

QUEENSLAND COLLEGE OF TEACHERS

**SUBMISSION TO PRODUCTIVITY COMMISSION  
REVIEW OF MUTUAL RECOGNITION SCHEMES  
JULY 2008**

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BACKGROUND

The Queensland College of Teachers ('the QCT') was established in January 2006 under the *Education (Queensland College of Teachers) Act 2005* ('the Act'). The QCT is the body responsible to the Queensland Minister for Education and Training and Minister for the Arts for a range of functions associated with the regulation of the teaching profession in the State. Its functions include registration and disciplining of teachers, approval of preservice teacher education programs, development and implementation of professional standards for teachers, development and implementation of a continuing professional development framework, and the promotion of the teaching profession to the public.

Under the Act, to be eligible for registration in Queensland, teachers are required to:

- have appropriate qualifications;
- be assessed as 'suitable to teach' (on the basis of criminal history and other relevant information as specified in the Act); and
- be able to communicate in English at a professional level.

Acceptable academic qualifications for registration include:

- a preservice teacher education program undertaken in Queensland which has been approved by the QCT; or
- a four-year preservice teacher education program including at least one year of professional studies in education from a recognised higher education institution in Australia; or
- a degree and a one-year postgraduate preservice teacher education program from a recognised higher education institution in Australia; or
- overseas qualifications deemed to be equivalent to any of the above.

There are currently approximately 94,000 teachers on the register in Queensland. The QCT receives about 6,000 applications for registration each year, including some 2,000 from interstate and overseas.

In 2007 the QCT granted registration under mutual recognition provisions to a total of 601 teachers from interstate and New Zealand. The table below shows the number of mutual recognition applicants from each jurisdiction who were granted registration in Queensland.

State/Territory	Number
Victoria	191
Western Australia	75
South Australia	69
Northern Territory	52
Tasmania	34
New Zealand	180
TOTAL	601

In the last two years the total number of applications granted by the QCT under mutual recognition has increased by over 20 per cent a year; this reflects overall migration trends among the states (largely due to Queensland's strong economy) as well as the establishment in recent years of registration authorities in almost all states and territories.

## ISSUES

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 the QCT.

### ***Issues Paper Section 4: Coverage – Exceptions and exclusions***

*Should the character checks required for some occupations continue to not be mutually recognised across Australian jurisdictions and with New Zealand? If so, why, and what evidence do you have that the benefit of not having mutual recognition outweighs the cost? (page 14)*

The view of the QCT is that character checks should continue to be required by each jurisdiction. Because of the 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 revealed and whether and to what extent 'spent' convictions are revealed.

Under the *Education (Queensland College of Teachers) Act 2005*, the QCT is required to make the welfare and best interests of children its primary considerations when performing its functions. The QCT believes that the additional level of security provided by undertaking its own character checks is necessary to enable it to fulfil this requirement regarding the protection of children.

The QCT considers 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 checks to be undertaken in all cases. For example, more time is needed to allow the registration authority to confirm that the criminal history provided by the police service is in fact that of the applicant, and to allow natural justice considerations to be effected (e.g., adequate time for an applicant to make submissions in response to any criminal history or other relevant material).

### ***Issues Paper Section 5: Occupations – Interpretation of equivalence***

*Are registration bodies assessing the equivalence of occupations between jurisdictions in markedly different ways, and if so, what impact is this having on cross-border labour mobility? (page 17)*

To the QCT's knowledge, the various teacher registration bodies in Australia and New Zealand are not interpreting the equivalence of occupations in markedly different ways.

However, there are differences among these jurisdictions as to whether early childhood teachers (in institutions catering for children below school age) and vocational educational teachers are required to be registered. For example, kindergarten teachers in Queensland no longer need to be registered as teachers, while kindergarten teachers are required to be registered in other states (e.g. South Australia).

There has been some uncertainty among Australian jurisdictions as to the status of the 'accreditation' regime operating in New South Wales. This differs from the registration systems in other states in that (for example) accreditation is granted only **after** a teacher is employed, it is not mandatory for teachers who were employed before the accreditation scheme came into existence, and character checks are undertaken by the various employing authorities rather than by the accreditation authority. To date, other jurisdictions have not applied mutual recognition provisions to applicants who are 'accredited' in New South Wales. An exception is that the Victorian Institute of Teaching (VIT) has developed a Memorandum

of Understanding with the New South Wales Institute of Teachers under which the VIT recognizes teachers accredited in New South Wales. Recent legal advice obtained in Victoria, however, indicates that mutual recognition legislation is applicable only to situations where licensing is universal, i.e. where it is mandatory for all those in the relevant occupation in a jurisdiction.

The QCT is aware that in relation to the registration of teachers, some jurisdictions are not implementing 'deemed registration' (as defined at section 25 of the *Mutual Recognition Act*) because of their concerns about potential implications for child safety.

*Are marked differences between jurisdictions in the number (or even existence) of licences for specific occupations hindering the assessment of occupation equivalence?*

The QCT is aware of no marked differences among jurisdictions in this regard.

### **Conditions and prerequisites**

*How often do occupation-registration bodies impose conditions on people registering under mutual recognition? In which occupations or jurisdictions does this most often occur, and what conditions are imposed? (page 18)*

To the QCT's knowledge, this is not widespread in teacher registration and occurs only in isolated individual cases. The QCT does not impose conditions on persons granted full registration under mutual recognition except for small numbers who are restricted to teaching certain subjects because this restriction pertained to them in their originating State.

*Are occupation-registration bodies applying their prerequisites for initial registration to people seeking registration under mutual recognition? If so, what is the extent of this problem and how can it be addressed?*

The QCT is not aware of this occurring in the field of teacher registration.

*Is jurisdiction shopping and hopping occurring for occupations? If so, to what extent is it occurring and what are the costs (such as a 'race to the bottom') and benefits (such as regulatory competition and innovation between jurisdictions)? What specific examples and other evidence do you have to support your arguments?*

As far as the QCT is concerned, this has not been an issue. Shopping and hopping has not occurred to the extent feared at the time of the previous review of mutual recognition arrangements. This is partly because New South Wales has raised its qualification requirement for registration (from three years to four years of preservice teacher education), and Queensland's requirements regarding the amount of professional studies included in preservice teacher education qualifications have been lowered (from two years to one year).

However, the fact that the New Zealand Teaching Council still accepts three-year teaching qualifications poses a risk in terms of jurisdiction shopping; New Zealand is now the only jurisdiction (of those party to Australian mutual recognition arrangements) markedly out of line regarding qualifications for teacher registration.

There are other more minor differences among jurisdictions regarding requirements for teacher registration. For example, jurisdictions differ as to which overseas-trained applicants (in terms of the countries in which they completed their teacher education) are regarded as exempt from demonstrating English language proficiency, and as regards acceptable scores on the various tests of English language proficiency.

The QCT sees it as desirable for the different jurisdictions to agree on minimum requirements without preventing jurisdictions requiring higher levels where they see this as appropriate.

### **Shift to national licensing**

*What are the costs and benefits of moving from mutual recognition to national licensing for registered occupations (other than health professions), and is there a net benefit from doing so? (page 21)*

The QCT is satisfied with the current operation of the existing mutual recognition scheme as it applies to teacher registration. In our view, there is no need for national licensing. A national body – the Australasian Teacher Regulatory Authorities (ATRA) – already exists that meets regularly and addresses any issues arising in regard to registration of teachers. ATRA reports under both AESOC and MCEETYA, so teacher registration is not as decentralised as it may appear. Introduction of national licensing could impede the criminal history checking which is an essential element of the teacher registration process (see above). National licensing would presumably also entail additional costs. In Queensland, teacher registration is fully funded by teachers (through teacher registration fees) – the QCT receives no funds from government.

### **Section 6: Awareness, expertise and governance**

*The underlying problem may be that mutual recognition is not at the forefront of regulatory responsibilities. Rather, it is one of many issues facing policy makers and regulators across a wide range of goods and occupations. This works against building up and maintaining expertise on mutual recognition matters in specific agencies, particularly smaller ones, such as some occupation-registration bodies. (page 23)*

The QCT sees it as a problem that there is no central agency which can advise on interpreting and applying mutual recognition legislation and that it is therefore up to each jurisdiction to obtain its own legal advice on these matters. This can result in different practices being adopted by different registration authorities each acting on differing legal interpretations.

*Another factor could be the governance arrangements for the MRA and TTMRA. Mutual recognition is inherently decentralised, with policy development, administration and enforcement largely remaining with individual jurisdictions.... (page 23)*

The QCT acknowledges that sometimes the only way to overcome the problem of the existence of differing policies is to adopt a 'lowest common denominator' approach. This can be undesirable in that it means some jurisdictions adopting lower standards than they would like.

The QCT sees it as a risk under the current arrangement that New Zealand could unilaterally (ie without the consent of Australian jurisdictions) recognise (though other mutual recognition arrangements) teachers from another country where requirements for practising as a teacher are less stringent than those applying in Australian states. Would Australian jurisdictions then be obliged to register, under mutual recognition, applicants from such a country who have gained registration in New Zealand?