



Submission: Australian Government Automatic Mutual Recognition of Occupational Registrations – Exposure Draft Legislation

The Independent Education Union of Australia (IEU) welcomes the opportunity to provide feedback regarding the Australian Government's Automatic Mutual Recognition of Occupational Registration Exposure Draft Legislation.

1. About IEU

IEU represents ~75,000 teachers, support staff and ancillary staff in non-government education institutions across Australia and consistently engages in industrial and education debate at both national and state levels through its Education and Industrial Committees.

As a union of education professionals, we have a keen interest in processes and procedures for teacher registration and any significant changes to existing provisions.

Our comments are therefore focussed on the impact of the proposed changes on teachers and do not necessarily extend to other professions, which have different regulatory architecture.

2. Submission Points

Given that Australia now has a common set of Professional Standards for Teachers[1], regardless of the state or territory of practice, and a uniform Australian Curriculum from Foundation to Year 10 [2], and for specific subjects in the senior years [3], it may appear to make sense that there should be a transition to automatic mutual recognition, but we would question the fundamental premise that this is an issue that affects large numbers of teachers and that existing mutual recognition provisions are inadequate, or overly cumbersome.

We note that the proposed changes were broadly foreshadowed in the Australian Institute of Teaching and School Leadership's 2018 Review of Teacher Registration [4]. The Queensland and Northern Territory branch of our union (IEUA-QNT), along with the Queensland Teachers' Union, made a submission to that review and we would repeat their statement from that submission [5]: that our union does not support any process that would diminish minimal registration requirements or the standards of the teaching profession.

In reading the exposure draft [6], our union is not satisfied that the proposed changes will preserve essential, existing child protection provisions. While we recognise that the capacity for Ministers to declare exemptions from automatic mutual recognition and request notification of intent to work in their jurisdiction ensure some protection of children's safety, there are nonetheless significant differences in the breadth and depth of working with children checks from jurisdiction to jurisdiction. We note, for example, that in Victoria, teachers are exempt from working with children checks [7], but in other jurisdictions, such as the Northern Territory, a complete working with children check is required in addition to teacher registration [8].

We note that the Exposure Draft [6], Consultation Paper [9] and an Australian Government Fact Sheet [10] all indicate that teachers seeking to work in jurisdictions where more comprehensive working with children checks are required will still need to undergo these checks, but are concerned about how this might be enforced in the absence of additional funding and resources for teacher registration authorities.

Given the central importance of maintaining child protection provisions, it is essential that the standard for working with children is maintained at the highest possible setting. In that context, we also support the proposal for automatic application of suspensions or cancellations of registration across all jurisdictions in response to criminal, civil or disciplinary proceedings.

We would however, also caution that, in order for automatic mutual recognition to work efficiently and effectively, there needs to be direct and frequent communication between registration authorities in each state or territory. We note that both the Consultation Paper [9] and the Bill [6] indicate that local regulators will play a key role in the effective operation of the scheme and would respond by commenting that achieving the intention of the bill will require dedicated staff in each registration authority, which will, in turn, require some budgetary allocation.

Given that the exposure draft indicates that applicants for mutual recognition will not be charged application or registration fees, there may be some unwillingness on the part of the registration authorities to absorb the costs of processing applications and monitoring the registration status of individual teachers.

A further complicating factor may also emerge from systems of certification at Highly Accomplished and Lead Teacher levels (HALT). At present, there is some variation across jurisdictions in terms of the body responsible for assessment of certification applications and conferral of HALT status [11].

Given that certification is often linked to enhanced industrial provisions, it is important that any system of mutual recognition allows teachers to transfer not just their registration, but also their HALT status. This is in keeping with the intention of the HALT

certification scheme [11], but the portability of certification is largely untested and compliance is likely to create additional work for registration authorities that, in the absence of a fee charged to applicants, would need to be absorbed by existing staff and systems.

It is also important to note that, although there is a common Australian Curriculum from Foundation to Year 10 [2], there is variation in the way that curriculum is delivered in various states. In Queensland for example, the Australian Curriculum itself is taken as the basis for classroom teaching [12], but in Victoria, the Australian Curriculum is delivered in a modified format which incorporates the Australian Curriculum, but alters this to reflect uniquely Victorian priorities and standards [13].

Similarly, there is considerable variation in approaches to education in Years 11 and 12. Although most states now provide graduating students with an Australian Tertiary Admissions Rank (ATAR) score, there is substantial variation in how that ATAR is obtained. Some states (e.g. New South Wales [14] and Victoria [15]) rely substantially on student performance in culminating external examinations while Queensland [16] uses a combination of school-based and external assessments.

In practice, any teacher working across two or more jurisdictions would actually be delivering a substantially different curriculum depending on the state in which they were practising.

While teachers are accustomed to undergoing regular professional training and development on curriculum and other matters, the provision of this is not the responsibility of the registration authorities. In most jurisdictions, the relevant curriculum authority would provide such PD and it is unclear whether interstate teachers would have sufficient access to interstate PD.

Automatic mutual recognition would also increase the complexity of registration maintenance requirements, which vary from jurisdiction to jurisdiction. Given that it is often the school principal who signs off on maintenance requirements, working with teachers whose substantive registration is granted by a different jurisdiction would require principals to familiarise themselves with numerous registration frameworks, which represents a significant work impost on already busy professionals.

We also have significant concerns relating to the extent to which the proposed legislation undermines state-based registration authorities to set minimum standards for registration and, in particular, what tertiary courses are determined to be appropriate preparation for a career as a teacher.

These concerns are particularly acute in the context of various ‘fast-track’ programs such as Teach for Australia [17], which place unqualified individuals in the classroom. The Teach for Australia program is currently approved for operation in a limited number of jurisdictions and it would appear that mutual recognition could undermine the authority of those states which have made an informed decision not to approve fast-track programs and focus on recruitment and training programs that do not undermine educational quality and equity.

3. Concluding Comments

IEU – representing 75000 teachers, principals and ancillary staff in faith based, community and independent schools, pre-schools and early childhood centres and post secondary centres across Australia.

While the existence of a set of Australian Professional Standards for Teachers, and a uniform Australian Curriculum, would imply that the introduction of automatic mutual registration is feasible, there are currently significant jurisdictional differences in the depth and breadth of working with children checks. Given the central importance of student safety, it is essential that any scheme for automatic mutual recognition preserve the highest possible standard of criminal history and working with children checks.

It is also important to note that the school education sector is characterised by significant variation in both teacher certification processes (both mandatory registration and advanced professional certification) and curriculum development and delivery, which makes practise across jurisdictions more complex than the exposure draft can encompass.

We recognise that the intention of the mutual recognition scheme is that teachers would not be required to pay registration fees, or undergo registration assessments, in all jurisdictions in which they wish to practice, but the reality of the sector is such that there would still need to be significant allocation of resources to manage and monitor applications and ensure that teachers practising in more than one jurisdiction are aware of the unique curriculum to be delivered in each.

These functions will require allocation of funding and resources, without which, mutual recognition is unviable.

A further, significant consequence of the bill would be to weaken the authority of the states and territories in relation to decisions not to approve 'fast-track' teacher preparation programs.

In summary, the proposed automatic mutual recognition scheme does not meet the quality assurance process necessary and has significant additional red-tape, inefficiencies and costs for the second state. And, given that all jurisdictions already have systems for mutual recognition we are not convinced there is a need for automatic mutual recognition.



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11 February 2021

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