

31 July 2026

Submission on the Education Standards and Registration Board Bill 2026

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This submission is made for the purposes of this inquiry and has not been previously published.

Introduction

Catholic Education Northern Territory (CENT) welcomes the opportunity to comment on the Education Standards and Registration Board Bill 2026 (the Bill).

CENT is the approved Catholic system authority for the Northern Territory, responsible for the governance, leadership and support of 18 Catholic schools educating approximately 5,500 students in metropolitan, regional, remote and very remote communities, including a number of Majority Aboriginal and Torres Strait Islander Student schools.

CENT supports, in principle, the amalgamation of the Northern Territory Board of Studies and the Teacher Registration Board into a single Education Standards and Registration Board, where this improves coordination between curriculum, assessment, teacher standards and professional regulation, reduces duplication, and strengthens the timeliness, consistency and strategic direction of educational regulation across the Territory.

However, CENT considers that the Bill, as drafted, does not yet provide sufficient assurance of genuine cross-sector participation, operational independence from government, transparent performance reporting, or recognition of the distinctive circumstances of Catholic, Aboriginal, regional, remote and very remote schools. CENT's support for the Bill is therefore conditional on these matters being addressed through amendment and transparent implementation arrangements.

Summary of recommendations

CENT recommends that the Bill be amended to:

1. Guarantee Catholic-sector and broader cross-sector participation in the governance of the new Board.
2. Expand the statutory skills and experience requirements, especially in curriculum and teaching, 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 CENT 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

CENT's principal concern is the absence of guaranteed cross-sector representation on the proposed Board. The Review of the Board of Studies and the Teacher Registration Board recorded strong stakeholder support for cross-sector representation and recommended that ex-officio or advisory membership be included through an agreed cross-sector model. The Bill does not adequately implement this recommendation.

Section 18 allows the Minister to appoint no more than two industry advisers but does not guarantee representation for the Catholic sector or the other Non-Government school sectors, require consultation with sector peak bodies before appointment, give advisers voting rights or a right to attend all relevant meetings, or require the Board to consider or respond to their advice.

The term “industry adviser” also understates the role these representatives play. Curriculum, assessment, certification and teacher-regulation decisions affect the government, Catholic and Independent sectors differently, and effective governance depends on the Board understanding the distinct legislative, governance, operational and accountability arrangements of each. For the Catholic sector, this includes CENT's role as a single system authority, its responsibility for schools in remote and very remote communities, Majority Aboriginal and Torres Strait Islander Student schools, workforce and teacher-registration challenges, and the importance of proportionate regulation.

With 18 Catholic schools educating around 5,500 students across the Territory, the Catholic 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. CENT'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 minimum: provide for one adviser nominated by CENT and one nominated by the Independent sector; ensure appropriate Non-Government-school representation; give sector advisers the right to attend and participate in relevant Board meetings; require the Board to

consider their advice and document how it has informed significant decisions; and refer to these positions as “education sector advisers” rather than “industry advisers”.

2. Board skills and Northern Territory experience

Section 6 requires Board members to have professional skills in one or more areas, including education system performance, teaching and learning practice, workforce development, law or regulatory practice, and corporate governance. CENT supports a skills-based approach, but the proposed categories do not adequately reflect the Northern Territory's educational environment.

The Board's decisions will affect schools and teachers across metropolitan, regional, remote and very remote communities, and must reflect the cultural and linguistic diversity of Northern Territory students. A requirement reasonable for a large urban school may be impractical for a small remote school facing chronic workforce shortages and limited access to specialist services.

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; senior studies/NTCET; inclusive education; teacher workforce development; school governance; and each of the government, Catholic and Independent school sectors and tertiary education. The legislation should also require the Minister to consider geographic, cultural and sector diversity when making appointments.

3. Independence of the Board

CENT recognises the practical and financial rationale for establishing the new entity as a statutory board supported by the Department of Education and Training, rather than as a stand-alone authority. However, the Bill concentrates significant appointment, administrative and direction-setting powers in the Minister and Department: all Board members, the Chairperson, Deputy Chairperson and industry advisers are Ministerial appointments; the Director is a departmental employee; the Department provides staff and facilities; and the Minister may direct the Board on the achievement of its objective, its administration, and the convening of meetings.

Section 16 appropriately prevents the Minister from directing the Board on individual teacher-registration matters, but this protection does not extend to curriculum advice, assessment and certification, professional standards, general regulatory policy or the Board's broader administrative arrangements. The Board must be, and be seen to be, independent — particularly given the Department is simultaneously the Board's administrative provider, the operator of the government school system, a major employer of registered teachers, and an organisation affected by the Board's own decisions.

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 direct the “administration

of the Board”; require every Ministerial direction to be published and tabled in the Legislative Assembly; allow the Board to publish a response to any direction; require the annual report to explain the effect of directions on the Board's work; and prohibit directions on matters that disproportionately affect a particular education sector without prior consultation.

4. Performance framework and public reporting

The Review recommended that the new Board operate under a performance framework comprising a Ministerially-approved strategy, a clearly articulated purpose and values, measures aligned with its statutory functions, measurable targets, and published annual reporting. This is not fully reflected in the Bill: section 33 requires an annual report, but its prescribed content is limited largely to Ministerial directions and their implementation, with no requirement to report on a strategic plan, performance measures, service standards, regulatory burden, stakeholder engagement, or accessibility for regional and remote schools.

Recommendation 4

The Bill should include a statutory performance framework requiring the Board to develop and publish a strategic plan and measurable performance indicators aligned with its statutory objective, establish service standards for its regulatory and administrative functions, and report annually on regulatory efficiency, stakeholder engagement across all education sectors, and accessibility for regional, remote and very remote schools — in addition to reporting on Ministerial directions.

5. Board Charter, governance and assurance

The Review recommended that the new Board develop and publish a Charter addressing conflicts of interest, confidentiality, decision-making, access to expertise, meeting procedures, risk mitigation and assurance arrangements. The Bill requires only a code of conduct, which sets standards of individual behaviour but does not establish how the Board itself governs, exercises delegations, manages risk or remains accountable. Given the breadth of the new Board's functions, a publicly available Charter is important to building stakeholder confidence.

Recommendation 5

The Bill should require the Board to develop and publish a Board Charter covering roles and responsibilities, decision-making principles, delegations and reserved decisions, management of conflicts of interest, access to independent advice, stakeholder consultation including all education sectors, risk management, and regular evaluation of Board performance. The Charter should be developed following consultation with the four 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. CENT supports the inclusion of a consultation function, however the Bill does not identify which bodies will be prescribed, whether CENT and the other sector peak bodies will be included, the matters and stage at which consultation must occur, or how consultation outcomes will be considered. Meaningful consultation should

not depend solely on future regulations or administrative discretion, and the existing Non-Government Schools Ministerial Advisory Council should not be treated as a substitute for direct consultation with the recognised peak bodies for the Catholic and Independent sectors.

Recommendation 6

The Bill should expressly recognise the need for structured consultation with the government, Catholic and Independent and tertiary education sectors, and require the Board to consult CENT and the other relevant 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, or policies creating new obligations for schools or teachers. The Board should publish a stakeholder engagement framework, and CENT should be included as a prescribed body for the purposes of section 14(d).

7. Fees, delegations and proportionate regulation

Section 15 gives the Board a broad power to charge a fee for any service, whether or not the fee is prescribed, which could allow fees to be introduced or changed without the transparency ordinarily associated with prescribed fees. Teacher-registration costs affect workforce attraction and retention, particularly in remote communities, and any fee changes should consider their impact on teachers and remote-school workforces. CENT also supports the Board's expanded delegation powers where these reduce unnecessary red tape, provided delegated decisions remain consistent, evidence-based, proportionate and subject to appropriate review.

Recommendation 7

The Bill or supporting regulations should require that fees are transparent, proportionate to the cost of the relevant service, subject to consultation before introduction or material increase, and assessed for their impact on teacher supply and remote schools. The Board should also be required to publish its delegation instruments, the categories of decisions reserved for the Board, decision-making criteria, internal review arrangements, and regular assurance reports on the exercise of delegated powers. Significant, novel, high-risk or precedent-setting matters should remain reserved for the Board.

8. Implementation, transition and review

CENT supports the Bill's provisions for the transfer of existing property, records, rights and registrations to the new Board, but legislative continuity does not by itself ensure an effective operational transition. Schools and teachers will need clear information about registration and renewal processes, existing approvals, curriculum and certification arrangements, and current complaints, investigations and inquiries, and should not be disadvantaged where the Bill requires new investigators or inquiry committees to be appointed for existing matters.

CENT is also concerned that the Bill leaves any post-implementation review to Ministerial discretion rather than requiring one. Given the significance of the amalgamation, a formal, mandatory review is needed to confirm the new Board is operating as intended.

Recommendation 8

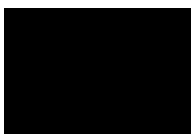
Before commencement, the Government and Board should publish a detailed implementation and transition plan addressing continuity of registrations, curriculum, assessment and certification functions, treatment of existing applications, complaints and inquiries, communication with schools and sector bodies, data management, staffing, and service continuity and contingency planning. The legislation should require an independent review of the new Board within three years of commencement, examining its independence and effectiveness, cross-sector participation, the impact on schools and teachers, and outcomes for regional, remote and very remote schools. 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

CENT 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 success of the new model will depend on genuine cross-sector participation, visible independence, Board expertise reflecting the Territory's distinctive 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 identified this 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 — which does not provide an adequate or enduring voice for the Catholic school sector.

CENT therefore supports the Bill in principle, subject to amendments addressing the recommendations outlined in this submission and would welcome the opportunity to contribute further to the development of the Board's membership arrangements, regulations, governance framework and implementation plan.



Paul Greaves

Director

Catholic Education Northern Territory