



New South Wales

# Board of Studies, Teaching and Educational Standards Bill 2013

## 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 constitute the Board of Studies, Teaching and Educational Standards (the *Board*) and to confer on it functions currently exercised by the Board of Studies under the *Education Act 1990* and the NSW Institute of Teachers under the *Institute of Teachers Act 2004*,
- (b) to dissolve the Board of Studies and the NSW Institute of Teachers and to make consequential and other amendments of an administrative nature to the *Education Act 1990* and the *Institute of Teachers Act 2004*.

## 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 day to be appointed by proclamation (except for a consequential amendment to the proposed Act that will coincide with the commencement of the *Government Sector Employment Act 2013*).

**Clause 3** defines certain words and expressions used in the proposed Act. The term *education and teaching legislation* covers the proposed Act, the *Education Act 1990* and the *Institute of Teachers Act 2004*.

## **Part 2 Board of Studies, Teaching and Educational Standards**

**Clause 4** constitutes the Board as a body corporate.

**Clause 5** provides that the Board is to consist of the President of the Board, 3 ex-officio members nominated by the Director-General of the Department of Education and Communities and 19 members appointed by the Minister from various education and teaching sectors.

**Clause 6** specifies the principal objective of the Board and its functions.

**Clause 7** establishes the office of President of the Board.

**Clause 8** specifies the principal functions of the President.

**Clause 9** enables a person to be appointed by the Minister to act in the office of President.

**Clause 10** provides for persons to be employed in the Public Service to enable the Board to exercise its functions.

**Clause 11** provides for committees of the Board.

**Clause 12** enables the Board to delegate its functions.

## **Part 3 Inspections**

**Clause 13** provides for the appointment of persons as inspectors for the purposes of the education and teaching legislation.

**Clause 14** confers powers of inspectors in relation to the inspection of schools and premises of persons who provide courses to overseas students. These powers are currently contained in the *Education Act 1990*.

## **Part 4 Miscellaneous**

**Clause 15** establishes the Board of Studies, Teaching and Educational Standards Fund which is a continuation of the Institute of Teachers Fund under the *Institute of Teachers Act 2004*.

**Clause 16** enables the Board to enter into information sharing arrangements with relevant agencies such as the Department of Education and Communities. Such arrangements may extend to information relating to the teaching workforce and teacher quality.

**Clause 17** makes it an offence to make a false statement in documents (such as applications for accreditation as a teacher) provided to the Minister or the Board under the education and teaching legislation.

**Clause 18** protects members of the Board or a committee of the Board, or members of staff of the Board, from personal liability for things done or omitted to be done in good faith under the teaching and education legislation.

**Clause 19** enables the Board to acquire property by gift, devise or bequest.

**Clause 20** provides for the manner of serving documents on the Board.

**Clause 21** provides for the service of documents on persons under the education and teaching legislation.

**Clause 22** provides for offences under the education and teaching legislation to be dealt with summarily.

**Clause 23** enables offences under the education and teaching legislation to be dealt with by way of penalty notices.

**Clause 24** enables the Governor to make regulations for the purposes of the proposed Act.

**Clause 25** enables the Board to make rules in respect of its functions. Such a power is currently contained in the *Education Act 1990* in respect of the Board of Studies.

**Clause 26** provides for the review of the proposed Act within 5 years.

## **Schedule 1 Members and procedure of Board**

**Schedule 1** contains provisions relating to members and procedure of the Board that are standard provisions for statutory corporations. Provision is included in relation to the nomination of the appointed members and to ensure that certain education and teacher related interests are represented on the Board.

## **Schedule 2 Savings, transitional and other provisions**

**Schedule 2** provides for the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act or any Act that amends the proposed Act. The Schedule also dissolves the Board of Studies and the NSW Institute of Teachers (including its Board of Governance) and provides for the transfer of the assets, rights and liabilities of the former bodies to the new Board.

## **Schedule 3 Amendment of Education Act 1990**

**Schedule 3** amends the *Education Act 1990* as a consequence of the proposed Act. The registration requirements for non-government schools under section 47 of that Act are also amended to include the requirement that a school must have policies and procedures in place for the proper governance of the school and to ensure that a student enrolment and attendance register is maintained.

## **Schedule 4 Amendment of Institute of Teachers Act 2004**

**Schedule 4** amends the *Institute of Teachers Act 2004* as a consequence of the proposed Act (including the repeal of administrative provisions relating to the NSW Institute of Teachers which are being replicated in the proposed Act). The name of the Act is also changed to the *Teacher Accreditation Act 2004*.

## **Schedule 5 Amendment of other Acts**

**Schedule 5.1** contains amendments to the proposed Act that will commence when the *Government Sector Employment Act 2013* commences. These amendments include aligning the employment arrangements for the President of the Board (who will continue to be a statutory officer appointed by the Governor) with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*.

**Schedule 5.2 and 5.3** make consequential amendments to the *Public Finance and Audit Act 1983* and the *Public Sector Employment and Management Act 2002*.