

INSTITUTE OF TEACHERS AMENDMENT BILL 2008

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [1.13 a.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The relationship between high-quality teaching and improved student learning is undeniable. Every parent knows it and research confirms it. Teacher quality is the single most significant variable that affects the progress of student learning. The New South Wales Government was one of the first to recognise this fact when it passed legislation to establish the New South Wales Institute of Teachers in 2004. The institute has fulfilled its promise by implementing the most comprehensive framework for accrediting teachers in Australia. No other State in Australia has designed and implemented such a complete approach to supporting the quality of teachers. The key to this approach is professional teaching standards.

The standards set out what teachers should know, understand and be able to do at four key career stages: graduate teacher; professional competence; professional accomplishment and professional leadership. The institute has used practising teachers to develop processes for accrediting teachers at these career stages. These processes include approving teacher training courses and professional development providers. New South Wales now leads Australia on these important areas of ensuring and supporting teacher quality. There is no other body in Australia with such a broad mandate to advise government on teacher quality. On higher level accreditation, the *Daily Telegraph* observed:

By activating these new top levels of accreditation the NSW Institute of Teachers is pioneering the recognition of excellence in teaching across Australia. ... New South Wales is showing how it can be done.

Further, there is broad support from across the education community for the way in which the institute is working to support the quality of education offered to students in our schools. This bill responds to the requirement in the Act to undertake a review to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. In the main, the proposed changes clarify the intention of the Act in fulfilling the Government's policy objectives for the institute. Extensive consultations have taken place with all relevant stakeholders around the development of these amendments. Wherever possible, stakeholder suggestions have been incorporated into the proposals.

The first changes relate to providing greater flexibility in the definition of a teacher. This will allow, under certain circumstances, some early childhood teachers to benefit from accreditation. The changes are intended to provide the Government with flexibility to more closely integrate early childhood teaching with the teaching profession. This also supports possible developments arising through the current Council of Australian Governments deliberations. In addition, the change will allow the institute to address the current situation where teachers in preschools attached to schools may be required to teach in either setting. The second area of change relates to provisions to revoke accreditation on general grounds, that is, for serious misbehaviour. The changes address anomalies in the current provisions by making the grounds for revocation the same for teachers in government and non-government schools. They also broaden the legal scope of the provisions to include teachers working in temporary and casual positions.

A power to suspend the accreditation of a teacher pending the outcome of an investigation of alleged criminal or serious misconduct is included in the amendment. This means that a teacher under investigation will not be able to continue teaching by simply changing employer. A protection against the frivolous use of suspension by teacher accreditation authorities is included in the amendment. Suspension will only be allowed for periods of three months, after which time the decision to suspend

must be reviewed. In the absence of any ongoing investigation by a competent authority the teacher is to be re-instated. If there is an ongoing investigation by a competent authority the teacher accreditation authority is to notify the institute of a continuance of the suspension for a further three-month period.

Revocation of accreditation on general grounds is to remain the responsibility of teacher accreditation authorities. However, the proposed amendment is aimed at clarifying and strengthening the grounds for revocation. In particular, this amendment provides for consistency of treatment of teachers in the government and non-government sectors. The amendment is to allow for revocation of accreditation on three major grounds: that a person becomes a prohibited person within the meaning of the Commission for Children and Young People Act 1998 or is found guilty of specified criminal offences; is dismissed from permanent employment as a consequence of a finding of serious misconduct; or, in the case of a person who is in temporary or casual employment, would have been dismissed following a finding of serious misconduct.

The first set of circumstances is clear. However, in relation to the second, it is intended that teachers will not be allowed to continue to teach if they have been found guilty of a criminal offence where a conviction results in a custodial sentence of 12 months or more, whether suspended or not. The third set of circumstances relate to cases where there is strong evidence that the person is guilty of a serious offence and the allegation is not proven beyond reasonable doubt but could be on the basis of probability—in particular, cases involving an offence against a minor where the victim is unwilling to give evidence in court.

The criteria and processes for revoking accreditation on general grounds are to be set out in guidelines to be approved by the Minister. These guidelines will provide advice to teacher accreditation authorities on the matters to be taken into account, as well as natural justice considerations in relation to teachers suspected of serious misconduct. Teachers will be able to appeal a decision to suspend accreditation through the Administrative Decisions Tribunal. This capacity already exists for teachers whose accreditation is refused or revoked.

The third area of change allows a power for a regulation to be made for the institute to charge fees for services. The original proposal for the institute foreshadowing fees for some services was endorsed by stakeholders. However, the Act requires a specific or general capacity to charge such fees. This amendment will allow the institute to recoup some of its costs through fees for the endorsement and the registration of continuing education courses and programs. The fourth area of change strengthens the actions that can be taken against teachers who do not meet their legal obligations with regard to accreditation. The amendment allows an employer, following reasonable notice to comply, to suspend without pay or dismiss a teacher for non-compliance with a condition of their accreditation.

Whether a teacher is suspended or dismissed will be an issue for the employer. In practice it is likely that a teacher will be initially suspended, given an opportunity to comply and, if they fail to do so, their accreditation will be revoked and they will be dismissed. There are a number of areas where this will impact, including failure to pay annual fees, to undertake the mandatory professional development or to complete qualification requirements. Reinstatement of accreditation of teachers whose accreditation is revoked for non-payment of fees is to be allowed only upon payment of all outstanding fees. The fifth area of change deals with an anomaly in section 28 of the current Act. Teachers returning to employment after a break of five or more years are required to be accredited and upskilled to meet the changing demands of their role.

Some teachers are able to take extended leave for long periods and technically remain employed. These people are currently not required to be accredited because of their ongoing employment relationship. The proposed amendment clarifies that a person who is returning to teaching in a New South Wales school after a break of five or more years is a returning teacher who must be accredited. The amendment will allow expert existing teachers to continue to be regarded as teachers while working in roles supporting teachers.

The seventh amendment amends section 13 (3) of the Act by deferring the introduction of the requirement for elected members of the Quality Teaching Council to be accredited. Deferring this requirement for another term will allow a larger number of expert teachers to be accredited at the higher levels. While I hope that some new scheme teachers will be members on the council, I believe it important that there is a balance between youth and experience. The amendment also allows the term of office of council members to be extended. This extra level of flexibility allows for effective scheduling of the elections around school terms and years.

The last amendment allows for another review of the Act after a further five years. This amendment

has been enriched by the committed input and constructive criticisms of individuals and representatives of the Department of Education and Training, the Catholic Education Commission, the Association of Independent Schools, non-government school employer groups, primary and secondary principals associations in the government sector, the Teachers Federation, the Independent Education Union, parent organisations, as well as the Teacher Education Council and the Professional Teaching Council. The amendments I propose will strengthen the capacity of the Institute of Teachers to support quality teaching in New South Wales. I commend this bill to the House.