

Registration

Mutual Recognition Policy

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**Teachers
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Mutual Recognition Policy

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1 Objective

The Teachers Registration Board of South Australia (the Board) administers the provisions of the [Teachers Registration and Standards Act 2004](#) (the Act) for the regulation of the teaching profession.

The object of the Act, Part 2 section 4 is:

to establish and maintain a teacher registration system and professional standards for teachers to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of children.

The mutual recognition principle is given effect by the *Mutual Recognition Act 1992* (Cth) (MR Act) and *Mutual Recognition (South Australia) Act 1993* and the *Trans-Tasman Mutual Recognition Act 1997* (Cth) (TTMR Act). Within Australia, the Commonwealth and all states and territories have legislated for both the MR Act and TTMR Act.

2 Scope

Under the Mutual Recognition and Trans-Tasman Mutual Recognition schemes, a person registered to practise as a teacher in one Australian State or Territory or New Zealand, is entitled to equivalent registration in another Australian State or Territory or New Zealand, without needing to meet additional registration requirements.

This policy does not apply to authorised persons with a Special Authority for Unregistered Persons to Teach (or the interstate equivalent), or teachers who do not hold an equivalent category of registration from their home jurisdiction (see 3.2 for details).

3 Policy Statement

The purpose of the mutual recognition principle is to make it easier for persons registered as a teacher to find work beyond their home jurisdiction, thereby creating a more flexible and mobile workforce, supporting improved employment outcomes.

3.1 Eligibility

To be eligible to be registered as a teacher in South Australia through mutual recognition, a person must be 'registered' as a teacher under the legislation of a first jurisdiction.

Mutual recognition is not available to any person who:

- is currently the subject of any disciplinary proceedings including any preliminary investigations or action that might lead to disciplinary proceedings in any Australian State or Territory or New Zealand, in relation to the occupation as a teacher;
- has conditions on their registration as a result of disciplinary, civil or criminal proceedings;
- is personally prohibited from carrying on the occupation of registered teacher;
- has a suspended or cancelled registration; or
- has not met the South Australian Working With Children Check requirements.

Those persons who are not able to apply for registration pursuant to the MR Act may apply for registration to the Board direct under the provisions of the Act.

3.2 Equivalent Occupations

Under mutual recognition, the Board will determine whether a registered teacher in another Australian State or Territory or New Zealand undertakes activities equivalent to activities undertaken by a teacher in South Australia.

Equivalent Occupations recognised in South Australia are:

- Provisional Registration
- Full Registration
- Provisional/Full registration – Victoria Early Childhood Register (granted with a condition)
- Returning to Teach, Queensland (granted with a condition)

The Board does not currently recognise the following registration categories: conditional accreditation (New South Wales), returning to teaching (all other states excluding Queensland), specialist Vocational Education and Training (VET) registration and non-practising teacher and its equivalent determination.

3.3 Interim Deemed Registration

A person who lodges a completed application and pays their fee to the Board will be granted Interim Deemed Registration (IDR) from the day that the application is processed. The Board will provide an 'Interim Deemed Registration letter' (via email) to the applicant, confirming this status. The letter is not a South Australian teacher registration certificate. Separately, a person must comply with and hold a valid South Australian Working With Children Check to teach in South Australia.

Upon receipt of an IDR, a person is entitled to work as a teacher in South Australia while they wait to be granted registration. However, they can only do so within the limits of their first jurisdiction registration. This means that any conditions applying to the person's first jurisdiction registration also apply to the IDR.

A person's IDR is valid for one month in South Australia. IDR ceases when the person becomes substantively registered in South Australia, or is refused registration in South Australia, or fails to maintain their first jurisdiction registration.

A person teaching under IDR must comply with South Australian legislation (the Act, *Teachers Registration and Standards Regulations 2021* (the Regulations), Code of Conduct and Code of Ethics) and is subject to disciplinary measures under the law of South Australia.

IDR cannot be used as the basis for registration in any other jurisdiction. Therefore, a person holding only IDR in the first jurisdiction is not eligible to obtain registration in South Australia under mutual recognition.

3.4 Registration under Mutual Registration

The Board must grant registration within one month following correct lodgement of an application with the Board. The Board may, and within that month, postpone the grant of registration (in which case, IDR will continue, pending a decision on registration) or refuse to grant registration.

If registration is granted, the term of the registration will align with the remaining period of registration in the current first jurisdiction (Australian State or Territory or New Zealand) registration. The expiry date will be adjusted to the next 31 January (which will align to the South Australian registration period which operates between 1 February and 31 January). Continuance of registration thereafter will be subject to the Act and Regulations.

Upon registration, each applicant's name, registration number and registration expiry date (at a minimum) will be published on the Public Register of Teachers on the Teachers Registration Board of South Australia website.

3.5 Imposing conditions

Conditions may be imposed by the Board on both an IDR and the registration certificate under mutual recognition.

When the Board imposes conditions on a teachers' registration, they cannot be more onerous than would be imposed in similar circumstances if the person had not received their registration under mutual recognition. The exception to this is where those conditions are imposed on a South Australian registration to achieve equivalence between activities undertaken in their first jurisdiction of registration.

A person can appeal the Board's decision to impose conditions.

3.6 Postponement or refusal of registration

The Board may postpone or refuse to grant registration under the following circumstances:

- If any of the statements, information or documents have not been provided or are materially false or misleading;
- If the circumstances of the person lodging the notice have materially changed since the date of the notice or the date it was lodged; or
- If the Board decides that the occupation in which registration is sought is not an "equivalent occupation".

The Board must decide a matter within one month after the application is lodged (unless postponed). If the Board takes no action, then the person becomes registered in South Australia after that period. Upon being registered the Board can deal with any allegation of fraud in an application regardless of when discovered. All professional conduct requirements apply to the registered teacher.

The Board may postpone a decision, but for no longer than six months. If no action is taken within that period, then the person becomes registered in South Australia and the Board has no grounds to refuse or further postpone the registration, except where fraud is involved.

When the Board has postponed the granting of registration, a person can continue to operate under their IDR. A person's IDR will end when they become registered in South Australia or are refused registration as a teacher.

If the grant of registration is refused on the basis that documents/information provided are either missing or materially false or misleading, the decision to refuse takes effect immediately and IDR will cease. The person will be immediately advised in writing.

Once granted, a person's registration in South Australia will continue so long as the Board does not cancel, suspend or otherwise cease a person's registration. Local laws apply. The registration is subject to renewal and may have conditions imposed.

If the Board does not grant registration, the Board must inform the person of their right to appeal the decision to the Administrative Review Tribunal (www.art.gov.au).

3.7 Impact of Disciplinary Matters

If a person obtains registration through mutual recognition and becomes subject to disciplinary action, this may affect their capacity to work in South Australia. Such information will be shared with all Australasian teacher regulatory authorities and disciplinary measures may also have consequences for the person's substantive registration (ie in the first jurisdiction).

3.8 Information Sharing

Mutual recognition requires each Australasian teacher regulatory authority to share information with one another to ensure the efficient administration of mutual recognition at the national level and to protect the health and safety of teachers, students and the public.

The first jurisdiction regulator is required (when requested by another regulator) to share any information reasonably required by the Board to enable both regulators to verify registration and eligibility.

Information that may be reasonably required are:

- A person's name and address;
- Information identifying the person's first jurisdiction;
- Information relating to any civil, criminal or disciplinary action taken against the person in respect to the occupation;
- Information relating to conditions on the person's first jurisdiction registration;
- Information relating to actual or possible disciplinary action against the person in respect to teaching;
- Information about activities that may be carried out under first jurisdiction registration;
- Start date and/or expiry date of a registration.

Pursuant to Section 49B of the Act, the Registrar may give information (regardless of whether they seek it or not) to other state regulators and Australasian teacher regulatory authorities and employers of teachers, police as well as other bodies/authorities –

- a) to perform official functions relating to the health, safety, welfare or wellbeing of a child or class of children; or
- b) to manage any risk to a child or class of children that might arise in the recipient's capacity as an employer or provider of services.

3.9 Fee payment

The payment of a fee is required prior to a mutual recognition application being assessed and processed. The fee consists of an application fee (subject to annual indexation) as well as an annual registration fee.

Applicants for mutual recognition are entitled to be granted for a term of registration equivalent to the number of years remaining on the current first jurisdiction registration (subject to approval). Registration can be paid for the entire term of their first jurisdiction registration, or annually.

3.10 Renewal of registration

Upon completion of the term of the first jurisdiction registration, registrants will be required to renew their registration in South Australia. Renewal of registration requires the completion of an application for teacher registration, submission of identity documents, record of teaching service, national coordinated criminal history check, payment of the application fee and annual fee.

4 Complaint resolution

A written notice of decisions to refuse or impose conditions and/or registration will contain a statement to the effect that:

- a person whose interests are affected by the decision may apply to the Administrative Review Tribunal for review of the decision; and
- a person may apply for a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision.

Any complaints will be raised through appeal to the Administrative Review Tribunal (www.art.gov.au) as per the MR Act.

5 Authorisation

The MR Act applies in each state and territory by a referral of power by each state to the Commonwealth. The MR Act is focused on free movement of services (ie occupations). Free movement of services is regulated by Part 3 of the MR Act.

Mutual Recognition Act 1992 (Cth), Part 3, section 19 applies – equivalent occupations.

The mutual recognition principle applies to occupations that are equivalent and entitles a person who is registered for an occupation in the first jurisdiction to carry on an equivalent occupation in a second jurisdiction.

Section 20 of the MR Act requires persons who apply to be registered in South Australia after being registered elsewhere to be given registration in South Australia.

Trans-Tasman Mutual Recognition Act 1997 (Cth), Part 3, section 15 applies – occupations. The Trans-Tasman mutual recognition principle entitles a person who is registered in connection with an occupation in New Zealand to carry on an equivalent occupation in Australia.

6 Legislative Framework and Context

Operational policy and administrative instructions must be consistent with the relevant legal and government policy framework. The legal framework consists of Acts, Regulations, common law, and industrial awards and agreements. The Registrar must approve all Teachers Registration Board policies.

- *Teachers Registration and Standards Act 2004*
- *Teachers Registration and Standards Regulations 2021*
- *Mutual Recognition (South Australia) Act 1993*
- *Mutual Recognition Act 1992 (Cth)*
- *Trans-Tasman Mutual Recognition Act 1997 (Cth)*
- *Child Safety (Prohibited Persons) Act 2016*

7 Defined Terms

Active Registration means where a teacher holds current registration, is permitted to teach, is financial in their first jurisdiction and is not suspended (due to disciplinary matters or non-payment of fees).

Australasian Teacher Regulatory Authorities (ATRA) means the collective of Australasian Teacher Regulatory Authorities. ATRA functions as a professional community of practice for strategic collaboration and sharing of regulatory information and practice with respect to the teaching profession.

Equivalent occupation means that the activities carried out under the registration of teachers in the first jurisdiction is substantially the same as the activities under the registration available in the second jurisdiction.

First jurisdiction means the home state/jurisdiction in which a person is registered as a teacher.

Interim Deemed Registration (IDR) means a circumstance where a person who has applied for registration in an equivalent occupation is taken to be registered on **an interim basis** in that occupation, pending the grant or refusal of that registration.

Jurisdiction means an Australian State or Territory or New Zealand.

Mutual Recognition (MR) means the principle that registration in an occupation in one jurisdiction is sufficient grounds for registration in the equivalent occupation in another jurisdiction.

Second jurisdiction means the jurisdiction in which a person may be able, under the Mutual Recognition Principle, to obtain registration as a teacher on the basis of their registration in the first jurisdiction.