



New South Wales

Education Standards Authority Regulation 2019

under the

Education Standards Authority Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Education Standards Authority Act 2013*.

SARAH MITCHELL, MP
Minister for Education and Early Childhood Learning

Explanatory note

The object of this Regulation is to remake, without substantial amendments, the *Education Standards Authority Regulation 2013*, which is repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation provides for the following matters:

- (a) the authorised persons or bodies that the NSW Education Standards Authority may delegate its functions to,
- (b) the relevant agencies with whom the Authority may enter into an information sharing arrangement,
- (c) the offences under the *Education Act 1990* and the *Teacher Accreditation Act 2004* for which penalty notices may be issued and the amounts of the penalties payable.

This Regulation is made under the *Education Standards Authority Act 2013*, including sections 12B, 16, 23 and 24 (the general regulation-making power).

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

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1 Name of Regulation

This Regulation is the *Education Standards Authority Regulation 2019*.

2 Commencement

This Regulation commences on 1 September 2019 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Education Standards Authority Regulation 2013*, which is repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

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

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Delegation of Authority's functions

For the purposes of paragraph (f) of the definition of **authorised person or body** in section 12B (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 Authority,
- (b) directors (or equivalent) of TAFE establishments within the meaning of the *Technical and Further Education Commission Act 1990* 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 83M of the *Education Act 1990*,
- (d) persons employed in the Department of Education,
- (e) members of staff of a non-government schools authority within the meaning of section 26A of the *Education Act 1990*,
- (f) ECEC executives within the meaning of section 3 of the *Teacher Accreditation Act 2004*,
- (g) members of staff of a teacher accreditation authority approved by the Minister under section 4 (4) of the *Teacher Accreditation Act 2004*,
- (h) members of staff of a teacher accreditation authority approved by the Authority under section 4 (5A) 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) a person or body responsible for registering or accrediting teachers under the law of a jurisdiction outside Australia,
- (b) the Association of Independent Schools of NSW,
- (c) the Australasian Teacher Regulatory Authorities,
- (d) the Australian Institute for Teaching and School Leadership Limited,
- (e) Catholic Schools NSW Limited,
- (f) Education Services Australia Limited,
- (g) the Office of the Children's Guardian,
- (h) a non-government school within the meaning of section 3 of the *Education Act 1990*,
- (i) an ECEC executive within the meaning of section 3 of the *Teacher Accreditation Act 2004*.

6 Savings

Any Act, matter or thing that, immediately before the repeal of the *Education Standards Authority Regulation 2013*, had effect under that Regulation continues to have effect under this Regulation.

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 the penalty notice is the amount specified in this Schedule for the offence.

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