

Education (Teachers) Bill

No.

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By Authority L. V. North, Government Printer Melbourne

LEGISLATIVE ASSEMBLY

Read 1° 13 November 1991

(Brought in by Mr A. Sheehan and Mr Roper)

A BILL

to amend the **Teaching Service Act 1981** and the **Education Act 1958**
and for other purposes.

Education (Teachers) Act 1991

The Parliament of Victoria enacts as follows:

PART 1—PURPOSES AND COMMENCEMENT

1. *Purposes*

The main purposes of this Act are—

- 5 (a) to amend the **Teaching Service Act 1981**—
 (i) to abolish appointments boards;
 (ii) to establish a Merit Protection Board;
 (iii) to establish merit principles to apply to the
 administration of that Act;
- 10 (b) to amend the **Education Act 1958**—
 (i) to restructure the Teachers Registration Board;
 and

Section headings appear in bold italics and are not part of the Act
(see **Interpretation of Legislation Act 1984**).

- (ii) to provide for fees for registration of teachers and for registration of certain schools.

2. Commencement

This Act comes into operation on a day or days to be proclaimed.

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PART 2—AMENDMENT OF TEACHING SERVICE ACT 1981

3. New Division 2A inserted

After Division 2 of Part II of the Teaching Service Act 1981 insert—

“Division 2A—Merit Principles

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4A. Merit principles

(1) In the administration of this Act, the following principles shall be observed—

- (a) recruitment to the teaching service shall be from qualified individuals selected solely on the basis of relative ability, knowledge and skills in fair and open competition which assures that all receive equal opportunity; 15
- (b) promotion and advancement within the teaching service shall be from qualified individuals selected in fair and open competition solely on the basis of relative efficiency measured in relation to the position involved; 20 25
- (c) all principals, teachers and other officers and employees shall receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, colour, religion, national origin, sex, marital status or physical disability; 30

- 5
- (d) equal pay shall be provided for work of equal value with appropriate consideration being given to the different requirements of various occupational employment categories;
- (e) principals, teachers and other officers and employees shall be used efficiently and effectively;
- 10
- (f) principals, teachers and other officers and employees shall be provided with effective education and training where such education and training would result in better organisational and individual performance;
- 15
- (g) principals, teachers and other officers and employees shall be protected against arbitrary action, personal favouritism and coercion; and
- 20
- (h) all necessary steps shall be taken to ensure that all principals, teachers and other officers and employees maintain proper standards of integrity, conduct and concern for the public interest.
- 25
- (2) The Chief General Manager and each other person or body exercising any power or carrying out any duty or function under this Act must in so doing give effect to the principles in sub-section (1).

4B. Merit Protection Board

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- (1) There is established a Merit Protection Board.
- (2) The Board consists of 7 members appointed by the Chief General Manager.
- 35
- (3) The Chief General Manager must appoint 3 of the members of Board after consideration of a list of names submitted at the Chief General Manager's invitation by the relevant industrial associations of employees.

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- (4) The Chief General Manager must appoint one of the members of the Board as Chairperson.

4C. Functions of Board

The functions of the Board are—

- (a) to monitor the implementation of the merit principles under this Act; and 5
- (b) to report to the Chief General Manager on any matter relating to its functions on which the Chief General Manager requires it to report; and 10
- (c) to carry out any other functions required of it by the Chief General Manager.

4D. Procedure of Board

- (1) Four members of the Board constitute a quorum.
- (2) The procedure of the Board is in its discretion.” 15

4. Abolition of appointments boards

The Teaching Service Act 1981 is amended as follows—

- (a) section 60 is repealed;
- (b) in section 61 (1) for “relevant appointments board” substitute “Chief General Manager”; 20
- (c) in section 61A (1) for “relevant appointments board” substitute “Chief General Manager”;
- (d) in section 64A (2), for “relevant appointments board” substitute “Chief General Manager”;
- (e) in section 64A (3) for “relevant appointments board” substitute “Chief General Manager”; 25
- (f) in section 64A (4) for “relevant appointments board” substitute “Chief General Manager”.

5. Seniority

For section 65 (1) of the Teaching Service Act 1981 substitute— 30

“(1) Subject to this Act and any ministerial order and regulations, in the selection of an officer to fill a vacancy and in determining any appeal regard shall be had only to superior efficiency.”.

5 **PART 3—AMENDMENT OF EDUCATION ACT 1958**

6. *Changes to Teachers Registration Board*

The **Education Act 1958** is amended as follows—

(a) for section 52B (1) **substitute—**

10 “(1) The Board consists of 9 members appointed by the Governor in Council of whom—

(a) the chairperson is to be nominated by the Minister;

15 (b) 4 are to be officers of the Department of School Education nominated by the Minister; and

20 (c) 4 are to be state school teachers nominated by the Minister from a list of names submitted at the Minister’s invitation by the relevant industrial associations of employees.”;

(b) for section 52B (9) and (10) **substitute—**

25 “(9) On the commencement of section 6 of the **Education (Teachers) Act 1991—**

(a) the Teachers Registration Board (the old Board) existing immediately before that commencement is abolished and its members go out of office; and

30 (b) the Teachers Registration Board established under sub-section (1) as substituted by section 6 of the **Education (Teachers) Act 1991** (“the new Board”) is the successor in law of the old Board.

35 (10) On and from the commencement of section 6 of the **Education (Teachers) Act 1991** all acts, matters and things of a continuing nature lawfully made, done or commenced by or on

behalf of the old Board before that commencement are to be taken to have been made, done or commenced by the new Board.”;

- (c) in section 52D (2) **omit** “or elected”; 5
- (d) section 52D (5) and (6) are **repealed**;
- (e) in section 52E (1) for “seven” **substitute** “5”;
- (f) section 82 (*pa*) is **repealed**.

7. Functions of Teachers Registration Board

In section 52C (1) of the **Education Act 1958** for “The Board must” **substitute** “The functions of the Board are to”. 10

8. Fees for registration of teachers

The **Education Act 1958** is amended as follows—

- (a) after section 39 (1) **insert—** 15
 - “(1A) A person must not be registered as a teacher unless he or she has paid the relevant prescribed fees.”;
- (b) after section 52C (1) **insert—**
 - “(1A) An application for registration or provisional registration must be accompanied by the relevant prescribed fees.”; 20
- (c) in section 82 before “Subject” **insert** “(1)”;
- (d) after section 82 (*o*) **insert—**
 - “(oa) prescribing fees relating to registration or provisional registration of teachers under this Act including— 25
 - (i) application fees;
 - (ii) fees for the assessment of qualifications;
 - (iii) fees for the issue of certificates of registration; 30
 - (iv) fees for the issue of duplicate certificates;”;
- (e) at the end of section 82 **insert—**

“(2) Regulations made under section 82 (1) (oa) may—

(a) prescribe different fees for different cases or classes of cases;

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(b) empower a person or body to waive or rebate the payment of a fee or refund a fee in specified circumstances.”.

9. Fees for registration of schools

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In section 48 (2) of the **Education Act 1958** for “a fee of \$200 which shall be paid into the Consolidated Fund” **substitute** “the fee prescribed by the regulations”.

