

Registration Hearing

The Teachers Registration Board (the Board) is an independent statutory authority established under the *Teachers Registration and Standards Act 2004* (the Act).

The Board

The Board consists of 16 members appointed by the Governor and delegates the conduct of proceedings to a panel of the Board that includes a legal practitioner and a practising teacher.

The functions of the Board include two types of proceedings:

- **applications** by teachers to be registered where registration has not been approved by the Registrar - Qualification or Fitness and Propriety issues and;
- **inquiries** to determine if there is a proper cause for disciplinary action against a teacher or whether the capacity of a teacher to teach is impaired.

The Registrar

- is delegated by the Board to approve applications for registration of teachers and;
- is the person authorised under the Act for investigating concerns and allegations about teachers and laying complaints before the Board to commence an inquiry (the Board may also initiate an inquiry of its own motion).



Application for Registration Hearing

If the Registrar has concerns that an applicant for registration:

- does not have the required qualifications or experience;
- is not a fit and proper person;
- has not met other requirements for registration;
- has conditions imposed on registration; or
- seeks to vary or revoke conditions imposed on registration

the application may come before the Board for hearing.

Preliminary Conference

It may be necessary for you and your legal counsel to attend a preliminary conference presided over by a Board member or delegate.

The purpose of this is to clarify, if necessary, any administrative issues so the hearing is able to proceed efficiently. These issues may include discussing the length of the hearing, the number of witnesses, what can be agreed and the exchange of information.

The Hearing

The hearing is usually held at the Board's premises and the panel generally consists of five members including a legal practitioner, (Chair of the Subcommittee) and a practising teacher.

The Board has the power to issue a summons to witnesses and to require witnesses to produce documents as well as require you and witnesses to give evidence on oath or affirmation.

The Board:

- is not bound by the rules of evidence and can inform itself as it sees fit;
- can determine its own procedures; and
- can hold part or all of the hearing in private.

You will normally be given 21 days notice of the hearing and particulars of the issues or allegations to be heard.

You must be afforded the opportunity to call and give evidence, examine and cross-examine witnesses and make submissions to the Board.

If you do not attend the hearing the Board can proceed in your absence.

You are entitled to have a support person present who should not be someone involved with the matter as they may be required as a witness. They cannot act as your advocate and must remain seated and quiet during the hearing.

The Board can:

- receive in evidence transcripts from a court, tribunal or body relevant to the proceedings; and
- adopt findings and decisions of such court, tribunal or body.

The Teacher

At an application hearing only the teacher is a party, though the Board may have the assistance of legal counsel.

Only a party and their legal counsel are permitted to be present throughout the hearing.

As a party you are entitled to be represented by legal counsel and have the right yourself or by your legal counsel, if you are represented, to cross-examine any witnesses called by the Board give evidence, produce documents and call and examine witnesses.

A witness, including any victim of the teacher's conduct, is not a party to the proceedings and as such does not have the rights of parties under the Act: to be represented by counsel, to call evidence, question witnesses and be present during the hearing.

Role of Registrar

In an application hearing the Registrar may provide information to the Board and legal counsel but usually has no formal role at the hearing.

Procedure at the Hearing

You or your legal counsel will present your evidence first and call witnesses. Legal counsel assisting the Board will then cross-examine you and your witnesses.

You have the onus of proving you meet the requirements for registration.

Counsel assisting the Board may call evidence collected by the Board and you have the right to cross-examine any witnesses.

Submissions are made to the Board by you or your legal counsel and counsel for the Board.

At the conclusion of the hearing the Board adjourns and may make its decision at that time or at some later date.

The proceedings are recorded.

Powers of the Board

The Board may refuse an application or grant:

- registration;
- provisional registration; or
- place conditions on registration.

At the Conclusion of the Hearing

You will receive a letter of outcome from the Registrar followed by a copy of the Board's Reasons for Decision.

Rights of Appeal

If you do not agree with the Board's decision you have the right to appeal to the Administrative and Disciplinary Division of the District Court pursuant to s49 of the Act.

You must lodge the appeal within 28 days of the receipt of the Reasons for Decision.

Confidentiality

The Act requires persons engaged in the administration of the Act not to divulge personal information obtained in the course of official duties except in certain circumstances, including to another teacher regulatory authority or another statutory authority of any State or the Commonwealth for the proper performance of their functions.

Written records are placed in a confidential file and retained by the Board and held in accordance with the Board's Records Management Policy and disposed of in accordance with the *State Records Act 1997* and an approved Retention and Disposal Schedule.

For more information on any of the above matters please contact:

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