

NESA advice for Australian Government Productivity Commission submission – occupational licensing

Topic	NESA submission to Australian Government Productivity Commission (AGPC) on occupational licensing.
Analysis	<ul style="list-style-type: none">• National licensing for teaching would not solve an existing problem. Existing Mutual Recognition (MR) arrangements for teacher registration work well within the teaching profession.• Consultation across all key education stakeholders is essential to understand the full impact of including teachers in a national licensing scheme.

Overview / Organisational Context

The NSW Education Standards Authority (NESA) is an independent statutory authority. NESA was established in January 2017 under the *Education Standards Authority Act 2013* (NSW). NESA is a portfolio responsibility of the NSW Minister for Education and Early Learning.

NESA is responsible for overseeing and implementing NSW teacher accreditation against the [Australian Professional Standards for Teachers](#) (the Standards). This ensures that students and children are taught by teachers who are suitable to teach, are appropriately qualified, and have active working with children check clearance.

Occupational Licensing

Occupational Mobility

The AGPC should consider if the teaching profession is suitable for national licensing. It is unclear what problem a national licensing scheme would solve.

The accountability for educational outcomes resides primarily with state and territory governments, as such the capacity to directly respond to local issues through the influence available through jurisdictional based professional registration schemes provides greater alignment with this accountability. Teachers are employed by state-based employers, the majority by departments of education.

National licensing for teaching would not solve an existing problem. Consultation during the introduction of the Automatic Mutual Recognition (AMR) scheme revealed widespread stakeholder consensus that teacher mobility across states and territories is not a problem that needs to be solved.

National registration and schemes such as AMR are particularly suited to occupations where workers choose to move to another state temporarily to engage in project-based work and then return to their home state. Teaching is not a profession where this practice occurs on any scale. Teaching is not project-based work and teachers tend to move interstate rather than visit.

Those who do move from one jurisdiction to another can transfer their registration under existing Mutual Recognition (MR) arrangements. Those who move their permanent address are not eligible for AMR, so need to transfer their registration to the new state. As registration authorities are funded by the payment of annual fees, it is also appropriate that teachers working in a state pay fees to the teacher regulatory authority (TRA) in that state.

Those that live near and work across borders will be able to use the AMR scheme once it is introduced. The core issue expressed by teachers who do work across borders relates to the requirement to pay annual registration fees in both states. This is alleviated in NSW by the NSW fee being waived if the teacher resides in another state and has active registration in that state. Most other states and territories have similar arrangements.

Teaching has a national framework for teacher registration that sets out essential components of teacher registration, that are then adopted within each state based regulatory framework. There is already a very high level of consistency in the requirements to enter and remain in the teaching profession across jurisdictions.

Existing MR arrangements for teacher registration work well within the teaching profession. NSW is aware of some complaints related to industrial issues like salaries and recognition of service, but these sit outside the scope of licensing and will not be improved by changes to occupational licensing arrangements.

National requirements for entry to the profession are in place and work well to ensure consistency across jurisdictions.

An exception to the effectiveness of existing arrangements for teaching (MR to support mobility, national standards for teaching and for accreditation of initial teacher education (ITE) programs) arises when a jurisdiction chooses to undermine the nationally agreed standards. The effect is that lower standards can progressively become an actual national benchmark that all jurisdictions are required to accept.

National licensing schemes are not necessarily protective of high standards and are prone to promote mere flexibility over a concern for quality. This would be especially problematic for teaching where the quality of education for students, and their safety and wellbeing are paramount.

Discussions on a national licensing scheme could be leveraged to strengthen the existing national framework, to inhibit states and territories loosening national quality benchmarks as recently done by one jurisdiction.

Whether a full national teacher registration scheme might be designed, or needed, to strengthen teacher registration requirements, or those that govern the accreditation of ITE programs is far from clear. A national scheme would likely need to retain state-based registration with a view to each state contributing to a national register or would be likely to focus more on national mobility than quality standards.

There may be options to strengthen the application of agreed national standards within the jurisdictionally-based teacher registration and ensure that nationally agreed ITE qualifications are uniformly applied for teacher registration.

Automatic Mutual Recognition (AMR)

There are widespread concerns about the introduction of AMR across educational stakeholders, largely based on child safety concerns (as addressed below). Throughout the consultation on AMR there were consistent concerns across educational stakeholders as to what problem was expected to be solved through the introduction of AMR.

The operation of AMR across jurisdictions for teachers will not allow for seamless movement of teachers across borders. During consultation on AMR, it was agreed that a teacher intending to work across two jurisdictions will still need to obtain the working with children check clearance in each jurisdiction and will need to inform the local TRA of their intention to work in that jurisdiction. This recognition of the child safety issues that apply to the teaching profession means that, in effect AMR will operate in the same way as the existing MR arrangements, but without the need to pay a second registration fee, and with added complexities to child safety arrangements. AMR potentially introduces confusion in relation to procedures and responsibilities for investigations into child safety related matters and information sharing obligations and permissions.

The fee issue is mostly resolved already as most jurisdictions have existing capacity to waive the registration fee for a person registered in another state and paying the fee there. However, the child safety issues relating to investigations and information sharing remain unresolved. Information sharing arrangements between TRAs are in place and are fit for purpose. However, information sharing issues remain between regulatory authorities in a jurisdiction and organisations such as the police, child safety regulators, and employers in other jurisdictions. If teachers are registered in the state where an incident occurs, then there are clear processes in place for relevant authorities to work together. This may not be the case where a teacher is registered in a different state or by a national registration authority.

Child Safety

Teachers are unlike other licenced occupations within the scope of this review as the issue of child safety is markedly different. The frameworks for child safety, both in respect to criminal activity and misconduct are state based, the oversight of child safety is also state based in that working with children or vulnerable people certification is state based. As such, it may be appropriate to consider that regulation of teachers remains within the same level of governmental oversight.

State and territory Ministers are responsible and accountable for educational outcomes in their jurisdiction and so may be best placed retain capacity to exercise control over the requirements to enter and remain in the teaching workforce. This control currently exists within agreed nationally consistent frameworks but is appropriately located at jurisdictional level.

It is worth noting that child safety issues within the early childhood sector have resulted in that sector looking to teacher registration as a model of registration of non-teacher early childhood educators.

National Consistency

The regulation and registration of teachers has an existing mature national [Framework for Teacher Registration in Australia](#) (the Framework) to ensure consistency across jurisdictions.

All jurisdictions comply with the framework. This in turn ensures that a teacher registered in one state is eligible for registration in all other states and territories. The framework sets out uniform principles for the registration of teachers in schools and early childhood settings across Australia. It outlines a nationally consistent approach to the registration of teachers across the states and territories.

The Framework was reviewed and approved by all Education Ministers in 2024.

All state and territory teacher regulatory authorities (as well as the Teaching Council of Aotearoa New Zealand) are members of the Australasian Teacher Regulatory Authorities

(ATRA) network. ATRA operates as a community of practice that provides for strategic collaboration and sharing of regulatory information amongst all jurisdictions.

ATRA has worked collectively for many years on key areas of importance within the teaching profession to ensure ongoing collaboration and improvement within the sector.

ATRA has:

- been responsive to the outcomes of the Royal Commission into Institutional Responses to Child Sexual Abuse, particularly about information sharing
- worked within the *Framework for Teacher Registration in Australia*
- contributed regularly to national policy initiatives with the Australian Government and the Australian Institute of Teaching and School Leadership (AITSL) on matters related to teacher preparation and quality standards
- continued to be responsive to changing context and continues to work on solutions for a range of cohorts, including border communities.

Which occupations would be best-suited to a national licensing scheme?

Occupations where it is common for workers to move across borders to work on a temporary or project basis. Occupations that are not intimately connected to child or vulnerable person safety concerns.

What would be the first steps towards a national licensing scheme for selected occupations?

It will be crucial that the AGPC engages in consultation across all key education stakeholders to understand the full impact of including teachers in a national licensing scheme. This consultation would benefit from a full exploration of the issues raised in this response and an examination of whether any real benefit would come from a national scheme.

As noted above, education stakeholders raised significant concerns during discussions on AMR, many of which have not been resolved, leading to nation-wide 5-year exemptions for teachers from the AMR scheme. Given that a national registration scheme would likely place further distance between the regulation of teachers and child safety, employers, and police than that anticipated under AMR, concerns about child safety and the relationship between teacher employment and teacher regulation should be considered.

Any national licensing scheme for teachers would need to be based on the current Framework and ensure that the existing regulation of teachers is not undermined. This would include the regulation of ITE programs, suitability standards, and requirements for teachers to complete professional development.

A national framework that included jurisdictional based regulation with a national register could be used to enhance AMR and ensure that individual jurisdictions maintain universally high standards.

Why did previous attempts at a national licensing scheme, such as the National Occupational Licensing Scheme, fail? How could a renewed attempt overcome the barriers to a national licensing scheme?

N/A

What benefit would a national licensing scheme provide over an expansion of the automatic mutual recognition scheme?

A response to this question would need to identify and discuss each of the many possible types of national licensing/registration schemes. However, as indicated above the lack of mobility calls into question the benefit of either AMR or national licensing and the issues of child safety remain a significant problem for the implementation of either.

How could the AGPC best quantify the benefits of a national licensing scheme?

As noted above, teaching is not a profession that involves temporary movement across borders on any scale. In NSW there are approximately 177,000 registered teachers. There were 8,908 teachers granted teacher registration in 2024, of these 880 came to NSW through MR. Of those 880 who received registration under MR, 523 moved their home address to NSW and so would not be eligible for AMR.

This implies that no more than 350 of the teachers who received teacher registration in NSW in 2025 (around 4%), could be in NSW on a temporary basis.