

**Submission
No 12**

INQUIRY INTO MUTUAL RECOGNITION (NEW SOUTH WALES) AMENDMENT BILL 2021

Organisation: Australian Education Union New South Wales Teachers
Federation Branch

Date Received: 16 April 2021



AUSTRALIAN EDUCATION UNION
NEW SOUTH WALES TEACHERS FEDERATION BRANCH

SUBMISSION TO

Portfolio Committee 1 – Premier & Finance - Legislative Council

ON

**Inquiry into the Mutual Recognition (New South Wales) Amendment
Bill 2021**

Authorised by



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General Secretary
AEU NSW Teachers Federation

16 April 2021

Introduction

The Australian Education Union NSW Teachers Federation Branch (Federation) represents teachers in all public education worksites in NSW. The current financial membership totals over 59,000 practicing teachers and student teacher members in NSW public schools and TAFE colleges.

Federation is pleased to have the opportunity to make a submission to this inquiry on behalf of members across the state.

The Federation strongly opposes The Mutual Recognition (New South Wales) Amendment Bill 2021 which will have a profound and enduring impact on the teaching profession and our students in NSW public education.

Significant and irreconcilable concerns in respect to the purpose of such legislation, the impossibility of ensuring child protection matters across jurisdictions and the maintenance of educational standards and authorities, and the delivery of curriculum and pedagogy, necessitates NSW's exemption from such for the education sector and on behalf of our student's rights to a quality and safe education.

The unintended consequences of such legislative change far outweighs any potential minimal benefits for the provision of public education in NSW.

Consultation

Consultation which has occurred to date across all sectors of education in NSW have been unanimous in their rejection of such a scheme and have insisted on an exemption from such for the education profession. These consistently held views have been vigorously and forcefully expressed at both a state and federal level with both Departments of Education and Treasury, at multiple meetings and forums, since November 2020. There was, and continues to be, no support for mutual recognition beyond current arrangements and as such The NSW Education Minister, the Honorable Sarah Mitchell MLC has provided Federation with written confirmation that a five year exemption from Automatic Mutual Recognition (AMR) has been sought for the teaching profession.

The need for such a scheme

Federation recognises that this framework may have validity and application for some licensed trades and professions and supports the ACTU submission on the same. However, for the teaching profession moving temporarily across jurisdictions to undertake their work is neither common, nor difficult, under current arrangements. Teachers and principals who work permanently in public schools in NSW relocate from

other states for such positions and for those small numbers who live in bordering states, current Memorandums of Understanding between the parties facilitate their employment and registration in NSW.

These successful arrangements and operations were recently highlighted through the Covid 19 pandemic when 'border bubbles' were created, impacting on those teachers and schools who were located along border towns, some of whom lived across state borders, particularly Victoria. The operations of these public schools, teachers and their students continued during these times, despite restrictions on travel across borders for these teachers. The numbers of teachers impacted by such cross-border complexities was extremely low. For those teachers in this situation, a second state fee waiver already exists and there are very few dual registrations in this area.

Federation asserts that the current arrangements in NSW already provide the mobility required to facilitate what the Mutual Recognition Amendment Bill 2021 seeks to do. There is no problem here to be solved, the teaching profession does not seek to work beyond their home jurisdiction on a temporary or occasional basis for which this legislation is targeted. To that end, claims that this will assist in recruiting teachers from other states to address the teaching shortage is farcical, as all evidence points to permanent relocation for those securing teaching positions in NSW public schools.

Child Protection

One of the most significant concerns for the Teachers Federation in relation to the MR are those associated with child safety and wellbeing. As such, on these grounds alone, an exemption must be provided with the risks being too high and the benefits unidentifiable for the profession and provision of public education in NSW.

While all states and territories require teachers to undertake a Working With Children Check Clearance (WWCC), these processes vary considerably across jurisdictions. Matters around registering in one jurisdiction and being able to work in others, along with system's capacity to check and continuously monitor such records to ensure probity and security for our young people, under current arrangements, is near impossible. While there may be some short-term technological fixes to **some** of these issues, ultimately the administrative burden will fall on principals to undertake such complex and extensive processes and background checks at a school level and require multiple systems for checking and tracking across the country. Principals in NSW public schools are currently provided with a 'not to be employed' list by the Department of Education which is updated as appropriate and incorporates an immediate response to those who are no longer deemed registered for various reasons in NSW. There is no such national system available.

Dealing with misconduct and disciplinary matters and the like also remain unresolved in this proposed scheme. A principal or teacher practicing in one jurisdiction but, holding

registration in another, exemplifies the complexity and potential ongoing risk to the safety and wellbeing of our students.

While in NSW for example, suitability of teachers is assessed, many other jurisdictions do not assess such suitability. Where jurisdictions do undertake such assessments, these processes can differ to those of NSW registration, making checking suitability across jurisdictions complicated and far from fail safe.

This places the children in our care at great risk, not something that teachers nor the community at large would be prepared to entertain, for little to no benefit for the provision of public education in NSW.

Standards for quality teaching

Federation has a long and proud history of seeking and maintaining high entry standards into university teacher education courses, high standards of qualifications and accreditation, and high standards of teaching practice and school leadership. These are not only essential to the status of the teaching profession but to the highest quality provision of education for our students in public schools. This Mutual Recognition (NSW) Amendment Bill 2021 places these very underpinnings in jeopardy.

Inconsistencies across jurisdictions around Australia means that qualification requisites, annual registrations, curriculum knowledge and implementation, initial teacher education and their pathways, police and criminal checks, disciplinary processes and ATAR requirements, along with multiple other standards and processes, vary. In effect this could leave aspiring teachers with the capacity to 'jurisdiction shop', entering the teaching profession through states and/or territories with the least demanding registration and processes, posing significant quality and standards issues for second jurisdictions such as NSW to then have little to no control over.

Conclusion

The Mutual Recognition NSW Amendment Bill 2021 is not fit for purpose for the teaching profession in NSW, or nationally for that matter. The purpose of such legislative change bears no benefit for schools, teachers or students and an immediate exemption must be granted should the Bill proceed, to protect both the quality of education and safety of our students in their broader school communities.

Federation appreciates the opportunity to provide this submission regarding this Inquiry and urges the Portfolio Committee to consider the significance of the matters raised. Federation is available and willing to provide further particulars should this be of assistance.