

[STATE ARMS]

New South Wales

## Teaching Standards Bill 1998

### Explanatory note

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

### Overview of Bill

The objects of this Bill are as follows:

- (a) to recognise formally the professional status of teachers,
- (b) to establish professional teaching standards,
- (c) to require teachers to comply with the professional teaching standards,
- (d) to establish a system of registration for teachers,
- (e) to provide that teachers employed in schools must be registered,
- (f) to provide for the deregistration of teachers who fail to comply with the professional teaching standards.

### 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** specifies the objects of the proposed Acts (as outlined in the above overview).

**Clause 4** defines words and expressions that are used in the proposed Act. In particular, a **school** means a government (ie State) school or a non-government school registered under the *Education Act 1990*. A **teacher** includes any person who is employed in a school to provide curriculum education.

#### Part 2 Teaching Standards Board

**Clause 5** constitutes the Teaching Standards Board (the **Board**) as a statutory corporation representing the Crown.

**Clause 6** describes the general functions of the Board. These functions include recommending

professional teaching standards for approval by the Minister, and administering the system of teacher registration. The Board will be subject to Ministerial control in the exercise of its functions.

**Clause 7** provides for the appointment by the Minister of directors of the Board.

**Clause 8** describes the functions of the directors. Primarily, the directors are to determine the policies of the Board.

**Clause 9** provides that the affairs of the Board will, subject to the policies and general directions of the directors of the Board, be managed by a chief executive officer (ie the General Manager).

**Clause 10** provides for the employment of the staff of the Board.

**Clause 11** enables the Board to establish committees to assist it in the exercise of its functions.

### **Part 3 Professional teaching standards**

**Clause 12** provides for the approval by the Minister, on the recommendation of the Board, of professional teaching standards.

**Clause 13** provides for the subject-matter that the standards may deal with.

**Clause 14** provides for the standards to include a Teachers' Code of Ethics relating to matters of professional conduct.

**Clause 15** requires each teacher to comply with the professional teaching standards to the extent to which the standards relate to the teacher.

**Clause 16** provides that it is the responsibility of the principal of each government school, or the proprietor of each non-government school, to ensure that the teachers at the school comply with the professional teaching standards.

### **Part 4 Registration of teachers**

**Clause 17** provides that a person must not be employed as a teacher in any school unless the person is a registered teacher.

**Clause 18** authorises the Board to administer a system of teacher registration.

**Clause 19** enables the Board to register a person as a teacher having regard to the professional teaching standards. A person becomes a registered teacher once the Board includes the person's name on the Register kept by the Board.

**Clause 20** provides that the Board may refuse to register a person on certain grounds.

**Clause 21** provides for the registration of persons who are presently employed as teachers.

**Clause 22** provides for the provisional registration of persons who apply for teaching positions for the first time.

**Clause 23** requires registered teachers to pay an annual registration fee, and requires the payment of an initial fee for entry on the Register.

**Clause 24** requires the Board to maintain a Register of teachers.

**Clause 25** confers jurisdiction on the Administrative Decisions Tribunal to review decisions by the Board to refuse the registration of a person as a teacher.

### **Part 5 Provisions relating to non-compliance with standards**

**Clause 26** provides for the determination by the Board of procedures to deal with teachers who fail to comply with the professional teaching standards.

**Clause 27** enables the employer of a teacher to seek advice of an expert panel of teachers established by the Board as to whether the employer would be justified in reaching a finding that the teacher has failed to comply with the professional teaching standards.

**Clause 28** requires the employer of a teacher to notify the Board if the teacher is dismissed for failing to comply with the professional teaching standards.

**Clause 29** enables the Board to apply to the Administrative Decisions Tribunal for an order to suspend or cancel the registration of a teacher.

**Clause 30** provides that the Tribunal may make an order to suspend or cancel the registration of a teacher.

**Clause 31** provides for appeals against the Tribunal's decision.

### **Part 6 Miscellaneous**

**Clause 32** makes it an offence for a person to falsely represent that he or she is a registered teacher.

**Clause 33** provides that the proposed Act prevails despite any stipulation to the contrary in any contract or agreement.

**Clause 34** empowers the Board to delegate its functions.

**Clause 35** exculpates certain persons from personal liability.

**Clause 36** provides that an offence under the proposed Act is to be dealt with by a Local Court.

**Clause 37** provides that the proposed Act will bind the Crown.

**Clause 38** empowers the making of regulations for the purposes of the proposed Act.

**Clause 39** gives effect to the Schedule of amendments to certain Acts.

**Clause 40** provides for a review of the proposed Act after 5 years.

#### **Schedules**

**Schedule 1** contains provisions relating to the directors of the Board and the procedure of meetings of the directors. A director is to be appointed for a term not exceeding 3 years.

**Schedule 2** contains amendments to certain Acts that are largely consequential on the enactment of the proposed Act. The amendment to the *Education Act 1990* provides that the registration of a non-government school under that Act will be subject to certain requirements such as the requirement that only registered teachers are to be employed at the school.