

2015 Review of the Mutual Recognition Agreement (MRA) and the Trans-Tasman Mutual Recognition Arrangement (TTMRA)

The Australasian Teacher Regulatory Authorities (ATRA) consists of the following teacher regulatory Authorities:

- Australian Capital Territory Teacher Quality Institute
- Board of Studies, Teaching and Educational Standards New South Wales
- Queensland College of Teachers
- Teacher Registration Board of the Northern Territory
- Teachers Registration Board of South Australia
- Teachers Registration Board of Tasmania
- Teachers Registration Board of Western Australia
- Victorian Institute of Teaching

The New Zealand Teachers Council is an associate member. ATRA works closely with overseas teacher regulatory bodies and is a member of the International Forum of Teacher Regulatory Authorities.

ATRA was established to facilitate cooperation and collaboration across the Australian and New Zealand jurisdictions in the regulation of the teaching profession. ATRA firmly believes in the importance of a robust registration system as fundamental to assuring and raising teacher quality. The establishment of ATRA has created robust working connections between jurisdictions.

Nationally consistent requirements, according to the Australian Qualifications Framework (AQF) must be demonstrated to show an applicant has a four-year or longer full-time equivalent higher education qualification structured as:

- A three-year undergraduate degree providing the required discipline knowledge, plus a two-year graduate entry professional qualification, or
- An integrated qualification of at least four years comprising discipline studies and professional studies, or
- Combined degrees of at least four years covering discipline and professional studies, or
- Other combinations of qualifications identified by the provider and approved by the teacher regulatory authority in consultation with AITSL (Australian Institute for Teaching and School Leadership) to be equivalent to the above, and that enable alternative or flexible pathways into the teaching profession.

(Source: AITSL Accreditation of Initial Teacher Education Programs in Australia, Standards and Procedures, 2011.)

The mutual recognition principle in both the *Mutual Recognition Agreement (MRA)* and the *Mutual Recognition Act* (in most states or territories) and the *Trans-Tasman Mutual Recognition Arrangement (TTMRA)* entitles a person who is registered in the first jurisdiction to be registered in a second jurisdiction, provided the person notifies the local registration authority of certain prescribed matters (i.e. disciplinary proceedings, cancellation or suspension of registration and any special conditions).

Overall, ATRA members believe, on the whole, the current mutual recognition processes work well enabling teachers to move easily between states and territories.

This submission does not attempt to respond to all questions posed in the Productivity Commission Issues Paper but comments only on issues particularly pertinent to ATRA.

Section 3-Rationale for Mutual Recognition

A person who wishes to apply for registration as a teacher in another jurisdiction may do so utilising the mutual recognition principle and is required to complete an *Application for Teacher Registration under Mutual Recognition* (the MR Application) in all states and territories, except New South Wales. This is because registration does not universally apply to teachers in New South Wales. Teachers in New South Wales are granted accreditation after they are employed and it is not mandatory for teachers who were employed before the scheme commenced, with character checks undertaken by the employing authority rather than the accreditation authority. By January 1 2018, all NSW teachers must be accredited and the requirement for comprehensive coverage under the MRA Act will be met.

Section 5-Mutual recognition of occupation

- Requirements for 'manner of carrying on' an occupation
- Occupational equivalence, conditions and standards
- Coverage of occupations (exemptions and exceptions)
- Automatic Mutual Recognition of occupations

ATRA believes that the current mutual recognition processes allows for teacher mobility between the states and territories. Therefore, ATRA does not consider overseas models of regulation (such as the European Union) necessary for reasons discussed below.

The view of ATRA is that character checks (including a criminal record check) should continue to be required by each jurisdiction because there are differences among jurisdictions in the legislative provisions applying to criminal history checks. Registration authorities in some jurisdictions are able to obtain more information than others through police checks. For example, provisions differ regarding the type of offences and whether and to what extent 'spent' convictions are revealed. In addition, authorities have different legislative provisions in relation to the frequency of criminal record checks, for example, on renewal of registration which could range from 3-5 years. Any offences occurring from the date of the criminal record check, which may have been undertaken over four years ago, would not have been taken into consideration by the originating jurisdiction.

There are some jurisdictions that are party to the inter-jurisdictional exchange of 'expanded' criminal history information for people working with children. This information includes details of interstate pardoned and 'spent' convictions. This information can be used to assess an applicant's suitability to work with children.

Another difficulty concerning character checks concerns the notice provisions of section 19 of the MRA. An applicant is not required to disclose in the notice whether they have been the subject of any disciplinary proceedings irrespective of the outcome of those proceedings. At least one jurisdiction has encountered this issue.

Amendment of section 19 to require the notice to include details of any finalised proceedings or investigations irrespective of outcome would address this issue.

ATRA previously submitted feedback to the Commission that the one month period within which (under section 21(1) of the *Mutual Recognition Act*) registration must be granted by the local registration authority is too short to allow adequate character and criminal checks to be undertaken.

ATRA believes that the additional level of security provided by each jurisdiction undertaking its own character checks is essential as the protection of children is paramount.

Some jurisdictions have serious concerns about implementing 'deemed registration' (at section 25 of the *Mutual Recognition Act*) prior to a criminal record check being undertaken as there are potential implications for child safety/protection.

To ATRA's knowledge, the various teacher registration authorities in Australia and New Zealand are not interpreting the equivalence of occupations in markedly different ways. ATRA is also not aware of jurisdictions applying conditions to applicants or prerequisites for initial registration to people seeking registration under mutual recognition.

There are differences among the states and territories in relation to early childhood teachers and vocational educational teachers and whether these teachers are required to be registered.

There have been some discussions among ATRA members regarding mutual recognition applicants with conditions that do not easily transfer to the receiving jurisdiction's registration framework.

Another ongoing issue for mutual recognition of occupations is how registration bodies determine whether an occupational agreement in their jurisdiction is equivalent to one in another jurisdiction. Under the mutual recognition legislation, equivalency applies, if activities authorised to be carried out are substantially the same. Another key element of mutual recognition is the consideration of standards (qualifications, skills and experience) required to obtain and retain registration. The differences in these standards are not considered grounds to reject applications for mutual recognition, and each jurisdiction recognises each other's standards even though they may be different.

In the 2009 review of mutual recognition schemes, the Commission proposed that the mutual recognition legislation be amended to include further training, continuing professional development and criminal record checks apply equally to all registered persons within an occupation. ATRA members believe it is essential for reasons of quality teaching and child protection that ongoing requirements for registration are applied equally. ATRA members would support further clarification (or legislative amendment) that clarifies if the applicant has previously been refused registration in the second state for registration under mutual recognition processes.

Jurisdictional shopping and hopping:

As far as ATRA is concerned, this has not been an issue. There may be the rare occasion where a teacher may attempt to use this strategy when their initial application has been refused.

The New Zealand Teaching Council currently accepts a three-year higher education pre-service teaching qualification for registration as a primary or early childhood teacher. Australian states and territories have a four-year requirement. In addition, the English language proficiency requirements for registration in New Zealand are considered lower than those required of Australian teacher regulatory authorities. However, minimum requirements to attain full teacher registration in New Zealand are currently higher than in Australia. ATRA supports jurisdictions working towards an agreement regarding minimum requirements for language proficiency.

Automatic Mutual Recognition:

ATRA would not support the establishment of a national automatic mutual recognition model in order to maintain the integrity of each jurisdiction's regulatory role.

Section 6- Mutual Recognition governance arrangements

ATRA works on a federalist model with Terms of Reference that reflect a collaborative approach in promoting consistency on a national basis. ATRA members meet regularly and address any issues arising in regards to registration of teachers.

ATRA members would support a central agency to advise on the interpretation and application of mutual recognition legislation.

In the past twelve months, approximately 3500 teachers were granted registration under mutual recognition provisions across Australian and New Zealand jurisdictions.