

Submission to Productivity Commission Review of Mutual Recognition Schemes

July 2008

I provide on behalf of the Teachers Registration Board of South Australia a response to the Review of Mutual Recognition Schemes.

The Teachers Registration Board of South Australia (TRB SA) is a member of the Australasian Teacher Regulatory Authorities (ATRA). ATRA consists of the following teacher regulatory authorities:

- Queensland College of Teachers
- Teachers Registration Board of South Australia
- Teachers Registration Board Tasmania
- Victorian Institute of Teaching
- Western Australian College of Teaching
- New South Wales Institute of Teachers
- Teacher Registration Board of the Northern Territory

The predominant purpose of ATRA is to better meet the need for a highly qualified, proficient and reputable teaching profession by engaging in such activities as the following:

- (a) facilitating collaboration, and where appropriate co-ordination, between and among its members in the development and promotion of professional standards and professional learning for the teaching profession within Australia and New Zealand;
- (b) providing a means whereby senior officers and chairs of member bodies may:
 - counsel together on matters of concern;
 - formulate and forward to appropriate authorities advice on relevant matters including those of national concern;
 - collect and disseminate information on matters of collective interest;
 - effectively evaluate any activities undertaken; and
 - reach decisions by consensus;
- (c) identifying common and agreed issues and planning priorities through studies of the problems and needs of Members, their relations with other educational institutions, with Governments, and with the community and to encourage, sponsor and publish or otherwise promulgate the results of such studies;
- (d) advocating and promoting teacher regulatory functions including teacher registration, accreditation and/or certification functions;
- (e) initiating action on, or reacting quickly to, events and issues of importance affecting teacher regulatory functions including teacher registration, accreditation and/or certification functions;
- (f) promoting by study and discussion, the effectiveness and efficiency of Members;

- (g) consulting and liaising with educational bodies within Australia and New Zealand and overseas in the interest of promoting improvement in teacher quality;
- (h) representing the views of Members in matters concerning teacher quality, in particular in discussions with Governments, Governmental authorities and instrumentalities and public bodies and the community at large, or any section thereof;
- (i) collecting, compiling, disseminating and distributing among members and the public, information of common concern and information which will assist in the management and further development of Members;
- (j) acquiring in the interests of the public and teacher regulatory authorities, knowledge of proposed or enacted Australian, New Zealand and overseas legislation in any way relating to teacher regulations including teacher registration, accreditation and certification and in particular that which affects or could affect education generally and teacher regulation in particular;
- (k) promoting the interests of Members collectively, recognising that each Member has an unfettered right to act in its own best interests as it perceives them and that groups of members may pursue their particular interests within the framework of the Association; and
- (l) facilitating opportunities for members to develop knowledge and skills, interstate and overseas.

Overall, ATRA members grant registration to well over 1000 applicants under Mutual Recognition legislation each year.

ISSUES PAPER SUBMISSION

The following comments are provided in relation to Sections 4, 5, 6 and 8 of the Issues Paper from a South Australian perspective.

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 registration authority is considered to be the 'gate-keeper' of the profession. It is not in the interests of the public or the protection of children, to be registered and therefore eligible for employment, unless the appropriate character checks, including a criminal record check have taken place.

All employers in South Australia expect a criminal record check to have been undertaken by the Teachers Registration Board prior to a person being eligible for employment in a school or pre-school.

The notion of being eligible for employment without a character check, including a criminal record check, is in direct conflict to State child protection legislation and the *Teachers Registration and Standard Act 2004*.

The public interest would be better served by an approach which enabled a screening process to occur before a person was 'deemed' and therefore declared eligible for employment and before he/she took up that employment.

The intent of MRA or TTMRA would appear to be comprised if after receiving "deemed" registration a person was unable to be employed until criminal record check has been undertaken.

In addition there are concerns in some cases about the one month period within which registration must be granted. Under some circumstances character checking may take longer than this. The overriding consideration should be the protection of children.

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).

All States and Territories except New South Wales and Australian Capital Territory have teacher registration authorities deemed to be equivalent in relation to Mutual Recognition Legislation, MRA and TTMRA. Registration authorities work collaboratively to facilitate Mutual Recognition arrangements and promote cross-border mobility.

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).

A person coming from the originating jurisdiction may have a condition placed upon their registration i.e. teaching restricted to certain subjects, a requirement to update qualifications. This condition would be applicable to registration in the second jurisdiction.

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?

A criminal record check is an integral part of the initial registration and renewal of registration process. In addition, State child protection legislation requires specific categories of persons/employees and volunteers working with children, to be screened prior to employment or before they are cleared to operate in a range of settings. A teacher, falls under this requirement.

There have been recent concerns about the provision of certified evidence of proof of identity and proof of qualifications. This is currently outside Mutual Recognition requirements and is an issue which must be addressed given the potential for identity fraud.

Jurisdiction Shopping and Hopping

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? (page 19).

This has not been an issue given the work done by the teacher registration authorities to promote uniformity and consistency between jurisdictions. As the New Zealand Teaching Council admit applicants with three years of pre-service higher education as primary and early childhood teachers to the Register, there is the potential for shopping and hopping. These registrants would be granted registration under Mutual Recognition arrangements in Australian jurisdictions. Australian jurisdictions have a 4 year study requirement.

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).

ATRA is an incorporated body representing the interests of all States and Territories with input from New Zealand, as appropriate. ATRA operates under a federalist model and its Terms of Reference have been endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). All jurisdictions are self funded solely through the collection of registration fees from teachers. Any national licensing model would need to be carefully considered in relation to resourcing, governance and legislative implications. ACT and NSW would need to establish equivalent registration authorities.

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)

It would be useful to have a point of contact on a day to day basis so that advice could be sought on interpreting/applying the legislation. There is a potential that differing interpretations on operational aspects of the legislation could be adopted across jurisdictions. It is acknowledged however this would be a costly exercise.

SECTION 8: BILATERAL ENGAGEMENT WITH THIRD COUNTRIES

What are the implications for the operation of the TTMRA of Australia and New Zealand's bilateral engagement with third countries? Are there any risks associated with the on-selling of goods imported from third countries to TTMRA partners? (page 26).

There could be potential implications for the TTMRA from Australia and New Zealand's bilateral engagement with third countries as persons registered by Australia or New Zealand under these agreements would be captured by Mutual Recognition. Australia has no control over the decisions made by New Zealand and vice versa. These issues need to be addressed in relation to teacher registration with both countries.