

Education (Standards Council) Bill

EXPLANATORY MEMORANDUM

Clause 1 states the purposes of the Act.

Clause 2 states:

- (1) That clauses 1 and 2 come into operation upon receiving the Royal Assent;
- (2) That the other clauses in the Bill come into operation on a day to be proclaimed;
- (3) That if any clause has not come into operation before 1 July 1997, then the clause comes into operation on that date.

Clause 3 inserts a new Part IIIA in the **Education Act 1958**. The new Part relates to the Standards Council of the Teaching Profession. The provisions in the **Teaching Service Act 1981** dealing with the Standards Council of the Teaching Profession will be repealed by clause 4 of the Bill.

The legislation providing for the Standards Council of the Teaching Profession is being transferred to the **Education Act 1958** from **Teaching Service Act 1981** because the functions of the Standards Council are being expanded. Under the existing provisions in the **Teaching Service Act 1981**, the Standards Council only has the authority to advise on matters affecting the employment of members of the teaching service, ie teachers in State schools. This Bill proposes to expand the Standards Council's function to include advice on professional standards for teachers in the teaching service and in schools registered under Part III of the **Education Act 1958**, ie teachers in non-government schools.

PART IIIA—STANDARDS COUNCIL OF THE TEACHING PROFESSION

Proposed section 52A establishes a Standards Council of the Teaching Profession. Note that clause 5 of the Bill provides for the members of the existing Standards Council established under the **Teaching Service Act 1981** to become the first members of the Standards Council established under the new Part IIIA of the **Education Act 1958**.

The broad function of the Standards Council is to advise the Minister for Education or the Secretary to the Department of Education about all matters relating to professional standards for teachers in State schools and schools registered under Part III.

The Standards Council will retain its present function of advising on matters such as criteria for the appointment and promotion of members of the teaching service. However it will gain the additional functions of researching and promulgating information relating to the professional standards of teachers in both government and non-government schools.

Under the proposed legislation, the Standards Council will not be a regulatory body. It will be an expert body which will be providing information and recommendations to a range of educational authorities and the wider community. Educational authorities outside the government sector will be under no obligation to implement Standards Council proposals.

Proposed section 52B will expand the size of the Standards Council from its present size of 9 members, to a minimum of 9 members and a maximum of 17 members. Members will be appointed by the Governor in Council on the advice of the Minister for Education.

Proposed section 52C provides for terms and conditions of appointment of members of the Standards Council.

Proposed section 52D sets out procedural matters relating to meetings of the Standards Council.

- Clause 4 repeals Division 5 of Part II of the **Teaching Service Act 1981**, under which the existing Standards Council is established. As noted in the explanatory memorandum to clause 3, the legislation providing for the Standards Council is being transferred to the **Education Act 1958** because of the expanded functions of the Standards Council proposed under this Bill.
- Clause 5 abolishes the existing Standards Council, and states that the members of the existing Standards Council go out of office. However the clause also provides that the existing members will become the first members of the new Standards Council established under this Bill, and will continue with the same terms and conditions of appointment that applied under the previous legislation.