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**Teacher Registration**

by

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**Briefing Paper No 6/2000**

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## **EXECUTIVE SUMMARY**

The employment of teachers in government schools is governed by the *Teaching Services Act 1980*, and that of teachers in non-government schools by contract with either the central authority or board conducting the school. However non-government schools need to comply with the requirements of the *Education Act 1990* (pages 1-3). Over the years, the introduction of a teacher registration system has been canvassed, at both the federal (pages 10-17) and state level (pages 21-30). No such system has been put in place in New South Wales to date. The most recent attempt was in late 1998 with the introduction of the Teaching Standards Bill (pages 30-40). It would appear that while the majority of stakeholders appeared to support the arguments behind teacher registration, the negotiations on how the proposal would actually be implemented are stalled (pages 3-6). Approaches taken in other Australian jurisdictions (pages 17-20) and overseas (pages 6-10) are discussed.

## 1 INTRODUCTION

There are two separate and distinct rationales behind the introduction of a teacher registration scheme. The first is linked to the findings of the Wood Royal Commission in its investigation of activity and protection of paedophiles in New South Wales, which revealed evidence of people convicted of child sex offences working within both the private and public education sectors. The Commission recommended a number of measures be implemented to minimise the ability of those convicted of such offences to find employment working with children. In March 1997 State and Territory Education Ministers agreed in principle to the establishment of a National Register of persons unsuitable for teaching because of convictions or dismissal for sexual misconduct. This register would enable any teacher applying for a job in another State or Territory to be subjected to background checks. The second relates to formalising teaching as a profession, and as part of this process, requiring compliance with similar stringencies as those placed on other professions such as doctors, lawyers, accountants, engineers, and veterinarians.

The focus of this paper is on the second, more general, aspect of teacher registration. For a discussion of the issues related to registration of those who work or deal with children see the following Parliamentary Library Research Service publications written by Rachel Simpson: *Initial responses to the Wood Royal Commission report on paedophilia*, Briefing Paper 8/98; *The Commission for Children and Young People Bill 1998 and other child protection initiatives*, Briefing Paper 14/98; and *Megan's law and other forms of sex offender registration*, Briefing Paper 22/99.

## 2 THE EDUCATION SYSTEM IN NEW SOUTH WALES <sup>1</sup>

### Background

In 1848 the Governor of New South Wales appointed a Board to establish and maintain a public school system for the Colony. In 1880, administration of the system was vested in the Department of Public Instruction, which in 1915 became the Department of Education and in 1989, the Department of School Education. In December 1997 an amalgamation between the Department of Training and Education Co-ordination, TAFE New South Wales and the Department of School Education occurred, with the resulting single agency being re-named the Department of Education and Training.

The Department of Education and Training administers some 2,220 public schools which cater for approximately 750,000 students throughout the State. There are approximately 50,000 teachers (including casual teachers) employed to teach within Department of Education and Training schools.

In the non-government school sector there are approximately 500 Catholic systemic schools

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<sup>1</sup> Information in this section is taken from the *Royal Commission into the New South Wales Police Service, Final Report, Vol V: The Paedophile Inquiry*, August 1997, Chapter 10, pp949-988.

operated under the Diocesan Catholic Education Office, and an additional 450 (approximately) independent non-systemic schools responsible to various school councils and boards, churches or religious orders. There are approximately 18,500 employees in non-government schools (including support staff and those employed in early childhood centres and private business colleges).

### **Employment of teachers**

*Government schools:* Teachers are appointed pursuant to the *Teaching Services Act 1980*. They are expected to disclose details of any criminal history, and are informed that the Department of Education and Training will make a criminal records check with the Police Service. There is a face to face interview with the District Superintendent. Whilst awaiting approval for permanent employment, applicants are able to undertake casual work if it is available, and if they are approved for casual teaching. No system for registration applies, appointment being dependent on demonstration of suitable qualifications and good character.

*Non-government schools:* In almost all cases, teaching staff are appointed by the Principal. Although within the Catholic school system the employment contract is with the central authority, the appointment is made at the local level. For independent schools the contract is with the authority or board conducting the school, each of which is free to adopt its own selection procedures. There are approximately 400 separate employing authorities relying on formal and informal processes to assess staff at the point of employment. Again, no system of registration or official accreditation applies.

### **Termination of employment**

*Government schools:* The *Teaching Services Act 1980* governs the procedures to be followed in respect of alleged breaches of discipline by teachers which may lead, inter alia, to dismissal. Under the Act a breach of discipline includes engaging in misconduct or disgraceful or improper conduct. If a teacher is charged with a breach of discipline a hearing may be conducted, or a written submission called for, by prescribed officers of the Department. At the conclusion of a hearing, or on review of a submission, a decision is made whether the charge has been proved. The penalties available include caution, reprimand, fine, reduction in wages or demotion. In addition, the teacher can be dismissed from the Service or directed to resign. An appeal lies to the Government and Related Employees Appeals Tribunal (GREAT) in respect of the finding of breach and penalty. There is an appeal to the Supreme Court from GREAT but only on questions of law. There is also an appeal to the Industrial Relations Commission (IRC) in respect of dismissal or threatened dismissal. The Director-General or a prescribed officer may suspend an employee who has been: (i) charged with a breach of discipline; or (ii) charged with a 'serious' offence punishable by imprisonment for 12 months or more. Such a suspension may be removed at any time.

Until April 1997, clause 19 of the Regulations under the *Teaching Services Act 1980* required that in cases in which a charge for breach of discipline was not proven, 'the charge' must not be recorded in (or, if already recorded, must be removed from) the teacher's

personal record. In April 1997 an amendment was made to provide that a 'charge' that a member of staff engaged in 'conduct of a sexual nature involving children or students' is to be recorded separately from the teacher's personal record, and is to be kept under strictly limited access as approved by the Director-General. The amendment also requires that if the 'charge' is found not to be proved that fact must also be noted on the record that is kept. The effect of the amendment is to permit a 'charge' of this kind to be retained, whereas other charges involving a breach of discipline which are found not proved, are not to be recorded or if already recorded are to be removed.

*Non-government schools:* The terms of each teacher's employment contract govern the manner in which a teacher can be dismissed or a resignation required. Any decision for dismissal based on fitness to continue in employment is essentially a matter for the principal of the school and the employing authority. In accordance with the general law, a teacher dissatisfied with a dismissal would have a right to appeal to the IRC on the ground of unjust dismissal.

A succession of education ministers have been aware of the difficulties faced when attempting to remove unsatisfactory or under-performing teachers. In 1986 the Hon R Cavalier MP, then Minister for Education, set up a committee to investigate whether there were fair ways of removing teachers who were not up to teaching expeditiously and efficiently. He abandoned the idea saying: 'The best I could get was an agreement with the New South Wales Teachers Federation that the school principal was to be the arbiter of a teacher's efficiency, and the school teaching staff would give peer support to teachers whose performance was causing concern.'<sup>2</sup>

### 3 KEY ISSUES IN THE DEBATE

A close examination of the debate surrounding the introduction of registration reveals that in reality there are very few actual objections to the concept per se. It is more common that concerns are expressed about the implementation of such a system or the particular model being proposed. For example:

- would registration be for life or for a limited period requiring regular renewal ? If it needs to be reviewed, how will this be determined and by who ?
- would there be a distinction in standards for beginning teachers and those who have greater experience ?
- if a list of professional standards were drawn up to be used as a means by which a teacher's performance could be measured, how would this be determined and by who?
- who would assess whether teachers have met standards for registration (whether initial or ongoing), and by what processes ?

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<sup>2</sup> 'Getting bad teachers out', *Sydney Morning Herald*, 5 May 1997.



- how could it be guaranteed that the processes will be adequate but not too costly ?
- what would happen if teachers were deemed not to meet the standards for registration ? How might de-registration work ?

A number of the more specific criticisms related to the details of the Government's proposal. For instance:

- The fear that independent schools would be unable to continue to employ specialist staff such as music teachers and sports coaches who do not have formal teaching qualifications.
- The rejection of the need for teachers to pay a registration fee.
- The rejection of the assumption that the registration of teachers would lead to an automatic lift in the public standing of the teaching profession.
- The argument that it was necessary to have registration to bring teaching into line with other professions was also rejected by some who pointed to professions where compulsory registration was not a pre-requisite for joining that profession. An example is the engineering profession which began a system of voluntary registration two or three years ago. It has subdivisions based on categories and within each category there are different grades: student, associate, affiliate, graduate, companion, member, senior member, fellow and honorary fellow. The preferred model for teacher registration put forward by the Coalition would operate on such a graded system, and would allow for provisional entry of students and those without a full degree qualification.<sup>3</sup>

The main arguments given to support the introduction of registration are:

- It would enhance the status of the teaching profession. In the Ministerial Discussion Paper it is argued that this would be achieved by:<sup>4</sup>
  - bringing together employers, unions, universities, professional associations and parent organisations to establish and maintain standards and ethics for all teachers;
  - independently recognising the training and qualifications of teachers as they enter the profession;
  - establishing a systematic process for recognising teachers' training, qualifications and experience as they move between schools and between school systems;
  - ensuring effective collaboration with teacher education institutions so that teachers

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<sup>3</sup> Mr M Richardson MP, *NSWPD*, Legislative Assembly, 18 November 1998, p10256.

<sup>4</sup> *The Establishment of a Teacher Registration Authority in New South Wales*, Ministerial Discussion Paper, Department of Training and Education Co-ordination, August 1997, p8.

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entering the profession are equipped with the knowledge and skills which schools require;

- ensuring that the profession is responsive to continuous changes in education by regular participation in relevant training and development; and
- ensuring that students across New South Wales are taught by teachers who have reached agreed standards and enjoy the confidence of an independent authority in the quality of their teaching.
- It would regulate the quality of teaching by requiring specified minimum qualifications for registration. This would ensure that all students across the State were being taught by teachers who have reached an agreed standard. Some models of teacher registration include the accreditation of teacher education programs as part of the registration authority's responsibilities, thus enabling a degree of consistency to be achieved. In New South Wales at present there are differing standards with the result that a teacher who is accepted as qualified in one system or school is not automatically deemed to be so in another.
- It would ensure the maintenance of professional standards and ethical behaviour. Models of registration in teaching and other professions often include a capacity for responding to those who fail to meet certain standards in their professional practice or conduct. This generally is done through an investigatory, disciplinary and appeals process. Currently there is no consistent approach taken in New South Wales schools and school systems, giving rise to the possible application of different standards for people who are engaged in essentially the same work.
- It would bring the teaching profession into line with most professions which require registration, including the necessity to regularly maintain and upgrade knowledge and skills. A system of teacher registration could make re-registration contingent upon evidence of regular updating of knowledge and skills.
- It would provide a mechanism to prevent those who are incompetent or who have engaged in serious improper conduct, including child sexual assault, from teaching. In regard to the issue of incompetence, the Ministerial Discussion Paper <sup>5</sup> argues that registration would enable incompetence in teaching to be defined as a professional matter in which the profession has a legitimate interest, thus removing it from an overtly industrial relations context. As for the issue of improper conduct, evidence given at the Wood Royal Commission revealed how teachers were able to move between schools and school systems because there was no uniform monitoring process for the profession.
- It would enhance, rather than restrict, teacher mobility. The Ministerial Discussion

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<sup>5</sup> See note 4, p9.

Paper <sup>6</sup> argues that the proposal would facilitate the movement of teachers between schools and school systems within New South Wales. Employers would be able to rely on the registration process to verify qualifications and professional standing, avoiding the cost and time involved in conducting their own verification. The movement of teachers from other States and Territories would be enhanced. At present, teachers from interstate need to deal with many employers rather than one registration body with consistent policies and standards. At the same time the proposal does not limit the authority of individual employers to make decisions about the employment of staff who meet their particular requirements.

#### 4 APPROACHES TAKEN OVERSEAS <sup>7</sup>

*The United States of America:* In response to concerns raised in relation to the American education system, a strategy was put in place to introduce: accreditation of teacher education programs; accreditation or certification of effective teachers; and performance-based State licensing of beginning teachers.

It should be noted that the function of licensing of 'beginning' teachers in the United States is separate from professional certification or accreditation of 'accomplished' teachers:

State licensing performs a different function from professional certification. Members of all professions and many other occupations must be licensed by the States in which they wish to practice, meeting standards of minimal competence established by each State to protect people from harm. Often these standards are established by professional standards boards to whom the State delegates this function.

Professional certification on the other hand, is based on standards - often more advanced or exacting ones - established by the profession itself, sometimes through a national organisation like the National Board of Medical Examiners or National Architectural Registration Board. These standards are generally developed to represent high levels of competence and skill. <sup>8</sup>

The National Board for Professional Teaching Standards (the National Board) was established in 1987 in response to increasing public concern about the professionalism and quality of the teaching force in the United States. Its mission was to 'establish high and rigorous standards for what teachers should know and be able to do, to certify teachers who

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<sup>6</sup> See note 4, p9.

<sup>7</sup> Much of the information in this section is taken from the Ministerial Advisory Council on the Quality of Teaching Report, *Towards Identifying Professional Teaching Standards for New South Wales Schools*, New South Wales Department of Education and Training, October 1998, pp15-36.

<sup>8</sup> See note 7, p16.

meet those standards, and to advance other education reforms for the purpose of improving student learning in American schools'.<sup>9</sup> However, the Board has no statutory base and participation in the scheme is voluntary, and designed for experienced, not beginning, teachers. It is intended to complement State systems of mandatory registration for beginning teachers. These mandatory registration systems deal with minimum standards, whereas the National Board's approach of professional certification aims to provide assurance of high quality practice. The distinctions between the State licensing scheme and the National Board certification scheme are shown in the Table below:<sup>10</sup>

<b>State Licensing</b>	<b>National Board Certification</b>
Protects the public interest	Promotes the teaching profession and recognises accomplished teachers
Sets threshold levels of competence for entry-level, novice teachers or teachers relocating to a State for the first time	Establishes advanced standards for experienced teachers
Is mandatory for all regularly employed public school teachers	Is voluntary
Requirements vary from State to State	Reflects a single, nationally recognised set of high and rigorous standards for what accomplished teachers should know and be able to do
Is focused on the completion of a course of study defined by the State	Focuses on knowledge, performance and professional judgement
Is created with little teacher involvement	Involves teachers in all aspects of development
Determines State requirements for continued renewal of licenses	Complements the new standards-based State licensing efforts

The National Board argues that by verifying accomplished teaching, 'it has the potential to serve as a catalyst for improving the quality of teaching in schools as the significance of certifying outstanding teachers and the value of having those teachers in schools is recognised by the community.'<sup>11</sup>

Teacher applicants lodge \$US3000 to apply for National Board registration: so far approximately only one-third of the applicants succeed. Those who are successful are generally rewarded with a significant annual salary increment. The actual amount varies from State to State but \$US10,000 per year is not an atypical amount. A recent analysis of the characteristics of successful candidates found that these teachers are, more typically, teaching in 'white' schools located in higher socio-economic communities.<sup>12</sup> Ingvarson points out that:

<sup>9</sup> National Board of Employment, Education and Training, Schools Council, *A National Professional Body for Teachers: A Discussion Paper*, AGPS, 1991, p30.

<sup>10</sup> Information located on the National Board's website: <http://www.nbpts.org> accessed on 17 March 2000.

<sup>11</sup> See note 9, p30.

<sup>12</sup> See note 7, p21.

Steadily increasing numbers of education authorities are accepting Board certification as evidence of professional development and a basis for salary differentials. Six States and 14 districts provide salary supplements for Board certification; 11 States recognise Board certification for license renewal and continuing education units, and 13 States accept it for license portability purposes. There is an obvious advantage for schools and districts, who are not reluctant to advertise that they have a higher number of National Board certified teachers than others.<sup>13</sup>

In 1987, at the same time as the National Board began to develop standards for accomplished teachers the USA Council of Chief State School Officers established the Interstate New Teacher Assessment and Support Consortium (INTASC) to enable the States to work with the National Board on the development of professional standards for the initial licensing of teachers. From the outset, INTASC took the view that the primary focus of licensing requirements for teachers should move from qualification requirements, which list courses that teachers should take in order to be awarded a licence - towards performance-based requirements, which assess what teachers 'should know and be able to do'. It was agreed that standards would apply at the point of licensing which, for the majority of States, means at the end of a one year period of induction.

*Canada – Ontario:*<sup>14</sup> The Government of the Canadian province of Ontario has delegated its authority to regulate the teaching profession to the Ontario College of Teachers under the *College of Teachers Act*.<sup>15</sup> With its 170,000 members (entry fee is \$90) the College offers an interesting model of licensing, governing and regulating teaching through a self-regulatory body which is responsible for determining professional standards for teaching. The College is accountable to a 31 person Council: 17 are elected (mainly teachers), and 14 are appointed by the government (including parents, school trustees and people from faculties of education, business and community). To teach in Ontario's publicly funded schools, registration with the College is required, and many private schools also demand this registration of their teachers. The Ontario College of Teachers has the power to suspend or remove a teacher's certification. The College has only recently started the process of developing standards.

Other Canadian Provinces are developing their own forms of quality assurance within the teaching profession.

*New Zealand:*<sup>16</sup> The *Education Act 1989* requires all school authorities (both state and

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<sup>13</sup> L Ingvarson, 'Professional Development as the Pursuit of Professional Standards', paper presented at the *Professional Standards and Status of Teaching Conference*, Edith Cowan University, Perth, 24-26 February 1998.

<sup>14</sup> Seen note 7, p25.

<sup>15</sup> Information located on the Ontario College of Teachers website: <http://www.oct.on.ca> accessed on 17 March 2000.

<sup>16</sup> Information located on the New Zealand Teacher Registration Board website:

private schools) to employ only teachers with a current practising certificate, or a limited authority to teach. Where an employer wants to employ a teacher who does not meet registration criteria there is provision for them to be appointed temporarily under a limited authority to teach. Once fully registered with the Teacher Registration Board, teachers will have a certificate to show not only that they are trained, but that they have proved themselves to be satisfactory practitioners and they continue to meet registration standards of good character, fitness to teach and satisfactory performance. Registration is an endorsement by the profession that minimum standards have been reached and continue to be maintained.

Teachers registered provisionally have up to five years to move to full registration. They do this by meeting criteria of: teaching continuously for a minimum period of two years; being supervised by a fully registered teacher and endorsed as meeting the Teacher Registration Board's 'satisfactory teacher' criteria; and being recommended for full registration by the principal or head-teacher of the school where they are employed. Once full registration is achieved, it is maintained by renewing the practising certificate every three years. This will occur if the satisfactory recent teaching requirements are met at the time of renewal. A third category, 'registration subject to confirmation', is available primarily for overseas teachers but also for New Zealand teachers re-entering the profession. Teachers in this category have up to three years to move to full registration.

Pursuant to Part X of the *Education Act 1989* fees are charged for registration. As at 1 January 1997: an application for registration was \$45.00 (for successful applicants this fee included the cost of the practising certificate); renewal of a three year practising certificate was \$45.00; and an application for a limited authority to teach was \$25.00.

The Teacher Registration Board, which began in 1989, determines the policies by which teachers will be registered; maintains a register; approves registrations of different categories and issues practising certificates; and decides if a teacher's name is to be removed from the register. It provides an Annual Report of its activities to the Minister for Education.

In 1997, the New Zealand Ministry of Education released a Green Paper, *Quality Teachers for Quality Learning: A Review of Teacher Education*, as a basis for consultation on the issues of teacher registration and professional standards. In the Green Paper it was proposed to establish a professional body for teachers which would develop professional standards. A response to this Discussion Paper was produced in July 1998.<sup>17</sup> At the time of writing the New Zealand Government has still to decide whether such a body will be established and what its functions might be.

*The United Kingdom:* The Teacher Training Agency was established in England as a

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<http://www.trb.govt.nz> accessed on 17 March 2000.

<sup>17</sup> *Quality Teachers For Quality Learning: A Review of Teacher Education*, Report on Submissions, July 1998, located on the New Zealand Ministry of Education website: <http://www.minedu.govt.nz/Teacher/Review97/finalsubs> accessed on 17 March 2000.

mechanism for establishing and maintaining teacher standards. It was originally thought that this body would be predominantly concerned with initial Teacher Training but its functions were systematically broadened so that there are few stages of teaching or areas of teacher education which are beyond its scope. It has decided to establish a General Teaching Council for England and Wales, along the lines of the General Teaching Council of Scotland, which is discussed below.

*Scotland:* The General Teaching Council for Scotland (GTC) was created in 1966 in response to public and professional dissatisfaction with standards in the profession. It was designed to regulate entry to the profession, and give teachers responsibility for regulating their profession. As a statutory body it is responsible for:

- registering all teachers (it is illegal for education authorities to employ an unregistered teacher) and for removing a name from the register as a result of a disciplinary decision;
- considering annual proposals for the number of teachers entering colleges of education;
- overseeing the management of teacher probationary services;
- scrutinising all proposals for new teacher education courses. It can require changes to these courses before granting approval, and it can review courses of training; and
- providing advice on good practice and education policy.

## **5 INITIATIVES TAKEN IN AUSTRALIA**

While the concept of a registration system for teachers had its origins in the emerging sense of professional identity felt by teachers in the 1960s, as early as 1964 the Commonwealth Committee on the Future of Tertiary Education in Australia, (the Martin Committee) had recommended that in each State there should be a Board of Teacher Education set up as a statutory authority to advise Government on matters concerning teacher education.

Since the early 1990s the question of establishing standards for the teaching profession and a mechanism for ensuring compliance with those standards has again been on the agenda, at both a state and federal level. Although the State and Territory governments administer their own systems of primary, secondary and TAFE education through government departments and agencies responsible to State Ministers, the Commonwealth government is involved in promoting national consistency and coherence in the provision of education across Australia.

### **(i) Federal initiatives**

In November 1991 the National Board of Employment, Education and Training, Schools Council, released a Discussion Paper entitled *A National Professional Body for Teachers*. It took the view that as many of the concerns expressed about the quality of teaching were common across Australia, the most efficient and effective way of dealing with them would be at the national level, through the development and promotion of national standards of good practice. It argued that a professional body for teachers could have responsibility for regulating, maintaining and enhancing the quality of the profession. In relation to the issue of national teacher registration it put forward several models for consideration including:

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a voluntary national system; a system of mutual recognition; a voluntary, self-regulatory model; staged national registration; and compulsory national registration.<sup>18</sup>

*A voluntary national system of teacher registration:* would involve only those State and Territory registration and classification bodies that wished to participate; it would be complementary to any existing State or Territory system; and it would be based on an agreed national benchmark, which would not be compulsory and would not affect employment in those schools and school systems with employment requirements inconsistent with the benchmark. Criticisms of this model were that it was voluntary, and because many of its requirements would not be mandatory it would be virtually ineffective in terms of regulating the profession at a national level.

*A system of mutual recognition:* would rely on recognition across States and Territories of persons registered in 'equivalent occupations'. Under this model, a person registered to practise an occupation in one State or Territory would automatically be accepted for registration in an equivalent occupation in another State or Territory. This model assumes that prerequisites for employment are consistent throughout Australia. However, as this is not the case for teachers, the model would seem inappropriate for the teaching profession.

*A voluntary self-regulatory model:* would be similar to that existing for engineers, accountants, doctors and so on, and although voluntary would have the advantage of applying professional standards derived from the profession's commitment to maintaining and enhancing quality practice. Again the voluntary nature of this proposal was criticised.

*Staged national registration:* would involve building on existing arrangements, beginning with the setting of a national benchmark for teacher registration. Teachers seeking registration would be required to meet this national benchmark prior to applying for registration to practise in either private or public sector schools. This model could potentially encourage the development of a nationally consistent set of minimum professional standards that would be integrated into employment criteria and pre-service education and training as a basis for a national registration process.

*Compulsory national registration:* would require agreement by all States and Territories and non-government schools and school systems to a process of registration involving the endorsement of a set of national registration criteria as a prerequisite for employment in any school or system and the development of national professional standards. It would also involve delegating to the national professional body State and Territory responsibility for the registration of teachers and final responsibility for disciplinary action, such as de-registering teachers.

The issues raised in the National Board of Employment, Education and Training's Discussion Paper do not appear to have been acted upon, although a National Conference was held in March 1992 to consider options for a national framework for teachers' qualifications and professional standards. The Conference strongly supported the

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<sup>18</sup> See note 7, pp18-20.



development of a National Teaching Council which would establish, maintain and improve standards for entry to, and continued membership of, the teaching profession and provide a basis for the national recognition of qualifications. This body would also develop a national framework for a system of registration of teachers in Australia, including applicants from overseas, which would be based on agreed standards of entry to and continued membership of the profession, and which would provide a basis for national recognition of qualifications.<sup>19</sup>

Agreement was reached that a national teacher framework would need to provide for:

- professional registration as a function of a National Teaching Council;
- registration of all teachers in Australian schools;
- agreed standards of entry to the teaching profession;
- alternative pathways into the profession for persons with apparent aptitude and relevant experience;
- national recognition of teaching qualifications;
- common criteria for registration for all teachers, including applicants from overseas;
- common processes for registration for all teachers;
- full registration dependent upon completion of an appropriate period of successful experience as a teacher in Australian schools;
- agreed standards for continued membership of the profession.

Once again this proposal appears to have languished.

The issue was next examined in some detail at the Federal level by the Senate Employment, Education and Training References Committee, which received a reference on 20 June 1996 to inquire into and report on 'the status of teachers and the development of the profession during the next five years'. The Report entitled *A Class Act: An Inquiry into the Status of the Teaching Profession* was tabled on 31 March 1998. It recommended the establishment of standards for teachers through a national body. Major findings of this report included:

**Recommendation 1:**

- That the Commonwealth Government facilitate the development of a national professional teaching standards and registration body to have the responsibility, authority and resources to develop and maintain standards of professional practice. The national body should work closely with State governments and peak teaching organisations. The national body will:
  - establish standards of professional practice which take into account what teachers should be expected to know and be able to do in order to facilitate student learning across the key learning areas;

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<sup>19</sup> N Fry, 'Teacher Registration in Australia: Some Options for a National Framework', unpublished draft paper prepared for the Working Party on National Professional Issues, National Project on the Quality of Teaching and Learning, May 1992, p2.

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- certify levels of entry into the profession, criteria for re-registration and recognition of advanced standing in the profession;
  - accredit programs of initial teacher training and establish the professional development framework for the maintenance of the professional expertise of teachers;
  - make recommendations to the Commonwealth Minister on priorities for national professional development programs;
  - consider and act on complaints of professional incompetence, and assist teachers to improve their skills;
  - manage a register of teachers who meet and maintain professional standards and are thereby eligible for employment as teachers in both government and non-government sectors of education; and
  - promote the value of teaching in the general community.
- That the national professional teaching standards and registration body should be empowered to delegate aspects of its authority, and such tasks as it sees fit, to appropriate agencies or teacher associations.
  - That the national body should cover all sections of the industry and teachers from all sections of education, including those in early childhood, government and non-government schools, vocational education and training, TAFE, adult and community education and, in time, universities.
  - The national body should be funded by governments and by teachers' registration fees.

The Committee stated:

As this Report shows, steps to improve morale and to address the difficulties described will go a long way to achieving quality outcomes in education. Teaching needs to be accepted as a profession. To reinforce that view, the recommendations in this Report aim to give teachers responsibility for professional standards in teaching and governments responsibility for staffing, facilities and back up support.<sup>20</sup>

On the issue of registration the Committee said:

Registration is the legal mechanism by which state authorities give permission to applicants to practise their profession within that

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<sup>20</sup> Senate Employment, Education and Training References Committee, *A Class Act: Inquiry into the Status of the Teaching Profession*, AGPS, March 1998, p2.

state's jurisdiction. Arrangements for registration vary between jurisdictions. In the Committee's view, registration should provide the legal benchmark for employment of teachers, whether in the government or non-government sectors. This is because governments have an obligation to all students, regardless of their location, to ensure that they are being taught by a properly qualified teacher.<sup>21</sup>

According to the Committee, registration standards should be developed with attention to standards of professional practice, and concern for the qualifications and competencies of those at the beginning of their teaching careers. Accordingly, registration should occur in two stages, namely provisional and full registration. Provisional registration would rely on the person possessing the relevant university qualifications and formal professional qualifications. And only those professional qualifications acquired through a nationally-accredited teacher training course would be acceptable for provisional registration purposes. Once provisional registration had been granted the person would be permitted to teach in a school. If a satisfactory assessment was made following the person's first year of teaching, full registration would be granted. Teachers would be required to re-register every few years, with proof of satisfactory performance and ongoing professional development being the core criteria for renewal.

The Committee concluded that:

Registration serves an important purpose as gatekeeper for entry into employment in schools, and registration standards are a vital consideration. However, the Committee is of the view that current registration arrangements, which are generally limited and variable between jurisdictions, do not provide the necessary ongoing guarantees of standards of professional practice.<sup>22</sup>

The Government Senators on this Committee did not concur with the majority in relation to Recommendation 1. They felt that as schools are primarily a State and Territory government responsibility, issues such as standards and registration should be directed to them in the first instance and then to the Ministerial Council on Employment, Education Training and Youth Affairs (MCEETYA) for issues relating to national consistency and mutual recognition. In place of Recommendation 1 they suggested the following recommendations be adopted:

- 1 That State and Territory governments examine the possibility of the establishment of teacher registration boards with functions, membership and funding similar to those now operating through the Teacher Registration Board in Queensland (the situation in Queensland is discussed below at page 17).

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<sup>21</sup> See note 20, p15.

<sup>22</sup> See note 20, p16.

- 2 That MCEETYA investigate the establishment of a framework for mutual recognition of teacher registration arrangements adopted by boards of teacher registration in each State and Territory.
- 3 That MCEETYA, working closely with State and Territory teacher registration bodies, examine the feasibility of establishing:
  - Nationally consistent standards of professional practice which take into account what teachers should be expected to know and be able to do in order to facilitate student learning across the key learning areas;
  - Certified levels of entry into the profession, criteria for re-registration and recognition of advanced standing in the profession;
  - Accreditation arrangements for initial teacher training and a professional development framework for the maintenance of the professional expertise of teachers;
  - A system for making recommendations to the Commonwealth Minister on priorities for national professional development programs;
  - Mechanisms for acting on complaints of professional incompetence, and assisting teachers to improve their skills;
  - A national register of teachers certified by State and Territory registration boards as meeting and maintaining professional standards and thus eligible for employment as teachers in both government and non-government schools.

The Government tabled its response to the Senate Committee's Report in November 1999,<sup>23</sup> stating that it did not accept a number of the recommendations made. In relation to Recommendation 1 it noted that many elements of the recommendation relate to matters that are the primary responsibility of State and Territory authorities and teacher employers in the States and Territories. It continued:

There is a difference between a system of registration of teachers, which would be a recognition that a person has met the minimum standards required for employment, and the code of high professional standards required to raise professional status, which as the report indicates, is the responsibility of the profession itself. The Government is not persuaded that the evidence provided demonstrates a connection between teacher registration and teacher professionalism. As indicated in the minority report, the implementation of this recommendation would require a high degree of collaboration between authorities involved, particularly

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<sup>23</sup> *Parliamentary Debates*, Senate, 30 November 1999, pp11054-11068.

as it goes beyond the limited teacher registration practised in Australia.

The Commonwealth Government further notes that there is no consensus as to the desirability of formal teacher registration or of the preferred model for this. Currently Queensland, as mentioned in the report, and South Australia have teacher registration authorities. Victoria has replaced its mechanism for formal registration of government school teachers with a Standards Council for the Teaching Profession. The lapsed Teaching Standards Bill, which was introduced into the last New South Wales Parliament and was to have provided for the establishment of a Teaching Standards Board with responsibilities in relation to both teacher registration and teacher standards, provoked considerable public debate.

... The creation of a national body which has as a core responsibility the establishment of the eligibility for employment of all teachers, whether in the government or non-government sphere, would represent an intrusion upon the legitimate interests of the States, Territories and non-government school authorities, and would have the potential to restrict the flexibility of employers and teachers to respond to local requirements in areas such as curriculum and professional development. Without support from all parties, the Commonwealth Government would not consider any national measures to regulate the teaching profession or involve itself with arrangements which individual State and Territories may have instituted for this purpose.

While the Commonwealth Government agrees that a degree of national consistency in initial teacher education is desirable, it also acknowledges the requirement for initial teacher education to address the needs of teacher employers in the States and Territories.<sup>24</sup>

In response to Recommendation 3 it said:

As indicated in the response to Recommendation 1, the Commonwealth Government does not support the establishment of a national bureaucracy to regulate teaching. The Minority Report by Government Senators more accurately reflects the situation where salaries are a matter for negotiation between teachers and teacher employers in government and non-government schools.<sup>25</sup>

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<sup>24</sup> See note 23, p11056.

<sup>25</sup> See note 23, p11058.

In response to Recommendation 17 it said:

As noted in the response to Recommendation 1, the Commonwealth Government is not persuaded that there is a need for a national bureaucracy to regulate the teaching profession. The Report does not demonstrate that the national accreditation of teacher development providers or courses would raise the quality of teaching in Australian schools. There would also be substantial practical difficulties in maintaining an accurate and up to date register of accredited providers and making this information available to schools, which are increasingly operating in a devolved environment. The Commonwealth Government is further concerned that any measures to impose external control on professional development courses or providers may restrict flexibility in provision and the ability of local groups to come together on a one-off basis to provide courses designed specifically to meet local needs.<sup>26</sup>

Although there are many commonsense arguments for having a national body set the parameters to ensure national consistency, it is unlikely that the States and Territories would willingly cede their control over the regulation of the teaching profession to such a body. Proposals to set up a registration body at the State level in New South Wales is examined below.

## **(ii) Other Australian jurisdictions**

*Queensland:* Although Queensland has a well established teacher registration authority, the Act<sup>27</sup> under which it operates only requires teachers to be fit and proper persons, and to hold prescribed qualifications and have prescribed experience. Requirements for renewal of registration after a set period of time give schools the opportunity to review the performance of teachers, but the criteria for assessment have not been finalised. The Department of Education Queensland, however, is developing standards in a number of areas, with the main focus being on professional development.

According to Burke,<sup>28</sup> the Queensland system of teacher registration, which was established by an Act of Parliament in April 1971 and fully implemented from January 1975, was brought about more by the employment situation at the time than by ideals. In response to a teacher shortage in 1968, the Queensland Government announced that it would call for applications for a 13 week night course of teacher 'education', and those successfully completing this course would then be appointed to schools. This move was not welcomed

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<sup>26</sup> See note 23, p11063.

<sup>27</sup> *Teacher Registration Act 1988* (Queensland).

<sup>28</sup> T Burke, 'Teacher Registration in Queensland', *Independent Education*, Vol 27 No 2, August 1997, pp7-9.

by the teacher unions and as a response, the Government appointed a Committee to review teacher education. The key recommendation of this Committee was the establishment of a Board of Teacher Education responsible to the Minister for Education, and one of its functions was to be responsible for a system of teacher registration.

The Board's membership was drawn from both government and non-government schools, and as it was a statutory authority, it had a certain degree of autonomy although it was directly responsible to the Minister for Education. The Board of Teacher Education put in place a legally enforceable system of teacher registration for both government and non-government schools, and employers were legally bound to employ only registered teachers. It established a partnership between employers, teachers and tertiary institutions regarding the nature of teacher education courses. By investing the Board with the authority to accredit teacher education courses, and by restricting registration to only those graduates of the accredited courses, the Board was given the mechanism to ensure that teacher education courses were endorsed by the wider profession and community.

In 1988 the Queensland National-Liberal Party government revised its various education Acts, and the Board of Teacher Education was replaced by the Board of Teacher Registration. Although the legislative responsibilities remained essentially the same, the change in name not only highlighted the focus which had evolved under the old Board of Teacher Education, but also the pre-eminent role the new Board now had with the registration of teachers and associated professional concerns. The newly named Board was established in 1989 and, its membership was amended to include 3 elected persons who were practising teachers. Since 1989 the Board of Teacher Registration has recorded a number of substantial achievements:

- Guidelines and procedures for the acceptance of programs of teacher education for registration purposes have been developed with higher education institutions, employing authorities and the profession.
- Mutual recognition provisions were established entitling a person who is registered as a teacher in another State or Territory to be registered as a teacher in Queensland.
- Collaborative reviews have been undertaken and reports published on the implications for teacher education of developments in such fields as: literacy and language education; Asian studies; languages other than English; mainstreaming and inclusive education; Aboriginal and Torres Strait Islander studies; induction of beginning teachers; the practicum in preservice courses; and professional development.
- The Board has worked with employing authorities and with its legal advisers to develop appropriate procedures for identifying and inquiring into allegations of misconduct by registered teachers. The Board is empowered to conduct an inquiry into alleged misconduct and its decision may be appealed to the District Court. Since 1989 the Board has taken disciplinary action against 24 teachers, and in 14 cases teachers were removed from the register of teachers. The remainder were cautioned or had their registration suspended for a defined time.

In the beginning the Board was subsidised by the Department of Education, but since 1994 it has become fully self-funded. The registration fees it receives from teachers<sup>29</sup> allows it to retain an appropriate level of autonomy from the Minister for Education. Burke states that:

A system of teacher registration has served the wider community and the teaching profession in Queensland without undue controversy for over 25 years. It is a measure of the respect with which the Board of Teacher Registration and its operations are held that, on those rare occasions when the concept of registration has been questioned, all sectors of the community have joined in its defence. The comprehensive system of teacher registration in Queensland (and South Australia) does work and it works well. It works not just for the profession but for the community more generally and students in schools in particular. Fundamentally, teacher registration is about who shall be eligible for admission to the profession and who will practise it. The Queensland Board of Teacher Registration has well served that goal.<sup>30</sup>

The *Education (Teacher Registration) Act* was amended in 1997 by the *Education and Other Legislation Amendment Act*. Among the stated objectives of this Act was the extension of powers available to the Board of Teacher Registration to improve the protection of children, in particular, in relation to paedophilia.<sup>31</sup> When deciding whether an applicant for teacher registration is of good character, the Board of Teacher Registration must now have regard to the applicant's criminal history. The Board can request from the Commissioner of Police a written report about a person's criminal history, and there is an obligation on the Commissioner to comply with the Board's request. The Act also increased the penalty that may be imposed on a teacher who fails to notify the Board of his or her conviction for an indictable offence, cancellation or suspension of registration in another State, or termination of employment in another State. The Board is also to be notified of teachers who have been dismissed or resigned following an investigation of a sexual allegation, where the employing authority was dissatisfied with the teacher. In introducing these amendments the Minister for Education stated that:

The obvious advantage to be gained from the introduction of these measures is that the Board will be in a far better position to monitor the appropriateness of a person to be employed as a teacher in Queensland schools, both at the time of registration and beyond.<sup>32</sup>

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<sup>29</sup> In 1997 when Burke wrote his article, annual registration fees were \$24.

<sup>30</sup> See note 28, p9.

<sup>31</sup> Hon RJ Quinn MLA, Second Reading speech, *QPD*, 29 October 1997, pp3967-3971.

<sup>32</sup> See note 31, p3970.



*South Australia:* In South Australia, as in Queensland, teachers in both government and non-government schools are required to be registered. Under the Education Act 1972 an applicant for registration as a teacher in South Australia must satisfy the Teachers Registration Board that he or she is a fit and proper person and has appropriate qualifications and experience. The Board keeps a register of teachers and it may cancel a teacher's registration if it is satisfied, after inquiry, that the teacher is guilty of gross incompetence or disgraceful or improper conduct, or has a mental or physical incapacity that makes the teacher unable to properly discharge his or her duties. There is a right of appeal to a local court of full jurisdiction against a decision of the Teachers Registration Board.

*Tasmania:* In Tasmania, under the *Education Act 1932*, registration requirements existed for teachers in non-government schools. The 1932 Act was repealed and replaced by the *Education Act 1994*. The 1994 Act makes provision for non-state schools to be registered. However, there is no requirement for teachers in either government or non-government schools to be registered. A Teacher Registration Bill was introduced by the then Labor Opposition in October 1997, but it did not receive Government support. However, in response to concerns flowing from the Wood Royal Commission, good character checks on teachers in state schools, to be undertaken by officers of the Department of Education, Community and Cultural Development, were instituted in September 1997. Although the Labor party is now in government it does not appear to have introduced any bills on teacher registration.

*Victoria:* In Victoria, the registration requirements only apply to teachers in non-government schools. Under the *Education Act 1958*, it is an offence for an unregistered teacher to teach in a non-government school. It is also an offence to employ an unregistered teacher. The Registered Schools Board keeps a register of teachers, and may remove a teacher's name from the register where it is satisfied that the teacher is guilty of conduct unbecoming a teacher. A teacher's registration may also be cancelled where the teacher has been convicted of an indictable offence, however the teacher must be given an opportunity to be heard before his or her name is removed. There is no statutory right of appeal against a decision of the Registered Schools Board.

*Western Australia:* Professional competency based standards have been developed and used as part of the Enterprise Bargain Agreement for the Teacher Career Structure. The aim of the exercise was to identify competencies that would have to be demonstrated by teachers seeking promotion to Level 3 (the top category). Teachers applying for Level 3 status are assessed at two stages. First, they are required to submit a Teaching Portfolio. This is then independently rated by trained assessors who are experienced, accomplished teachers. Those who are successful at this stage are then invited to proceed to stage two, which requires applicants to 'prepare and lead their own Reflective Review, and act as a participant in the Reflective Reviews of five or six other applicants'.<sup>33</sup>

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<sup>33</sup> Education Department of Western Australia, *Application for Promotion to Level 3 Classroom Teacher (Stage 2): The Reflective Review – Guidelines for Applicants*, 1998, p2.

**(iii) New South Wales**

Support for the concept of teacher registration was expressed at the 1991 New South Wales Teachers Federation Annual Conference where it was decided that:

Federation will begin a campaign for the establishment of a teacher registration authority in New South Wales which is controlled by and answerable to the profession itself. Federation is to continue to participate in discussions around the question of a national teacher registration authority.<sup>34</sup>

However the New South Wales Coalition government was not in favour of a national scheme of teacher registration.<sup>35</sup> In early 1995, the then Minister for Education, Training and Youth Affairs, the Hon V Chadwick MLC, announced that a performance appraisal scheme was to be developed which would identify poor performing teachers in New South Wales government schools.<sup>36</sup> This initiative was included in the Quality of Teaching Policy Statement. Others were:

- a longterm commitment to professional development for teachers with the continuation of up to 3000 post-graduate training opportunities over the next four years at a cost of \$20 million to target areas such as secondary vocational education, computing and languages;
- working with universities to ensure teacher graduates have the appropriate skills to work in government schools either through improved reporting by universities or by testing incoming teachers;
- the development of a performance appraisal scheme (as part of the Enterprise Agreement signed with the Teachers Federation) to identify and assist teachers having difficulty or under-performing in the classroom;
- establishing a high-level taskforce to advise the NSW government on raising the status of teachers;
- the establishment of a Centre for Excellence for Research and Innovation in Teacher Education; and
- a series of forums to promote teaching as a rewarding and challenging career to be run in co-operation with the Parents and Citizens Association and the Teachers

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<sup>34</sup> R Cavenagh, 'Teacher Registration – Very Much a National Matter', *Independent Education*, Vol 21 No 4, December 1991, pp13-19.

<sup>35</sup> P Lee, Deputy General Secretary of the New South Wales Independent Education Union, 'Lessons to be learnt', *Sydney Morning Herald*, 6 March 1997.

<sup>36</sup> Media Release, 'Focus on teacher quality in New South Wales schools', 24 January 1995.

Federation in each educational region of the State.

The Coalition Government was not returned at the March 1995 State election and these policy options were not pursued. The option of a national registration scheme was also not embraced by the new Labor Government, following the withdrawal of federal funds from the project.<sup>37</sup> Patrick Lee, Deputy General Secretary of the New South Wales Independent Education Union wrote at the time that:

The two teaching unions are no strangers to sectional differences but have consistently jointly advocated a system of teacher registration across government and non-government schools, which would enhance the standing of the profession, which could develop the partnerships with universities necessary to underpin agreed high standards, and which could effectively deal with the consequences of proven misbehaviour in a fair and equitable manner.

There is no justification for cynical criticism of this proposal as just another bureaucracy, or as evidence of yet another professionally based conspiracy against the public. Teachers are not looking for arbitrary mechanisms to create a culture of exclusivity. The vast majority are committed to their students and struggle hard amid rapidly changing demands to update their knowledge and skills. They would welcome more evident support for their standing in the community from school authorities and Government.

Instead, the deregulatory fervour allows questions of the public interest to be ignored. Collective structures and processes which might serve the community are swept aside as obstructions to competition ... The two teaching unions, in evidence to the Royal Commission, have in principle supported an independent investigatory tribunal operation in liaison with a registration authority, on the proviso of properly implemented, agreed fair procedures.<sup>38</sup>

In a submission to the Royal Commission into the Police Service in June 1997,<sup>39</sup> the NSW Teachers Federation (representing 65,000 members) proposed:

- a compulsory system of teacher registration compatible with other States, as the best means of ensuring consistency across the States and between systems in assessing

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<sup>37</sup> See note 35.

<sup>38</sup> See note 35.

<sup>39</sup> See note 1, p983.

- ‘fitness to teach’;
- an independent registration body that would ensure common standards of professional and ethical behaviour across all systems and to which all teacher employers would be required by law to notify allegations of behaviour which may warrant de-registration or monitoring;
  - inclusion within the registration board of a probity unit to screen employees, and an investigation unit (to investigate serious allegations of improper conduct of a sexual nature or of physical assault which are not dealt with by the Police Service or the Department of Community Services); and
  - creation of a right of appeal to the Industrial Relations Commission and/or Government and Related Employees Appeals Tribunal in relation to de-registration decisions.

The Federation argued that precedent for such a system existed in Queensland where a teacher registration authority exists with statutory authority to investigate allegations of inappropriate behaviour, and with jurisdiction for registration and de-registration of both public and private school teachers. A similar board exists in South Australia. Registration of this kind, it pointed out, would bring teaching into line with most other professions, which have a regulatory system which is transparent and consistent, and which excludes the unqualified and unsuitable. As the system currently exists it is the employer alone who determines whether a person can practice as a teacher.

The New South Wales Independent Education Union (representing 18,500 members) in its May 1997 submission to the Royal Commission<sup>40</sup> similarly supported the introduction of a State wide system of teacher registration, following public consultation. It expressed concern in relation to the MCEETYA proposal for a national register of persons deemed unsuitable for teaching, by reason of the number of schools and school principals involved, and the resulting problems of maintaining confidentiality. Its preference was for an independent State registration authority with a probity unit and a related investigative unit.

### **Reports to the New South Wales Government**

The New South Wales Ministerial Advisory Council on the Quality of Teaching (MACQT) was established on 1 November 1995 with the following Terms of Reference:

- To provide advice to the Minister on issues relating to all aspects of the quality of teaching from initial teacher education and induction to ongoing professional development;
- To consider and advise on ways for the State Government, teacher education faculties and other education organisations to work together to promote the quality of teaching; and

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<sup>40</sup> See note 1, p984.

- To identify key areas for strategic policy advice for the Minister's consideration and to identify, consult and develop collaborative responses to such strategic issues.

Since its inception, the MACQT has produced a number of reports, including a publication in August 1997 entitled, *Raising the Standards of Teachers and Teaching*.<sup>41</sup> While this document did not examine the issue of teacher registration specifically, it led to the establishment of a project by the New South Wales Department of Education and Training on professional standards for teachers in which the question of registration/accreditation was addressed.

In April 1997 the Department of School Education indicated that it was examining proposals to give school principals greater powers to remove or discipline incompetent teachers. In response various groups suggested that an independent registration body would make more sense as it would ensure consistency in the application of standards rather than having matters dealt with on an individual basis, school by school. In June 1997 the Minister for Education and Training, the Hon J Aquilina MP, was reported as telling the New South Wales Secondary Principals' Conference that a new system would be implemented 'to remove lazy and incompetent teachers who were damaging the reputation of the public school system'.<sup>42</sup> According to the Minister the need to address the issue of underperforming teachers was necessary to lift the credibility of public education in the face of increasing competition from the private sector. He added:

The most effective way we can defend the public school system is through quality ... if parents know the education their children receive in their local public school is as good as anywhere in the State, there will be no demand to leave the system. The number of teachers who come into the incompetent category is very small. But ineffective teaching exerts an influence on the public perception of the public school system far beyond its purely numerical presence. Nothing will lift the status of the teaching profession more than ridding it of those clearly not meant to be teachers.<sup>43</sup>

On 8 August 1997 Mr Aquilina released a Ministerial Discussion Paper, *The Establishment of a Teacher Registration Authority in New South Wales*, which examined this very option saying that 'it is time for the profession and the wider community to discuss ways in which they can be assured about the training, qualifications, professional competence and suitability of those who practice teaching as a profession in New South Wales'.<sup>44</sup>

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<sup>41</sup> See note 7.

<sup>42</sup> 'Plans to weed out problem teachers', *Sydney Morning Herald*, 11 June 1997.

<sup>43</sup> See note 42.

<sup>44</sup> Hon J Aquilina, Minister for Education and Training, Media Release, *Minister releases discussion paper on teacher registration*, 8 August 1997.

The purpose of the proposed independent, statutory authority was: to establish a code of ethics for the profession, establish standards of performance and conduct, determine minimum standards for registration, set clear policy for processing applicants for registration including criminal record checks, and through its Teacher Registration Authority Hearing Tribunal hear and determine matters of teacher discipline, both with regard to allegations of teacher incompetence and allegations of improper conduct. While the Tribunal would be an independent body, stakeholders such as employers, unions, professional associations, the universities and parent organisations would be represented on the Teacher Registration Board.

The proposed Authority would be comprised of: the Teacher Registration Board, which would determine policy on all matters relating to the registration and re-registration of teachers; the Teacher Registration Authority Hearings Tribunal, which would hear and determine matters of teacher discipline; the Registrar; the Registration Branch, which would carry out criminal record checks, verify qualifications, conduct interviews to determine suitability and monitor professional development; and the Investigations Branch, which would carry out investigations into teacher competency and allegations of improper conduct.

Some key issues raised in the Ministerial Discussion Paper worth noting are:<sup>45</sup>

*Compatibility with regulatory reform:* Any system of teacher registration would need to comply with the National Competition Policy Agreements and the principles of mutual recognition. Since occupational licensing schemes impose criteria upon those wishing to enter a particular occupation or profession, they may impose barriers to entry, and may therefore be subject to the National Competition Policy principles. Any proposal for a system of teacher registration in New South Wales would need to demonstrate that the benefits to the community outweigh the costs, and that the community's best interests are served by restricting competition.

Mutual recognition arrangements were set in place following the Heads of Government Agreements of May 1992. In relation to occupations, any practitioner registered in an occupation in one jurisdiction is entitled to be registered in any other jurisdiction in which the occupation is also registered. Teaching, which is registered in some States and not others, is known as a 'partially registered occupation'. Due to concern that partial registration could impede mobility of these occupations, it was agreed that registration of these occupations should be removed unless there was overwhelming evidence for retention. The key criterion for deciding to remove registration requirements for any occupation was an assurance that removal of registration would not pose a risk to public health and safety.

Victoria and Tasmania dismantled their existing provisions for teacher registration in light of the Heads of Government Agreements,<sup>46</sup> whereas the Registration Boards in South

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<sup>45</sup> See note 4.

<sup>46</sup> Although the registration system for non-government schools and teachers has been retained in Victoria, see note 4, p3.

Australia and Queensland responded by developing policies to ensure that movement would not be impeded. Under the New South Wales *Mutual Recognition Act 1992*, service providers registered in one jurisdiction are entitled to practise in equivalent occupations in other jurisdictions without the need to undergo further accreditation. As the creation of registration has the potential to impede the movement between States, the case for teacher registration would need to demonstrate a net public benefit.

*Registration of Members of Professions:* A registration system is used by most professions as a means of regulating their members. Issues surrounding registration include: setting minimum qualifications for entry into the profession; ensuring the quality of the education of persons entering the profession; establishing, maintaining and improving standards of professional practice; having and implementing a code of ethics; and having effective disciplinary and appeal processes. Registration typically involves payment of an application fee, and a fee for a defined period of time. While fee structures vary between professions in New South Wales for those professions which have registration, the fee structure is generally designed to cover the administrative costs in the management of registration.

Under the model proposed it would be a matter for the employer to determine whether only registered teachers would be employed. If a Teacher Registration Authority were established, the Department of School Education would only employ registered teachers. Employers have, and in the proposed system of teacher registration would retain, the right to develop and implement employment policies and practices which meet their requirements. In the proposal there is no one mandatory requirement which applies to all schools.

The New South Wales government school system would only employ permanent or casual teachers who are registered by the New South Wales Teacher Registration Authority, and any teacher employed in a New South Wales government school who is de-registered would be dismissed. These conditions would, in the main, not be imposed on non-government systems and schools. The decision to employ an unregistered teacher would be a matter for the system or school to decide. If, however, a non-government system or school employed an unregistered or de-registered teacher with a proven record of improper conduct of a sexual nature, then the school's registration with the Board of Studies would be in jeopardy. Under the proposed model, teachers who have been de-registered might be eligible to apply for re-registration under conditions determined by the Authority.

*Initial registration:* In its first year of operation all teachers residing in New South Wales, or resident in other States and Territories but who wish to be registered in New South Wales would be eligible to apply for registration by the proposed New South Wales Teacher Registration Authority. Initial registration would be automatic for permanent and approved casual teachers in New South Wales government schools. The application fee would not apply. Teachers in non-government systems and schools would be able to apply for registration directly or through their employer. Given that a criminal record check would be part of the registration process and that these checks are not currently available for teachers in non-government schools, initial registration would be granted to these teachers subject to a satisfactory criminal record check. There would be no application fee.

The granting of registration would be the responsibility of the Registrar. An applicant whose application was declined would be advised in writing of the Registrar's decision, stating the reasons for registration not being granted. There would be 14 days in which to appeal to the Tribunal against the Registrar's decision.

*Types of registration:* When fully operational the proposed Teacher Registration Authority would offer two types of teacher registration: (i) standard registration for teachers who have met the criteria determined by the Board; and (ii) conditional registration for a specified period, determined by the Registrar following an investigation.

*Costs:* If the proposed system of teacher registration were introduced, the Government would provide seeding funding for the establishment of the proposed Authority, however, once fully operational, the Authority would be self-funding through application and registration fees.

*The Teacher Registration Authority Hearings Tribunal:* The role of this Tribunal would be to hear and decide matters of teacher discipline. It would be 'the final arbiter in matters brought before it'.<sup>47</sup>

The Ministerial Discussion Paper called for comments on all the aspects it raised, but specifically sought responses to the following issues: the need for teacher registration in NSW; the likely effectiveness of the proposed model; if supported, any desirable variations to the proposal and the reasons for these; if not supported, any desirable changes to current practices or the benefits to be gained from other models of teacher registration; and whether teacher registration in New South Wales should only be pursued if it was part of a national system. Responses to the paper were due by 17 October 1997, with the matter to then be considered by Cabinet. A Report outlining the public response to the Ministerial Discussion Paper does not appear to have been produced, making it difficult to gauge the level or nature of support for the concept.

Newspaper articles at the time indicated that the proposals were generally welcomed by the key teachers' unions.<sup>48</sup> The main union, the New South Wales Teachers Federation, had long had a policy supporting a system of teacher registration:

An independent teacher registration body, either State or Federal has long been Federation policy. It came back into prominence in NSW in the late 1980s when the then Liberal government 'floated' the idea of untrained people becoming teachers on a 'temporary' basis. Registration prevents unqualified and unsuitable people from becoming teachers. The usual model is to have legislation which obliges all employers to employ only those who are

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<sup>47</sup> See note 4, p11.

<sup>48</sup> 'License to practise plan for teachers', *Sydney Morning Herald*, 6 August 1997; 'Teacher report cards', *Daily Telegraph*, 9 August 1997; and 'Teachers face tough screening bans', *Sydney Morning Herald*, 27 August 1997.



registered. The same legal framework creates a statutory authority preferably with a practitioner majority and public interest accountability, (through parental representation) to decide on what qualifications and probity checks for suitability are needed to be registered.<sup>49</sup>

However the union was of the view that there were certain flaws in the model being proposed. Negotiations between the Department of Education and Training, the Ministry and the NSW Teachers Federation began in April 1998. The Federation stated that any teacher registration authority must:

- cover all teachers, including those in non-government schools;<sup>50</sup>
- provide a strong qualifications framework controlled by the profession;
- ensure quality induction programs for those beginning the profession of teaching;
- enhance the professionalism of teachers by preventing the unqualified and unregistered from teaching;
- maintain the existing responsibilities of the Department of Education and Training as the teachers' employer in relation to allegations of improper conduct of a sexual nature and teacher efficiency;
- maintain the right of the Federation to challenge the Department of Education and Training on matters of process and outcome in the Industrial Relations Commission;
- maintain the right of teachers to access GREAT on the outcome of any disciplinary process by the Department of Education and Training;
- include an appeals procedure on any decision to de-register; and
- ensure that the NSW Teachers Federation is represented on the Board, with the majority being made up of registered teachers. Representatives of parent groups and university teacher educators should also be included.

In October 1998 another Report was released by the New South Wales Department of

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<sup>49</sup> J Leete, 'Negotiations continue on a teacher registration authority', *Education*, 31 August 1998, p5.

<sup>50</sup> The proposal in the Discussion Paper that registration for teachers in government schools would be compulsory but voluntary in non-government schools was resoundingly opposed by a number of groups other than the NSW Teachers Federation. These included: the Catholic Education Commission, the Independent Education Union, the Joint Council of Professional Teachers Associations, the Teacher Education Council, the Federation of Parents and Citizens Associations and the Federation of School Communication Organisations.

Education and Training, *Towards Identifying Professional Teaching Standards for New South Wales Schools*. This publication was in response to a request by the Minister for Education and Training in 1997 that a major project on teacher quality be undertaken. One of the elements of the project was to:

Formulate a policy identifying teacher standards or proficiencies or competencies for all teaching and learning areas in New South Wales schools, and to identify ways of ensuring that such standards or proficiencies or competencies are attained and maintained by teachers in New South Wales schools.<sup>51</sup>

The paper argued that articulation of professional teaching standards, supported by a code of ethical conduct, would have the following benefits for education in New South Wales:<sup>52</sup>

- for teachers themselves: making professional standards explicit would provide them with a clearer personal and collective sense of their own worth and professional development needs, as well as greater community recognition and valuing of the intellectual, social and cultural complexity of their work;
- for school systems: professional standards would provide a focus for the recruitment, selection, accreditation, professional development and promotion of teachers;
- for school students: the quality of teaching and learning would be enhanced because of the requirement that all teachers demonstrate the knowledge, understanding, skills and professional values described in professional standards for effective teachers;
- for teacher educators: professional standards would provide a guide for program development and review;
- for those thinking about becoming teachers: professional teaching standards would provide authentic expectations of teachers' work and roles; and
- for the community: professional teaching standards would provide greater assurance of the quality and capability of teachers in schools.

On 26 October 1998 the Premier and the Minister for Education and Training jointly announced that a Teaching Standards Board was to be established to ensure the quality of teaching in all New South Wales schools and to enhance the status of the teaching profession.<sup>53</sup> The Board would be self-funded through a one-off \$20 charge to be placed

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<sup>51</sup> See note 7, p1.

<sup>52</sup> See note 7, p3.

<sup>53</sup> Hon B Carr MP, Media Release, 'New South Wales Teaching Standards Board to Ensure

on the register (to be waived for current teachers) and an annual \$25 fee.<sup>54</sup> Under the new procedures the minimum time required to remove an incompetent teacher would be reduced from 20 weeks to 10. The functions of the New South Wales Teaching Standards Board would include:

- establishing a Code of Ethics and professional teaching standards including minimum professional teaching standards;
- determining required professional teaching standards for registration;
- establishing induction guidelines for, and accrediting, teacher training courses;
- determining policy for de-registering teachers and appeals against de-registration;
- assisting employers to maintain professional standards through an advisory and independent review service;
- determining policy to facilitate the registration of teachers from other states and territories;
- determining policy for the accreditation of overseas qualifications;
- initiating and overseeing research and providing community education to improve the quality of teaching and to raise the status of the teaching profession; and
- acknowledging professional excellence.

The response of the NSW Teachers Federation to this announcement was that the new model met all the Federation requirements outlined above, and bore little resemblance to that proposed in the Ministerial Discussion Paper released in August 1997.<sup>55</sup> According to information contained in the Federation's Journal, *Education*, despite ongoing negotiations between it and the Department of Education and Training, an agreed set of procedures had still not been drawn up. However, while legislation was planned to be introduced, it was not anticipated that the authority itself would be up and running before the year 2000 at the earliest.

### **The Teaching Standards Bill**

In November 1998 the Teaching Standards Bill was introduced by the Minister for Education and Training, the Hon J Aquilina MP,<sup>56</sup> who said that the introduction of clear teaching standards in a legislative form was a first step towards formally establishing teaching as a profession in New South Wales. This legislation would bring to fruition the

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Quality', 26 October 1998.

<sup>54</sup> According to the NSW Teachers Federation the 1997 Ministerial Discussion Paper proposed an initial application fee of \$150, with an annual fee of \$80 for re-registration. This was based on a proposal then current which involved the Department of Education handing over investigations into allegations of improper conduct of a sexual nature and allegations of teacher inefficiency to the Teacher Registration Authority. Given that this is no longer proposed, the fees have been reduced.

<sup>55</sup> W Currie and J Leete, 'Teacher registration board achieved ... but politicians and the media can't resist more teacher bashing', *Education*, 9 November 1998, pp4-5.

<sup>56</sup> *NSWPD*, Legislative Assembly, 11 November 1998, p9751.

commitment given prior to the March 1995 election that a Teaching Standards Board would be established. Mr Aquilina said:

Professional recognition according to agreed and acknowledged standards has long been a right and a responsibility of other professions. It has been an anomaly that school teachers have not been accorded similar status ... Teachers realise also that, in order to gain this recognition, they must be able to provide the community with specific assurance of the quality and standard of their work, their ethics and fitness to work with children in our schools. The establishment of the Teaching Standards Board is clearly aimed at the goals of clarifying what it means to be a teacher, providing fair and valid assurances as to the quality of school teachers in which the community can have confidence and raising the status of teachers.<sup>57</sup>

Some of the key points in relation to this Bill are:

- registration would be compulsory since: (i) other professions such as medicine and law require registration on a compulsory basis, and therefore the aim of putting teaching on the same status as these professions would be lost if it were voluntary; (ii) voluntary registration would create an incentive for people who did not meet the standards not to register, and therefore the scheme would lose the effect of making sure all teachers were meeting the required standards; (iii) the response to the proposal that registration be voluntary raised in the Ministerial Discussion Paper was met with overwhelming opposition by the education community; (iv) the ‘one in, all in’ stance is supported by the teacher unions, most teacher employers, most parent bodies and the teacher education council; and (v) to make registration compulsory only for government schools would be to divide the profession.<sup>58</sup>
- it would apply equally to the government and non-government school sectors;
- the definition of a ‘teacher’ would not extend to people involved from time to time in school activities who were not employed or eligible to be employed as a teacher. For example, a music tutor or a sports coach who comes into the school on an occasional basis;
- the Board’s functions would not extend to matters of an industrial character, leaving the legal framework surrounding industrial relations unaffected. The Bill recognised that it is the responsibility of the school principal to ensure that each teacher at the school complies with the professional teaching standards that apply to that teacher;

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<sup>57</sup> See note 56, pp9751-9752.

<sup>58</sup> Hon J Shaw QC MLC, Attorney General, *NSWPD*, Legislative Council, 2 December 1998, p11006.

- teachers' industrial rights would be protected and preserved, as employment and registration are entirely different and separate issues;
- the Board would develop standards in the following five areas: (1) requirements for quality teaching; (2) the skills, experience and knowledge required of teachers; (3) conditions and requirements for continuing registration, including requirements for maintaining and updating professional teaching skills; (4) accreditation of teacher education programs; and (5) induction guidelines for teachers entering the teaching profession for the first time;
- the Board would also identify the skills, experience and knowledge which teachers must demonstrate in order to be registered and it would be able to set out conditions and criteria for teachers to maintain their registration. These criteria may include requirements for upholding and updating professional teaching skills;
- the Board would develop standards, in consultation with universities generally and the NSW Teacher Education Council specifically, for the accreditation of initial teacher education programs and the arrangements necessary to accredit such courses;
- the Board would develop a Code of Ethics for the teaching profession, which would be similar to codes for other professions, subject to particular content relevant to education and the special role of teachers in caring for children and young people in their charge. This would provide much needed advice to teachers about acceptable behaviour for themselves and other members of their profession, and a necessary adjunct to developments arising out of the Royal Commission;
- teachers would be required to meet the prescribed standards and there would be an onus on their employers to ensure compliance. In the case of non-government schools this requirement would need to be met to achieve registration as a school;
- once registered, teachers would be required to continue to meet the professional standards identified by the Board;
- the process of registration would be distinct from the process of screening, which would be the specific responsibility of employing authorities;
- all those currently teaching who hold a tertiary qualification would be automatically registered, and those who do not would be granted provisional registration;
- the cost of registration to teachers would be \$25 per annum (tax deductible);
- the Board would be empowered to provide an independent review service to teacher employers about whether teachers are meeting professional standards through a panel of independent expert teachers. This advice would be provided to employing authorities on a cost recovery basis. The Board would appoint a member of this panel to respond to a request from an employing authority or a person delegated by that

authority for advice on a teacher's efficiency. The member of the panel would advise the employing authority whether the employer would be justified in reaching a finding that the teacher has failed to comply with professional standards. Dismissal would not require this process;

- employers would be required to notify the Board in writing of the dismissal of any teacher on the grounds of failure to comply with the professional teaching standards, including the Code of Ethics; and
- teachers facing disciplinary action would no longer be given the opportunity to change schools as employers would be required to notify the Board of the name of any person who has resigned, retired or taken leave from his or her teaching position pending disciplinary action.

The Minister said:

The introduction of this Bill was widely foreshadowed and supported by almost all educational interest groups. It represents a quantum leap forward in enabling self-determination by the teaching profession, but in ways that neither impose rigid barriers to entry to the profession nor deny teachers fundamental legal rights. However, the consequences of de-registration will be significant. De-registration will take away teachers' rights to work in schools. If de-registered, teachers will not easily be able to be registered again.<sup>59</sup>

Although this Bill was said to have the support of the major stakeholders, a number of groups voiced their dissatisfaction. The NSW Teachers Federation was of the view that the proposal differed from that which had been the subject of earlier discussion and negotiation, and it was opposed to the Bill as introduced on 11 November listing the following criticisms:<sup>60</sup>

- It was understood that the process of appointing teachers to the Board would be through election by registered teachers. However, the Bill proposed that these representatives would be chosen by the Minister.
- The Bill proposed in Clause 6 that 'the Board is, in the exercise of its functions, subject to the control and direction of the Minister'. This was seen as preventing teachers from having a Board run by the profession for the profession.
- The provisions relating to the registration of teachers appear to limit the Board's ability to make its own decisions in relation to who should be registered and who should not.

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<sup>59</sup> See note 56, p9756.

<sup>60</sup> J Leete, 'The devil is in the detail', *Education*, 23 November 1998, p1.

The Bill does not make the possession of specific academic qualifications a mandatory component of the entry-level standard, and other provisions make it clear that anyone currently teaching would be given automatic registration.

- Despite an explicit clause stating that: ‘The Board’s functions do not extend to industrial matters such as the salaries of teachers or their conditions of employment or to any other matter that is not related to the objects of this Act’, the Federation was of the view that other provisions gave the Board powers which permitted them to do exactly this. It argued that as compliance with the professional teaching standards was described as being ‘a condition of the teachers employment’, the Board should not be able to deal with teachers who do not comply with the professional teaching standards. According to the Federation, this provision (clause 26) appears to give the Board power to deal with industrial matters which should be dealt with between the employer and employee.

There were other aspects, however, which the Federation saw as positive:

- the Bill would amend the provisions of the *Education Act*, which deal with the registration of non-government schools, to make their registration contingent upon them employing registered teachers.
- the Board would only be able to seek to de-register a teacher after he or she has been dismissed by a teacher employer, and any avenue of appeal to GREAT or the IRC is exhausted.

The Federation position at this stage was to seek to have the Bill withdrawn or to ‘lie on the table’ to allow further consultation. If this was not successful, it would seek significant amendments to the Bill. Failure to address the Federation’s concerns could lead to a call for members to refuse to comply with the legislation.

When Debate resumed on 18 November 1998, the Minister indicated that following further consultation the Government intended to move a number of amendments to refine certain aspects of the Bill.<sup>61</sup> These included:

- reducing the extent of ministerial control over the Board by adjusting the relationship between the Minister and the Board so that the Board **may** undertake such duties as **may** be requested by the Minister. Concerns had been expressed that the wording of the earlier version meant the Board was to carry out the bidding of the Minister, thus compromising its independence;
- improvement to the Board membership by ensuring that there is an appropriate balance between government and non-government sectors, and that there is an appropriate number of teacher representatives;

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<sup>61</sup> NSWPD, Legislative Assembly, 18 November 1998, p10242.

- deletion of certain clauses to ensure that the Board is no longer seen as being able to intervene in industrial relations matters; and
- clarification of what is meant by ‘disciplinary action’.

The Opposition stated that although it supported the aims of the Bill it did not support the Bill as a whole, preferring a system involving voluntary professional accreditation rather than registration. Moreover, the Opposition was of the view that:

Despite the rhetoric, the Bill does not lift the status of teachers because it is preoccupied with de-registration rather than registration. The whole model is about the de-registration of teachers, not about registration or lifting standards.<sup>62</sup>

Examples were given of objections raised to the Bill by a number of the key stakeholders. These included:

- the Bill differed in content to that previously discussed. The NSW Teachers Federation wrote that:

The New South Wales Teachers Federation opposes the Bill in its current form. There was extensive consultation with the Federation and other parts of the education community about teacher registration prior to the matter going to the New South Wales Cabinet. However the Cabinet decision that led to this Bill has clearly significantly changed a number of significant details to the extent that the Federation cannot support it. The Bill was prepared in haste and the Government proposes to put it through the Parliament in haste. This is unacceptable to the Federation.<sup>63</sup>

The Association of Heads of Independent Schools said:

There has been very little consultation since the Discussion Paper in August 1997, responses to which were submitted in October that year. Why was there a major shift from the position adopted in the Ministerial Discussion Paper?<sup>64</sup>

- The measures being put forward in the Bill would not necessarily improve the existing system. According to the Public Schools Principals Foundation:

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<sup>62</sup> Mr S O'Doherty MP, note 61, p10244.

<sup>63</sup> Letter from the General Secretary of the NSW Teachers Federation, note 61, p10245.

<sup>64</sup> Letter from the Association of Heads of Independent Schools, note 61, p10246.



There is no evidence to support the Minister's claim that the establishment of a Teaching Standards Board will in fact streamline the process of excluding inefficient teachers. This process seems to include similar appeal procedures to those that exist presently.<sup>65</sup>

- The Association of Independent Schools were of the view that the provisions of the Bill would become entangled with the registration of schools provisions under the *Education Act* and the industrial relations practices of independent schools under the *Industrial Relations Act*.<sup>66</sup> In the case of a non-government school, the employment of a person who is not a registered teacher contravenes the school's registration requirements under the *Education Act*. The Association of Independent Schools wrote that:

The Association of Independent Schools Board has determined that while ever it is proposed to amend the *Education Act* such that a requirement of school registration is that only registered teachers are employed, our opposition to the Bill remains. The Association of Independent Schools therefore opposes the Teaching Standards Bill and wishes to see it defeated or at least stood over for some time. Standing the Bill over would allow proper consultation with the independent school sector to ensure that there are no unworkable elements that would detract from the capacity of an independent school to provide quality education within the provisions of the *Education Act*.<sup>67</sup>

- The Bill would interfere with existing employee-employer relationships by creating a conflict between the aims of disciplining and improving teachers and de-registering them.<sup>68</sup>
- By automatically registering all practising teachers the opportunity to remove any inefficient teachers already in the system would be lost. According to the Association of Independent Schools:

The Bill has nothing much to do with uplifting the standards of teaching. It means to make them static. One of the most obvious areas of this is that every practising teacher is automatically registered under this Bill. There is nothing special about being registered. What makes it special is if one loses registration, not

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<sup>65</sup> Letter from the Public Schools Principals Foundation, note 61, p10246.

<sup>66</sup> Letter from the Association of Independent Schools of New South Wales, note 61, p10248.

<sup>67</sup> Letter from the Association of Independent Schools of New South Wales, note 58, p11009.

<sup>68</sup> Mr S O'Doherty MP, note 61, p10246.

if one gains registration. A scheme that automatically grants registration to every single teacher in the State who is currently practising face to face teaching does not seem to be focusing on raising standards. Inevitably it will focus on a minimum standard for school teachers.<sup>69</sup>

The point was made, however, that those currently employed as teachers in either government or non-government schools who were undergoing disciplinary action for child sexual assault or serious misconduct, negligence or disgraceful conduct would not be granted automatic registration. Similarly teachers facing disciplinary action for lesser charges would be granted provisional registration pending the outcome of the matter.

A number of other concerns were raised during the Debate on the Bill. These included:

- The Bill would threaten the independence of non-government schools.
- The process by which a teacher would move from provisional registration to full registration was not clearly addressed in the Bill.
- The Board may be open to political manipulation and ministerial control, which would create a conflict of interest between the Minister's oversight of the Education Department and the independence of a registration board as New South Wales' largest employer of teachers.<sup>70</sup>
- The Bill contains no specific requirement that a principal or a parent representative be part of the composition of the Board.
- By changing the name of the proposed body from the Teacher Registration Authority to the Teaching Standards Board a negative emphasis is placed on the role the Board will play in the lives of teachers in New South Wales.<sup>71</sup>

The NSW Teachers Federation were of the view that although the amendments made by the Government in the Legislative Assembly significantly improved the Bill, there were still further amendments which it sought to have made in the Legislative Council, 'to make the legislation closer to Federation's policy on teacher registration'.<sup>72</sup>

However, the Association of Independent Schools continued to oppose the proposal despite the changes made, saying that although it supported attempts to raise standards it did not believe the measures outlined in the Bill would achieve this. In addition, it was of the view

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<sup>69</sup> Hon J Ryan MLC, note 58, p11010.

<sup>70</sup> Ms C Moore MP, note 61, p10262.

<sup>71</sup> Hon R Jones MLC, note 58, p11013.

<sup>72</sup> J Leete, 'Registration Bill Improved', *Education*, 7 December, p3.

that employment issues were still ‘entangled’, and non-government schools still faced tougher penalties than government schools if they employed an unregistered teacher.<sup>73</sup>

There were a number of groups who expressed support for the Bill. The Joint Council of New South Wales Professional Teachers’ Associations said:

We believe that support for the Bill: will provide for the articulation of standards and ethics of teaching in New South Wales; will advantage all students in New South Wales; should be for all teachers, not voluntary, if it is to be successful; will provide support for those members of the profession already practising high standards and ethics; will ensure adherence to standards and ethics by all teachers across government and non-government schools; and it will enhance students’ learning and education across New South Wales.<sup>74</sup>

The New South Wales Teacher Education Council was of the view that:

The Teaching Standards Bill represents a vital step forward for those who have worked tirelessly over the years to enhance the status of the teaching profession in New South Wales. The relative lack of status of Australian teachers as highlighted in the recent Federal Senate Report, *A Class Act*, is arguably the single greatest threat to the successful future of education in this State. With the Teaching Standards Bill, for the first time New South Wales teachers would have to be able to demonstrate the kinds of minimum competencies and moral character which are endemic to similar registration procedures to be found in medicine, law and other professions of significance. The Bill has been sensitively framed to take account of the varying concerns brought forward by both union bodies and non-government bodies.<sup>75</sup>

The Government believed that many of the concerns outlined above would be addressed through the amendments it was proposing. The Bill was passed in the Legislative Assembly, and was introduced in the Legislative Council on 2 December 1998. However, debate was adjourned until after 16 February 1999. Although the NSW Teachers Federation and the Independent Education Union expressed disappointment with this outcome, this view was not shared by the Association of Independent Schools.<sup>76</sup> The

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<sup>73</sup> ‘Independent schools reject revised teacher registry plan’, *Sydney Morning Herald*, 19 November 1998.

<sup>74</sup> Letter from the Joint Council of New South Wales Professional Teachers’ Associations, note 58, p11015.

<sup>75</sup> Letter from the New South Wales Teacher Education Council, note 58, p11020.

<sup>76</sup> ‘Vote delivers reprieve for poor teachers’, *Sydney Morning Herald*, 3 December 1998.

Parliament was then prorogued prior to the March 1999 State election and did not resume until 11 May 1999. The Teaching Standards Bill has not been re-introduced, nor has any legislative proposal relating to teacher registration been put forward since. Moreover, the Minister for Education and Training was reported to have told the annual conference of the New South Wales Teacher Education Council in July 1999 that: ‘at this stage the Government would need to be presented with overwhelming community and parliamentary support before it would proceed with the re-introduction of similar legislation.’<sup>77</sup>

In the interim there has been a long-running dispute between the Government and those representing teachers, both in the public and private sectors, in relation to pay and conditions. An aspect of this which received some attention in the early stages related to proposals to deal with underperforming teachers. Although this issue had been raised in relation to teacher registration, a final agreement had not been reached between the Federation and the Minister for Education and Training as to the actual process. According to newspaper reports, this led to the Minister refusing to talk with the NSW Teachers Federation until it signed off on the proposals, which would ensure teachers not up to standard could be dismissed in a minimum of 10 weeks instead of the current minimum 20 weeks. This position was re-iterated over the ensuing months with the Director-General of Education quoted as saying that the delay in negotiations was caused by the NSW Teachers Federation refusing ‘to sign off on a deal struck three years ago to do two things: co-operate with the Department in devising a smooth way of rooting out underperforming teachers from the system, and improve on school reviews’.<sup>78</sup> The view was that the Federation was withholding its agreement to the scheme as a bargaining chip in the award negotiations.

However, the Federation said that these claims by the Government were merely an excuse. The Federation maintained that it had indicated in May that there would be no signing off on these proposals until the Government’s intentions were made clear concerning procedures for staffing schools into 2001.<sup>79</sup> In October the NSW Teachers Federation indicated at a meeting with the Director-General of Education, that it was prepared to finalise the two matters seen by the Government as a pre-condition for the commencement of negotiations relating to the pay dispute: new teacher efficiency procedures and school reviews.<sup>80</sup>

Late last year it appears that new guidelines were introduced which enable the Department of Education to intervene in schools which do not measure up. The Department is able to review a school’s management when a district superintendent finds ‘substantial evidence of significant dysfunctioning in the operation of the school.’ If information about incompetent teachers – or any other breaches of discipline – is uncovered during a report, it is passed on to the Department’s Assistant Director-General, who will decide further

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<sup>77</sup> ‘Off the register’, *Sydney Morning Herald*, 5 July 1999.

<sup>78</sup> ‘Waging a chalk war with the bureaucrats’, *Sydney Morning Herald*, 23 August 1999.

<sup>79</sup> S Simpson, ‘What will your next excuse be, Mr Aquilina ?’, *Education*, 30 August 1999, p1.

<sup>80</sup> S Simpson, ‘Minister fails to respond to proposal’, *Education*, 25 October 1999, p1.

action. Principals in government schools were to implement this scheme from 1 November 1999.

At the time of writing the pay dispute and award negotiations are still ongoing.

## 6 CONCLUSION

It would appear that the key stakeholders in the education debate are agreed in principle on the need for and benefit of a teacher registration scheme. A certain degree of opposition was voiced in relation to the specific provisions of the Teaching Standards Bill as introduced in 1998. However, following further consultation and amendments to the proposed legislation, the parties seemed to have reached common ground. In the interim the establishment of a teacher registration authority has receded from view, clouded by the myriad of issues being debated as part of the ongoing teachers' pay dispute. In this context the fundamental reason for the introduction of such a body appears to have been obscured, namely that:

... genuine advancement in the quality and status of teaching will be contingent on the extent to which teachers as a profession are prepared to develop a culture that explicitly rewards teaching excellence, and explicitly penalises teaching incompetence.<sup>81</sup>

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<sup>81</sup> Dr K Boston, 'Enhancing the status of the teaching profession', *Unicorn: Journal of the Australian College of Education*, Vol 25 No 1, April 1999, pp7-14, p13.