

## TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

### *Second Reading*

Adjourned debate on second reading.

(Continued from 4 June 2020.)

**The Hon. C. BONAROS (16:17):** I rise to speak on the Teachers Registration and Standards (Miscellaneous) Amendment Bill 2020, which seeks to amend the Teachers Registration and Standards Act 2004. At the outset, the recognition of the welfare and best interests of children as the paramount consideration, rather than the existing primary consideration, is a most welcome and indeed critical amendment. It means any decision-maker under the act should—must—as the overriding and dominant principle consider the welfare and best interests of children.

In any situation where there are competing interests, the decision-making will rest firmly in favour of the interests of children above all else, as it should. If only the minister would adopt the same approach with the same vigour regarding ending period poverty in our schools. I say 'if only' because his approach to date has been abysmal. It has been an abject failure, a failure at the most basic level: he fails to acknowledge the best interests of children as paramount and overriding all else, especially his own obstinacy.

Of course, that is a matter for another debate. This bill has been broadly supported for many reasons. I do not intend to speak to all of them other than to say it is imperative that laws governing the registration and standards of our teachers are relevant to our changing times. The bill includes a number of modern amendments, especially in relation to child protection matters and information sharing, which make perfect sense.

Before addressing the contentious aspects of the bill, I first wish to make one very important observation. The Teachers Registration Board is funded by teachers and was established by teachers in the best interests of teaching. I am told the current three-year registration fee sits at around \$360, or about \$120 a year, and that is funded, again, by teachers for teachers in the interests of teaching.

Teachers need to have faith that the board, their board, will set appropriate professional standards and make proper decisions based on their real-life, day-to-day experiences. These experiences should then be complemented by other skill sets, but teachers need to maintain significant input.

I understand the board meets on a monthly basis to consider a range of issues, including the administration of the act and the review and promotion of professional standards and the profession in general. It also collaborates with teacher education institutions on admission standards and facilitates the national and international exchange of information, amongst other things.

Current board members have reported to me that the board, as it stands, works efficiently. There seems to be a general consensus on issues, and I am told it is rare for matters to go to a vote. That current membership consists of five members nominated by the Australian Education Union; one member nominated by the Association of Independent Schools of South Australia; one member nominated by the Catholic Education Office; two members nominated by the Independent Education Union; one member put forward by the universities of the state; three by the Department for Education; and three by the Minister for Education; making a total of 16.

The bill, of course, seeks to reduce that number to between 10 and 14. The headcount of the board does not appear to be problematic in itself, and consultations with stakeholders have generally confirmed this, but it cannot be considered in isolation. The change in the composition of the board is of real concern. The government is seeking to significantly water down teacher representation on a board established by teachers for the purpose of teaching.

It also seeks to remove the power of the various stakeholders and sectors to nominate their own members. It wants the minister to pick and choose who it wants on the board. The bill guarantees only one spot for a practising teacher from each of the preschool, primary and secondary areas. It is entirely possible that a board of

14 members, all of whom have been appointed by the minister, could include only three practising teachers, if this bill were to successfully pass in its original form.

Diluting the board to reduce the voice of teachers, who fund the board and whose profession is governed by the board, is far less than ideal. We do not accept this is in the best interests of children or, indeed, of the teaching profession. We have faith in the experience of teachers, from the ground up. Teachers need to have at least an equal voice in decision-making as it relates to them. It is one thing to have knowledge gained from textbooks, but it is another thing to be able to join the dots of that knowledge through experience.

This bill retains the appointment of one legal practitioner and one school parent to represent the interests of the community, which I believe we can all accept is justified. Indeed, a legal practitioner is generally considered, across many spheres, as a valuable member of any board. The representation of a school parent also brings a unique viewpoint. It is, I think in this instance, an obvious inclusion that needs to be kept.

The bill seeks to eliminate the voice of the university sector altogether, a sector which is the breeding ground of our teachers. We do take issue with this. Universities are training our next generation of teachers. A representative from this sector has an important contribution to make. Our general distaste for this most contentious provision has recently been addressed by the Labor amendments filed earlier this week.

Those amendments are based loosely on the current status quo by retaining a similar proportionate representation by the various existing groups. However, a very valid concern was raised with me during the consultation process in relation to the opposition's amendments, and that is specifically in relation to the amendment in the name of the Hon. Kyam Maher, amendment No. 1 to clause 7, in that it does not accurately reflect the proportion of teachers employed in the non-government sector.

As it stands, the Labor amendment provides for four nominations by the AEU and one nomination by the IEU. This 4:1 ratio is not a true reflection of registered non-government to government teachers, and we have filed an amendment accordingly. The AEU, and obviously the IEU, have indicated their support for the amendment which would allow for four AEU and two IEU nominated members sitting on the board.

Consequential to this change are a number of our amendments to the total board number, which would sit at between 11 and 14, as a result of adding one to the IEU, with six members collectively nominated by the AEU and IEU together. I am told this has no impact on broader implications on the quorum.

Furthermore, the government wants to empower the minister to appoint every single board member, thereby removing the voice of the various union and stakeholder groups. The government also wants to empower the minister to direct the work of the board. In considering these, we return to the overarching question of who should control the board: the minister or the profession itself with its wealth of knowledge and experience. In this instance, we are firmly on the side of the profession.

As I said before, there are many aspects of this bill which are, as I understand it, universally accepted. The development of a code of conduct is a positive and modern step and one that we welcome. We are concerned about the lack of teacher input into the development and maintenance of the code of conduct, and if the government has its way there could be three—just three—practising teachers on the board consulting on the code. Teachers need to be confident in the elements of such a code for it to function at its best. That confidence is dependent on the input of teaching experience, those at the coalface of teaching in the classroom.

Labor, again, has filed an amendment providing for a consultation element with the various unions prior to the publication of the code of conduct. It means the board must call for submissions from the major stakeholders, who would be given adequate opportunity to provide those submissions—a period of not less than one month, as I understand it. There is certainly some in-principle support for that position as well because we think it makes perfect sense that there be a level of consultation.

The Labor amendment No. 7 provides a further safeguard by ensuring the code of conduct could be disallowed by parliament in any event and, again, that is something that we look at favourably. Also problematic is the ability of the minister to appoint committee members who are not board members. As I understand it, there are four standing committees established by the board which consider teacher education and professional issues, admission and audit and risk frameworks.

Further, one subcommittee considers matters arising from admissions, improper conduct and teacher competence, and then various ad hoc panels sit from time to time to consider specific issues and make recommendations to the board. All committee members must currently be members of the board; this ensures a high level of accountability.

There is nothing in the operation of the current act that prevents the consultation with experts on an as-needs basis. Consultants such as psychologists can already be called upon, as required, to assist committee members by giving evidence on certain aspects of the matter. While they may bring a unique skill set and experience to a particular case at hand, there are serious questions about whether they need to be a permanent fixture on these committees. Indeed, if the minister considers a certain expert, a psychologist for example, should sit on a committee, then they will have the power to make a nomination to the board to fill the spare seats provided for in clause 7 of this bill.

We have some questions in relation to the Labor amendment No. 2, which seeks to ensure gender equality on the board, as far as practical. I will defer those questions to the committee stage, but I make the point that to my knowledge and, in fact, based on the 2018-19 annual report, it tells us that 74 per cent of registered teachers in South Australia are women, and 12 of the current 16 members of the board are female. The obvious inference from that is that the amendment that is being proposed could potentially involve reducing the number of female members on the board. Given their 76 per cent representation in relation to the profession, that is something we intend to pursue further with the Leader of the Opposition.

The commitment of teachers during the recent COVID-19 pandemic was summed up perfectly in a letter that I received just this week, penned by Professor Emeritus Alan Reid AM, who hails from the University of South Australia's School of Education. In addition to drawing on his vast teaching experience in voicing his concerns about aspects of the bill, Professor Reid made the following observation:

If ever proof was needed about the professionalism and commitment of teachers to the education and well-being of children and young people, it was amply provided by the recent COVID-19 crisis.

At some personal risk, teachers stayed in the front line, educating children whose parents could not teach them at home; and bearing the significant extra work-load involved in teaching students at home and at school.

There was a broad community consensus that teachers, along with other workers in the front-line, served the public with distinction.

How is it that the government can rely on teacher professionalism during times of crisis, but diminish that professionalism when the crisis has passed?

That is food for thought. With those words, I indicate our support for the second reading of the bill and look forward to the next stages of the bill.