



## **Feedback on Draft Education Legislation Amendments (Education Regulation) Bill 2021**

Submission by TASITE inc.  
20 August 2021

As a professional teaching association in Tasmania, TASITE's Management Committee welcomes the opportunity to represent its teacher members across Tasmania to provide feedback on the **Draft Education Legislation Amendments (Education Regulation) Bill 2021**.

### **GENERAL COMMENTS**

It is encouraging to see review of the structures that regulate and monitor the provision of quality education to Tasmanian students. In particular, the statement to be inserted, detailed on p.12 of the Education Legislation Amendments (Education Regulation) Bill 2021 is welcome, recognising as it does,

*“the importance of the State, parents, teachers, schools, education regulators, other educational institutions (including TasTAFE and the University of Tasmania) and the wider community coordinating and working collaboratively to engender a commitment in all sectors in Tasmania to achieving the best educational outcomes for children...”*

On page 13 of the same Bill, a legislated commitment to equity is also welcome, namely

*“that all students are entitled to education of a quality that is capable of enabling them to reach their potential and so maximise their achievements and contribution to the community.”*

The proposed governance structures appear to be logical, consistent and suitably representative to the stakeholders. They also retain the independence of the statutory authorities, while potentially adding suitable support from the State Service.

Some questions remain as concerns and these are outlined below.

## **CONCERNS**

### ***Role of NGSRB***

Government schools

The NGSRB has explicit jurisdiction over registration and regulatory compliance of non-government schools. However it is unclear how similar regulation is applied and equally transparent for all schools - government and non-government schools.

Scope of NGSRB regulation based on the meaning of “school”

The term “school” is defined rather circularly in the Act. Does it include schools such as the culturally-based schools that appear from time to time (Greek School, Aboriginal schools), and others that operate in addition to mainstream schools, for example, drama and dance schools? If so, how are the needs and regulatory compliance of these schools managed?

### ***Registrars and Regulators***

There still seems to be significant overlap, inefficiency, or inconsistency with the names of the Registrars.

Why would the operational aspects or “delivery of functions” of the registration process be undertaken outside of the regulator body named to undertake the registration?

The Fact Sheet refers to the “The Registrar”, to new “Registrar” roles and to the Director of Education Regulation. It’s not at all clear which is referred to when the term Registrar is used later in documents. Does each new Registrar need a distinction, as does the current Education Registrar?

Recommendation 8 states

*“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.”*

Immediately after this, Recommendation 9 says

*“Ensure the Registrars have the power to delegate their functions or powers.”*

The previous Recommendation has combined functions and powers into a single Director role. The same applies in Recommendations 13, 15 and 16. The changes in the Act don’t appear to make this clear either.

### **Ambiguous terminology in relation to “Regulator(s)”**

The Fact Sheet contains references to “Regulators” without clarifying this term. Are the Regulators the organisational units, or individual Registrars appointed to the regulator role?

The Amendments to the Act state:

*“education regulator means –*

*(a) the Registrar; and*

*(b) the Registration Board; and*

*(c) the Tasmanian Assessment, Standards and Certification Board established by section 7(1) of the Tasmanian Assessment, Standards and Certification Act 2003; and*

*(d) the Teachers Registration Board continued by section 5(1) of the Teachers Registration Act 2000. “*

Again, the vagueness about the meaning of “registrar” and the reference in singular form is inconsistent with other references to registrars (plural).

Perhaps the ambiguities in the described structure could be removed by showing the various organisations and their interrelationships in a diagram showing “now” and “proposed future” organisational structures and responsibilities. TASITE management committee members attempted to do this from the descriptions but found it challenging and we were not certain of our interpretation.

### **Financial implications of a “more sustainable funding model”.**

It is unclear if the proposed changes result in cost savings, cost neutrality or increased costs, despite the stated goal of “having a more sustainable funding model”. If the amendment is creating a NEW Director of Education Regulation role in addition to adding a Board and Registrar for each one, the increase in role numbers will have obvious budgetary implications. The cost of support staffing, office accommodation, etc also needs to be considered if additional organisational units are created.

It appears that part of the cost of operating the TRB and NGSRB is currently recovered through fees charged directly to teachers (in the case of TRB) and schools (NGSRB). It is unclear if the same approach will be used for the proposed Director of Education Regulation.

### **Gaps in regulatory coverage.**

Looking at the combined functions of TRB, NGSRB and TASC (and the Director of Education Regulation), some gaps appear evident. While these gaps may have been present previously, it may be prudent to consider dealing with them as part of this process.

Monitoring of required registration standards in schools

The NGSRB operates with a comprehensive set of 13 Standards that must be met when a school submits for registration. Although there is more clarity within the non-government sector,

based on information in the public domain alone, it does not appear to have a process to monitor these between registration renewals, nor the length of these renewal periods.

The NGS Standards include:

1. *Governance*
2. *Student learning*
3. *Curriculum*
4. *Assessment and reporting*
5. *Student welfare*
6. *Financial resources*
7. *Staff*
8. *Facilities and environment*
9. *Enrolment and attendance*
10. *Number of students*
11. *Complaints management*
12. *Behaviour management*
13. *Compliance with law*

While TASC has carriage of some monitoring functions for Year 11 and 12 (and for some courses delivered across years to 12), there does not appear to be a systematic monitoring function for its 10 standards for providers, or for those schools/colleges intending to register with TASC.

The TASC Standards include:

1. *Standard 1: Course providers will ensure that all the knowledge, skills and experiences that comprise a course are delivered to students, and that all stated course requirements are met*
2. *Standard 2: Course providers will ensure that individual students are exposed to the learning required by a course*
3. *Standard 3: Course providers will ensure that assessment tools meet the requirements of the course and are valid, fair, and equitable*
4. *Standard 4: Course providers will ensure that accurate assessment records are maintained*
5. *Standard 5: Course providers will have effective and documented procedures to ensure comparability of the interpretation and application of course standards to the evidence of student work*
6. *Standard 6: Course providers will have policies and procedures to ensure that any disputes regarding internal assessments are resolved prior to final reporting to TASC*
7. *Standard 7: Course providers will ensure that students are given explicit learning regarding academic integrity*
8. *Standard 8: Course providers will have policies and procedures to ensure that any disputes regarding a school's refusal to endorse the academic integrity of externally assessed folios are resolved*
9. *Standard 9: Course providers will undertake all quality assurance processes required by the Office of TASC*
10. *Standard 10: Course providers will ensure that their registered scope of courses and associated enrolments are accurate and up-to-date, that they have policies and*

*procedures regarding student movement between courses, and that final reporting to TASC occurs by due dates.*

Compliance with these TASC Standards before registration or re-registration appears to be the mode of operation for non-government schools. It is not clear what the mode of operation is for government schools and colleges extending capacity to deliver Years 11-2. Clearly ongoing monitoring could become onerous for both the education provider and the regulator, but possibly some staggered approach across the two sets of Standards could be used for the two sectors.

The issue mentioned previously of government school monitoring is also relevant here in a different context. While some of the Standards are addressed systemically, others are not necessarily.

Curriculum development, assessment, and reporting.

While TASC has a role in this process for the school years within its scope, and while the process of curriculum development was out of scope for the review that led to the proposed Amendment, the focus on regulation of educational provision draws attention to the regulation (and support) of curriculum and associated assessment and reporting. Perhaps this is an area that can be explored in a later process.

Thank you again for the opportunity to provide feedback and for the general spirit of the proposed changes to streamline, simplify and improves governance.

Yours sincerely

A handwritten signature in cursive script that reads "Janine Bowes". The signature is written in black ink on a white background.

Janine Bowes (President)  
On behalf of the TASITE management committee