

Teacher Registration in the ACT

ISSUES PAPER No 5 - Mutual Recognition

Introduction

This paper is one of a series that has been prepared to inform and encourage consultation and discussion on the need for and the possible elements of a teacher registration system for teachers in all education systems in the ACT.

The key document in the consultation process is *Teacher Registration in the ACT: Consultation Paper*, released on 14 May 2007. That paper sets out the background to the ACT Government's decision to investigate the issue of teacher registration, describes the purposes of a teacher registration system, canvasses the possible role and function of such a system in the ACT and sets out a process for consultation with stakeholders.

The purpose of this paper is to provide information and to encourage discussion around the issue of the need for a registration body to have powers and procedures to recognise the professional status of teachers from other jurisdictions, who want to work in the ACT and provide mutual arrangements for ACT registered teachers who want to work in another jurisdiction. It does not necessarily represent the views of the ACT Department of Education and Training (DET) or of any other stakeholder involved in the consultation process. The Teacher Registration Project Reference Group has approved the circulation of this paper on that basis.

Background

As the Consultation Paper points out, the purpose of mutual recognition is to reduce the barriers and costs of movement across jurisdictions for registered teachers. Most professions in most jurisdictions have mutual recognition arrangements, since 1992 this has been supported by the Commonwealth's *Mutual Recognition Act 1992*, aimed at "promoting the goal of freedom of movement of goods and service providers in a national market in Australia". The *Trans Tasman Mutual Recognition Act 1997* extended these arrangements between Australia and New Zealand.

The Present Situation

While the bulk of new teachers in all ACT education systems tend to be new graduates, the particular geographic and demographic circumstances of the jurisdiction means that there is still a significant level of lateral recruitment. Career relocations in the Australian Defence Force and sectors of the Australian Public Service often bring spouses to Canberra who are experienced teachers and who seek temporary or permanent employment in one of the ACT systems. The ACT's co-location with New South Wales also means that there are experienced teachers, with qualifications appropriate for New South Wales, who are attracted to work in the ACT systems.



Education and Training



ACT education systems do not currently take into account the teacher registration status in other jurisdictions when it assesses experienced teachers who apply for jobs. Issues paper No.3, *Professional Learning* pointed out, the main professional requirements are evidence of teaching qualifications and a criminal records check or other evidence of good character.

If a teacher applicant for the ACT government system has previously worked for a State Education Department, then he or she will be asked to provide information so that checks can be made with the former employers “in order to assess that [they] meet the department’s requirements for employment under the Public sector Management Act”. They will also be asked to provide references from former employers. Similar systems operate in the Catholic sector and the non-government sector.

As noted in other issues papers, the Independent sector in the ACT is able to attract significant numbers of experienced teachers from other jurisdictions. In the absence of mutual recognition, each independent school must undertake its own checks in relations to a potential recruit’s qualifications, experience, ability and character, and this can be a particular burden on smaller schools. This may be a little easier if the applicant has worked in the Independent system in another jurisdiction, where personal contacts could be used to follow up references.

The mutual recognition issue highlights a broader concern for the Independent sector in the absence of a teacher registration body in the ACT. The burden on each individual school to develop its own systems to support teacher professionalism could be eased if there was a registration body setting overall professional standards.

An experienced ACT teacher applying for work in a jurisdiction that requires registration – all other Australian States and Territories except New South Wales – would have to go through a standard registration process to determine that they are a qualified and experienced teacher. Details of the process differ from jurisdiction to jurisdiction, but would typically involve:

- evidence of qualifications;
- evidence of proficiency in the English language;

- evidence of teaching experience – in some jurisdictions this will depend on the level of registration being sought;
- personal and professional references; and
- a criminal record background check.

New South Wales is different in that it has an accreditation system that grades teachers according to their demonstrated competence on the job against its own professional standards. An experienced ACT teacher seeking to teach in NSW would have to go through this accreditation process.

A Model for Mutual Recognition

The Mutual Recognition Principle

As indicated earlier in this paper, the legislative basis for the mutual recognition of professional status in Australia is the Commonwealth *Mutual Recognition Act 1992*. Section 17 of this Act sets out the Mutual Recognition Principle in relation to professional occupations:

-a person who is registered in the first State for an occupation is, by this Act, entitled after notifying the local registration authority of the second State for the equivalent occupation:
- (a) to be registered in the second State for the equivalent occupation; and
 - (b) pending such registration, to carry on the equivalent occupation in the second State.

The term “occupation” for the purposes of the Act is defined as:

an occupation, trade, profession or calling of any kind that may be carried on only by registered persons, where registration is wholly or partly dependent on the attainment or possession of some qualification.

This is understood to mean that any teacher registration system in the ACT would be subject to the Mutual Recognition Principle.

As the Act makes clear, the entitlement is not automatic, but is subject to the need to satisfactorily demonstrate to the registration authority in the second state that the applicant is a registered teacher. The applicant must state;

- that he or she is not the subject of disciplinary proceedings or investigations or action that might lead to disciplinary proceedings;
- that registration in any State is not cancelled or currently suspended as a result of disciplinary action or is otherwise prohibited from carrying on their occupation;
- that carrying on their occupation is not subject to any special conditions as a result of criminal, civil or disciplinary proceedings in any State and to specify any special conditions to which the person is subject; and
- that he or she consents to inquiries of, and the exchange of information with, the authorities of any State regarding the person's activities in the relevant occupation.

The Act requires that registration must be granted within one month after the application is lodged with the local registration authority, and registration takes effect from the date the notice was lodged. However, recognition may be postponed or refused if the application is false, misleading or incorrect.

As indicated above, *The Trans Tasman Mutual Recognition Act 1997* extends the Mutual Recognition Principle to New Zealand.

Operation of the Principle

As the legislation indicates, the entitlements of the Mutual Registration Principle do not come into effect automatically. Teacher registration bodies need to have processes in place to verify applications for registration under the Principle. These vary from jurisdiction to jurisdiction, and may also depend on the level of registration that is to be recognised. In Victoria, for example, the main difference between processing an application that invokes mutual recognition and one that does not is that in the former case there is no requirement to verify teaching experience. This means that applications for mutual recognition can usually (but not always) be finalised quicker than those from applicants who are not registered.

The advantages, in terms of time and cost, in processing an applicant under the Mutual Recognition Principle may vary from jurisdiction to jurisdiction and may not be all that significant.

Victoria estimates that the usual time for even a **non-registered** applicant to be considered is 2 – 3 weeks. It costs a registered teacher in another jurisdiction \$102 to register in Victoria, compared with \$122 for a non-registered teacher.

Furthermore, registration under the Mutual Recognition Principle does not necessarily mean that a teacher is eligible for employment in the new jurisdiction. Teacher employers may impose additional eligibility tests. The Victorian state school system, for example, requires a criminal record check of all new employees irrespective of whether they are covered by the Mutual Recognition Principle and have already undergone these checks as part of their first registration process.

As New South Wales does not have a teacher registration system, the Mutual Recognition Principle does not cover it. All teachers seeking employment in that jurisdiction must go through the accreditation process irrespective of their status in other jurisdictions. Likewise, an ACT registration system would not extend mutual recognition to teachers from New South Wales unless some special arrangement could be negotiated. New South Wales is currently in the process of putting in place arrangements that would give it access to some form of mutual recognition scheme with other jurisdictions.

Issues

As discussed above, mutual recognition would be a part of any professional recognition arrangement covered in the definition of “occupation” under the two mutual recognition acts. It therefore needs to be considered as an integral element in the overall argument for or against registration.

As we have seen, the Mutual Recognition Principle reflects a national policy designed to improve the ease with which goods and services can move around Australia and across the Tasman in response to need. Mutual recognition could facilitate the ACT's ability to recruit and deploy skilled teachers from interstate, taking into account our possible future as well as our current labour market. Of course, mutual recognition also

arguably makes it easier for other jurisdictions to entice teachers away from the ACT. However, the speed and cost of registration in a jurisdiction is likely to be only a minor consideration in a teacher's decision to come to or leave the ACT.

The actual operational advantages of mutual recognition in terms of speed and cost of considering registration applications will depend on what sort of process is put in place and the resources allocated to it. The Victorian system seems to be able to register people quickly even if they haven't applied under the Mutual Recognition Principle. On the other hand, the cost to an applicant of registering under the Mutual Recognition Principle is only slightly cheaper in Victoria.

The key argument in favour of mutual recognition as an element in teacher registration may be the same as some of the core overall arguments in favour of registration, namely that being integrated into and demonstrably part of an Australia (and Australasia) wide teacher quality assurance system would help enhance the status of ACT teachers and improve public confidence in education in the ACT.