

## INSTITUTE OF TEACHERS BILL

### Second Reading

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [10.28 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate my second reading speech in *Hansard*.

Leave granted.

In bringing the Institute of Teachers Bill to the House, I acknowledge the detailed and constructive advice from stakeholders.

While not all wishes could be fully met, this is a good piece of policy, a major reform and a very good bill. We would not have reached this stage if it were not for the committed input and constructive criticisms of individuals and representatives of the Professional Teaching Council, the Primary and Secondary Principals Associations in the government sector, the Catholic Education Commission, the Association of Independent Schools, the Teachers Federation, the Independent Education Union and parent organisations.

An institute to represent the professional interests of teachers will have both significant and positive impacts on the profession, and most importantly on the quality of learning for our children.

In particular, an Institute of Teachers will provide an objective means to articulate professional standards; support the career-long development of teachers; assure both the profession and the community of the quality of teacher education programs; accredit and recognise the high quality teaching that exists in schools; support and improve teaching; and raise the quality of student learning outcomes.

In June 2002, a former Minister established the Interim Committee for a New South Wales Institute of Teachers, chaired by Professor Alan Hayes, Dean of the Australian Centre for Educational Studies at Macquarie University.

The Committee reported to my colleague, the Deputy Premier and Minister for Education and Training in July 2003. The cornerstone of the committee's work is the development of a framework of professional standards. A draft of these standards has been in the public domain since June 2003.

In the near future, the draft standards will be subject to a comprehensive validation study by the University of New England, involving 7,000 teachers from different sectors across the State. A New South Wales Institute of Teachers is needed to assure the ongoing quality of the professional skills and capacities of teachers. This can be achieved through professional teaching standards linked to a teacher's professional development for the entirety of their career.

I now turn to the detail of the Institute of Teachers Bill. In part 1, preliminary, one will find the definitions. There are three key definitions that are fundamental to this bill. They are "teach", "teacher" and "accredited".

This bill breaks new ground in defining the terms "teach" and "teacher" for the purposes of teacher accreditation.

The bill defines "teach" as undertaking duties that include, but are not limited to, the direct delivery of courses of study that are designed to implement the curriculum, as determined by the Board of Studies under the Education Act 1990, combined with the responsibility for assessing student performance, progress and participation in such courses.

It is critical to make clear that this definition does not extend to people with particular skills who assist schools and teachers in specialist areas. Examples might be people who tutor music or coach sporting teams, visiting artists, school chaplains, work place assessors of higher school certificate vocational education and training courses, or people who work in schools offering courses in, for example, study skills and so on. Those people will not be required to be accredited but are able to apply if they meet the requirements.

The Government has no problem with schools employing these people to enrich the educational experience of students and would want to encourage their participation in schools. But they are not required to be accredited as teachers for the purpose of this bill.

This definition is important because it draws a distinction between those who are teachers who should be accredited and those for whom this legislation is not intended. However, in its specificity it is capable of including teachers such as school librarians, itinerant support teachers, and casual and temporary teachers who are essential to supporting and maintaining learning in schools.

A "teacher" is quite simply a person who is, or is to be employed to undertake the delivery of a course of study designed to implement the Board curriculum and assess students' participation in those courses. This does not, of course, preclude them undertaking other duties that are part of daily school life or teaching activities in addition to the delivery of board-determined courses. The Minister for Education and Training will direct the institute to monitor the application of these terms after the first year of its operation.

"Accredited" is the formal acknowledgement that a person has satisfied the requirements of the professional standards for which they have made application. There are four career stages at which people can be accredited. Two are mandatory: graduate teacher and professional competence. The two higher levels of professional accomplishment and professional leadership are voluntary.

Responsibility for approving those with authority to accredit teachers in Government schools is vested in the Director-General. The Minister will have that responsibility for non-government schools. Along with this power to approve comes the power to suspend or revoke the approval of a body or person to accredit teachers if they fail to uphold the standards.

Part 2 of the bill outlines the constitution and functions of the institute. The institute will be responsible for advising the Minister on matters as set out in part 2, division 1, clause 7. These cover the development, function and application of the professional teaching standards.

In that role the institute will ensure the standards are fairly and consistently applied and the processes for accrediting teachers are

supported and monitored. In monitoring the application of the standards the institute will work closely with the Board of Studies.

It will not create an inspectorial system replicating the work of the board, nor will it replicate the recently introduced mandatory reporting requirements in non-government schools. It will rely on its capacity to share information with the Board of Studies and to identify and monitor patterns of accreditation decisions within and across schools.

This process of information sharing should ensure that schools or school systems will not bear compliance costs arising from the institute's monitoring processes.

Additionally, the Minister is responsible for approving the persons or bodies who provide initial and continuing teacher education courses and programs, and those who provide professional development courses in accordance with the requirements of the professional teaching standards. The institute will limit its involvement with professional development to courses supporting the accreditation of teachers.

The institute will be led by a chairperson who will be a respected educator. There will be a Board of Governance and a Quality Teacher Council. The chairperson will chair both those bodies.

The Board will be responsible for overseeing the operations of the institute, and monitoring its management, performance and governance. The principal source of advice to the institute on professional matters that impact on the profession of teaching will be the Quality Teaching Council. The Council will comprise 21 members, including the institute's chairperson. Ten members will be teachers who are elected.

The institute will prepare a roll of teachers, and the 10 elected members will be drawn from that roll, and elected by teachers. The election will be conducted by the Electoral Commission. Electoral colleges will be established so that the interests of all teachers are fairly represented. Initially, these colleges will allow for the election of seven government school teachers, including a principal of a government high school and a principal of a government primary school. Two teachers will be elected from amongst teachers working within Catholic schools and one from independent schools.

These distributions reflect the proportions of students within each sector. Regulations will be drafted to bring these intentions into effect. Establishing these colleges in regulation will allow changes to the number of people to be elected from each sector should there be a change in the enrolment share.

The remaining 10 members of the council will be appointed by the Minister and will include nominees from the teacher unions, the Board of Studies, government and non-government schools, teacher education providers, the Professional Teachers Council, parents and the community.

The Chief Executive Officer will be responsible for the operations of the institute. The roll of teachers will include an electoral list as well as a list of accredited teachers. The electoral list is to exist for only one purpose. That is to allow for the conduct of the elections of council members. Being on the roll will have no bearing upon whether an existing teacher is able to be employed or not.

Part 4 of the bill addresses the accreditation of teachers against the professional standards at four levels. Teacher accreditation authorities are those persons or bodies in New South Wales vested with the authority to accredit teachers against the professional standards. In government schools the Director-General of Education will approve people such as school principals and regional directors to undertake this role. These accrediting authorities should be people in a position, generally at school level, who are able to make their decisions based on first hand information and observations.

In non-government schools the accrediting authority will be persons or bodies approved by the Minister. Examples might be individual principals, school authorities or representatives of particular school systems. In the first instance all registered and provisionally registered schools will be the accreditation authorities unless they advise the Minister otherwise.

The Minister and Director-General will have discretion in approving different authorities to undertake accreditation at each level if such arrangements are more effective at a school or within a system of schools. The institute will advise and assist teachers in schools that may not be approved or have the capacity to accredit teachers at some levels to access an appropriate accreditation authority.

Part 4, division 2, clause 21 deals with the rights and responsibilities of those accrediting teachers at a school level. It covers the ability to both accredit teachers employed at the school or seeking employment at the school. Once a teacher is accredited, accreditation has force in any school. However, that accreditation may be revoked by the authority in any school at which that teacher is employed at the time of the revocation.

All accredited teachers must pay a fee to the institute. It is a condition of the accreditation that the fee is paid. Refusal or failure to accredit, or revocation of accreditation may be subject to a full merit review by the Administrative Decisions Tribunal. Given that the institute is to have no industrial function, it is appropriate that an accreditation decision is seen as an "administrative" decision.

A person will not need to be accredited until they are employed. This means accreditation authorities will only be required to consider the accreditation of a successful candidate for employment. The role of the institute to advise and monitor the application of accreditation will ensure fair, valid and consistent decisions are made for teachers wherever they teach in the State. It will also ensure that accreditation will not be used unfairly or in ways in which it is not intended.

Part 4 division 3 deals with new scheme teachers. These are people who have never been employed to teach in New South Wales before 1 January 2005 and who will be employed to teach for the first time after that date. New scheme teachers are also existing teachers who return to teaching after an absence of five or more years following commencement of this Act. These teachers will be required to undergo a modified accreditation process to ensure their knowledge of curriculum and assessment is current. There are specific provisions, however, to enable continuation of existing pathways into teaching including early entry for graduates.

The definition of new scheme teachers is intended to separate them from teachers in the existing workforce. Existing teachers are not required to be accredited but they can volunteer to be accredited. They will not pay

fees unless they are accredited. They are eligible to vote for elected members of the Quality Teaching Council.

Clause 29 states that new scheme teachers must not be employed unless they are either provisionally or conditionally accredited. Conditionally accredited teachers must be under the on-site supervision of another teacher who is neither provisionally nor conditionally accredited. This does not mean that they can teach only with a supervisor in the room. It means that there must be someone at the school with responsibility for overseeing their teaching.

Provisional accreditation is available to those who have met the requirements specified in the professional teaching standards for entry to teaching. In most cases that means the person has full teaching qualifications, that is, has completed an approved teacher education course and reached graduate teacher level.

Provisionally accredited teachers will also be required to reach professional competence level within three years of being granted their provisional accreditation if they are employed on a full-time basis. Specific provisions are made in the bill for casual or temporary teachers to achieve professional competence.

Provisional accreditation ceases at the end of the period, or sooner, if the person is accredited at the level of professional competence by an accrediting authority.

Conditional accreditation, similarly, relates to new scheme teachers and is for people who have completed a degree in a relevant area but do not hold a teaching qualification or who have completed a substantial part of a teacher education degree.

Conditional accreditation also applies to transition scheme teachers. New teachers who are conditionally accredited teachers will be required to undertake further professional development or teacher education on the advice of the institute. They will have four years from the date of their conditional accreditation to meet the terms of their accreditation and to obtain accreditation at professional competence level if they are employed on a full-time basis.

The provisional and conditional accreditation pathways into teaching are intended to facilitate entry into teaching rather than to present unnecessary barriers into the profession. There is a capacity to recognise existing skills and prior experiences of conditionally accredited teachers.

Teachers should achieve, as a minimum, a degree or tertiary equivalent as well as appropriate education credentials. The institute will support and advise accreditation authorities on the combination of tertiary study, experience and professional development required for equivalence to a recognised educational qualification.

Accreditation authorities will heed the advice of the institute, which will have responsibility for ensuring consistently high standards in the application of conditional accreditation. The institute will work with universities and other higher education institutions to ensure combinations of tertiary study, professional development and work experience can be recognised formally by those institutions.

Clause 32 allows our new scheme teachers who are either provisionally accredited or conditionally accredited to seek accreditation at the level of

professional competence at any time.

Clause 33 permits revocation of the provisional or conditional accreditation of new scheme teachers if the accreditation authority is satisfied the person has failed to comply with the conditions of their accreditation. If a new scheme teacher is refused accreditation at professional competence level or has their provisional or conditional accreditation revoked, they may seek to undertake the accreditation again within the same or a subsequent school but within the relevant period. Any teacher can have their accreditation revoked for serious offences that make them unsuitable to be teachers.

Division 4 deals with the mandatory accreditation of transition scheme teachers. It deals with concerns about a small number of people who are currently employed as teachers in a school but at the time of commencement of this legislation either do not hold a teaching qualification or do not hold a degree or a teaching qualification prescribed by the regulations.

Under clause 35, transition scheme teachers must not be employed in schools unless they are conditionally accredited and working under on-site supervision whilst they complete a degree relevant to their teaching. The person must pursue that degree at reasonable pace; if not, their conditional accreditation will cease after seven years.

Clause 38 deals with the revocation of the accreditation of transition scheme teachers. Part 4, division 5, clause 39 covers the voluntary accreditation of teachers and applies to teachers who are not either new scheme or transition scheme teachers. These teachers may apply to the accreditation authority at the levels of professional competence, professional accomplishment or professional leadership. The higher levels of professional accomplishment and leadership will apply to a small minority of teachers in schools. The experiences required to attain these levels will be available only to teachers who have extensive experience across a range of teaching contexts and who have demonstrated high level expertise across all elements of the standards.

Accreditation at the level of professional leadership will comprise, by definition, a very small proportion of teachers. The processes for accreditation at the higher levels will reflect the significance of the status associated with these levels. The processes will be rigorous and involve a high level of moderation by the Institute of Teachers.

The institute will provide teachers with detailed information about the requirements for meeting accreditation at these levels. This will ensure that only those teachers who have the appropriate capacities, skills, knowledge and expertise will apply for accreditation at these levels. Application for accreditation at these levels may require the support of the principal or representative from the accreditation authority.

Clause 40 deals with the accreditation at higher levels of new and transition scheme teachers. Teachers in both schemes may apply for accreditation at the levels of professional accomplishment and professional leadership.

In all cases, the revocation of accreditation at the professional competence standard also means revocation of accreditation at the higher levels. Accredited teachers will pay an annual fee. The institute will be empowered to accept fees paid by teachers. There will also be application fees at the higher levels.

I want to draw attention to schedule 4, clause 4.1, which amends the Education Act 1990, and specifically to the clause relating to the registration of non-government schools.

The amendment recognises a clear distinction between the responsibility of the institute for setting standards and accrediting teachers and the responsibilities of the Board of Studies for assuring the quality of teaching through the registration of non-government schools.

The amendment also recognises the practical need for the Board to have discretion to make holistic judgements about the capacities, skills and experience of a school's staff to deliver the curriculum. In doing so, the board will have regard to requirements for teacher accreditation as specified under this Act as well as other pertinent factors.

I want to assure non-government school authorities that discretion will be applied in decisions about school registration arising from inadvertent or isolated breaches of teacher accreditation requirements. This includes one-off breaches that may occur in emergency school staffing circumstances or where teachers face loss of accreditation for refusal to pay their fees.

Further, while accreditation sets professional requirements, schools and school systems can continue to set additional employment requirements over and above those outlined for accreditation. Our State has a long tradition of excellence and leadership in education. The Institute of Teachers will nurture the profession of teaching and build on the magnificent quality of education our children receive in each and every school in New South Wales. I commend this bill to the House.

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**The Hon. CATHERINE CUSACK** [10.30 p.m.]: The bill establishes an Institute of Teachers as an independent statutory authority to provide leadership and advice for professional teacher standards. The bill provides for a school-based system of accreditation of teachers, with the new institute providing advice to the Minister on the development, content and application of standards and for monitoring the accreditation process. The institute is being established on the recommendation of Professor Alan Hayes, Dean of the Australian Centre for Educational Studies at Macquarie University. I take the opportunity on behalf of the Coalition to express our congratulations and appreciation to Professor Hayes on his work as chair of the Interim Committee for a New South Wales Institute of Teachers. I also note the fine contribution Macquarie University makes towards innovative policy in education. I predict that this university will continue to grow in stature and influence as one of Australia's most important institutions in education policy and preparing our children for the future.

Professor Hayes's committee has developed a framework for professional standards. These were made public for comment in 2003. A comprehensive validation project is being planned by the University of New England. It will involve 7,000 teachers from different sections of the New South Wales education sector. The bill empowers the Minister and the director-general of education to authorise teacher accreditation authorities. The director-general will be responsible for the scheme insofar as it relates to government schools, while the Minister or a body approved by him will approve teacher accreditation authorities for teachers in the non-government sector. There are to be five accreditation levels, ranging from provisional to professional leadership levels. The

scheme will be mandatory for all newly qualified teachers, who will be known as new scheme teachers, while existing teachers will be accredited as transition scheme teachers. In cases in which a teacher is refused accreditation or accreditation is revoked there will be a right of appeal to the Administrative Appeals Tribunal. We believe this is an important provision.

The bill contains a number of provisions for the management and administration of the institute, including the establishment of a Board of Governance and a 21-member Quality Teaching Council. I understand that the Minister plans to advise proclamation on 1 January 2005. So newly graduated teachers entering the service for the first time next year will be able to become the first new scheme teachers. The registration of teachers, establishment of a roll and election of 10 of the Quality Teaching Council members will take time. However, the Opposition supports the Government's resolve to get this long-awaited, much-needed initiative off the drawing board and into action by next year. The Opposition supports the establishment of the New South Wales Institute of Teachers. It is an appropriate step that reflects the professionalism and complexity of teaching as a career. I hope that teachers will appreciate the significance of this step. It says: You are a highly qualified work force and you have achieved a great deal at an academic and a social level in order to qualify for accreditation. The institute is recognition not only of qualifications and achievements; it is a barrier to unqualified people calling themselves teachers.

I also hope that the New South Wales Institute of Teachers can be seen as a turning point for the profession, a mature step forward, a desire to recognise continuous learning and self-development in the teaching profession. The New South Wales Institute of Teachers is a means of valuing and encouraging individual teachers who strive for quality and self-improvement. I have no doubt that the institute will foster a greater emphasis on professional achievement, and that this is a wonderful thing for both the morale of our teachers and the future of our children, who, of course, will be the ultimate beneficiaries. Members will have received representations from the New South Wales Teachers Federation opposing the bill. A letter I have received from Mr Barry Johnson, General Secretary of the Teachers Federation, dated 22 June 2004 states:

In the salaries dispute the Government has now advanced a series of proposed trade-offs which revisit the Greiner-Metherell agenda of deregulation and devolution. The exposure of this ideologically driven agenda now exacerbates our concerns about the Institute of Teachers Bill and specifically those parts of the bill which allow for the devolution of power and revoke accreditation of teachers to individual school principals. In no other teacher registration or accreditation authority in Australia is this power devolved to principals.

I agree to an extent that the Government, having taken great pains after its election in 1995 to dismantle the reform agenda of the Greiner Government, has now recognised the error of its ways and is belatedly trying to return to 1995 to pick up where we left off. The devolution agenda is correct. It always has been and always will be a great stamp of Liberal philosophy that is the hallmark of our education policies. Devolution is the enemy of big government and big unions—centralisation of power at the expense of principals, parents and local school communities. However, I reject the Teachers Federation claim that deregulation is the major aim. People making such an allegation either are being deceptive or simply do not know what they are talking about. It is equally nonsensical to make such a claim in the context of this bill,

which will establish transparent mandatory standards for various levels of accreditation. I would have thought that this would be viewed as new regulation, certainly not as deregulation.

What the Teachers Federation is really saying is that it is not in the cockpit and it does not like it. Teachers across the board will be in control. The teaching profession is for the teachers and students; it is not there to serve the vested interests of any trade union, no matter how powerful. It is ironic that establishment of the institute was also a recommendation of the Vinson report, which was in part commissioned by the Teachers Federation. The fact that the Teachers Federation has reversed its support on the grounds that certain mechanisms are not to its liking is not very persuasive to the Opposition. I can only repeat that we are trying to do something here for education, not to further the vested interests of a party engaged in an industrial dispute with the Government. The very linking of this bill to the salaries dispute does not credit whatsoever to the federation. In our eyes they are not linked, and the need to maintain separation is, if anything, only being further highlighted by the manner in which the Teachers Federation has attacked the bill.

I return to a theme that I have raised on several occasions: the desperate importance of seeing quality education as a public policy issue and not, as it has been traditionally viewed, as an industrial issue. The job of the Teachers Federation is to represent the industrial interest of its members. That is its right. But the quality of education is a matter for government, schools and parents. It is not the exclusive power preserve of the New South Wales Teachers Federation. That is why the Liberal Party and The Nationals have been so strongly committed to devolution, because progress is not possible in the context of never-ending industrial combat between the federation and the Government. I cannot deny that I was surprised, but nevertheless pleased, to hear the Government state that school principals will be responsible for teacher accreditation. This will give these school leaders the tools they need to be leaders.

I remember a wise public service elder saying to me, "You know, Catherine, it is one thing to devolve responsibility and it is quite a different thing to abrogate responsibility." I am sure that there are principals who at times feel that they have the responsibility of doing a job but have been deprived of the tools they need to do it—a very depressing and frustrating scenario. It is my hope that the new scheme for accreditation will allow for a new dimension in the relationship between principals and their staff by creating an environment in which they can work together to plan and build skills and competencies. It is an exciting school-based opportunity and I certainly wish principals every success. I hope and believe that the Institute of Teachers will elevate quality teaching to the true status and context it deserves, an environment in which the issues will be decided on merits rather than being linked into salary wars.

As I have said, the accreditation of teachers is an overdue initiative, in many ways a continuum of Coalition policies for quality and accountability in our schools. I do not begrudge the Government the time it has taken to consult and to get the bill right. In so many respects it is a minor miracle that it has reached this point, and for this reason we should not be looking a gift horse in the mouth. I hope that through the establishment of the institute and accreditation authorities the government school system, through the director-general, will win for itself greater influence over teacher education course content. There is no point in tertiary institutions operating teacher education courses in glorious isolation from the teaching needs of schools, particularly government schools, which bear more than their fair share of students with special needs and challenging

behaviours.

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The New South Wales Government is the major employer of teachers in this State. It is answerable to the electorate for its performance in managing schools and in improving the quality of education. It is therefore appropriate that teacher education courses be responsive to the needs of schools and students, as communicated by the Minister for Education and Training.

I will sound a note of warning to the Government. The pressing need to support ongoing teacher development and teacher training initiatives is redoubled by this legislation. I welcomed last week's budget announcement that the Government will fully fund new salary costs. Many of us feared that funds for teacher development may have been raided, as they were something of a hollow log, to fix a budget black hole. Taking last week's statement at face value, I, along with all thinking members of the community, am relieved that this will not be the case. But it is not good enough for the Government to spray a set of standards on the table and leave them for everyone else to sort out. The Government must support the spirit and direction of today's measures in ways that are more meaningful than legislation. The Opposition has an eagle eye on the funds for teacher development. We are watching closely to make sure that these funds are maintained, if not increased, and used appropriately to enhance quality education in schools.

The establishment of the Institute of Teachers will mean that teachers become the last profession in this State to have a professional standards authority. It is a welcome step forward and I hope that teachers will celebrate this day across the State. Teaching is one of the oldest and noblest callings. The Coalition believes that the New South Wales Institute of Teachers will preserve and enhance the status and development of the teaching profession, and give teachers well-deserved recognition in the modern workforce. We wish those who are charged with the responsibility of founding the new institute every success in the important work ahead.

**The Hon. PATRICIA FORSYTHE** [10.41 p.m.]: This bill is one of the most significant bills introduced in this House in many years. My only regret is that this important reform will be an achievement of a Labor Government. I welcome this bill. Developing a professional structure for teachers has long been my vision and one that I researched in detail as the shadow Minister for education. It was a concept I explored and discussed with the New South Wales Teacher Education Council throughout my years as the shadow Minister. Indeed it is the Teacher Education Council that deserves much of the credit for long having an agenda on the institute and for persuading the former Minister, who is now the Speaker of Parliament, of the value of such an institute.

Soon after the 1999 election the Minister announced at the Teacher Education Annual Conference the appointment of Dr Gregor Ramsay to review teacher education in this State. His work, "Quality Matters—Revitalising Teaching: Critical times, critical choices, Report of the Review of Teacher Education", stated plainly the importance of taking action. In his letter to the Minister on the presentation of his report, Dr Ramsay stated:

The quality of teacher education and of teaching matter in ways that are matched in few other occupations, callings or professions.

In the report Dr Ramsay noted:

Over the past two decades in Australia there have been more than 20 reviews of teacher education. They have had almost no impact. Why is it that reviews of other professions have resulted in change to the way their members are prepared and maintain their professional standing but not those of teaching? One of the answers is that of all the professions, teaching is the one without a professional structure to make sure that the necessary changes actually happened. There is no shortage of good ideas in teacher education, but an essential structure to turn them into reality is missing.

Dr Tony Vinson, in his wide-ranging review of education that was commissioned by teachers and parents, also recognised the importance of the quality of teaching as the essential ingredient in quality outcomes. Despite the compelling case for action, progress has been slow but welcome. In 2000 an interim committee was established and chaired by Professor Alan Hayes to take the concept of an institute forward. This bill is the culmination of the work of that committee, and builds on the efforts of the council, Dr Ramsay and Dr Vinson, to name but some. Among the council members, I wish to acknowledge Professor Terry Lovat from the University of Newcastle who gave me valuable advice about professionalism in education. Professor Lovat and Professor Hayes are outstanding educationalists who have driven this issue forward.

Teaching institutes have been established in other States and overseas. The model that has impressed me is in Ontario. In 2000 I spent a day at the College of Teachers in Toronto. It was the best day I spent as a shadow Minister and confirmed in my mind that the creation of an institute would be in the best interests of teachers and education. I know that there is a view prevailing in parts of the media that everything that parliamentarians need to know can be found on the Internet, but no web site could be a substitute for what I learned that day. When I left, I was excited by what is possible and I was certain that issues, such as attracting and holding our brightest students to the teaching profession, would be enhanced by the creation of an institute. Like the institute that is proposed for New South Wales, the Ontario college is self-funded by teachers. In common with New South Wales, the college was given government seed funding. The Ontario college is located in what could be described as prestige offices in the heart of the CBD in Toronto and is well removed from the government sector.

I was assured that the lease on the premises was at favourable rates, but the important message that the college gave me was that the image it sought to impart was of both professionalism and independence from government. I do not see that that separation is a fundamental element of this bill. Teachers may wish to consider that in the longer term. Despite the separation in Ontario, there was tension between the college and provincial government because the government sought to prescribe a number of requirements that teachers had to meet. Members may recognise that there is a fundamental inconsistency between the concept of professionalism and government prescription of standards.

On the Monday after my visit, letters were to be issued to 40,000 of the province's teachers, advising them that they were in the first group to have to meet new professional standards over the next five years. That obligation to ongoing professional development was to be at a higher order than attendance at an occasional professional development day. I suspect that such developments are some way off here, but should form part of the future framework of the profession. In Ontario, the college and its members had worked together to produce the *Standards of Practice*

for the Teaching Profession as well as a draft of *Ethical Standards for the Teaching Profession*. The college accredits not only teachers but all teacher education courses in the province, including university courses. Interestingly, at that time two courses failed accreditation. Self-regulation is taken most seriously and is taken to levels that are not envisaged in this legislation.

Why is the introduction of a professional framework important? Many teachers feel undervalued. While the causes of that may be numerous and complex, it has been widely acknowledged that the lack of a professional framework undermines the notion of teaching as a profession. I wish to quote from *Valuing Teachers' Work—New Directions in Teacher Appraisal*, which is edited by Lawrence Ingvarson and Rod Chadbourne as part of a book produced by the Australian Council for Educational Research Ltd and published in 1994:

Teaching, as an occupation, needs a career structure and evaluation system that will foster a professional culture, keep good teachers in the classroom and better reward those whose knowledge and skill is pivotal in enabling schools to achieve their fundamental purposes. To meet this need, teachers must claim the responsibility for defining and enforcing professional standards and ensuring that they form the main basis for promotion decisions.

In 1998, the Senate Employment, Education and Training References Committee noted in its report "A Class Act—Inquiry into the Status of the Teaching Profession":

The Committee stresses governments' clear responsibility to ensure that conditions in schools are commensurate with the requirements of good teaching practice. It is up to the profession, however, to specify the standards that should apply to teaching practice.

The report cites Lawrence Ingvarson's work, *Professional Credentials—A discussion paper*, which states:

Government policy cannot provide an adequate basis for determining what teachers should know and be able to do any more than it does in other professions. It is very difficult for government policy to penetrate practice, as it is for any occupation that must rely on the exercise of judgment and the adaptation of skill in ever-changing local situations.

As every researcher on the subject has concluded, the most important fact to bear in mind is that quality teaching means quality outcomes. The fundamental tenet of the teaching profession is as simple as that. A professional structure is only part of a quality outcome. Good teachers should be acknowledged and awarded.

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Under clause 32 new teachers are to be accredited under a new teacher application scheme for a period of four years on a full-time basis before applying for accreditation at professional competence level. In my view, such a requirement places responsibility on the employing body to ensure that a new teacher has the appropriate opportunity to practise in the area in which they are trained and in which they seek professional competence. My own experience of having trained as a history teacher but having found myself employed to teach art at my first school is a case in point. If that year was to count towards achieving professional competence, beyond the fundamental practice of teaching it did little to enhance my skills as a history teacher.

Under this legislation, as the Minister acknowledged in the second reading speech, conditionally accredited teachers must be under the on-site supervision of another teacher who is neither provisionally nor conditionally accredited. Without elaborating on the definitions, in my view the effect of that provision will be that a new teacher will not be able to be appointed to a one-teacher school, or to a two-teacher school where the other teacher is a new teacher of less than four years standing. This sounds good in theory—indeed, I applaud it—but the Government may as a consequence have a practical problem. Many of our small, remote schools are staffed by new teachers willing to accept such appointments as a first step to permanent employment. I assume the Government has addressed the practical effects of that provision. The bill establishes a hierarchy of professional accomplishment, and that must be applauded. The next step should be a consideration of rewarding teachers who have achieved such accomplishment. Again I quote from Ingvarson:

If teaching is considered to be a profession, rather than labour ... then standards must be derived from a knowledge base. They must be linked to a career development rather than a career ladder pay system, be set by the profession rather than individual employers, focus on a career in teaching rather than administration, and be applied within a framework where the profession is the unit of change rather than the individual school or teacher.

I began my contribution by saying that this bill is a most significant piece of legislation in that it provides the first step to enhancing the status of teachers. It is, however, a minimalist approach and should be judged as the first step on a long journey, not the end of the journey. I commend the bill to the House.

**Ms LEE RHIANNON** [10.52 p.m.]: I oppose the Institute of Teachers Bill in its present form. In Committee we will move amendments to try to rectify the bill, restoring it to its original intention. When the proposal for an Institute of Teachers was first mooted it was supposed to be a professional body designed by educators, made up of educators, and serving the needs of educators. This was a worthwhile initiative, and it had widespread support. The Greens certainly supported it. The bill is a significant departure from that vision. First, the institute proposed by it is to be run by a board of business representatives, not educators. On our reading, only the chairperson must have an education background. Second, the accreditation powers of the institute are devolved or exported, in ways that could be dangerous for the teaching profession and our public schools.

These concerns are shared by the New South Wales Teachers Federation, and all members of this House would have received a letter detailing its concerns. The Teachers Federation took this unusual step after the Government simply stopped consulting it about the final form of the bill. I will now share with the House the concerns the Teachers Federation expressed in its letter. The federation's first concern was about the composition and control of the institute. As the Minister outlined, the institute comprises a chairperson and a Board of Governance appointed by the Minister, a Quality Teaching Council, a chief executive officer, and some staff. Current teachers can vote for seven elected representatives on the Quality Teaching Council, and two of those representatives will be principals.

The Teachers Federation supports the Quality Teaching Council because it will have elected representatives of teachers, with non-government and

government school teachers elected separately, in proportion to their numbers in the teaching service, and as well as a majority of practising teachers.

The problem is with the Board of Governance, which will filter and oversee the Quality Teaching Council in the exercise of its functions. The board is to be made up of three people plus the chairperson and the chief executive officer. The bill provides that those three people, who are to be appointed by the Minister, should have an appropriate balance of legal, business, risk management, and financial skills. Only the chairperson needs to be an educator. He or she reports to the Minister, but the Quality Teaching Council, which he or she also chairs, appears to have no corresponding formal relationship with the Minister. Although the board is stacked with business people, it has a clear role on educational matters, including requirements for teachers to become accredited against professional teaching standards. In our view, this set-up is unacceptable. As I said, the institute should be a body of teachers, and for teachers. As the Teachers Federation's letter stated:

The proposed Board of Governance demonstrates this government's contempt for teachers. The voice of teachers apparently must be reinterpreted by those with business or financial expertise.

In Committee the Greens will move amendments that will remove the Board of Governance from the equation. I now turn to the second major concern of the Teachers Federation and the Greens. The bill marks a further step down in the Government's new ideological road for our public schools. The Government's plan is to reconstitute each school as a mini-enterprise, with the principal as its chief executive officer. The ultimate goal is to pit school against school and teacher against teacher. It will break down the solidarity and co-ordination, which are bulwarks of our public school system.

The road to this goal should include putting principals on performance contracts, but the bill takes another tack. As noted by the Teachers Federation, the bill "leaves the door open for individual school principals to determine whether teachers meet the standard determined by the institute". The Director-General of the Department of Education and Training has the responsibility to accredit teachers at public schools, and the Minister exercises that power for non-government schools. This is a significant power, and it includes the ability to decide whether teachers meet the minimum standard of professional competence or whether the accreditation should be revoked. Revocation of accreditation would prevent a teacher from teaching at any New South Wales school.

The catch is that the Minister and the director-general can delegate their powers to others, including individual school principals. If this power is devolved to a school principal, the principal takes on the power to determine not just the teacher's employment at that school but at any school in the State. This clearly advances the Government's agenda, referred to earlier, of turning schools into discrete entities, competing with each other and run by a CEO-style principal. It also raises the question of how a teacher can go against the principal, who has the power to prevent that teacher being employed anywhere in New South Wales. Avenues of appeal on teacher accreditation are limited to the Administrative Decisions Tribunal.

The bill seems to choke off teachers' appeal rights if a principal has made an unfair or questionable decision. If accreditation is removed on the grounds of teacher competence, teachers should be able to appeal to the Government and Related Employees Appeals Tribunal or to the Industrial

Relations Commission. The bill does not make it clear whether these processes will be followed. In non-government schools, an independent moderator can review principals' decisions. However, we do not know how this will work or, indeed, whether it will work. The Greens will move amendments to address these issues, including amendments that will prevent the director-general from delegating his or her powers.

I look forward to hearing the Government's response to these concerns and the Minister's explanation as to why he simply stopped consulting with teachers on this legislation at a crucial juncture. I hope that Minister Tebbutt, representing the Minister for Education and Training, will respond to these concerns in her reply. If the Greens amendments are successful, we will support the bill. If not, we will oppose it, for the reasons I have outlined. The Greens believe that there is a place for a teacher-driven body to monitor and implement standards and quality control. The bill does not achieve that aim. For the sake of our public school system, I urge members to either support the Greens amendments or oppose the bill.

**The Hon. DON HARWIN** [10.59 p.m.]: When listening to the Hon. Patricia Forsythe's contribution and reflecting on some of her remarks about the Liberal Party's strong support, and indeed leadership in a policy sense, for the Institute of Teachers initiative over a period of years, I could not help reflecting on how many times some of the important reforms in public education have been led by the Liberal Party at a State level, by the various parties that have constituted the Liberal Party since 1902 and, indeed, the free-trade party that preceded the Liberal Party.

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I refer to great colonial Liberals such as Sir Henry Parkes, who is regarded as almost the father of public education, and to people such as Joseph Carruthers, who took an important step forward in raising the importance of the teaching profession. Joseph Carruthers was arguably the founder of the Liberal Party at a State level. He was responsible for expanding teacher training by providing more content to that training beyond just the simple and basic level of training that was given to pupil teachers. He expanded teacher training to a two-year course; he set up the Sydney Teachers College; he negotiated with the University of Sydney to have, for the first time, a university component in teacher training; and he set up a strand of leading teachers who, based upon their training, would have a university degree. Getting out of the 1890s and quickly into the contemporary era, I gloss over the achievements of many others such as Eric Willis, who was a fine education Minister.

**The Hon. Catherine Cusack:** What about the education Premier, Robert Askin?

**The Hon. DON HARWIN:** I acknowledge my colleague's contribution. As a Young Liberal who became active in the Liberal Party in the early 1980s, as the son of a public school teacher and as a proud product of a comprehensive government high school in Sydney's southern suburbs, one of the things that enthused me about the Opposition, led by Nick Greiner at the time, was its dynamic public education policies. Time and again, State Labor governments have been captive to the Teachers Federation, which has been a problem. I am pleased to say that it does not look as though that is happening tonight. This is not a perfect bill, but we are proceeding with it and it has the enthusiastic support of Opposition members. We are delighted that it is proceeding and that it has not been allowed to languish. Earlier this evening, in the dying hours of the session, three or four Government bills were discharged from the

*Notice Paper* because they had been languishing for so long. At one point during the past week I feared that the Institute of Teachers Bill might go the same way. Thank goodness that did not happen. I am sure the bill will be passed tonight, and that is a good thing.

This bill establishes an Institute of Teachers as an independent statutory authority to advise the Minister for Education and Training on the development, content and application of professional teaching standards. It will monitor the accreditation of teachers against these new standards and advise the Minister on the quality of courses and programs of teacher preparation and professional development. The establishment of an Institute of Teachers was recommended by Dr Gregor Ramsey in his November 2000 review of teacher education in New South Wales entitled *Quality Matters* and, of course, by Professor Tony Vinson in his September 2001 report following an independent inquiry into the provision of education in New South Wales. However, I also note, as my colleague the Hon. Patricia Forsythe reminded me, that there were echoes of it in the landmark report that that other great Liberal, Sir John Carrick, produced under Virginia Chadwick, a previous outstanding education Minister.

It is a matter of record that the establishment of an Institute of Teachers is supported by the New South Wales Independent Education Union, the Parents Council, the Catholic Education Commission and the Independent Schools Association. It is very welcome indeed. There are currently no standards to prescribe teacher practice in New South Wales. Teachers have no accountability other than to meet minimum competency requirements set by employers. Accreditation levels provide a basis for performance assessment through which teachers can raise their own standard, advance themselves within their profession and receive acknowledgement for their experience and outstanding or exceptional skills. The establishment of an Institute of Teachers is consistent with Coalition policy to raise teaching standards and to monitor teacher performance. Various levels of accreditation will be provided. Agreed and transparent standards of professional teaching practice need to be endorsed. The provisions within the institute include the ability to revoke the accreditation of underperforming teachers and to provide resources for the ongoing professional development of teachers. I welcome the bill and I commend it to the House.

**Reverend the Hon. Dr GORDON MOYES** [11.05 p.m.]: I speak on behalf of the Christian Democratic Party to the Institute of Teachers Bill. The object of this bill is to provide for the accreditation of schoolteachers, by teacher accreditation authorities, against the professional teaching standards approved by the Minister; to constitute the New South Wales Institute of Teachers as the agency responsible for providing advice to the Minister on the development, content and application of those standards; and to monitor the school-based accreditation process. Education has many vitally concerned stakeholders: the community in general, the departments of education, parents and students, and teachers and training institutions. Everybody wants to have a say about what is being done within our schools and tertiary institutions these days. Accreditation of professional standards is essential, and the Christian Democratic Party supports that principle.

It is not surprising that the New South Wales Teachers Federation opposes this bill. I think the federation has made a fundamental error in trying to link the Institute of Teachers Bill to the current salary dispute—that is an absolute flaw in its logic and thinking. Barry Johnson, the General Secretary of the New South Wales Teachers Federation, has

threatened that the federation will oppose the implementation and creation of the institute if the bill is passed by Parliament. That is the kind of threat that this Parliament should completely reject. I am sure that the federation is fearful that principals will have the task of determining whether teachers meet the standards determined by the institute. They do not want that responsibility passed on to principals. However, principals are the best people to know the effectiveness of teachers within a teaching institution. The federation totally opposed performance contracts. However, we believe that they would deliver better outcomes. As Ms Lee Rhiannon said, it will break down some of the solidarity among teachers. In our opinion, that would be a good thing.

The main purpose of this bill is to establish the Institute of Teachers as an independent statutory authority to advise the Minister on a number of issues, including the development and maintenance of a career-long framework of professional teaching standards, the accreditation of teachers against those standards and the quality of courses. Years ago teachers graduated with a bachelors degree in a specialist field, then a Diploma of Education of one or more years. An important part of that was the role of the visiting school inspectors, who reported not just on the students' progress but on the teachers' competence and professional standards. That system was rejected by many teachers. However, I believe that we have been through an era where many people have been unaccountable to others for what they have been doing and for the standards they have achieved. The proposal to establish the Institute of Teachers was developed by the Interim Committee for a New South Wales Institute of Teachers. We recognise the recommendation of Professor Alan Hayes, Dean of the Australian Centre for Educational Studies at Macquarie University and many others who made contributions to that committee.

These accreditations will apply only to teachers who commence teaching for the first time in 2005 or those who are returning to work after an extended period of time away from teaching.

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Except for a small number of teachers who have no formal tertiary qualifications, existing teachers will not be affected by these proposals, unless they volunteer to undertake accreditation. For many years I have been a member of the Australian College of Education. I appreciate my membership of that college and I attend its meetings. My role has not been primarily that of a teacher; rather it has been that of an administrator and a developer of a tertiary institute, with hundreds of students completing bachelor and master degrees. Every January for the past 15 years I have taught at a State university college in Johnson City, Tennessee. Recently I was appointed an adjunct professor in my field.

Nothing is more important in any educational program than the continual upgrading of teachers' qualifications and the quality of the teaching profession. This bill defines "teachers" as "those who have a primary responsibility for delivering and assessing the curriculum as defined by the Board of Studies". I note that the bill excludes some people who are important to the overall balance of curricula, including people such as sports coaches—about whom the Prime Minister spoke only today—visiting artists, musicians and others who come into schools, and chaplains who visit independent schools. This bill will empower the director-general to approve teacher education authorities in government schools and it will empower the Minister to approve teacher education authorities in non-government schools.

I am pleased to see that independent schools are supportive of this bill.

The institute that will be established by this bill will have two important oversighting bodies. The first is the Board of Governance. Tonight I heard arguments against that body which will bring together educational, legal and business expertise, which is precisely what is needed. The Board of Governance, which will oversight the viability and financial strength of the NSW Institute of Teachers, will be supported by a Quality Teaching Council, which will comprise, in the main, people from within the profession. When I read the outline of the Quality Teaching Council I was impressed by the diversity of people that have been recommended as members of that institute.

I congratulate the Minister on bringing together such a diverse and balanced group of people. It will be mandatory for all new teachers to meet professional competence standards, which is normal these days. These days even commercial enterprises have quality management programs. They have to have accreditation and they have to go through profound training programs to maintain that accreditation. Over the years, in my role at Wesley Mission we spent an incredible amount of money on management expertise, quality control and accreditations for the 18 or 19 professional bodies of which we were members. Teachers must maintain quality in all they do. They must also maintain the highest level of competency. The Christian Democratic Party is pleased to support this bill.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [11.14 p.m.]: The Institute of Teachers Bill seems to be a reincarnation of another bill that was vehemently opposed by private schools as being too dogmatic in its accreditation requirements. Private schools wanted variety in the people who were being accredited. The New South Wales Teachers Federation, which was in favour of the previous model, said that qualifications were necessary to maintain excellence. We need educators from a variety of backgrounds who have excellence in teaching. There is an assumption that everybody can teach, which is far from the truth. Some individuals have the ability to communicate even though they have not received formal training and others will never be great teachers no matter how much they are taught. A body of knowledge and techniques can be used to communicate in areas of conflict or disinterest.

It is not for me to define the essence of teaching, but teachers must be able to communicate across age and experience barriers. They must be able to educate people about subjects in which they are not interested. If people take a questioning approach to life it will better equip them in their vocations and afford them a greater enjoyment of life. People must balance a formal education with the need to expose their children to necessary people and stimuli. Educators must set the tone of the NSW Institute of Teachers so that it develops an historic momentum. A bad system with good people might work, but sometimes the best system without good people does not work. We need to establish a balance. On the positive side, the bill attempts to improve the professionalism of teachers.

One of the aims of teacher education is to train teachers to be reflective practitioners who use theory to inform practice. For many teachers professional development is quite a piecemeal process. The creation of a NSW Institute of Teachers may result in greater teaching professionalism by providing for different levels of accreditation commensurate with teaching skills and a commitment to the profession. Setting down a framework for professional teaching standards will provide a set of guidelines for teacher training institutions to use as benchmarks in designing subjects and courses. It will provide more direct intervention in

the assessment and approval of teacher education authorities and their accreditation of teachers. In theory, that should lead to better teaching and teaching standards.

The stepped accreditation levels will enable greater recognition of teacher competency and might lead to greater incentives for quality teachers to excel as well as remain in teaching. Accreditation should enhance the professional profile of teachers in the community. The bill, which will allow some flexibility in its requirements for the accreditation of teachers, will provide specific definitions about those who will come under its jurisdiction. For example, casual sports coaches and visiting artists do not need to be accredited. The membership of the 21-member Quality Teaching Council appears to me to be representative. I was worried that 21 members might be too large and cumbersome a number. Ten members will be elected by the membership, the Minister will appoint 10 members and the Minister will appoint an independent chair.

The Minister's appointees might well hold sway. However, it appears as though a number of the members of that council will be from unions and parents and citizens groups, so the Minister does not have a great deal of discretion. He certainly has to appoint people who have some knowledge of education. It was a bit far fetched for the Greens to suggest that the Minister will simply find a group of business people and stack the committee. The Greens might have been referring to the Quality Teaching Council. The negative aspects of this bill relate mainly to the power of the teacher accreditation authority, the Quality Teaching Council and, more specifically, the Board of Governance. That might be the issue about which the Greens are concerned.

We need to be clear about the bodies that will be able to become teacher accreditation authorities. Will they comprise school principals or will they be teacher education institutions? I would like the Minister to clarify that issue. As I said earlier, 10 members of the council will be elected, the Minister will nominate 10 members and the Minister will appoint the independent chair, so the council will comprise a majority of government appointees. So it appears as though the council will be fairly representative of educational groups. Should there be an indigenous representative on the council, as Aboriginal education is important and as Aboriginal children are still the most disadvantaged in our society?

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A sticking point is the Board of Governance and the three ministerial appointees. The Teachers Federation thinks they will be "industry types" who are not representative of teaching or the teaching profession. The wording of clause 10 (2) (b) is certainly very general. Teachers think this is dangerous and will encourage too much vocationalism in teacher accreditation requirements. For example, it would be bad if the Minister appointed an industry zealot who had a particular theory about how education should be run and who became an activist while in that key role. That is a potential weakness in the bill, and it is why I prefaced my speech by remarking that the best legislation specifies who should hold relevant positions on such bodies. In this case, the best intentions could be damaged by appointees to key positions who have personal agendas that are inconsistent with the general policy direction and who can use their power to pursue those agendas. That is a worry. The bill affords the Minister a great deal of discretion in that area but I am not sure that we should throw the baby out with the bath water. We must have transparent discussions about appointments to the three key positions.

I think the bill strikes a better balance and offers more variety than the legislation that was put before us a couple of years ago. It will hopefully

increase the professionalism of teachers. Its acceptance by teachers and by the Teachers Federation will depend upon the power of the Board of Governance. I think the independent sector is happy because the bill offers flexibility regarding whom it can hire and their qualifications. The bill allows for accreditation of teachers who are returning to the profession after five years. It does not require existing teachers to become accredited—it would obviously be too difficult to enforce such a requirement—but perhaps some incentives could be introduced in future to encourage such teachers to obtain accreditation. I think that is important. Teachers have long professional lives and if they choose not to be accredited, this bill will take some time to have a real effect on the quality of teaching and to offer any guarantees as such.

It is a pity that accreditation will not be linked with greater remuneration, which would be a powerful incentive for accreditation. But I suppose that the Government, having just funded the teachers' pay rise, is reluctant to give itself further financial obligations. I think this is a bold experiment. Accreditation is not compulsory for existing teachers and the bill does not simply add another layer of bureaucracy. It will professionalise teachers and guarantee some quality control in education. As such, the concept is worth trialling.

**The Hon. JON JENKINS** [11.23 p.m.]: In my remarks on the legislation that was passed earlier this year I revealed my concerns about the Institute of Teachers Bill. I have spoken at length with Catholic and independent schools, which have expressed some of the same concerns that I have highlighted. These are quite simple concerns, which I think this bill goes some way towards allaying. But I seek some clarification from the Minister for Community Services when she replies to the second reading debate.

My comments relate particularly to secondary education. I understand that there are differences between primary and secondary education that are reflected in classical tertiary education. Many teachers who are employed in non-government schools do not have a diploma or a master of education. Those teachers fall into three broad categories. The first category comprises people who are outstanding in their chosen field—they may be scientists, mathematicians or writers. They will probably have a master's degree or a doctorate and perhaps other qualifications that exemplify their talents in their particular field. The second category of teacher regularly employed by non-government schools includes outstanding artists or craftsmen and craftswomen. They may have little formal education but a lot of experience in their craft or art, which is usually evidenced by some sort of peer acclaim. The third group are sportspeople—for example, an Olympic athlete who may have years and years of training in sport and who has a great deal of knowledge and experience to pass on.

I think the Premier, Mr Carr, used himself as an example during debate on the Institute of Teachers Bill—I will stand corrected, but my understanding is that someone in the Government offered himself or herself as an example. I would like to use two examples of members of this House. The first is Reverend the Hon. Dr Gordon Moyes, who has doctorates in theology and law. He is a director of an educational institute and has been actively involved in teaching. Would Reverend the Hon. Dr Gordon Moyes gain provisional accreditation under this bill if he were employed at a private school? Could he be employed at a private school following the assent of this bill? I was originally a virologist, with post-graduate degrees in virology and computer science and 20 years experience of university education. Would I be able to gain some sort of

provisional accreditation that allowed me to teach in a high school? Those are the sorts of questions I have in mind. Can the Minister give me an idea of the guidelines that would be used in accrediting people who have some special knowledge to pass on to students?

**The Hon. MELINDA PAVEY** [11.26 p.m.]: The Opposition supports the establishment of the Teachers Institute and congratulates the Government on finally introducing the Institute of Teachers Bill. I learned tonight from the members who spoke in the debate that this has been a long process that has extended through the terms of many governments. I am a product of the public education system and a great supporter of it. As I said in the House last week, I would like my children to attend government schools. However, I also expressed concern about something that I witnessed at a public school recently that had to do with teacher professionalism. Everyone is entitled to his or her point of view but it is most important for teachers to act in an unbiased and professional manner. I fear there is a perception in the community that that is not happening, and that is why so many students are leaving the public education system to attend private schools—at great expense to many parents. That is happening not just in the city but also increasingly in the country. I would like to see stronger public schools, and the Institute of Teachers Bill is certainly a means to that end. I welcome its introduction and support its initiative.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.27 p.m.], in reply: I thank all honourable members for their contributions to this debate. They raised a range of issues that are the subject of foreshadowed amendments and so will be addressed in the Committee of the Whole. However, I will respond now to the questions raised by the Hon. Jon Jenkins, which I believe will not be addressed in Committee. He raised the issue of teachers who do not have teaching qualifications but who bring other attributes to their role that make them valued and important members of the staff of an educational institution.

The advice I have received is that existing teachers without teaching qualifications will not need to get teaching qualifications in order to continue teaching. New teachers—that is, those employed from 2005—will need to have teaching qualifications or equivalence. Equivalence means that an accomplished person with content qualifications, such as a degree, could get recognition for experience in teaching under supervision. Such individuals may also need to complement their degree and teaching experience with some professional learning on modern teaching theory. In summary, a teacher's capacity and knowledge is the primary requirement for meeting the accreditation standards. I thank all honourable members for their contributions to this debate, which has sparked an enormous amount of interest. People feel strongly and passionately about the education of their children, and that interest was reflected in the comments of honourable members tonight. The Government appreciates the Coalition's support for the Institute of Teachers Bill.

**Motion agreed to.**

**Bill read a second time.**

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**In Committee**

**Clauses 1 and 2 agreed to.**

**Ms LEE RHIANNON** [11.31 p.m.], by leave: I move Greens amendments Nos 1, 7, 9, 10, 25, 27, 28, 30, 31 and 32 in globo: (C064A)

No. 1 Page 2, clause 3, lines 13 to 16. Omit all words on those lines.

No. 7 Pages 7 and 8, clauses 8 to 11, line 4 on page 7 to line 14 on page 8. Omit all words on those lines.

No. 9 Page 9, clause 14, line 24. Omit "Board". Insert instead "Minister".

No. 10 Page 9, clause 14, lines 25 to 27. Omit all words on those lines.

No. 25 Page 27, clause 43, line 5. Omit "the Board and".

The Minister may delegate to any person any function conferred or imposed on the Minister under this Act, other than this power of delegation.

No. 27 Page 28, clause 48, line 17. Omit "the Board or".

No. 28 Page 28, clause 48, line 19. Omit "Board or the".

No. 30 Page 35, clause 1 of schedule 2. Insert after line 7:

***Chairperson*** means the Chairperson of the Council.

No. 31 Page 35, clause 1 of schedule 2, lines 10 and 11. Omit "(including the Chairperson)".

No. 32 Page 35, schedule 2. Insert after line 18:

### **3 Chairperson of Council**

(1) The Minister may, from time to time, appoint an appointed member to be the Chairperson of the Council.

(2) The Minister may remove the Chairperson from office as Chairperson of the Council.

(3) A person who is an appointed member and Chairperson of the Council is taken to have vacated office as Chairperson if the person:

(a) is removed from that office by the Minister under subclause (2), or

(b) resigns that office by instrument in writing addressed to the Minister, or

(c) ceases to be an appointed member.

These amendments reflect our concerns with the Board of Governance to which I referred in my contribution to the second reading debate. To recap those comments, the Board of Governance oversees the Quality Teaching Council in the exercise of its functions. Apart from the chairperson and possibly the chief executive officer, the board members are to come from the arenas of law, business, risk management and finance. Only the chairperson needs to be an educator. He or she reports to the Minister, but the Quality Teaching Council, which he or she also chairs, appears to have no corresponding formal relationship with the Minister. Although the board is stacked with businesspeople, it has a clear role on educational matters, including requirements for teachers to

become accredited against professional teaching standards. As I said earlier, this is an unacceptable intrusion of corporate culture into educational affairs. The institute should be a body of teachers for teachers. I look forward to the Minister's comments on these amendments, to explain why the institute should not be a body of teachers for teachers? I commend the amendments to the Committee.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.33 p.m.]: The Government does not support these amendments. The Government believes that the Board of Governance provides essential expertise in legal, financial and administrative matters. The main responsibility of the Quality Teaching Council is the provision of educational advice. Separating the two functions within the Institute of Teachers is the most effective way to manage the educational role, while ensuring sound management of the institute. Without the board, the Quality Teaching Council would inevitably become distracted by routine, although important, managerial financial and legal considerations. For those reasons the Government does not support these amendments.

**The Hon. CATHERINE CUSACK** [11.35 p.m.]: The Coalition does not support the amendments for the same reasons outlined by the Minister.

**Amendments negated.**

**Clause 3 agreed to.**

**Ms LEE RHIANNON** [11.35 p.m.], by leave: I move Greens amendments Nos 2, 3, 4, 5, 6, 8, 11, 13, 14, 15, 16, 20, 21, 22, 26 and 33 in globo: (C064A)

No. 2 Page 3, clause 4, lines 25 to 29. Omit all words on those lines. Insert instead:

(a) in relation to a government school—the Director-General, or

No. 3 Page 4, clause 4, lines 1 to 16. Omit all words on those lines.

No. 4 Page 4, clause 4, lines 17 to 23. Omit all words on those lines. Insert instead:

(4) In the case of a non-government school that is a member of a system of non-government schools approved by the Minister under Part 7 of the *Education Act 1990*, the Minister may approve the person or body in charge of that system to be the teacher accreditation authority for that school for the purposes of this Act.

No. 5 Page 5, clause 4, lines 1 to 3. Omit all words on those lines.

No. 6 Page 6, clause 7. Insert after line 20:

(d) to confirm or reject the decisions of teacher accreditation authorities under this Act,

No. 8 Page 8, clause 12, line 18. Omit "Institute". Insert instead "Minister".

No. 11 Page 14, clause 22, line 28. Omit "the Director-General or".

No. 13 Page 15, clause 24, lines 27 and 28. Omit all words on those

lines.

No. 14 Page 16, clause 27, line 13. Omit "by a teacher accreditation authority".

No. 15 Page 16, clause 27, lines 15 and 16. Omit "by a teacher accreditation authority".

No. 16 Page 16, clause 27, lines 17 to 20. Omit all words on those lines.

No. 20 Page 19, clause 31, lines 21 to 26. Omit all words on those lines.

No. 21 Page 21, clause 33, lines 1 to 19. Omit all words on those lines.

No. 22 Page 21, clause 34, lines 28 to 32. Omit all words on those lines. Insert instead:

No. 26 Page 27, clause 45, lines 26 to 31. Omit all words on those lines. Insert instead:

No. 33 Page 39, clause 13 of Schedule 2, lines 12 to 14. Omit all words on those lines.

These amendments seek to bolster the role of the Quality Teaching Council and to prevent delegation of accreditation power to public school principals. As I said in my contribution to the second reading debate, the Director-General of the Department of Education and Training has responsibility to accredit teachers at public schools, and the Minister exercises that power for non-government schools. This is a significant power, and it includes the ability to decide whether a teacher meets a minimum standard of professional competence or whether the accreditation should be revoked. Revocation of accreditation would prevent a teacher from teaching at any school in New South Wales. The catch is that the Minister and the director-general can delegate their powers to others, including individual school principals. If this power is devolved to a school principal, the principal takes on the power not just to determine a teacher's employment at that school but at any school in this State.

The Government's plan is to reconstitute each school as a mini-enterprise with the principal as its chief executive officer. The ultimate goal is to pit school against school and teacher against teacher. If these amendments are agreed to, the bill will still allow the director-general to delegate accreditation decisions to principals, but the institute is given a power of veto over all such decisions. No decision will come into effect unless the institute approves it. This puts final decision-making authority where it belongs: with the institute. The amendments also ensure that the Quality Teaching Council reports to the Minister, giving it a more important prominence within the education system. They also prevent the Minister from having arbitrary and absolute control over the Quality Teaching Council. I commend the amendments to the Committee.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.37 p.m.]: The Government does not support these amendments because they would have the effect of making the institute the body that accredits teachers. The detailed consultation process with stakeholders indicated clearly that stakeholders did not want the institute to have industrial functions. The effect of these amendments would be to place the institute in an industrial capacity. The role of the institute is to

moderate the accreditation process that is undertaken by the Department of Education and Training, the Catholic Education Commission and independent school employers, not to directly accredit teachers themselves. For those reasons the Government does not support the amendments.

**The Hon. CATHERINE CUSACK** [11.38 p.m.]: The Opposition strongly opposes the amendments. As Ms Lee Rhiannon said, the power is a significant one. It would be an impossible task for the director-general or the institute to individually accredit tens of thousands of teachers. We would then resort to formula methods of accreditation, and that is certainly the dumb way to do things. I could not follow the argument advanced by Ms Lee Rhiannon that by giving power to principals schools will be pitted against one another. What Ms Lee Rhiannon described as arbitrary control we see is the flexibility necessary for school principals to implement this proposal effectively. The whole point of this legislation is to strengthen leadership amongst the teaching profession in schools. To centralise it and to use formulas, which is the alternative being suggested, would completely thwart the intention of the bill.

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**Ms LEE RHIANNON** [11.39 p.m.]: I ask the Minister to explain what is wrong with the institute having the accreditation powers. She did not explain that, except to say—if I understood her correctly—that after consulting the stakeholders the Government received feedback that that was the appropriate way to go. I understand that the consultations with the Teachers Federation ended quite early. So would the federation not be an important stakeholder in this? Was the federation one of the stakeholders to whom the Minister referred, or had it already been dropped from the process by the time this decision was made?

I suggest to the Hon. Catherine Cusack that if the director-general can do this, obviously a few more people in the institute can do it. Certainly, there are some complexities, but I do not think it is a sufficient argument to say that it is too complicated for a body to do it and that is why the power needs to be with the director-general.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.40 p.m.]: As I have already indicated, the accreditation authorities will have the responsibility for determining, against criteria and using processes defined by the institute, whether a teacher should be accredited. So the institute will set the standards. In most cases the accreditation authority will be a designated person, who may be the principal or the principal's nominee. The institute would take on an industrial role if the amendments moved by the Hon. Lee Rhiannon were to take effect. That is not desirable, and I am advised that that proposal was opposed by the Teachers Federation, among others. So the Government is clearly of the view that the institute's role is to moderate the accreditation process but not to undertake the accreditation process itself.

**Amendments negatived.**

**Clause 4 agreed to.**

**Clauses 5 to 21 agreed to.**

**Ms LEE RHIANNON** [11.43 p.m.], by leave: I move Greens amendments Nos 12, 17, 18, 19, 23 and 24 in globo: [on sheet C-064A]

No. 12 Page 14. Insert after line 29:

**23 Accreditation decisions must be confirmed by Institute**

(1) A decision by a teacher accreditation authority under this Part in relation to the accreditation of a person does not have any effect for the purposes of this Act unless or until the Institute decides to confirm the decision.<sup>6</sup>

(2) The Institute may:

(a) confirm a decision by a teacher accreditation authority under this Part in relation to a person (in which case the decision of the accreditation authority is to have effect), or

(b) veto any such decision (in which case the decision has no effect).

No. 17 Page 16, lines 26 and 27. Omit "(in most cases this means that the person holds full teaching qualifications)". Insert instead "and has education qualifications".

No. 18 Page 16, lines 31 to 33. Omit "has a degree in a relevant area or has completed a substantial part of a teacher education course approved by the Minister. Such a person will, however,". Insert instead "will".

No. 19 Page 18, clause 30, line 14. Insert "and has education qualifications" after "accreditation".

No. 23 Page 22, clause 36, lines 21 to 25. Omit all words on those lines.

No. 24 Page 23, clause 38, lines 15 to 20. Omit all words on those lines. Insert instead:

(a) revoke the conditional accreditation of a person who is a transition scheme teacher if the authority is satisfied that the person has failed to comply with any of the requirements of the professional teaching standards that apply to the person, or

These amendments seek to ensure that professional standards hold firm in schools, and that we do not dilute the quality of the teaching profession by allowing people without full educational qualifications to teach in schools. I think we would all agree on that. Teachers should be required to have a degree and educational qualifications. We do not want people teaching in our schools who just have a degree. They should have a teaching qualification. That could be incorporated within a degree, such as a Bachelor of Education or a Diploma of Education following a degree. If the Government opposes our amendments, we wish to hear assurances from the Minister that the commitment to teachers having full educational qualifications will not be watered down by this bill or by any Government plan. I commend these amendments to the Committee and look forward to the Minister's comments.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.45 p.m.]: The Government does not support these amendments. The bill recognises the diverse range of pathways into teaching, which is primarily by a teaching qualification, but the bill also provides for the recognition of qualifications that should allow entry into the profession. This may be a PhD. In the meantime that teacher can

acquire appropriate teaching qualifications. The Government wants the best people teaching in all schools, and this bill will ensure that that happens.

**The Hon. CATHERINE CUSACK** [11.45 p.m.]: The Opposition does not support these amendments.

**Amendments negatived.**

**Clause 22 agreed to.**

**Clauses 22 to 27 agreed to.**

**Clauses 28 to 33 agreed to.**

**Clauses 34 to 38 agreed to.**

**Clauses 39 to 41 agreed to.**

**Clauses 42 to 55 agreed to.**

**Ms LEE RHIANNON** [11.47 p.m.]: The Greens do not support schedule 1, which should be omitted from the bill completely. If the schedule is allowed to stand, we are concerned that it will allow a corporate culture in educational affairs. As I said in my contribution to the second reading debate, we are concerned about the Board of Governance. Considering the lateness of the hour, I will not recap all the arguments, which are similar to my previous arguments.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.48 p.m.]: The Government does not agree with the matters raised by Ms Lee Rhiannon.

**Schedule 1 agreed to.**

**Schedules 2 to 4 agreed to.**

**Title agreed to.**

Bill reported from Committee without amendment and passed through remaining stages.

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#### **SPECIAL ADJOURNMENT**

**Motion by the Hon. Carmel Tebbutt agreed to:**

That this House at its rising today do adjourn until Tuesday 31 August 2004 at 2.30 p.m.

#### **ADJOURNMENT**

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.51 p.m.]: I move: