



Safe from Whom? – Criminal Conviction, Fitness to Teach and the Public Interest

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In December 2015 the Victorian Civil and Administrative Tribunal handed down a decision overturning the Victorian Institute of Teaching’s decision to refuse an application for registration on the basis that it would be contrary to the public interest to allow the applicant teacher to be registered.

The refusal was based on the applicant having a serious criminal conviction. This paper will look at the facts of this case, the process by which the VIT arrived at its decision to refuse registration and the reasons for the VCAT decision. More broadly, the paper will consider questions raised by the case:

How is the public interest defined?

On what basis can it be determined that an applicant for registration to teach is not fit to teach due to past criminal conduct?

Where fitness to teach is established, how is the abstract notion of protecting the public interest considered in light of a finding of guilt or criminal conviction?

How are the competing interests of protecting the reputation of the profession and the safety of the community balanced against the benefits of rehabilitation?

Do the provisions of the *Education Training and Reform Act 2006* provide appropriate and fairly balanced protections for the teaching profession and community and also the individual seeking registration?

What safeguards are appropriate when registration is granted?

The case of *Salter v Victorian Institute of Teaching* provides valuable insights into the question ‘Safe from whom?’ when evaluating the implications for students, parents, staff and the community of permitting a teacher with a criminal conviction to teach.