



New South Wales

Board of Studies, Teaching and Educational Standards Regulation 2013

under the

Board of Studies, Teaching and Educational Standards Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Board of Studies, Teaching and Educational Standards Act 2013*.

ADRIAN PICCOLI, MP
Minister for Education

Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe classes of persons to whom functions of the Board of Studies, Teaching and Educational Standards (the **Board**) may be delegated,
- (b) to prescribe persons and bodies with whom the Board may enter into information sharing arrangements,
- (c) to prescribe penalty notice offences under the *Board of Studies, Teaching and Educational Standards Act 2013*, the *Education Act 1990* and the *Teacher Accreditation Act 2004* and the amount of penalty payable for each offence.

This Regulation is made under the *Board of Studies, Teaching and Educational Standards Act 2013*, including sections 12 (2) (d), 16 (5) (e), 23 (7) and 24 (the general regulation-making power).

This Regulation relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely, matters of a machinery nature.

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Board of Studies, Teaching and Educational Standards Regulation 2013

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Board of Studies, Teaching and Educational Standards Act 2013

1 Name of Regulation

This Regulation is the *Board of Studies, Teaching and Educational Standards Regulation 2013*.

2 Commencement

This Regulation commences on 1 January 2014 and is required to be published on the NSW legislation website.

3 Definitions

In this Regulation:

the Act means the *Board of Studies, Teaching and Educational Standards Act 2013*.

4 Delegation of Board's functions

For the purposes of paragraph (d) of the definition of *authorised person or body* in section 12 (2) of the Act, the following are prescribed:

- (a) principals (however described) of schools in the State and schools outside the State that are recognised by the Board,
- (b) directors (or equivalent) of TAFE establishments or NVR registered training organisations within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth,
- (c) chief executive officers (or equivalent) of approved providers within the meaning of section 83A of the *Education Act 1990*,
- (d) members of staff of the Department of Education and Communities,
- (e) members of staff of a non-government schools authority within the meaning of section 26A of the *Education Act 1990*,
- (f) members of staff of a teacher accreditation authority approved by the Minister under section 4 (4) of the *Teacher Accreditation Act 2004*.

5 Exchange of information

For the purposes of paragraph (e) of the definition of *relevant agency* in section 16 (5) of the Act, the following are prescribed:

- (a) any person or body responsible for registering or accrediting teachers under the law of a jurisdiction outside Australia,
- (b) the Australasian Teacher Regulatory Authorities,
- (c) the Australian Institute for Teaching and School Leadership Limited.

6 Penalty notice offences

For the purposes of section 23 (7) of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
- (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

7 Transitional provisions

(1) Existing delegations

Any delegation of a function by the Board of Studies under section 119 of the *Education Act 1990* or by the NSW Institute of Teachers under section 7 (4) of the *Institute of Teachers Act 2004* and in force immediately before 1 January 2014 is taken to be a delegation of a comparable function under the education and teaching legislation by the Board under section 12 of the Act.

(2) Existing rules

Any rules made by the Board of Studies under section 131 of the *Education Act 1990* and in force immediately before 1 January 2014 are taken to be rules made by the Board under section 25 of the Act.

Schedule 1 Penalty notice offences

(Clause 6)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 14 (3)	\$100
Offences under the Education Act 1990	
Section 57A (4)	\$200
Section 65	\$200
Section 83G	\$2,000
Section 87A (5)	\$200
Offences under the Teacher Accreditation Act 2004	
Section 26	\$500
Section 29 (2)	\$1,000
Section 35 (2)	\$1,000
