

Explanatory Statement

EDUCATION STANDARDS AND REGISTRATION BOARD BILL 2026

SERIAL NO. 69

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR EDUCATION AND TRAINING

GENERAL OUTLINE

The overarching purpose of the Bill is to establish a new statutory Board to replace and amalgamate the Northern Territory Board of Studies and Teacher Registration Board of the Northern Territory. The Bill achieves this by:

- establishing a new principal Act called the *Education Standards and Registration Board Act 2026*
- making interim amendments to the *Teacher Registration (Northern Territory) Act 2004* and *Education Act 2015* to support continuity of the current Board membership and functions during the transition period
- making consequential amendments to the *Teacher Registration (Northern Territory) Act 2004*, the *Teacher Registration (Northern Territory) Regulations 2004*, the *Education Act 2015*, the *Education Regulations 2015* and the *Education and Care Services (National Uniform Legislation) Act 2011* to ensure statutory powers and functions are transferred to the new Board.

The key features of the Bill include:

- Amalgamating the NT Board of Studies and the Teacher Registration Board into one independent statutory Board called the Education Standards and Registration Board.
- Establishing a new skills-based Board with the Minister appointing a minimum of 7 members.
- Maintaining the independence and regulatory integrity safeguards established by the Teacher Registration (Northern Territory) Legislation Amendment Bill 2025 by:
 - continuing host agency arrangements with the Department of Education and Training being responsible for providing staff, facilities and other support services to the Education Standards and Registration Board
 - preserving the Minister's power to set policy, performance and accountability expectations for the Board while also safeguarding against ministerial and departmental interference with respect to the Board's power to regulate the teaching profession in accordance with the *Teacher Registration (Northern Territory) Act 2004*.
- Providing strong administrative and governance arrangements to ensure the Education Standards and Registration Board is acting in the public interest with clear accountability and oversight mechanisms in place.
- Facilitating operational efficiency for the delivery of the Education Standards and Registration Board functions by allowing day-to-day regulatory actions to be delegated by the Board. This

will also allow the new Board to focus on overarching strategic objectives that seek to improve student outcomes, teacher quality, professional standards and child safety.

The establishment of a stand-alone principal Act for the Education Standards and Registration Board rather than inserting the Board into the *Education Act 2015* reinforces the Board's statutory independence, a key concern raised by stakeholders during the *Review of the NT Board of Studies and the Teacher Registration Board*.

NOTES ON CLAUSES

Part 1 Preliminary Matters

Clause 1. Short Title.

This is a formal clause which provides for the citation of the Act as the *Education Standards and Registration Board Act 2026*.

Clause 2. Commencement.

This clause sets out how the *Education Standards and Registration Board Act 2026* will be commenced.

Subclause (1) allows immediate commencement of Part 4 which amends the *Teacher Registration (Northern Territory) Act 2004* and the *Education Act 2015* to implement interim arrangements that support the continuity of the Teacher Registration Board and the Northern Territory Board of Studies during the transitional period.

Subclauses (2) and (3) provide for commencement by notice given by the Administrator in the *Northern Territory Government Gazette*, or by 5 April 2027, whichever occurs first. This enables preparatory actions to occur following passage of the Bill and prior to full operational commencement of the Education Standards and Registration Board. This includes time to:

- recruit Board members;
- take actions to decommission the NT Board of Studies and the Teacher Registration Board;
- transfer staff, records and functions; and
- ensure continuity of teacher registration and certification services.

This approach mirrors commencement provisions used in comparable education and regulatory reform legislation.

Clause 3. Definitions

This clause sets out definitions for key terms used throughout the Bill.

alternate member: This term refers to persons appointed under clause 8(1). Alternate members may be authorised by the Chairperson to act in the place of a member during the member's absence or inability to act. The purpose of this definition is to ensure continuity in the operation of the Board through ensuring quorum and valid decision-making requirements.

authorised person: This term refers to a person who is not a registered teacher however has been or is authorised to teach under the *Teacher Registration (Northern Territory) Act 2004*. The term is defined under section 4 of the *Teacher Registration (Northern Territory) Act 2004*.

Board: This is the Northern Territory Education Standards and Registration Board established under clause 5. The purpose of this definition is to provide a clear and consistent reference to the statutory body created by the Bill, which is responsible for exercising the functions and powers conferred under this Act and related education laws.

Chairperson: This term identifies an ordinary member appointed under clause 9(1) to preside over the Board. The definition supports provisions governing meetings, quorum and voting, and clarifies the leadership and representative role of the Chairperson in ensuring the effective conduct of the Board's business.

code of conduct: This term refers to the code of conduct that must be developed and published by the Board under clause 31.

committee: This term refers to a committee established by the Board under clause 29(1). This definition recognises that committees are subsidiary bodies created to assist the Board in the performance of its functions.

Deputy Chairperson: This term identifies an ordinary member appointed under clause 9(2) to act in the place of the Chairperson when required. The definition ensures clarity regarding succession and continuity of leadership, particularly during an absence, incapacity or vacancy of the Chairperson.

Director: This term refers to the person appointed under clause 25 to manage the administration and operation of the Board. The definition distinguishes the Director's executive and administrative role from the governance role of Board members.

early childhood service: This term means an education and care service as defined under section 5 of the *Education and Care Services National Law (NT)*, but does not include a family day care service, an outside school hours services of any other kind of service prescribed by the *Education and Care Services National Regulations*. The term is used to clarify that teachers employed within these services must also be registered under the *Teacher Registration (Northern Territory) Act 2004*.

education law: This term exists to clarify legislative framework within which the Board exercises its functions and powers, outside of this Act. It refers to the *Education Act 2015* and the *Teacher Registration (Northern Territory) Act 2004*, including any subordinate legislation of these Acts. Reference to the term is used to avoid repeated citation of individual Acts throughout the Bill, particularly in provisions dealing with delegated powers, ministerial directions, and the performance of statutory functions.

industry adviser: This term is used to distinguish industry advisers from members of the Board and to clarify their non-decision-making role within the statutory framework. Industry advisers are appointed to provide advice and make recommendations to the Board in relation to matters relevant to the Board's functions, including areas where specialised expertise or stakeholder insight is required. They do not hold office as members of the Board and are not involved in Board decision-making processes. The inclusion of this definition supports provisions in clause 18, which establishes a flexible mechanism for the Board to access targeted expertise, while maintaining the integrity, independence and accountability of the Board as the statutory decision-making body.

member: This is a collective term capturing both Board members appointed under clause 6 and alternate members appointed under clause 8 while they are acting in place of a member. The definition ensures that references to "member" throughout the Act apply appropriately to persons who are entitled to exercise the powers and functions of a member at the relevant time.

registered: This term is used to refer to a teacher who is currently registered under the *Teacher Registration (Northern Territory) Act 2004*. The term is defined under section 4 of the *Teacher Registration (Northern Territory) Act 2004*.

registration: This term means provisional or full registration under the *Teacher Registration (Northern Territory) Act 2004*. The term is defined under section 4 of the *Teacher Registration (Northern Territory) Act 2004*.

school: This term exists in the Bill to clarify that a school refers to a Government and a non-Government school as provided for in section 5 of the *Education Act 2015*.

teacher: This term is used to refer to a person who is, or has been, qualified to program and deliver a course of instruction at a school or early childhood service and to assess the work of students in relation to that course of instruction. The term is defined under section 4 of the *Teacher Registration (Northern Territory) Act 2004*.

Clause 3 also includes a note referencing the *Interpretation Act 1978*. It is current practice to add this standard note at the end of the definition section in Acts to alert readers to the application of the *Interpretation Act 1978* and the default definitions contained within it.

Clause 4. Application of Criminal Code

This is a standard clause that provides that Part IIAA of the Criminal Code applies to an offence against this Act. Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. Part IIAA also defines or elaborates on certain concepts commonly used in the creation of offences.

This clause ensures that offences within this Act, specifically those relating to disclosure of interest and confidentiality, are subject to consistent principles of criminal responsibility. It mirrors current provisions applied to the Teacher Registration Board, therefore maintaining accountability settings for Board members and staff.

Part 2 Northern Territory Education Standards and Registration Board

Division 1 Establishment of Board

Clause 5 Establishment

This clause establishes the Northern Territory Education Standards and Registration Board as a statutory body corporate. It provides the Board with a distinct legal identity, including perpetual succession, enabling it to perform its statutory functions independently and effectively. The provision also provides that as a corporate body it has the capacity to sue and be sued and is capable, in its corporate name, of holding and disposing of assets.

This clause consolidates current establishment provisions for the:

- NT Board of Studies contained in section 24 of the *Education Act 2015*, and
- Teacher Registration Board contained in section 6 of the *Teacher Registration (Northern Territory) Act 2004*.

Subclause (4) also provides that the Board has the privileges and immunities of the Crown in right of the Territory, reflecting the public and statutory nature of its functions. As the Board is an official Territory body, this clause provides the Board with the same legal protections the NT Government has.

Division 2 Composition of Board and appointment of members

Clause 6. Composition of Board

This clause provides for the Minister to appoint no less than 7 members of the Board and provides the framework for appointments ensuring that the Board comprises members with appropriate professional skills and expertise relevant to its functions.

Subclause (2) specifies that each member of the Board must demonstrate skills and expertise in one or more of the following areas:

- education system performance;
- teaching and learning practice;
- workforce development;
- law or regulatory practices; and
- corporate governance.

To future proof this provision and the inclusion of additional skills that may be required over time, subclause (2)(f) also provides for any other skills or experience that the Minister considers appropriate.

These skill sets ensure the Board is strategically focused, able to enhance education outcomes across the NT, and to oversee key regulatory functions including disciplinary matters and prosecution. This skills-based Board model moves away from the current representational membership models of the Teacher Registration Board and NT Board of Studies with members appointed on skills criteria rather than as sector representatives.

Subclause (3) further strengthens the skills-based membership model by requiring that the composition of the Board must have a balance of the specified skills and experience across members.

Subclause (4) provides a safeguard to ensure that prior to the appointment of a member, probity checks have been undertaken to confirm they are a fit and proper person. This would include but not be limited to; verification of skills and qualifications, police check, working with children clearance and awareness of any real, perceived or potential conflicts of interest.

Clause 7. Term of appointment

This clause provides for the term of appointment of Board members and how they are to be managed for continuity.

Board members are appointed for a term of up to 4 years. To promote continuity while guarding against excessive tenure, subclauses (2) and (3) provide that Board members may be reappointed, however, this is limited to 8 consecutive years except in exceptional circumstances. Exceptional circumstances could include matters such as there are no other suitable persons available for appointment, there are key strategic objectives or projects underway by the Board and a member's expertise is of particular importance to the success of the work. Subclause (4) clarifies that a member's term of appointment is only considered to be consecutive if less than 6 months has elapsed between the end of their last appointment and the start of a new term of appointment. This safeguard acknowledges the importance of ensuring the Board has the right balance of skills, expertise and diversity at all times.

Clause 8. Alternate members

This clause allows the Minister to appoint one or more alternate members in consideration of their skills and expertise against those provided for Board members under clause 6(2). This enables the establishment of a pool of suitably qualified individuals who may be called upon to temporarily fulfil the duties of appointed members, supporting the effective and continuous operation of the Board.

Subclause (3) provides the Chairperson with the power to authorise an alternate member to act in the place of a member of the Board during the member's absence or inability. This provides a practical and flexible mechanism for activating alternate members without requiring further Ministerial action, thereby supporting timely decision-making and maintaining quorum where needed.

Subclause (4) clarifies that an alternate member has all powers and functions of a member during the period that they are authorised by the Chairperson to act in the place of a member. This ensures that decisions made with the participation of an authorised alternate member have legal validity and avoids any doubt as to the authority of alternate members.

Subclauses (5) to (7) clarify that alternate member appointments are for a term of up to 4 years, and while alternate members may be reappointed this is limited to 8 consecutive years except in exceptional circumstances. These provisions align with the terms of appointment for substantive members.

Subclause (8) clarifies that an alternate member's term of appointment is only considered to be consecutive if less than 6 months has elapsed between the end of their last appointment and the start of a new term of appointment. This safeguard acknowledges the importance of ensuring the Board has the right balance of skills, expertise and diversity at all times.

Clause 9. Chairperson and Deputy Chairperson

Subclauses (1) and (2) provide for the appointment of a Chairperson and Deputy Chairperson by the Minister from among the members of the Board. The appointment must be in writing for clarity of decision making.

The appointment of a Chairperson is to ensure strong, stable leadership of the Board while the Deputy Chairperson ensures continuity of leadership during absences or vacancies of the Chairperson. Subclause (3) clarifies the circumstances when the Deputy Chairperson may act and that only the Deputy Chairperson is able to act as Chairperson, regardless of an alternate person acting in place of the Chairperson.

Clause 10. Vacation of office

This clause sets out the circumstances in which a Board member's office becomes vacant.

Subclauses (1) and (2) provide the mechanism by which members may resign, namely by written notice to the Minister, and allows for the Chairperson and Deputy Chairperson to resign their office but remain a member of the Board.

Subclause (3) confirms that a person ceases to be a member of the Board if they resign, or their term of appointment comes to an end, and the person is not reappointed; or if their appointment is terminated by the Minister under clause 11.

Clause 11. Termination of appointment

The clause consolidates and strengthens statutory provisions that previously existed for the Northern Territory Board of Studies and the Teacher Registration Board ensuring that integrity safeguards and performance accountability measures are in place for all Board members.

Subclause (1) sets out specific circumstances in which the Minister may terminate the appointment of a member based on objectively ascertainable events or failures, including prolonged absence from meetings, insolvency-related events, conviction for serious offences, or failure to comply with statutory conflict-of-interest requirements. These grounds reflect minimum standards of participation, probity and legal capacity required to hold office.

Subclause (2) provides a separate power for the Minister to terminate the appointment of a member where the Minister is satisfied that the person has engaged in conduct, or exhibits incapacity, that undermines their suitability to continue in as a Board member. These grounds address matters requiring evaluative judgment, including improper performance of duties, misuse of confidential information, inability to competently perform functions, or contravention of an applicable code of conduct.

The separation of subclauses (1) and (2) is intended to distinguish between termination based on clearly defined factual events and termination based on an assessment of ongoing performance, conduct and governance standards.

Clause 12. Validity of acts

This clause confirms that acts or decisions of the Board are not invalid merely because of a defect in appointment or a vacancy in membership. The clause protects the continuity and effectiveness of the Board's operations particularly during transitional periods of Board including early establishment and changes to Board membership.

Division 3 Objective, functions and powers

Clause 13. Objective of Board

This clause articulates the statutory objectives of the Education Standards and Registration Board. The objectives make explicit that the Board's role is to ensure that school curriculum, assessment frameworks, teaching standards and regulatory standards under the education law are developed, implemented and monitored in a manner that promotes improved student learning outcomes while maintaining flexibility across the school education and teaching sector.

This clause is intended to guide interpretation of the Board's functions and powers across the *Education Act 2015* for curriculum policy matters and the *Teacher Registration (Northern Territory) Act 2004* for matters relating to the regulation of the teaching profession.

It also reflects the sector wide approach to the role of the Board, specifically meaning that it must consider the government and non-government school contexts across all of their functions, as well as the early childhood education and care sector for teacher regulation matters.

Clause 14. Functions of Board

This clause combines and transfers the functions of the Northern Territory Board of Studies under section 25 of the *Education Act 2015*; and the Teacher Registration Board under section 11 of the *Teacher Registration (Northern Territory) Act 2004*. It also consolidates the existing functions to

remove the duplication of functions where they are already conferred on the Board via the *Teacher Registration (Northern Territory) Act 2004*. Further, the clause strengthens the strategic and system-wide focus of the Board and supports a sector-blind approach to achieving the Board's objectives through cooperation and consultation with education sector bodies including government, Catholic, independent school systems and the early childhood sector.

Subclause (a) outlines the Education Standards and Registration Board's formal advisory function relating to the provision of curriculum policy, student assessment and certification across the Territory school education system. This function confirms the Board's ability to provide formal strategic advice to the Minister and Chief Executive Officer with a view to improve student and educational system outcomes. The Chief Executive Officer is specified in this provision as they are responsible for the day-to-day administration of the *Education Act 2015* and reporting on the broader operation of education and training services in the Northern Territory.

Subclause (b) outlines the Board's functions in relation to the development, quality and standards of the teaching profession in the Territory.

Subclause (c) provides for the Education Standards and Registration Board to provide formal advice and recommendations to the Minister in relation to the minimum qualification and other requirements required for teacher registration in the Northern Territory. This function confirms the Board's ability to provide formal strategic advice to the Minister in relation to the teacher registration and compliance scheme.

Subclause (d) supports a whole of education system approach to achieving the Board's objectives. As of February 2026, the NT education sector consists of 196 schools across three sectors defined in the *Australian Education Act 2013*, specifically 153 schools in the Government sector, 18 schools in the Catholic sector and 25 schools in the Independent sector. Furthermore, the Independent sector is made up of Lutheran schools, Christian schools and stand-alone schools. The Board must support curriculum policy and teacher registration across all these groups and cooperate and consult with bodies engaged in education related matters. The subclause also provides that such bodies will be prescribed in regulations to allow for clarity.

Subclause (e) confirms that the Board is the intended recipient of statutory functions across multiple legislative instruments. The provision specifies that it is responsible for performing all the functions and powers conferred on it under this Act, and an education law as defined in clause 3. For the purposes of this Act education law includes the *Education Act 2015* and the *Teacher Registration (Northern Territory) Act 2004*. For legislative efficiency and future proofing, it also stipulates any other Act.

Clause 15. Powers of Board

Subclause (1) establishes a general enabling power for the Board, authorising it to do all things necessary or convenient to perform its functions under the Act. This provision is intended to ensure that the Board has sufficient flexibility to carry out its statutory functions effectively, without the need for each incidental or administrative power to be expressly set out in the Act. The power operates as an ancillary power only and does not expand the Board's functions beyond those conferred elsewhere in the Act.

Subclause (2) expressly provides that the Board has the power to charge a fee for the provision of a service, whether or not the fee is prescribed. The inclusion of this provision is intended to place the Board's fee charging authority beyond doubt and to support the recovery of reasonable administrative costs associated with the performance of its functions. This approach reflects existing practice under the *Teacher Registration (Northern Territory) Act 2004*.

Division 4. Role of Minister

Clause 16. Ministerial directions to Board

This clause provides for a balanced approach between ministerial oversight of the Board's strategic and administrative activities and the Board's independence in the exercise of its statutory regulatory functions. This clause preserves the approach adopted in section 25B of the *Teacher Registration (Northern Territory) Act 2004*, as part of the December 2025 reforms to that Act, by clarifying that the Minister may direct the Board.

Subclause (1) provides two types of Ministerial influence over the Board:

- Paragraph (a) allows the Minister to give directions in relation to the Board's powers and functions under the Education Standards and Registration Act and any education law. This enables the Minister to provide guidance on how the Board undertakes its statutory responsibilities generally, including the implementation of policy, operational priorities and system-wide approaches to the performance of its functions. It also enables the Minister to give directions that set out the government's expectations of how the Board is to achieve its objective. This allows the Minister to communicate high-level policy priorities, desired outcomes and broader expectations of the Board.
- Paragraph (b) provides that the Minister may give directions in relation to the administration of the Board. This includes matters such as governance arrangements, internal processes, and other administrative aspects of the Board's operations.

Subclause (2) ensures the Board's independence with regards to regulation of the teaching profession. This clause places important limitations on the Minister's power to direct the Board expressly prohibiting the Minister from giving direction in relation to an individual person, including an authorised person or a registered teacher; a person's application for registration, re-registration, or authorisation; or a complaint, investigation, or inquiry; or any disciplinary action being taken against a particular person under the *Teacher Registration (Northern Territory) Act 2004*.

Subclause (3) clarifies that the Minister must not give a direction to the Board that is inconsistent with the Act or an education law, being the *Education Act 2015* or *Teacher Registration (Northern Territory) Act 2004*.

Subclause (4) provides that the Board must give effect to directions given by the Minister under subsection (1) when exercising its powers and performing its functions. This establishes a clear line of accountability between the Board and the Minister in relation to matters of general policy, governance and administration.

Clause 17. Review of Board

This clause clarifies the Minister's power to review the operation and performance of the Board. To remove any administrative burden associated with conducting reviews at specific timeframes (e.g. every 3 years) no timeframe has been specified.

Division 5 Industry advisers

Clause 18 Industry advisers

This clause provides that the Minister may appoint not more than two industry advisers to the Board for a term not exceeding 4 years. Subclause (4) provides that the function of an industry

adviser is to advise and make recommendations to the Board, and to perform any other functions prescribed by regulation.

The intent is to allow the Board to access advisers for specific skills gaps (e.g. Aboriginal education, non-government school provision, child safeguarding, early childhood sector) and adjust advisory support over time without amending the Act. The clause is drafted to balance flexibility with governance integrity. It supports informed decision-making and cross-sectorial representation by enabling access to advice, while preserving the independence, accountability and statutory responsibilities of the appointed members of the Board as decision-makers.

Division 6 Procedures of Board

Clause 19. Meetings

This clause requires that the Board must meet at least 4 times a year, with the Chairperson to convene meetings. The Chairperson must convene a meeting if requested by any 3 members of the Board or on the direction of the Minister.

The clause also clarifies the Board is to establish procedures to be followed at meetings or in any matters related to Board meetings. These procedures must be consistent the *Education Standards and Registration Board Act 2026*.

Clause 20. Quorum and voting at meetings

This clause provides for quorum and voting arrangements of the Board. Subclause (1) provides that the Chairperson, or in the Chairperson's absence the Deputy Chairperson, must be present and preside at a meeting of the Board.

Subclause (2) establishes that a quorum is constituted by a majority members who are holding office at the time of the meeting or deliberation. As the Act does not prescribe a fixed number of Board members (beyond a minimum of 7 members), an additional safeguard is included to require that a quorum must consist of no fewer than 4 members.

Subclauses (3) and (4) provide that each Board member has a deliberative vote, with questions determined by a majority of votes of the members present and voting. Where there is an equality of votes, the person presiding at the meeting has a casting vote in addition to their deliberative vote.

To ensure integrity and appropriate governance, a member who has a pecuniary or other conflict of interest in relation to a matter must not be present during consideration of that matter and is not counted for the purposes of quorum or voting as per clause 24.

Clause 21. Attendance at meetings

The clause clarifies the intent of the Act, that meetings of the Board are to be in person, however, provides that the Chairperson may give prior approval for a member to attend a meeting of the Board by teleconference or audiovisual link.

Subclauses (2) and (3) are designed to remove practical barriers to participation for Board members, particularly practising teachers whose absence from the classroom or early childhood service creates unavoidable operational impacts. While the Bill requires all employers to permit attendance at meetings without financial penalty, reimbursement to an employer for costs incurred as a result of enabling staff to attend a Board meeting is appropriately limited to schools and early childhood services. This recognises that these settings are subject to statutory requirements to

engage qualified teachers in order to lawfully operate and may incur direct costs in arranging relief staff to maintain continuity of education.

This approach maintains consistency with the existing Teacher Registration framework and supports practitioner representation in the Board's functions. While the Education Standards and Registration Board is skilled based rather than representative, school and early childhood service staff may still be appointed and this provision therefore balances equity considerations with fiscal discipline.

Clause 22. Resolution without meeting

This clause promotes the efficient administration of the Board by enabling decisions to be made between meetings where delay would otherwise impede the timely performance of its functions.

Subclause (1) enables the Board to pass a resolution without holding a physical meeting, provided specified procedural safeguards are met. It allows a resolution to be taken as passed where the Chairperson has taken reasonable steps to notify all Board members of the proposed resolution, including its terms and the timeframe for response, and a majority of members provide their assent within that timeframe.

Subclause (2) provides flexibility in how members may indicate their agreement to a proposed resolution, including by signing a document, responding from their nominated email account or using another form of technology approved by the Board.

To ensure integrity and appropriate governance, subclause (3) provides that a Board member who has a pecuniary or other conflict of interest in relation to a proposed resolution is not to be counted when determining a vote. Where there is a resolution without a meeting, subclause (4) provides that the Chairperson is required to ensure that all Board members are advised of, and provided with a copy of, the resolution as soon as practicable after the time for response has ended.

Clause 23. Minutes

This clause provides that the Board must keep full and accurate records of its meeting and passing of resolutions without meetings. This is to ensure that, as a statutory body exercising delegated public authority, the Board is able to demonstrate good public administration, including transparency and lawful decision making.

Clause 24. Disclosure of interest

This clause makes provision for the disclosure and management of conflicts of interest by members of the Board. It requires a member who has a direct or indirect pecuniary interest, or any other interest that could conflict with the proper performance of the member's functions, to disclose the nature of that interest to the Board as soon as practicable after the facts come to the member's attention.

Subclause (2) clarifies that, after disclosing the interest, the member must not be present during deliberation on the relevant matter and must not take part in any decision of the Board in relation to that matter. The member is also not to be counted for the purposes of forming a quorum for consideration of the matter, and the disclosure must be recorded in the minutes of the meeting.

Subclauses (3) and (4) establish that it is an offence of strict liability, with a maximum penalty of 50 penalty units, to fail to disclose an interest in a matter or to participate in deliberations or decision making in relation to that matter. These requirements support integrity, transparency and public confidence in the Board's decision-making processes by ensuring that decisions are made free

from actual or perceived conflicts of interest and in accordance with principles of good governance and administrative fairness.

Division 7 Director of Board

Clause 25. Director

This clause preserves the approach adopted in section 14 of the *Teacher Registration (Northern Territory) Act 2004*, as part of the December 2025 reforms to that Act, which clarified that the Director of the Board is an employee of the department by virtue of the Northern Territory Administrative Arrangement Orders.

This clause provides for the appointment of a public sector employee as the Director of the Board by the Minister. The Director is to be employed within the agency responsible for administering the *Education Standards and Registration Board Act 2026*.

Consistent with the definitions in section 17 of the *Interpretation Act 1978* and section 3(1) of the *Public Sector Employment Management Act 1993* (PSEMA), the reference to a “public sector employee” does not include the Chief Executive Officer of the Agency, clarifying that the Chief Executive Officer is excluded from holding the position of Director.

The clause provides that the Director has the statutory function of assisting with the administration and operation of the Board. This is to ensure that day-to-day administration of the Board’s regulatory functions are carried out between Board meetings. The Director is also responsible for any other functions conferred on the position by or under the *Education Standards and Registration Board Act 2026*, the *Education Act 2015*, the *Teacher Registration (Northern Territory) Act 2004* and any other Act. Further to this, subsection (3) provides that the Director is subject to the direction of the Board in the performance of the Director’s functions and powers under these education laws.

The clause establishes the Director holds statutory functions while remaining subject to the public sector employment principles, including the management and disciplinary framework, set out in the PSEMA. To this point, this clause further clarifies the independence of the Director from the agency’s Chief Executive Officer with regards to the Director’s statutory functions.

Clause 26. Delegation of Director

This clause allows the Director to delegate in writing any functions and powers of the position to a public sector employee. This is to enable routine functions to be lawfully exercised by appropriately authorised staff improving service delivery and continuity while maintaining accountability.

Division 8 Administration of Board

Clause 27. Staff and facilities of Board

The clause clarifies the responsibility of the Chief Executive Officer of the responsible agency to provide staff, facilities and other support services to the Board. The effect of this clause is that the Board will be supported administratively by the responsible agency while remaining operationally independent in regulatory decision-making. This clause also preserves the approach adopted in section 14A of the *Teacher Registration (Northern Territory) Act 2004*, as part of the December 2025 reforms to that Act.

Clause 28. Delegation of Board

This clause enables the Board to delegate in writing, any of its powers or functions under the *Education Standards and Registration Board Act 2026*, the *Education Act 2015* and the *Teacher Registration (Northern Territory) Act 2004*. The effect of this clause is that the Board can lawfully delegate powers and functions to members, the Director, committees or public sector employee, improving efficiency while retaining ultimate accountability.

This clause ensures scalability and resilience in regulatory decision-making, addressing findings of the Review of the NT Board of Studies and Teacher Registration Board that overly restrictive delegation provisions impeded timely action and create administrative burden.

Clause 29. Board may establish committees

This clause provides for the establishment of committees of the Board. Subclauses (1) and (3) clarify that the Minister must approve both the establishment of the committee and the committees' terms of reference. Subsection (4) provides that the terms of reference may set out any matters the Board considers appropriate including:

- composition of the committee and whether any Board members will be appointed
- proceedings of the committee
- the exercise of powers and performance of functions that are to be delegated to the committee by the Board.

Subsection (5) further clarifies that a committee must comply with its terms of reference.

The clause further requires that committees must keep full and accurate records of its proceedings. This is to ensure that, as a statutory body exercising delegated public authority, the committee is able to demonstrate good public administration, including transparency and lawful decision making.

Overall, this clause enables the Board to draw on specialist expertise to support the performance of its functions, while ensuring appropriate ministerial oversight through the requirement for approval of committee establishment and their terms of reference.

Clause 30. Disclosure of interest for committee member

This clause provides for the disclosure and management of conflicts of interest by members of a committee of the Board. It places the same disclosure of interest requirements and penalty applied to Board members under clause 24 to all committee members. These requirements support integrity, transparency and public confidence by ensuring that decisions of the Board and its committees are made free from actual or perceived conflicts of interest and in accordance with principles of good governance and administrative fairness.

Part 3 Miscellaneous matters

Clause 31. Code of conduct

This clause provides for the development, content and publication of a code of conduct applicable to members of the Board.

Subclause (1) requires the Board to make a code of conduct to establish governance standards that are tailored to its operational environment, functions and risk profile, while maintaining flexibility to update those standards over time as required.

Subclause (2) sets out the mandatory content of the code of conduct. The code must prescribe standards of behaviour applicable to Board members. These standards are intended to promote integrity, accountability, transparency and ethical decision-making in the performance of the

Board's functions. Subclause (2)(b) provides that matters may also be prescribed by regulation, ensuring that the code can be supplemented to address specific governance risks, emerging issues, or whole-of-government requirements without the need to amend the Act.

Subclause (3) requires the Board to ensure that the code of conduct, as in force from time to time, is published on the agency's website. This promotes transparency and public accountability by making the behavioural expectations of Board members publicly accessible.

The code of conduct is supported by enforcement mechanisms under clause 11 that enable the Minister to terminate the appointment of a Board member for a serious breach of the code of conduct. This ensures that the standards established under this clause have practical effect and can be enforced where necessary to maintain the integrity of the Board.

Clause 32. Offence to disclose certain information

This clause establishes an offence for the unauthorised disclosure of confidential information. This is to protect confidential information including personal information about teachers involved in registration or disciplinary proceedings as well as student assessment and certification information.

The offence applies to all persons; including Board members, committee members, the Director and staff, who are performing functions connected with administration of the *Education Standards and Registration Board Act 2026*. It applies a criminal penalty for improper disclosure, reinforcing trust in regulatory processes and the management of personal and sensitive information.

Subclause 3 recognises that, while the Act establishes a broad offence to protect the confidentiality of certain information, it is not intended to criminalise disclosures that occur with the informed consent of the affected person.

Clause 33. Annual Report

This clause requires the Board to prepare an annual report and preserves the approach adopted in section 79 of the *Teacher Registration (Northern Territory) Act 2004*, as part of the December 2025 reforms to that Act.

The clause clarifies the Minister's power to set policy, performance and accountability expectations of the Board by requiring the report include any written directions of the Minister under section 16 of the *Education Standards and Registration Board Act 2026*, and information regarding the Board's implementation of the Minister's directions. In effect this establishes a performance framework as identified in Recommendation 10 of the Review of the NT Board of Studies and Teacher Registration Board.

Subclause (3) provides that the annual report may include information by way of case studies or case histories of the subject of an inquiry or the decision the Board in relation to an inquiry under Part 6 of the *Teacher Registration (Northern Territory) Act 2004*.

Subclause (4) specifies information that must not be included in the report with particular regard to identifying information.

The effect of this clause is that the Board must report on the Board's operations, directions and performance outcomes annually, promoting transparency of the Board's activities and performance.

Clause 34. Protection from liability

This clause is a standard clause that provides statutory protection from personal civil and criminal liability where a person has acted in good faith in the exercise of their powers or the performance of their functions under the Act. The protection is extended to the Director, members of the Board, members of committees, industry advisers, staff of the Board, or a person otherwise engaged by the Board.

Subclause (1) provides that the listed persons are not civilly or criminally liable for an act done or omitted to be done in good faith in the exercise of a power or performance of a function under the Act. This ensures that individuals performing statutory roles are able to carry out their duties without fear of personal exposure to liability, provided their conduct is undertaken honestly and within the scope of their functions.

Subclause (2) extends this protection by making clear that a person covered by subclause (1) is also not civilly or criminally liable for acts or omissions of the Board or a committee in exercising powers or performing functions under the Act. This ensures that individual office holders are not held personally liable for collective decisions or actions undertaken as part of the Board's governance or committee processes.

Subclause (3) clarifies that the immunity provided in subclauses (1) and (2) does not remove any liability that would otherwise attach to the Territory or the Board itself. This ensures that appropriate avenues for legal redress remain available.

Subclause (4) defines key terms to broaden the operation of the protection. In particular, the clause makes clear that a reference to the exercise of a power or performance of a function includes the purported exercise or performance. This ensures that the protection applies even where an act is later determined to be beyond power, provided it was undertaken in good faith.

Overall, the clause supports effective governance by balancing accountability with appropriate protections for statutory decision-makers, and reflects standard provisions used in Northern Territory legislation for statutory boards and regulators, including those afforded to the Teacher Registration Board under the *Teacher Registration (Northern Territory) Act 2004*.

Clause 35. Regulations

This clause is a standard regulation-making provision that confers power on the Administrator to make regulations for the purposes of the Act. As a standard drafting practice, a note is included to alert the reader to section 65 of the *Interpretation Act 1978* which supplies the standard machinery for how the Administrator's power operates in respect of the making of regulations.

Part 4 Amendments to education laws to implement interim arrangements

Division 1 Education Act 2015

Clause 36. Act amended

Clarifies that this Division of the Bill amends the *Education Act 2015*.

Clause 37. Section 29 amended (Term of appointment)

Section 29 of the *Education Act 2015* provides that a member of the Northern Territory Board of Studies may be appointed for a term not exceeding three years. The section also requires that, as far as practicable, appointments are staggered so that six members' terms expire at the same time, with the remaining 5 expiring 18 months later. This staggered arrangement is intended to support continuity in the Board's membership and operations.

Consistent with this approach, current Board member appointments will expire during the transition period between the existing Northern Territory Board of Studies and the establishment of the Education Standards and Registration Board.

In line with the intent of section 29 of the *Education Act 2015*, clause 35 provides the Minister with the power to extend the term of appointment of a Board member for a period not exceeding 12 months. This ensures that the current Board composition can be maintained during the transition period, promoting stability and avoiding the administrative burden of appointing six new members for a short interim term.

Division 2 Teacher Registration (Northern Territory) Act 2004

Clause 38. Act amended

Clarifies that this Division of the Bill amends the *Teacher Registration (Northern Territory) Act 2004*.

Clause 39. Section 7 amended (Composition of Board)

Section 7 of the *Teacher Registration (Northern Territory) Act 2004* provides for the composition of the Teacher Registration Board which consists of 12 members appointed by the Administrator. The Teacher Registration Board is a representative board model where prescribed bodies and organisations nominate a panel of persons from which members can be selected. While this system provides for cross sectorial representation on the Board, it is administratively burdensome and at times prevents timely appointments to the Teacher Registration Board. This in turn places the ability for the Board to meet quorum requirements at risk. Given the lack of delegation powers relating to granting teacher registration and to take disciplinary action, an inability of the Teacher Registration Board to meet quorum results in the cessation of these functions.

To safeguard against this during the transition period, clause 39 inserts a provision enabling the Administrator to appoint a suitably qualified person where the relevant nominating body fails to nominate a candidate. This amendment ensures appointments can be made in a timely manner, maintains the operational continuity of the Board, and mitigates the risk of prolonged vacancies arising from delays or failures in the nomination process.

Clause 40. Section 8 amended (Term of Appointment)

Section 8 of the *Teacher Registration (Northern Territory) Act 2004* provides that a member of the Teacher Registration Board may be appointed for a term not exceeding four years. The section also requires that, as far as practicable, appointments are staggered so that six members' terms expire at the same time, with the remaining six expiring two years later. This staggered arrangement is intended to support continuity in the Board's membership and operations. Consistent with this approach, six current Teacher Registration Board member appointments will expire during the transition period.

Clause 40 provides an interim amendment giving the Minister power to extend the term of appointment of a Board member for a period not exceeding 12 months. This ensures that the current Teacher Registration Board composition can be maintained during the transition period, promoting stability and avoiding the administrative burden associated with appointing six new members for a short interim term.

Clause 41. Section 24 amended (Filling Vacancies)

Section 24 of the *Teacher Registration (Northern Territory) Act 2004* provides that where the office of a member becomes vacant, the Minister may appoint a person to fill that vacancy for the remainder of the former member's term. The appointment must be from the nomination category specified in section 7(1), where the original member was nominated by a prescribed body.

While this approach supports administrative efficiency by enabling the Minister, rather than the Administrator, to fill casual vacancies, the requirement to seek a nomination from the relevant prescribed body may be time-consuming and may not always result in a nomination being provided within a reasonable timeframe.

To address this limitation, clause 41 inserts a provision allowing the Minister to appoint a suitably qualified person where the relevant nominating body fails to nominate a candidate by the date specified by the Board for the specific nomination. This amendment ensures that vacancies can be filled in a timely manner, maintains the operational continuity of the Board, and mitigates the risk of prolonged vacancies arising from delays or failures in the nomination process.

Clause 42. Repeal of Part

This clause repeals Part 4 on the day after its commencement as it will have served its purpose of amending the *Education Act 2015* and the *Teacher Registration (Northern Territory) Act 2004* to provide provisions that support the continuity of the Teacher Registration Board and NT Board of Studies during the transition period.

Part 5 Consequential and other amendments

Division 1 Amendment of education legislation

Subdivision 1 Education Act 2015

Clause 43. Act Amended

This clause clarifies that this subdivision of the Bill amends the *Education Act 2015*.

Clause 44. Section 5 amended (Definitions)

This clause is a consequential amendment to align the definitions in the *Education Act 2015* with those in the new *Education Standards and Registration Board Act 2026*. This includes:

- replacing the current definition of *Board* with the new definition as per the *Education Standards and Registration Board Act 2026*
- omitting the definitions for *chairperson* and *member*, which will now be provided for under the *Education Standards and Registration Board Act 2026*; and omitting the definition for *expert* as the term is obsolete.

Clause 45. Section 15 amended (Minister to provide services)

Section 15 of the *Education Act 2015* provides the Minister's powers under that Act.

Subsection(1)(j) relates to the Ministers' power to provide awards in relation to the passing of examinations or in relation to education services, having sought advice from any relevant advisory council.

In practice the NT Board of Studies as the body responsible for certification has provided advice and supported the issuing of education related awards and administers its own awards. Given the curriculum, student assessment and certification functions of the Education Standards and Registration Board, a consequential amendment is being made to include the Education Standards and Registration Board within Subsection 15(1)(j).

Clause 46. Part 3 repealed (Northern Territory Board of Studies)

This clause is a consequential amendment that repeals Part 3 of the *Education Act 2015* which establishes the Northern Territory Board of Studies including powers, functions and related matters.

With the establishment of the *Education Standards and Registration Board Act 2026* the powers, functions and other matters relating to the Northern Territory Board of Studies have been transferred to the Education Standards and Registration Board.

Clause 47. Part 4 heading amended (Enrolment, attendance and participation)

This clause is a consequential amendment because of the repeal of Part 3 of the *Education Act 2015* in clause 46. The section that relates to the issuing of certificates to persons to acknowledge educational achievement has been moved to Part 4 of the *Education Act 2015* (see clause 48). The heading for Part 4 is amended accordingly.

Clause 48. Part 4, Division 9 inserted

Clause 48 provides for the Education Standards and Registration Board's powers and responsibilities with respect to issuing certificates of educational achievement. This is a consequential amendment that mirrors the repealed functions of the Board of Studies under

section 23 of the *Education Act 2015* and transfers them to the Education Standards and Registration Board.

The clause provides that the Board may determine the certificates to be issued and must issue certificates to a person whose educational achievements, as assessed and determined under this clause, meet the requirements for the certificates as required.

The clause also requires the Board to prepare and maintain records of assessments made or recognised by the Board relating to a student or former student. The Board must provide a copy of the record relating to a student or former student on request. These provisions apply to persons attending both Government and non-Government schools in the Territory.

Clause 49. Section 85 amended (Responsibility of CEO for curricula)

This clause is a consequential amendment that replaces references to curriculum policy advice being provided by the Northern Territory Board of Studies with references to advice provided by the Education Standards and Registration Board under the *Education Standards and Registration Board Act 2026*.

Section 85 of the *Education Act 2015* provides that the Chief Executive Officer is responsible for curricula and standards of education in Government schools. It currently provides that, subject to curriculum policy advice given by the Northern Territory Board of Studies under Part 3 of the *Education Act 2015*, the Chief Executive Officer may make available such examination and assessment systems or arrangements as the Chief Executive Officer considers necessary or desirable.

The effect of this clause is that the Chief Executive Officer will continue to be responsible for curricula and education standards in Government schools but will now be required to have regard to curriculum policy advice provided by the Education Standards and Registration Board. This ensures continuity of decision-making authority while aligning the *Education Act 2015* with the new statutory framework for curriculum, assessment and certification established by the Bill.

Clause 50. Section 184 amended (Protection from liability)

Clause 50 is a consequential amendment of the repeal of Part 3 of the Education Act relating to the NT Board of Studies, and the inclusion of liability protections for the new Education Standards and Registration Board being provided for under the Education Standards and Registration Board Act (see clause 34). Clause 50 removes the reference to liability protection being extended to the repealed NT Board of Studies.

Clause 51. Part 9, Division 4 inserted

This clause inserts a new Division 4 into Part 9 of the *Education Act 2015* to provide comprehensive transitional arrangements to support the abolishment of the Northern Territory Board of Studies and the establishment of the new Education Standards and Registration Board.

The clause ensures the orderly transfer of functions, assets and responsibilities from the former Board of Studies to the new Board, avoiding any disruption to the administration of curriculum, assessment and certification functions during the transition period. It also preserves continuity for existing legal, administrative and operational arrangements.

It does this through providing the following new provisions within the *Education Act 2015*.

- New section 198 – Definitions, defines key terms for the Division, including *Board of Studies*, *commencement*, and *new Board*, to clearly delineate the transition point and the entities affected.
- New section 199 – Abolition of Board of Studies, formally abolishes the Northern Territory Board of Studies on commencement, giving legal effect to the policy decision to replace the existing body.
- New section 200 – Transfer of property, rights, liabilities and obligations and substitution of parties, provides that, on commencement, all property, rights, liabilities and obligations of the Northern Territory Board of Studies are vested in the new Board. It also ensures that the new Board is substituted as a party to any existing contracts, agreements or arrangements. This mechanism ensures legal continuity and avoids the need to renegotiate or novate existing arrangements.
- New section 201 – Superseded references, provides that references to the Northern Territory Board of Studies in instruments or documents are taken to be references to the new Board, ensuring consistency across the statute book and administrative documents.
- New section 202 – Continuation of ongoing documents and actions, preserves the validity and effect of existing documents (such as certifications, determinations or approvals) and actions taken by or in relation to the Northern Territory Board of Studies, as if they had been issued or undertaken by the new Board. This prevents regulatory gaps and ensures that ongoing matters continue seamlessly.
- New section 203 – Information and records to be transferred, requires that all information and records held by the Northern Territory Board of Studies transfer to the new Board on commencement, supporting operational continuity and effective decision-making by the new body.

Subdivision 2 Education Regulations 2015

Clause 52. Regulations amended

Clause 52 is a standard clause that provides that this Subdivision of the Bill amends the *Education Regulations 2015*.

Clause 53. Part 2 repealed (Northern Territory Board of Studies)

This clause is a consequential amendment related to the repeal of Part 3 of the Education Act 2015 (related to the NT Board of Studies) and repeals Part 2 of the *Education Regulations 2015* which relates to the Northern Territory Board of Studies.

Division 2 Amendment of Teacher Registration (Northern Territory) legislation

Subdivision 1 Teacher Registration (Northern Territory) Act 2004

Clause 54. Act amended

This clause clarifies that this Subdivision of the Bill amends the *Teacher Registration (Northern Territory) Act 2004*.

Clause 55. Section 3 amended (Object of Act)

As a result of the abolishment of the Teacher Registration Board, this clause is a consequential amendment that removes the objective that establishes the Teacher Registration Board within Section 3 (Object of Act) of the *Teacher Registration (Northern Territory) Act 2004*.

Clause 56. Section 4 amended (Definitions)

This clause is a consequential amendment to align the definitions in the *Teacher Registration (Northern Territory) Act 2004* with those in the new *Education Standards and Registration Board Act 2026*. This includes:

- replacing the current definition of *Board*, *Board Member* and *Director of the Board* to align with the new definitions provided for in the *Education Standards and Registration Board Act 2026*.
- omitting the definitions for 'alternate member' and 'committee' as these definitions relate to the repealed provisions under the Teacher Registration (NT) Act that related to the Teacher Registration Board (see clause 57).

Clause 57. Parts 2 and 3 repealed

This clause is a consequential amendment that repeals Parts 2 and 3 of the *Teacher Registration (Northern Territory) Act 2004* which establishes the Teacher Registration Board including its powers, functions and related matters.

With the establishment of the *Education Standards and Registration Board Act 2026* the powers, functions and other matters relating to the Teacher Registration Board have been transferred to the Education Standards and Registration Board.

Clause 58. Section 55 replaced

This clause replaces section 55 of the *Teacher Registration (Northern Territory) Act 2004*, which provides for the establishment and composition of investigation panels.

Consistent with the recommendations of the Review of the NT Board of Studies and Teacher Registration Board, this clause supports a clearer delineation between the strategic oversight role of the Board and operational responsibilities that may be undertaken by appropriately qualified persons.

This clause changes the composition of investigation panels to remove the requirement for an investigation panel to comprise of two or three Board members along with the Director. Instead, the Board may appoint an investigation panel consisting of two or three persons who are appointed as investigators on the basis of their expertise and experience. In line with current provisions the panel makes recommendations to the Board for a decision.

The effect of this amendment enables investigation functions to be carried out by suitably qualified persons, rather than Board members and the Director, thereby promoting a more efficient and operationally focused model while allowing the Board to maintain appropriate governance and oversight.

Clause 59. Section 60 amended (Inquiry committee)

Section 60 of the *Teacher Registration (Northern Territory) Act 2004* deals with the establishment of an inquiry committee when the Teacher Registration Board decides that a matter should proceed to a formal inquiry under Part 6 of that Act. This includes that the inquiry committee

comprise of at least two Teacher Registration Board members, placing members at the centre of operational responsibilities; and mandating that the chairperson be a legal practitioner resulting in a costly and inefficient reliance on an externally contracted professional to chair the proceedings.

The clause amends section 60 to remove the requirement for Board members to be appointed to an inquiry committee and for the chairperson to be a legal practitioner. Instead, the Board must appoint an inquiry committee consisting of a legal practitioner, plus two or more other persons based on their expertise and experience. The Board has the power to appoint any member of the inquiry committee to be the chairperson.

The policy intent of this amendment is not to preclude a Board member from becoming a member of an inquiry committee, or a legal practitioner from being appointed the Chair of an inquiry committee, but to provide greater flexibility in the composition of inquiry committees as they relate to the subject matter of the inquiry. If the Board deems that a particular matter requires the expertise of a member of the Board or oversight of a person with legal expertise, the Board may still appoint a board member to the committee and assign the legal practitioner to be the chair.

These amendments are consistent with the recommendations of the Review of the NT Board of Studies and Teacher Registration Board; this clause supports a clearer delineation between the strategic oversight role of the Board and operational responsibilities that may be undertaken by appropriately qualified persons.

Clause 60. Section 64 amended (Decision of Board)

Section 64 of the *Teacher Registration (Northern Territory) Act 2004* provides for the conflict-of-interest provisions that apply when the Board considers the outcome of a disciplinary inquiry. Under the current Act, a Board member who participated in an inquiry committee, or in an investigation panel for a preliminary investigation relating to the same matter, must not take part in the Board's deliberations or decision on that matter.

Following the establishment of the new Northern Territory Education Standards and Registration Board, disciplinary inquiries will no longer be conducted by Board members. Instead, inquiry committees will be made up of persons appointed on the basis of relevant expertise or experience, with the Board appointing one committee member as chairperson (see clauses 58 and 59).

As a consequence, clause 60 replaces section 64(5) so that only a Board member who has served on the inquiry committee for the same matter is prevented from being present during the Board's deliberations or taking part in the Board's decision. The reference to members of a preliminary investigation panel is removed because investigation panels will no longer comprise Board members.

The amendment preserves procedural fairness by ensuring that a Board member who has already participated in the inquiry process cannot subsequently participate in the Board's determination of the matter. At the same time, it reflects the new governance model established by the Bill and removes references that are no longer required.

Clause 61 Section 76 amended (Protection from liability – Director, Board members and others)

Clause 61 amends section 76 of the *Teacher Registration (Northern Territory) Act 2004* to update the statutory protections from liability that apply following the abolition of the Teacher Registration Board and the transfer of its functions to the Northern Territory Education Standards and Registration Board.

The clause amends the heading of section 76 and replaces subsection (1) so that the protection from civil and criminal liability applies to a person acting in good faith as an investigator, a member of an investigation panel or a member of an inquiry committee.

The clause also removes references in subsections (2) and (3) to the Board and committees established under the former governance arrangements. As the Education Standards and Registration Board is established under separate legislation, protections relating to the exercise of its functions are provided for under the Education Standards and Registration Board Act 2026. The retained provision ensures that persons involved in disciplinary investigations and inquiries under the *Teacher Registration (Northern Territory) Act 2004* continue to be protected from liability when acting honestly and in good faith in the performance of their statutory functions.

The amendment is consequential to the repeal of Parts 2 and 3 of the *Teacher Registration (Northern Territory) Act 2004* and the creation of a new governance framework under the Bill.

Clause 62 Section 79 replaced

This clause repeals the annual reporting requirements of the Teacher Registration Board as these requirements will be provided through the *Education Standards and Registration Board Act 2026*.

The clause also transfers the current power of the Teacher Registration Board to publish policies and guidelines relating the Boards functions under the *Teacher Registration (Northern Territory) Act 2004* to the Education Standards and Registration Board.

Clause 63. Part 12 inserted

This clause inserts a new Part 12 into the *Teacher Registration (Northern Territory) Act 2004* to provide transitional arrangements associated with the abolition of the Teacher Registration Board and the transfer of its functions to the Northern Territory Education Standards and Registration Board (the new Board).

The clause ensures continuity of regulatory oversight of teacher registration, disciplinary processes and related matters during the transition to the new Board. It preserves existing rights, obligations and processes, while enabling the new Board to assume full responsibility without disruption to ongoing investigations, inquiries or regulatory decisions.

It does this through the following new provisions within the *Teacher Registration (Northern Territory) Act 2004*:

- New section 98 – Definitions, defines key terms for the Division, including *commencement*, *former*, *new*, *new Board* and *Teacher Registration Board* to clearly delineate the transition point and the entities affected.
- New section 99 – Abolition of Teacher Registration Board, formally abolishes the Teacher Registration Board on commencement, giving legal effect to the policy decision to replace the existing board.
- New section 100 – Transfer of property, rights, liabilities and obligations and substitution of parties, provides that, on commencement, all property, rights, liabilities and obligations of the Teacher Registration Board are vested in the new Board. It also ensures that the new Board is substituted as a party to any existing contracts, agreements or arrangements. This mechanism ensures legal continuity and avoids the need to renegotiate or novate existing arrangements individually.

- New section 101 – Superseded references, provides that references to the Teacher Registration Board in instruments or documents are taken to be references to the new Board, ensuring consistency across the statute book and administrative documents.
- New section 102 – Continuation of ongoing documents and actions, preserves the validity and effect of existing documents and regulatory outcomes (including registrations, conditions, or disciplinary processes already underway) taken by or in relation to the Teacher Registration Board, as if they had been issued or undertaken by the new Board. This prevents regulatory gaps and ensures that ongoing matters continue seamlessly.
- New section 103 – Ongoing preliminary investigations, ensures continuity of investigations that have commenced but are not yet complete. Specifically, it terminates the appointment of existing investigators on commencement, transferring all information to the new Board and requiring the new Board to appoint a new investigator (or investigation panel) to undertake the investigation. The provision clarifies that a new investigator may rely on and adopt any prior work.
- New section 104 – Ongoing inquiry, preserves the integrity and continuity of formal inquiry processes. Specifically, it terminates the appointment of existing inquiry committees on commencement, transferring all information to the new Board and requiring the new Board to appoint a new inquiry committee to undertake the inquiry. The provision clarifies that a new inquiry committee may rely on previously gathered evidence and findings.
- New section 105 – Information and records to be transferred, requires that all information and records held by the Teacher Registration Board be transfer to the new Board on commencement, supporting operational continuity and effective decision-making by the new Board.

Subdivision 2 Teacher Registration (Northern Territory) Regulations 2004

Clause 64 Regulations amended

This is a standard clause that clarifies this division of the Bill amends the *Teacher Registration (Northern Territory) Regulations 2004*.

Clause 65 Regulation 3 repealed (Attendance at meetings)

This clause repeals Regulation 3 of the *Teacher Registration (Northern Territory) Regulations 2004* which relates to Teacher Registration Board.

Division 3 Amendments of Education and Care Services (National Uniform Legislation) Act 2011

Clause 66 Act amended

This is a standard clause that clarifies this division of the Bill amends the *Education and Care Services (National Uniform Legislation) Act 2011*.

Clause 67 Section 9 amended (meaning of other terms)

This clause amends section 9(1) of the *Education and Care Services (National Uniform Legislation) Act 2011* to include the *Education Standards and Registration Board Act 2026* within the definition of *education law* for the purposes of the application of the Education and Care Services National Law in the Northern Territory.

The consequential amendment ensures that the Education Standards and Registration Board is recognised within the national regulatory framework and enables effective information-sharing and referral processes between relevant regulatory and disciplinary bodies.

Division 4 Repeal of Part

Clause 68 Repeal of Part

This is a formal clause which repeals Part 5 on the day after commencement of the Part as it will have served the purpose of amending the *Education Act 2015*, *Teacher Registration (Northern Territory) Act 2004* and *Education and Care Services (National Uniform Legislation) Act 2011*.

The purpose of this clause is to ensure that the provisions contained in the Part, which relate to consequential, transitional and other amendments to other legislation, operate only for the period necessary to give effect to those amendments.