

Australasian Teacher Regulatory Authorities (ATRA)

Submission to the National Schools Reform Agreement (NSRA) Consultation

Contact: [REDACTED]

ATRA is the collective group of teacher regulatory authorities (TRAs) from Australia and New Zealand, as follows:

- Australian Capital Territory Teacher Quality Institute (ACTTQI)
- NSW Education Standards Authority (NESA)
- Queensland College of Teachers (QCT)
- Teacher Registration Board of Western Australia (TRBWA)
- Teachers Registration Board of South Australia (TRBSA)
- Teacher Registration Board of Tasmania (TRBTAS)
- Teacher Registration Board of the Northern Territory (TRBNT)
- Victorian Institute of Teaching (VIT)
- Teaching Council of Aotearoa New Zealand (TCANZ)

This submission does not include ACTTQI or TCANZ.

ATRA works as a collective to advance a robust and nationally consistent approach to the registration of teachers and the accreditation of initial teacher education programs around Australia.

Of paramount importance to the work of teacher regulatory authorities across Australasia is the need to uphold high standards for child safety and protection, and quality teaching.

ATRA welcomes the opportunity to provide a submission to the National Schools Reform Agreement (NSRA) Consultation paper. The focus of ATRA's submission will be providing comment in response to question 25 derived from key reform area 3: *Attracting and retaining teachers* (Chapter 4).

ATRA recognises and welcomes input to the other reform areas from those best placed to comment on them – educational experts, school administrators, mental and community health leaders, government, and peak bodies.

ATRA would welcome the opportunity to speak with members of the Panel about the contents of the ATRA submission or to clarify any matters related to teacher registration and our work.

Question 25: Are there benefits for the teaching profession in moving to a national registration system? If so, what are they?

This question is taken to refer to a single national registration system administered by the Commonwealth Government, or a single national register of teachers who are in turn registered by their home state or territory and added to the national register, or some other model of national registration. It must be noted that as no specific model is put forward as part of the discussion paper, comment provided is general.

At the outset, the issue of effective regulation of the teaching profession should not be conflated with workload issues facing the teaching profession. There is already a nationally consistent framework for teacher registration implemented by jurisdiction-based teacher regulatory authorities, and the system of mutual recognition supports the mobility of registered teachers across jurisdictions.

As any perceived benefits are outweighed by drawbacks and potential unintended consequences of moving to a single, national registration body, ATRA opposes such a move. Any administrative benefits to the teaching profession must be

considered against unintended consequences associated with losing the existing benefits of subsidiarity characteristic of state-based registration in our federal system and the recognised constitutional responsibility for education residing with states and territories.

Relevantly, the recently released report of the Teacher Education Expert Panel, *Strong Beginnings* (2023) emphasised that there was very limited support across the education sector for movement to a national accreditation system, citing a number of challenges and risks (p. 35):

- Substantial regulatory and legislative changes as each TRA is established through legislation in their respective jurisdiction
- Would require substantial financial outlay
- Could lead to a one size fits all approach
- Would be less responsive to local contexts.

While the focus of the report was on initial teacher education, these challenges and risks would similarly apply in the context of registration given both functions are implemented by teacher regulatory authorities.

Current practice and potential benefits

At the outset, ATRA acknowledges that there is some scope to further improve current teacher registration processes to support mobility, and there may be some potential benefits of moving to a national registration system. These benefits relate to a more seamless mobility and/or transferability of registered teachers across states and territories. However, it must be acknowledged that these are already enabled in the current national approach to registration in the federated model.

Currently, a teacher who holds registration or accreditation in one State or Territory or New Zealand is able to notify a second jurisdiction that they wish for registration to be recognised in that second jurisdiction pursuant to the *Mutual Recognition Act 1992* (Cwlth) or the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth).

Presently under mutual recognition arrangements, administrative and regulatory burden for teachers transitioning across jurisdictions is minimal. However, transition to a national registration system may potentially make inter-jurisdiction mobility a more streamlined process, noting the benefits of subsidiarity outlined below and jurisdiction level requirements with respect to working with children and eligibility for employment remain.

TRAs around Australia operate within specific jurisdictional legislative, social, and political contexts. The consequence of these jurisdictional contexts would be that teachers would need to continue to fulfil the jurisdictional requirements irrespective of a national registration system, negating any potential benefits. In some cases, this could potentially create a level of confusion for teachers migrating to Australia, or teacher moving across jurisdictions. ATRA, however, continues to work to improve consistency, efficiency and streamlining in registration and other processes. Further, as highlighted above, all jurisdictions uphold and implement the *National Framework for Teacher Registration in Australia*, and in addition, the *National Accreditation Requirements for Initial Teacher Education Programs in Australia: Standards and Procedures*.

It should also be noted that there are industrial issues that impact on teacher mobility that are often confused with registration requirements.

Unintended Consequences

ATRA is keen to understand further the Panel's suggestion that *national registration of teachers is one mechanism to enhance the status of teachers as high-quality registered professionals and better facilitate mobility of the teacher workforce, increasing its attractiveness as a profession*. The paper provided no explanation of how national registration would do more to enhance the status of teachers than the existing jurisdiction-based registration already does. Currently, all Australian teachers must be registered, and mutual recognition already supports mobility.

Nor is it clear how such a national system or national body would be funded, or how it would work when constitutionally, responsibility for education lies with the states and territories.

Although the panel's consultation question does not specifically ask for comment on potential unintended consequences of moving to a national teacher registration system or body, it is pertinent to comment on how the existing system of

state-based teacher registration is working effectively to achieve national consistency, while still realising the benefits of subsidiarity in a federal system.

The principle of subsidiarity states that responsibility for a particular function should, where practicable, lie with the lowest level of government. Subsidiarity is characteristic of federal systems, which are recognised for cultivating unity through accommodating diversity, bringing government and policy making closer to community, and providing more flexible and responsible government and innovation.¹

From a child protection perspective, proximity to regulated entities (employers, teachers) and key stakeholders (e.g., police) facilitates the development of strong reporting and compliance relationships and enables rapid tailored responses to child safety concerns. Critically, each jurisdiction maintains a different criminal code or law, meaning there would be no way to achieve national streamlining around decision-making processes related to fitness to teach should a national body be instituted.

From a registration and accreditation policy design perspective, there are numerous examples whereby agile and responsive policy has been developed and implemented for positive community outcomes, without compromising adherence to the national frameworks. These include:

- The establishment of tailored alternative authorisation to teach policies to meet the needs of specific communities, for example, the Teachers Registration Boards of South Australia and the Northern Territory have developed policies to facilitate first nations educators to teach language. Similarly, the Victorian Institute of Teaching maintains a Permission to Teach Category for first nations educators to teach Aboriginal languages.
- Following natural disasters such as bushfires or floods and the COVID-19 pandemic, teacher regulatory authorities are able to deliver accommodations to the profession by developing and implementing context-specific financial hardship arrangements.
- The COVID-19 pandemic affected jurisdictions differently, and policy responses were able to be appropriately tailored. For example, in Queensland the Queensland College of Teachers made specific accommodations for teachers with Returning to Teaching Conditions who wished to re-enter the classroom to support schools struggling with staffing and worked closely with employers, and higher education providers to develop rapid policy responses to accommodate the completion of professional experience by preservice teachers during the pandemic. As a result, no preservice teacher in Queensland had their graduation deferred as a result of not being able to complete their professional experience during COVID-19. In Victoria and South Australia, specific alternative authorisations to teach arrangements were implemented for preservice teachers to work in the capacity of supply teachers during the pandemic. Similarly, the NSW Education Standards Authority with the support of major stakeholders, implemented a range of adjustments to policies to accommodate these unique circumstances.

Subsidiarity also supports creativity and collaboration. States and territories need to be innovative and experimental in developing policy solutions to local challenges, and innovations will often be picked up and implemented by other jurisdictions. For example, the Australian Capital Territory's Teaching Quality Institute was the first teacher regulatory authority to implement the certification of highly accomplished and lead teachers as a function. Through consultation and collaboration, other jurisdictions have followed suit, benefiting from the learnings of the ACT.

Subsidiarity also allows for experimentation of particular policy initiatives in a localised context, enabling other jurisdictions to make informed policy decisions. For example, as jurisdictions move to implement registration of early childhood teachers, the challenges, opportunities, and pitfalls of implementation are shared to inform the practice of others.

One of the most significant benefits in the context of teacher regulatory authorities' work is that localised approaches facilitate responsive regulation. Responsive regulation involves listening to multiple stakeholders and making deliberative and flexible regulatory decisions that are appropriate to the context and the regulated 'entity'.²

¹ Anne Twomey and Glenn Withers, *Australia's Federal Future: Delivering Growth and Prosperity*, A report for the Council for the Australian Federation (2007) www.caf.gov.au/Documents/AustraliasFederalFuture.pdf

² J. Braithwaite (2011) 'The essence of responsive regulation' *UBC Law Review* 44(3), 475-520.

Teacher regulatory authorities are able to engage closely with the teaching profession and local initial teacher education providers in a relational way to focus on delivery of tailored education and capacity building, only escalating to more serious action where appropriate. This is most clearly illustrated by the approach taken by teacher regulatory authorities to the accreditation of initial teacher education programs. As a result of collaborative regulatory relationships that prioritise education and capacity and capability building for initial teacher education without compromising the regulator/regulated relationship, accreditation is focussed on driving continual program improvement.

Proximity to the education community means that teacher regulatory authorities identify potential regulatory issues before they escalate to more serious problems, enabling authorities to address issues through more educative solutions as opposed to more serious consequences. For example, engagement with rural and remote communities about teacher registration requirements and alternative authorisation to teach reduces the risk of non-compliance through employment of non-approved people in classrooms.

Ultimately, transitioning to a national teacher registration system or body may provide minor administrative relief for international teachers or teachers transitioning across jurisdictions, however, ATRA recommends caution about the suggestion that it would also play a role in enhancing the status of the profession and increasing the attractiveness of the profession. ATRA strongly encourages the Panel to give serious regard to the potential unintended consequences associated with losing the existing benefits of subsidiarity characteristic of state-based registration in our federal system.