

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 24 July 1996

EDUCATION AMENDMENT BILL (NO. 2)

Proposed Amendments

TREVOR MALLARD, in Committee, to move the following amendments:

Clauses 3 and 3A: To omit *clauses 3 and 3A*, and substitute the following clause:

3. Staff—The principal Act is hereby amended by repealing section 65, and substituting the following section:

“65. Subject to Part VIII A and section 120A of this Act, a Board may from time to time, in accordance with the State Sector Act 1988, appoint, suspend, or dismiss staff.”

Clause 3B: To insert, before *subclause (1)*, the following subclause:

“(1AA) Section 120 of the principal Act is hereby amended by inserting in the definition of the term “general education system”, after paragraph (b), the following paragraph:
“(b) Registered private schools; and”.

To insert in *subclause (1)*, in their appropriate alphabetical order, the following definitions:

“‘Registered private school’ means a school registered under section 35A of this Act:

“‘School authority’ means a person, body, or body of persons, that is—

“(a) The School Board of a state school; or

“(b) The managers (within the meaning of section 35A (1) of this Act) of a registered private school.”.

To omit from the definition in *subclause (1)* of the term “teaching position” the words “an educational institution”, and substitute the words “a state school, a registered private school, or an educational institution established or deemed to have been established under this Act or the Education Act 1964”.

Clause 3BA: To insert, after *clause 3B*, the following clause:

3BA. Restrictions on appointment and employment of teaching staff—The principal Act is hereby amended by

inserting, after section 120, the following headings and sections:

“Restrictions on Appointment and Employment of Teaching Staff

“120A. **Restrictions on appointment of teachers**—(1) No school authority shall appoint to any teaching position—

“(a) Any person—

“(i) Whose registration as a teacher has been cancelled; and

“(ii) Who has not since been registered as a teacher again; or

“(b) Any person whose authorisation has been cancelled, and who has not since—

“(i) Been granted an authorisation again; or

“(ii) Been registered as a teacher.

“(2) No School Board shall permanently appoint to any teaching position any person who does not hold a practising certificate.

“120B. **Restrictions on continued employment of teachers**—(1) No school authority shall continue to employ in any teaching position—

“(a) Any person—

“(i) Whose registration as a teacher has been cancelled; and

“(ii) Who has not since been registered as a teacher again; or

“(b) Any person whose authorisation has been cancelled, and who has not since—

“(i) Been granted an authorisation again; or

“(ii) Been registered as a teacher.

“(2) No school authority shall continue to employ in any teaching position any person who holds neither a practising certificate nor an authorisation, if that person is not under the general supervision of a person who holds a practising certificate.

“(3) No school authority shall in any calendar year continue to employ in any teaching position any person who holds neither a practising certificate nor an authorisation, if the sum of—

“(a) The period or periods for which that person has already during that year been employed by the authority in a teaching position or positions; and

“(b) Any period or periods (of which the authority is aware) for which that person has already during that year been employed by any other school authority in a teaching position or positions; and

“(c) Any period or periods (of which the authority is aware) for which that person has during that year been employed as a teacher by the management of an early childhood centre that is a kindergarten for the purposes of **section 315 (1)** of this Act,—

is not less than the period specified in **subsection (4)** of this section.

“(4) The period referred to in **subsection (3)** of this section is—

“(a) 20 half-days; or

“(b) Any greater number of half-days the Board has allowed in any particular case,—

each being a half-day on which the school or kindergarten at which the person was then employed was open for instruction.

“Teacher Registration”.

Clause 3c: To omit proposed new *section 125 (2)* of the principal Act, and substitute the following subsection:

“(2) In determining whether or not a period of employment at a school or institution was satisfactorily completed by a person, the Registration Board may take into account—

“(a) The views of the principal or chief executive of the school or institution; or

“(b) Where the person was the principal or chief executive of the school or institution, the views of the school authority or management of the school or institution.

Clause 6c (3): To omit from lines 29, 32, and 34 (on page 13) of proposed *section 137 (h)* of the principal Act the word “Board”, and substitute in each case the words “school authority”.

To omit from proposed *section 137 (i) (iii)* of the principal Act the word “Board”, and substitute the words “school authority”.

Clause 8A: To omit from *proposed new section 138* of the principal Act the words “all School Boards”, and substitute the words “every school authority, and the management of every free kindergarten (within the meaning of *section 315 (1)* of this Act).”.

Clause 8B: To omit from lines 4, 7, 9 and 10, 14, on page 17 the words “School Board”, and substitute in each case the words “school authority”.

To omit from *proposed new section 138c (5) (c)* of the principal Act the expression “XXXVI”, and substitute the expression “XXVI”.

Clause 10: To omit *proposed new section 315 (5) (c)* of the principal Act, and substitute the following paragraph and subsection:

“(c) Any period or periods (of which the management is aware) for which that person has during that year been employed in a teaching position at a state school or registered private school.

“(5A) In **subsection (5)** of this section, the terms “teaching position”, “state school”, and “registered private school” have the meanings given to them by *section 120* of this Act.”

EXPLANATORY NOTE

The general effect of these amendments is to apply to registered private schools the requirements contained in the Bill (relating to state and integrated schools, and kindergartens) for the holders of teaching positions to be registered teachers or have a limited authority to teach. In one respect only, these requirements have not been applied to private schools. Proposed *section 65AA* of the principal Act has the effect of requiring the Boards of state schools and integrated schools to make only temporary (as opposed to permanent) appointments of unregistered teachers to teaching positions. Because private schools do not necessarily make a distinction between permanent and temporary appointments, this requirement will continue to apply to state and integrated schools (and kindergartens) only.

The amendments also have the effect that satisfactory service in teaching positions in private schools will be as acceptable for registration purposes as satisfactory service in state schools.

In addition, *clause 8A* is amended so as to require the Teacher Registration Board to notify kindergartens and private schools whenever it cancels a teacher's registration or limited authority to teach, or refuses to grant any person a limited authority to teach; and an erroneous cross-reference in *clause 8B* is corrected.