



New South Wales

Teacher Accreditation Amendment Bill 2014

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Teacher Accreditation Act 2004* (the *principal Act*) as follows:

- (a) to require all persons who teach in schools to be accredited under the principal Act (at present only new school teachers or persons who started or returned to teaching in schools after the principal Act commenced are required to be accredited),
- (b) to require persons who teach in early childhood education centres to be accredited under the principal Act,
- (c) to make it an offence for a person to teach in a school or early childhood education centre unless the person is accredited (at present, in the case of schools, only the person's employer commits an offence if the person is not accredited),
- (d) to provide for the voluntary accreditation of certain qualified persons who do not teach but who are employed in areas related to teaching or education,
- (e) to enable the Board of Studies, Teaching and Educational Standards (the *Board*) to accredit teachers at a provisional or conditional level and to also provisionally re-accredit persons whose accreditation has ceased or been revoked,
- (f) to enable the Board, on application by a person who is accredited, to place the person's accreditation on hold during an extended period of absence from teaching,
- (g) to provide that a person cannot be accredited as a teacher unless the person holds a working with children check clearance,
- (h) to make a number of other amendments of an administrative, minor or consequential nature.

The Bill also makes consequential amendments to the *Board of Studies, Teaching and Educational Standards Act 2013*.

Outline of provisions

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.

Schedule 1 Amendment of Teacher Accreditation Act 2004

Accreditation of all teachers

Schedule 1 [41] (proposed section 28) makes it an offence for a person to teach in a school unless the person is accredited. In the case of school teachers who are not currently required to be accredited (ie those who were employed as a school teacher before 1 October 2004 and who have remained employed as a teacher since that time), the requirement to be accredited will not apply until a later date to be appointed by proclamation (see proposed section 28 (3)).

Schedule 1 [3] extends the definition of *teach* to cover persons who undertake teaching duties in early childhood education centres. **Schedule 1 [41]** (proposed section 28) also makes it an offence for a person to teach in an early childhood education centre unless the person is accredited under the principal Act. However this requirement will not apply until a later date to be appointed by proclamation (see proposed section 28 (4)). **Schedule 1 [1], [19]–[21] and [23]–[25]** are consequential on the principal Act being extended to persons who teach in early childhood education centres.

Accreditation of persons by Board

Persons are currently accredited as teachers under the principal Act by teacher accreditation authorities. This includes the provisional or conditional accreditation of a person who has a relevant degree or teacher qualification but who does not meet the requirements for full accreditation in accordance with the professional teaching standards approved by the Minister. **Schedule 1 [41]** (proposed sections 30 and 31) modifies the accreditation process by authorising the Board to accredit persons at provisional or conditional level before progression to full accreditation by a teacher accreditation authority. **Schedule 1 [41]** (proposed section 33) also authorises the Board to provisionally re-accredit a person whose accreditation has been revoked or has ceased because the person has not satisfied the requirements for full accreditation within the required time (which is usually 3 years).

Schedule 1 [48] (proposed section 40A) will enable (but not require) non-teaching school counsellors and qualified teachers who are not actually teaching in schools or early childhood education centres to be accredited by the Board. The new section covers non-teaching executives (such as principals) and qualified teachers working in areas related to teaching but does not affect the requirement for those school or centre executives and school counsellors who teach to be accredited.

Schedule 1 [5] provides that the Board (or a person or body approved by the Board) will be the teacher accreditation authority for persons who teach in early childhood education centres and also for certain qualified persons who are voluntarily accredited under proposed section 40A. **Schedule 1 [6]–[8] and [26]** are consequential amendments.

Schedule 1 [22] makes it clear that only the Board may accredit teachers at provisional or conditional level.

Additional functions of Board

Schedule 1 [9] provides that the Board is to monitor, evaluate and report on the quality of the teacher education courses and programs approved by the Minister under the professional teaching standards.

Schedule 1 [10] provides that the Board has the function of making recommendations to the Minister as to approval by the Minister of teacher education courses and programs and persons or bodies to provide professional development for teachers. At present the Board may provide advice to the Minister in relation to these matters. Recommendations by the Board that the Minister not approve any such course or program or person or body will be subject to administrative review (see **Schedule 1 [40]**).

Schedule 1 [37] enables the Board, on application by a person who is accredited, to place the person's accreditation on hold during a period (of up to 5 years) that the person takes leave of absence from teaching. A person whose accreditation is placed on hold is not required to pay the annual accreditation fee under section 25 of the Act. **Schedule 1 [33]** is a consequential amendment.

Schedule 1 [38] enables the Board to suspend the accreditation of a person for failure to pay the annual fee to the Board under section 25 of the principal Act. **Schedule 1 [31], [32], [35] and [36]** are consequential amendments.

Grounds for revocation of accreditation

Schedule 1 [29] clarifies the grounds on which a person's accreditation may be revoked and consolidates the provisions of the principal Act under which a person's accreditation may be revoked. The grounds for revocation will include being a disqualified person under the *Child Protection (Working with Children) Act 2012* (which applies mainly to persons convicted of offences involving children) or being found guilty of an offence punishable by imprisonment for 12 months or more or of an offence under the principal Act. The amendment removes the need for the regulations to prescribe the offences for which a person's accreditation may be revoked. It will be grounds for revocation if the person has been dismissed from employment as a teacher, or listed as a person who is not to be employed in the Teaching Service, because of misconduct that is of a nature that would reflect adversely on a teacher's professional standing or integrity or suitability or competence to teach. This ground replaces serious misconduct as defined by the regulations. **Schedule 1 [30], [45] and [47]** are consequential amendments.

Schedule 1 [29] also provides that the Board may revoke a person's accreditation even though the person was accredited by another teacher accreditation authority. **Schedule 1 [34]** makes a similar amendment in relation to the suspension of a person's accreditation.

Miscellaneous amendments

Schedule 1 [2] omits certain definitions and inserts new definitions as a consequence of the amendments made by the proposed Act.

Schedule 1 [4] updates references relating to the Secretary of the Department of Education and Communities.

Schedule 1 [11] provides that the Quality Teaching Council is to include an additional elected member (such persons are teachers who are elected in accordance with the regulations) and an additional member appointed by the Minister. It is intended that the additional elected member will be an early childhood education teacher. **Schedule 1 [54]** is a consequential amendment.

Schedule 1 [12] provides that the additional appointed member of the Quality Teaching Council will be a person who has knowledge and expertise in early childhood education. The amendment also makes minor modifications to the membership of the Council (including updating the names of certain nominating bodies).

Schedule 1 [13] specifies circumstances in which a person is not to be enrolled on the electoral list of the roll of teachers maintained by the Board.

Schedule 1 [14] omits a superfluous note.

Schedule 1 [17], [18] and [44] change the terminology relating to the different levels of accreditation under the principal Act. Accreditation at professional competence level becomes proficient teacher level, accreditation at professional accomplishment level becomes highly accomplished teacher level and accreditation at professional leadership level becomes lead teacher level.

Schedule 1 [28] provides that the accreditation of a person is subject to conditions specified in the rules of the Board made under the *Board of Studies, Teaching and Educational Standards Act 2013*. **Schedule 1 [27]** is a consequential amendment.

Schedule 1 [39] provides that a person cannot be accredited as a teacher unless the person holds a working with children check clearance.

Schedule 1 [42] omits provisions relating to the accreditation of persons classified as “transition scheme teachers” under the principal Act (ie persons who were teaching before the commencement of the principal Act but who did not have teaching qualifications or a degree in a relevant area). When the principal Act commenced these teachers were required to be accredited at conditional level and work under supervision until such time as they became fully accredited (which was required generally within 7 years). In phasing out the transitional scheme for these teachers, **Schedule 1 [56]** provides that the scheme will, in the case of any such teachers who are still conditionally accredited, continue to apply until such time as they become fully accredited or their conditional accreditation ceases. **Schedule 1 [14]–[16], [43], [46] and [49]** are consequential on the deletion of provisions relating to the accreditation of transition scheme teachers.

Schedule 1 [50] requires an employer who makes a decision to dismiss a teacher or to preclude a person from being employed in the Teaching Service to notify the Board of the decision. **Schedule 1 [2]** provides that *dismiss* includes an annulment of an appointment on probation or dispensing with the services of a person.

Schedule 1 [51] enables regulations to be made in relation to the requirements for accreditation.

Schedule 1 [52] makes it clear that the office of an appointed or elected member of the Quality Teaching Council becomes vacant on the revocation of the member’s accreditation as a teacher under the principal Act.

Schedule 1 [53] enables the Minister to suspend a person from office as a member of the Quality Teaching Council while the person’s accreditation as a teacher is suspended.

Schedule 1 [55] enables regulations of a savings and transitional nature to be made as a consequence of the proposed Act (or any other Act that amends the principal Act) and **Schedule 1 [56]** inserts other savings and transitional provisions.

Schedule 2 Amendment of Board of Studies, Teaching and Educational Standards Act 2013

Schedule 2 [1] is a consequential amendment relating to the extension of the teacher accreditation scheme to persons who teach in early childhood education centres.

Schedule 2 [2] ensures that the premises of an early childhood education centre may be inspected by Board inspectors in connection with the accreditation of persons who teach in such centres.