



New South Wales

# Board of Studies, Teaching and Educational Standards Amendment Regulation 2016

under the

Board of Studies, Teaching and Educational Standards Act 2013

His 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 object of this Regulation is to amend the *Board of Studies, Teaching and Educational Standards Regulation 2013*:

- (a) as a consequence of the *Education and Teaching Legislation Amendment Act 2016* (the **amending Act**), which changed the name of the Board of Studies, Teaching and Educational Standards to the NSW Education Standards Authority (the **Authority**), and
- (b) to enable the Authority to delegate its functions to a person or body approved by the Authority as a teacher accreditation authority for an early childhood education centre or class of such centres, and
- (c) to prescribe the Catholic Education Commission NSW and the Association of Independent Schools NSW as agencies in respect of which the Authority may enter into an information sharing arrangement, and
- (d) to prescribe offences under the education and training legislation that may be dealt with by way of a penalty notice, and
- (e) to make other amendments of a minor or consequential nature.

This Regulation is made under the *Board of Studies, Teaching and Educational Standards Act 2013*, including sections 12B (as inserted by the amending Act), 16, 23 and 24 (the general regulation-making power).

## **Board of Studies, Teaching and Educational Standards Amendment Regulation 2016**

under the

Board of Studies, Teaching and Educational Standards Act 2013

### **1 Name of Regulation**

This Regulation is the *Board of Studies, Teaching and Educational Standards Amendment Regulation 2016*.

### **2 Commencement**

This Regulation commences on 1 January 2017 and is required to be published on the NSW legislation website.

## **Schedule 1      Amendment of Board of Studies, Teaching and Educational Standards Regulation 2013**

**[1]    Clause 1 Name of Regulation**

Omit “*Board of Studies, Teaching and Educational Standards*”.

Insert instead “*Education Standards Authority*”.

**[2]    Clause 3 Definition**

Omit the definition of *the Act*. Insert instead:

*the Act* means the *Education Standards Authority Act 2013*.

**[3]    Clause 4 Delegation of Authority’s functions**

Omit “paragraph (d)” and “section 12 (2)”.

Insert instead “paragraph (f)” and “section 12B (2)”, respectively.

**[4]    Clause 4 (a)**

Omit “Board”. Insert instead “Authority”.

**[5]    Clause 4 (d)**

Omit the paragraph. Insert instead:

(d) persons employed in the Department of Education,

**[6]    Clause 4 (g)**

Insert after clause 4 (f):

(g) members of staff of a teacher accreditation authority approved by the Authority under section 4 (5A) of the *Teacher Accreditation Act 2004*.

**[7]    Clause 5 Exchange of information**

Insert after clause 5 (d):

(e) the Catholic Education Commission NSW,

(f) the Association of Independent Schools of NSW.

**[8]    Clause 6 Penalty notice offences**

Omit the clause.

**[9]    Clause 7 Transitional provisions**

Insert after clause 7 (2):

**(3)    References to President in existing delegations by former Board**

A reference to the President of the former Board in any instrument of delegation by the Minister or the former Board in force immediately before 1 January 2017 is taken to be a reference to the Chief Executive Officer of the Authority.

(4) In subclause (3), *former Board* means the Board of Studies, Teaching and Educational Standards as constituted under the Act immediately before the substitution of Part 2 of the Act by the *Education and Teaching Legislation Amendment Act 2016*.

**[10] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Penalty notice offences**

For the purposes of section 23 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 14 (3)	\$100
<b>Offences under the Education Act 1990</b>	
Section 57A (4)	\$200
Section 65	\$200
Section 83R	\$2,000
Section 87A (5)	\$200
<b>Offences under the Teacher Accreditation Act 2004</b>	
Section 26 (2)	\$500
Section 28	\$1,000
Section 42B	\$500