

## Inquiries

## Factsheet

## Information for the Teacher or Authorised Person

**Teacher Registration (Northern Territory) Act**

The Teacher Registration Board of the Northern Territory ("the Board") is established under the provisions of the *Teacher Registration (Northern Territory) Act* ("the Act").

One of the legislative functions of the Board is to deal with complaints about teachers, hold Preliminary Investigations and Inquiries and take disciplinary action under Part 6 of the Act.

A copy of the Act can be downloaded from the Board webpage at [www.trb.nt.gov.au](http://www.trb.nt.gov.au).

**When is an Inquiry Undertaken by the Board?**

Inquiries are undertaken by the Board following information received from a number of sources.

These sources may include:

- Notifications from employers;
- Notifications from the Northern Territory Police;
- Written complaints received from parents, other teachers and members of the community;
- Information and declarations from Teachers;
- Notifications from other teacher registration authorities;
- Any information where the Board becomes aware of a matter that, in the Board's opinion, calls into question the teacher's eligibility for registration or if the person is a fit and proper person to teach.

An Inquiry may be commenced by the Board after receiving the relevant information or may occur following a Preliminary Investigation undertaken by the Board.

**The purpose of an Inquiry**

The purpose of an Inquiry is to assist the Board to decide whether or not it should do any of the following:

- Impose or vary a condition on the person's registration or authorisation.
- Suspend the registration or authorisation;
- Cancel the registration or authorisation.
- Disqualify the person from registration or authorisation.

**The 'public interest' test**

The Board may only hold an Inquiry if it is reasonably satisfied that it is in the public interest to do so.

If a person no longer hold aspirations to teach in Australia/New Zealand he/she should advise the Board as this may impact on its decision to proceed with an Inquiry.

**The Basis of an Inquiry**

The basis of the Inquiry is the specific alleged conduct and whether or not the teacher or authorised person to whom the inquiry relates ("the Teacher") is a fit and proper person to teach and/or competent to teach.

a) **Fit and proper person**

Section 32 of the Act sets out a number of matters which the Board must take into account in deciding whether a person is a fit and proper person to teach. These matters include, but are not limited to the following:

- the person's criminal history;
- any behaviour of the person that:
  - does not meet the standard of behaviour reasonably expected of a teacher; or
  - is not in accordance with the Board's code of professional ethics;
  - or shows that the person is not of good character.
- Previous disciplinary actions in relation to the Teacher's registration undertaken in the Territory or elsewhere; and
- Any other matters the Board considers relevant.

b) **Competence to Teach**

The *Teacher Registration (Northern Territory) Regulations*, regulation 5(1)(a) provides that when deciding whether or not a person is competent to teach, the Board must take into account whether the person is able to teach in accordance with the Board's approved Standards. Currently the standards approved by the Board are the Australian Professional Standards for Teachers.

### Who conducts the Board's Inquiries?

The Board appoints a committee to conduct the Inquiry. The Inquiry Committee must be comprised of two Board members and a Chairperson, who is a legal practitioner with a minimum of five years' experience in Australia.

### Notice of Inquiry

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. The notice must include the following information:

- the basis of the Inquiry as mentioned in section 50 of the Act;
- the date, time and place of the Inquiry;
- the names of the members of the Inquiry Committee;
- 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.

### Preparing for the Inquiry hearing

If the Teacher or a witness appearing at the Inquiry needs an interpreter, please contact the Professional Conduct Team at the Office of the Board before the day of the Inquiry.

A copy of the Inquiry documents will be provided to the Teacher prior to the Inquiry. Any documents the Teacher wishes to rely on should be provided, as soon as possible, to the Manager, Professional Conduct who will forward them to the Inquiry Committee.

The Teacher may provide any documents he/she considers relevant. Such information may include a statement refuting or admitting to the matters alleged, a statement setting out future teaching aspirations and current referee statements.

On the day of the Inquiry the Teacher will be given an opportunity to provide verbal submissions to the Inquiry Committee.

When preparing submissions and giving evidence the Teacher is encouraged to think about the events which he/she will be giving evidence and try to remember 'who', 'what', 'where' and 'when' in relation to those events.

The Teacher should take all relevant documents to the Inquiry and may wish to reread any statements previously provided to the Board.

### Inquiry Proceedings

A directions hearing is usually held prior to the Inquiry. The Chairperson of the Inquiry Committee, the Teacher (including their representative if they have one) and the Manager, Professional Conduct will attend the directions hearing. At this time the Chairperson will discuss the procedure of the Inquiry, the proposed witnesses (if any) and hear objections and answer any queries.

The Inquiry usually takes place in a Courtroom. The Inquiry Committee decides the procedure of the Inquiry and it is conducted with as little formality and technicality, and as quickly, as proper consideration of the subject matter allows.

The Inquiry is open to the public unless the Inquiry Committee decides otherwise. The proceedings are usually recorded and a transcript may be obtained by the Board or the Teacher (charges apply).

The Inquiry Committee is not bound by the rules of evidence, and may inform itself as it thinks fit. However, the Inquiry Committee must observe the rules of procedural fairness.

A complainant and other witnesses may attend to give evidence at an Inquiry hearing. The Inquiry Committee may, by written notice, require a person (including the Teacher) to appear before the Inquiry Committee or to give information to the Inquiry Committee (Section 62(8) of the Act).

Failure to comply with a section 68(2) notice to appear or to provide information to the Inquiry Committee is an offence, a maximum penalty applies of 20 penalty units (currently \$2890.00).

The Teacher may choose to represent themselves, have a support person present or obtain representation (such as a lawyer, advocate or union representative).

### Working as a teacher or authorised person while the Inquiry is undertaken

When an Inquiry is commenced by the Board, the Teacher's registration status remains the same unless they are advised otherwise by the Director of the Board.

After deciding to hold an Inquiry, the Board may suspend registration/authorisation, if it considers it is necessary to do so. If the Board makes a decision to suspend registration/authorisation the Teacher will be provided with an information notice for the decision. The information notice will include reasons for the decision and set out the appeal rights in relation to the suspension.

If registration/authorisation is suspended by the Board the Teacher will be unable to teach in a Territory school during the suspension, as it is an offence to do so (section 73 of the Act). If registration is suspended, all other teacher registration authorities in Australia and New Zealand will be notified.

### Completion of the Inquiry

The Inquiry Committee must report its findings and provide recommendations to the Board as soon as practicable following the Inquiry. The Board is not bound by the findings and recommendations of the Inquiry Committee but must take them into consideration.

### Decision of the Board following an Inquiry

The Board will consider the report of the Inquiry Committee at a Board meeting and may decide to do one of the following:

- impose or vary a condition on registration/authorisation;
- suspend registration/authorisation;
- cancel registration/authorisation
- disqualify a person from registration/authorisation for a specified period.
- Take no further action.

### Informing relevant parties of the Board's decision

The Director of the Board will write to the Teacher advising of the Board's decision once the Inquiry

Committee completes its report and the Board has had time to deliberate on its findings.

If the Board decision involves an adverse outcome, the Board will foreshadow its decision and the Teacher who will be provided with an opportunity to respond to the Board in writing. If the foreshadowed decision involves a finding that the Teacher is not a fit and proper person to teach, the Teacher will be invited to appear before the Board to address the reasons for that finding.

The Board will also provide the outcome of the Inquiry to the Teacher's employer and/or former employer and the person who lodged a complaint (if relevant). Where a person is disqualified from registration or their registration is suspended or cancelled the Board will notify the other Teacher Registration Authorities in Australia and New Zealand.

### Appealing the Board's decision

Once the Board has made a final decision the Teacher will be provided with an information notice, setting out the reasons for the Board's decision.

If the Teacher does not agree with the decision set out in the information notice, he/she may appeal to the Local Court. The appeal must be lodged at the Local Court within 28 days of the date of the notice.

### For all other queries

Contact the Manager, Professional Conduct at the Teacher Registration Board toll free on 1800 110 302 or you can email your question to [trb@nt.gov.au](mailto:trb@nt.gov.au).

### Relevant Factsheets

- *Preliminary Investigations Factsheet*

#### Disclaimer

This document has been prepared as a guide only to Board inquiries held under Part 6 of the *Teacher Registration (Northern Territory) Act*. If you remain in doubt about your particular circumstances you should seek independent advice