



GOVERNMENT OF  
WESTERN AUSTRALIA

Our Ref: GOV170078  
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WA Teacher Registration Act Review  
Attention: Mr Terry Werner  
Department of Education  
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Dear Mr Werner

## **Review of Teacher Registration Act**

### **Introduction**

As Acting Commissioner for Equal Opportunity, I would like to provide a brief submission into the Review of the *Teacher Registration Act 2012* (TRA). This submission will primarily focus on the issues of the Teacher Registration Board's role in the accreditation of teaching qualifications and its function of assessing teachers when there are impairment matters.

I make this submission in consideration that the object of the *Equal Opportunity Act 1984* (the EO Act) is to eliminate all forms of unlawful discrimination, including whether it occurs directly or indirectly. Section 80 of the EO Act outlines the powers and functions of the Commissioner and specifically references the ability to review legislation from time to time.

The ground of impairment has consistently been the highest category of complaint during the past 32 years of operation of the EO Act. Impairment complaints are primarily in the area of work which includes employment and qualifying bodies. Recently however there has been an increase in impairment complaints in the area of education. While the focus of this submission is on impairment, it is not exclusively so.

### **Accreditation**

In recent years the Commission has received a number of complaints against universities from students with disabilities (impairments) or family responsibilities whose needs have not been accommodated during the practicum units which are mandatory course requirements.

A number of these complaints have been related to the requirement in teaching qualifications that practicum placements be undertaken on a full-time basis. As a result of this requirement, such students have found themselves unable to complete their degree and therefore unable to qualify to be registered as teachers. This often occurs after the students have invested much time, energy and expense during the teaching degree, only to be told near the final stage of the need to comply with requirements or conditions they cannot meet because of their personal needs and attributes.

The Commission's investigations into these complaints, found that universities and schools hosting the placements are bound by requirements imposed by the accrediting body. It is understood that the Teacher Registration Board, which does not appear to allow flexibility for the needs of certain students, is one such accrediting bodies. The feedback the Commission receives is that the Teacher Registration Board insists on placements "reflecting real life situations at schools", and that is often interpreted as not allowing completion of placements on a part-time basis by students with family responsibilities and students with disabilities, for whom completion of the placement on a part-time basis may represent a reasonable accommodation for their disability needs.

With respect, such positions no longer reflect real life situations. For many years teachers have been working on a part-time basis and when teachers experience a temporary or permanent injury or disability, it is expected that their employers implement reasonable accommodations for personal situations. Moreover, there is a legal expectation to do so from both State and Federal anti-discrimination legislation.

As Acting Commissioner for Equal Opportunity of Western Australia, I strongly recommend that such flexibility be included as a consideration in the accreditation role and regulations of the Teacher Registration Board to make the teaching profession inclusive and up to date with the expectations of our community. This should be mandatory to allow students in education courses with personal needs the opportunity to become registered teachers.

### **Consideration of matters where Teachers deemed to have an impairment**

The definition of impairment in the TRA is:

*impairment* means —

- (a) mental disability; or
- (b) injury; or
- (c) physical illness;

This is limited, and consideration of consistency in State's statutes is suggested, with the TRA revised to incorporate the EO Act definition which is as follows:

*impairment* in relation to a person, means one or more of the following conditions —

- (a) any defect or disturbance in the normal structure or functioning of a person's body; or
- (b) any defect or disturbance in the normal structure or functioning of a person's brain; or
- (c) any illness or condition which impairs a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour,

Under section 75 of the TRA – Impairment matter – procedure and review, there is no explicit reference to the teacher’s right to representation as there is in disciplinary matters.

I also consider it would be useful for the TRA to reference the provisions of both the Federal *Disability Discrimination Act* 1992 and the EO Act to ensure that the accommodation of disability and inherent requirements of the position provisions are understood by those on the review committee and decisions are made with those points of reference.

Yours sincerely

A handwritten signature in black ink that reads "John Byrne". The signature is written in a cursive, flowing style.

Dr John Byrne  
**Acting Commissioner for Equal Opportunity**

10 November 2017