

Institute of Teachers Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

(a) to provide for the accreditation of school teachers, by teacher accreditation authorities, against the professional teaching standards approved by the Minister, and

(b) to constitute the NSW Institute of Teachers as the agency responsible for providing advice to the Minister on the development, content and application of those standards and for monitoring the school-based accreditation process.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act. The expressions *teach* and *teacher* will cover those persons who deliver courses of study designed to implement the curriculum for primary and secondary schools and who are responsible for assessing student participation, performance and progress in such courses.

Clause 4 defines *teacher accreditation authority* for the purposes of the proposed Act. In the case of a government school, the teacher accreditation authority will be the Director-General of the Department of Education and Training or a person or body approved by the Director-General. In the case of a non-government school, the teacher accreditation authority will be the Minister or a person or body approved by the Minister.

Clause 5 makes it clear that the proposed Act does not affect the operation of the mutual recognition laws.

Part 2 NSW Institute of Teachers

Division 1 Constitution and functions of Institute

Clause 6 constitutes the NSW Institute of Teachers as a statutory corporation.

Clause 7 specifies the functions of the Institute, which will include providing advice to the Minister on the development, content and application of the professional teaching standards that may be approved by the Minister under the proposed Act. The functions of the Institute do not extend to industrial matters concerning teachers.

Clause 8 provides that the Institute is subject to the direction and control of the Minister.

Division 2 Office of Chairperson

Clause 9 provides for a person to be appointed by the Minister as Chairperson of the Board of Governance. The same person also holds office as Chairperson of the Quality Teaching Council. The Chairperson's functions will include co-ordinating the functions of the Board and the Council.

Division 3 Board of Governance

Clause 10 establishes a Board of Governance for the Institute. The Board will consist of the Chairperson, 3 persons appointed by the Minister and the Chief Executive of the Institute.

Clause 11 specifies the functions of the Board.

Division 4 Quality Teaching Council

Clause 12 establishes the Quality Teaching Council which will have the

function of providing advice to the Institute but only in relation to the Institute's functions.

Clause 13 provides for the membership of the Council. It will consist of 10 elected teachers, 10 members appointed by the Minister and the Chairperson.

Division 5 Chief Executive and staff of Institute

Clause 14 provides for the Chief Executive of the Institute (whose position is created and held under the *Public Sector Employment and Management Act 2002*) to have responsibility for the day-to-day management of the affairs of the Institute.

Clause 15 provides that the staff of the Institute are to be employed under the Chapter 2 of the *Public Sector Employment and Management Act 2002* (i.e. they will be employed in the Public Service). The Institute may also employ other staff for special purposes and may engage consultants.

Part 3 Roll of teachers

Clause 16 requires the Institute to maintain a roll of teachers. The roll will consist of the electoral list and the accreditation list.

Clause 17 provides that the electoral list contains the names and contact details of all teachers in New South Wales. A person who is enrolled on the electoral list will be able to vote in an election of the teacher members of the Quality Teaching Council.

Clause 18 provides that the accreditation list will contain certain particulars in relation to each person who is accredited under the proposed Act. The accreditation list will also contain the details of decisions by teacher accreditation authorities to refuse applications for accreditation or to revoke a person's accreditation.

Part 4 Accreditation of teachers

Division 1 Professional teaching standards

Clause 19 enables the Minister to approve, having regard to the advice of the Institute, professional teaching standards for the purposes of the accreditation scheme under the proposed Act.

Clause 20 specifies the matters that may be dealt with by the professional teaching standards. The standards may provide for the approval by the Minister of initial and continuing teacher education courses or programs that are relevant to the accreditation of persons under the proposed Part.

Division 2 Accreditation scheme—general provisions

Clause 21 enables teacher accreditation authorities to accredit persons who are employed to teach in schools (or who have applied for teaching positions) and to revoke any such accreditation. The accreditation of a person has effect in relation to all schools. A person's accreditation does not necessarily limit the areas of study in which the person teaches.

Clause 22 requires a teacher accreditation authority to notify the Institute of any decision by the authority under the proposed Part.

Clause 23 contains provisions relating to the accreditation process.

Clause 24 specifies some of the grounds on which a teacher accreditation authority may revoke the accreditation of a person.

Clause 25 requires a person who is accredited to pay an annual fee to the Institute.

Clause 26 makes it an offence for a person to provide false information in an application for accreditation or to falsely represent that the person is accredited.

Clause 27 provides for a review by the Administrative Decisions Tribunal of accreditation decisions by a teacher accreditation authority. The ADT is to have exclusive jurisdiction in relation to the review of accreditation decisions.

Division 3 Mandatory accreditation of new scheme teachers

Clause 28 contains definitions for the purposes of the proposed Division. A *new*

scheme teacher includes a person who is being employed as a teacher for the first time in New South Wales.

Clause 29 makes it an offence to employ a person who is a new scheme teacher unless the person is accredited (including provisionally or conditionally accredited) by a teacher accreditation authority. A new scheme teacher who is conditionally accredited under proposed section 31 may only teach under supervision.

Clause 30 provides for the provisional accreditation of a person who is a new scheme teacher if the person meets the requirements specified in the professional teaching standards for accreditation at that level or if the person has completed a teacher education course approved by the Minister. Such a person will be required to obtain accreditation at professional competence level within 3 years of being provisionally accredited.

Clause 31 provides for the conditional accreditation of a person who is a new scheme teacher (but who does not meet the criteria for provisional accreditation) if the person holds a degree in a relevant area or has completed a substantial part of a teacher education course approved by the Minister. Such a person will be required to undertake professional development or further teacher education and will be required to obtain accreditation at professional competence level within 4 years of being conditionally accredited.

Clause 32 provides for the accreditation of new scheme teachers at professional competence level.

Clause 33 specifies further grounds on which the accreditation of a new scheme teacher may be revoked.

Division 4 Mandatory accreditation of transition scheme teachers

Clause 34 contains definitions for the purposes of the proposed Division. A ***transition scheme teacher*** refers to an existing teacher who does not have teaching qualifications or a degree in a relevant area.

Clause 35 makes it an offence to employ (or continue to employ) a person who is a transition scheme teacher unless the person is accredited (which includes conditional accreditation under the proposed Division) by a teacher accreditation authority. A transition scheme teacher must be supervised while conditionally accredited.

Clause 36 provides for the conditional accreditation of transition scheme teachers. Such a person will be required to work towards obtaining a degree in a relevant area and will be required to obtain accreditation at professional competence level within 7 years of being conditionally accredited.

Clause 37 provides for the accreditation of transition scheme teachers at professional competence level.

Clause 38 specifies further grounds on which the accreditation of a transition scheme teacher may be revoked.

Division 5 Voluntary accreditation

Clause 39 enables those teachers who are not required to be accredited under proposed Division 3 or 4 (i.e. existing teachers who are qualified) to be accredited at professional competence level, professional accomplishment level or professional leadership level.

Clause 40 enables a person who is a new scheme teacher or transition scheme teacher to be accredited at professional accomplishment level or professional leadership level. Accreditation at these higher levels is not a requirement of the person's employment.

Clause 41 provides for the payment of an application fee by those teachers who apply for accreditation under the proposed Division.

Part 5 Miscellaneous

Clause 42 enables the Institute to enter into information sharing arrangements with relevant agencies (such as the Board of Studies and the Department of Education and Training).

Clause 43 establishes the Institute of Teachers Fund and provides for the payment of money into and out of the Fund. The proposed section also enables the Institute to invest money in the Fund.

Clause 44 enables the Institute to acquire property by gift, devise or bequest.

Clause 45 enables the Minister, the Director-General and the Chairperson to delegate functions under the proposed Act.

Clause 46 provides that the proposed Act binds the Crown.

Clause 47 prevents persons from contractually avoiding the proposed Act.

Clause 48 protects members of staff of the Institute, members of the Board or Council or any person acting under the direction of the Institute, Board or Council from personal liability in relation to anything done in good faith for the purpose of executing the proposed Act.

Clause 49 provides that offences under the proposed Act are to be dealt with summarily before a Local Court.

Clause 50 enables the Institute to recover money owing to it.

Clause 51 provides for the service of documents on the Institute.

Clause 52 gives the Governor the power to make regulations under the proposed Act.

Clause 53 is a formal provision that gives effect to Schedule 3 (Savings and transitional provisions).

Clause 54 is a formal provision that gives effect to the amendment of the Acts set out in Schedule 4.

Clause 55 provides for the proposed Act to be reviewed in 3 years.

Schedule 1 Provisions relating to members and procedure of the Board

Schedule 1 makes provision for the membership and procedure of the Board of Governance for the Institute.

Schedule 2 Provisions relating to members and procedure of the Council

Schedule 2 makes provision for the membership and procedure of the Quality Teaching Council.

Schedule 3 Savings and transitional provisions

Schedule 3 provides for the making of savings and transitional regulations as a consequence of the enactment of the proposed Act and also provides for the appointment by the Minister of an interim Quality Teaching Council pending the election of the teacher members of the Council.

Schedule 4 Amendment of Acts

Schedule 4 amends section 47 of the *Education Act 1990* to modify the registration requirements for non-government schools insofar as the requirements for teaching staff are concerned. The amendment to Schedule 1 to the *Public Sector Employment and Management Act 2002* establishes the staff of the Institute as a Department and creates the position of the Chief Executive of the Institute.