

## Mutual Recognition Schemes Productivity Commission Issues Paper

The Victorian Institute of Teaching (the Institute) is the statutory authority responsible for the regulation of the teaching profession in Victoria. The Institute welcomes the opportunity to provide feedback on this discussion paper.

At 30 June 2014 there were 118,247 registered teachers in Victoria. This is the largest register of teachers of any state or territory in Australia. Of the 7,209 persons granted registration in the year ending 30 June 2014, only 633 obtained registration via mutual recognition schemes. The Institute will confine its discussions to the application of the mutual recognition schemes to occupational mutual recognition. There are approximately 500,000 registered or accredited teachers in Australia.

The Institute provides the following responses to questions that relate to the activities of the Institute.

### Discussion Questions 1-5

The current schemes do allow teachers to move easily between states and territories. Also making up less than 1 in ten of the new applications for registration approved in Victoria, the scheme does mean that this group of applicants does not have to replicate their *bono fides* to undertake the same profession in Victoria.

However, the success of this scheme does require all states and territories to register teachers, and currently New South Wales does not register all of the teachers in schools. This has weakened the national approach to mutual recognition. Legislative amendments passed in New South Wales should have this issue addressed in coming years.

### Discussion Questions 27-29

A significant issue for teacher regulation is the requirement to undertake a criminal record check on all applicants for registration, regardless if it has been undertaken anywhere else. This is a vital part of ensuring protection of children in learning environments. The role of the teacher regulator in performing this function varies from jurisdiction to jurisdiction. The ability to do this check, prior to granting registration needs to be considered in this review.

The Institute would not support a model based on that of the European Union. It would create a significant administrative and compliance burden on regulators. There are several reasons for this. Monitoring for unregistered teaching would become very difficult in a profession of this size and which is practiced in a variety of settings within the country.

In addition all states and territories have different legislative requirements that teachers are respondent to, such as mandatory reporting, renewal of registration, and it would be impossible to ensure that teachers practice within the requirements of each jurisdiction without registration in that jurisdiction.

### Discussion Questions 30-32

It remains the function of state and territory governments to determine which professions should be regulated. However the Institute would not support applying mutual recognition schemes to

unregistered professions within the education portfolio as it believes that it reduces the standards of the regulated profession and may not provide the same level of oversight and scrutiny of practitioners.

#### Question 34

Whilst regulation of professions remain a state and territory based function, through nationally consistent approaches to registration of teachers there is more commonality and understanding that makes the application of mutual recognition more consistent within teaching.

There will always be some differences, for example, Victoria will introduce a particular division for Early Childhood teachers who do not hold the same level of qualifications as other registered teachers and therefore will not be able to demonstrate an equivalent occupational in another jurisdictions, but these variations are in the minority rather than creating a significant issue in the benefits of mutual recognition schemes.

#### Questions 38-40

The Institute has not applied conditions to any applications received pursuant to mutual recognition legislation.

#### Questions 41-42

The Institute believes that the method of entry onto a register of teachers in Victoria should not change the requirements to comply with the requirements of registration in Victoria. Any variation from this would be inequitable and could reduce the quality of teaching in Victoria. If this could be strengthened through amendments within the mutual recognition schemes this would be supported by the Institute.

#### Questions 43-45

The teaching profession has undertaken a great deal of work, lead in part by the Australian Institute of Teaching and School Leadership (AITSL), in terms of regulatory consistency. In addition, the teacher regulator authorities have created a peak body, the Australasian Teacher Regulatory Authorities (ATRA) which has created strong formal and informal networks between the jurisdictions. Therefore the Institute does not believe there is much benefit at this time in creating another mechanism in addition to the current formal and informal processes.

Whilst rare, there have been occasions where a person has attempt to “*jurisdiction shop*” to avoid a jurisdiction where their application has been refused in the past. The Institute has also had one case in the last few years where a person had their registration cancelled in a different profession but then sought registration as a teacher via mutual recognition which raised questions as to the application of suitability tests from another profession to teaching. But it is noted these are rare exceptions.

#### Questions 46-49

As noted above, the Institute does not support any system that removes the jurisdictions from having a role in the regulation of teachers within its own jurisdiction.

Questions 51-54

As discussed above, teacher regulatory authorities through ATRA aim to deliver national consistent decision making in regards to applications for registration, including those made pursuant to the mutual recognition schemes. The Institute has not had a decision challenged through the tribunal in recent years.

Teachers are aware of the mutual recognition schemes and our staff at the Institute provide information to potential applicants in relation to the schemes if they are applicable to their situation. As a large regulator, there is not an issue with the maintenance of expertise in regards to the application of the schemes.

Melanie Saba  
Chief Executive Officer  
on behalf of the Victorian Institute of Teaching  
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