

# Submission on the Education Standards and Registration Board Bill 2026

**Submitted by:** The Northern Territory Council of Government School Organisations Incorporated (NTCOGSO)

**Inquiry:** Legislative Scrutiny Committee inquiry into the *Education Standards and Registration Board Bill 2026*

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## Introduction

NTCOGSO welcomes the opportunity to provide a submission to the Legislative Scrutiny Committee's inquiry into the *Education Standards and Registration Board Bill 2026*.

The Committee's inquiry is considering whether the Bill should pass, whether it should be amended, and whether it has sufficient regard to individual rights and liberties and to the institution of Parliament.

Our organisation supports reform in principle. A clearer and more coherent statutory framework for curriculum, assessment, certification, teacher standards and registration has the potential to improve system coordination, reduce duplication and strengthen stewardship across the Northern Territory education system. However, the Bill should be amended to ensure that the new Board has visible independence, strong legitimacy among parents, practitioners and communities, and governance arrangements that are credible in the Territory's unique regional, remote and cross-sector context.

These matters are directly relevant to parents and school communities because the Board will exercise functions concerning curriculum frameworks, student assessment, reporting and certification, as well as teaching and regulatory standards.

## Position

This submission supports the passage of the Bill subject to targeted amendments.

In particular, amendments are needed to better protect parent and community voice, practitioner expertise, Aboriginal cultural authority and regional and remote capability, transparent appointments, meaningful committee architecture and public accountability.

The proposed Education Standards and Registration Board represents a more significant shift than the earlier changes to the Education Act in 2015. By contrast, the 2026 Bill proposes a single skills-based board replacing both the NT Board of Studies and the Teacher Registration Board, with no guaranteed representative places for parents, practising educators, Aboriginal perspectives or regional and remote voices.

Nor does it provide another guaranteed mechanism through which the perspectives of parents and families must inform decisions affecting curriculum, assessment, reporting and certification.

## **What the Bill gets right**

The Bill has several strengths that warrant support in principle. It establishes the new Board as a stand-alone statutory body corporate and the Explanatory Statement states that this approach is intended to reinforce statutory independence rather than embedding the Board within the *Education Act 2015*.

It also combines the present functions of the NT Board of Studies and the Teacher Registration Board into a single body with system-wide objectives relating to curriculum, assessment, certification, teacher quality and professional standards. The Explanatory Statement also identifies child safety as an intended outcome of the reform, although child safety is not expressly included in the Board's objective or functions in clauses 13 and 14.

The Bill also contains a number of sound governance measures. These include conflict-of-interest provisions, a code of conduct, annual reporting obligations, delegation powers, continuity arrangements during transition, and express limits on ministerial directions in relation to individual teacher registration, complaints, investigations and disciplinary matters. These are important features and provide a reasonable platform for reform. However, the existence of these mechanisms does not, by itself, establish a complete performance or public accountability framework.

## **Key concerns**

### **1. The Bill removes guaranteed parent, practitioner and community voice from the Board**

Clause 6 adopts a skills-based appointment model and expressly moves away from the representational membership models of the current Teacher Registration Board and NT Board of Studies. That is a substantial policy choice, because the Board's remit will extend beyond technical teacher registration issues to matters of curriculum policy, student assessment, certification and broader standards affecting students, families and school communities across the Territory.

The absence of parent and community voice cannot be adequately addressed merely by relying on the Minister's broad power to appoint a person with "any other skills or experience" considered appropriate. That power is discretionary and does not require parent engagement expertise, community representation or any particular form of lived experience.

Paragraph 6(2)(f) permits "any other skills or experience that the Minister considers appropriate", while subclause 6(3) only says the Minister may have regard to an appropriate balance of skills.

The 2015 reform pathway is relevant here. The 2015 Education Bill changed NTBOS from a large representative body to a smaller mixed model, but it still retained explicit places for a parent representative, a practising teacher, an employer representative and an Aboriginal representative. That model recognised that expertise and representation are not opposites; both can be built into the same statutory design.

The present Bill removes that visible guarantee. While a skills-based model can be appropriate for a statutory board, the absence of any reserved requirement for parent and community expertise, practising educator expertise, Aboriginal cultural authority, or regional and remote experience risks weakening legitimacy and confidence in the new model.

There is also a material difference between subclause 6(3) and its description in the Explanatory Statement. The Explanatory Statement says that subclause 6(3) requires the Board to have a balance of the specified skills and experience. The operative provision only states that the Minister “may have regard” to the need for an appropriate balance. The Bill therefore creates a discretion, not a requirement.

Subclause 6(3) should require the Minister to ensure that the Board collectively possesses an appropriate balance of the specified skills, expertise and experience relevant to the Northern Territory context.

Education-sector representation is not a substitute for parent and community representation. A person appointed for their knowledge of a school sector, system or employer does not necessarily bring the perspective of parents and families. The Bill should protect both forms of input where each is relevant to the Board’s functions.

## **2. Independence is stated, but the Board remains highly dependent on ministerial discretion**

The Explanatory Statement presents the stand-alone Act as reinforcing statutory independence. At the same time, the Minister appoints Board members, appoints the Chairperson and Deputy Chairperson, may appoint alternate members, may appoint industry advisers, may terminate appointments on the grounds set out in clause 11, may direct the Board in relation to the achievement of its objective, the performance of its functions, the exercise of its powers and its administration, and must approve both the establishment and terms of reference of committees.

The concern is therefore not that every individual power is inappropriate when viewed in isolation. It is the cumulative effect of appointment, direction-setting, administrative and committee-approval powers being concentrated in the Minister without corresponding requirements for transparent appointments, published directions, independent review or public performance reporting.

The cumulative concentration of these powers reduces visible independence in practice. In NTCOGSO’s view, “independence you can see” should be a core design criterion, requiring transparent appointments, clear accountability lines and effective statutory limits and public transparency around ministerial influence.

### **3. The committee model is insufficiently prescribed for the breadth of the Board's remit**

The Board's responsibilities are broad and will require sustained specialist input across curriculum and assessment, teacher standards and registration, culture and inclusion, reporting and accountability, and regulatory assurance. NTCOGSO recommends standing committees with codified remits, rather than purely optional committees operating at the discretion of the Board and Minister. Although subclause 29(2) permits the appointment of people who are not Board members, it does not require any committee to include external practitioners, parents, community representatives or other affected stakeholders.

The Bill allows committees, but the establishment of each committee and its terms of reference require the Minister's approval. That arrangement may constrain the Board's capacity to structure specialist advice and maintain enduring engagement with practitioners, communities and other stakeholders. It also leaves the existence, composition and continuity of all committees to future administrative decisions, despite the distinct regulatory, curriculum, assessment and stakeholder-engagement functions being amalgamated within the one Board.

### **4. The Bill does not sufficiently reflect the Northern Territory context**

The Explanatory Statement notes that, as of February 2026, the Northern Territory education sector includes 196 schools across government, Catholic and independent sectors. In that setting, any body charged with system-wide standards and registration must have strong capability in regional and remote service delivery, the differing circumstances of the three school sectors and Aboriginal education.

NTCOGSO considers there is a need for stronger regional and remote representation and for Aboriginal education expertise and cultural authority to be specified in clause 6 and in the statutory appointment requirements. The collective composition of the Board should also include knowledge of culturally and linguistically diverse communities, inclusive education, small-school operations and the practical effects of regulatory requirements in remote and very remote settings. The Bill's general skills list is broad enough to permit those appointments, but it does not require them. In the Territory context, that should not be left to chance.

### **5. Child safety is not expressly included in the Board's objective or functions**

The Explanatory Statement identifies child safety as one of the intended outcomes of the amalgamated Board. However, clause 13 does not expressly include child safety in the Board's objective, and clause 14 does not identify the promotion of child safety as a function of the Board. If child safety is an intended purpose of the reform, it should be stated in the operative provisions of the Bill rather than appearing only in the supporting material.

## **6. The Bill combines two very different functions without matching capacity or accountability**

The consolidated Board will require one administrative structure to support two structurally distinct functions: case-by-case teacher registration and disciplinary regulation, and system-level curriculum and standards policy. Bringing these functions together will not automatically create efficiency gains.

NTCOGSO is concerned that administrative and specialist capacity, not merely board structure, is a major constraint, and that the Board must not become unnecessarily involved in operational matters or create additional bureaucratic processes.

Clause 27 requires the Chief Executive Officer to provide the Board with staff, facilities and other support services, but it does not prescribe separate capability, staffing or resourcing arrangements for the Board's regulatory and system-level functions. The Bill therefore provides no assurance that each function will have sufficient specialist capacity or that amalgamation will not create competing operational demands.

The Bill should also more clearly delineate the Board's strategic, regulatory and oversight responsibilities from the Director's responsibility for day-to-day administration and operation. Clear statutory role delineation would reduce the risk of duplication, blurred accountability and unnecessary procedural duplication.

## **6. The Bill does not establish a complete performance and public accountability framework**

The Bill's annual reporting requirement is positive, particularly because it requires reporting on ministerial directions and their implementation. However, clause 33 only expressly requires the annual report to be given to the Minister. It does not require the report to be published or tabled in the Legislative Assembly, nor does it require reporting against a strategic plan, measurable performance standards or the Board's statutory objective and functions.

The Explanatory Statement characterises clause 33 as establishing the performance framework identified in the Review. The clause itself does not establish such a framework. Reporting on ministerial directions is not equivalent to a statutory strategic plan, published performance measures and reporting against measurable targets.

## **7. The Bill does not require a comprehensive governance framework**

The Bill also requires the Board to publish a code of conduct but does not require a comprehensive board charter addressing governance roles, decision-making, delegations, access to expertise, risk management, committee structures and the respective responsibilities of the Board and Director. A code of conduct governing member behaviour is not a substitute for a governance charter.

## Recommended amendments

NTCOGSO recommends the following amendments.

1. **Board composition:** amend clause 6 so that the Board collectively possesses skills, experience and knowledge in parent and community engagement, practising school leadership and teaching, Aboriginal education and cultural authority, and regional and remote education. Subclause 6(3) should require the Minister to ensure an appropriate balance of those capabilities across the Board.
2. **Child safety:** amend clauses 13 and 14 to expressly include the promotion of child safety within the Board's objective and functions, consistent with the stated purpose of the reform.
3. **Guaranteed parent and Aboriginal voice:** require at least one member who has been nominated by, or selected following consultation with, the recognised peak body representing parents of children in Northern Territory government schools, and a separate member with demonstrated Aboriginal education expertise and cultural authority.
4. **Transparent appointments:** require a public expression-of-interest process, published selection criteria and publication of a statement showing how appointments satisfy the statutory skills matrix and diversity requirements. In making appointments, the Minister should be required to have regard to the geographic and cultural diversity of the Territory, including regional, remote and Aboriginal communities. The published statement should address the collective composition of the Board without disclosing private information about individual applicants.
5. **Staggered appointments:** amend clause 7 to require the appointments to be staggered, as far as practicable, to preserve continuity and prevent the terms of all or most members expiring at the same time.
6. **Ministerial directions:** require all ministerial directions to be published promptly, subject only to lawful confidentiality requirements, so that the public can see the boundaries between Board independence and executive oversight. The Board should be entitled to publish a response to any ministerial direction, and the annual report should explain the effect of directions on the Board's work.

Clause 16 should also require directions to be consistent with the Board's independent exercise of its statutory functions and published performance framework.

7. **Statement of expectations and performance framework:** require the Minister to issue and publish a formal statement of expectations, and require the Board to develop and publish a strategic plan and measurable performance framework aligned with its objective and statutory functions. The framework should include published service



standards and measures concerning timeliness, quality, consultation, regulatory burden and stakeholder confidence.

8. **Board charter:** require the Board to develop and publish a comprehensive charter addressing the respective roles of the Board, Chairperson, Director and committees; decision-making and delegations; access to specialist advice; risk management; stakeholder engagement; conflicts of interest; confidentiality; and review of Board performance.
9. **Board and Director role delineation:** amend clauses 25, 26 and 28 to clearly distinguish the Board's strategic, regulatory, advisory and oversight responsibilities from the Director's responsibility for day-to-day administration and operation. The provisions should ensure that delegations support efficient administration without transferring matters requiring Board-level oversight or creating unnecessary procedural duplication.
10. **Standing committees:** amend clause 29 to require the Board to establish at least a curriculum and assessment committee, a teacher standards and registration committee, and a culture, inclusion and stakeholder engagement committee. Remove the requirement for ministerial approval of the establishment and terms of reference of the prescribed standing committees.
11. **External participation in committees:** require the standing committees to include appropriate external practitioners, sector representatives and community members, including practising educators and parent representatives, and people with Aboriginal education expertise, rather than merely permitting external appointments at the Board's discretion.
12. **Guaranteed consultation:** amend paragraph 14(d) to require the Board to consult NTCOGSO and prescribed parent, community and education-sector bodies before making significant changes to curriculum frameworks, assessment and reporting arrangements, or policies that create new obligations for schools, teachers or families.  
  
The consultation requirement should include reasonable notice, sufficient information, an opportunity to respond and publication of a consultation summary explaining how material issues were considered.
13. **Fees and proportionality:** amend subclause 15(2) so that fees may only be charged in accordance with published criteria and following consultation with affected stakeholders. Fees should be reasonable, transparent and proportionate to the service provided, and the Board should consider their financial and administrative effect on those required to pay them.
14. **Delegation safeguards:** amend clause 28 to require the Board to publish a register of delegations and specify any powers or functions that must not be delegated. Decisions with significant implications for curriculum, certification, professional standards or disciplinary outcomes should remain subject to appropriate Board oversight.

15. **Reporting and performance:** amend clause 33 so that the annual report includes service standards, timeliness, complaint trends, stakeholder engagement and performance against published key performance indicators. The report should also identify significant consultations undertaken, the effect of Board decisions on regulatory burden, the use of delegations, committee activities and progress against the Board's strategic plan. The annual report should be published and tabled in the Legislative Assembly.
16. **Independent post-implementation review:** replace the discretionary review power in clause 17 with a mandatory independent review within three years after the Board becomes operational to assess whether the model has improved coordination, independence, stakeholder confidence and administrative efficiency in practice. The review must also examine outcomes for regional, remote and Aboriginal communities and the effectiveness of consultation arrangements. It must include public consultation, including consultation with NTCOGSO and prescribed education and community bodies, and the review report should be tabled in the Legislative Assembly.
17. **Published transition plan:** insert a transitional provision requiring the Minister to publish, before the Board becomes fully operational, a transition plan addressing continuity of services, transfer of records and matters in progress, staffing and specialist capability, stakeholder consultation, communication with teachers and schools, and management of operational risks during amalgamation.

### **Why amendment is preferable to rejection**

The Bill's overall direction is understandable. It seeks to address fragmentation between existing statutory bodies, respond to review findings, and provide a more strategic and system-wide framework for education standards and registration. For that reason, outright opposition is not the strongest available course.

The stronger course is constructive amendment. That approach recognises the policy rationale for reform while insisting that a Territory-wide education standards body must be both technically capable and publicly legitimate. In education, legitimacy depends not only on formal governance but on whether families, teachers and school leaders can see their experience reflected in the body's design and operation. It also depends on whether the Board's independence, consultation processes and performance can be demonstrated publicly rather than being left largely to ministerial or administrative discretion.

### **Conclusion**

NTCOGSO supports the establishment of a single Education Standards and Registration Board in principle, but does not support the Bill in its current form without amendment.

The Bill should be amended to better protect parent, practitioner and community voice, visible independence, regional and Aboriginal capability, transparent appointments, stronger committee architecture and more robust public accountability.

It should also establish a genuine performance framework, clearer role delineation, proportionate regulatory arrangements and a mandatory independent review.



A revised Bill with those changes would better reflect both the Territory's educational context and the need to preserve stakeholder legitimacy within a smaller, skills-based board model.

It would also better align the operative provisions with the governance, balance and performance outcomes attributed to the Bill in the Explanatory Statement.

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