

## Fact sheet

# Grounds for refusal of registration

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The Victorian Institute of Teaching (VIT) must or may refuse an application for registration in certain circumstances. This fact sheet provides the distinction between mandatory and discretionary refusals.

### Mandatory grounds

The VIT must refuse an application for registration or renewal of registration if the applicant

- is currently charged with, or has been convicted or found guilty of a [Category A offence](#) in Victoria, or an equivalent offence in another jurisdiction
- is currently charged with, or has been convicted or found guilty of a [Category B offence](#) in Victoria, or an equivalent offence in another jurisdiction, and VIT considers that the person poses an unjustifiable risk to children
- has been given a [Working with Children \(WWC\) exclusion](#), previously known as a negative notice.

### Discretionary grounds

The VIT may refuse an application for registration or renewal of registration if the

- character of the applicant is such that it would not be in the public interest to allow them to teach in a school or early childhood service
- applicant has engaged in [Category C conduct](#) and
  - their ability to teach in a school or early childhood service is likely to be affected because of the conduct that they have engaged in
  - it is not in the public interest to allow them to teach in a school or early childhood service because of the conduct that they have engaged in
- applicant has been found to have committed reportable conduct by the [Commission for Children and Young People](#) (CCYP)
- applicant has previously held a teaching registration in another state, territory or country, and their registration has been cancelled or suspended and not restored because of conduct which, if committed within Victoria, would entitle VIT to suspend or cancel their registration
- applicant has previously been employed as a teacher in a school or early childhood service in another state, territory or country and that employment has been cancelled or suspended and not restored because of conduct which, if committed within Victoria, would entitle VIT to suspend or cancel their registration
- teacher has been seriously incompetent in their teaching practice when employed as a teacher in a school or early childhood service in Victoria, or in any other state, territory or country
- teacher has not produced sufficient evidence that satisfies VIT of their suitability to teach.

## Definitions

Category A offence	Includes various sexual offences committed by adults against children, offences related to child abuse material, grooming, murder and attempted murder.
Category B offence	Includes sexual offences against an adult, sexual offences by a child against another child, some violent offences and some drug offences.
Category C conduct	Includes convictions or findings of guilt for other indictable offences, non-convictions for Category A offences or Category B offences, and certain disciplinary action taken by an employer that has been notified to VIT.
Character	Broadly refers to the person's reputation and conduct and their fitness to be a teacher.
Fitness to teach	Means the character, reputation and conduct of a person are such that they should be allowed to teach in a school or early childhood service.
Reportable conduct	<ul style="list-style-type: none"> <li>• a sexual offence committed against, with or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded</li> <li>• sexual misconduct committed against, with or in the presence of a child</li> <li>• physical violence committed against, with or in the presence of a child</li> <li>• any behaviour that causes significant emotional or psychological harm to a child</li> <li>• significant neglect of a child.</li> </ul>
Suitability to teach	Means whether the person is fit to teach and is physically and mentally able to teach.
WWC exclusion	Means that <a href="#">Working with Children Check Victoria</a> (WWCCV) has assessed that the person is not suitable to engage in child related work. Such assessments are governed by the <i>Worker Screening Act 2020 (Vic)</i> .



Sarah McFarlane (registered teacher) with learners  
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