

## Brief background

The Teacher Registration Board of the Northern Territory (TRBNT) appreciates the opportunity to provide a submission to the Productivity Commission regarding the *National Competition Policy analysis 2025* and the advice requested by Hon Jim Chalmers MP. This submission provides information regarding the governing bodies that register and regulate teachers, existing processes to support mobility within the sector, and reasons to support continuous improvement within an existing, localised, jurisdictionally aligned system.

The TRBNT is the statutory authority responsible for regulating the teaching profession across the Northern Territory. The TRBNT registers teachers and authorises unregistered persons for the purposes of teaching across sectors (Government, Independent, Catholic, Christian, Lutheran), certifies teachers at the Highly Accomplished and Lead Teacher (HALT) career stages, accredits Initial Teacher Education (ITE) courses and Employment Based Pathways (Accelerated Pathways, Teach for Australia, Internships) by providers, and takes disciplinary action against relevant teachers. It operates under the *Teacher Registration (Northern Territory) Act 2004* and the *Teacher Registration (Northern Territory) Regulations 2004* and facilitates teacher mobility under *Mutual Recognition (Cth) Act 1992* and the *Trans-Tasman Mutual Recognition (Cth) Act 1997*.

The TRBNT was established in 2004 and has maintained high standards for quality teaching and child safety. It is a trusted regulator in the Northern Territory. As of 2024, the TRBNT had 5600 teachers actively registered,<sup>1</sup> and though the smallest jurisdiction for Teacher Registration in Australia, is the most dependent and facilitative of teacher mobility through Mutual Recognition processes. Close to ten percent of its total teaching workforce may be drawn from other jurisdictions to renew its numbers in each year. As a result, it offers useful insights and cautions in the assessment, risks and utility of national licensing and increased automated mutual deeming and recognition of the teaching recognition across jurisdictions.

The TRBNT works as a member of the Australasian Teacher Regulatory Authorities (ATRA) to be nationally calibrated and consistent to the Registration and Authorisation of non-registered persons. ATRA is a key stakeholder to any determination and mobilisation of the teaching workforce. Its member jurisdictions have contributed individually and collectively to the National Teacher Action Workforce Action Plan (NTWAP) and its priorities. This collective holds rich and accurate data into the affordances and challenges of 'licensing' and registration schemes.

ATRA comprises senior representation from each regulatory authority in Australia and New Zealand and operates as a community of practice that provides opportunities for collaboration on matters of shared strategic priority. ATRA:

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<sup>1</sup> Actively registered refers to an individual being fully eligible: current in meeting all professional and financial requirements and not being subject to any disciplinary procedure such as disqualification or suspension.

- treats the best interests of children as the paramount consideration and has been responsive to the outcomes of the Royal Commission into Institutional Responses to Child Sexual Abuse, particularly in relation to improved information sharing
- contributes to the development of and works within the *Framework for Teacher Registration in Australia*
- contributes to national policy initiatives on matters related to teacher regulation, teacher supply, teacher preparation and quality standards in collaboration with the Australian Government, States and Territories and the Australian Institute of Teaching and School Leadership (AITSL)
- continues to be responsive to changing context and develop reasonable and proportionate regulatory solutions for a range of cohorts, including teachers working across jurisdictional borders.
- establishes strategic working parties to consider and analyse shared information related to contemporary regulatory best practices and emergent trends. In recent times, there has been a keen focus and increased need to respond to matters of cross jurisdictional professional misconduct, discrepancies of information provided by screening authorities and national police checks, fraudulent qualifications and an increasingly complex presentation of candidates with questionable suitability for the teaching profession.

The TRBNT contributes to the progress of ATRA in a range of ways and continues to promote best practice and national consistency while learning from other jurisdictions within Australia and globally, via the International Forum for Teacher Regulatory Authorities (IFTRA).

The Director of the TRBNT also sits on the Teacher Quality Regulatory Forum (TQRF) which includes the Senior Officer of each jurisdiction's Teacher Regulatory Authority, the Chief Executive Officer of AITSL, Senior Representatives of the Commonwealth Government's Department of Education and ACECQA. Considerable resourcing has been invested by this forum in the development of the *Framework for the Registration of Teachers in Australia*, and associated pieces of work which contributing to the harmonisation of the National Teacher Workforce Action Plan (NTWAP) and the identification of data driven insights that increase the efficacy of processes which enable the attraction, retention, engagement and mobility of the Teacher Workforce nationally. Teacher Regulatory Authorities play an important role in the facilitation of the Australian Teacher Workforce Data (ATWD) survey which also feeds into various processes and analysis

### **Submission**

The TRBNT understands that other jurisdictions may have made submissions to the Productivity Commission in support of maintaining continuous improvement within an existing, localised, jurisdictionally aligned system. The TRBNT would share the other jurisdictions' positions, with reference to:

- *Findings of the National Review of Teacher Registration (One Teaching Profession: Teacher Registration in Australia, 2018) that current institutional arrangements for teacher registration, with state and territory authorities responsible for implementing teacher registration, as the right foundation for further strengthening teacher registration in Australia.* The proposal of a national licensing scheme does not build on and is contrary to the findings of this report.
- *Mobility of the teaching profession as an occupation is already currently supported via the Mutual Recognition Act 1992 (Cth) and Trans-Tasman Mutual Recognition Act 1997 to recognise registered teachers transferring between New Zealand and*

each Australian state/territory. Our data highlights significant risks and limitations of the establishment of National licensing and is unable to identify significant benefits with regards increased automation of licensing/registration. It is worth stating that it may be for consideration later when other mobilising levers have been harmonised.

- English Language Proficiency and other national requirements: Northern Territory legislation and regulations require that teachers can communicate in spoken and written English at a professional level. The TRBNT's English Language Proficiency (ELP) Policy aligns with the Framework for Teacher Registration in Australia and nationally consistent registration processes to ensure a consistent standard for ELP for the registration of teachers across Australian states and territories.
- There may be several industries where there is a need for national licensing due to extensive delays with the transfer of registration which inhibits a transient workforce and ultimately impacts the availability of labour, such as trades people. However, schools are community-based institutions and not an industry or business servicing across jurisdictions, where conditions of a 'free market' may be productive.
- Quality teaching, and the development of quality teaching approaches are not enabled by a transient workforce or a fly in fly out, or drive in drive out approaches. Good-quality education relies on the establishment of quality relationships, continuity of teaching, engagement with parents/carers and the community, and an understanding of the diverse, cultural context of a school to support student achievement. These are reflected in the *Australian Professional Standards for Teachers*.
- The *Alice Springs (Mparntwe) Declaration (2019)* states commitment to a goal that 'the Australian education system promotes excellence and equity' and includes that all Australian Governments will work with their education communities to provide access to high-quality education, recognise individual needs, promote personalised learning and ensure that the learning is built on and includes local, regional and national cultural knowledge and experience of Aboriginal and Torres Strait Islander peoples and work in partnership with local communities (p5). Expectations of the professional workforce should be in alignment with that goal.
- National data confirms that teaching is not a transient workforce. In 2022, AITSL reported "*Teachers are increasingly employed under ongoing/permanent contracts, while the prevalence of short-term contracts has declined, and full-time employment has become more common over time.*" Teaching is also not a workforce where immediate mobility across jurisdictions is necessary in response to any form of declared state of emergency, such as natural disasters.
- The lack of considered undertaking in the assessment of readiness and appropriateness of the Automatic Mutual Recognition Scheme in light of current consultations on Child Safety and flaws in the current Mutual Recognition scheme.
- The principle of subsidiarity states that responsibility for a particular function should, where practicable, lie with the lowest level of government. Localised approaches also facilitate responsive regulation which involves listening to multiple stakeholders and making deliberative and flexible regulatory decisions that are appropriate to the context and the regulated entity.

The information provided within this submission supports the position endorsed by the Teacher Registration Board of the Northern Territory that the teaching profession be

excluded from reforms related to the National Competition Policy. Its position is that whilst there may be benefit in the culmination of a National Teacher Register, the registration or licensing schemes are best facilitated at a local level, with a paramount benefit to the mitigation of risk to child safety and to ensure any relevant contextual considerations and initiatives for the purposes of quality teaching. It is also the case that prior to any national licensing or increased automation of licensing for the teaching profession, there are numerous other stakeholder contributions to processes that would require considerable improvement and automation. In some regards, licensing could not be progressed without the increased automation and coordination of other things, such as timely and automated responses of screening authorities and police checks. As identified within the call for submissions, requirements and licences can differ between states and territories and there has been ongoing reform in recent years to expand mutual recognition of licences across jurisdictions as part of the *Intergovernmental Agreement on the Automatic Mutual Recognition of Occupational Registration*.

Each jurisdiction within Australia has a teacher regulatory authority (TRA) that is responsible for regulating the teaching profession within their respective jurisdiction, enabled by relevant legislation. The TRAs hold rich and historic data which forms the evidence base for decision making within that jurisdiction and adherence to any specific contextual information. It is not the case that parameters could not be established over time to enable increased and automated information sharing, but rather that the analytics and data and their analysis and interpretation is a significant and frequently overlooked component of the licensing and registration of teachers. In both optimising the potential capacity (numbers) and/or capability of the workforce, through the use of specific conditions or nuanced pathways or minimising risk to known cohorts or more generalised cohorts, the institutionalised and anecdotal information is important and situated.

Mobility of the teaching profession as an occupation is currently supported via the *Mutual Recognition Act 1992* (Cth) and similar Acts in participating jurisdictions. If a teacher is registered to teach in one Australian state or territory, they can be granted registration in another without additional requirements, provided the teaching activities are equivalent, allowing teachers to move between jurisdictions to fill job vacancies. The TRBNT supports the education system in the Northern Territory in this process by ensuring that the appropriate checks and verifications occur prior to a teacher entering a classroom. The regulatory approach is not complex or excessive but commensurate with customer needs and community expectations. In 2024, TRBNT registered 555 teachers via this process who were generally deemed to commence employment within a few days, with 80% of all aspects of registration being finalised within 14 days, where all required information was made available, demonstrating continuous improved efficiency. In the first quarter of 2025, 224 Mutual Recognition applications have been granted. Teachers have come from all jurisdictions of Australia.

Similarly, all jurisdictions within Australia are bound under the *Trans-Tasman Mutual Recognition Act 1997* to recognise registered teachers transferring between New Zealand and each Australian state/territory. In 2024, the TRBNT registered 41 teachers under this arrangement. In the first quarter of 2025, 38 teachers have been registered through New Zealand. The TRBNT also regularly assesses registration applications from overseas persons wishing to teach within the Northern Territory. Most overseas applications were from

teachers who undertook initial preparation in the United Kingdom, South Africa and New Zealand. There were also an increasing number of teachers from United States of America, China, India and Pakistan.

The challenges experienced by core stakeholders in relation to the service and timeliness of processing of applications in the Northern Territory are not related to its processes but rather its systems and level of resourcing. The TRBNT takes great pride in its relationship with core stakeholders and has identified key efficiencies that would increase speed whilst maintaining the required level of scrutiny and care required. It is important to note that there are several teachers who would have been eligible for Mutual Recognition who have chosen to apply directly to the TRBNT. This is predominantly due to their requesting alternate consideration or judgement by the local board in assessing their specific eligibility. There is limited evidence to portray that the existing processes and regulatory bodies are not meeting the needs of users. Additionally, these existing systems meet the relevant objective to streamline processes and appropriately recognise the skills, experience and qualifications of workers (objective c) listed within the Federation Funding Agreement of the National Competition Policy.

The Mutual Recognition Act and principles require that a person is assessed for their eligibility to be mobile and access an expediated process. This is set out in several Sections, pertaining to the registration of teachers. Though concerning, it is the case that an increasing number of teachers in one jurisdiction are not eligible to participate in Mutual Recognition schemes. This may be due to:

1. The status of a part of the profession and their legislative basis for registration, and not having an equivalent occupation. An example of this may be the current variance in the registration of Early Childhood Educators or Vocational Teachers [S17].
2. Previous or current disciplinary matters in the primary jurisdiction, inclusive of prior disqualification, suspension, or current investigation, etc [S19, 2 (d-f)], or
3. Conditional registration [S19, 2 (f-g)].

The number of teachers who are precluded due to any of these matters is increasing, as is the number of teachers who choose to apply directly on the misunderstanding that jurisdictions do not share information in the interests of protecting child safety and ensuring the rigour and standing of the quality profession of teaching to maintain community confidence and professional trust.

Regardless of their employment type, regulating teachers as part of a national licensing scheme is likely to create difficulties for enforcement pathways which are focussed on the welfare and best interest of children. Criminal law, child safety and the employment of teachers is situated with state and territory jurisdictions with each state prescribing eligibility requirements for registration along with their own offence, compliance, and mandatory reporting provisions. Further difficulties to effectively regulate teachers through a national licensing scheme become apparent when considering that each state and territory is at differing levels of maturity in their consideration and/or implementation of the Child Safe Standards and embedding the Reportable Conduct Scheme (established through state, not commonwealth legislation), all of which flowed from the Royal Commission into Institutional Responses to Child Sexual Abuse.

On this specific note, we would argue that significant investment should be made to build out a broader register of persons who are employed in educational sites, work directly with children and young people and ought to be subject to centralised screening and a lighter version of regulation for unregistered persons. Though this is not in the scope of your general inquiries, it does highlight the complex of thinking about licensing in the educational sector. In the Northern Territory and across other jurisdictions, the educational workforce is expanding in its diversity with increased subgroups being utilised and activated in different forms.

Finally, there is an ongoing confusion regarding the overlay and tensions between the roles of employers in educational settings and those of the regulatory bodies. Whilst the employers feel a pressure to fill gaps and spaces within the workforce, there is an observable and questionable lack of consistency in the expectations of standing and qualification of a teacher. Whereas the accreditation of programs from which a graduate will translate into a pathway for licensing or registration outlines a specialist skill or knowledge that enables a teacher to be assessed as suitable for registration in line with the *Framework for Registration of Teachers in Australia*, it is increasingly the case across jurisdictions, and in light of the National Teacher Workforce Action Plan expectations that employers are using a much more diversified and unequipped workforce to achieve the educational outcomes for learners espoused by the Commonwealth and Education Ministers Meetings. This is clearly seen through the Australian Teacher Workforce Data (ATWD), local jurisdiction data and through the increasingly evident inability of the sectors to retain great educators and leaders. At a time, such as this, when poor employment decisions are being made the role of the Teacher Regulatory Authorities within jurisdictions that maintain and oversee the standards and quality teaching, safety of students and the expectations of educational leadership has never been as pronounced. The models and approaches to National Licensing and/or Registration that have been socialised in various forums dilute and oversimplify these critical functions and objects that are present in jurisdictional legislation and practice.

### **Final comment**

Well-established jurisdictional agencies, coupled with a productive community of practice such as ATRA, demonstrate that a successful, yet robust governance framework for the registration of teachers is already in existence. This portrays limited need for a national licensing system to apply to the teaching profession and could be detrimental to gains made.

If the overall objective of this inquiry is to increase labour to address skills shortages, there are already several more effective levers that might be addressed to achieve this outcome, none of which sit in a national licensing scheme. They do include matters such as strong and celebrated educational leadership in schools to mentor and grow teacher capability across career dimensions and stages, as well as attracting new and suitable candidates to a career in education and the promotion of the status of the profession. They also include the creation of conditions within sites of employment that encourage and promote the retention of high performing and satisfied teachers, as well as addressing concerning rates of occupational violence and crowded curricula and unreasonable expectations of teachers to perform social service or pseudo health functions. In the Northern Territory, it would also include the provision of safe and satisfactory housing in remote areas for staff, as another example.

In a more radical proposal, the separation of government from the oversight and leadership of education systems in Australia and its constantly shifting policy landscape that destabilises the profession with each changing lurch and distracts them from their expertise and focus on leading schools and learning of children and young people might also assist in the changed standing of the profession and allowance for them to focus on the roles they are employed to undertake.

If the objective is harmonised regulatory standards, the recent consideration by the Productivity Commission's Inquiry into universal early childhood education and care (ECEC) (September 2024) could be leveraged. This inquiry determined that the state level regulatory system for ECEC already had several mechanisms that promote efficiency, transparency and accountability. The inquiry recommended existing regulatory systems could be further improved with regards to increased performance reporting to improve transparency and accountability across jurisdictions, and that timeliness of assessments should be reviewed along with the corresponding availability of funds (recommendations 8.2 and 8.3). It is also noted that the ECEC sector refers to the TRA's and ATRA for guidance as best practice for teacher regulation.

The TRBNT remain committed to the contemporary regulation of a high-quality teacher workforce that ensures the safety and wellbeing of children and young people and strong student learning outcomes. It is also committed to participating in meaningful and sustainable solutions as opposed to perpetuating or producing difficult or cumbersome alternatives.