



Deregulation Taskforce  
Department of the Prime Minister and Cabinet  
PO Box 6500  
Canberra ACT 2600

*Via online submission portal*

To whom it may concern

### **Automatic Mutual Recognition Scheme and child safety**

Thank you for the opportunity to comment on the exposure draft legislation for the Automatic Mutual Recognition Scheme (AMR Scheme). This submission is limited to the teaching profession, with teacher registration one of the occupational licences to be automatically recognised across jurisdictions under the AMR Scheme.

The Commission for Children and Young People (the Commission) is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. Our statutory functions include regulating and supporting organisations that work with children and young people to prevent abuse and ensure organisations have child safe practices, including by administering the Child Safe Standards and the Reportable Conduct Scheme (Scheme).

Victoria has a range of important protections in place to reduce the risks of child abuse and inappropriate behaviour with children and young people in schools, and also to address such behaviour when it arises. The Commission is concerned that there is a risk the safety of children and young people in Victorian schools will be diminished by the proposed AMR Scheme.

The *Child Wellbeing and Safety Act 2005* and other legislation establishes systems between the Victorian Institute of Teaching (VIT), the Victorian Department of Justice and Community Safety (in respect of the Working With Children Check), the Commission and Victoria Police to investigate, monitor, share information and facilitate action where there are concerns about an individual's appropriateness to engage with children and young people.

Many aspects of this system were introduced as a result of recommendations by the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (Betrayal of Trust) and the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

Currently in Victoria, to register as a teacher and maintain that registration, teachers are required to undergo suitability assessments which consider any offence history and relevant conduct, including reportable conduct, with ongoing monitoring of their criminal records. Victoria has a high threshold for suitability to teach. By way of example, in some jurisdictions in Australia, an individual might have been convicted of a sexual offence against a child yet

be eligible to teach again after 5 years, whereas in Victoria they would be prevented from ever returning to teaching.

While the vulnerable persons test is a welcome inclusion in the exposure draft *Mutual Recognition Amendment Bill 2020*, the Commission is concerned there is a risk that it will not adequately address complex jurisdictional differences in background checking, information sharing, and teaching suitability thresholds to retain Victoria's currently high standards in relation to child safety.

The Commission understands that the Australasian Teacher Regulatory Authorities (ATRA) has been developing a Best Practice Framework for strengthening child safety and wellbeing through the regulation of teachers, guided by the Australian Institute for Teaching and School Leadership (AITSL). There is clearly a need to progress a nationally consistent approach that ensures high standards of child safety as a foremost priority.

The Commission is of the view that, unless appropriately high standards of child safety can be assured, implementation of the AMR Scheme in the teaching profession should be delayed. This is a particularly sensitive time to put at risk gains in child safety given the impact that COVID-19 has had on children and young people across Australia.

I have raised these concerns with the Deputy Premier and Minister for Education in Victoria, the Hon. James Merlino and I intend to brief my counterparts at the March meeting of Australian and New Zealand Children's Commissioners and Guardians.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Liana Buchanan', with a large, stylized flourish at the end.

Liana Buchanan

**Principal Commissioner**

12 February 2021