

**ACTS AMENDMENT (HIGHER SCHOOL LEAVING AGE AND RELATED PROVISIONS) BILL
2005**

Committee

Resumed from 9 November. The Chairman of Committees (Hon George Cash) in the chair; Hon Ljiljanna Ravlich (Minister for Education and Training) in charge of the bill.

Clause 20: Part 2 Division 1 Subdivision 1A inserted -

Progress was reported after the clause had been partly considered.

Hon BARRY HOUSE: This is the major clause of the bill, consisting of some 14 pages. I have some specific questions relating to phrases in this clause. I will refer to the page numbers and perhaps get a quick response from the minister on a number of these things. I am aware that another member has some more general questions, which will be asked in a few minutes. On page 10, the word "provider" is defined. Can the minister confirm that that word includes private providers as well as government?

Hon Ljiljanna Ravlich: Yes, it does.

Hon BARRY HOUSE: That has been confirmed; I thank the minister. The table on page 11 indicates the range of programs that can be conducted. Is the minister in any position to provide an estimation of the expected numbers undertaking the various options listed in the table, such as the first option, "A student undertaking a course of study at a university"? I know this is a bit hypothetical, but can the minister provide a general gauge of what might happen?

Hon LJILJANNA RAVLICH: I am anticipating that only a handful of students will undertake the first two options in the table. I have already cited a figure of 135 as the number of students sitting tertiary entrance examinations in year 11. This legislation will not have a drastic impact on that figure. It is estimated that the number of students undertaking apprenticeships or traineeships or studying full-time at TAFE will be in the order of 1 500. If there is an area of growth resulting from this legislation, it will be in the vocational education and training area, because students attending courses that lead to university will go through those courses as they have always done. The real growth in opportunity will be in VET.

Hon BARRY HOUSE: Proposed section 11B(1)(a) on page 11 reads, in part -
undertaking -

- (i) a course of study provided by a university established under a written law or under a law of another State, or of a Territory, of the Commonwealth;

If a student claims to be enrolled in a course such as this, externally through an interstate institution, an overseas institution or even a private provider - an English language intensive course for overseas students, or something like that - what follow-up is undertaken on that claim? Is it just taken at face value? For instance, the student may just claim to be enrolled and then do absolutely no work for the whole year, in which case he or she is not involved in education or training. I seek the response of the minister to that.

Hon LJILJANNA RAVLICH: First of all, the student would have to give notice of enrolment. He or she would have to show evidence of enrolment, and the course would need to be verified to make sure that it meets certain standards.

Hon BARRY HOUSE: On page 13, under the proposed section dealing with notice of arrangements to be given to the minister, proposed section 11D(4)(a) refers to variations of arrangements notified under proposed section 11D(1). How significant do those variations have to be before they require notification? For instance, if a 16 or 17-year-old student is engaged in some form of private training, and moves from one employer to another - it may be in the building trade - does that require notification?

Hon LJILJANNA RAVLICH: Proposed sections 11D(4) and 11E(4) will require that the parent give notice to the minister if there is a variation to previous notices. Proposed sections 11D(1) and 11D(2) require the parent to give notice as soon as is practicable of the particulars of the arrangements that have been made for the child in relation to a course or a combination of courses, or for an apprenticeship or traineeship. Proposed section 11D(4) provides that, if there is a subsequent variation, the parent must give further notice to the minister except as provided by regulations, and these are yet to be drafted. Proposed section 11D(4)(a) relates to variations to previously notified arrangements that do not involve these combinations. As far as that paragraph is concerned, a regulation will say, in effect, that variations to previously notified arrangements will not require further notice except where the provider has changed and/or if the variations mean that the arrangement is no longer a full-time one. If a variation is such that it changes the status of the student from full-time to anything less than full-time,

obviously that needs to be notified, because there is a requirement under the legislation that the make-up of a student's educational program be full-time. The nature of the full-time employment may alter, provided that the employer does not change. A change to the employer or the registered training organisation associated with an apprenticeship or traineeship will have to be notified to the minister.

Hon HELEN MORTON: Before progress was reported on this bill yesterday, the minister was talking about the process for a person who is not a registered training organisation. The example we were using was a jackaroo on a pastoral property, where the father is the owner of the property and the son, who is aged 16, wants to -

Hon Ljiljanna Ravlich: I remember the example the honourable member used.

Hon HELEN MORTON: Yes, but other examples have come to my attention during the break. The minister was telling me that there would be an opportunity for this to be registered and gazetted as an approved arrangement. What would the registering entail? What is the process for undergoing that registration? A lot of the people I am referring to do not have an understanding of educational systems. If they find they have to fill in forms, they will just throw them out because they are too hard to do. What is the process, what sort of assistance is available and how easy will it be for somebody who is not a registered training organisation to register this course, or whatever it is that we want to call it?

Hon LJILJANNA RAVLICH: I specifically remember being asked this question and having answered it. Registration processes are obviously in place. I referred in my earlier answer to a provision of the act. I made the point that we would not move towards registering every application made by parents who wanted their children to do a combination of X, Y and Z courses. However, when a number of students indicate their interest in undertaking a course of study that does not currently exist, that would be something that I, as minister, would obviously need to consider in terms of giving final approval to that course of study. The registration process is handled by the Curriculum Council. I would obviously need to be notified by a parent or group of parents about a course. Notification may in fact come from a school that wants to register a course that does not already exist. Therefore, it is not just parents who can seek registration; schools can also express a desire to have certain courses registered. They would apply to the Curriculum Council for approval and endorsement of the program. The Curriculum Council would evaluate the course and its quality, because it would need to meet certain standards, and would then place the course on a register that could be accessed as part of a student program for the Western Australian Certificate of Education. I do not know why the member is shaking her head.

Hon Helen Morton: I will tell you when you sit down.

Hon LJILJANNA RAVLICH: I am pleased that the member will do that. The member has again asked a question that she asked yesterday. I gave her an answer yesterday and am responding again today. However, the member shakes her head. The least she could do would be to take the answer on board. If the member disagrees with the answer that I provide, she will have an opportunity to speak. The course would count as a Curriculum Council endorsed program.

Hon HELEN MORTON: The minister has touched on the very concern that I have been trying to raise. It relates to parents who would like to offer their son an opportunity to learn the ropes of running a property from his father through experiential learning. They will have to go through the most enormous rigmarole to apply for Curriculum Council approval for that.

Hon Ljiljanna Ravlich: In certain circumstances.

Hon HELEN MORTON: I am not talking just about this particular case. The people the minister expects to apply to the Curriculum Council for registration in many cases will not be well educated and will have no understanding of the education system. These people will not be able to provide this sort of experiential learning unless an easier registration process is provided. I again ask the minister whether it will be possible for experiential learning to be provided by a father to his son on a property when the father does not understand the education system, education programs or the processes that he must go through with the Curriculum Council? What will the process be for the minister to approve such a system of learning?

Hon LJILJANNA RAVLICH: Doing nothing is not an option. I have explained the process of having subjects endorsed by the Curriculum Council. If a plumber wanted to pass on his skills to his son, an exemption could be provided so that the father could employ the son. If someone just wanted to hang out with his dad and learn everything that his dad knows and values, that is fine. However, at the end of the day, that would not qualify as an accredited course of study. That is perhaps something that would be better dealt with on a weekend through a bit of father and son bonding. That is fine. I do not have any problem with that. However, I am talking about accredited, certified educational programs. I am talking about qualifications that would be nationally portable. I am not talking about Mickey Mouse stuff involving children bonding with their parents, because, although that is

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important, it cannot be accredited. The member might shake her head, but, as Minister for Education and Training, I am responsible for the educational outcomes of students. Those outcomes do not just involve education; they also involve skills development and values development. We will not tailor-make courses to meet the desires of individual parents. Our system cannot do that. However, we are trying to introduce sufficient flexibility into the system so that a breadth of options can be provided to ensure that people are considerably happier than they were in the past.

Hon HELEN MORTON: It is absolutely amazing that the minister would denounce the education that can be gained from a father passing on skills to his son. I am not talking about hanging out or bonding; I am talking about experiential learning that can be gained by a child participating in work on a day-to-day basis with his father or mother. It is unbelievable that the minister would say that the only education and qualifications that are useful to make good citizens of this country are those that can be accredited and certified through the education system. The amount of experiential learning that owners of businesses provide to their sons and daughters is amazing.

Hon Ljiljanna Ravlich: I have already said that they can be employed.

Hon HELEN MORTON: The minister also said that the courses must be accredited and certified, that multiple kids must do the same course, and that courses cannot be tailor-made for individuals. I am saying that there must be something in the bill to enable courses to be tailor-made to meet the needs of individuals, because the majority of the people who will be picked up by the bill would normally do those sorts of things.

Hon LJILJANNA RAVLICH: The honourable member clearly has not read the bill in detail and does not understand it. I have already said that if somebody wants to employ his son, he can do so through an exemption that enables a child to be employed by his father. That is fine. That is catered for. That addresses the member's concerns. However, it would be very difficult to accommodate every unusual request made by parents by badging them up as courses of study and putting them through an accreditation process.

Hon PETER COLLIER: I am delighted to hear the minister speak again about flexibility. I want to return to an issue that I raised yesterday with regard to the VET options.

Hon Ljiljanna Ravlich: Is it related to a particular clause?

Hon PETER COLLIER: Yes. It is related to clause 20 in general. As I said yesterday, I would like to think that the new courses of study will provide more flexibility and options for students. However, despite the response I received from the minister yesterday, I am not convinced. At the moment a school can be a registered training provider and deliver both outcomes and assessment; the same teacher can do both. However, in the future, if a school is in partnership with a registered training provider, the courses of study must relate to the current certificates. Hospitality is a good example. The current VET hospitality course is food production and catering. However, under the new courses of study, that will disappear. That will have an impact on 60 or 70 schools. That will restrict the options of students in those courses of study. Therefore, the courses of study will not be more flexible. As I have said, the intention is to provide more pathways. However, I am not convinced that the courses of study will mirror the current VET courses. I am not talking just about hospitality. A number of the current VET courses will not necessarily be compatible with the courses of study. If that is the case, we will be cutting off the lifeline for those students, because those students who want to take that pathway will not have that option. Hospitality is a growth area. The minister mentioned this yesterday when she was talking about Challenger TAFE. If food production and catering will not be offered, what will be offered in its stead? Will the flexibility still be there? I want to know whether the government has considered this matter, because, if it has not, it needs to do so.

Hon LJILJANNA RAVLICH: The short answer is yes.

Hon PETER COLLIER: With respect, although I have to accept the minister's response, because the minister is the Minister for Education and Training, I do not think the response is correct. I also want to know whether tourism will be one of the courses of study. Tourism is also a growth area. Both tourism and hospitality have an enormous following among the students whom we are talking about. I would prefer to have an expanded response, if possible, rather than a flippant response.

Hon DONNA TAYLOR: My question relates to pages 16 and 17 of the bill, which deal with employment options. Will guidelines be developed with regard to how the minister will determine what type of employment is approved? The minister answered my earlier question by saying that if a student wanted to leave school to work for his father, who owned a small business, he would be able to do that. I will give another example. If a student wanted to work full-time in a supermarket, would that be deemed meaningful employment, and would that make the student eligible for an exemption?

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Hon LJILJANNA RAVLICH: Under the act there will be a requirement to seek approval from the minister before an exemption can be granted. Obviously each case will need to be judged on its merits. I have referred to a student who wants to work in the sex industry, or as a door-to-door salesperson. The sex industry example is probably a bit extreme. The supermarket example is interesting. It will depend on a range of factors. For example, if the student was bright but was just being lazy and just needed to be given a good kick up the backside, I would probably say no, unless the student was seeking to work in management, or whatever. However, if the student had low levels of achievement, and that sort of job would provide him with a fulfilling career and opportunities, then as the minister I would probably say yes. We need to look at each course on its merits and at each child as an individual. These are matters of judgment.

Hon DONNA TAYLOR: I have another question about employment. The minister may have referred to this previously and I did not hear it. If a student loses his employment part way through the school year, for whatever reason, will he or she be required to return to school if there is no alternative work or other option?

Hon Ljiljanna Ravlich: The students will be tracked once they leave school to make sure they are still in employment, and, if their circumstances change, they will either be tracked back into school or will have to find another option. For the student to do nothing is not an option.

Hon DONNA TAYLOR: My concern is that if the student cannot find alternative employment, or the other options are not seen as possibilities for the student, the student will return to the school environment, when he or she does not want to be there, and will, no doubt, disrupt the other students and the teachers. What mechanism will be provided to ensure that problem does not occur? If a student had to come back to school eight months into the school year, that would be ludicrous.

Hon LJILJANNA RAVLICH: There may well be a circumstance such as that. It would then be the responsibility of the training mentor to try to accommodate that student and find something that was acceptable to the student and that everyone was happy about. Once again, each student will need to be assessed on the case-by-case basis. In the past students have left school to get a job, have been employed for six months and have then lost their job, and they have then struggled, because they have ended up at the back of the dole queue and have moved into a cycle in which they do not have enough experience so they cannot get another job. That is what we do not want to happen. This is why the role of the mentors will be to track the students and make sure that, if something does go wrong, they are brought back into the system and a suitable alternative is found.

Hon BARRY HOUSE: We are trying to accommodate the minister's request that we deal with this legislation before 1.00 pm; and, if we can do that, we will. However, I suggest that one-word disdainful answers from the minister will not help.

I want to follow on from the point raised by Hon Donna Taylor. Proposed section 11D(5) on page 14 states -

If a child in respect of whom a notice has been given under this section ceases to be enrolled in a course
...

We are talking about some 2 000 students who by their very nature are already disengaged from the school environment. There is every reason to think that they will also have the greatest potential to be disengaged from other learning environments. Therefore, it is possible that they will cease to be enrolled in some other course, because they simply will not turn up, or they will tell the boss to go up the road, or whatever, and they will cease to be employed. Therefore, this could well turn out to be the biggest administrative problem with this whole bill. Hon Donna Taylor queried whether these students would then be required to go back into school if they could not be placed in another training course or a workplace. How on earth would the school organise this situation when kids were coming back into a school situation in ones and twos, at different times of the year, saying that the training environment has not worked for them and the school must look after them? That will be an absolute nightmare for the school. It simply will not work. Let us not forget that these are the types of kids who do not want to be at school. They will react very savagely to that situation if it cannot be worked through.

Hon HELEN MORTON: I will follow up on the point made by Hon Donna Taylor as well. The minister referred to a young person who may be seeking employment in a supermarket but that person could have a level of capability beyond the position and the minister would not consider that as an appropriate employment opportunity. If the parent of that child, and the child, wanted that outcome but the minister considered that the child was capable of doing more, could the minister override the parent in that situation?

Hon LJILJANNA RAVLICH: At law I probably could. As somebody who is practical, I probably would not. What I would say to the parent, however, is that we will go with this through consensus; however, if it unravels we must reconvene to have a look at it. The system we are moving to may not be perfect, and we can all come up with exceptional cases about what might happen in exceptional circumstances, but there is no doubt in my mind, as the Minister for Education and Training, that where we have come from and where we are going is a

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much improved system of education and opportunity for Western Australian students. I have no doubt about that.

Hon HELEN MORTON: I thank the minister for that heartening response. It is worthwhile just mentioning that situation, because these questions are being asked by people in our constituency, and we must get this on the record now when the bill is passing through the house. We need to be able to talk to those people, but people who do not even know about this bill will look for this information to answer those questions in weeks, months or years to come. It is important that we ask these questions and get them answered.

Hon Ljiljanna Ravlich: Fair enough.

Hon RAY HALLIGAN: Proposed section 11C on page 12 refers to participation to be full-time and it "must be on a full-time basis." It is obligatory. It can be an option or a combination of options as set out in proposed section 11B(1), which includes courses of study, employment as an apprentice and so forth. What does the minister mean by full-time in that case? Does it mean full-time as far as employment is concerned - that is, 38 hours-plus a week - or full-time as far as schooling is concerned, which is less than 38 hours?

Hon Ljiljanna Ravlich: Yes.

Hon RAY HALLIGAN: It should be defined, because it must be full-time. I am not sure whether it is defined anywhere. Also, I understand that if someone does undertake a course at university, that person need only be registered and there are no official times for study. I just alert the minister to the fact that there could be some problems in that area.

Hon PETER COLLIER: I am seeking clarification to ensure that there is flexibility. Will there be the equivalent of a hospitality course in a course of study? Will there be the equivalent of a tourism course?

Hon LJILJANNA RAVLICH: Hospitality is part of the food, science and technology course.

Hon Peter Collier: What about tourism?

Hon LJILJANNA RAVLICH: Tourism is available in several courses; for example, in business management there is a tourism stream.

Hon BARRY HOUSE: Proposed section 11L on pages 21 and 22 deals with the concept of an independent child. I can understand the concept because many other areas of legislation give virtual adult status to people over 16 years of age. In this case 16 and 17-year-olds will be in compulsory attendance situations at schools or training institutions. Will the minister clarify some of the criteria that the minister can apply to the title of "independent child" in these situations?

Hon LJILJANNA RAVLICH: That is outlined in proposed section 11L(2), which states -

The Minister is not to designate a child under subsection (1) -

(a) without having taken into account -

(i) the existence or absence of a relationship between the child and a parent of the child;

That would apply in extreme cases when no relationship exists. Some children may have carers as parents and that would be the sort of case.

Hon HELEN MORTON: I refer to proposed section 11H(2), which states -

If a child in respect of whom notice has been given under subsection (1) ceases to be employed in accordance with an approval under section 11(G), a parent of the child must give notice to the Minister

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Can the minister clarify how this would apply with a shearing team, for example, when a young person has received approval to commence working as a rouseabout with a view to learning to become a shearer, but the work is very seasonal, it is dependent on the weather and the weather may be such that the work cannot continue. A number of things could happen that might see this work arrangement not continue in a way that would have been approved in the first instance. What notification would be required in those circumstances?

Hon LJILJANNA RAVLICH: In relation to that specific question, because of the nature of climatic variations or certain seasonal factors that would impact on the continuity of the work, the training would be deemed continuous, because those factors impact on lots of occupational areas that are still defined as full-time. I guess when we work in an environment like this we are not impacted on by those factors, so we are seen to be working full-time. In terms of the broader community the same applies.

Clause put and passed.

Clauses 21 to 46 put and passed.

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Clause 47: Part 3A inserted -

Hon BARRY HOUSE: This part of the bill could turn out to be very interesting. In what form will student records be kept by the Curriculum Council? Whose property will they be? Will they become the student's property at graduation and, if so, will they be presented by way of a certificate and what information will it contain? Will it contain a full record of participation, courses, results, records and other personal information?

Hon LJILJANNA RAVLICH: It will be an electronic database. Technically it will be the Curriculum Council's property, but obviously also the student's property. Students will have access to the data. They will receive a comprehensive certificate which shows all the courses of study in all the respective units that they have undertaken.

Progress reported and leave granted to sit again.

Sitting suspended from 1.01 to 2.00 pm