the Minister may give directions to the Board relating to policies the Board should pursue or implement, or priorities it should follow, in the exercise of its powers and performance of its functions.

(3) The Minister must not give a direction under subsection (1) that relates to:

(a) a particular authorised person or registered teacher; or

(b) a particular application for:

(i) registration of a teacher or renewal of a teacher's registration under Part 4; or

(ii) an authorisation under Part 5; or

(c) a particular complaint, investigation or inquiry under Part 6 or disciplinary action taken against a particular person under that Part.

(4) The Board must give effect to the Minister's directions in exercising its powers and performing its functions under this Act.

Part 4 Registration of teachers

Division 1 Register

26 Register

(1) The Board must keep a register called the Register of Teachers.

(2) The Board must record the following information in the register in relation to each person to whom it grants registration:

(a) the person's name and other personal details provided under sections 33(2) and 35(2);

(ab) the person's criminal history;

(b) the business address at which the person will be teaching, if known;

(c) the person's qualifications;

(d) the date of the person's registration;

(e) any conditions imposed on the person's registration.

(3) The Board must also record the following matters in the register:

(a) the renewal of a person's registration;

(b) the suspension of a person's registration or the imposition of conditions on the person's registration under Part 6;

(c) the removal from the register of a person's name;

(d) the restoration to the register of a person's name;

(e) any change in the personal details, business address or criminal history of a registered person.

(4) The register may contain any other information that the Board considers necessary or appropriate.

(5) The register may be kept in electronic form.

26A Removal of name from register

(1) The Board may remove a person's name from the register if:

(a) the person dies; or

(b) the person requests, in writing, that the person's name be removed; or

(c) the person's registration is cancelled or ceases under Part 6; or

(d) the term of the person's registration ends without being renewed; or

(e) the person's registration ceases under section 40A(2).

(2) If a person's name is removed from the register under subsection (1)(b), the person's registration ceases on the date of the removal.

(3) A person is not entitled to a refund of any registration fees paid by the person following the removal of the person's name from the register.

27 Correction of register

(1) A person may apply to the Board to have an inaccurate or erroneous entry in the register corrected and, if the Board is satisfied that the entry is inaccurate or erroneous, it must correct the register accordingly.

(2) No fee is payable for an application under subsection (1).

(3) The Board may require an applicant under subsection (1) to provide information as it considers necessary in order to consider the application.

28 Notice of change of personal details or address

(1) A registered teacher must, within 90 days of a change in the teacher's personal details or business address, give the Board notice of the change and provide the new details.

Maximum penalty: 20 penalty units.

(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.

(3) In this section:

registered teacher includes a teacher whose registration is suspended.

29 Public access to register

(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) The Board must ensure that the only details about a teacher on the register that are made available to a person under subsection (1) 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.

Division 2 Registration

Subdivision 1 Eligibility for registration

30 Eligibility for full registration

A person is eligible for full registration if the Board is satisfied the person:

(a) holds a qualification prescribed by regulation; and

(b) is a fit and proper person to teach as decided under section 32; and

(c) is competent to teach as decided in accordance with the regulations; and

(d) has the prescribed professional experience and currency of practice for full registration; and

(e) meets any other prescribed requirement for registration.

31 Eligibility for provisional registration

A person is eligible for provisional registration if the Board is satisfied the person does not have the prescribed professional experience and currency of practice for full registration but is otherwise eligible for full registration under section 30.

32 Fit and proper person

(1) In deciding whether a person is a fit and proper person to teach, the Board:

(a) must take into account the person's criminal history; and

(b) must take into account any behaviour of the person that:

(i) does not meet the standard of behaviour reasonably expected of a teacher; or

(ii) is not in accordance with a code of professional ethics developed and maintained by the Board; or

(iii) shows that the person is not of good character; and

(c) must take into account whether the person:

(i) has had an application for registration as a teacher, in the Territory or elsewhere, refused; or

(ii) has had his or her registration as a teacher, in the Territory or elsewhere, suspended or cancelled; or

(iii) has been disqualified from registration by the Board; or

(iv) is, or has been, disqualified from registration as a teacher by a registration authority; and

(d) must take into account any conditions currently or previously imposed on the person's registration as a teacher, either in the Territory or elsewhere; and

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

(e) may take into account other matters it considers relevant.

(2) If, after considering the matters mentioned in subsection (1), the Board is not satisfied a person is a fit and proper person to teach, the Board must:

(a) give the person written notice of the reasons the Board is not satisfied the person is a fit and proper person to teach; and

(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) 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.

Subdivision 2 Application for registration

33 Application for registration

(1) A person may apply for registration if the person:

(a) holds a qualification prescribed for section 30(a); and

(b) is not disqualified from registration by the Board.

(2) The application must be:

(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

(c) accompanied by the prescribed fee.

34 Interim certificate of registration pending Board decision

(1) An applicant for registration may apply to the Director for the issue of an interim certificate of registration pending the Board deciding the application for registration.

(2) If the Director reasonably believes the Board is likely to grant registration to the applicant, the Director may issue an interim certificate of registration to the applicant.

(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).

(3) The interim certificate of registration is in force from the date it is issued to the date the Board considers the applicant's application for registration.

35 Board may seek further information

(1) To decide whether an applicant is eligible for registration, 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.

(2) In addition, the Board may require the applicant to give the Board any further information it considers necessary to decide the application.

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 the Board grants registration to the applicant, the term of the applicant's registration:

(a) starts on:

(i) the date on which registration is granted; or

(ii) a later date determined by the Board; and

(b) subject to subsection (2A), ends on the date determined by the Board.

(2A) In determining the date on which the term of the applicant's registration ends, the duration of the term must not exceed:

(a) for full registration – either:

(i) 5 years; or

(ii) if another period is prescribed by regulation – the prescribed period; or

(b) for provisional registration – either:

(i) 3 years; or

(ii) if another period is prescribed by regulation – 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.

Subdivision 3 Application for renewal of registration

37 Application for renewal

(1) A person may apply for a renewal of the person's registration.

(2) The application must be:

(a) except with the Board's approval – made within the prescribed period before the term of the applicant's registration ends; and

(b) made in the approved form; and

(c) accompanied by the documents required by the approved form; and

(d) accompanied by the prescribed fee.

(3) An applicant may include in an application a request that the Board vary or revoke a condition imposed on the applicant's registration.

38 Board may seek further information

(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.

(2) In addition, the Board may require the applicant to give the Board any further information it considers necessary to decide the application.

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 the Board grants a renewal of registration to the applicant, the renewed term of registration:

(a) starts on:

(i) if the renewal is granted before the end of the applicant's current term of registration – the day after the date on which the current term ends; or

(ii) if the renewal is granted after the end of the applicant's previous term of registration ends – the date on which the renewal is granted; or

(iii) another date determined by the Board that is later than the date mentioned in subparagraph (i) or (ii); and

(b) subject to subsection (3A), ends on the date determined by the Board.

(3A) In determining the date on which the renewed term of the applicant's registration ends, the duration of the term must not exceed:

(a) for full registration – either:

(i) 5 years; or

(ii) if another period is prescribed by regulation – the prescribed period; or

(b) for provisional registration – either:

(i) 2 years; or

(ii) if another period is prescribed by regulation – 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.

Subdivision 4 Administrative matters

40 Certificate of registration

(1) The Director must issue a person with a certificate of registration if:

(a) the Board grants registration, or a renewal of registration, to the person; or

(b) any of the details specified in the certificate of registration change.

(2) A certificate of registration must be in the approved form and specify the following:

(a) whether the registration is full registration or provisional registration;

(b) the date the term of the registration starts;

(c) the date the term of the registration ends;

(d) each condition imposed on the registration;

(e) the date to which registration fees have been paid.

(3) A certificate of registration may be issued in a way decided by the Director (including, for example, electronically).

40A Payment of registration fees

(1) A registered teacher must pay the prescribed registration fees in accordance with the regulations.

(2) If a registered teacher fails to pay a registration fee by the date it is due, the teacher's registration ceases on the day after that date.

(3) However, the Board may, on application by the teacher, reinstate the teacher's registration if the Board considers it appropriate to do so.

(4) In this section:

registered teacher includes a teacher whose registration is suspended.

40B Changes to conditions of registration

(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 on, or impose a condition on, the person's registration:

(a) on the request of the person; or

(b) on the Board's own initiative.

(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).

40C Refusal of application

(1) If the Board refuses an application for registration, or a renewal of registration, the Board must:

(a) return to the applicant all documents given to the Board by the applicant for the application; and

(c) refund any registration fee that accompanied the application (but not a fee for lodging and processing the application); and

(d) notify each registration authority in Australia and New Zealand of the refusal.

(2) The Board may, on the request of one of the following persons, notify the person as to whether or not the Board has refused an application for registration, or a renewal of registration, made by a particular person:

(a) a registration authority outside Australia and New Zealand;

(b) a person considering employing the person as a teacher.

Part 5 Authorisation to employ unregistered person as teacher

41 Employer may apply for authorisation

(1) A person may apply to the Board for authorisation for the person to employ or otherwise engage an unregistered person to work as a teacher.

(2) However, an application may not be made in relation to an unregistered person who is, at the time of the application:

(a) a person who is disqualified from registration, or from teaching under an authorisation, by the Board; or

(b) a person whose registration is suspended; or

(c) a person to whom an authorisation relates if the authorisation is suspended.

(3) An application must be:

(a) made in the approved form and must include the following details:

(i) the personal details and criminal history of the unregistered person;

(ii) the name of the unregistered person;

(iii) the name and address of each school or early childhood service at which the unregistered person will teach if authorisation is granted;

(iv) each subject the unregistered person will teach, and the level at which the unregistered person will teach the subject, if authorisation is granted; and

(b) accompanied by the documents required by the approved form; and

(c) accompanied by the prescribed fee.

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.

(4) Subject to subsection (5), if the authorisation is granted, the Board must determine the period for which the authorisation of the unregistered person is to be in effect.

(5) The period of the authorisation must not exceed:

(a) 2 years; or

(b) if another period is prescribed by regulation – the prescribed period.

(6) For subsection (5)(b), the regulations may prescribe different periods for different classes of authorised person prescribed by regulation.

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 for which the authorisation is in effect;

(b) each school or early childhood service 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.

45 No renewal of authorisation

An authorisation granted under section 42 for an unregistered person cannot be renewed at the end of the period for which it is specified to be in effect, and a new application must be made under section 41 for an authorisation in respect of that unregistered person, if required, for any subsequent period.

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.

46 Notification of change of details

(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) A person in relation to whom an authorisation has been granted must, without undue delay, notify the Board of any change of his or her personal details that were provided in relation to the authorisation.

Maximum penalty: 20 penalty units.

(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.

(3) In this section:

employment details means each school or early childhood service at which the person is to teach, whether the person is to teach full-time or part-time and similar matters.

teaching arrangements includes the subjects the person is to teach, the level at which the person is to teach, and similar matters.

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.

47 Board to maintain records of authorisations granted etc.

(1) The Board must keep records of all authorisations granted, suspended, surrendered or cancelled.

(2) The Board may, on request, provide information to other registration authorities, or to a prospective employer, in relation to authorisations granted, suspended, surrendered or cancelled.

Part 6 Disciplinary proceedings and related matters

Division 1 Complaints

49 Complaint about teacher or authorised person

(1) A person may, in writing, complain to the Board about the professional conduct of a teacher or authorised person.

(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.

(3) The Board may do anything to inform itself in order to decide whether or not the complaint is frivolous or vexatious or relates to the professional conduct of the teacher or authorised person, or whether it would be more appropriate for the complaint to be dealt with by another person.

(4) If the Board dismisses the complaint under subsection (2), the Board must give the teacher or authorised person notice of the complaint, including:

(a) the details of the complaint; and

(b) the Board's decision to dismiss the complaint.

(4A) In addition, if the complainant's identity is known, the Board must give the complainant notice that the Board has dismissed the complaint.

(5) If the Board does not dismiss the complaint, the Board must give the employer of the teacher or authorised person notice of the complaint, including:

(a) the details of the complaint; and

(b) the Board's decision not to dismiss the complaint.

Note for subsection (5)

If the Board does not dismiss the complaint, under section 50(3) the Board must hold a preliminary investigation or inquiry and make a decision under section 58 or 64 (as appropriate).

(6) Despite subsection (5), the Board is only required to give notice to the employer if the employer is identifiable from the details of the complaint, or otherwise known to the Board.

Division 2 Board's functions and powers in relation to preliminary investigations and inquiries

50 Basis for holding preliminary investigation or inquiry

(1) This section applies subject to section 51.

(2) The Board must hold an inquiry in relation to a teacher or authorised person if:

(a) the Board becomes aware that the teacher or authorised person has been found guilty of a notifiable offence other than a sexual offence; or

(b) the Board becomes aware that the teaching qualifications of the teacher or authorised person have been withdrawn; or

(c) the Board becomes aware that a registration authority has suspended or cancelled the teacher's registration as a teacher due to misconduct or incompetence, or has disqualified the teacher from registration as a teacher; or

(d) the Board reasonably believes the teacher was registered on the basis of false or misleading information.

(3) The Board must hold a preliminary investigation or inquiry in relation to a teacher or authorised person if:

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

(a) the Board receives a complaint about the professional conduct of the teacher or authorised person under section 49 and does not dismiss the complaint; or

(b) the Board otherwise becomes aware of a matter that, in the Board's opinion, calls into question whether:

(i) the teacher is eligible for registration in accordance with section 30 or 31; or

(ii) the authorised person is a fit and proper person to teach, or competent to teach, in accordance with section 42.

(4) The Board may hold a preliminary investigation or inquiry in relation to a teacher or authorised person if:

(a) the Board is notified under section 67A of an event in relation to the teacher or authorised person; or

(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

(c) the Board is notified in accordance with section 66A or under section 66D(2) or 66E(2) of a matter in relation to the teacher or authorised person (other than a matter mentioned in subsection (2) or (3)); or

(d) the Board is notified by a registration authority of a matter in relation to the teacher or authorised person that the Board considers justifies holding a preliminary investigation or inquiry (other than a matter mentioned in subsection (2)(c)); or

(e) the Board reasonably believes the teacher has failed to comply with a condition imposed on the teacher's registration, or the authorised person has failed to comply with a condition imposed on the authorisation relating to the authorised person; or

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

51 Inquiry may only be held if in public interest

The Board may hold an inquiry only if the Board is satisfied on reasonable grounds it is in the public interest to do so.

52 Exercise of Board's power to hold inquiry

(1) The Board may hold an inquiry in relation to a teacher or authorised person without first holding a preliminary investigation for the same matter.

(2) If the Board decides to hold a preliminary investigation, at any stage before the investigation is completed, the Board may decide to hold an inquiry:

(a) on the request of the teacher or authorised person to whom the investigation relates; or

(b) on the recommendation of the investigator conducting the investigation.

Note for section 52

Under section 58(2), the Board may also decide to hold an inquiry after a preliminary investigation.

53 Board may suspend or impose or vary conditions

(1) After deciding to hold an inquiry in relation to a teacher or authorised person, the Board may, if the Board considers it necessary to do so, decide to:

(a) suspend the registration of the teacher, or the authorisation relating to the authorised person; or

(b) impose a condition on, or vary a condition imposed on, the registration of the teacher or authorisation relating to the authorised person.

(2) The decision has effect until the earlier of the following:

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

(b) the Board makes a decision under section 64 in relation to the teacher or authorised person.

Division 3 Preliminary investigations

54 Purpose of preliminary investigation

The purpose of a preliminary investigation in relation to a teacher or authorised person is to assist the Board to decide whether or not the Board should do any of the following:

(a) take further action under this Act in relation to the teacher or authorised person without first holding an inquiry;

(b) hold an inquiry in relation to the teacher or authorised person.

Note for section 54

Section 58(3) limits the actions the Board can take without first holding an inquiry.

55 Investigation panel

(1) If the Board decides to hold a preliminary investigation, the Board must appoint one of the following (the ***investigator***) to conduct the investigation:

(a) the Director;

(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;

(b) an investigation panel.

(2) An investigation panel must be comprised of:

(a) 2 or 3 Board members; or

(b) the Director and one or 2 Board members.

56 Notice of preliminary investigation

(1) Following the appointment of an investigator, the Board must give written notice of the preliminary investigation to the teacher or authorised person to whom the investigation relates.

(2) The notice 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 statement that the teacher or authorised person may, within 14 days after receiving the notice, give the investigator a written statement about the basis of the investigation.

57 Procedure of preliminary investigation

(1) Except as provided by subsections (2) to (5), the investigator may decide the procedure of the preliminary investigation.

(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.

(2) The investigator is not bound by the rules of evidence, and may inform itself as it thinks fit.

(3) The investigator must observe the principles of procedural fairness.

(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.

(6) A person given a notice under subsection (4) must comply with a direction in the notice.

Maximum penalty: 20 penalty units.

(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.

58 Result of preliminary investigation

(1) After completing the preliminary investigation, the investigator must recommend to the Board, in writing and with reasons:

(a) that the Board take no further action in relation to the teacher or authorised person; or

(b) that the Board take specified further action under this Act in relation to the teacher or authorised person without first holding an inquiry; or

(c) that an inquiry be held in relation to the matter.

(2) After receiving the recommendation, the Board must decide to:

(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

(b) subject to subsections (3) and (4), take specified further action under this Act in relation to the teacher or authorised person without first holding an inquiry; or

(c) hold an inquiry in relation to the matter.

(3) The Board cannot decide to take either of the following actions without first holding an inquiry:

(a) cancel the registration of the teacher or the authorisation relating to the authorised person;

(b) disqualify the teacher from registration, or the authorised person from teaching under an authorisation, for a specified period.

(4) Also, the Board must not suspend the registration of the teacher, or authorisation relating to the authorised person, except to ensure the teacher or authorised person meets a requirement before the teacher or authorised person can teach again.

(5) The Board is not bound by the recommendation of the investigator, but must take it into account in making a decision under subsection (2).

(6) If an investigation panel conducted the preliminary investigation, a Board member who was a member of the investigation panel must not:

(a) be present during any deliberations of the Board in relation to the investigation; and

(b) take part in a decision under subsection (2).

Division 4 Inquiries

59 Purpose of inquiry

The purpose of an inquiry in relation to a teacher or authorised person is to assist the Board to decide whether or not the Board should do any of the following:

(a) impose a condition on, or vary a condition imposed on, the registration of the teacher or authorisation relating to the authorised person;

(b) suspend the registration of the teacher, or authorisation relating to the authorised person, for a specified period;

(c) cancel the registration of the teacher or authorisation relating to the authorised person;

(d) disqualify the teacher from registration, or authorised person from teaching under an authorisation, for a specified period.

60 Inquiry committee

(1) If the Board decides to hold an inquiry, the Board must appoint an inquiry committee to conduct the inquiry.

(2) The inquiry committee must be comprised of:

(a) a chairperson who is a legal practitioner who has practised as a legal practitioner in Australia for at least 5 years; and

(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.

(3) The members of the inquiry committee must not be persons who have been appointed to an investigation panel for a preliminary investigation in relation to the same matter.

(4) If practicable, one (but not both) of the Board members appointed to the inquiry committee must be a Board member appointed under section 7(1)(b) or (f).

(5) If a Board member is a member of an inquiry committee and his or her term of office as a Board member expires:

(a) the Board member remains a member of the inquiry committee until the completion of the inquiry; and

(b) a recommendation or decision of the inquiry committee is not affected by the expiry.

61 Notice of inquiry to teacher or authorised person

(1) Following the appointment of an inquiry committee, the Board must give written notice of the inquiry to the teacher or authorised person to whom the inquiry relates.

(2) The notice must include the following information:

(a) details of the basis of the inquiry as mentioned in section 50;

(b) the date, time and place of the inquiry (if known);

(c) the names of the members of the inquiry committee;

(d) a statement that the teacher or authorised person may, within 14 days after receiving the notice, give the inquiry committee a written statement about the basis of the inquiry.

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).

62 Inquiry proceedings

(1) Except as provided by subsections (2) to (9), the inquiry committee may decide the procedure of the inquiry.

(2) The teacher or authorised person to whom the inquiry relates may be represented by a person (who may be a legal practitioner) at the inquiry.

(3) The proceedings of the inquiry must be conducted with as little formality and technicality, and as quickly, as a proper consideration of the subject matter allows.

(4) However, if criminal proceedings have been or are likely to be started in relation to the same matter, the inquiry committee may suspend the inquiry until the outcome of the criminal proceedings is known.

(5) The inquiry committee is not bound by the rules of evidence, and may inform itself as it thinks fit.

(6) The inquiry committee must observe the rules of procedural fairness.

(7) Unless the inquiry committee decides otherwise, the inquiry is open to the public.

(8) The inquiry committee may, by written notice, require a person (including the teacher or authorised person to whom the inquiry relates) to:

(a) appear before the inquiry committee; or

(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.

(9) A notice under subsection (8) must include the following information:

(a) details of the basis of the inquiry as mentioned in section 50;

(b) the date, time and place of the inquiry;

(c) the names of the members of the inquiry committee;

(d) a direction that the person must:

(i) appear before the inquiry committee, either in person or by another specified means; or

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

(10) A person given a notice under subsection (8) must comply with a direction in the notice.

Maximum penalty: 20 penalty units.

(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.

63 Report of inquiry

The inquiry committee must, in writing, report its findings and recommendations to the Board as soon as practicable after completing the inquiry.

64 Decision of Board

(1) After receiving the report of the inquiry committee, the Board must decide to do one or more of the following:

(a) impose a condition on, or vary a condition, other than the professional development condition, imposed on, the registration of the teacher or authorisation relating to the authorised person;

(b) suspend the registration of the teacher, or authorisation relating to the authorised person, for a specified period;

(c) cancel the registration of the teacher or authorisation relating to the authorised person;

(d) disqualify the teacher from registration, or authorised person from teaching under an authorisation, for a specified period;

(e) take no further action in relation to the teacher or authorised person.

(2) However, the Board must not suspend the registration of the teacher, or authorisation relating to the authorised person, except to ensure the teacher or authorised person meets a requirement before the teacher or authorised person can teach again.

(3) Also, the Board may take an action mentioned in subsection (1)(c) or (d) in relation to a teacher or authorised person only if satisfied:

(a) the teacher is not eligible for registration in accordance with section 30 or 31; or

(b) the authorised person is not a fit and proper person to teach, or not competent to teach, in accordance with section 42.

(4) The Board is not bound by the findings and recommendations of the inquiry committee, but must take the findings and recommendations into consideration in making a decision under subsection (1).

(5) A Board member who was a member of the inquiry committee, or an investigation panel for a preliminary investigation in relation to the same matter, must not:

(a) be present during any deliberations of the Board in relation to the inquiry; or

(b) take part in a decision under subsection (1).

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.

Division 4A Requests for, and sharing of, information

66 Board may request information from teacher

(1) The Board may, by written notice, require a registered teacher, or a teacher whose registration is suspended, to give the Board specified information that is required by the Board to assess whether the teacher:

(a) continues to be eligible for registration; or

(b) is complying with a condition imposed on the teacher's registration.

(2) If the teacher fails to comply with the request within 28 days after receiving the notice, the Board may cancel the teacher's registration.

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.

66F Board may share information with corresponding registration authorities

(1) The Board may share information recorded in the register in relation to a teacher with a registration authority in another jurisdiction for the purpose of assisting the registration authority with the regulation of teachers in that registration authority's jurisdiction.

(2) To avoid doubt, the Board may share the information mentioned in subsection (1) even if the information is not made available to the public under section 29.

(3) Subsection (1) does not affect any requirement imposed, or other power conferred on, the Board under a law of the Territory or the Commonwealth to provide the information mentioned in that subsection.

66G Board may share information to prevent harm

The Board may share information obtained by the Board about a teacher or an authorised person with a registration authority or regulatory authority if the Board reasonably believes that sharing the information with the registration authority or regulatory authority could:

(a) prevent the teacher or authorised person from causing harm to a child; or

(b) mitigate a substantial risk that the teacher or authorised person may cause harm to a child.

Division 4B Notifications

67 Board notification to authorised person, employer and registration authorities

(1) The Board must notify the employer of a teacher, and may notify a former employer of a teacher, if the Board:

(a) imposes a condition on, or varies a condition imposed on, the registration of the teacher under this Part; or

(b) suspends or cancels the registration of the teacher; or

(c) disqualifies the teacher from registration.

(2) The Board must notify an authorised person if the Board:

(a) imposes a condition on, or varies a condition imposed on, the authorisation relating to the authorised person; or

(b) suspends or cancels the authorisation relating to the authorised person; or

(c) disqualifies the authorised person from teaching under an authorisation for a specified period.

(3) The Board must also notify the employer of the authorised person, and may notify a former employer of the authorised person, if the Board takes an action mentioned in subsection (2).

(4) The Board must notify each registration authority in Australia and New Zealand if the Board:

(a) suspends or cancels the registration of a teacher, or an authorisation relating to an authorised person; or

(b) disqualifies a teacher from registration, or authorised person from teaching under an authorisation, for a specified period.

(5) The Board may also notify:

(a) a registration authority outside Australia and New Zealand as to whether or not the Board has taken any of the following actions in relation to a particular person:

(i) suspended or cancelled the person's registration, or an authorisation relating to the person;

(ii) disqualified the person from registration, or from teaching under an authorisation, for a specified period; and

(b) a registration authority as to whether or not the Board has imposed a condition on the registration of, or the authorisation relating to, a particular person.

(6) A notice about an action of the Board under this section must include details of the action as the Board considers appropriate and be given as soon as practicable.

(7) The Board must give notice to each person notified of an action of the Board under this section if the Board cancels or changes the action.

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.

Division 5 Sexual offences

69 Cancellation of registration or authorisation without inquiry

(1) A teacher who is registered under this Act, or whose registration is suspended, ceases to be registered on being found guilty of a sexual offence.

(2) An authorisation in relation to a person is cancelled on the person being found guilty of a sexual offence.

(3) Subsection (1) or (2) takes effect on the date of the finding of guilt and the lodging of an appeal against the finding does not affect the operation of the subsection.

(4) The Board, on becoming aware that a teacher has been found guilty of a sexual offence, must note in the register that the teacher's registration is cancelled and must notify the teacher, the employer (if known) and other registration authorities in Australia and New Zealand accordingly.

(5) The Board, on becoming aware that a person in relation to whom an authorisation was in effect has been found guilty of a sexual offence, must notify the person, the employer to whom the authorisation was granted and other registration authorities in Australia and New Zealand accordingly.

(6) The Board may, on request, advise other registration authorities elsewhere, or other employers, of the cancellation of the registration or authorisation.

70 Inquiry may be held

(1) Despite section 69, a person whose registration is cancelled, or in relation to whom an authorisation is cancelled, by force of that section may request that the Board hold an inquiry into the matter.

(2) The Board may appoint an inquiry committee into the matter if the Board considers that the circumstances of the offence may not necessarily give rise to a conclusion that the person is no longer a fit and proper person.

(3) The inquiry committee may recommend to the Board that the cancellation of the person's registration or the cancellation of the authorisation be rescinded.

(4) The Board must take into account the recommendation of the inquiry committee and determine whether or not to rescind the cancellation.

(5) If the Board rescinds the cancellation, it must notify any person who was notified of the cancellation.

71 Board not liable for loss or damage

If the Board acts with reasonable timeliness in relation to the holding of an inquiry under section 70 and the rescinding of the cancellation in an appropriate case, the Board is not liable for any

loss or damage suffered by a person as a result of the person's registration being cancelled or an authorisation in relation to the person being cancelled under section 69.

Part 7 General offences and NTCAT reviews

Division 1 General offences

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 or early childhood service 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).

73 Offence to teach unregistered or without authorisation

(1) A person must not teach in a school or early childhood service in the Territory unless:

(a) the person is a registered teacher; or

(b) the person holds an interim certificate of registration that:

(i) indicates the Director reasonably believes the Board is likely to grant the person's application for registration; and

(ii) is in force under section 34; or

(c) the person's employer has been granted authorisation for the person to teach.

Maximum penalty: 50 penalty units.

(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.

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

(ab) the course meets the requirements of the prescribed accreditation standards; 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 66B:

(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 or early childhood service 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.

78 Monitoring of compliance

(1) By the end of the first term in each school year, an employer must give the Board a return in the approved form specifying the name of each person who taught at the employer's school or early childhood service at any time during the period 1 January to 1 March of that year.

Maximum penalty: 50 penalty units

(2) The Board may, by written notice, require an employer to give the Board specified information about the employment by the employer of a person as a teacher (including, for example, the dates the person was employed, the subjects the person taught and the duties of the person).

(3) The employer must comply with the notice within 14 days of receiving it.

Maximum penalty: 50 penalty units

(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.

79 Annual report

(1) The Board must, not later than 30 September of each year, give to the Minister a report on its operations for the preceding financial year.

(1A) The report must include:

(a) any written directions given to the Board by the Minister under section 25B during the preceding financial year; and

(b) information regarding the Board's implementation of the Minister's directions during the preceding financial year.

(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 or early childhood service 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.

80 Approved forms

The Board may approve forms for this Act.

81 Regulations

(1) The Administrator may make regulations under this Act.

(2) The regulations may provide for:

(a) the Board to approve professional teaching standards and other professional standards; and

(b) the application, adoption or incorporation (with or without changes) of the whole or part of a document as in force or existing at a particular time or from time to time.

Part 9 Transitional matters for Teacher Registration (Northern Territory) Amendment Act 2010

82 Transitional regulations

(1) The regulations may make provision about a matter for which:

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the old Act to the new Act; and

(b) this Act does not make provision or sufficient provision.

(2) Without limiting subsection (1), the regulations may make provision for a matter for which the old Part 9 provided.

(3) A regulation under subsection (1) must not have effect before:

(a) if the regulation relates to provisions of the amending Act that commence at different times – the commencement of any of the provisions that first commences; or

(b) otherwise – the commencement of the provisions of the amending Act to which the regulation relates.

(4) To the extent to which the regulation has retrospective operation, it must not operate to the disadvantage of a person (other than the Territory or a Territory authority) by decreasing the person's rights or imposing liabilities on the person.

(5) In this section:

amending Act means the *Teacher Registration (Northern Territory) Amendment Act 2010*.

new Act means this Act as in force immediately after the commencement of this section.

old Act means this Act as in force immediately before the commencement of this section.

old Part 9 means Part 9 of this Act as in force immediately before the commencement of this section.

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.

Part 11 Transitional matters for Teacher Registration (Northern Territory) Legislation Amendment Act 2025

97 Application of amendments to existing early childhood teachers and existing employers

(1) An existing early childhood teacher does not commit an offence against section 73, as amended by the amending Act, for teaching in an early childhood service during the transitional exemption period that applies to the existing early childhood teacher under subsection (2).

(2) For subsection (1), the ***transitional exemption period*** for an existing early childhood teacher is the period that:

(a) begins on the commencement; and

(b) ends on either:

(i) if, before the relevant day, the existing early childhood teacher makes an application for registration and the Board grants registration to the teacher – the day on which the teacher's term of registration starts; or

(ii) if, before the relevant day, the existing early childhood teacher makes an application for registration and the Board refuses the teacher's application – the day after the Board notifies the teacher of the refusal; or

(iii) otherwise – the relevant day.

(3) An existing employer of an existing early childhood teacher does not commit an offence against section 72, as amended by the amending Act, for employing or continuing to employ the existing early childhood teacher to teach in an early childhood service during the transitional exemption period that applies to that existing early childhood teacher.

(4) In this section:

amending Act means the *Teacher Registration (Northern Territory) Legislation Amendment Act 2025*.

commencement means the commencement of section 28 of the amending Act.

existing early childhood teacher means a person who, immediately before the commencement:

(a) was employed or otherwise engaged to teach in an early childhood service in the Territory; and

(b) was not registered as a teacher.

existing employer, of an existing early childhood teacher, means the person who, immediately before the commencement, was the employer of the existing early childhood teacher.

relevant day means the day that is 1 year after the date of the commencement.

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

Reviewable decision	Affected person
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

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Teacher Registration (Northern Territory) Act 2004* (Act No. 47, 2004)**

Assent date	13 September 2004
Commenced	ss 7(3), 23(6), 72 and 73: 1 February 2005; rem: 13 September 2004

***Legal Profession (Consequential Amendments) Act 2007* (Act No. 7, 2007)**

Assent date	17 May 2007
Commenced	s 10: 1 July 2007 (*Gaz* G26, 27 June 2007, p 3); rem: 17 May 2007

***Teacher Registration (Northern Territory) Amendment Act 2010* (Act No. 9, 2010)**

Assent date	17 March 2010
Commenced	1 September 2010 (*Gaz* G34, 25 August 2010, p 7)

***Education Act 2015* (Act No. 28, 2015)**

Assent date	10 December 2015
Commenced	pt 6, divs 2 and 4 and pt 7: 1 April 2016; pt 3: 1 July 2016; rem: 1 January 2016 (s 2)

***Local Court (Related Amendments) Act 2016* (Act No. 8, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

***Teacher Registration (Northern Territory) Legislation Amendment Act 2019* (Act No. 16, 2019)**

Assent date	27 May 2019
Commenced	1 January 2020 (*Gaz* G46, 13 November 2019, p 2)

***Statute Law Revision Act 2020* (Act No. 26, 2020)**

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

Teacher Registration (Northern Territory) Legislation Amendment Act 2025 **(Act No. 33, 2025)**

Assent date	5 December 2025
Commenced	pt 3: 1 September 2026 (s 2(3)); rem: 6 December 2025 (s 2(1))

Education Standards and Registration Board Act 2026 **(Act No. 25, 2026)**

Assent date	5 November 2026
Commenced	ss 3 and 4 and pts 2, 3 and 5: nc; rem: 6 November 2026 (s 2(1))

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 11, 74B and 75.

4 LIST OF AMENDMENTS

pt 1 hdg	amd No. 16, 2019, s 58
s 3	amd No. 9, 2010, s 4 sub No. 16, 2019, s 4
s 4	amd No. 9, 2010, ss 5 and 26; No. 28, 2015, s 195; No. 16, 2019, s 5; No. 33, 2025, ss 4 and 29
s 4A	ins No. 33, 2025, s 30
s 5A	ins No. 16, 2019, s 6
s 6	amd No. 9, 2010, s 26
s 7	amd No. 9, 2010, s 26; No. 16, 2019, s 7; No. 25, 2026, s 39
s 8	amd No. 9, 2010, s 26; No. 25, 2026, s 40
ss 9 – 10	amd No. 9, 2010, s 26
s 11	amd No. 9, 2010, s 6; No. 16, 2019, s 8
s 12	amd No. 9, 2010, s 7; No. 16, 2019, s 9; No. 33, 2025, s 5
s 13	rep No. 9, 2010, s 8
s 14	amd No. 33, 2025, s 6
s 14A	ins No. 33, 2025, s 7
ss 15 – 17	amd No. 9, 2010, s 26
s 18	amd No. 9, 2010, s 26; No. 33, 2025, s 34
s 18A	ins No. 16, 2019, s 10
s 19	sub No. 16, 2019, s 10
s 20	amd No. 9, 2010, s 26
s 21	amd No. 9, 2010, s 26 rep No. 16, 2019, s 11
s 22	amd No. 9, 2010, s 26; No. 16, 2019, s 12
s 23	amd No. 9, 2010, s 26; No. 8, 2016, s 45; No. 16, 2019, s 13
s 24	amd No. 9, 2010, s 26; No. 25, 2026, s 41
s 25	amd No. 9, 2010, s 26; No. 16, 2019, s 58
s 25A	ins No. 16, 2019, s 14
s 25B	ins No. 33, 2025, s 8
pt 4 hdg	amd No. 16, 2019, s 58
s 26	amd No. 9, 2010, s 26; No. 16, 2019, s 15
s 26A	ins No. 9, 2010, s 9
s 27	amd No. 16, 2019, s 58
s 28	amd No. 9, 2010, s 26; No. 16, 2019, s 16
s 29	sub No. 9, 2010, s 10 amd No. 16, 2019, s 17

pt 4	
div 2 hdg	sub No. 9, 2010, s 11
pt 4	
div 2	
sdiv 1 hdg	ins No. 9, 2010, s 11
s 30	repNo. 9, 2010, s 10
	ins No. 9, 2010, s 11
	amd No. 33, 2025, s 9
s 31	sub No. 9, 2010, s 11
s 32	sub No. 9, 2010, s 11
	amd No. 16, 2019, s 18
pt 4	
div 2	
sdiv 2 hdg	ins No. 9, 2010, s 11
	amd No. 16, 2019, s 58
s 33	sub No. 9, 2010, s 11
	amd No. 16, 2019, s 19; No. 33, 2025, s 10
s 34	sub No. 9, 2010, s 11
	amd No. 16, 2019, s 20
s 35	sub No. 9, 2010, s 11
	amd No. 16, 2019, s 58
s 36	sub No. 9, 2010, s 11; No. 16, 2019, s 21
	amd No. 33, 2025, s 11
pt 4	
div 2	
sdiv 3 hdg	ins No. 9, 2010, s 11
	amd No. 16, 2019, s 58
s 37	sub No. 9, 2010, s 11
	amd No. 16, 2019, s 22
s 38	sub No. 9, 2010, s 11
	amd No. 16, 2019, s 23
s 39	sub No. 9, 2010, s 11; No. 16, 2019, s 24
	amd No. 33, 2025, s 12
s 39A	ins No. 16, 2019, s 24
pt 4	
div 2	
sdiv 4 hdg	ins No. 9, 2010, s 11
s 40	sub No. 9, 2010, s 11
	amd No. 16, 2019, s 25
s 40A	ins No. 9, 2010, s 11
s 40B	ins No. 9, 2010, s 11
	amd No. 16, 2019, s 26
s 40C	ins No. 9, 2010, s 11
	amd No. 16, 2019, s 27
s 41	sub No. 9, 2010, s 12
	amd No. 16, 2019, s 28; No. 33, 2025, ss 13 and 34
s 41A	ins No. 16, 2019, s 29
s 42	sub No. 9, 2010, s 12; No. 16, 2019, s 29
	amd No. 33, 2025, s 14
s 43	sub No. 9, 2010, s 12; No. 16, 2019, s 29
	amd No. , 2025, ss 15 and 34
s 44	sub No. 16, 2019, s 29
s 45	amd No. 9, 2010, s 13
	sub No. 33, 2025, s 16
s 45A	ins No. 16, 2019, s 30
s 46	amd No. 9, 2010, s 26; No. 16, 2019, s 31 No. 33, 2025, s 34
s 46A	ins No. 16, 2019, s 32
s 47	amd No. 16, 2019, s 33

pt 6 hdg	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 58
pt 6	
div 1 hdg	sub No. 9, 2010, s 14
s 48	rep No. 9, 2010, s 14
s 49	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 34
pt 6	
div 2 hdg	sub No. 9, 2010, s 14
s 50	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 35
s 51	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 58
s 52	sub No. 9, 2010, s 14
s 53	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 36
pt 6	
div 3 hdg	sub No. 9, 2010, s 14
s 54	sub No. 9, 2010, s 14
s 55	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 37
s 56	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 38
s 57	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 39
s 58	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 40
pt 6	
div 4 hdg	sub No. 9, 2010, s 14
s 59	sub No. 9, 2010, s 14
s 60	amd No. 7, 2007, s 16
	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 41
s 61	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 42
s 61A	ins No. 16, 2019, s 43
s 62	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 44
s 63	sub No. 9, 2010, s 14
s 64	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 45
s 65	sub No. 9, 2010, s 14; No. 16, 2019, s 46
pt 6	
div 4AA hdg	ins No. 16, 2019, s 46
s 65A	ins No. 16, 2019, s 46
pt 6	
div 4A hdg	ins No. 9, 2010, s 14
	amd No. 16, 2019, s 58
s 66	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 58
ss 66A – 66E	ins No. 16, 2019, s 47
ss 66F – 66G	ins No. 33, 2025, s 17
pt 6	
div 4B hdg	ins No. 9, 2010, s 14
s 67	sub No. 9, 2010, s 14
	amd No. 16, 2019, s 48
ss 67A – 67B	ins No. 9, 2010, s 14
	sub No. 16, 2019, s 49

ss 67C – 67D	ins No. 16, 2019, s 49
s 68	amd No. 9, 2010, s 26
	rep No. 16, 2019, s 50
s 69	amd No. 9, 2010, s 15; No. 16, 2019, s 58
s 70	amd No. 9, 2010, s 26; No. 16, 2019, s 58
s 71	amd No. 16, 2019, s 58
pt 7 hdg	sub No. 9, 2010, s 16
	amd No. 16, 2019, s 58
pt 7	
div 1 hdg	ins No. 9, 2010, s 16
s 72	amd No. 9, 2010, s 17
	sub No. 16, 2019, s 51
	amd No. 33, 2025, s 31
s 73	amd No. 9, 2010, s 18; No. 16, 2019, s 52; No. 33, 2025, s 32
ss 73A – 73B	ins No. 16, 2019, s 53
pt 7	
div 2 hdg	ins No. 9, 2010, s 19
	sub No. 16, 2019, s 53
s 73C	ins No. 16, 2019, s 53
pt 8 hdg	sub No. 16, 2019, s 53
s 74	amd No. 9, 2010, s 26
	sub No. 16, 2019, s 53
	amd No. 33, 2025, s 18
s 74A	ins No. 9, 2010, s 19
	rep No. 16, 2019, s 53
s 74B	ins No. 9, 2010, s 19
	amd No. 8, 2016, s 45
	rep No. 16, 2019, s 53
s 75	amd No. 9, 2010, s 20
	sub No. 16, 2019, s 53
s 75A	ins No. 16, 2019, s 53
	amd No. 26, 2020, s 3
s 75B	ins No. 16, 2019, s 53
s 76	amd No. 9, 2010, s 21
	sub No. 16, 2019, s 53
s 76A	ins No. 9, 2010, s 22
	sub No. 16, 2019, s 53
s 77	amd No. 9, 2010, s 26
	sub No. 16, 2019, s 53
	amd No. 33, 2025, s 34
s 78	sub No. 9, 2010, s 23
	amd No. 16, 2019, s 54; No. 33, 2025, s 34
s 79	amd No. 16, 2019, s 55; No. 33, 2025, ss 19 and 34
s 80	sub No. 9, 2010, s 24
s 81	sub No. 9, 2010, s 24
	amd No. 16, 2019, s 56
pt 9 hdg	sub No. 9, 2010, s 25
s 82	sub No. 9, 2010, s 25
pt 10 hdg	ins No. 16, 2019, s 57
ss 83 – 85	rep No. 9, 2010, s 25
	ins No. 16, 2019, s 57
ss 86 – 96	ins No. 16, 2019, s 57
pt 11 hdg	ins No. 33, 2025, s 33
s 97	ins No. 33, 2025, s 33
sch	ins No. 16, 2019, s 57