

FACT SHEET

Education Legislation Amendments (Education Regulation) Bill 2021

This *Education Legislation Amendments (Education Regulation) Bill 2021* (the Bill) gives effect to the Government's decision to modernise the governance arrangements for four education regulators:

- Teachers Registration Board (TRB),
- Office of Tasmanian Assessment Standards and Certification (TASC),
- Non-Government Schools Registration Board (NGSRB) and
- Registrar Education.

The three principal elements of the Bill are to:

- introduce a performance framework for regulators;
- appoint skills-based boards; and
- enhance the independence of regulatory advice.

The performance framework in the Bill provides for each regulator to have regard to the principles in the *Education Act 2016*. The Bill enables an annual Ministerial Statement of Expectations to be issued to each regulator. Regulators will be required to prepare an annual corporate plan having regard to these expectations and to set outcome-based performance targets. Regulators will be accountable to the Minister for their performance against these targets, which are to be reported in their annual reports.

The Bill provides for the appointment of skills-based boards to three of the regulators replacing the current representative boards in the case of TRB and NGSRB and the Executive Officer in the case of TASC. Skills based boards assist in ensuring each board possesses the necessary management skills and experience required for effective governance and delivery of outcomes.

The independence of regulatory advice is enhanced by clarification of the roles of the Minister, regulators and the Department of Education, as well as by the appointment of skills based rather than representative boards. The Minister will be able to issue regulators with binding Ministerial Instructions, a Statement of Expectations and require an independent review of the regulators. It should be noted neither the Minister nor the Secretary Department of Education can direct regulators in relation to individual decisions.

The respective roles of each regulator and the Department of Education will be specified in a Framework Agreement covering staffing, budgets and the application of departmental policies.

The Bill amends six separate pieces of legislation including the *Education Act 2016*, *Teachers Registration Act 2000* and the *Office of Tasmanian Assessment, Standards and Certification Act 2003*. It also makes minor amendments to seven pieces of subordinate legislation.

The Bill replicates the above key elements across each of the regulators. Many of the clauses in the Bill arise from the replacement of 'Office' with 'Board' in the TASC Act.