

REVIEW OF EDUCATION REGULATION

Delivering for learners, driving quality in education through contemporary regulation

STEERING COMMITTEE REPORT (DECEMBER 2020): SUMMARY TABLE OF RECOMMENDATIONS

No	Recommendation
1	Update the Section 4(1)(g) of the <i>Education Act 2016</i> (principles) to include education regulators. Require a more explicit focus on learner outcomes by the TRB and TASC through the application of the <i>Education Act 2016</i> principles. Develop regulator and function-specific principles to guide the administration of the respective Acts by all the regulators.
2	Adopt a performance framework for all Regulators that provides for: <ul style="list-style-type: none">• the setting of relevant objects and principles• the Minister must set policy expectations for each Regulator which are to be reviewed at least annually• the Regulator to prepare a corporate plan including outcome-based performance targets for approval by Minister• the Regulator to report against these performance targets in its annual report; and• the Minister to be able to commission an external review of a Regulator if required.
3	Provide a mechanism that requires Regulator coordination and collaboration with relevant bodies to achieve regulatory outcomes and shared objectives.
4	Strengthen the visibility of the appeals process for each Regulator by requiring them to publish it on their respective websites.
5	If an appropriate appeals mechanism is not established through the forthcoming Tasmanian Civil and Administrative Tribunal (TasCAT) model, establish an independent internal review panel to hear appeals of regulator decisions before they go to the Magistrates Court (Administrative Appeals Division).
6	Maintain the existing governance models of a board supported by Registrar functions, for the TRB and NGSRB and a single regulator for the Registrar Education.
7	Update the governance model for TASC by: <ul style="list-style-type: none">• Establishing a skills-based board and removing the Framework Advisory Committee• Creating Registrar functions and powers that will be allocated to a state service employee/officer to support the Board in the discharge of its functions or powers which are able to be delegated.
8	Retain each regulator as a separate entity responsible for regulatory decision making and combine the responsibility for administrative outcomes and delivery of functions under a single Director of Education Regulation, which will take on the functions and powers of the Registrar Education, the TRB Registrar, and the TASC Registrar.
9	Ensure the Registrars have the power to delegate their functions or powers. <i>Note: The Director Education Regulation will take on the functions and powers of the three Registrars and will be able to delegate them.</i>

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No	Recommendation
10	Explore opportunities to co-locate the Regulators.
11	Evaluate the governance model recommended by the Committee for effectiveness in three to five years, including a review of the operation of TasCAT as per Recommendation 5.
12	The Minister should establish the Education Regulation Advisory Council with membership to comprise the heads of the three education sectors.
13	Provide for each regulator to be able to form committees to provide policy and operational advice on an as-needs basis.
14	DoE should continue to provide staffing and corporate support to the Regulators.
15	The Regulators should be subject to the Treasurer's Instructions.
16	Provide for each Regulator to be: <ul style="list-style-type: none">• accountable to the Minister through its performance framework• subject to Ministerial direction but not in respect of individual regulatory decisions.
17	Provide for each Registrar to be: <ul style="list-style-type: none">• responsible to the respective Board for any delegated functions• responsible to the Head of Agency (Secretary) for all other functions. <p><i>Note: The Director Education Regulation will take on the functions and powers of the three Registrars and will be responsible to the Board and Head of Agency respectively.</i></p>
18	The independence of the regulators should be further safeguarded through greater transparency and clarity on administrative support provided by DoE. This should be achieved through a legislated requirement for a framework agreement between Head of Agency (Secretary) and the Regulator that specifies: <ul style="list-style-type: none">• The overall budget• Staffing numbers, selection, performance assessment, corporate support• Information sharing policies• Application of government policies• The accountability of the Registrars to the Regulator and to the Head of Agency (Secretary)• Accountability of each Regulator to the Secretary for its budget outcomes• Any cost recovery arrangements.

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19	<p>Establish skills-based boards as the governing body for the TRB, TASC and NGRSB with the following requirements:</p> <ul style="list-style-type: none">• The Boards be appointed by the Minister informed by advice from the ERAC• The Minister appoints members who collectively have skills in the following:<ul style="list-style-type: none">» general board governance skills» skills relevant to the performance of the Board's functions.• The Regulators to provide advice to the Minister on the skills and experience required when vacancies arise• In appointing members, the Minister has regard to ensuring that the composition of the boards are a fair and balanced reflection of the diversity of the community• That board positions would be filled following a public advertisement process• Each Board has a minimum of 5 and maximum of 7 members, including the chair.
20	<p>Provide for:</p> <ul style="list-style-type: none">• Selection criteria, termination provisions and public notification of changes to board membership through the Regulator's annual report• Staggered three-year appointment terms, as well as the number of terms for board members, subject to advice from ERAC• A transition, where relevant, to the new board structure as existing board member positions become vacant.
21	<p>Request Regulators to examine the scope for minor additional revenue to be raised having regard to the sustainable funding principles and report to the Minister, noting that TRB fees currently remain appropriate.</p>
22	<p>The base level of funding of \$4.3 million, currently provided from DOE's budget allocation, be moved to a separate Output Group, not under Output Group I – Education in the Tasmanian Budget</p>
23	<p>Capital and recurrent outlays for education regulation in excess of the base level of funding for Education Regulation (\$4.3 million) will need to be identified and considered through the State Budget process.</p>
24	<p>DoE to commission the independent development of a methodology, with input from the boards, to determine the sustainable funding for each of the Regulators. Such a methodology would need to cover both operational and capital requirements and would be applied on an annual basis.</p>