
30 July 2026

Submission on the Education Standards and Registration Board Bill 2026

Independent Schools Northern Territory

Introduction

Independent Schools Northern Territory (ISNT), trading as the Association of Independent Schools of the Northern Territory (AISNT), welcomes the opportunity to provide a submission on the *Education Standards and Registration Board Bill 2026*.

AISNT is the peak body representing 26 Independent schools educating approximately 6,000 students across the Northern Territory. Our membership includes metropolitan, regional, remote and very remote schools, including Majority Aboriginal and Torres Strait Islander Student schools, small stand-alone schools and schools operating across multiple campuses and communities.

Independent schools are an important and diverse part of the Northern Territory education system. They operate within a range of governance, cultural, geographic and educational contexts and make a significant contribution to educational choice, community development and student outcomes.

AISNT supports, in principle, the establishment of a single Education Standards and Registration Board where this improves coherence, regulatory efficiency, teaching quality and educational outcomes across the Northern Territory.

The proposed amalgamation of the Northern Territory Board of Studies and the Teacher Registration Board presents an opportunity to:

- improve coordination between curriculum, assessment, teacher standards and professional regulation;
- reduce duplication and unnecessary administrative processes;
- strengthen governance and accountability;

- improve the timeliness and consistency of regulatory decisions; and
- establish a more strategic approach to educational standards across the Northern Territory.

However, AISNT considers that the proposed legislation does not yet provide sufficient assurance of genuine cross-sector participation, operational independence, transparent performance reporting or recognition of the distinctive circumstances of Independent, Aboriginal, regional, remote and very remote schools.

AISNT's support for the Bill is therefore conditional on these matters being addressed through amendments to the legislation and through transparent implementation arrangements.

Summary of recommendations

AISNT recommends that the Bill be amended to:

1. Guarantee Independent-sector and broader cross-sector participation in the governance of the new Board.
2. Expand the statutory skills and experience requirements for Board membership to reflect the distinctive context of education in the Northern Territory.
3. Strengthen safeguards protecting the Board's independence from government and departmental influence.
4. Include the performance framework, measurable targets and public reporting requirements proposed in the Review.
5. Require the Board to develop and publish a comprehensive Board Charter.
6. Establish formal structured consultation arrangements with AISNT and the other education-sector peak bodies.
7. Strengthen transparency, consultation and proportionality requirements relating to fees, delegations and regulatory decisions.
8. Require a published transition plan and a formal, independent review of the operation of the new Board after an appropriate period.

1. Cross-sector representation

AISNT's principal concern is the absence of guaranteed cross-sector representation on the proposed Board.

The Review of the Northern Territory Board of Studies and the Teacher Registration Board repeatedly recognises the importance of cross-sector participation. It records strong stakeholder support for cross-sector representation and recommends that the new Board include advisory membership through an agreed model of cross-sector representation.

The Review's executive summary also indicates that the Board would be strengthened by ex-officio members providing cross-sector representation.

The Bill does not adequately implement this recommendation.

Section 18 allows the Minister to appoint no more than two industry advisers. However, the Bill does not:

- guarantee that the Independent school sector will be represented;
- guarantee representation from each of the three school sectors;
- require the Minister to consult with sector peak bodies before making an appointment;
- provide industry advisers with voting rights;
- guarantee that industry advisers may attend all relevant Board meetings;
- require the Board to consider or formally respond to advice provided by an industry adviser; or
- prevent both industry advisers from being drawn from the same sector or area of education.

The use of the term “industry adviser” does not adequately reflect the role of the school education sectors or their representative bodies. Education-sector representatives would bring system knowledge, professional expertise and an understanding of the practical effects of Board decisions—not simply an industry perspective.

A purely skills-based Board does not remove the need for sector knowledge. Curriculum, assessment, certification and teacher-regulation decisions can affect each school sector differently. Effective governance requires the Board to understand the different legislative, governance, operational and accountability arrangements applying to government, Catholic and Independent schools.

For the Independent sector, this includes an understanding of:

- the autonomy and diversity of Independent school governance;
- small stand-alone schools;
- schools operating in remote and very remote communities;
- Majority Aboriginal and Torres Strait Islander Student schools;
- schools operating across multiple communities or campuses;
- workforce and teacher-registration challenges;
- limited administrative capacity; and
- the importance of proportionate regulation.

With 26 Independent schools operating across diverse Northern Territory communities, the Independent sector should not be dependent on Ministerial discretion for a voice in decisions that directly affect its schools, teachers and students.

Recommendation 1

The Bill should provide for legislated cross-sector participation in the new Board.

AISNT’s preferred model is for each of the government, Catholic and Independent school sectors to have a member with full participation and voting rights, while retaining an overall skills-based composition.

If this approach is not accepted, the Bill should, at a minimum:

- provide for one adviser nominated by AISNT;
- provide for one adviser nominated by the Catholic education sector;
- ensure appropriate government-school representation;
- give sector advisers the right to attend and participate in relevant Board meetings;
- require the Board to consider advice from sector advisers; and
- require the Board to document how sector advice has informed significant decisions.

The legislation should refer to these positions as “education sector advisers” rather than “industry advisers”.

2. Board skills and Northern Territory experience

Section 6 of the Bill provides that Board members must have professional skills and expertise in one or more of the following areas:

- education system, school and student performance;
- teaching and learning practice;
- workforce development;
- law or regulatory practice;
- corporate governance; or
- any other skills or experience considered appropriate by the Minister.

AISNT supports a skills-based approach. However, the proposed skills categories do not adequately reflect the Northern Territory’s educational environment.

The Board will make decisions affecting schools and teachers operating across metropolitan, regional, remote and very remote communities. The effectiveness of those decisions will depend on whether the Board understands the circumstances in which schools operate.

A regulatory requirement that may be reasonable for a large urban school may be impractical or disproportionate for a small remote school experiencing chronic workforce shortages, limited access to specialist services, infrastructure constraints and high staff turnover.

Similarly, decisions about curriculum, assessment, certification and teacher standards must reflect the cultural and linguistic diversity of Northern Territory students and communities.

The proposed Board should collectively possess expertise in:

- Aboriginal education;
- culturally responsive education and regulation;
- regional, remote and very remote schooling;
- Independent and non-government school governance;
- small-school operations;
- teacher workforce attraction and retention;
- disability and inclusive education;

- early childhood education; and
- community-controlled and Majority Aboriginal and Torres Strait Islander Student schools.

The Bill should also require the Minister to consider the diversity of the Northern Territory community when making appointments.

Recommendation 2

Section 6 should be amended to require the Board, collectively, to possess appropriate skills, experience and knowledge in:

- Aboriginal education and cultural contexts;
- regional, remote and very remote education;
- early childhood education;
- inclusive education;
- teacher workforce development;
- school governance; and
- each of the government, Catholic and Independent school sectors.

The legislation should also require the Minister to consider geographic, cultural and sector diversity when appointing members.

3. Independence of the Board

AISNT recognises the practical and financial reasons for establishing the new entity as a statutory board supported by the Department of Education and Training rather than as a stand-alone statutory authority.

However, the proposed arrangements concentrate significant appointment, administrative and direction-setting powers in the Minister and Department.

Under the Bill:

- all Board members are appointed by the Minister;
- the Chairperson and Deputy Chairperson are appointed by the Minister;
- the Director is a departmental public sector employee appointed by the Minister;
- the Department provides the Board's staff, facilities and support services;
- the Minister may give directions concerning the achievement of the Board's objective and the administration of the Board;
- the Minister may direct the Chairperson to convene a meeting;
- the Minister must approve the establishment and terms of reference of Board committees; and
- industry advisers are appointed by the Minister.

Section 16 appropriately prevents the Minister from directing the Board in relation to an individual teacher-registration application, authorisation, complaint, investigation, inquiry or disciplinary matter.

This is an important protection, but it does not fully protect the Board's independence in relation to:

- curriculum advice;
- student assessment and certification;
- professional standards;
- general teacher-registration policy;
- regulatory policy affecting a class of teachers or schools;
- consultation priorities; or
- the Board's broader administrative arrangements.

The Board must be both independent and seen to be independent. This is particularly important where the Department is simultaneously:

- the provider of administrative support to the Board;
- the operator of the government school system;
- a major employer of registered teachers; and
- an organisation affected by the Board's curriculum, standards and regulatory decisions.

AISNT supports the Minister setting transparent strategic and policy expectations. However, Ministerial direction should not extend to the Board's independent professional, regulatory, curriculum, assessment or certification judgments.

Recommendation 3

The Bill should be amended to:

- expressly protect the Board's independent regulatory, curriculum, assessment and certification decisions;
- clarify and narrow the Minister's power to give directions concerning the "administration of the Board";
- require every Ministerial direction to be published when issued;
- require Ministerial directions to be tabled in the Legislative Assembly;
- allow the Board to publish a response to a Ministerial direction;
- require the Board's annual report to explain the effect of Ministerial directions on its work; and
- prohibit directions concerning regulatory or policy decisions that disproportionately affect a particular education sector without prior consultation.

The legislation or supporting governance arrangements should also clarify the respective accountability of the Director to the Board, the Minister and the Departmental Chief Executive Officer.

4. Performance framework and public reporting

The Review recommends that the new Board operate under a performance framework comprising:

- a strategy approved by the Minister;
- a clearly articulated purpose, vision and values;
- measures aligned with the Board's statutory objectives and functions;
- measurable targets; and
- published annual reporting.

These recommendations are not fully reflected in the Bill.

Section 33 requires the Board to prepare an annual report. However, the prescribed content is largely limited to Ministerial directions and the Board's implementation of those directions.

The Bill does not expressly require the Board to develop or report against:

- a strategic plan;
- performance measures;
- measurable service standards;
- registration-processing timeframes;
- complaint and investigation timeframes;
- stakeholder-engagement measures;
- regulatory burden;
- cross-sector impacts;
- regional and remote accessibility; or
- progress against its statutory objective.

The new Board should be accountable for outcomes, not simply for reporting its activities.

Transparent performance reporting will help schools, teachers and the community assess whether the amalgamation has produced the efficiencies and improvements anticipated by the Review.

Recommendation 4

The Bill should include a statutory performance framework requiring the Board to:

- develop and publish a strategic plan;
- articulate its purpose, vision, values and strategic priorities;
- establish measurable performance indicators aligned with its statutory objective and functions;
- establish service standards for regulatory and administrative functions;
- report on regulatory efficiency and administrative burden;
- report on stakeholder engagement across all education sectors;
- report on accessibility and responsiveness for regional, remote and very remote schools; and
- report annually against its approved indicators and targets.

The annual report should include performance information in addition to information about Ministerial directions.

5. Board Charter, governance and assurance

The Review recommends that the new Board develop and publish a Charter addressing:

- conflicts of interest;
- confidentiality;
- effective decision-making;
- access to expertise and advice;
- meeting procedures;
- risk mitigation; and
- governance and assurance arrangements.

The Bill requires the Board to develop a code of conduct, but it does not require a Board Charter.

A code of conduct and a Board Charter serve different purposes. A code of conduct establishes expected standards of individual behaviour. A Board Charter establishes how the Board governs, makes decisions, exercises delegations, manages risk and remains accountable.

Given the breadth of the new Board's functions, a publicly available Charter will be important to building stakeholder confidence.

Recommendation 5

The Bill should require the Board to develop and publish a Board Charter covering:

- roles and responsibilities of the Board, Chairperson, Director, advisers and committees;
- decision-making principles;
- delegations and reserved Board decisions;
- management of actual, potential and perceived conflicts of interest;
- access to independent professional, legal and educational advice;
- stakeholder consultation;
- risk management and regulatory assurance;
- reporting and accountability;
- publication of decisions and reasons, where appropriate; and
- regular evaluation of Board performance.

The Charter should be developed following consultation with the three education sectors and reviewed at regular intervals.

6. Structured stakeholder consultation

Section 14 provides that the Board is to cooperate and consult with bodies prescribed by regulation that are engaged in education or related matters.

AISNT supports the inclusion of a consultation function. However, the current provision leaves important matters unresolved.

The Bill does not identify:

- which bodies will be prescribed;
- whether AISNT and the other sector peak bodies will be included;
- the matters on which consultation must occur;
- the stage at which consultation must occur;
- how consultation outcomes will be considered; or
- whether consultation must take place before significant decisions are made.

Meaningful consultation should not depend solely on future regulations or administrative discretion.

The existing Non-Government Schools Ministerial Advisory Council has an important role, but it should not be regarded as a substitute for direct consultation with the recognised peak bodies for the Catholic and Independent school sectors.

AISNT has direct knowledge of the operations and needs of its member schools and is best placed to identify the practical and unintended consequences of proposed regulatory, curriculum and teacher-workforce changes.

Recommendation 6

The Bill should expressly recognise the need for structured consultation with the government, Catholic and Independent education sectors.

The Board should be required to consult with AISNT and the other relevant sector peak bodies before making significant changes to:

- curriculum frameworks;
- assessment and certification arrangements;
- teacher-registration policies;
- professional standards;
- regulatory guidelines;
- fee structures;
- delegated decision-making frameworks; and
- policies that create new obligations for schools or teachers.

The Board should develop and publish a stakeholder engagement framework setting out how consultation will occur and how stakeholder feedback will be considered.

AISNT should also be included as a prescribed body for the purposes of section 14(d).

7. Fees, delegations and proportionate regulation

Section 15 gives the Board the power to charge a fee for providing a service, whether or not the fee is prescribed.

AISNT is concerned that this power may be broader than is necessary to continue existing teacher-registration and related fees. It could allow fees to be introduced or changed without the transparency and scrutiny ordinarily associated with prescribed fees.

Teacher-registration costs can affect workforce attraction and retention, particularly where schools pay or reimburse registration and compliance expenses. Any fee changes should consider their impact on teachers, small schools and remote-school workforces.

AISNT supports the expanded delegation powers where these improve timeliness and reduce unnecessary red tape. However, broad delegation must be accompanied by appropriate safeguards.

Schools and teachers should have confidence that delegated decisions are:

- consistent;
- evidence-based;
- proportionate;
- procedurally fair;
- subject to appropriate review; and
- reported to the Board.

Efficiency should not be achieved by transferring regulatory risk or administrative burden to schools.

Recommendation 7

The Bill or supporting regulations should require that fees are:

- transparent and publicly available;
- proportionate to the cost of providing the relevant service;
- subject to consultation before introduction or material increase;
- assessed for their impact on teacher supply and remote schools; and
- reviewed regularly.

The Board should also be required to publish:

- its delegation instruments;
- the categories of decisions reserved for the Board;
- decision-making criteria for delegated regulatory functions;
- internal review or reconsideration arrangements;
- service and decision-making timeframes; and

- regular assurance reports on the exercise of delegated powers.

Significant, novel, high-risk or precedent-setting matters should remain reserved for consideration by the Board.

8. Implementation, transition and review

AISNT supports the Bill's provisions for the transfer of existing property, records, rights, obligations, registrations and ongoing actions to the new Board.

However, legislative continuity does not, by itself, ensure an effective operational transition.

Schools and teachers will require clear information about:

- registration and renewal processes;
- existing approvals and authorisations;
- curriculum and certification arrangements;
- current complaints, investigations and inquiries;
- changes to policies, forms, fees and contact arrangements; and
- how transitional issues will be resolved.

The provisions requiring the appointment of new investigators or inquiry committees for existing matters may create delays, duplication or uncertainty. Affected teachers and employers should not be disadvantaged by the institutional transition.

AISNT is also concerned that the Bill provides that the Minister may review the Board if the Minister considers it appropriate, but does not require a review after the establishment of the new Board.

Given the significance of the amalgamation, a formal review should be mandatory to ensure it is fit for its intended purpose and operating as is legislatively intended.

Recommendation 8

Before commencement, the Government and Board should publish a detailed implementation and transition plan addressing:

- continuity of teacher registrations and renewals;
- continuity of curriculum, assessment and certification functions;
- treatment of existing applications, complaints, investigations and inquiries;
- communication with schools, teachers and education-sector bodies;
- data and records management;
- staffing, capability and organisational arrangements;
- anticipated changes to policies, procedures and fees;
- service continuity and contingency planning; and

- mechanisms for identifying and resolving unintended consequences.

The legislation should require an independent review of the new Board within three years of commencement.

The review should examine:

- whether the amalgamation has reduced duplication and red tape;
- the independence and effectiveness of the Board;
- cross-sector participation;
- the timeliness and consistency of regulatory decisions;
- the impact on schools and teachers;
- the effectiveness of consultation arrangements;
- outcomes for regional, remote and very remote schools; and
- whether further legislative or administrative reform is required.

All three education sectors should be formally consulted as part of that review, and the review report should be tabled in the Legislative Assembly.

Conclusion

AISNT supports the objective of establishing a more coherent, efficient and effective framework for curriculum, assessment, teacher standards and professional regulation in the Northern Territory.

The creation of a single Education Standards and Registration Board has the potential to improve coordination, reduce duplication and strengthen educational standards. However, the success of the new model will depend on more than structural amalgamation.

It will require:

- genuine cross-sector participation;
- visible and practical independence;
- a Board with expertise reflecting the distinctive Northern Territory context;
- transparent performance and governance arrangements;
- meaningful consultation;
- proportionate regulation; and
- a carefully managed transition.

The most significant issue requiring amendment is the absence of guaranteed cross-sector representation. The Review identifies cross-sector representation as an important feature of the proposed model, but the Bill replaces that commitment with provision for no more than two Minister-appointed, non-voting industry advisers.

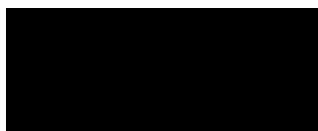
AISNT considers that this does not provide an adequate or enduring voice for the Independent school sector.

AISNT therefore supports the Bill in principle, subject to amendments addressing the recommendations outlined in this submission.

AISNT would welcome the opportunity to discuss these recommendations further and to contribute to the development of the Board's membership arrangements, regulations, governance framework and implementation plan.



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