

South Australia

Teachers Registration and Standards (Miscellaneous) Amendment Bill 2026

A BILL FOR

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

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Teachers Registration and Standards (Miscellaneous) Amendment Act 2026*.

2—Commencement

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

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

3—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *director* insert:

legal practitioner means a person admitted and enrolled as a barrister and solicitor of the Supreme Court of South Australia;

(2) Section 3, definition of *unprofessional conduct*—delete "means" and substitute:
includes

4—Amendment of section 17—Delegations

Section 17—after subsection (2a) insert:

(2b) A function or power delegated by the Teachers Registration Board to the Registrar may be further delegated by the Registrar if the instrument of delegation given by the Board so provides.

5—Amendment of section 22—Application for registration

(1) Section 22(2)(c)—after "information" insert:

, or produce any material for inspection,

(2) Section 22(2)—after paragraph (c) insert:

and

(d) if the Board so requires for the purposes of determining the application, answer questions and be present or attend at a specified place and time for that purpose.

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

Section 24A(3)—delete subsection (3) and substitute:

(3) If—

- (a) the issue of the prohibition notice to the teacher is set aside by the South Australian Civil and Administrative Tribunal or any other court; or
- (b) the prohibition notice issued to the teacher is revoked under section 33 of the *Child Safety (Prohibited Persons) Act 2016*,

the cancellation of the teacher's registration under this section will be taken to be void and of no effect (and the Teachers Registration Board must take such steps as may be necessary to give effect to this subsection).

7—Amendment of section 28—Register

Section 28(6)—delete subsection (6) and substitute:

(6) Subject to this section, the Registrar—

- (a) must make a record of the full name of each registered teacher and the information entered in the register under subsection 2(b), (c), (d), (e) and (f) in relation to the teacher available for inspection on application to the Registrar; and
- (b) must make a record of the full name of each registered teacher and the information entered in the register under subsection 2(e) and (f) in relation to the teacher available for inspection on a website established by the Teachers Registration Board; and
- (c) may, in addition to the information available for inspection on a website established by the Teachers Registration Board under paragraph (b) in relation to a registered teacher, also include such information entered in a record in the register under subsection (2)(d) in relation to the teacher as the Registrar thinks appropriate.

(6a) If, on the application of a teacher, the Registrar is satisfied that access to information entered in the register in relation to the teacher may place at risk the personal safety of the teacher, the teacher's family or any other person, the Registrar may take such measures as the Registrar thinks fit to prevent or restrict access to that information.

(6b) The Registrar may vary or revoke any measures taken under subsection (6a) if the Registrar reasonably believes that the circumstances on which the measures taken were based have changed.

8—Amendment of section 29—Certificates of registration

Section 29(2) and (3)—delete subsections (2) and (3)

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

(1) Section 30—after subsection (1a) insert:

(1b) Without limiting the discretion of the Teachers Registration Board to impose conditions under subsection (1), the Board must make it a condition of every special authority to teach that—

(a) if the person granted the special authority to teach is charged with or convicted of an offence of a kind specified in the condition (which may include offences under the law of South Australia or elsewhere), the person must, within 14 days, give written notice of the charge or conviction to the Board containing the details specified in the condition; and

(b) if the person granted the special authority to teach is dismissed from employment in response to allegations of unprofessional conduct, or resigns from employment following allegations of unprofessional conduct, the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition; and

(c) if the person granted the special authority to teach is dismissed from employment in response to allegations of incompetence (however described), or resigns from employment following allegations of incompetence (however described), the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition; and

(d) if the person granted the special authority to teach is dismissed from any employment in response to allegations of improper conduct relating to a child, or resigns from employment following allegations of improper conduct relating to a child, the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition.

(2) Section 30(4)—after "information" insert:

, or produce any material for inspection,

(3) Section 30—after subsection (4) insert:

(4a) An applicant for a special authority to teach must, if the required by the Teachers Registration Board for the purposes of determining the application, answer questions and be present or attend at a specified place and time for that purpose.

10—Insertion of section 30A

After section 30 insert:

30A—Offence to contravene conditions of special authority to teach

- 5 If a person who holds a special authority to teach contravenes a condition of the person's authority, the person is guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$315.

11—Amendment of section 31—Register

- 10 (1) Section 31(7)—delete "The" and substitute:
 Subject to this section, the
- (2) Section 31(7)(a)—delete "teacher" and substitute:
 person
- (3) Section 31—after subsection (7) insert:
- 15 (7a) If, on the application of a person who holds a special authority to teach, the Registrar is satisfied that access to information entered in the register in relation to the person may place at risk the personal safety of the person, the person's family or any other person, the Registrar may take such measures as the Registrar thinks fit to prevent or restrict access to that information.
- 20 (7b) The Registrar may vary or revoke any measures taken under subsection (7a) if the Registrar reasonably believes that the circumstances on which the measures taken were based have changed.

25 **12—Amendment of section 33A—Suspension of teacher's registration if working with children check not current etc**

 Section 33A(1)—delete "personally"

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

- 30 Section 34A(4)(a)—delete paragraph (a) and substitute:
- (a) if an inquiry is commenced under either or both sections 35 and 38 in respect of the matter to which the suspension or variation relates—the later of any of the following actions taken, or determinations made, by the Teachers Registration Board (as the case requires):
- 35 (i) in the case of an inquiry under section 35—
- (A) if the Teachers Registration Board determines that there is proper cause for disciplinary action against the teacher in relation to the matter—the Board takes action under section 35(2); or
- 40

- (B) if the Teachers Registration Board determines that there is no proper cause for disciplinary action against the teacher in relation to the matter—that determination;

(ii) in the case of an inquiry under section 38—

- (A) if the Teachers Registration Board determines that the teacher's capacity to teach is seriously impaired by an illness or disability affecting the person's behaviour or competence as a teacher—the Board takes action under section 38(5); or

- (B) if the Teachers Registration Board determines that the teacher's capacity to teach was not seriously impaired by an illness or disability affecting the person's behaviour or competence as a teacher—that determination; or

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

Section 40(1)(b)—delete "Catholic Education Office" and substitute:

South Australian Commission for Catholic Schools Incorporated

15—Insertion of section 40A

After section 40 insert:

40A—Publication of determination and reasons for determination

- (1) Subject to this section, the Teachers Registration Board may publish the whole or part of a determination of the Board and the reasons for the determination in relation to an inquiry under Part 7 in any manner the Board thinks fit.
- (2) The publication of material under this section must not include information—
 - (a) that might directly or indirectly enable an informant or other person who made allegations in relation to the complaint the subject of the inquiry to be identified; or
 - (b) that might directly or indirectly enable a witness who gave evidence in the proceedings to be identified; or
 - (c) that might directly or indirectly enable a child or student related to the inquiry to be identified; or
 - (d) that is otherwise prohibited or restricted by law or by an order of a court or tribunal.
- (3) Before the Teachers Registration Board publishes information under this section the Board must be satisfied that to do so would not prejudice the proper administration of justice or would not be contrary to the interests of justice.

- (4) No liability attaches to the Teachers Registration Board in respect of information published under this section in good faith.

16—Amendment of section 47—Representation at proceedings

Section 47—delete "legal counsel or other person" and substitute:

legal practitioner who holds a current practising certificate issued under the *Legal Practitioners Act 1981* or, with the approval of the Teachers Registration Board, some other person.

17—Amendment of section 48—Counsel to assist Teachers Registration Board

- (1) Section 48, heading—delete "Counsel to" and substitute:

Legal practitioner may

- (2) Section 48—delete "legal counsel" and substitute:

legal practitioner who holds a current practising certificate issued under the *Legal Practitioners Act 1981*

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

- (1) Section 49B—after subsection (6) insert:

(6a) A person or body who receives information or documents under this section must not (unless the information or documents are otherwise provided to a person or body to which this section applies under this section) disclose or communicate the information or documents to another person or body except where the disclosure or communication—

- (a) is required to assist the person or body disclosing or communicating the information or documents in the proper performance of official functions or duties relating to the education, health, safety, welfare or wellbeing of a child; or
- (b) is required to assist the person or body disclosing or communicating the information or documents in the management of any risk to a child or class of children that might arise in the person's or body's capacity as an employer or provider of services; or
- (c) is reasonably required to lessen or prevent a serious threat to the life, health or safety of a child or other persons; or
- (d) is required or authorised under this Act or any other Act or law; or
- (e) is required or authorised by an order of a court or tribunal; or
- (f) is with the consent of—
 - (i) in the case of information or documents that relate to a child—a person responsible for the child to whom it relates; or

(ii) in any other case—the person to whom the information or documents relate; or

(g) is in circumstances or for a purpose prescribed by the regulations.

Maximum penalty: \$10 000.

(6b) Information or documents that have been disclosed or communicated under this section for a particular purpose must not be used for any other purpose by—

(a) the person to whom the information or documents were disclosed or communicated; or

(b) any other person who gains access to the information or documents (whether properly or improperly and whether directly or indirectly) as a result of that disclosure or communication,

unless—

(c) it relates to the health, safety, welfare or wellbeing of a child or class of children; or

(d) it is in circumstances or for a purpose prescribed by the regulations.

Maximum penalty: \$10 000.

(2) Section 49B(7)—before the definition of *prescribed information and documents* insert:

person responsible for a child means a person responsible for a child within the meaning of the *Education and Children's Services Act 2019*;

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

Section 52—delete "Catholic Education Office" wherever occurring and substitute in each case:

South Australian Commission for Catholic Schools Incorporated

20—Amendment of section 52A—Notification to employer that teacher is a prohibited person etc

(1) Section 52A—after "under" insert:

the

(2) Section 52A(b)—delete "Catholic Education Office" and substitute:

South Australian Commission for Catholic Schools Incorporated

(3) Section 52A—after paragraph (b) insert:

and

(c) the other teacher regulatory authorities in Australia and New Zealand.

21—Insertion of section 52B

After section 52A insert:

52B—Notification to employer that holder of special authority to teach is a prohibited person

If the Registrar becomes aware that a person who is or has been the holder of a special authority to teach is a prohibited person under the *Child Safety (Prohibited Persons) Act 2016* the Registrar must, as soon as practicable, give details of that fact to—

- (a) the person's employer if the person is the holder of a current special authority to teach; and
- (b) the chief executives of the Department, the South Australian Commission for Catholic Schools Incorporated and the Association of Independent Schools of South Australia Incorporated; and
- (c) the other teacher regulatory authorities in Australia and New Zealand.

22—Amendment of section 57—Service of documents

(1) Section 57(1)—after paragraph (b) insert:

or

- (c) be transmitted by email to an email address provided by the person for the purposes of service.

(2) Section 57(2)—delete subsection (2) and substitute:

(2) For a person registered under this Act—

- (a) the address for service; or
- (b) the email address provided for the purposes of service,

is the address or email address (as the case requires) for the person that appears on the register under this Act.