TEACHERS
REGISTRATION
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Tony Hinton
Commissioner
Productivity Commission
Canberra

Sent by e-mail on 13 August 2003

Dear Tony

Below is a response on behalf of the Tasmanian Teachers Registration Board to the *Evaluation of the Mutual Recognition Schemes: Draft Research Report*, released in June 2003. I would be pleased to provide further information if necessary.

The Tasmanian *Teachers Registration Act 2000,* which came into effect on 1 January 2002, requires teachers to be registered or have a limited authority to teach before they can be employed to teach in any Tasmania school, government or non-government.

The *Teachers Registration Act 2000* requires the Board to make an assessment of an applicant's teaching qualifications and experience, **and** be satisfied that applicant is of good character. It is absolutely essential that the Board be able to be satisfied about good character at the time it considers an application for registration. Tasmanian schools employ teachers registered by the Board in good faith, confident that thorough character checks have been undertaken prior to registration.

The fact that the MRA allows deemed registration and **immediate** employment **prior** to character checks being completed in the 'second' jurisdiction has two serious consequences. One, it effectively provides teachers of 'locally' undetermined character access to children, and two, it seriously undermines the strength, and potentially the reputation, of the registration process.

The Draft Research Report's suggestion on pages 72-73 that this issue can be addressed at the employment level by the employer / school choosing not to employ the teacher until character matters are determined, is alarming in its lack of concern for the safety of children, as well as in its lack of understanding of the day-to-day administrative pressures in schools, particularly when they need to employ a teacher in an emergency circumstance. The Teachers Registration Board is aware, for example, that some schools are still yet to implement properly procedures to check that a teacher is registered prior to employing them, let alone considering whether there are any character issues.

Further, one of the purposes of a centralised Registration Board is to ensure that resources, expertise and networks are available to undertake the appropriate checks in an efficient and effective manner. There is already a well developed understanding in the education

community that being registered to teach means that person has been checked and is considered a suitable person to assume a duty of care with students.

It is of enough concern that the Board is obliged to register teachers from another State or New Zealand when they have teacher education qualifications that do not meet the Board's standards (or indeed have none), but it is totally inappropriate that the MRA precludes a character / police check being done prior to deemed registration coming into effect.

This deeply unsatisfactory situation is compounded by the fact that other teacher registration boards / institutes have **not** conducted a police check on **all** of their registered teachers. This is in contrast to the situation in Tasmania, where **every** registered Tasmanian teacher has had a police check and a good character determination made about them.

While it may be possible for registering authorities to implement procedures which may reduce the potentially deleterious consequences of the current structure of the MRA, the essential and undeniable fact is that MRA is fundamentally flawed in principle, from the perspective of the rights and safety of students. This is presumably at least partly a reflection of the age of the legislation, as in 1992-93 there was less awareness of, fewer concerns about and probably greater indifference to the safety of children and students.

The Board requests that:

- the principles underpinning the MRA / TTMRA be re-shaped so that the rights of students to be safe at school and taught by suitable persons are seen as core and more important than a possible delay of a few days or weeks to the right of an adult to be employed immediately as a teacher in the 'second' jurisdiction, and
- the Commission develop some high priority recommendations to this effect, such as 'that MRA / TTMRA be amended to allow for authorities registering teachers to apply mutual recognition **subject** to the authority being satisfied that the applicant is of good character'.

This would allow schools / employers to be confident about the suitability of the 'new' teacher they are employing.

Such an improvement is very clearly in the public interest, and given the very strong community support for teacher registration, I would predict that there would be a great deal of concern if the current arrangements were allowed to continue.

On page 72, the report suggests that the 'majority of registration boards appeared comfortable with the month limit on granting or declining substantive registration'. If this interpretation is based on the fact that registration boards were in the main silent about this issue, then I would suggest that another interpretation may be that they have not yet had a situation arise which has actually tested the time limit, presumably unlike the Queensland Nursing Council. I believe that 6 weeks (at least) would be a preferable time frame, if for no other reason than my Board, at least, has a schedule of monthly meetings, and I would doubt that many boards / councils would meet more frequently than that.

Penny Cocker
Manager
Teachers Registration Board