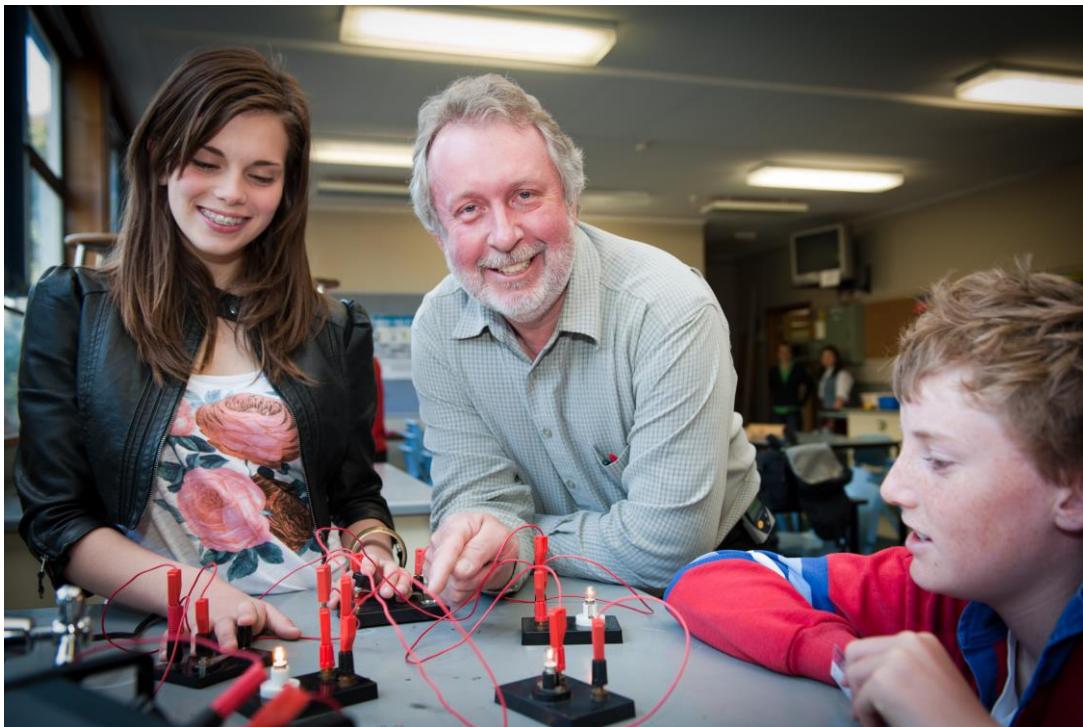




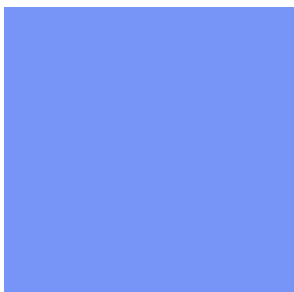
TEACHERS
REGISTRATION
BOARD TASMANIA

Applying for Registration under Mutual Recognition Provisions



Board Policy

5th November 2018





Applying for Registration under Mutual Recognition Provisions

Mutual Recognition Principle

Section 3 of the *Mutual Recognition Act 1992*, states that the principal purpose of this Act is to enact legislation authorised by the Parliaments of States under paragraph (xxxvii) of section 51 of the Commonwealth Constitution, and requested by the legislatures of the Australian Capital Territory and the Northern Territory, for the purpose of promoting the goal of freedom of movement of goods and service providers in a national market in Australia.

Section 17 (1) of the *Mutual Recognition Act 1992*, states that 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.

Section 15 of the *Trans-Tasman Mutual Recognition Act 1997* states that the Trans-Tasman mutual recognition principle deals with the ability of a person who is registered in connection with an occupation in New Zealand to carry on an equivalent occupation in Australia.

Section 16 of the *Trans-Tasman Mutual Recognition Act 1997* states that a person who is registered in New Zealand for an occupation is, by virtue of this Act, entitled after notifying the local registration authority of an Australian jurisdiction for the equivalent occupation:

- (a) to be registered in the jurisdiction for the equivalent occupation; and
- (b) pending such registration, to carry on the equivalent occupation in the jurisdiction

Entitlement to Registration

Section 19 (2)(d)(e)(f) of the *Mutual Recognition Act 1992* and Section 16 of the *Trans-Tasman Mutual Recognition Act 1997* states that a person can only be eligible under Mutual Recognition Principle if as part of their application for registration the person :

- (d) states they are not the subject of disciplinary proceedings in any State (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to those occupations; and*
- (e) state that the person's registration in any State is not cancelled or currently suspended as a result of disciplinary action; and*
- (f) state that the person is not otherwise personally prohibited from carrying on any such occupation in any State, and is not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any State.*

If an applicant is not able to make such declarations their application **cannot be processed** under the Mutual Recognition principals.

All individuals engaged or employed to teach in any Tasmanian schools, colleges or the TasTAFE must hold registration, a limited authority to teach or approval to teach under the direct supervision of a registered teacher, with the Teachers Registration Board of Tasmania.

An individual who holds teacher registration in another Australian state or territory or in New Zealand must be registered with the Teachers Registration Board of Tasmania before being engaged or employed to teach in Tasmania.

Seeking Registration in accordance with the Mutual Recognition Principle

An individual who holds **teacher registration** in another Australian state or territory or in New Zealand can apply for teacher registration in Tasmania and have this application processed in line with relevant provisions of the *Mutual Recognition Act 1992* or the *Trans-Tasman Mutual Recognition Act 1997*.

The provisions of the *Mutual Recognition Act 1992* or the *Trans-Tasman Mutual Recognition Act 1997* only apply if the registration in the first state is equivalent to a category of registration in Tasmania or equivalence can be achieved by applying conditions to the Tasmanian registration.

The provisions of the *Mutual Recognition Act 1992* or the *Trans-Tasman Mutual Recognition Act 1997* only apply if the applicant: is not the subject of disciplinary proceedings, the person's registration in any State is not cancelled or currently suspended as a result of disciplinary action, is not otherwise personally prohibited from carrying on any such occupation in any State, and is not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any State. See the *Entitlement to Registration* section on the previous page for more information.

An application will be progressed under mutual recognition provisions when the applicant identifies that he/she holds **current** teacher registration (in one of the issuing regulatory authorities listed below) and provides details of that registration as part of their online application.

An application under mutual recognition will be regarded as complete when:

- All required fields within the online application are completed including details of holding current Registration to Work with Vulnerable People (working with children check) with the Tasmanian Department of Justice;
- Correct payment has been received and reconciled;
- All required documentation has been received including, but not limited to, evidence of **current** teacher registration in another Australian state or territory or in New Zealand; and,
- The applicant provides relevant criminal history checks for periods of overseas residency.

For the purposes of mutual recognition, the Teachers Registration Board of Tasmania recognises teacher registration/accreditation with the following teacher regulatory authorities:

- Education Council New Zealand Matatū Aotearoa (formerly New Zealand Teachers Council)
- Teacher Registration Board of the Northern Territory
- Teachers Registration Board of South Australia
- Queensland College of Teachers
- Victorian Institute of Teaching
- Teachers Registration Board of Western Australia
- Australian Capital Territory Teacher Quality Institute
- New South Wales Education Standards Authority

Assessing an Application

The Board will assess an application for registration under mutual recognition against the requirements of Sections 12 and 13 of the *Teachers Registration Act 2000*, the provisions of the *Mutual Recognition Act 1992* or the *Trans-Tasman Mutual Recognition Act 1997* and relevant Board policies.

As part of the assessment process the Board may require an applicant to:

- provide further information; and,
- authorise the Board to obtain further information about the application.

As part of the assessment process for confirmation or refusal of registration the Board will:

- seek a national criminal history check on the applicant;
- confirm the applicant's registration status with the issuing regulatory authority;
- undertake processes provided for in Section 17J of the Teachers Registration Act to determine if the applicant is of good character; and,
- undertake processes provided for in Section 17K of the Act to determine if the applicant is fit to be a teacher.

Outcome of an Application for Registration under Mutual Recognition

The process of granting registration under mutual recognition provisions has two stages:

1) Deemed Registration

If an applicant holds current registration in one of the listed regulatory authorities (and provides suitable evidence of that registration) the applicant will be deemed to be registered in Tasmania from the date on which the complete application and payment are received and processed by the Teachers Registration Board of Tasmania. The applicant will be deemed to hold the same registration status and conditions (if applicable) as held in the other regulatory authorities. Deemed Registration enables the applicant to legally teach in Tasmania.

2) Confirmation or Refusal of Registration

The Board has one month from the date of deeming to decide whether to confirm (with or without conditions) or refuse teacher registration. During this time the Board will take steps to verify the accuracy of the registration information provided as part of the application. The applicant will be notified in writing when a decision is made to confirm (with or without conditions) or refuse teacher registration. If registration is refused, the annual registration fee will be refunded.

Review of Board Decisions

The Board has delegated authority to assess and determine applications for registration to relevant Officers of the Board.

An applicant may apply in writing to the Board for a review of any decision of the Delegated Officer made under this Policy.

An applicant may also apply to the Magistrates Court (Administrative Appeals Division) for a review of a decision made by the Board or Delegated Officer under this Policy.

Version Control

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Policy Established: 21/06/2013