



New South Wales

Teacher Accreditation Amendment Bill 2021

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 *Act*) as follows—

- (a) to ensure the protection of children is paramount in the administration of the Act,
- (b) to enable the NSW Education Standards Authority (the **Authority**), instead of teacher accreditation authorities, to grant all types and levels of accreditation for teachers in schools and early childhood education centres,
- (c) to enable the Authority to carry out assessments of suitability to teach in relation to certain individuals in certain circumstances,
- (d) to make it clear that a person who supports and leads the development and implementation of the delivery and assessment of educational programs and courses in a school or early childhood education centre, for example a principal, is required to be accredited,
- (e) to abolish the Quality Teaching Committee,
- (f) to enable the Authority to obtain information from, and share information with, certain other government agencies, schools, centres and organisations,
- (g) to make other consequential amendments.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Teacher Accreditation Act 2004 No 65

Schedule 1[1] makes it clear an early childhood education centre does not include a family day care service or an out-of-school hours or vacation care service.

Schedule 1[4] and [5] makes it clear a person who supports and leads the development and implementation of the delivery and assessment of educational programs and courses in a school or early childhood education centre, for example a principal, is required to be accredited. **Schedule 1[2], [3] and [6]** make consequential amendments.

Schedule 1[7] requires the Act to be administered under the principle that, in an action or decision concerning a particular child or young person, the safety, welfare and wellbeing of the child or young person are paramount.

Schedule 1[8] substitutes Part 2 with the effect of abolishing the Quality Teaching Committee. Proposed Part 2 sets out the functions of the Authority and enables the Authority to obtain information from, and share information with, certain other government agencies, schools, centres and organisations.

Schedule 1[10] requires the Authority to maintain a public register of teachers on the Authority's website. **Schedule 1[9]** makes a consequential amendment.

Schedule 1[13] enables the professional teaching standards to deal with the conditions and criteria relating to an individual's suitability to teach and the procedures and guidelines to be followed in relation to accreditation, including the suspension or revocation of accreditation.

Schedule 1[14] and [15] enable the Authority, instead of teacher accreditation authorities, to accredit teachers under the Act. An applicant for accreditation must authorise and consent to the disclosure of the applicant's criminal and disciplinary history to the Authority, as well as other inquiries relevant to the applicant's suitability to teach. **Schedule 1 [11], [12], [20], [22], [24], [25], [29] and [30]** make consequential amendments.

Schedule 1[17] removes the requirement for the Authority to give written notice of the suspension or revocation of a person's accreditation if the person is subject to an interim bar or if the person's working with children check clearance is cancelled under the *Child Protection (Working with Children) Act 2012*.

Schedule 1[18] makes it clear a person is taken not to be accredited during a period in which the person's accreditation is placed on hold. However, during the period, the Authority may revoke or suspend the person's accreditation.

Schedule 1[19] makes it clear a working with children check clearance that authorises the person to engage in paid child-related work must be held by a person applying for teacher accreditation.

Schedule 1[21] removes the requirement for the supervision of a conditionally accredited person to be provided on-site.

Schedule 1[23] removes the 12-month time limit within which a conditionally accredited person must complete an approved course to be granted provisional accreditation.

Schedule 1[26] makes it clear the Authority may provisionally re-accredit a person more than once if the person has failed to be accredited at proficient teacher level.

Schedule 1[27] inserts Part 4, Division 4 to enable the Authority to carry out assessments of suitability to teach in relation to certain individuals in certain circumstances. In making an assessment of suitability, the Authority must check the individual's criminal and disciplinary history and may require the individual to provide further relevant information or undergo a health assessment. **Schedule 1[16]** makes a consequential amendment.

If the Authority assesses an individual as not suitable for teaching, the Authority may—

- (a) if the individual is accredited—revoke or suspend, or impose conditions on, the individual's accreditation, or
- (b) if the individual has applied for accreditation—the Authority must refuse to grant the accreditation.

Schedule 1[28] enables the Authority to grant non-practising accreditation if a person satisfies the requirements for the accreditation but does not intend to undertake the duties of a teacher in a school or early childhood education centre.

Schedule 1[31] requires the employer of an accredited person to notify the Authority if the employer—

- (a) commences or finalises disciplinary proceedings against the person in relation to alleged misconduct while employed as a teacher, or
- (b) dismisses the person from employment as a teacher for a reason for which the accreditation of a person may be revoked, or
- (c) includes the person in the list of persons who are not to be employed in the Teaching Service.

Schedule 1[32] inserts savings and transitional provisions.