

Submission to the
Productivity Commission

REVIEW OF THE MUTUAL RECOGNITION AGREEMENT AND TRANS TASMAN MUTUAL RECOGNITION AGREEMENT

From

THE AUSTRALIAN EDUCATION UNION

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SUBMISSION

1. The Australian Education Union (AEU) and its Associated Bodies represent 156,000 teachers and allied educators employed in education workplaces in all states and territories of Australia. These include public pre-schools, primary and secondary schools and colleges and TAFE colleges.

2. The occupations of members represented by the AEU includes teachers and lecturers, principals, administrators, counsellors, teacher aides or assistants and school officers under various nomenclatures.

3. We note the submissions of the Teachers Registration Board of South Australia, the Interim Board of the Western Australian College of Teaching and the Board of Teacher Registration in Queensland. We further note the creation of the Tasmanian Teachers Registration Board and the Victorian Institute of Teachers. The New Zealand Teachers Council is a complementary registering authority in that country. All these authorities are established under relevant legislation in each respective jurisdiction.

4. The Victorian Institute of Teaching is established under the Victorian Institute of Teaching Act, 2001. The Act prescribes a set of requirements which must be met by natural persons who wish to teach in that state in either government or non-government schools. A set of interim teaching standards have been adopted which are also contained in the Certified Agreement to which the AEU is a party in Victoria. These standards are currently the subject of research in 200 government and non-government schools involving 400 teachers. The requirements include qualifications, fitness, English language skills and professional practice standards.

5. The Premier of New South Wales announced prior to the recent election that an Institute would be established in that state which would provide a comprehensive framework of qualifications and teaching standards which would also relate to appointment and promotion standards. The NSW Government intends to issue a consultation paper shortly on these issues.

6. The Northern Territory Government issued a discussion paper late in 2002 which proposes a Teachers Registration Board under legislated authority. Following feedback to this paper, the Government is expected to issue a revised proposed to be presented to the parliament in the August session.

7. In some cases state and territory legislation specifically provides for mutual recognition of those registered by other authorities such as the provisions of the Mutual Recognition (Qld) Act 1992 .

8. The AEU supported the creation of a national registration authority governed by a board representative of stakeholders and the profession. Such an authority could have had mutual recognition arrangements with its equivalent in New Zealand to reflect the existence of the national and international labour market for teachers. The reality of this labour market is mirrored by the desire of AEU members to have their qualifications and previous service recognised for all purposes in the event that they transfer their employment from one state or territory authority to another. Such a national authority would be able to work closely with the Commonwealth Government in its role as the primary public funding source for tertiary education institutions providing teacher preparation courses. At present the supply of qualified teachers is unrelated to the demand.

9. It is in the interests of employing authorities as well as employees to make mobility as easy as possible so that shortages and surpluses can be addressed and transfers achieved without loss of employment entitlements. State and territory employers are currently party to an industrial dispute with the AEU and have been asked to agree to an Award of the Australian Industrial Relations Commission to enhance portability rights of educational staff. This matter has been opposed by employers for nearly 10 years despite the fact that many other occupational groups have such entitlements in one form or another.

10. In lieu of such a national authority being legislated, and award provisions established to underpin portability entitlements, the AEU supports complementary arrangements by all state and territory authorities to provide mobility consistent with the protection and promotion of educational standards and child protection. The greater the shortage of qualified teachers, the greater the need for such arrangements becomes as the more likely it is that unsuitable teachers may be employed. These mutual arrangements are set out in the submissions of the registration authorities referred to above.

11. Teacher quality is properly the responsibility of governments, the profession and the unions as representatives of the industrial and professional interests of their members. In recent years there have been a series of inquiries, reports and programs at both Commonwealth and state or territory level. The issue of accrediting professional standards is currently the subject of a series of ongoing meetings funded by the Commonwealth and involving unions, professional associations, and government representatives. A task force of MCEETYA is now developing a National Framework for Standards. Within this context, it would not be useful for changes to the Mutual Recognition Agreement to pre-empt judgement about the appropriate standard or to adopt a lowest-common-denominator approach.

12. The international English-speaking teacher shortage is now accepted as fact by employing authorities world-wide, and tertiary-entrance scores are rising for teaching degrees. However, these developments have not been accompanied by any significant increase in the number of trainee teachers undertaking university degrees due to university funding arrangements which restrict teaching places. Many thousands of applicants were unsuccessful in 2003 despite adequate tertiary entrance scores. The consequence of this is that the demographic factors driving a wave of retirements over the next decade will not be accompanied by a commensurate increase in new graduates. This means that registration authorities will have a vital role to play in considering the qualifications and suitability of overseas teachers and of those entering or re-entering the profession.

13. Australian governments have adopted high standards on the issue of child protection as they apply to the education workforce, a policy which has the full support of the AEU. It is clearly in the public interest that this is so, provided that the rights of privacy over issues which do not affect suitability are maintained. Procedures for transfer between registration authorities are also required for such information while recognising privacy rights.

14. Given the above, the AEU does not believe that the current arrangements impose unwarranted restrictions on the mutual recognition arrangements for the occupations in which members of the AEU are employed. On the contrary, the existence of authorities which have the support of the profession and which are facilitating recognition of professional qualifications and protecting standards means that mobility is enhanced and supported. In addition, it is clearly in the public interest for educational standards and child protection to be maintained.

15. Based on the above contentions, the AEU submits in the terms of the Review that the scope and objectives of the MRA and TTRMRA are adequate to provide workforce mobility in the teaching profession in Australia as they allow for the arrangements put in place by state and territory governments. These arrangements, which are complementary between registration authorities, provide for mobility consistent with child protection and the protection of quality teaching standards. Any changes to the scope and objectives as per Clause 2c or the exemptions and exclusions as per Clause 4 of the Review are opposed if it would have an adverse effect on the effectiveness of these arrangements.

16. The AEU requests that in any hearings on this matter, the union is afforded the opportunity to appear.