

EXPLANATORY STATEMENT

Mutual Recognition Act 1992

Mutual Recognition (Teacher Registration Exemption—Northern Territory) Declaration 2022

This explanatory statement provides notes on the operation of the Declaration made under section 42S of the *Mutual Recognition Act 1992* (Cth) (the Declaration). The specific provisions in the Declaration are outlined in Attachment A. The information in the explanatory statement is an aid to understanding the Declaration and should not be substituted for the Declaration.

Context and purpose

Part 3A of the *Mutual Recognition Act 1992* of the Commonwealth (the MRA) provides for the automatic mutual recognition of occupational registrations (AMR). AMR will provide an entitlement for an individual to carry on an activity in a second state or territory, under the registration covering the activity in their home state through Automatic Deemed Registration (ADR).

Part 3A of the MRA provides for the making of declarations that exclude certain registrations from ADR where a minister of a state is satisfied that the declaration is necessary because of a significant risk arising from circumstances or conditions in the declaration state, to consumer protection, the environment, animal welfare or the health or safety of workers or the public. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

Summary

Through this Declaration, the Northern Territory Minister for Education has excluded registration of teachers from AMR for the period 1 July 2022 to 30 June 2027. By virtue of the making of the Declaration, the minister is satisfied that the exclusion is necessary because of a significant risk to child safety. The Declaration provides an explanation of the specific risks arising from the registration in the context of the circumstances and conditions in the Northern Territory. The information relied on to support the minister includes concerns identified by the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission); and consideration of these concerns with the National Review of Teacher Registration (the Review).

The Royal Commission recommended against facilitating mobility for teachers until inconsistencies between jurisdictions with working with children checks and gaps in information sharing can be addressed. The Review found that interpretation of teacher registration requirements vary across jurisdictions and work needs to be done to streamline and enhance existing processes to improve teacher mobility across the nation. The Review also identified the need for automated information sharing between teacher regulatory authorities to be implemented in order to facilitate teacher mobility without compromising child safety.

Implementation of these recommendations, including any development of information communication technology solutions for the purpose of more efficient and effective information sharing will take time. The exclusion of registration of teachers from AMR until 30 June 2027 will enable all jurisdictions to work together to develop and implement the required systems to address the gaps.

Consultation

The Northern Territory is currently participating in a National Information Sharing project regarding teacher registration.

Attachment A

Details of the Mutual Recognition (Teacher Registration Exemption—Northern Territory) Declaration 2022

Part 1 – Preliminary

Declaration

- (a) This section outlines the specific registration that is to be temporarily excluded from the *Mutual Recognition Act 1992* of the Commonwealth (the MRA) and the length of time the specific registration is to be excluded. This section also outlines the authority through which the Declaration is made.

A registration under the *Teacher Registration (Northern Territory) Act 2004* is specifically excluded from the MRA for a period of five years. This means that an individual cannot carry out the activities authorised by the *Teacher Registration (Northern Territory) Act 2004*, without first obtaining registration as a teacher in the Northern Territory.

The Declaration is made under section 42S(1)(a) of the MRA.

- (b) Section 42S(1)(a) of the MRA requires that the exemption is necessary because of a significant risk that exists in the Northern Territory. This section outlines the category of risk, with reference to Section 42S(1)(f) of the MRA, as being a significant risk to the health or safety of the public.
- (c) This section provides a more detailed explanation of the significant risk referred to in section 42S(1)(f), being that (i) the operation of automatic deemed registration for a registration under *the Teacher Registration (Northern Territory) Act 2004* would pose a significant risk to child safety; and (ii) that the exemption will enable further work to be undertaken to resolve the issues in the sharing of information about applicants and registered teachers between states and territories.

Eva Lawler

Minster for Education

Note: The name of this instrument was amended on registration as the instrument as lodged did not have a unique name (see subsection 10(2), *Legislation Rule 2016*).