

FURTHER SUBMISSION TO PRODUCTIVITY COMMISSION
REVIEW OF MUTUAL RECOGNITION SCHEME
JULY 2015

The Victorian Institute of Teaching (the Institute) thanks the Commission for the opportunity to make a further submission into the review of the Mutual Recognition Schemes. This submission continues to assert the comments made in the Institute's original submission and is now updated in response to the draft report released in June 2015. The Institute's responses are confined to the topic of occupations and it makes no comment about the movement of goods under the schemes. This response will not cover topics addressed in its first submissions unless relevant.

It is important to emphasise that the fundamental purpose of teacher registration is the protection of the public. There are a number of enquiries at present highlighting the risk to children of allowing unsuitable persons to have care of them. The Institute's purpose statement is: "To regulate the teaching profession in Victoria in the public interest by enforcing high ethical and professional standards for teachers". While the Institute understands that the mutual recognition schemes aim "...at improving efficiency and competitiveness by removing obstacles to trade and mobility within Australia and across the Tasman" [page 3 of the papers overview] that aim cannot be allowed to weaken the main purpose of the legislation.

The Institute notes the assertions in the paper about the value of competition and that it will drive good regulatory practice. The Institute is not in competition with other State regulators but rather works constructively with them. The Institute is also committed to good regulatory practice. The Institute believes that the paper does not reflect the public protection function of agencies such as the Institute who are charged with the responsibility of ensuring that only those people who are both qualified and suitable teach in Victoria, are permitted to do so. The purpose of these schemes is to protect the public and to improve the standards of the profession, and there are valid reasons for each state and territory developing different approaches to these purposes.

The Institute would support, to a limited extent the view that the Mutual Recognition Schemes override the regulatory rights of the jurisdictions for practitioners once they obtain registration in Victoria e.g. the Institute would not agree with the view that if registered pursuant to Mutual Recognition that the registrant is not required to undertake professional development requirements that apply to direct Victorian registrants.

Providing evidence that a teacher has maintained their teaching practice through professional development and demonstrating that they do not have a relevant criminal history are cases in point. They are not barriers to entry but are appropriate safeguards.

While the Institute is pleased that the Commission recognises the importance of undertaking criminal record checks on applicants for registration in Victoria, it is concerned with the expressed view that the effort to make legislative change to ensure a proper basis for such checking is too great and should only be considered upon successful challenge at a tribunal. A recommendation for legislative change has existed from the 2009 review and so is overdue. Public protection should outweigh the effort of legislative change. The proposed approach creates risk, in that if such a challenge were to occur, regulators such as the Institute would have to cease the practice until the legislative change was undertaken.

The Institute affirms its opposition to any consideration of an automatic recognition scheme for teachers for the same reasons as it advanced previously.

A further related issue arises where in Victoria a teacher is automatically disqualified from applying for registration once convicted of a sexual offence. Other jurisdictions do not have this disqualification. So an automatic recognition scheme could result in a situation where Victoria would have to allow a teacher to teach where if registered in Victoria they would be disqualified from doing so.

The Institute notes the proposed governance arrangements for the scheme and would make the following comment. If there is to be improved understanding and delivery of the schemes, then some direct line of sight engagement with the regulators who use the schemes should be considered in all future governance arrangements. This ensures policy makers can get direct feedback from the agencies which implement the scheme and can help to ensure that regulators are aware by supplying them with any support material produced by the Commonwealth government.

The Institute, and other teacher regulators, do report on an annual basis the number of teachers that are registered pursuant to the mutual recognition schemes and do not believe that any additional reporting is required and therefore would be unduly burdensome.

The Institute is unaware of any impediment to applicants for teacher registration in Victoria seeking remedy for refusal of registration. Rather than interpreting this as a failure, it could be seen as a measure of the appropriate application of the schemes.

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on behalf of the Victorian Institute of Teaching

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