

8 April 2025

Mr Paul Martin
CEO
NSW Education Standards Authority
Level 4, 117 Clarence Street
SYDNEY NSW 2000

Dear Mr Martin,

Re: No evidence found to justify ridiculously calibrated English proficiency requirements for early childhood teachers

You will recall ACA NSW's long held concerns that NESA's current [English proficiency requirements](#) for overseas trained early childhood teachers are such that:

“a score of seven (7.0) or more in the reading and writing components, and a score of eight (8.0) or more in the speaking and listening components, in the academic version of the International English Language Testing System (IELTS) exam in the last two years.”

Yet, the [IELTS demographic data](#) shows that more than two-thirds of native English speakers have been unable to achieve the above requirement.

Despite the [Australian Institute for Teaching and School Leadership](#) and the [Australasian Teacher Regulatory Authorities](#) have been apparently tasked to examine this aspect under the [Education Ministers' National Teacher Workforce Action Plan](#), the consultations thus far suggest that English proficiency is not their focus.

It is worth noting that the Australian Children's Education & Care Authority (ACECQA) has already recalibrated its requirements to [scores of five \(5.0\) or more for the General or Academic version of the IELTS](#) for overseas trained early childhood educators.

Moreover, you would be familiar with the [NSW Productivity Commissioner's report](#) highlighting NSW's higher regulatory requirements for the early childhood education and care sector, including [Regulation 272\(2\)-\(5\)](#) which renders degree qualified early childhood teachers to be in attendance **at all times** at:

- 14 NSW long daycare services that operate 24 hours a day;
- 2,182 NSW long daycare services that open between 5 am and before 7.30 am;
- 477 NSW long daycare services that close between after 6.01 pm and 11.30 pm; and
- up to 62 NSW long daycare services that operate on Saturdays and Sundays.

All other Australian states instead follow [Regulation 130-134](#) for their degree qualified early childhood teachers.

Yet, despite NSW's higher requirements, quality ratings for NSW-based early childhood education and care services do not appear to be any superior than other Australian states. Worse, NSW has instead attracted concerns from the [NSW Department of Education](#) and the [Federal Minister for Education](#) that 40%-45% (respectively) of children were not developmentally on track upon starting school.

Consequently, through the attached Government Information (Public Access) (GIPA) application, ACA NSW can confirm that the NSW Department of Education does not appear to have any historical

documents to justify the higher requirements for English proficiency for overseas trained early childhood teachers.

ACA NSW continues to firmly believe in the promises of significant dividends from early childhood education and care in the spectrum of the [Front Project](#) (2 times), Nobel Laureate [Professor James Heckman](#) (8.6 times) and [NSW Health](#) (13 times).

However, unless it is the NSW Government's intention to teach Shakespeare and Chaucer to children from birth to 5 years old as well as guarantee other superior children's outcomes including through kindergarten to Year 12, then it is unlikely that anyone can comprehend let alone justify the current English proficiency requirement for overseas trained early childhood teachers.

Notwithstanding inter-government protocols, our national Constitution recognises that education is regulated primarily by laws of Australian states. And it is our understanding that any decisions made by NESA of early childhood teachers in NSW will be reciprocated by ACECQA.

Hence, ACA NSW asks that NESA urgently revises its English proficiency requirements for overseas trained early childhood teachers to a level that is commensurate to the needs of children they teach and the other educators they work with, and an articulated expectation of corresponding children's outcomes.

I will contact your office to progress this matter further with you.

Yours sincerely,



Chiang Lim
CEO

encl Copy of GIPA decision and released information (dated 28 March 2025)
Copy of Informal Request for Information from NESA (dated 7 February 2025)

cc The Hon Prue Car MP, NSW Deputy Premier & Minister for Education & Early Learning
The Hon Dr Anne Aly MP, Federal Minister for Early Childhood Education
Murat Dizdar, Secretary, NSW Department of Education
Mark Barraket, Deputy Secretary, Early Childhood Outcomes, NSW Department of Education
Gabrielle Sinclair, CEO, Australian Children's Education & Care Authority

REASONS FOR DECISION

Your access application

You sought access to the following information (**numbered for ease of reference**):

For period 2008 to 2024:

I am seeking the release of all NSW Department of Education information (excluding NESAs).

[1] Would you please give us a list of documents, their corresponding author(s) and dates of publication that the NSW Department of Education has that respectively recommended that:

1. the International English Language Testing System (IELTS) Academic test;
2. the International Second Language Proficiency Rating (ISLPR);
3. Professional English Assessment for Teachers (PEAT);

... as outlined in NESAs English Language Proficiency of Teachers for Provisional or Conditional Accreditation Policy (May 2017) (<https://educationstandards.nsw.edu.au/wps/wcm/connect/cf6101b7-b4e5-4560b488b2127ce9ac80/English+Language+Proficiency+Policy.pdf?MOD=AJPERES&CVID=>) as required of early childhood teachers in NSW.

For reference, these English proficiency requirements are also published via <https://www.nsw.gov.au/education-andtraining/nesa/teacheraccreditation/get-accredited/first-time-accreditation/internationally-trained-teachers>.

[2] Furthermore, would you please give us a list of documents, their corresponding author(s) and dates of publication that the NSW Department of Education has that, as a result of implementing NESAs English Language Proficiency of Teachers for Provisional or Conditional Accreditation Policy (May 2017) (<https://educationstandards.nsw.edu.au/wps/wcm/connect/cf6101b7-b4e5-4560b488b2127ce9ac80/English+Language+Proficiency+Policy.pdf?MOD=AJPERES&CVID=>) as required of early childhood teachers in NSW, that:

- (a) there are superior children's outcomes during birth through to preschool; and
- (b) there are superior children's outcomes during school.

Search for records

Under section 53 of the GIPA Act the department must undertake reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received, using the most efficient means reasonably available to the department.

The department keeps records electronically (in shared drives and an Electronic Documents Management System), in physical files (hard copy) and in individuals' email accounts. The following systems were searched by the relevant areas:

- Local computer files and other electronic record systems
- Emails

- TRIM/HPRM

I consider that reasonable searches have been undertaken in response to your application in accordance with section 53 of the GIPA Act. Based on the information available to me, I am satisfied that all records that exist relevant to your request have been identified and provided to me for consideration, and that there exist no other records relevant to your request.

Decision

I am authorised by the principal officer of the department, under section 9(3) of the GIPA Act, to decide your access application.

I have today decided to release in full the information held by the department relevant to your application, under section 58(1)(a) of the GIPA Act.

I have also decided that part of the information you have requested is not held by the department, under section 58(1)(b).

In making this decision I have applied the public interest test under sections 12 to 15 of the GIPA Act. I found that there are no overriding public interest considerations against disclosure, therefore on balance I have decided to release the information to you in full.

Relevant information

In relation to part 1 of your application, Early Childhood Outcomes - Pedagogy & Practice, Quality Participation and Connections (**ECO**) has advised that one document relevant to your application is held by their area.

Pursuant to section 75(2) of the GIPA Act, the department has no obligation to create a new record in response to an application. As such, please see below information relevant to part 1 of the scope of your application:

Document name: NSW Budget 2025 Submission #BestStartInLife

Author: ACA NSW

Dated: 13 January 2025

Information not held

Information in relation to part 1 of the scope of your application is not held. Searches were conducted by School Workforce, and Early Childhood Education and Care Regulatory Authority (**ECEC RA**), who each notified me that records relevant to your application are not held.

Early Childhood Outcomes - Pedagogy & Practice, Quality Participation and Connections and Early Childhood Education (**ECO**) also conducted searches, provided the above-mentioned information and advised that no further relevant information is held in relation to this item.

Information in relation to part 2 of your application is not held. Searches were conducted by School Workforce, Early Childhood Outcomes - Pedagogy & Practice, Quality Participation and Connections (**ECO**), and Early Childhood Education and Care

Regulatory Authority (**ECEC RA**), who each notified me that records relevant to your application are not held.

ECEC RA has specifically noted that they do not hold documents related to Language Proficiency because it does not fall within their regulatory remit. The Early Childhood Education and Care National Law and the Early Childhood Education and Care National Regulation sets a national standard for children's education and care across Australia. The National Regulations support the National Law by providing detail on a range of operational requirements for an education and care service. Language Proficiency does not form part of this law and/or regulation.

Preliminary enquiries were also made with Centre for Education Statistics and Evaluation who advised they do not collate or hold this data.

Information released

The total time taken to process your application was approximately 5 hours. However, I have today decided to waive any applicable processing charges in this instance. I am entitled to do so under section 127 of the GIPA Act.

Processing charges

You have paid the \$30 application fee and as the time taken to process your personal application was less than 20 hours no processing charges apply.

Review rights

If you are not satisfied with this decision, you have three options for review:

- internal review by a senior officer of the department,
- external review by the Information Commissioner or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

Please see enclosed leaflet "Your review rights under the GIPA Act" for more details.

Please note that the time for seeking an internal review is 20 working days, or 40 working days for external review, after the date you were notified of this decision. Further information about your rights under the GIPA Act is available by contacting the Information and Privacy Commission on freecall 1800 472 679 or at their website: www.ipc.nsw.gov.au.

Chiang Lim

From: AccessInformation <access.information@nesa.nsw.edu.au>
Sent: Friday, 7 February 2025 1:15 PM
To: Chiang Lim
Subject: RE: Request for Informal Release of NESA information - Documents to support IELTS requirement for early childhood teachers in NSW

Dear Chiang,

Thank you for your email. NESA will consider the information you have requested and will provide a response in due course.

Kind Regards,
Paul



NSW Education Standards Authority

Lvl 4, 117 Clarence St Sydney NSW 2000 | GPO Box 5300 Sydney NSW 2001
access.information@nesa.nsw.edu.au | educationstandards.nsw.edu.au

From: Chiang Lim
Sent: Friday, 31 January 2025 3:43 PM
To: AccessInformation <access.information@nesa.nsw.edu.au>
Subject: Request for Informal Release of NESA information - Documents to support IELTS requirement for early childhood teachers in NSW

Our Reference: GIPA-2025-01#01

Dear sir/madam,

I am seeking the informal release of all NESA information as described below on the basis that NESA is the accreditation authority for degree-qualified early childhood teachers in NSW.

Would you please give us a list of documents, their corresponding author(s) and dates of publication that NESA has that respectively recommended that:

1. the International English Language Testing System (IELTS) Academic test;
2. the International Second Language Proficiency Rating (ISLPR);
3. Professional English Assessment for Teachers (PEAT);

... as outlined in NESA's English Language Proficiency of Teachers for Provisional or Conditional Accreditation Policy (May 2017) (<https://educationstandards.nsw.edu.au/wps/wcm/connect/cf6101b7-b4e5-4560-b488-b2127ce9ac80/English+Language+Proficiency+Policy.pdf?MOD=AJPERES&CVID=>) as required of **early childhood teachers in NSW**.

These English proficiency requirements are also published via <https://www.nsw.gov.au/education-and-training/nesa/teacher-accreditation/get-accredited/first-time-accreditation/internationally-trained-teachers>.

Furthermore, would you please give us a list of documents, their corresponding author(s) and dates of publication that NESAs has that, as a result of implementing NESAs English Language Proficiency of Teachers for Provisional or Conditional Accreditation Policy (May 2017)

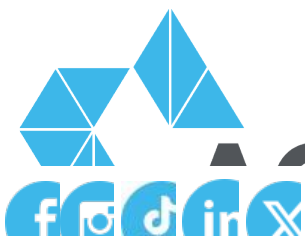
(<https://educationstandards.nsw.edu.au/wps/wcm/connect/cf6101b7-b4e5-4560-b488-b2127ce9ac80/English+Language+Proficiency+Policy.pdf?MOD=AJPERES&CVID=>) as required of **early childhood teachers in NSW**, that:

- (a) there are superior children’s outcomes during birth through to preschool; and
- (b) there are superior children’s outcomes during school.

Please let me know if you need any further information/clarification on the above request.

Thanking you in anticipation.

Chiang



Chiang Lim



1300 556 330

www.nsw.childcarealliance.org.au

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