



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

Inquiry into the Education Standards and Registration Board Bill 2026

August 2026



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Legislative Assembly of the Northern Territory

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Chair's Preface

This report details the Committee's findings regarding its examination of the Education Standards and Registration Board Bill 2026. The primary purpose of this Bill is to establish the Education Standards and Registration Board (the Board) by replacing and amalgamating the Northern Territory Board of Studies and the Teacher Registration Board of the Northern Territory.

The Committee received 7 submissions to its inquiry, all of which supported the intent of the Bill. While a number of submissions put forward suggestions as to how the Bill could be improved, others sought clarification regarding the intended operation of various provisions within the Bill. Following its examination of the Bill and consideration of the evidence received, the Committee has recommended that the Assembly pass the Bill with the proposed amendments set out in Recommendations 2 to 5.

To ensure that the Bill is drafted in a sufficiently clear and unambiguous manner, recommendation 2 seeks to clarify the requirement in clause 6(3) for the Minister to have regard to the need for the Board to have an appropriate balance of skills and expertise among the members.

Consistent with governance practices adopted by many statutory boards, recommendation 3 proposes that clause 9 be amended to provide that the Board may make a recommendation to the Minister regarding appointment of the Chairperson and Deputy Chairperson.

Noting the importance of post-implementation review, the significance of the amalgamation of existing Boards, and the move to a skills-based Board model, recommendation 3 proposes that clause 17 be amended to require the Minister to review the operation and performance of the Board after the period of 3 years from the commencement of the Act, to determine whether the legislation remains fit for purpose.

Finally, recommendation 5 seeks to ensure the delegation of administrative power only in appropriate cases and to appropriate persons by recommending that clause 28 be amended to provide that the Board's delegation powers do not extend to the provisions of sections 53 and 64 of the *Teacher Registration (Northern Territory) Act 2004* regarding decisions of the Board in disciplinary proceedings.

On behalf of the Committee, I would like to thank all those that took the time to provide submissions to the Committee's inquiry. I also thank my fellow Committee members for the bipartisan commitment to the legislative review process.



Mrs Oly Carlson MLA
Chair

Committee Members

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Deputy Chair:	Mr Clinton Howe, MLA Member for Drysdale
Members:	Justine Davis, MLA Member for Johnston Mr Dheran Young, MLA Member for Daly Mrs Laurie Zio, MLA Member for Fannie Bay

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Acknowledgments

The Committee acknowledges all those that provided written submissions to its inquiry and thanks them for their contribution.

Acronyms and Abbreviations

AEU NT	Australian Education Union Northern Territory
AISNT	Association of Independent Schools Northern Territory
the Board	Education Standards and Registration Board
CENT	Catholic Education Northern Territory
IEUA-QNT	Independent Education Union of Australia – Queensland and Northern Territory Branch
NSW	New South Wales
NTBOS	Northern Territory Board of Studies – independent advisory body established under the <i>Education Act 2015</i> (NT)
NTCOGSO	Northern Territory Council of Government School Organisations Inc
NTPA	Northern Territory Principal’s Association
the <i>Review</i>	Review of the Northern Territory Board of Studies and the Teacher Registration Board
TRB	Teacher Registration Board of the Northern Territory – an independent regulatory body established under the <i>Teacher Registration (Northern Territory) Act 2004</i>
TRBNT	Teacher Registration Board of the Northern Territory – an independent regulatory body established under the <i>Teacher Registration (Northern Territory) Act 2004</i> – in the context of their submission to the Inquiry

Terms of Reference

Sessional Order 7

Establishment of Legislative Scrutiny Committee

- (1) The Assembly appoints a Legislative Scrutiny Committee
- (2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.
- (3) The functions of the scrutiny committee shall be to inquire into and report on:
 - (a) any bill referred to it by the Assembly;
 - (b) in relation to any bill referred by the Assembly:
 - (i) whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
 - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
 - (B) is consistent with principles of natural justice; and
 - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
 - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
 - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
 - (F) provides appropriate protection against self-incrimination; and
 - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
 - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
 - (I) provides for the compulsory acquisition of property only with fair compensation; and
 - (J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and
 - (K) is unambiguous and drafted in a sufficiently clear and precise way.

- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:
 - (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
 - (C) authorises the amendment of an Act only by another Act.
- (4) The committee will provide an annual report of its activities to the Assembly.

As amended 21 July 2026

Recommendations

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Education Standards and Registration Board Bill 2026 with the proposed amendments set out in recommendations 2 – 5.

Recommendation 2

The Committee recommends that clause 6(3) be amended by omitting the word ‘may’ after the word Minister and inserting the word ‘must’.

Recommendation 3

The Committee recommends that clause 9 be amended to provide that the Board may make a recommendation to the Minister regarding appointment of the Board Chairperson and Deputy Chairperson.

Recommendation 4

The Committee recommends that clause 17 be amended to provide that:

- (1) The Minister is to review the operation and performance of the Board to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as practicable after the period of 3 years from the commencement of the Act.
- (3) A report on the outcome of the review is to be tabled in the Legislative Assembly within 12 months after the end of the period of 3 years.

Recommendation 5

The Committee recommends that clause 28 be amended by inserting the words ‘other than the provisions of sections 53 and 64 of the *Teacher Registration (Northern Territory) Act 2004*’ after the word law.

1 Introduction

Introduction of the Bill

- 1.1 The Education Standards and Registration Board Bill 2026 (the Bill) was introduced into the Legislative Assembly by the Minister for Education and Training, the Hon Jo Hersey MLA, on 22 July 2026. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee for inquiry and report by 20 August 2026.¹

Conduct of the Inquiry

- 1.2 On 23 July 2026 the Committee called for submissions by 31 July 2026. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations. As set out in Appendix 1, the Committee received 7 submissions to its inquiry.

Outcome of Committee's Consideration

- 1.3 Sessional Order 14 requires that the Committee after examining the Bill determine:
- whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
 - (iv) whether the bill has sufficient regard to the institution of Parliament.
- 1.4 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass the Bill with the proposed amendments set out in Recommendations 2 – 5.

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Education Standards and Registration Board Bill 2026 with the proposed amendments set out in recommendations 2 – 5.

Report Structure

- 1.5 Chapter 2 provides an overview of the policy objectives of the Bill and the purpose of the Bill as contained in the Explanatory Statement.
- 1.6 Chapter 3 considers the main issues raised in evidence received.

¹ Hon Jo Hersey MLA, Minister for Education and Training, *Draft Daily Hansard – Day 2 – Wednesday 22 July 2026*, <https://hdl.handle.net/10070/1043009>, pp. 1-3

2 Overview of the Bill

Background to the Bill

- 2.1 In introducing the Bill, Minister Hersey advised the Assembly that, in line with the Government's implementation of regulatory reforms to reduce red tape, in 2025 the Department of Education and Training undertook a *Review of the Northern Territory Board of Studies and Teacher Registration Board* (the *Review*) to consider the operation and governance of the boards and the potential efficiency that might be achieved by combining their functions.²
- 2.2 Complementing the Tranche 1 amendments to the *Teacher Registration (Northern Territory) Act 2004* undertaken in 2025, the *Review* recommended further legislative amendments to amalgamate the Northern Territory Board of Studies (NTBOS) and the Teacher Registration Board (TRB) and establish the Education Standards and Registration Board (the Board), a new independent statutory board.³
- 2.3 As noted in the *Review*, the Tranche 2 reforms aim to:
- contemporise current practice, create efficiencies and drive regulatory outcomes through improving and streamlining the delivery of functions. Ultimately, these reforms aim to improve teaching quality, support child safety and enhance learner outcomes.
- Central to these reforms is a new statutory board. The Board will consolidate the curriculum advisory functions of the NTBOS under the *Education Act 2015*, together with teacher regulatory functions under the *Teacher Registration (Northern Territory) Act 2004*. The Board will be accountable to the Minister for Education and Training, with resources provided by the Department of Education and Training.⁴
- 2.4 Minister Hersey further advised that the reforms align with approaches adopted in other jurisdictions such as New South Wales (NSW) and Tasmania, and are 'consistent with national reform efforts to consolidate bodies responsible for curriculum assessment, teaching standards and education research into a single teaching and learning commission.'⁵

Purpose of the Bill

- 2.5 The primary purpose of the Bill is to amalgamate and replace the NTBOS and the TRB of the Northern Territory to create a new statutory Education Standards

² Hon Jo Hersey MLA, Minister for Education and Training, *Draft Daily Hansard – Day 2 – Wednesday 22 July 2026*, <https://hdl.handle.net/10070/1043009>, p. 1

³ Department of Education and Training, *Review of Northern Territory Board of Studies and Teacher Registration Board*, https://education.nt.gov.au/_data/assets/pdf_file/0003/1621965/review-of-ntbos-and-trb.pdf, p. 4

⁴ Department of Education and Training, *Review of Northern Territory Board of Studies and Teacher Registration Board*, https://education.nt.gov.au/_data/assets/pdf_file/0003/1621965/review-of-ntbos-and-trb.pdf, p. 4

⁵ Hon Jo Hersey MLA, Minister for Education and Training, *Draft Daily Hansard – Day 2 – Wednesday 22 July 2026*, <https://hdl.handle.net/10070/1043009>, p. 1

and Registration Board.⁶ As noted in the Explanatory Statement, 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.⁷

2.6 In addition to amalgamating the NTBOS and the TRB into one independent statutory authority, key features of the Bill include:

- 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 to 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.⁸

2.7 The Explanatory Statement further notes that:

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

⁶ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p.1

⁷ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p.1

⁸ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, pp.1-2

by stakeholders during the Review of the NT Board of Studies and the Teacher Registration Board.⁹

⁹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p.2

3 Examination of the Bill

Introduction

- 3.1 The Committee received 7 submissions to its inquiry. While submitters were generally supportive of the Bill in principle, concerns were raised regarding the intended operation of various aspects of the Bill. Submitters also proposed a number of amendments to the Bill. The following discussion considers the main issues raised in submissions and provides some points of clarification on the intended operation of the Bill.

Commencement

- 3.2 Clause 2 sets out how the *Education Standards and Registration Board Act 2026* will be commenced. Following assent of the Bill by the Administrator, subclause (1) provides for the immediate commencement of Part 4 which amends the *Teacher Registration (Northern Territory) Act 2004* and the *Education Act 2015* to enable implementation of 'interim arrangements that support the continuity of the Teacher Registration Board and the Northern Territory Board of Studies during the transitional period.'¹⁰

- 3.3 Subclauses (2) and (3) then provide for commencement of the remaining provisions of the Act on the day fixed by the Administrator by *Gazette* notice, or by 5 April 2027, whichever occurs first. As noted in the Explanatory Statement:

This enables preparatory actions to occur following passage of the Bill and prior to the 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.¹¹

- 3.4 However, the Teacher Registration Board of the Northern Territory (TRBNT)¹² sought clarification regarding the intended commencement date of the substantive provisions of the Bill noting that there was:

an apparent inconsistency between the commencement provision in section 2(3) of the Bill and the Minister's media release of 22 July 2026. The media

¹⁰ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 2

¹¹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 2

¹² The Teacher Registration Board of the Northern Territory has been abbreviated twice in this report, in the first instance representing the institution proposed to be amalgamated (TRB) and in the second instance representing the current iteration of members who submitted to the Committee's inquiry (TRBNT).

release states that implementation of the new arrangements will occur on 1 February 2027, while section 2(3) provides that the substantive provisions of the legislation will commence on a date fixed by the Administrator, and no later than 5 April 2027.¹³

- 3.5 Apart from the potential uncertainty that this discrepancy may create for stakeholders and operational planning, TRBNT also noted that February is traditionally the busiest period for teacher registration services and questioned whether ‘the proposed implementation timeframe appropriately reflects the operational demands associated with teacher registration functions.’¹⁴ Further, it was noted that a 1 February 2027 commencement date would mean that communication on the implementation would likely occur during teacher standdown over the end of year school holiday period. As such, TRBNT advised that they were of the view that ‘implementation would be beneficial in term one when schools and staff are established in the new school year.’¹⁵

Committee’s Comments

- 3.6 Acknowledging the concerns raised by TRBNT, the Committee notes that the commencement date of 1 February 2027 as advised in the Minister’s media release is aspirational. The Committee further notes that the commencement provisions in the Bill recognise that implementation may require more time to effect, but ensures that the new Board will be fully operational by Term 2 which starts on 13 April 2027.

Composition of Board

- 3.7 Clause 6 provides for the Minister to appoint no less than 7 members to the Board and establishes the framework for appointments to ensure that the Board comprises members with the necessary professional skills and expertise relevant to its functions. As such, subclause (2) requires that each member of the Board must have professional skills and expertise in one or more of the following areas:
- (a) education system, school and student performance;
 - (b) teaching and learning practice;
 - (c) workforce development;
 - (d) law or regulatory practice;
 - (e) corporate governance;

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

- 3.8 As noted in the Explanatory Statement:

¹³ Teacher Registration Board of the Northern Territory, Submission No. 3, p. 3

¹⁴ Teacher Registration Board of the Northern Territory, Submission No. 3, p. 3

¹⁵ Teacher Registration Board of the Northern Territory, Submission No. 3, p. 3

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 the NT Board of Studies with members appointed on skills criteria rather than as sector representatives.¹⁶

- 3.9 Subclause (3) then provides that in appointing a person to be a member, the Minister may have regard to the need for the Board to have an appropriate balance of skills and expertise among the members. Subclause (4) further requires that the Minister must not appoint a person to be a member unless satisfied that they are a fit and proper person to be a member. In relation to these subclauses, the Explanatory Statement points out that:

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.¹⁷

- 3.10 The Northern Territory Principals' Association (NTPA) raised concerns regarding the proposed size of the Board noting that:

A Board of seven members, with a quorum of four, increases the likelihood that decisions may be made without the benefit of contemporary school leadership expertise. Given the significant statutory functions of the Board, the NTPA believes the proposed size is too small to adequately reflect the breadth of expertise required across the Northern Territory education sector.¹⁸

- 3.11 While supportive of a skills based approach, concern was also raised that the proposed skills categories do not adequately reflect the Northern Territory's educational environment. For example, Catholic Education Northern Territory (CENT) expressed the view that:

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/NCEWT; 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.¹⁹

- 3.12 TRBNT also noted that:

While section 6 identifies a range of desirable skills and expertise including teaching and learning practice, education systems, workforce development, law, regulatory practice and corporate governance, the Bill does not

¹⁶ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 5

¹⁷ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 5

¹⁸ Northern Territory Principals' Association, Submission No. 5, p. 1

¹⁹ Catholic Education Northern Territory, Submission No. 4, p. 3

expressly require the appointment of registered teachers, school leaders or other practising education professionals to the Board.

The Board notes that the proposed skills-based model may result in decisions affecting teacher registration, professional standards and child safety matters being made by individuals who do not possess direct professional teaching experience.²⁰

3.13 The Australian Education Union Northern Territory Branch (AEU NT) and the Independent Education Union Queensland and Northern Territory Branch (IEUA-QNT) also submitted that:

While the Bill puts parameters around the skills and expertise that should be possessed by appointees [division 2, clause 6(2)], the lack of any explicit requirement that Ministerial appointees will have experience in schools undermines the centrality of teachers to the very systems and processes that are to be regulated. ...

In other jurisdictions, it is recognised that practitioner and union representation is essential to ensure that those working within the education system have input into systems, structures, policies and processes. ...

By removing the ability of the profession to select its own representatives to the Board the Bill constrains the ability of the Board to consider the full educational impact of its decisions and the impact those decisions have on the work of teachers and other school staff.

We would indicate that practitioner and union representation should be mandated in the legislation, as is the case in other jurisdictions.²¹

3.14 In a similar vein, the Northern Territory Council of Government School Organisations (NTCOGSO) noted that:

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.²²

3.15 Submitters also raised concerns that the reliance on skills-based appointments does not necessarily ensure cross-sector representation on the Board. As the Association of Independent Schools of the Northern Territory (AISNT) noted:

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

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

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

The Bill does not adequately implement this recommendation.²³

²⁰ Teacher Registration Board of the Northern Territory, Submission No. 3, p. 1

²¹ Australian Education Union Northern Territory Branch and Independent Education Union Queensland and Northern Territory Branch, Submission No. 7, p. 5

²² Northern Territory Council of Government School Organisations, Submission No. 6, p. 3

²³ Association of Independent Schools of the Northern Territory, Submission No. 1, p. 2

- 3.16 As noted previously, the Explanatory Statement indicates that the intent of clause 6(3) is to further strengthen 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. However, as NTCOGSO pointed out, there is:

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.²⁴

Committee’s Comments

- 3.17 The Committee notes that while the move to a skills-based model represents a significant change to the current composition of the NTBOS and TRB, it is an integral aspect of the Bill and reflects current government policy. As highlighted in the *Review*:

For the TRB [Teacher Registration Board] in particular, the reliance on a representative model has resulted in skills gaps across critical areas of strategy, performance, risk and regulation.²⁵

- 3.18 With regards to the size of the Board, the Committee notes that while the proposed minimum of 7 members is less than either of the current boards,²⁶ it is a minimum, thereby allowing for more than 7 members if deemed necessary in order to achieve an appropriate balance of skills, knowledge and experience.

- 3.19 In relation to the skill sets provided for in the Bill, the Committee considers that these are sufficiently broad enough to encompass the skills preferences suggested by submitters. However, with regards to clause 6(3), the Committee agrees with submitters that, as currently drafted, the Bill creates a discretion, not a requirement for the Minister to have regard to the need for the Board to have an appropriate balance of skills and expertise among the members.

- 3.20 As highlighted in the *Northern Territory Government Boards and Committee Handbook: A guide for board and committee members*, the Committee is mindful that:

if the government is to rely on the decisions made, or advice provided by boards, it is critical that individuals with the appropriate skills, qualifications, knowledge and/or experience are appointed to ensure the board can effectively discharge its obligations. Member selection should be merit-based. Members are required to act in the interests of the board, remain accountable to the Crown, and recognise government policies and practices.

²⁴ Northern Territory Council of School Organisations, Submission No. 6, p. 3

²⁵ Department of Education and Training, *Review of Northern Territory Board of Studies and Teacher Registration Board*, https://education.nt.gov.au/_data/assets/pdf_file/0003/1621965/review-of-ntbos-and-trb.pdf, p. 20

²⁶ *Education Act 2015* (NT), s. 28 provides for 11 members on the Northern Territory Board of Studies; *Teacher Registration (Northern Territory) Act 2004* (NT), s. 11 provides for 12 members on the Teacher Registration Board

While individuals may be nominated by a specific group or organisation, they are not appointed solely to represent the views of that stakeholder or interest group.²⁷

- 3.21 As set out in clause 3(b)(iii)(K) of the Committee's Terms of Reference, to ensure that the Bill is unambiguous and drafted in a sufficiently clear and precise way, the Committee has, therefore, recommended that clause 6(3) be amended to provide that the Minister 'must' have regard to the need for the Board to have an appropriate balance of skills and expertise among the members.

Recommendation 2

The Committee recommends that clause 6(3) be amended by omitting the word 'may' after the word Minister and inserting the word 'must'.

Term of Appointment

- 3.22 Clause 7(1) provides that Board members may be appointed for a term not exceeding 4 years. To promote continuity, subclauses (2) and (3) provide that Board members are eligible for reappointment limited to 8 consecutive years, unless the Minister is satisfied that exceptional circumstances exist. As noted in the Explanatory Statement:

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.²⁸

- 3.23 Subclause (4) then clarifies that a term of appointment is taken to be consecutive to another term if less than 6 months elapses between the end of one term and the beginning of the next term.
- 3.24 In relation to succession planning, the *Review* recommended that the enabling legislation should 'provide for board members to have staggered 4-year appointment terms'.²⁹ However, as highlighted by NTCOGSO, staggered appointment terms are not reflected in the Bill. As such, NTCOGSO recommended that clause 7 be amended 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.³⁰

Committee's Comments

- 3.25 While the Bill as drafted does not specifically provide for staggered Board appointments, the Committee notes that the wording of clause 7 does not

²⁷ Department of the Chief minister and Cabinet, *Northern Territory Government Boards and Committees Handbook: A guide for board and committee members*, June 2026, Northern Territory Government, <https://cmc.nt.gov.au/supporting-government/boards-and-committees>, p. 12

²⁸ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 5

²⁹ Department of Education and Training, *Review of Northern Territory Board of Studies and Teacher Registration Board*, https://education.nt.gov.au/data/assets/pdf_file/0003/1621965/review-of-ntbos-and-trb.pdf, p. 20

³⁰ Northern Territory Council of Government School Organisations, Submission No. 6, p. 6

preclude such. For example, not all Board members will necessarily be appointed for a 4 year term, and not all will necessarily be reappointed. The Committee is of the view that, as drafted, the clause provides the necessary flexibility in relation to succession planning.

Chairperson and Deputy Chairperson

3.26 Clause 9 provides that the Chairperson and the Deputy Chairperson are to be appointed by the Minister from among the members of the Board. Whereas the Chairperson of the NTBOS is currently appointed by the Administrator on the recommendation of the Minister,³¹ the Chairperson and Deputy Chairperson of the TRB are elected by the Board members from among their own number.³²

3.27 As such, the TRBNT suggested that 'to provide greater transparency regarding appointments to leadership positions'³³ the Committee may wish to consider:

whether the Board should have a role in selecting or recommending its Chairperson and Deputy Chairperson, consistent with governance practices adopted by many statutory boards.³⁴

Committee's Comments

3.28 The Committee notes that provisions relating to the appointment of Chairs and Deputy Chairs varies across statutory boards. For example, in the Northern Territory, the Architects Board elects both its chair and deputy chair.³⁵ In the case of the Licensed Surveyors Board, the Act provides that the chair must be the Surveyor-General, but Board members elect the deputy chair.³⁶ In relation to the Plumbers and Drainers Licensing Board both the chair and deputy chair are appointed by the Minister.³⁷

3.29 In relation to equivalent legislation in other jurisdictions, the Committee notes that the chair of the NSW Education Standards Authority Board and the Tasmanian Assessment, Standards and Certification Board are both appointed by the Minister with the deputy chairs appointed by the respective Board members from among their number.³⁸

3.30 Taking into consideration the TRBNT's comments and noting the importance of the Chair's leadership role, the majority view of the Committee is that the Board should have a role in making a recommendation to the Minister regarding appointment of the Board Chairperson and Deputy Chairperson and has recommended an amendment to clause 9 accordingly.

³¹ *Education Act 2015* (NT), s 28(4)

³² *Teacher Registration (Northern Territory) Act 2004*, s 10

³³ *Teacher Registration Board of the Northern Territory*, Submission No. 3, p. 2

³⁴ *Teacher Registration Board of the Northern Territory*, Submission No. 3, p. 2

³⁵ *Architects Act 1963* (NT), s. 6(4)

³⁶ *Licensed Surveyors Act 1983* (NT), s. 12

³⁷ *Plumbers and Drainers Licensing Act 1983* (NT), s. 11

³⁸ *Education Standards Authority Act 2013* (NSW), s. 6; *Tasmanian Assessment, Standards and Certification Act 2003* (TAS), s. 8(7)

Recommendation 3

The Committee recommends that clause 9 be amended to provide that the Board may make a recommendation to the Minister regarding appointment of the Board Chairperson and Deputy Chairperson.

Objective and Functions of Board

3.31 Clause 13 (Objective of Board) provides that the objective of the Board is to 'ensure that school curriculum assessment frameworks, teaching standards and regulatory standards under an 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.' As highlighted in the Explanatory Statement:

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.³⁹

3.32 As set out in the Explanatory Statement, clause 14 (Functions of Board):

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-side 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.⁴⁰

3.33 As such, the clause outlines the Board's functions in relation to:

- the provision of strategic advice to the Minister and Chief Executive Officer on curriculum, student assessment and certification for the school education system in the Territory;
- promoting and supporting high standards in the teaching profession in the Territory by promoting professional development of teachers and quality teaching practice;
- the provision of advice to the Minister on matters relating to teacher quality, minimum qualifications and other requirements for registration;

³⁹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 7

⁴⁰ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, pp. 7-8

- cooperating and consulting with bodies prescribed by regulation that are engaged in education or related matters;
- any other functions conferred on it under the Act, an education law or any other Act.

3.34 While supporting the inclusion of a consultation function, concern was raised that:

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 recognised peak bodies for the Catholic and Independent sectors.⁴¹

3.35 With regard to the objective and functions of the Board, NTCOGSO noted that:

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.⁴²

Committee's Comments

3.36 The Committee notes that, as set out in the Explanatory Statement, it is clearly the intention of the Bill that depending on the matter under consideration, consultation will necessarily include the Catholic and Independent education sectors along with the government and childcare sectors and any other bodies that are engaged in education or related matters.

3.37 With regards to child safety, the Committee notes that the reference in the general outline of the Bill relates primarily to the functions of the Board under the *Teacher Registration (Northern Territory) Act 2004*. These include, for example, the Board's obligation to ensure only fit and proper persons are registered as teachers and that all relevant parties hold working with children clearances. As such, child safety is an outcome of appropriately developed, implemented and monitored regulatory standards under an education law as opposed to being a stand-alone objective or function of the Board.

Powers of Board

3.38 Clause 15(1) establishes a general enabling power to provide that the Board has the powers necessary or convenient to perform its functions under the Act. The Explanatory Statement points out that:

This provision is intended to ensure that the Board has sufficient flexibility to carry out its statutory functions effectively, without the need for each

⁴¹ Catholic Education Northern Territory, Submission No. 4, pp. 3-4; see also Association of Independent Schools of the Northern Territory, Submission No. 1, p. 9

⁴² Northern Territory Council of Government School Organisations, Submission No. 6, p. 5

incidental or administrative power to be expressly set out in the Act. The power acts as an ancillary power only and does not expand the Board's functions beyond those conferred elsewhere in the Act.⁴³

- 3.39 As is currently the case under section 12(d) of the *Teacher Registration (Northern Territory) Act 2004*, subclause (2) 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 Explanatory Statement notes that:

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.⁴⁴

- 3.40 AISNT and CENT raised concerns that the power to charge fees for the provision of a service, irrespective of whether or not the fee is prescribed, 'could allow fees to be introduced or changed without the transparency and scrutiny ordinarily associated with prescribed fees.'⁴⁵ In relation to teacher registration fees it was further noted that:

Teacher-registration costs can affect workforce attraction and retention, particularly where schools pay or reimburse registration and compliance expenses. Any fee changes should consider their impact on teachers, small schools and remote-school workforces.⁴⁶

- 3.41 As such, AISNT and CENT recommended that:

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.⁴⁷

Committee's Comments

- 3.42 As indicated above, the power to charge a fee for the provision of a service, whether or not the fee is prescribed, is not a new provision. Moreover, the Committee notes that the Bill does not empower the Board to amend the fees prescribed in the *Teacher Registration (Northern Territory) Regulations 2004*, which currently include teacher registration fees at section 10 and application fees at section 11. As is currently the case, the Committee anticipates that the new Board will continue to publish prescribed fees and any other fees on its website.⁴⁸

⁴³ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 8

⁴⁴ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 8

⁴⁵ Association of Independent Schools of the Northern Territory, Submission No. 1, p. 10; Catholic Education Northern Territory, Submission No. 4, p. 5

⁴⁶ Association of Independent Schools of the Northern Territory, Submission No. 1, p. 10; Catholic Education Northern Territory, Submission No. 4, p. 5

⁴⁷ Catholic Education Northern Territory, Submission No. 4, p. 5; Association of Independent Schools of the Northern Territory, Submission No. 1, p. 10

⁴⁸ Teacher Registration Board of the Northern Territory, *Registration Fees*, <https://www.trb.nt.gov.au/registration/fees>

Ministerial Directions

3.43 Preserving the approach set out in section 25B of the *Teacher Registration (Northern Territory) Act 2004*, clause 16(1) provides that the Minister may give written directions to the Board in relation to the government's expectations of how the Board is to achieve its objective, perform its functions, exercise its powers and administration of the Board. Moreover, subclause (4) provides that the Board must give effect to any ministerial directions in exercising its powers and performing its functions, which 'establishes a clear line of accountability between the Board and the Minister in relation to matters of general policy, governance and administration'.⁴⁹

3.44 As clarified in the Explanatory Statement, clause 16(1) provides for 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.⁵⁰

3.45 Importantly, subclause (2) limits the Minister's power by providing that they must not give a direction that relates to an individual person, including an authorised person or registered teacher; an application for, or renewal of, registration as a teacher, or an authorisation; a complaint, investigation, or inquiry; or any disciplinary action taken against a particular person under the *Teacher Registration (Northern Territory) Act 2004*. Subclause (3) further provides that the Minister must not give a direction to the Board that is inconsistent with the Act or an education law.

3.46 The Explanatory Statement notes that, overall, 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.⁵¹

⁴⁹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 9

⁵⁰ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 9

⁵¹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 9

- 3.47 However, while supporting the limitations on the Minister's power as set out in subclause (2), concern was raised that this protection in relation to the Board's independence does not go far enough. As noted by CENT:

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.⁵²

- 3.48 In the interests of transparency, NTCOGSO recommended that the Bill should be amended to:

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.⁵³

Committee's Comments

- 3.49 The Committee notes that the provisions of the Bill in relation to Ministerial Directions are not dissimilar to those that apply to the NSW Education Standards Authority or the Tasmanian Assessment, Standards and Certification Board.⁵⁴ Given that the Board is required to report against any ministerial directions received in its annual report, the Committee does not consider it necessary that they should also be published separately.

Review of Board

- 3.50 Clause 17 provides that 'the Minister may review the operation and performance of the Board if the Minister thinks it appropriate to do so.' The Explanatory Statement notes that:

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.⁵⁵

- 3.51 Concern was raised by a number of submitters that, as currently drafted, conduct of a post-implementation review is at the discretion of the Minister. The AISNT and CENT expressed the view that:

⁵² Catholic Education Northern Territory, Submission No. 4, p. 3; see also, Association of Independent Schools of the Northern Territory, Submission No. 1, pp. 5-6; Northern Territory Council of Government School Organisations, Submission No. 6, p. 3

⁵³ Northern Territory Council of Government School Organisations, Submission No. 6, p. 6

⁵⁴ see for example, *Education Standards Authority 2013* (NSW), s. 10; *Tasmanian Assessment, Standards and Certification Act 2003* (TAS), ss. 13 & 13A

⁵⁵ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 9

Given the significance of the amalgamation, a formal review should be mandatory to ensure it is fit for its intended purpose and operating as is legislatively intended.⁵⁶

3.52 Reflecting this concern, NTCOGSO recommended replacing:

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.⁵⁷

Committee's Comments

3.53 The Committee acknowledges that the amalgamation of the NTBOS and the TRB, and the move to a skills-based Board model represents a significant change in the development, implementation and monitoring of school curriculum, assessment frameworks, teaching and regulatory standards.

3.54 The Committee notes that where legislative changes of this nature are introduced, it is not unusual for an independent review to be mandated within a specific timeframe to determine whether the legislation is operating as intended. As noted in the *Review*:

A defined power for the Minister to review the Board's performance and governance, particularly where no other independent body is positioned to do so, strengthens system accountability and supports early identification of integrity issues.⁵⁸

3.55 However, as pointed out by submitters, the review provision as currently drafted is entirely discretionary. While the Committee understands that mandating a review within a specific timeframe may be administratively burdensome, post-implementation reviews are, nevertheless, a particularly important aspect of the legislative scrutiny process. Similar to that provided for in the NSW *Education Standards Authority Act 2013*, the majority view of the Committee is that it would be prudent to require that the operation and performance of the Board be reviewed as soon as practicable after the period of 3 years from the commencement of the Act to ensure that it remains fit for purpose, and has recommended that clause 17 be amended accordingly.

Recommendation 4

The Committee recommends that clause 17 be amended to provide that:

⁵⁶ Association of Independent Schools of the Northern Territory, Submission No. 1, p. 11; Catholic Education Northern Territory, Submission No. 4, p. 6

⁵⁷ Northern Territory Council of Government School Organisations, Submission No. 6, p. 8

⁵⁸ Department of Education and Training, *Review of Northern Territory Board of Studies and Teacher Registration Board*, https://education.nt.gov.au/_data/assets/pdf_file/0003/1621965/review-of-ntbos-and-trb.pdf, p. 18

- (1) **The Minister is to review the operation and performance of the Board to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.**
- (2) **The review is to be undertaken as soon as practicable after the period of 3 years from the commencement of the Act.**
- (3) **A report on the outcome of the review is to be tabled in the Legislative Assembly within 12 months after the end of the period of 3 years.**

Industry Advisers

3.56 Clause 18 provides that the Minister may appoint not more than 2 industry advisers to the Board for a term not exceeding 4 years. As set out in subclause (4), the function of an industry adviser is to advise and make recommendations to the Board, and to perform any other functions prescribed by legislation.

3.57 As noted in the Explanatory Statement, the intent of this clause 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.⁵⁹

3.58 While noting that the *Review* acknowledged ‘strong support for cross-sector representation’⁶⁰ and recommended the inclusion of ‘advisory membership for the new Board and ... [an agreed] ... model for cross-sectoral representation’,⁶¹ CENT expressed the view that:

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.⁶²

3.59 Concern was also raised regarding the appropriateness of the term ‘industry adviser’. As noted by AISNT:

⁵⁹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, pp. 9-10

⁶⁰ Department of Education and Training, *Review of Northern Territory Board of Studies and Teacher Registration Board*, https://education.nt.gov.au/_data/assets/pdf_file/0003/1621965/review-of-ntbos-and-trb.pdf, p. 19

⁶¹ Department of Education and Training, *Review of Northern Territory Board of Studies and Teacher Registration Board*, https://education.nt.gov.au/_data/assets/pdf_file/0003/1621965/review-of-ntbos-and-trb.pdf, p. 20

⁶² Catholic Education Northern Territory, Submission No. 4, p. 2; see also Association of Independent Schools of the Northern Territory, Submission No. 1, p. 3

The use of the term ‘industry adviser’ does not adequately reflect the role of the school education sectors or their representative bodies. Education-sector representatives would bring system knowledge, professional expertise and an understanding of the practical effects of Board decisions – not simply an industry perspective.⁶³

3.60 CENT subsequently recommended that:

the Bill should, a minimum: provide for one adviser nominated by CENT and one nominated by the Independent sector ... 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’.⁶⁴

Committee’s Comments

3.61 Given that the intent of this clause is to enable the Board to access advisers for specific skills gaps, the Committee is of the view that requiring advisers to be sector based would defeat the purpose of this provision. The Committee also notes that Board advisers do not generally attend meetings of the Board unless specifically invited to do so. For example, an adviser may be invited to brief the Board on particular matters from time to time.

3.62 The Committee further notes that it would be highly unusual for non-Board members to be given voting rights. Similarly, prescribing in legislation how the Board should respond to advice provided would undermine the independence of the Board.

Delegation of Board

3.63 Pursuant to Clause 28, the Board may, in writing, delegate 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*. As set out in the Bill, the Board can lawfully delegate any of its powers and functions to a Board member, the Director, a committee of the Board or a public sector employee.

3.64 As noted in the Explanatory Statement this clause aims to improve the Board’s efficiency while retaining ultimate accountability. As such, the 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.⁶⁵

3.65 Concern was raised regarding the breadth of the Board’s delegation powers as contemplated in the Bill as currently drafted. As the AEU NT and IEUA-QNT pointed out:

⁶³ Association of Independent Schools of the Northern Territory, Submission No. 1, p. 3; see also Catholic Education Northern Territory, Submission No. 4, p. 2

⁶⁴ Catholic Education Northern Territory, Submission No. 4, pp. 2-3

⁶⁵ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, pp. 12-13

This is a drastic change from Section 15(1) of the Current Act which states:

The Board may delegate to a Board member, a committee or the Director any of its powers and functions under this Act, other than this power of delegation, the power to grant registration or the power to take disciplinary action under Part 6.

At the very least, decisions to suspend or cancel a teacher's registration or disqualify them from future registration should require a decision of the full Board, and should not be delegated to a single public service employee.⁶⁶

3.66 Similarly, NTCOGSO expressed the view that clause 28 should be amended 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.⁶⁷

Committee's Comments

3.67 While the Committee understands that overly restrictive delegation provisions may impede timely action and create administrative burden, it shares the concerns raised by submitters regarding the breadth of the Board's delegation powers as currently drafted in clause 28 of the Bill. The Committee does not consider it appropriate for the Board to delegate quasi-judicial decision-making regarding disciplinary matters that may have a profound impact on the individuals concerned.

3.68 By way of clarification, the Committee further notes that pursuant to section 46A(2) of the *Interpretation Act 1978*:

A provision of an Act that confers a power to delegate a power or function is not to be construed as including the power to delegate that power of delegation.

In addition, it is noted that the *Northern Territory Government Boards and Committees Handbook: A guide for board and committee members*, provides that:

Where a government board has made a delegation under its enabling legislation, details of the delegation should be set out in the board's annual report or other accountable document.⁶⁸

3.69 To ensure that the Bill complies with clause 3(b)(iii)(C) of the Committee's terms of reference and 'allows the delegation of administrative power only in appropriate cases and to appropriate persons', the Committee is of the view that clause 28 should be amended such that the Board may not delegate any of its powers and functions under sections 53 and 64 of the *Teacher Registration*

⁶⁶ Australian Education Union Northern Territory Branch and Independent Education Union Queensland and Northern Territory Branch, Submission No. 7, p. 4

⁶⁷ Northern Territory Council of Government School Organisations, Submission No. 6,

⁶⁸ Department of the Chief minister and Cabinet, *Northern Territory Government Boards and Committees Handbook: A guide for board and committee members*, June 2026, Northern Territory Government, <https://cmc.nt.gov.au/supporting-government/boards-and-committees>, p. 6

(Northern Territory) Act 2004, regarding decisions of the Board in disciplinary proceedings.

Recommendation 5

The Committee recommends that clause 28 be amended by inserting the words ‘other than the provisions of sections 53 and 64 of the *Teacher Registration (Northern Territory) Act 2004*’ after the word law.

Board May Establish Committees

3.70 Clause 29(1) provides that the Board may establish the committees it considers appropriate to assist in the performance of its functions. The Board may appoint any person as a committee member, irrespective of whether or not the person is a Board member. Subclause (3) provides that the Board must determine terms of reference for a committee which may set out matters relating to its composition, proceedings, the exercise of powers and performance of functions and any other matters the Board considers appropriate. Subclauses (1) and (3) also clarify that the Minister must approve both the establishment of the committee and its terms of reference.

3.71 Subclause (6) further provides that the Board may give written directions to a committee that are not inconsistent with their terms of reference. In performing its functions, subclauses (5), (7) and (8) provide that the committee must comply with its terms of reference; and must give effect to any directions of the Board in the performance of its functions; and must maintain accurate minutes of its proceedings.

3.72 As the Explanatory Statement points out:

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 terms of reference.⁶⁹

3.73 NTCOGSO raised concerns that the committee model provided for in the Bill is not sufficiently prescribed given 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.⁷⁰

3.74 TRBNT also noted that:

⁶⁹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 13

⁷⁰ Northern Territory Council of School Organisations, Submission No. 6, p. 4

Given that committees may perform significant functions delegated by the Board under section 28, further clarification regarding committee composition may strengthen confidence in decisions affecting teachers, students and schools.⁷¹

- 3.75 Noting that the establishment of committees and their terms of reference is subject to the Minister's approval, NTCOGSO expressed the view that this 'arrangement may constrain the Board's capacity to structure specialist advice and maintain enduring engagement with practitioners, communities and other stakeholders'⁷² and recommended that this requirement be removed from the Bill.⁷³ NTCOGSO further recommended that clause 29 be amended 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.⁷⁴

Committee's Comments

- 3.76 With regards to comments from submitters relating to the composition of committees, the Committee notes that the move to a skills-based model is designed to provide flexibility in relation to the range of skills, knowledge and experience that may be required depending on the committee's remit and terms of reference.
- 3.77 Similarly, while the Committee acknowledges that specific standing committees such as those suggested by NTCOGSO may prove useful, prescribing such in the legislation could undermine the Board's independence when it comes to determining what it considers appropriate to assist it in the performance of its functions at any given time.

Annual Report

- 3.78 Clause 33 requires that the Board must, by no later than 30 September each year, provide the Minister with a report on its operations for the preceding financial year. Subclause (2) provides that the report must include any written directions given to the Board by the Minister under section 16 during the preceding financial year, and information regarding the Board's implementation of such.
- 3.79 Although subclause (3) provides that the Board may also include information in the report by way of case studies or case histories of the subject of any inquiries undertaken under Part 6 of the *Teacher Registration (Northern Territory) Act 2004* and the Board's decision in relation to the inquiry, subclause (4)(a) specifies information that must not be included in the report with particular regard to identifying information. Subclause (4)(b) further provides that the report must also include other information that may be prescribed by regulation.

⁷¹ Teacher Registration Board of the Northern Territory, Submission No. 3, p. 2

⁷² Northern Territory Council of School Organisations, Submission No. 6, p. 4

⁷³ Northern Territory Council of School Organisations, Submission No. 6, p. 7

⁷⁴ Northern Territory Council of School Organisations, Submission No. 6, p. 7

3.80 As noted in the Explanatory Statement:

The effect of this clause is that the Board must report on the Board's operations, direction and performance outcomes annually, promoting transparency of the Board's activities and performance.⁷⁵

It is further noted that the annual reporting provisions '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.⁷⁶

3.81 While supporting the Bill's annual reporting requirements, NTCOGSO raised the following concerns:

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.⁷⁷

3.82 Similar concerns were raised by AISNT and CENT, with the latter recommending that:

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 objectives, 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.⁷⁸

3.83 As noted by AISNT:

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

Transparent performance reporting will help schools, teachers and the community to assess whether the amalgamation has produced the efficiencies and improvements anticipated in the *Review*.⁷⁹

Committee's Comments

3.84 As noted in the Explanatory Statement, this clause replicates existing provisions in section 79 of the *Teacher Registration (Northern Territory) Act 2004*. Further, the Committee notes that the requirement that a Board report on its operations

⁷⁵ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 14

⁷⁶ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 14

⁷⁷ Northern Territory Council of Government School Organisations, Submission No. 6, p. 5

⁷⁸ Catholic Education Northern Territory, Submission No. 4, p. 4

⁷⁹ Association of Independent Schools of the Northern Territory, Submission No. 1, p. 7

for the preceding financial year without necessarily specifying what this should include is not uncommon.⁸⁰

- 3.85 In relation to NTCOGSO's concerns, the Committee notes that the Explanatory Statement makes it clear that the Minister may provide directions in respect of a wide range of administrative, governance and operational matters.⁸¹ As such, the Committee understands that ministerial directions will form the basis for the development of the Board's strategic plan, Board charter, decision-making frameworks and other policies and procedures which the Board will then be required to report against in its annual report.
- 3.86 The Committee notes that there are no hard and fast rules regarding tabling of statutory board reports in the Legislative Assembly. Indeed, it is noted that there has never been a requirement for the annual reports of either the TRB or the NTBOS to be tabled. However, irrespective of whether or not annual reports are tabled in the Assembly, it is accepted best practice that they are published on the Board's website.
- 3.87 Given the above, the Committee is of the view that there is no reason to expect that the annual report of the Board will be any less comprehensive than those of the current TRB⁸² and NTBOS.⁸³

Investigation Panels and Inquiry Committees

- 3.88 Clause 58 replaces section 55 of the *Teacher Registration (Northern Territory) Act 2004*, which provides for the establishment and composition of investigation panels. As noted in the Bill, if the Board decides to hold a preliminary investigation it must appoint an investigator to conduct the investigation and a panel of 2 or 3 persons. The Bill further provides that both the investigator and the panel members must be persons that the Board is satisfied are qualified for appointment because they have the necessary expertise or experience, and are otherwise appropriate to be appointed.
- 3.89 As noted in the Explanatory Statement:

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

⁸⁰ see for example, *Education Act 2015* (NT), s. 37; *Architects Act 1963* (NT), s. 40; *Licensed Surveyors Act 1983* (NT), s. 21; *Plumbers and Drainers Licensing Act 1983* (NT), s. 13

⁸¹ Explanatory Statement, *Education Standards and Registration Board Bill 2026* (Serial 69), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 9

⁸² Teacher Registration Board of the Northern Territory, *Annual Reports*, <https://www.trb.nt.gov.au/about-us/annual-reports>

⁸³ Department of Education and Training, *NTBOS publications*, <https://education.nt.gov.au/committees-regulators-and-advisory-groups/northern-territory-board-of-studies/ntbos-publications>

Director, thereby promoting a more efficient and operationally focused model while allowing the Board to maintain appropriate governance and oversight.⁸⁴

3.90 Clause 59 amends section 60 of the *Teacher Registration (Northern Territory) Act 2004* regarding establishment of an inquiry committee when the Board determines that a matter should proceed to a formal inquiry. As such, the Bill provides that an inquiry committee must be comprised of a person who is a legal practitioner that has practised in Australia for at least 5 years, and 2 or more other persons that the Board is satisfied are qualified for appointment given their expertise or experience and are otherwise considered appropriate to be appointed.

3.91 As is currently required under section 60(3), the members of an inquiry committee must not be persons who have been appointed to an investigation panel for a preliminary investigation in relation to the same matter. Subclause (4) provides that the Board must appoint a member of the inquiry committee to be the chairperson.

3.92 Similar to the proposed amendments to investigation panels, this clause removes the requirement for Board members to be appointed to an inquiry committee and for the chairperson to be a legal practitioner. As noted in the Explanatory Statement:

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.⁸⁵

3.93 The Explanatory Statement further notes that the proposed amendments to these clauses are consistent with the findings and recommendations of the *Review* and support:

a clearer delineation between the strategic oversight role of the Board and operational responsibilities that may be undertaken by appropriately qualified persons.⁸⁶

3.94 TRBNT, NTPA, AEU NT and IEUA-QNT expressed concern that, as drafted, the Bill does not require that the membership of investigation panels and inquiry committees include persons with teaching expertise or experience in professional teaching standards. As TRBNT pointed out:

Given that inquiries may involve allegations relating to professional competence, professional conduct and child safety matters, the Board

⁸⁴ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 21

⁸⁵ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 22

⁸⁶ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 21 & p. 22

considers that educational expertise should remain a core component of the inquiry process.⁸⁷

3.95 In a similar vein, NTPA expressed the view that:

Matters involving professional teaching practice and school leadership should include practising educators within inquiry or disciplinary processes. Decisions affecting professional practice are strengthened when informed by current educational expertise.⁸⁸

3.96 AEU NT and IEUA-QNT also noted that:

Currently an inquiry committee consists of a lawyer (who is chair) and two board members, one of whom, if practicable, must be either an AEU or IEU appointee (i.e. “a Board member appointed under section 7(1)(b) or (f)”).

The proposed change would remove the current requirement for a practising teacher – and union appointee – to be involved in an inquiry for the purposes of placing conditions on, suspending or cancelling, a teacher’s registration, and/or disqualifying them from registration.

The involvement of a current practitioner is essential to ensure the contextual understanding of complaints necessary to establish standards around what is reasonable.⁸⁹

Committee’s Comments

3.97 While the Committee acknowledges the concerns raised by submitters, it notes that the move to a skills-based model does not preclude the appointment of practising educators to investigation panels or inquiry committees. Similarly, the Committee is of the view that, as highlighted by submitters, given the nature of the matters investigation panels and inquiry committees are required to deal with, educational expertise will inevitably remain a core component of the inquiry process.

Transitional Arrangements

3.98 Clause 51 inserts a new Division 4 into Part 9 of the *Education Act 2015* to provide comprehensive transitional arrangements to support the abolition of the NTBOS and the establishment of the new Board. As noted in the Explanatory Statement, this 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.⁹⁰

3.99 Similarly, Clause 63 inserts a new Part 12 into the *Teacher Registration (Northern Territory) Act 2004* to provide transitional arrangements associated

⁸⁷ Teacher Registration Board of the Northern Territory, Submission No.3, p. 2

⁸⁸ Northern Territory Principals’ Association, submission No. 5, p. 1

⁸⁹ Australian Education Union Northern Territory Branch and Independent Education Union Queensland and Northern Territory Branch, Submission No. 7, p. 4

⁹⁰ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 19

with the abolition of the TRB and the transfer of its functions to the new Board. In doing so, this 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.⁹¹

- 3.100 While supporting the transitional arrangements as set out in the Bill, AISNT and CENT noted that 'legislative continuity does not by itself ensure an effective operational transition.'⁹² As TRBNT pointed out:

Effective stakeholder engagement and communication will be essential to preserving organisational knowledge and ensuring continuity of regulatory functions during transition.⁹³

Committee's Comments

- 3.101 The Committee acknowledges the importance of ensuring appropriate transitional arrangements are in place whenever significant legislative amendments are contemplated. Similarly, the Committee notes that agency staff are cognizant of the need to ensure all relevant stakeholders are kept informed ahead of and throughout the transition period.
- 3.102 With regards to the current Bill, the Committee understands that the Department of Education and Training has provided briefings on the Bill to all education sector stakeholders, and is currently in the process of developing a comprehensive implementation stakeholder engagement strategy. As such, the Committee is confident that the necessary procedures are in place to effect a smooth transition to the new Board.

⁹¹ Explanatory Statement, *Education Standards and Registration Board Bill 2026 (Serial 69)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/69-2026>, p. 23

⁹² Association of Independent Schools of the Northern Territory, Submission No. 1, p. 11; Catholic Education Northern Territory, Submission No. 4, p. 5

⁹³ Teacher Registration Board of the Northern Territory, Submission No. 3, p.3

Appendix 1: Submissions Received

Submissions Received

1. Association of Independent Schools of the Northern Territory
2. Director of the Teacher Registration Board of the Northern Territory
3. Teacher Registration Board of the Northern Territory
4. Catholic Education Northern Territory
5. Northern Territory Principals' Association
6. Northern Territory Council of Government School Organisations
7. Australian Education Union Northern Territory Branch and Independent Education Union of Australia Queensland and Northern Territory Branch

Note: Copies of submissions are available [here](#).

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Tasmanian Assessment, Standards and Certification Act 2003 (TAS)

Tasmanian Government, *Review of Education Regulation: Steering Committee Report*, December 2020, <https://www.decyp.tas.gov.au/about-us/policies-legislation-data/legislation/review-of-education-regulation/>

Teacher Registration (Northern Territory) Act 2004 (NT)

Teacher Registration (Northern Territory) Regulations 2004 (NT)

Dissenting Report: Justine Davis MLA

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Independent Member for Johnston

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17 August 2026

Dear Chair and Members of the Legislative Scrutiny Committee,

Re: Inquiry into the Education Standards and Registration Board Bill 2026 (Serial 69)

I thank the Chair and my fellow Committee members for their work on this inquiry. I also thank the seven organisations that took the time to make submissions within a genuinely truncated timeframe.

I support the Committee's recommendation that the Bill proceed. I also support the principle of bringing together the Northern Territory Board of Studies and the Teacher Registration Board, provided that the new body is properly designed and has the independence, expertise and safeguards necessary to perform its functions well.

However, the submissions to this inquiry raised remarkably consistent concerns about the proposed governance arrangements. Those concerns came from teacher unions, school peak bodies and parent representatives. They were not minor drafting issues. They went to who will have a voice on the Board, who will make decisions about teachers, how independent the Board really will be, and how the community will be able to hold it to account. In my view, those concerns have not been adequately addressed in the majority report.

I provide this additional report to put those concerns clearly before the Assembly and to propose four amendments that would strengthen the Bill and help ensure the new Board has the confidence of the teaching profession, parents and the wider community.

This additional report sets out four recommendations that I believe would address these concerns, strengthen the Bill and to give the new Board the confidence of the profession and the community.

Clause 6 – Board composition

Clause 6 replaces the current representational model of the Teacher Registration Board with a seven-member Board appointed entirely by the Minister and selected against a general list of skills and experience. I support having a Board with the right skills and expertise. But skills and representation are not interchangeable.

The evidence to this inquiry was overwhelmingly consistent. Concerns about the proposed governance model were raised by the teacher unions, representing thousands of educators



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across the Territory, as well as the peak bodies representing government, Catholic and independent schools.

A Board making decisions about curriculum, assessment and teacher discipline needs people who have stood in a classroom, people who understand a remote or very remote school, and people who carry Aboriginal cultural. These should not be optional considerations that a Minister may take into account. They should be guaranteed features of the Board.

The Committee's Recommendation 2, which changes 'may' to 'must' in clause 6(3), improves the drafting but does not resolve the substantive concern. A requirement to have regard to balance is not the same as a requirement to achieve balance. Nothing in the amended clause guarantees a single practising teacher, parent or Aboriginal-education voice on the Board.

Under this Bill, the Minister could appoint a seven-member Board without a single practising teacher, without anyone with current classroom experience and without anyone with remote education or Aboriginal education expertise.

The Bill still provides no guarantee that the Board will include a practising teacher, a person with current or recent classroom experience, or a person with Aboriginal education expertise and cultural authority.

Recommendation A

That clause 6 be amended to require the Board to include, at all times:

- 1. at least one member with current or recent classroom teaching experience; and**
- 2. at least one member with demonstrated expertise in Aboriginal education and cultural authority.**

There should also be an appropriate nomination or consultation process for selecting these members, rather than leaving their appointment entirely to Ministerial discretion.

A Board designed to regulate and oversee education should guarantee that the voices of the people who deliver that education are included.

Clause 28 – teacher discipline

Clause 28 gives the Board a broad power to delegate its functions. Read together with clauses 58 and 59, this raises a serious concern about who will be involved when decisions are made about a teacher's registration. Under the current system, an inquiry committee includes a



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lawyer and two Board members, one of whom is a practitioner or union appointee. The Bill removes that clear professional safeguard.

A decision to place conditions on, suspend or cancel a teacher's registration could in future be made by a single delegate, without a practitioner in the room.

I welcome the Committee's Recommendation 5, which prevent the disciplinary provisions from being delegated under the general delegation power. But carving out delegation is a different thing from guaranteeing who sits on the body that does decide. Natural justice in a disciplinary process is not only about who cannot be delegated to; it is about ensuring the decision-making process understands the professional context in which the person works.

Recommendation B

That clause 59 be amended to retain the current requirement that an inquiry committee determining conditions on, suspension, cancellation or disqualification of a teacher's registration include at least one practitioner or union-nominated member, in addition to the delegation safeguard recommended by the Committee.

Clause 16 – Board Independence

The Explanatory Statement describes the new Board as a stand-alone statutory body intended to reinforce independence from Government. The Bill itself tells a more mixed story. The Minister appoints every Board member, appoints the Chairperson and Deputy Chairperson, may direct the Board on the achievement of its objective, the performance of its functions and its administration, and must approve the establishment and terms of reference of every Board committee.

Clause 16 appropriately protects individual teacher registration and disciplinary decisions from Ministerial direction, but it does not provide the same protection for the Board's curriculum, assessment and certification functions, or for the Board's decisions about its own consultation and engagement.

None of these individual powers is unusual for a statutory board sitting alongside a department. Taken together, and without a corresponding requirement to publish directions or table them in this Assembly, they leave the public with no way of seeing where the line between Ministerial oversight and Board independence actually sits. A Board that is independent in name but invisible in its independence does not build the confidence the amalgamation is meant to deliver.



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The public should not have to take the Government's word for how independent the Board is. If the Board is genuinely independent, that independence should be clear in the law and visible to the public.

Recommendation C

That clause 16 be amended to protect the Board's curriculum, assessment and certification functions from Ministerial direction, and that any direction given by the Minister under the Bill be published and tabled in the Legislative Assembly.

Clause 33 – Accountability

Clause 33 requires the Board to prepare an annual report. But the reporting requirements are limited and the report is provided to the Minister.

The 2026 Review identified the importance of a clear performance framework, including a published strategy, measurable service standards and reporting on regulatory burden and stakeholder engagement. Those expectations should not sit only in a review document or in administrative practice, they should be reflected in the legislation.

I support the Committee's Recommendation for a review after three years, but a three-year review is not a substitute for ongoing accountability. The Assembly and the public should be able to see, every year, whether the Board is meeting the standards expected of it.

That should include basic information about the performance of the registration and complaints system, including whether applications and complaints are being dealt with within reasonable timeframes.

Recommendation D

That clause 33 be amended to require the Board's annual report to include its performance against a published strategic plan, including registration and complaint-handling timeframes, and that the annual report be tabled in the Legislative Assembly.

Conclusion

I support the establishment of a single body bringing together the Northern Territory Board of Studies and the Teacher Registration Board.



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I do not raise these matters to oppose the Bill. I raise them because every organisation that engaged with this inquiry across the union movement, the non-government sector and parent representative bodies raised on the same structural concerns, and the Committee has the evidence in front of it to act on that now rather than waiting for the three-year review the majority Report proposes.

A Board that carries guaranteed practitioner, parent and Aboriginal-education voice, that keeps a practitioner in the room for disciplinary decisions, and that is independent in a way the public can actually see, is a stronger and more durable Bill.

I commend Recommendations A to D to the Assembly as amendments that would allow this reform to proceed with the confidence of the profession and the communities it is meant to serve.

Justine Davis MLA
Independent Member for Johnston

