



Tasmania

Regulatory Impact Statement

Teachers Registration Bill 2000

Submissions relating to this Regulatory Impact Statement can be made until
5 pm on Wednesday 11 October 2000

Submissions should be sent to:

Ms Catherine Parker
Department of Education
GPO Box 169B
Hobart
TASMANIA 7001

Facsimile: (03) 6234 7882
Email: Cath.Parker@central.tased.edu.au

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EXECUTIVE SUMMARY

In presenting a proposal to register teachers, the Tasmanian Government aims to:

- improve the status of the teaching profession and to increase the professional standing of teachers and the desirability of teaching as a profession;
- ensure that children in all Tasmanian schools are being taught by skilled and qualified teachers in order to optimise the educational outcomes of students;
- ensure that teachers in schools have been assessed as being of good character; and
- protect children in government and non-government schools from the possibility of sexual or other abuse from people who have resigned or been dismissed from teaching positions under suspicion of abusing children, or who have been charged or convicted with sexual offences against children.

A Discussion Paper titled *A proposal to register teachers in Tasmania* was released in August 2000. The Discussion Paper outlined a proposal to introduce legislation designed to regulate the teaching profession across both government and non-government sectors. The educational community and the general public were invited to submit their views on the proposal, including suggestions for any alternative arrangements that could satisfy the aims of the legislation.

Eighty-one submissions were received in response to the proposal. The overwhelming majority view put forward as part of the consultation process was that legislation would provide the best means of meeting the objectives of improving the status of teachers and ensuring that teachers are of good character and meet minimum standards.

Proposed amendments

A number of changes have been made to the draft Teachers Registration Bill 2000 in consideration of issues raised in the submissions. As a consequence of the amendments, there have been changes to the numbering of the clauses contained in the Bill. This has restricted cross-referencing between versions 4 and 5. Broadly, amendments reflected in Version 5 of the Bill make provision for the following:

- a) Parents will continue to be able to work in classrooms under the direct supervision of registered teachers.
- b) People with a Limited Authority to Teach will be subject to the same disciplinary and inquiry provisions as registered teachers.
- c) A practising teacher from nominations by practising teachers in State schools and colleges will be appointed to the Teachers Registration Board in recognition of the need for proportional representation by this sector.
- d) The Teachers Registration Board will be responsible for the development and maintenance of a Code of professional ethics for the teaching profession.
- e) The Teachers Registration Board will have specific authority to establish committees to assist it in its functions.
- f) Teachers will be required to demonstrate ongoing competence when they apply to renew their registration. The nature of this requirement will be developed through further consultation between the Board, teachers and employing authorities.
- g) The Board in certain circumstances may waive the registration fee – eg – in the case of dual registration requirements of teachers and psychologists.
- h) The Board will be able to extend the initial period of provisional registration for a further period.
- i) A complaint to the Board about the professional conduct of a teacher is to be in writing. The complaints provision has been extended to incorporate people holding a Limited Authority to Teach.
- j) The Board may decide that a complaint or matter being inquired into is 'without substance'. (Prior to the amendment, the only options available to the Board in deciding on an inquiry were to caution a teacher, or suspend or cancel the teacher's registration.)
- k) Personal details contained in the Register, apart from a person's name and registration number, will not be available for public inspection.
- l) A person will be required to assist the Board if required to do so in the conduct of an inquiry. Penalty: 2 units.
- m) Regulations will give the Board authority to charge annual fees for registration and a Limited Authority to Teach.

Notwithstanding the substantial degree of consensus in support of the proposal to register teachers, it was noted that the submissions strongly favoured ongoing consultation over the formulation of policies that will guide the future operations and directions of the Teachers Registration Board. Issues that will require full and ongoing consultation between the Board, teachers and employing authorities include for example:

- the conditions and criteria for granting a Limited Authority to Teach, including consideration relating to the registration issues surrounding the employment of student teachers as relief teachers;
- the development of a standard relating to minimum qualifications;
- the nature of circumstances that would provide a case for deregistration;
- the development of a Code of Ethics for the teaching profession;
- the requirement that teachers demonstrate that they have maintained their skills through professional development;
- the conditions and requirements for granting provisional registration; and
- the Board's processes and procedures in conducting an inquiry.

In summary, this Regulatory Impact Statement indicates that the option of introducing new legislation, whilst restricting competition in certain areas, provides the best means for achieving the objectives of the Teachers Registration Bill 2000. It is believed that the introduction of the **Teachers Registration Bill 2000** has the greatest net benefit, whilst also providing the least net cost of all options in meeting the stated objectives of the Bill.

It is considered that the Bill provides for the minimum level of regulation necessary to ensure that teachers working in schools in Tasmania are qualified and of good character. The establishment of a Teachers Registration Board was viewed positively by the majority of respondents to the Discussion Paper as a way forward for the teaching profession through giving teachers an advocacy body and a professional voice. The strong view presented in submissions to the Discussion Paper was that teachers, through the introduction of new legislation, will gain public acknowledgment of teaching as a full profession, affirmed and enhanced status, representation, a unified voice across sectoral boundaries, and the authority to set and maintain professional standards.

1 Introduction

1.1 Purpose of the Regulatory Impact Statement

This Regulatory Impact Statement has been prepared in accordance with the requirements of the Legislation Review Program in relation to the Teachers Registration Bill 2000. The purpose of this Regulatory Impact Statement is to:

- outline the objectives of the Bill
- identify restrictions on competition and significant impacts on business inherent within the Bill;
- analyse the costs and benefits associated with each restriction on competition with a view to determining if such restrictions are justifiable in the public interest;
- consider alternative options for achieving the objectives of the Bill and the merits of each; and
- summarise public consultation conducted in relation to the Bill to date.

The Regulatory Impact Statement outlines alternative options for achieving the stated policy goals and contains draft recommendations based on findings and suggestions received from the public as part of the consultation process.

1.2 Competition Principles Agreement

At the meeting of the Council of Australian Governments on 11 April 1995, the Tasmanian Government (along with the Commonwealth and other State and Territory governments) signed three inter-governmental agreements relating to the implementation of National Competition Policy (NCP). The agreements signed were:

- the Conduct Code Agreement;
- the Competition Principles Agreement; and
- the Agreement to Implement National Competition Policy and Related Reforms.

Appendix 1 to this discussion paper provides a brief background to the NCP Agreements and the financial arrangements underpinning these Agreements.

The Competition Principles Agreement, among other things, requires the State Government to review and, where appropriate, reform all legislation restricting competition. This requirement is outlined in Clause 5 of the Competition Principles Agreement (CPA).

The Legislation Review Program (LRP) meets Tasmania's obligations under Clause 5 of the CPA by, inter alia, outlining both a timetable for the review of all existing legislation that imposes a restriction on competition and a process to ensure that all new legislative proposals that restrict competition or significantly impact on business are properly justified.

Further, the LRP details the procedures and guidelines to be followed by agencies, authorities and review bodies in this area. Details of the LRP's requirements are outlined in the *Legislation Review Program: 1996-2000 Procedures and Guidelines Manual*.

The review of the proposal to establish a system of teacher registration through legislative processes is being undertaken in accordance with the requirements of the LRP.

1.3 Background

A key feature of the Tasmanian Labor Government's education policy platform included a commitment to 'set up a Teacher Registration system to ensure that only properly qualified and competent people of good character are able to teach children in all schools'.

The detail of the policy is contained in the following statement contained in the ALP Education Policy – *Securing their future* –

"A Labor Government will move to ensure that a Teacher Registration system is established in this State as a matter of priority, and hold discussions with other States to work towards a uniform national system of teacher registration."

A new Teachers Registration Bill 2000 was drafted and made available as the basis for a public consultation process together with a Discussion Paper titled *A proposal to register teachers in Tasmania August 2000*. Two thousand copies of the Discussion Paper were circulated to all government and non-government schools in Tasmania, and to stakeholders with an interest in the proposal. The Discussion Paper was made available through a separate website and its availability was advertised in the major Tasmanian papers.

Eighty-one submissions were received in response to the invitation to comment on issues raised in the Discussion Paper. These provided the basis for analysis of the issues considered in this Regulatory Impact Statement.

1.4 Teachers Registration Reference Group

The original legislation considered by Parliament in 1997 was the subject of extensive stakeholder involvement. This approach was formalised in 1999 through the establishment of the Teachers Registration Reference Group by the Minister for Education, the Hon. Paula Wriedt, MHA. This group, comprising representatives of all groups with an interest in the proposal, has met regularly over the past year to consider the views put forward throughout the consultation process and to advise the Minister for Education on all aspects of the draft legislation. Membership of the Teachers Registration Reference Group is provided at Appendix 2.

1.5 Process for consultation on the RIS

Comments on this Regulatory Impact Statement (RIS) are invited from interested parties. Submissions may be sent to:

Catherine Parker,
Department of Education,
GPO Box 169B,
Hobart, Tasmania 7001
Telephone: (03) 6233 7704
Fax: (03) 6234 7882

Email Cath.Parker@central.tased.edu.au

After the consultation period on the RIS concludes on 11 October 2000, the Department of Education will prepare a final report for Government which will include responses to the RIS and Discussion Paper. People only need respond to the RIS if they have new issues to present. Responses provided to the earlier Discussion Paper will be taken into account in preparing the final report.

2 Objectives of the Legislation

In 1998 a Senate Inquiry into the Status of Teachers reported extensively on the difficulties being faced by the teaching profession in all states of Australia. It was evident from the findings of the inquiry that the status of teaching as a profession was in decline and teachers were experiencing a morale crisis.

The teaching profession and employer bodies in Tasmania and nationally have made various and numerous attempts at self-regulation to achieve professional recognition, but the disparity between the government and non-government systems, and between the various State and Territory jurisdictions, has made this difficult.

Registration as a form of regulation of the teaching profession is a growing trend in Australia and in other countries. Queensland and South Australia have well-established registration systems supported by legislation that have operated successfully for a number of years. Other states are considering registration or other arrangements designed to improve the professional standing of teachers. A General Teaching Council for England commenced operations in September this year, while the Ontario College of Teachers has operated since 1996 as an independent, self-regulating professional body. (Further details of comparative regulatory systems are contained at Appendix 4.)

2.1 Broad objectives of the legislation

Within the strategic framework outlined above, the Teachers Registration Bill has been designed to:

- raise the status of the teaching profession in Tasmania;
- ensure that teachers possess minimum qualifications and a minimum level of competence; and
- prevent persons who are not of good character being employed in schools.

2.2 Key elements of the legislation

Specifically, the Bill aims to:

- a) establish a system whereby persons who have completed a specified course of education and who are of good character may apply to a Teachers Registration Board for registration as a school teacher;
- b) ensure no unregistered teacher is employed in a government or non-government school in Tasmania, except in very limited circumstances;
- c) provide for the deregistration, suspension or reprimand of a teacher guilty of improper conduct or who is found by the Board to be unsuitable to work as a teacher in a Tasmanian school;
- d) provide for the conduct of inquiries into the behaviour and conduct of registered teachers;
- e) provide for an appeal mechanism in relation to decisions of the Registration Board;
- f) ensure appropriate linkages with the *Tasmanian State Service Act 1984* in respect of teachers employed in State schools; and
- g) ensure consistency with the provisions of the *Education Act 1994* (Part 5) relating to the Schools Registration Board taking account of qualifications of teachers.

2.3 Discussion

The feedback from public consultation on the Discussion Paper indicated broad support for the stated objectives of the legislation. The majority of respondents supported the outcome of the 1998 Senate inquiry into the status of the teaching profession in its finding that teaching must be regarded as a profession. The submissions provided further evidence to support available research that indicates a decline in the status of teachers which has caused teachers to feel devalued as professionals. It was interesting to note that a current review of teacher education in NSW sponsored by the Department of Education and Training has provided a preliminary report that asserts that 'raising the quality of teaching and the professionalism of teachers are pre-requisites to raising educational standards generally' (2000). A significant number of the respondents to the Discussion Paper viewed the link between the proposal to register teachers and expected improvements in teachers' morale and status as a causal relationship.

A number of alternatives to legislation were proposed. These are further considered in section 5 of this Regulatory Impact Statement.

3 Restrictions on Competition

3.1 Introduction

This section covers the definition of restrictions on competition and lists the restrictions that have been identified in the Bill. It also contains an overview of alternative options for achieving the objectives of the Bill - as outlined in the Discussion Paper and further detailed through the consultation process.

3.2 Defining and identifying restrictions on competition

As noted in the Discussion Paper, a restriction on competition contained within legislation is an artificial mechanism that impacts on the operation of a market in which firms and/or individuals operate.

Occupational registration is a form of licensing that regulates entry to a profession and the conduct of people operating as professionals. In some professions, it provides the means to formalise a quality assurance process across the profession and is seen as a way of protecting the public from unscrupulous or incompetent people. By its very nature, occupational regulation restricts competition by restricting entry to a profession or occupation according to an individual's qualifications or some other assessment criteria.

Clause 5(9)(b) of the *Competition Principles Agreement* requires that reviews of legislation, including proposals for new legislation, should identify the nature of the restrictions on competition. Those aspects of the legislation identified in the Discussion Paper as being anti-competitive related to teacher qualification and good character requirements and other provisions relating to market entry and competitive conduct. The nature of these restrictions is discussed in greater detail below.

3.3 Nature of the restrictions on competition

The proposed legislation is likely to impose major restrictions on competition by limiting registration to those people who are able to satisfy a Board in regard to their qualifications, their professional skills, and their professional standards and conduct.

The potentially restrictive nature of regulating the teaching profession can be characterised in terms of:

- (1) the effects on the structure of the profession, i.e. the conditions of entry and organisation of teaching as a profession;
- (2) the impact on and the potential consequences of the conduct, or behaviour, of teachers as practitioners within the profession; and
- (3) the impact on schools and other bodies that employ teachers, in terms of their ability to exercise a full range of free choice in relation to the recruitment and ongoing engagement of employees.

The following restrictions on competition resulting from the registration of teachers were identified in the Discussion Paper. These included:

Broad restriction	Nature of restriction
Restrictions on market entry and/or re-entry	<ul style="list-style-type: none"> • Restriction based on an assessment of qualifications • Restriction based on an assessment of good character and/or fitness to be a teacher
Restriction on continuing in the market	<ul style="list-style-type: none"> • Restriction based on an assessment of good character and/or fitness to be a teacher
Restriction on employers having free choice of employees	<ul style="list-style-type: none"> • Restriction based on registration as a condition of employment

A number of additional restrictions were identified by respondents to the Discussion Paper. These are detailed as part of the Cost/Benefit Analysis below.

3.4 Restrictions on market entry

Section 27 of the Teachers Registration Bill 2000 restricts the employment or use of unregistered persons as teachers. Registration of teachers thus creates a barrier to market entry by potential competitors, which may adversely affect competition. The market affected by proposed legislation to register teachers has been identified as including teachers, government and non-government schools, educational authorities (employers), and parents and students.

The need to meet minimum qualification and good character requirements has been identified as constituting a barrier to entering the teaching profession and gaining employment as a teacher. Teachers making application to renew their registration after a period of time spent away from a practical teaching situation will have to satisfy the qualification and good character requirements in order to be re-registered and to gain employment as a teacher. This represents a barrier to re-entry to the profession.

A teacher who has been deregistered in Tasmania or in another state of Australia because of incompetence or misconduct, will have to reapply for registration and convince the Teachers Registration Board that they meet the requirements for registration. This process represents a barrier to ongoing employment as a teacher.

3.5 Restrictions on competitive conduct

In an openly competitive market, persons would be able to compete for employment as teachers without regard to qualifications, character, or previous history of incompetence or misconduct.

Under the proposed legislation, people who do not hold qualifications acceptable to the Teachers Registration Board will be required to apply for registration as a teacher, or, alternatively, to apply for provisional registration or a Limited Authority to Teach. Sections 10, 16 and 17 of the Bill make provision for people to apply to the Board for certification according to a range of criteria relating to qualifications, experience, criminal record and character.

S10 (1) A person must not teach at a school unless the person –

- (a) is registered; or*
- (b) has a limited authority to teach.*

Persons wishing to be employed as teachers will be required to satisfy the Teachers Registration Board regarding their fitness to teach. In a non-legislated environment, this decision would remain the sole prerogative of the employer. Employers will be restricted to employing teachers who are registered by the Board, with penalties applying for offences under section 27 of the proposed legislation. This represents a restriction in terms of employers having free choice in the selection of their employees.

3.6 Impact on Business

For the purpose of the review of the proposed legislation, 'business' has been defined as including the following:

- Sectoral interests
 - 219 Government schools
 - 39 Independent schools
 - 37 Catholic schools supported by the Catholic Education Office
- Tasmanian State Government interests as represented by:

- the Department of Education,
 - the Department of Police and Public Safety,
 - the Department of Health and Human Services through the Child Protection Unit, and
 - the Department of Premier and Cabinet through the Commissioner for Public Employment.
- Commonwealth and other State Government interests as represented by:
 - the Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA);
 - the University of Tasmania;
 - the Victorian Registered Teachers Board;
 - the Queensland Office of the Board of Teacher Registration; and
 - the Teachers Registration Board of South Australia.

3.6.1 Sectoral interests

Sectoral interests presented a range of views in response to the Discussion Paper. It was evident from the submissions received that the proposed legislation will impact upon the current recruitment and employment practices of government and non-government employing bodies.

Of the 81 submissions received, 63 were broadly supportive of the intent and form of the legislation. Seven submissions were received from students undertaking teacher training at the University of Tasmania.

A total of five submissions were received from established groups of Christian educators. Of these, three were opposed to teacher registration with the stated view that schools and school Boards of Management should maintain responsibility for all aspects of recruiting and employing teachers, including determination of competence and fitness to teach. It was, however, the view of the Teachers Registration Reference Group that this responsibility will not be taken away from schools, which will still be able to make decisions on employment. The Teachers Registration Board, in setting minimum standards for employment, will not be usurping the role of the employer in this regard.

A proposal submitted by the Catholic Education Office outlined an approach where the appropriate system authority would remain responsible for the verification of qualifications and good character. This will be the subject of further consideration by the Teachers Registration Board as part of its procedural and policy arrangements which are yet to be developed.

Other respondents claimed that if the legislation proceeds, some schools may be forced to close because they currently employ unqualified teachers

or use parents in the role of teacher in some circumstances. Others viewed the role of the Schools Registration Board (as the body with responsibility for registering non-government schools) as already having the authority to ensure that non-government schools employ teachers who are qualified.

The Schools Registration Board currently requires that 90% of teachers working in non-government schools be qualified. It was the view of the Teachers Registration Reference Group that the proposed new arrangements would not significantly affect this policy, as people working without qualifications would be eligible to apply to the Teachers Registration Board for a 'Limited Authority to Teach'.

There was a degree of concern across the government and non-government school sectors over a possible shortage of relief teachers if they are required to be qualified in order to be registered. The view was expressed that some people who are currently used as relief teachers by schools and school systems will choose to leave the system rather than seek registration or a Limited Authority to Teach. A situation was highlighted whereby education students attending the University of Tasmania have been able to engage in relief teaching in the final year of the teaching course.

A strong view was expressed by these students that the arrangement should continue without the need for them to be registered. The Teachers Registration Reference Group noted that as the legislation is currently drafted, this group of people would be able to apply for Provisional Registration or a Limited Authority to Teach:

S16(1) A person may apply to the Board for provisional registration if the person does not satisfy the requirements of section 11(a).

S16(2) The Board may register a person provisionally subject to any conditions it considers appropriate if it is satisfied that —

(a) the person

(i) has qualifications or experience as determined by the Board; or

ii) is able to obtain the qualifications and experience specified in section 11; and

(b) the person is of good character.

Alternatively, a Limited Authority to Teach may apply in these circumstances:

S17 (3) The Board is to grant a person a limited authority to teach if the Board is satisfied that the person —

- (a) does not meet the requirements of section 11 (a) but has the appropriate skills or experiences that a registered teacher does not have; and*
- (b) has the required experience; and*
- (c) is of good character.*

It is proposed that the proposed Teachers Registration Board consider the employment and registration of student teachers in the context of the development of its procedural and policy framework.

The Teachers Registration Reference Group considered that the situation relating to anticipated teacher shortages would not be significantly influenced by registration. The issue of teacher shortages is often debated and debate will continue regardless of whether teachers are registered or not registered. Registration by a central and independent body could actually serve to support and validate claims of shortages. This data could then be used by employers in formulating appropriate strategies to deal with any shortages or trends that have been identified through the registration process.

3.6.2 Tasmanian State Government interests

As the largest employer of teachers in the State, the Department of Education already undertakes checks of qualifications and criminal record checks for all new school-based employees. Depending upon processes established by the new Teachers Registration Board, the role of the Department of Education would need to be further considered as part of an ongoing consultation process. As the Teachers Registration Board will be required to institute a system of criminal record checks, this will result in a reduced workload for the Department of Education as the employing body. The actual processes and procedures for organising criminal record checks to be undertaken by Tasmania Police will be issues for the Board when it is appointed.

The Department of Police and Public Safety through Tasmania Police is responsible for undertaking criminal record checks for people recruited to positions in State Government schools. Under the proposed new arrangements, Tasmania Police will have to undertake criminal record checks not only on teachers who are currently working in government and non-government schools but also in respect of those people who are seeking to be registered as teachers. This will have ongoing resource implications for Tasmania Police as an organisation. Preliminary discussions have been

held between the Department of Education and Tasmania Police to consider the extent and nature of additional requirements.

3.6.3 Commonwealth and other State Government interests

Operating arrangements between the Teachers Registration Board and Commonwealth and other State Government organisations will require further negotiation between the parties. At this stage, it is considered that the impact on other organisations will be insignificant.

4. Costs and Benefits of the Restriction on Competition

The Discussion Paper contained examples of advantages (benefits) and disadvantages (costs) of the restriction on competition resulting from the introduction of a system to register teachers in Tasmania. This Regulatory Impact Statement expands the sample list included in the Discussion Paper list by providing a comprehensive listing of the range of costs and benefits identified through the views and comments submitted by respondents to the consultation.

The majority view of the Teachers Registration Reference Group has been included as a 'response' where applicable. It should be noted that the proposal as contained in the 'response' section below may be subject to further change in light of submissions received as part of the RIS consultation process.

4.1 Impact of registration on teachers

Benefits

- Overwhelmingly, respondents expressed the view that the morale and status of teachers in the community will improve because teachers and the general public will be given assurance that registered teachers have attained a set standard.
- Teachers will gain public acknowledgment of teaching as a full profession, affirmed and enhanced status, representation, a unified voice across sectoral boundaries, and the power to set and maintain standards.
- A Teachers' Code of Ethics will be developed by the Teachers Registration Board in consultation with the teaching profession.
- Talented teachers without qualifications will be able to apply for a Limited Authority to Teach.

Response: Further policy development will be required in this area with regard to the types of conditions and applications that would be considered. Consultation will be undertaken in association with the teaching community.

- Registration will provide an incentive to new teachers entering the system who will view teaching as a recognised profession with publicly stated minimum standards for entry.

Impact of Registration on teachers (cont.)

- Registration will provide a level playing field for people entering the teaching profession. This will improve the current situation where some people with less than acceptable qualifications can obtain teaching positions, and others with higher qualifications, skills and experience are denied employment.
- Registration should result in more positions being available for qualified teachers.
- A view was put forward in favour of registration to the effect that allegations against teachers accused of incompetence or misconduct will be appropriately reported, investigated and decided upon under a system of teacher registration.

Response: It would be unusual for the Teachers Registration Board to become involved in an inquiry unless the employer and the employee had exhausted all other avenues in an attempt to resolve a dispute.

- Mutual Recognition arrangements will apply as a direct result of registration. This will make teacher mobility easier through the Mutual Recognition Act 1992 and the Trans-Tasman Mutual Recognition Act 1997.

Costs

- A significant number of submissions were received from government school teachers who viewed the make-up of the Teachers Registration Board as not representing the number of teachers working in the government sector.

Response: Members of the Reference Group unanimously agreed to amend section 5(1)(b) to read "a person appointed from nominations by practising government teachers" to ensure proportional representation on the Teachers Registration Board.

- The registration fee of \$60-\$80 per annum was viewed as a disadvantage by some respondents. Some suggested that this cost should be a 'once-off' fee or, if ongoing, should be borne by the employer. Some viewed the fee as a deterrent to casual and relief teachers seeking to be registered. Others suggested that the fee was not onerous when compared with fees charged by other professions.

Response: The fee should be tax deductible by individual teachers and, as suggested by one respondent, amounts to little more than \$1 per week.

Impact of registration on teachers (cont.)

- There was a high level of concern expressed over the availability of teachers' personal details. Section 25(1) as currently drafted requires that the Board is to keep and register of teachers and make that register available to the public.

Response: The draft Teachers Registration Bill will be amended to restrict the availability to the public of details contained on the register. It is likely that the public register will contain ONLY a teacher's name and registration number.

- A situation was identified where a teacher working as a guidance officer would have to pay a fee of \$200 to be registered by the Psychologists Registration Board in addition to being registered by the Teachers Registration Board.

Response: It is proposed that the draft Teachers Registration Bill will be amended to contain a clause to allow the Board to waive payment of the registration fee in certain circumstances.

- Teachers will be afraid to touch students even if they need comforting due to a fear of complaint and subsequent deregistration.

Response: Teachers are already restricted in being able to touch students either appropriately or inappropriately. Proper investigative processes will be developed by the Board in consultation with teachers and teachers' associations.

- Teachers may be the subject of vexatious or mischievous complaints from students or parents. Some respondents were concerned about the danger of 'witch-hunts' and possible trial of teachers as suspected paedophiles by the media.

Response: Section 19(3) of the draft Bill allows for the Board to dismiss a complaint if it considers it to be frivolous or vexatious. The Board will, in consultation with the teaching community, develop a proper complaints process to support the legislation.

- Unqualified teachers currently working in schools will have to seek registration. This may require an individual having to undertake further training as a condition of registration or a Limited Authority to Teach. This represents a cost to individuals who do not have formal qualifications.
- The view was expressed that teachers may be deregistered with subsequent loss of livelihood and status if found to have acted inappropriately with students.

Impact of registration on teachers (cont.)

Response: The Reference Group was unanimous in its strong view that any teacher should not be working with students if, following due process, they are found to have acted inappropriately. The importance of providing for the care and well-being of students was considered to far out-weigh any loss experienced by the teacher in such an event.

- People without qualifications who are currently working as teachers will be reduced in status in comparison to registered teachers.

Response: People in this situation will be able to apply for provisional registration or a Limited Authority to Teach, and should not be disadvantaged in terms of status.

- The requirement for teachers to demonstrate good character through a criminal record check may deter some people from applying for registration, and may cause some to leave the profession altogether.

Response: It would be expected that people with a criminal record may not want to reveal details of previous convictions. It is suggested that the public interest argument outweighs individual considerations. The Board will develop policies and procedures for determining and assessing good character in consultation with the teaching community.

- Concern was expressed that the fate of an individual teacher accused of improper conduct rests with a single group of people in the Teachers Registration Board who may themselves be subject to bias, corruption, religious persuasion, personal vendetta or erroneous decision-making.

Response: The Board will view deregistration extremely seriously and this sanction will only be used as a final sanction following a rigorous inquiry process. An individual is ultimately protected from failure of due process under section 29(1) which provides an avenue for review via a formal appeals process.

On the basis of the costs and benefits outlined above, it is considered that the proposal to introduce a teacher registration system is justifiable in the public interest, with the nature of the benefits associated with the implementation of legislation outweighing the costs to teachers in government and non-government schools. The Teachers Registration Reference Group, in considering the nature of the disadvantages presented in the Discussion Paper and through the submissions, was of the view that these could be overcome or obviated in the majority of cases.

4.2 Impact of registration on the community

Benefits

- Teacher registration will give the community greater confidence in the teaching profession through the publication of minimum standards for registration. A

significant number of respondents expressed surprise that registration was not already occurring and considered it was long overdue. This response would seem to indicate a degree of information asymmetry with consumers being disadvantaged because they have no way of knowing whether teachers are qualified and of good character.

- Parents and the general public will have confidence in knowing that children are being taught by competent teachers of good character. Students will be protected from teachers found guilty of misconduct or incompetence.

Pre-registration checks and deregistration processes will ensure that those found to be unfit in the public interest to teach in any school will be prevented from doing so.

- Students will benefit from being taught by teachers who are qualified to teach, with improved learning opportunities and outcomes as a consequence.
- Registration by a central body such as the Teachers Registration Board will prevent a person moving from one school employer to another, or from one state to another, and posing a risk to the safety of children. Adults who sexually exploit children will not be given entry to schools in Tasmania.
- Registration will promote uniformity in teaching standards with other states and with higher education authorities. The movement towards a national registration system was noted and supported.
- Students in regional areas will be advantaged in being taught by qualified teachers.
- A system of registration will provide scope for collaboration between education authorities over teaching standards. The Minister for Education will be given the opportunity through the Teachers Registration Board to receive impartial advice on standards of courses for teacher education. Legislation will provide a platform for co-regulation as part of a national legislative framework for the registration of teachers.
- Parents will gain a partnership with the teaching profession through formal representation on the Teachers Registration Board.

The Government and the community gain a vital coordinated service that will provide a 'one-stop shop' to the profession, consistent advice, coordinated information and an 'honest broker'.

Costs

- Fourth year Bachelor of Education students will not be able to undertake relief work in their final year as they do at present – resulting in loss of income and

opportunity for teaching experience. Payment of a registration fee represents an additional impost.

Response: The Department of Education and the University of Tasmania are currently reviewing the current practice that permits students to teach in a relief capacity in their final year. Independent of the outcome of this review, the Reference Group considers that students in their final year may be eligible to apply for a Limited Authority to Teach. The policy on this will require further development in consultation between the Board and all involved parties.

- There was concern expressed that talented people will not be able to obtain registration to teach if they do not possess qualifications.

Response: Talented people without qualifications will be able to apply for a Limited Authority to Teach as provided under section 17 of the draft Bill. It is recognised that further policy development will be required in this area, in consultation with the teaching community.

- The view was put that registration may actually increase public perception that teachers are not of good character and need to be registered by a separate body with statutory powers.

Response: The strength of positive support for registration as indicated by the public response to the proposal to date would seem to negate this perceived disadvantage.

- Teacher registration represents a reduction in the independence of the non-government sector.
- The view was expressed that teacher registration establishes another bureaucracy to be funded by the taxpayer.

Response: It is intended that the Board will be self-funding, with its functions supported by teachers through registration fees.

- Registration will restrict or prevent the use of parents in classrooms.

Response: Parents will still be able to work in classrooms under the supervision of teachers as they do at present. A parent who works regularly in a school and who has skills in a certain area may be able to apply for a Limited Authority to Teach. An amendment has been proposed to the Bill to allow people to teach under the direct supervision of a registered teacher. The objection to registration is overcome by this amendment.

On the basis of the costs and benefits outlined above, it is considered that the proposal to introduce a teacher registration system is justifiable in the public interest, with the benefits associated with the implementation of legislation

outweighing the costs to the community. The Teachers Registration Reference Group, in considering the nature of the disadvantages presented in the Discussion Paper and through the submissions, was of the view that these could be overcome or obviated in the majority of cases.

4.3 Impact of registration on employers

Benefits

- Schools and employers will be assured that they are employing teachers whose qualifications and character have been assessed and verified by an independent body. This will result in a reduced administrative burden on employers and a possible financial saving.
- Employers could benefit in being able to 'stand back' and remain impartial from an inquiry conducted by an external body such as the Teachers Registration Board.

Employers gain a certified pool of qualified, 'fit and proper' teachers, centralised expert checks on qualifications and character, quality assurance to parents, and a partnership with the teaching profession.

Costs

- Poorly qualified teachers or people working as teachers without qualifications (eg parents) will not be able to work as teachers resulting in teacher shortages for some schools and problems for principals in recruiting teachers to positions.

Response: The overall benefits of registration would seem to outweigh the impact on schools of not being able to fill relief positions. A person can apply for a Limited Authority to Teach in these circumstances.

- Teachers will not be able to teach out of the subject area for which they are registered.

Response: The Teachers Registration Board will consider whether or not there will be separate categories for registration and whether movement between the categories will be permitted. This will be the subject of further consultation between the Board and the teaching community.

- The view was presented that registration imposes an additional workload on school principals. This was of particular concern if principals were required to report annually on competency of teachers.

Response: The Reference Group was of the view that any form of reporting to the Board will be of a minor nature only and should not unduly inconvenience employers.

On the basis of the costs and benefits outlined above, it is considered that the proposal to introduce a teacher registration system is justifiable in the public interest, with the benefits associated with the implementation of legislation outweighing the costs to employers in the government and non-government sectors. The Teachers Registration Reference Group, in considering the nature of the disadvantages presented in the Discussion Paper and through the submissions, was of the view that these could be overcome or obviated in the majority of cases.

In addition to the above costs and benefits, the Discussion Paper elicited a range of views (positive and negative) in response to the suggestion in the Discussion Paper (p22) that teachers be required to demonstrate ongoing competence in order to remain registered. Some thought this should remain the prerogative of the employer, while others viewed the proposal to be integral to the registration process. The overwhelming majority view indicated strong support for teachers to have to demonstrate that they have maintained the currency of their professional skill and competence levels.

A strong response was received in favour of including a requirement that teachers demonstrate ongoing competence in order to remain registered. In view of this, it was decided that the Bill should be amended to require that a teacher demonstrate that she or he has maintained a level of competence through undertaking professional development as a prerequisite to ongoing registration. Accordingly, the section in the Bill relating to Renewal of registration now contains provision for the Board to consider the currency of a teacher's professional skills and competence at the point of renewal of their registration.

5. Alternative Options

The Discussion Paper outlined a range of potential alternatives to legislation that might achieve the same or similar objectives to those of the proposed Bill. These included self-regulation, quasi-regulation, co-regulation and maintaining the status quo. Descriptions of these arrangements as possible alternatives to achieving the broad aims of the legislation were provided to ensure a complete understanding of the range of options that might exist.

5.1 No legislation

This option would mean that the existing problems as identified in the Discussion Paper would remain unresolved. Unqualified teachers would continue to work unchecked in schools and teachers who had resigned or been dismissed because of bad conduct could be engaged by schools in a different school sector or a different state of Australia. The current situation cannot be maintained in the longer term, with risk to students as the paramount consideration.

Benefits

- Teachers will not be subject to payment of an annual registration fee.
- Schools and school principals will not have an additional administrative burden in the preparation of annual reports to the Teachers Registration Board.
- The non-government school sector will not be subject to further government regulation.

Costs

- There is no guarantee that alternative means of ensuring minimum employment standards can be developed and routinely applied across both the government and non-government sectors.
- The status of teaching as a profession and the status of teachers in the community would not significantly improve.
- Teachers who have been dismissed because of incompetence or abuse of children and students could continue to be employed in other schools and/or other states.
- Teacher morale would continue to decline, with more teachers leaving the profession to take up other employment.

Desirability of maintaining the status quo

The desirability of maintaining the status quo was the option least preferred by respondents to the Discussion Paper. It was the clear view that the community will not perceive teaching as a profession while the unqualified and the unfit can call themselves teachers. Legislation was viewed as the most desirable method of achieving the stated goals of improving the status of teachers and ensuring that teachers meet minimum standards and are of good character.

5.2 Self-regulation

Self-regulation was described in the Discussion Paper as a less expensive and intrusive option that could be undertaken via the teaching profession formulating its own rules and codes of conduct, with the industry solely responsible for enforcement. This implies that teachers and employers have accepted and understood mutual obligations – usually described in a Code of Practice or Code of Conduct.

According to guidelines published by the Office of Regulation Review (1998), self-regulation should be considered where:

- there is no strong public interest concern, in particular, no major public health and safety concern;
- the problem is a low risk event, of low impact/significance; and
- the problem can be fixed by the market itself.

Benefits

- Teachers would take full responsibility for development and maintenance of professional standards. This would result in the development of a cohesive teaching industry with like minded/motivated participants who are personally committed to achieve the goals.
- There would be cost advantage from tailor-made solutions and less formal mechanisms such as access to quick complaints handling and redress mechanisms.
- Instead of a registration fee payable by teachers, there would be a reduced membership fee.

Costs

- There would be no guarantee that standards could be developed and routinely applied across both the government and non-government sectors.
- A self-regulated teaching body may not generate the same level of confidence in the community with regard to qualification standards and good character of teachers.
- A self-regulated body would not be able to apply formal sanctions for breaches of professional standards.

Desirability of self-regulation as an option

Self regulation is unlikely to be successful as an option due to:

- a) the diversity that exists in the employment practices of the government and non-government teaching sectors, and
- b) the absence in Tasmania of a viable teaching industry association that has coverage of both sectors.

There is a lack of available evidence to show that voluntary participation in a professional teaching body can work and that effective sanctions and incentives can be applied. Attempts have been made nationally to establish and maintain a professional industry body for teaching, but these have floundered – possibly because of the differences between the government and non-government teaching sectors and the lack of a resource base to support such an arrangement.

5.3 Quasi-regulation

Quasi-regulation was described in the Discussion Paper as a form of regulation whereby government influences the industry (teachers) to comply with a range of rules, instruments and standards, but does not form part of explicit government regulation.

Some examples of quasi-regulation were provided in the Discussion Paper as including government endorsed industry codes of practice or standards, government agency guidance notes, industry-government agreements and national accreditation schemes. The Discussion Paper described how the involvement by government in quasi-regulation, whether through official endorsement, representation on monitoring committees, provision of funding or other help to the industry, can enhance industry compliance with the particular code, standard or arrangement.

According to the Office of Regulation Review (ORR) guidelines, quasi-regulation should be considered where:

- there is a public interest in some government involvement in regulatory arrangements and the issue is unlikely to be addressed by self-regulation;
- there is a need for an urgent, interim response to a problem in the short term, while a long-term regulatory solution is being developed;
- government is not convinced of the need to develop or mandate a code for the whole industry;
- there are cost advantages from flexible, tailor made solutions and less formal mechanisms such as access to a speedy, low cost complaints handling and redress mechanisms; and
- there are advantages in the government engaging in a collaborative approach with industry, with industry having substantial ownership of the scheme.

Benefits

- A system of quasi-regulation would not require the establishment of a separate organisation with associated reduced costs to the community and to individual teachers.
- Financial costs to individual teachers would be diminished in the absence of formal registration fees.
- The Tasmanian Government would be able to encourage all educational sectors to implement common and agreed standards for all teachers employed in Government and non-Government schools.

Costs

- Teachers would lose a degree of self-determination in having Government formally involved in setting and monitoring standards for the profession.
- It is unlikely that quasi-regulation as a form of regulation could ensure the extent of coverage required to enforce the adoption of teaching standards across the government and non-government sectors.
- Effective sanctions would not be available for breaches of the agreed standards.

Desirability of quasi-regulation as an option

Quasi-regulation is considered inappropriate in that it is unlikely to achieve the objectives of the legislation. A loose, less structured arrangement as presented via a system of quasi-regulation would not satisfy the community that minimum teaching standards were being achieved. As an example, the Government and Catholic systems and some non-government schools already undertake criminal record

checks on teachers, but this practice is not generally visible to the public who have no way of knowing whether teachers are qualified and of good character.

Under a system of quasi-regulation, unqualified teachers could continue to work in government and non-government schools without restriction. Monitoring of compliance with agreed standards across the government and non-government sectors would be difficult in the absence of legislation. Quality control could not be ensured.

5.4 Co-regulation

Co-regulation was described in the Discussion Paper as a form of regulation wherein the industry/profession develops and administers its own arrangements, but government provides legislative backing to enable the arrangements to be enforced. This was referred to as 'underpinning' of codes or standards.

The Office of Regulation Review guidelines describe a variety of ways in which government may provide legislative support to industry bases codes (or standards) including:

- delegating power to industry to regulate and enforce codes;
- enforcing undertakings to comply with a code;
- setting out standards which can also be overridden by industry;
- incorporating a reserve power to have a code;
- requiring industry to have a code but, in its absence, government may impose a code; and
- prescribing industry codes as voluntary or mandatory.

Benefits

- The jurisdiction of the Schools Registration Board (as the body responsible under the *Education Act 1994* for the registration of non-government schools) could be readily extended through the Board's existing guidelines to require that school systems and individual non-government schools set standards for the teaching profession in the form of a Code of Conduct.
- Government school teachers could develop a Code of Ethics that was formulated specifically for the sector with aspects that are separate and distinct to the government sector.

Costs

- The teaching profession would remain fragmented across the government and non-government sectors.

- Tasmania would remain isolated from ongoing development in other Australian States and Territories and internationally.
- Teachers would forego the advantages of mutual recognition which are viewed as increasingly important where the teaching profession, along with other professions, is becoming increasingly mobile.

Desirability of co-regulation as an option

Although the scope of assessment of the Schools Registration Board could be readily extended to include teacher registration in addition to standards for the registration of non-government schools, this would leave the teaching profession fragmented between government school and non-government school teachers. Registration for non-government school teachers was a compulsory requirement until the *Education Act* was amended in 1994. The general view when the provision was deleted, was that registration could not exist for one sector and not the other due to equity considerations and to the difficulties caused by teachers moving between the two sectors. A decision to adopt a system of co-regulation would be likely to be viewed as a regressive step by the industry.

5.5 Total deregulation

Desirability of total deregulation as an option

A system of total deregulation as an option would result in a significant reduction in the current level of public confidence in the teaching profession. The standing and status of the teaching profession would be severely diminished. Schools would be able to employ unqualified, incompetent and unfit people as teachers. This would result in a reduction in standards and would place students at serious risk of experiencing reduced learning outcomes and physical abuse. This option was considered as unacceptable and therefore rejected.

5.6 Introduce new legislation

The consequences of this option would mean the eventual implementation of the provisions of the Teachers Registration Bill 2000 through the establishment of a new Teachers Registration Board.

Benefits

- Risks to the safety and well-being of children and students will be reduced.
- Minimum standards for the teaching profession will be formulated and promoted.
- The community will be provided with a registration process which is transparent, accountable, consistent, non-discriminatory and administratively efficient.
- Legislation will assist to ensure a consistent cross-sectoral approach to the registration and employment of teachers.
- The status of teachers and their standing in the community will be enhanced through certification by an independent body that will provide verification of the competence and good character of people working as teachers in Tasmanian schools.

Costs

- Teachers will be subject to payment of an annual fee in order to be registered.
- Non-government schools will have to comply with an additional form of government intervention where minimal intervention had existed previously through the registration processes of the Schools Registration Board.
- There will be initial establishment costs of setting up the Teachers Registration Board as a separate statutory body.
- There will be a period of uncertainty while the new Teachers Registration Board develops a level of expertise, formal processes, guidelines and operating procedures.

Desirability of introducing new legislation as an option

The new legislation will provide an equitable, consistent and transparent registration process for teachers working in government and non-government schools in Tasmania.

The option of proceeding the new legislation is seen as the most preferable option both in its own right and against consideration of other alternative options for achieving the objectives of the policy to introduce a system of teacher registration.

6 Greatest Net Benefit/Least Net Cost Alternative

Under the terms of the *Competition Principles Agreement*, legislation should not restrict competition or impose a significant impact on business unless it can be demonstrated that:

- (a) the benefits to the community as a whole outweigh the costs; and
- (b) the objectives of the legislation can only be achieved by restricting competition or imposing a significant impact on business.

It is believed that the introduction of the **Teachers Registration Bill 2000** has the greatest net benefit, whilst also providing the least net cost of all options in meeting the stated objectives of the Bill.

The Bill provides for the minimum level of regulation necessary to ensure that teachers working in schools in Tasmania are qualified and of good character. The establishment of a Teachers Registration Board was viewed positively by the majority of respondents as a way forward for the teaching profession through giving teachers an advocacy body and a professional voice. Proposed penalties applying for breaches of the proposed legislation were viewed as fair and providing a sufficient deterrent measure.

It is recognised that the setting of minimum standards for those wishing to enter the teaching profession is in accord with other professional licensing/registration systems that are also supported by legislation. A regulated system of registration by its very nature specifically excludes a person from practicing as a teacher. Overriding this exclusion is the real need to protect students from inadequately trained, incompetent or unfit persons. A formal registration system provides a visible process relating to minimum standards of competence and training, prevents or restricts practice by unregistered persons and provides a mechanism through which incompetent or unfit persons can be suspended or deregistered.

The restriction this places upon people entering and remaining in the teaching profession is outweighed by the benefits to the community as a whole which extend to students, teachers, parents, schools and employers.

Teachers, through the introduction of new legislation, will gain public acknowledgment of teaching as a full profession, affirmed and enhanced status, representation, a unified voice across sectoral boundaries, and the power to set and maintain standards.

6. Statement of Consultation Process

The discussion paper *A proposal to register teachers in Tasmania* and the draft Teachers Registration Bill 2000 were publicly launched by the Minister for Education on 2 August 2000. The launch received coverage via the Minister's media release, television during prime-time news broadcasts, and radio interviews with representatives of key education groups. A total of 2000 copies were printed and distributed to over 300 government and non-government schools and to other stakeholder groups, including:

Tasmanian Education Council
Tasmanian Council of State School Parents and Friends Associations
Teachers Registration Reference Group
Schools Registration Board
In Schools Today Magazine
House of Assembly
Legislative Council
Tasmanian Employment Advisory Council
State School Councils
State School Parents and Friends Associations
Tasmanian Parents Council of Independent Schools Inc
Tasmanian Catholic Schools Parents and Friends
Tasmanian Chamber of Commerce and Industry
Tasmanian Trades and Labour Council
Australian Education Union
Association of Independent Schools of Tasmania
Tasmanian Home Education Advisory Council
Universities Registration Council
Youth Network of Tasmania (YNOT)
Faculty of Education - University of Tasmania
CPSU
Non-government school Principals
State school Principals
School and Teacher Registration Authorities - other states
VIC - Standards Council of the Teaching Profession
VIC - Ministerial Advisory Committee for the Victorian Institute of Teaching
VIC - Registered Schools Board
QLD - Board of Teacher Registration
SA - Teachers Registration Board of South Australia
Commissioner for Police
Treasury - Regulation Review Unit
Secretary - Department of Treasury and Finance
Secretary - Premier and Cabinet
Office of Parliamentary Counsel

Advertisements calling for submissions and advising on the availability of the Discussion Paper were placed in the Mercury, the Examiner and the Advocate on two separate occasions (5 and 9 August 2000), and in the Western Herald Newspaper on 13 August 2000. These advertisements, together with other publicity, generated 42 requests from individuals seeking copies of the draft Bill and/or the Discussion Paper.

In addition, the Department of Education established an Internet website at URL – <http://www.doe.tased.edu.au/teachersregistration/>. The website contained the Discussion Paper, a facility to obtain the draft Bill electronically, and an on-line consultation response form. It was noted that responses to the issues raised in the Discussion Paper were generally lower than anticipated via this format.

A total of 81 written submissions were received, including a number submitted as email messages. All submissions were presented for consideration by members of the Teachers Registration Reference Group at a meeting held on 7 September 2000. A thematic analysis of the issues presented through the consultation was provided as an attachment to the submissions.

The Teachers Registration Reference Group met on four separate occasions over the period of development of the proposal for the purpose of advising the Minister for Education in relation to:

- a) the content of the proposed legislation;
- b) the consultation process;
- c) the establishment and initial operations of a Teachers Registration Board; and
- d) the Regulatory Review process for new legislation including the extent to which the introduction of a system of teacher registration is in the interests of the Tasmanian educational and general communities (as required under National Competition Policy Guidelines).

A smaller working party comprising members of the Reference Group met on 14 September 2000 to consider the final version of the Bill.

A copy of the Regulatory Impact Statement will be provided to all persons and organisations that submitted responses to the Discussion Paper. The RIS will be advertised in the major newspapers on 16 September 2000 and released for public comment on 20 September 2000 for a 21 day period as specified under the Legislation Review Program. Following the conclusion of the consultation period on the RIS on 11 October 2000, the Department of Education will prepare a final

report for Government which will include responses to the RIS and Discussion Paper.

National Competition Policy

Background to National Competition Policy

In October 1992, following the agreement of all Australian governments, the Prime Minister established a Committee of Inquiry to investigate and report on a recommended course of action to achieve consistent competition rules across Australia. The Committee was chaired by Professor Fred Hilmer and its final report was released in August 1993.

The Hilmer Report recommended that a number of steps be taken to achieve the universal application of the Commonwealth's *Trade Practices Act 1974* to both private and public business enterprises and that a series of "additional policy elements" be implemented by governments. These additional policy elements include:

- the structural reform of public monopolies;
- the application of competitive neutrality principles to public sector businesses;
- processes for reviewing anti-competitive legislation;
- the establishment of State-based prices oversight regimes to apply to public sector monopolies; and
- guaranteed third party access to essential infrastructure facilities.

The Hilmer Report also recommended the establishment of two national bodies to oversee the administration of the NCP framework, namely the Australian Competition and Consumer Commission (ACCC) and the National Competition Council (NCC).

The recommendations contained in the Hilmer Report were the subject of discussion and negotiation between the Commonwealth, State and Territory governments for nearly two years. At the Council of Australian Governments meeting on 11 April 1995, the parties agreed on the elements of NCP, which are to be progressively implemented over time to boost the competitiveness and growth prospects of the national economy. The following three agreements were signed:

- the *Conduct Code Agreement* (relating to the TPA extension)
- the *Competition Principles Agreement* (relating to the "additional policy elements")
- the *Agreement to implement the National Competition Policy and Related Reforms* (relating to the sharing of the financial benefits expected to flow from the implementation of NCP).

The NCP Agreements are available in full at the NCC's Internet site:
<http://www.ncc.gov.au/>

The benefits of National Competition Policy

The general aim of NCP is to promote free and open competition where this is in the public benefit and therefore increase efficiency and productivity in the economy.

The benefits of greater competition extend to all participants in the economy:

- to consumers - through lower prices, more product choice and better service;
- to businesses - through cheaper inputs, better service from input suppliers, greater choice of suppliers and access to improved technology, all of which lead to greater competitiveness;
- to governments - through increased revenue from expanding the economy, lower expenditure and improvements in government services; and
- to the economy as a whole - through lower inflation, increased growth, improved international competitiveness, greater investment, a greater choice of jobs and improved standards of living.

Financial arrangements

The *Agreement to Implement National Competition Policy and Related Reforms* sets out the details associated with the Commonwealth's undertaking to provide additional financial assistance to the States and Territories, conditional on satisfactory progress being made with the implementation of NCP and related reforms. The Agreement provides for a sharing of the benefits flowing from the Commonwealth as a result of the States and Territories agreeing to implement NCP and related reforms.

Under this Agreement, the Commonwealth will firstly maintain the existing real per capita guarantee on Financial Assistance Grants (FAGs) on a rolling three year basis. This means that each year the guarantee will be extended for a further year, providing the States and Territories with a continuous guaranteed FAG pool for three years ahead. The real per capita guarantee was introduced at the 1994 Premiers' Conference and also applies to Commonwealth general purpose payments to local government.

In addition to this guarantee, the Agreement provides for additional 'competition' payments to be made to the States and Territories. These will be provided in three 'tranches' which, together with the per capita guarantee component of the FAG pool, will be dependent on the States and Territories implementing the agreed reforms. If a State or

Territory has not undertaken the required action within the specified time frame, its share of the per capita guarantee on FAGs and of the NCP payments will be forfeited to the Commonwealth. The NCC has been charged with the task of assessing compliance by each State and Territory with the conditions governing competition payments.

Tasmania received the 1997-98 component of the first tranche payment in June 1997, totalling \$12.3 million. By June 1999, the State received the 1998-99 component of Tasmania's first tranche assessment, which comprised \$5.4 million in competition payments and \$15.4 million in FAG payments.

The Commonwealth Treasurer has accepted the recommendation of the NCC that Tasmania received the full share of the 1999-00 component of the second tranche of NCP payments. This payment is expected to total around \$34.5 million.

Subject to Tasmania's continued compliance with its NCP obligations, the State is expecting to receive a payment of around \$10.6 million as its share of the 2000 - 01 component of the second tranche of competition payments. This component will not include a FAG payment as these payments will be replaced by the national tax reform measures, which include the allocation of GST revenues between the States and the Commonwealth.

Estimated NCP Payments at June 1999 Real Terms (1999-00 dollars^{*})

Year	Per Capita FAG Guarantee		Competition Payments		
	National Total	Tasmanian Share	National Total	Tasmanian Share	Total Payments to Tasmania
	\$m	\$m	\$m	\$m	\$m
1997-98 actual	175.51	6.88	213.03	5.40	12.27
1998-99 actual	396.89	15.36	215.68	5.39	20.75
1999-2000	598.58	23.71	438.91	10.81	34.52
2000-01 [#]			438.91	10.65	10.65
2001-02 [#]			658.37	15.74	15.74
2002-03 [#] onwards			658.37	15.51	15.51

Note: ^{*}Except for actual payments in 1997-98 and 1998-99, these figures have been updated since the publication of the Tasmanian Government's *National Competition Policy Progress Report, April 1999* on the basis of advice received from the Commonwealth Government in June 1999.

Given that FAGs will be replaced by a GST regime, the inclusion of the FAGs-related payments in the above table is no longer relevant after 1999-2000.

A detailed account of Tasmania's progress in implementing the NCP Agreements is provided in Tasmania's most recent report to the NCC entitled, *National Competition Policy Progress Report, April 1999*. A copy is available as part of the Government's 1999-00 Budget Papers from its internet site at <http://www.tas.gov.au>.

Appendix 2

Teachers Registration Reference Group

<i>Representative</i>	<i>Organisation</i>
Mr Rod Grosvenor	Schools Registration Board
Mr Jeff Hall	Catholic Education Office
Mr Craig Coleman	Parents and Friends of Catholic Schools
Mr Rupert Badcock	Tasmanian Parents Council of Independent Schools
Mr Chris Smallbane	Tasmanian Catholic Education Employees Association
Mr Barry McFarlane	Tasmanian Independent Schools Teachers' Association
Mr Chris Lane	Australian Education Union
Mr Rod Tedds	Association of Independent Schools of Tasmania
Mrs Dianne Ellson	Tasmanian Council of State School Parents and Friends Associations
Professor John Braithwaite	University of Tasmania – Faculty of Education
Mr Nick Evans	Office of the Minister for Education
Mr Simon Barnsley	Department of Education

Appendix 3

List of submissions received in response to the proposal to register teachers

1. Abbi Waterhouse
2. Rebecca McHenry
3. Tim Beaumont
4. Judy Kemp
5. Mark Dickenson
6. Natalie Wheatley
7. Andrea Bonney
8. Chris Barnes
9. Terry Polglase, Tasman District High School
10. Craig Deayton, MacKillop College
11. Heidi Firth
12. John Hudson
13. Bracknell Primary School Council
14. Wendy Pinchin
15. Tim Payne
16. A.D. MacRae
17. Larry Scott, Department of Education (Professional Learning Services Branch)
18. Andrew Sweeney
19. David Pitman
20. Jeffrey Triffitt
21. Anonymous
22. Anonymous
23. Ken Price
24. Ewen LeFevre, St Leonards Primary School
25. Ethnic Community Council
26. Smithton High School teaching staff
27. Dr Ken Milton
28. Circular Head Christian School
29. Yolla District High School
30. Rosie Wedd, Mountain Heights School Council
31. Liz Banks, King Island District High School staff and Parents and Friends
32. Francesca Bearman
33. Deidre Brown, Tarooma High School Council
34. Helen vanDer Vlist and Vicki Hefford, Mowbray Heights Primary School School Council, Parents and Citizens Assoc. Inc
35. Wendy Hastings, Teachers Registration Board of South Australia
36. Joanne Coates
37. Tasmanian Primary Principals Association
38. Louise Foot, Evandale Primary School Parent Association

39. Lindisfarne North Primary School staff
40. Mowbray Heights Primary School staff
41. Summerdale Community School Council
42. Forth Primary School Council
43. Philip Weeks, Tasmanian Christian Academy/Geneva Fellowship Inc
44. Neil Rowcroft Christian Parent-Controlled Schools in Tasmania
45. Claremont College Arts Centre Staff
46. Judith Chambers
47. Rosetta Primary School - group of teachers
48. Australian Education Union
49. Queechy High School teachers
50. Tasmanian Association of Christian Educators
51. Association of Independent Schools of Tasmania (AIST)
52. The Tasmanian Council of State School parents and Friends Associations Inc
53. Diana Sargent
54. Tasmanian Catholic Education Employees Association
55. Ruth Radford
56. Quentin Harris, Oakwood Education Trust
57. Smithton Primary School
58. Smithton Primary School Council
59. David Billing on behalf of Hartz District Principals
60. Tasmanian Education Council
61. Sassafras Primary School Council
62. Professor Bill Mulford, University of Tasmania
63. Joanne Lynd and Liz Gergely, Penguin Primary School Parent Group
64. Penny Andersen
65. Eve Mills
66. Jillian Koshin on behalf of a group of parents
67. Dr Marie Jansen, Office of the Board of Teacher Registration - Queensland
68. Ogilvie High School Council
69. Devonport High School Council and Parents and Friends
70. Emma Davey
71. Lillian Waddington
72. Campania District High School Parents and Friends
73. Lynne Hanlon, Tasmanian Secondary Colleges
74. Commissioner for Public Employment
75. Hobart College Council
76. Anonymous
77. Tasmanian Secondary Principals Association
78. Smithton High School Council
79. Catholic Education Office
80. Alison Purdon
81. St Leonards Primary School Parents and Friends Association Inc.

Appendix 4

Other jurisdictions – comparative regulation systems

A brief description of comparative systems operating to regulate the teaching profession interstate and overseas is provided below.

Queensland

The Queensland Board of Teacher Registration has been in existence since 1971 and is responsible for registering government and non-government teachers under the *Education (Teacher Registration) Act 1988*. Teachers in Queensland pay \$24 per annum to be registered. Overseas and interstate graduates applying for registration in Queensland have to pay \$60.

The Board's Statement of Purpose is to "enable self-governance of the teaching profession in the public interest by encouraging the highest professional standards and aspirations of teachers in Queensland's schools". Its stated aims are to:

- promote high quality teaching;
- foster professional growth of the teaching profession;
- assess and accredit teacher education courses;
- undertake research into teaching; and
- enhance the public standing of teaching.

South Australia

Teachers in government and non-government schools are required to be registered by the Teachers Registration Board of South Australia under the *South Australian Education Act 1972*. The Teachers Registration Board has as its stated mission – "To protect the public interest in pre-school, primary and secondary education by promoting the quality of teaching and teachers". The Board:

- maintains a Register of teachers
- oversees standards of entry to the profession
- exercises disciplinary powers in relation to registration
- confers with institutions providing pre-service tertiary education, to ensure minimum requirements for registration are met;
- maintains affiliation with similar authorities to promote uniformity in standards required for entry to the teaching profession.

Currently there are more than 34,000 teachers registered with the Board. The current fee for registration as a teacher in South Australia is \$60 for three years.

New Zealand

In New Zealand, government and non-government schools as well as free kindergarten associations are only permitted to employ teachers who are registered by the Teacher Registration Board. All teachers with cancelled registration have their names published and circulated to employers twice a year. Their names are also published on the world wide web.

England

A newly established General Teaching Council for England will commence operations in September 2000 subject to parliamentary approval. It is expected that the Council will provide a new professional body for teachers, with at least half a million members. The purpose of the 55-member Council will be to:

- maintain and publish a register of teachers
- ensure that high standards of conduct are maintained
- publish a Code of Conduct and Practice setting out the standards expected of registered teachers
- handle cases of misconduct and advise the Secretary of State on serious cases relating to the safety and welfare of children
- take action in cases of serious professional incompetence.

Ontario

The Ontario College of Teachers has operated since 1996 as an independent, self-regulating professional body. The main function of the College is to license, govern and regulate the teaching profession. Members of the College Council are elected by their colleagues and the general public. The Council is responsible for:

- developing standards of teaching practice;
- regulating teacher certification and professional development; and
- dealing with cases of professional misconduct.

Scotland

The General Teaching Council for Scotland comprises 49 members - 30 of whom are elected by their peers, with the remaining members appointed by a broad representation of educational interest groups. Members are elected for a 4-year term.

The following provides a brief description of the situation applying in other States of Australia and selected overseas countries where registration systems are being, or may have been considered.

Victoria

In Victoria, teachers in non-government schools are required to be registered by a central body. A quasi system of registration of government school teachers also operates in Victoria, where people who have gained their teaching qualification in Victoria do not have to apply to the central Employment Assessment Centre for approval to teach, but people with interstate and overseas qualifications are required to have their qualifications assessed and undergo a good character check. Teachers in government schools have to comply with a Code of Conduct administered by the Standards Council of the Teaching Profession in Victoria. The Victorian Education Minister recently announced a proposal to establish a new standards body for the teaching profession. The Ministerial Advisory Committee for the Victorian Institute of Teaching is advising the Minister on the proposal.

Western Australia

Legislation to enable teacher registration in Western Australia was passed in 1976, but was repealed in September 1978. The education community in Western Australia is currently considering a discussion paper prior to deciding the Government's policy position in relation to teacher registration.

New South Wales

On 11 November 1998, the Minister for Education introduced the Teaching Standards Bill 1998 into the Legislative Assembly of the NSW Parliament. The proposal to register teachers under the Bill was defeated in that State's Upper House.

USA

In the USA, entry standards are set by various mechanisms at state level and vary widely. Teachers, with the support of the US Congress, State Governors, many responsible educational authorities, and the two main teaching unions (The National Education Association and the American Federation of Teachers) have established the National Board for Professional Teaching Standards (NBPTS). This Board aims to articulate high level standards in a wide range of pedagogical areas, establishing in effect standards of advanced practice. (Source: IEU homepage)