



New South Wales

# Education Standards Authority Regulation 2024

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*.

PRUE CAR, MP  
Minister for Education and Early Learning

## Explanatory note

The object of this regulation is to repeal and remake, without substantial changes, the *Education Standards Authority Regulation 2019*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

- (a) the authorised persons or bodies to whom the NSW Education Standards Authority (the **Authority**) may delegate its functions,
- (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 payable under the penalty notices.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

## Contents

	Page
1 Name of regulation	3
2 Commencement	3
3 Definition	3
4 Delegation of Authority's functions—the Act, s 12B	3
5 Exchange of information—the Act, s 16	3
6 Repeal and savings	4
<b>Schedule 1</b> <b>Penalty notice offences</b>	<b>5</b>

## Education Standards Authority Regulation 2024

under the

Education Standards Authority Act 2013

### 1 Name of regulation

This regulation is the *Education Standards Authority Regulation 2024*.

### 2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

**Note**— This regulation repeals and replaces the *Education Standards Authority Regulation 2019*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definition

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.

### 4 Delegation of Authority's functions—the Act, s 12B

For the Act, section 12B(2), definition of *authorised person or body*, paragraph (f), 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*,
- (c) directors, or equivalent, of NVR registered training organisations within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth,
- (d) chief executive officers, or equivalent, of approved providers within the meaning of the *Education Act 1990*, section 83M,
- (e) persons employed in the Department of Education,
- (f) members of staff of a non-government schools authority within the meaning of the *Education Act 1990*, section 26A.

### 5 Exchange of information—the Act, s 16

For the Act, section 16(5), definition of *relevant agency*, paragraph (e), 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) the Australian Education Research Organisation,
- (f) Catholic Schools NSW Limited,
- (g) Education Services Australia Limited,
- (h) the Office of the Children's Guardian,
- (i) a non-government school within the meaning of the *Education Act 1990*, section 3(1),
- (j) an early childhood education centre within the meaning of the *Teacher Accreditation Act 2004*, section 3(1).

**6 Repeal and savings**

- (1) The *Education Standards Authority Regulation 2019* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Education Standards Authority Regulation 2019*, had effect under that regulation continues to have effect under this regulation.

## Schedule 1 Penalty notice offences

### 1 Application of schedule

- (1) For the Act, section 23—
  - (a) each offence created by a provision specified in Schedule 1, Column 1 is an offence for which a penalty notice may be issued, and
  - (b) the amount payable for the penalty notice is the amount specified in Column 2.
- (2) If the provision is qualified by words that restrict the operation of the provision to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
  - (a) the limited kind of offence, or
  - (b) an offence committed in the limited circumstances.

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Education Act 1990</b>	
Section 57A(4)	\$135
Section 83R(1)	\$2,000
Section 83R(2)	\$2,000
Section 87A(5)	\$135
<b>Offences under the Teacher Accreditation Act 2004</b>	
Section 26(1)	\$550
Section 26(2)	\$550
Section 28(1)	\$1,000
Section 28(2)	\$1,000
Section 42B(1)	\$500