

Social Policy Scrutiny Committee
GPO Box 3721
DARWIN NT 0801
Telephone: (08) 8901 4149
Email: SPC@nt.gov.au

11 March 2019

Re: Teacher Registration (Northern Territory) Legislation Amendment Bill 2019

Introduction

Batchelor Institute of Indigenous Tertiary Education is a dual sector institution offering both Vocational Education and Training (VET) and Higher Education (HE) qualifications, including Initial Teacher Education (in partnership with Charles Darwin University).

The Institute is unique in that it is the only dual sector Aboriginal and Torres Strait Islander education organisation in Australia. At Batchelor Institute teaching and learning are underpinned by a Both Ways philosophy:

... Both-ways is about drawing on and acknowledging skills, language, knowledge and concepts and understandings from both Indigenous and non-Indigenous societies. It's about everything that makes up an Indigenous person's identity and then finding a bridge from this position to link onto new academic and professional knowledges from within their field of discipline (Robyn Ober).

The Institute emphasises the recognition and acknowledgement of Aboriginal and Torres Strait Islander knowledge, knowledge systems, perspectives and peoples.

Batchelor Institute Recommendations

While Batchelor Institute is generally supportive of the proposed changes to the Teacher Registration (Northern Territory) Legislation Amendment Bill 2019, the Institute proposes that the Bill be amended in several areas.

In regard to the Bill having sufficient consideration to the rights and liberties of people and being consistent with the principles of natural justice, it is proposed that the Bill include a statement such as:

issues and circumstances of the context are given due and proper weight in the consideration of any issues before the Board and of the decision making processes undertaken by the Board.

The *Anti-Discrimination Act 1992* s20(1)(a) describes discrimination as “any distinction, restriction, exclusion or preference made on the basis of an attribute that has the effect of nullifying or impairing equality of opportunity”, this includes race and sex. Further, s20(3)(4) state that for discrimination to take place, it is not necessary that: “the attribute is the sole or dominant ground for the less favourable treatment; or the person who discriminates regards the treatment as less favourable.” and that “The motive of a person alleged to have discriminated against another person is, for the purposes of this Act, irrelevant.”

Regarding issues of discrimination as described above, it is considered that the current Act and proposed Bill can embody both systemic and specific discrimination when considering circumstances involving Aboriginal and/or Torres Strait Islander teachers; especially those working in remote and regional areas. As noted in s20(4)

Batchelor Campus
C/O Post Office, Batchelor NT 0845

Central Australian Campus
PO Box 9170, Alice Springs NT 0871

ABN 32 039 179 166
Freecall 1800 677 095
Email enquires@batchelor.edu.au

batchelor.edu.au



the fact that the motive of the person alleged to have discriminated against another may be considered 'worthy' is irrelevant.

In consideration of the issues of discrimination, and the often unfamiliar registration and 'Board' environment faced by some Aboriginal and/or Torres Strait Islanders the Institute proposes that an amendment to the Bill be made to include a provision such as:

Decision-making processes that relate to Aboriginal and/or Torres Strait Islander teachers, or teachers of Aboriginal and/or Torres Strait Islander students are:

- (a) undertaken with significant input or control by Aboriginal and Torres Strait Islander peoples. and
- (b) have sufficient regard to Aboriginal and Torres Strait Islander customs and tradition

Furthermore, Aboriginal and Torres Strait Islander skills, knowledges and perspectives should be valued as an integral part of the professional standards for teachers in the Northern Territory. It is, therefore, proposed that s75 of the Bill regarding the approval of a professional development framework include a provision such as:

The framework must emphasise and value Aboriginal and Torres Strait Islander knowledge systems, perspectives and people.

This amendment would ensure the Board gives sufficient regard to teaching practitioners who demonstrate expertise in Aboriginal and Torres Strait Islander knowledge, knowledge systems, perspectives and peoples.

Conclusion

It is considered that the above inclusions would strengthen the legislation regarding teacher registration and the quality of teaching generally in the Northern Territory. It would go part way in ensuring that Aboriginal and Torres Strait Islander teachers and students are in a more culturally safe and secure environment.

Professor, Steve Larkin
Chief Executive Officer
Batchelor Campus
Phone: (08) 89397222
Mobile: 0401 995 933
steve.larking@batchelor.edu.au