

**WESTERN AUSTRALIAN COLLEGE OF TEACHING BILL 2003**

*Committee*

Resumed from 6 April. The Chairman of Committees (Hon George Cash) in the Chair; Hon Graham Giffard (Parliamentary Secretary to the Minister for Education and Training) in charge of the Bill.

**Clause 9: Membership of Board -**

Debate was interrupted after Hon Barbara Scott had moved the following amendment -

Page 6, lines 31 and 32 - To delete "teaches at a government school"  
and insert instead -

must be an employee in the education system operated by the  
Minister

Hon ALAN CADBY: Prior to the interruption of debate, I sought advice from the parliamentary secretary about the wording of the amendment. It refers to registered teachers, "each of whom teaches at a government school". Clarification is needed. Teachers at government schools on occasions are seconded to the Curriculum Council, "Silver City" or wherever. Therefore, if a person has a substantive position in a government school and is seconded for 12 months to another educational establishment that is still part of the government sector, will that person be ineligible to be one of the seven board members? As the position is to be for three years, if a teacher at a government school were elected to the board, and after 12 months that teacher were seconded out of the school to another government institution, such as the Curriculum Council, would that person no longer be able to be a member of the board because he or she was no longer teaching at a government school? That is an important issue. I seek clarification, and want to hear the parliamentary secretary's thoughts.

Hon GRAHAM GIFFARD: The short answers to the two questions are yes and no. Yes, a person must be teaching in a government school to be elected to the board. No, a person seconded to head office would not be eligible to stand for, and to be elected to, the board. The process of being elected to the board is the key. However, if a person were teaching in a classroom when elected to the board, and was then seconded to head office, that person would continue to be a member of the board. Yes and no. No, a person would not lose a spot, but, yes, it is necessary to be a practising teacher to be elected to the board in the first place. I understand the member's point about short-term secondment. However, Hon Barbara Scott's amendment would also make eligible for membership to the board a long-term placement at head office. Such persons would be eligible under the amendment as moved. As indicated when the committee last discussed the amendment, the scenario may arise of all seven board members being teachers, but teachers who had not been in the classroom for some time. The teachers on the board in that situation would not be practising teachers. The Bill is worded in this way because it is important to have practising teachers on the board.

Hon BARBARA SCOTT: I remind members of the merit of the amendment moved in my name. In answer to a question by Hon Derrick Tomlinson, it was discovered that some 270 people fell into the category permitted to stand for board membership under the amendment. It is not a small number of people. It is a group of practising teachers who are probably in the elite category; that is, they are highly regarded and respected people who have been seconded to other duties. Therefore, my amendment outlines that to be eligible for board membership, a person must be an employee of the government sector. That has merit. The Liberal Opposition believes strongly that eligibility should apply to teachers who are seconded for short-term and long-term positions - who knows in this day and age - in other fields of education.

Hon DERRICK TOMLINSON: At the outset, I have heard that an opinion has been expressed that the passage of this Bill has been delayed because opposition members are simply standing up and "having their 10 minutes of glory".

Hon Graham Giffard: You're not quoting me on that.

Hon DERRICK TOMLINSON: I am not quoting the parliamentary secretary; I quote people who should not be making comments about proceedings in this House. But I am going to have my 10 minutes of glory on this matter.

Hon Graham Giffard: As is your right.

Hon DERRICK TOMLINSON: At present 270 teachers who are to be excluded from board membership under the Bill is an important point for the Government to consider. What is a teacher? The Bill refers to teaching as meaning -

- (a) the delivery of an educational program designed to implement the curriculum framework . . .

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

I suppose that means somebody at the so-called chalk face; that is, the classroom teacher or practitioner. The definition for teaching continues -

- (b) the administration of any such educational programme.

The educational program is that approved by the Curriculum Council under the curriculum framework. What is the administration of that? It might be the principal or deputy principal of a school. Alternatively, it might be the education officer in the district office. The person is involved in the administration of the program. To use the examples cited by my two colleagues, that person is probably seconded from a substantive position in a government school. Why is such a person seconded? Because he has some qualities that are desirable for either the Curriculum Council and curriculum development or some advisory capacity for teacher development or some administrative skills. Such people are still teachers involved in the definition of teaching as stated in paragraph (b): "the administration of any such educational programme". It does not include a teacher's aide, a teacher's assistant or an unpaid volunteer. By definition, a teacher is both a classroom practitioner and someone who is responsible for ancillary services associated with the delivery of an educational program. We are now saying that such people are excluded from participation in what? From participation in overseeing the professional standards of their own profession. It is not about anything else. What is the College of Teaching about? It is not just for the registration of teachers; it is to raise the standard of the profession. We take quality teachers - we second them because of their demonstrated qualities - from classrooms and give them administrative duties that are associated with the delivery of a program. They are still teachers under the Act. We then say that those teachers are not teachers for the purpose of participating in overseeing their own profession. I fail to see the logic of that. Are they employed under the School Education Act or under the Public Servants' Act? I know that when they go to seconded positions they observe public service conditions but they are not employed under the Public Servants' Act. They are employed under the School Education Act as teachers. Every way one looks at this there is unfair discrimination against a group of professionals who are denied, by circumstance and their own merit, from participating in the conduct of the professional affairs of their own profession. Given that, I fail to see how the Government can reject the amendment moved by Hon Barbara Scott.

Hon GRAHAM GIFFARD: The opinions of members has been well canvassed on this. The effect of the amendment for the 241 individuals she identified -

Hon Barbara Scott: About 270.

Hon GRAHAM GIFFARD: The number is in the hundreds. They may well be picked up in the amendment moved by the member as would the many thousands of employees in the education system - in addition to the 270 teachers - who have been seconded from classrooms. That was the point I made previously when this matter was last before us. If this amendment were to proceed, all seven members of the board of the College of Teaching could be long since seconded from classrooms; indeed, they might not be teachers but employees in the education system. I understand the point made by members, particularly that just made by Hon Derrick Tomlinson. The effect of the amendment is far wider than the objections raised by the members. The Government objects to the amendment.

Hon BARBARA SCOTT: I will pick up the parliamentary secretary on a point that he made. He talked about employees in the Department of Education and Training. As we know, there are many categories of employees in the department. If amended, the provision will read -

registered teachers, each of whom must be an employee in the education system operated by the Minister. . .

It is a nonsense for the parliamentary secretary to state that the provision covers a range of other employees because it will not. It refers specifically to registered teachers.

Hon DERRICK TOMLINSON: If a registered teacher on a long-term secondment from a position of substantive status in a school moved into a position in, for example, a district office and, after a time, ceased to have substantive status - I believe the regulation is three years - in the school but is still a teacher without a substantive appointment, would that person still qualify for registration as a teacher?

Hon GRAHAM GIFFARD: I want to clarify the question. Is the member referring to current circumstances or what will happen under the Bill?

Hon Derrick Tomlinson: We currently do not have registration of teachers.

Hon GRAHAM GIFFARD: Under the Bill they will be required to have taught in the past five years. If a teacher wanted to go back into the system after a long time away from it, he would have to undertake professional development and reapply.

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

Hon DERRICK TOMLINSON: I refer to clause 35(e), which states -  
within the 5 years preceding the application -

- (i) has been teaching, whether or not on a full-time basis . . .

If I understand correctly what the parliamentary secretary has been saying, a person who has been seconded on a long-term basis would in the sixth year not have been teaching for five years and would, therefore, under the interpretation of clause 35(e), be disqualified from obtaining registration to teach. The person might have other registration, but not registration that would enable him or her to teach. The definition of “teaching” in clause 3 refers in paragraph (b) to “the administration of any such educational programme”. The word “administration” can be read widely or it can be read narrowly. I would have thought “administration of any such educational programme” might include curriculum development -

Hon Alan Cadby: It would.

Hon DERRICK TOMLINSON: That would depend on how widely we read those words. It might include advisory teaching. It might include teacher recruitment. However, it might be restricted to nuts and bolts administration - direct management. If the wide meaning applies and “administration” embraces all of those ancillary functions of education that are part of the teaching process - by that I mean things such as curriculum development and advisory teaching, etc - then those people who will be disqualified by the parliamentary secretary’s reading of clause 35(c) and who are involved in the administration of an educational program will be disqualified because they are not teaching in schools, yet the definition embraces both. Would the parliamentary secretary like to respond to that comment?

Hon GRAHAM GIFFARD: What is proposed in the Bill is that in order for a person to be registered with the Western Australian College of Teaching as a teacher, the person must, as is stated in the definition of “teaching”, be undertaking duties in a school. That is possibly the difference between what is proposed in the Bill and what Hon Derrick Tomlinson is saying. Hon Derrick Tomlinson is applying the broader view of a qualified teacher who is seconded and who may well be, as he said, involved in the administration of a teaching program. What we are talking about is registered teachers who are teaching in a school. The intention of the clause is to provide that seven of the 10 members of the board shall be registered teachers, each of whom is teaching at a government school. The Bill also provides for other categories of persons to be eligible to be elected to the board. This category of seven persons is intended to be available only to the persons who fit the criteria that I have outlined.

Hon DERRICK TOMLINSON: It is my contention that were that the intention of the Bill, the minister would be unfairly discriminating against a very important group of very competent teaching practitioners. They would be reduced to the same status as mine. I am qualified for provisional registration under this Bill. I think I still hold registration as a teacher in Victoria; I am not sure, because I have not checked it out for 29 years. I was registered as a teacher in Victoria for the simple reason that I was with the Australian Council for Educational Research, and I assisted in the development of a curriculum project. That was not my primary duty. My primary duty was another field of research, but I assisted. One of the ways in which I assisted was by trialling the curriculum package in schools and actually conducting lessons to see how the children responded to the learning materials. To do that, I was required to be a registered teacher, because only registered teachers could perform such duties in Victorian schools. If we were to accept the parliamentary secretary’s interpretation, then a person who has had no teaching experience for the past five years would not be qualified to be elected to the board; in other words, that person would be reduced to the same status as mine. I have not taught in a school since 1973, but I am otherwise qualified to be a registered teacher. Those very good practitioners who are doing that very important job in teaching will, by this Bill, be excluded -

Hon Graham Giffard: From that category.

Hon DERRICK TOMLINSON: Not just from that category. I think teachers need to know that. They will be excluded not simply from being elected to or electing members of the board, but also from being registered teachers, because they have not had the required five years’ experience. That is very short-sighted. I strongly urge the parliamentary secretary to reconsider the amendment moved by Hon Barbara Scott.

Hon CHRISTINE SHARP: I would like to take advantage of the format of committee debate to ask a question of the opposition members who are advocating this amendment. This and other amendments deal with quite complex matters on a Bill that has been before the House for some time. My experience in this place is that when members are really concerned about a matter and believe it is important that the House act on that matter, they discuss the matter with other members before they get to the point of debating the matter in the Chamber. I would like, therefore, to ask why, if opposition members think this amendment is so important and so serious, given its complex nature, they have not seen fit to come to me at any time to offer me any information, any insight, any briefing or any comment whatsoever on their amendments, even though they know that they need

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

my support and the support of my Greens (WA) colleagues for these amendments to be successful, and this one in particular. They have not given me the benefit of that instruction. I am therefore forced to take this debate on the merits of the brief interaction we have had this morning about very complex matters. I will not, therefore, support the Opposition's amendments.

As a very busy member in this place, as are the other Greens members, in a party that holds the balance of power, with no staffing and no resources, I point out to opposition members that in future, if they are serious about the importance of what they are talking about in this place, it will be fairly important that they take the time to speak to other members whose support they need to do something, if it is so important. It really irritates me to sit here and listen to the way in which this is being discussed, as though it is so profound, when opposition members have not carried out that basic procedure that is necessary to move things successfully in the Parliament.

We will deal with one amendment later that is in the name of Hon Alan Cadby. Hon Alan Cadby and I have had some discussion about that amendment. I will support his amendment; I believe it is an important one. However, I cannot take Hon Barbara Scott's amendment seriously because she has not even bothered to talk to me about it. She has not taken it very seriously herself.

Hon ALAN CADBY: I have a different point of view from my honourable colleague Hon Derrick Tomlinson.

Hon Derrick Tomlinson: Will you answer this first, because I think it is an important point? We have been arrogantly challenged.

Hon ALAN CADBY: Now that I am on my feet, I will speak. I am concerned that this Bill is not moving along as quickly as I thought it would. I have a view that those seven registered teachers, each of whom teaches at a government school, should be in a government school teaching. In fact, I would rule out principals. I would rather have on the board a classroom teacher who is currently teaching. Teachers who are on long-term secondment know that. Therefore, I am quite happy for them to not be on the board as registered teachers. I believe it depends where people's experience has come from. My last job was a classroom teacher. It would seem that in a year I will be going back to the classroom! It is very important to me that these registered teachers are currently teaching in schools. However, the reason that I supported Hon Barbara Scott's amendment was to catch those people who may have been seconded for 12 months. I do not care about the others. They know that. That is just part of the job. I ask that we move on in this debate. I would rather this side of the House support the view that classroom teachers, and classroom teachers alone, should be on this registration board.

Hon BARBARA SCOTT: First, I apologise to Hon Christine Sharp if she feels that she needed to be briefed by the Opposition, but explain to her that this amendment has been on the supplementary notice paper for some weeks. We have just had a three-week break. I did not receive a phone call in that three-week break asking me to explain it. To us, it is quite a clear example of discriminating against a top group of teachers in our system. I do not know that I can make it any simpler than that. Two hundred and seventy teachers are excluded from being members of the board under the category of registered teachers employed by the government system. If that is complex and needs more explanation, I am happy to provide it. However, we are arguing that they be registered teachers, but that we should include those people who are seconded to do other work. I do not think it necessarily means that it must be a personal debate about where we have come from. It is a matter of discrimination. That is the point we are making. If this amendment fails, we will perhaps consider a further amendment to reduce the number to five. There will be two registered teachers who are employees of the department but are seconded to other positions to cover that group of senior teachers who at the moment, under this Bill, are being excluded from giving the registration board the benefit of their experience, their high qualifications and their knowledge.

The parliamentary secretary has said that there are many other categories. We have been through those categories. However, for the benefit of those people who do not understand, I indicate that nine members of the board are from the universities, from the independent schools, from the State School Teachers' Union of WA and from the Western Australian Council of State School Organisations. That is quite a simple explanation of where the others come from. We are now talking about only registered teachers, and excluding a large group of highly qualified people.

Hon DERRICK TOMLINSON: I do not think there is any point in delaying the debate any further, because the opposition spokesperson on the matter has just destroyed the unity of the Opposition's position. Therefore, there is no point in arguing that any further. However, I want to answer the question of Hon Christine Sharp.

Hon Alan Cadby: I am not the spokesperson.

Hon DERRICK TOMLINSON: I am sorry; my colleague has demonstrated that.

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

Hon Alan Cadby: Honourable colleague, isn't it?

Hon DERRICK TOMLINSON: My honourable colleague, yes. I do not say anything in a disparaging way. I want to respond to Hon Christine Sharp.

Hon Christine Sharp: Hon Chrissy Sharp.

Hon DERRICK TOMLINSON: Hon Chrissy Sharp. First of all, yes, I attended some of the briefings. I did not attend them all because I was not able to attend all of them. I listened to what I was told. I did not agree with everything that I was told. I agreed with some of what I was told. I was not persuaded by some of what I was told. Therefore, I went away and read and thought about it, and discussed it with other people. I came into the debate with my own position and, I thought, the position of my colleagues. However, in the ferment of debate in this House, ideas are thrown in, questions are raised and answers are given to questions, which raise new questions. By the very nature of this place, there is a continuing and widening debate. That is what we have been going through. If I am to come into this place and be restricted to responding to the things that I have been told by the advisers, I will go home, because the decisions are not made by the advisers; they are made by us after we have considered all the points.

I finally say that after questions were asked about why it is such a large board - I think there are 19 members - we received a very well argued letter from the interim chairman of the board. He said teaching is an inclusive profession, and because it is inclusive, we want everybody to have a say. My point - it is not accepted by my colleagues - is that this clause replaces inclusiveness with exclusiveness. It is excluding from participation in the affairs of the college a group of teachers who, by circumstance, move out of the classroom. They are disqualified.

Hon CHRISTINE SHARP: Hon Derrick Tomlinson completely misunderstood what I said. I also attended a briefing on this Bill given by those government officers who have been involved in formulating the Bill and advising the Government. That was not what I referred to. I referred to the fact that it was not a question of talking to the government advisers but a question of the Opposition talking to the Greens; that was the point I made. It is my experience in the relatively short time I have been in this Chamber, compared with the member, that when the Opposition is really dinkum about something, it makes sure that it canvasses its views with other parties in this place whose support it needs and convinces them of the merits of its argument. It does not rely merely on the toing-and-froing of debate in the Chamber and expect members to change their position based on that alone. Sometimes that happens - of course it does. Sometimes a member's argument is so compelling that he or she will change how other members vote when the question on a motion is put. My experience of seven years in this place is that those occasions are very rare. If there is to be collaboration across the Chamber, the standard practice is to have communication. I have received no communication. I have not heard of these figures and the arguments about which categories will or will not be excluded. I am just going on what I have heard this morning, and my hearing has been partly impaired by the fact that a quiet dialogue is going on across the Chamber, which again is a disadvantage that the Greens experience quite frequently in committee. Often, I find it hard to hear what the minister's representative is saying to the members on the opposition benches because the back of the minister's representative is turned to me. Sometimes I do not hear the nuances at the end of a sentence. That is the kind of working situation in which the member is asking me to cross the floor. I must point out to the member that I am not able to do that. For other amendments in this Bill or indeed any other Bill for which I am responsible, I request that if the Opposition thinks there is a point on which it should be seeking collaboration with the Greens - particularly when it has three members who are apparently responsible for input into this Bill - that it communicate with us well in advance of debating the merits of its argument, otherwise I will err on the side of caution. I have listened to what has been debated this morning and I will not be supporting the amendment.

**Amendment put and negatived.**

Hon BARBARA SCOTT: Again, this amendment is about registered teachers at a government school and the argument for having it is along the same lines as that for the previous amendment, which I explained to the committee before the Easter break. Clause 9(2)(a)(ii) states -

elected by registered teachers, each of whom teaches at a government school;

This amendment will allow registered teachers to be elected and it will include in that category the 271 teachers excluded by this Bill. Before the Easter break when I moved the first amendment, I made the point that those are the people to whom we are referring. I move -

Page 7, line 2 - To delete the line and insert instead "is eligible for election under paragraph (a)(i);".

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

Hon GRAHAM GIFFARD: The Government does not accept the amendment for reasons based on the other side of the same debate. Those who vote for teachers to be on the board must fit into the same eligibility criteria. The reasons for having this provision were well aired in the consideration of the previous amendment. This amendment would make the Bill consistent with the amendment previously moved by the member; therefore, we will not be supporting it.

**Amendment put and negatived.**

Hon BARBARA SCOTT: I move -

Page 7, lines 4 and 5 - To delete “teaches at a school that is” and insert instead “is employed as”.

Again, this amendment is targeted at registered teachers and allows those who are employed by the Catholic education system to vote on the board of members. This amendment refers to teachers who are registered and are also part of the Catholic school system. The same argument is used for this amendment that we are excluding teachers who, under the Bill, are categorised as registered teachers but are not allowed to be part of the College of Teaching. The Opposition finds that discriminatory, and I will defend that to the end of this Bill. This College of Teaching should embrace all members of the teaching profession. We find it discriminatory and exclusive to exclude the category of teachers that I talked about extensively three weeks ago and again this morning.

The CHAIRMAN: I am going to invite the parliamentary secretary to respond. However, it seems that consideration must be given to the amendment now before the Chair and the amendments proposed, because they appear to be contingent on amendment 21/9, which was to widen the scope of teachers who were to be able to be nominated or appointed to a board. That amendment was lost and it seems that this amendment is trying to enlarge the scope of something that has already been defeated. However, I raise those issues so that any member who wants to move an amendment has regard for the fact that amendment 21/9 was lost. I will put the question that the words proposed to be deleted be deleted, and invite the parliamentary secretary to respond.

Hon GRAHAM GIFFARD: I am not sure whether the amendments are redundant. There are categories of membership of the board. The first category that we dealt with a couple of minutes ago involved teachers from government schools, and these provisions involve teachers from Catholic and independent schools. They are distinguishable. The point you made, Mr Chairman, was correct in that the same arguments will be rehashed.

The CHAIRMAN: A principle was established when we dealt with amendment No 21/9. I agree that this amendment deals with Catholic schools and to that extent it may be distinguished from the previous amendment, but the principle has already been set. I wanted to raise this issue with the Committee of the Whole House so that we do not go over matters that we have already dealt with.

Hon GRAHAM GIFFARD: I do not intend to rehash the arguments. For precisely that reason I indicate that the Government will not support the amendment.

Hon ALAN CADBY: I strongly support Hon Barbara Scott’s amendment because I think that the government school system is quite different from the Catholic school system and also from the independent school system, which we will deal with later. They are not such large organisations, and both systems have teachers that take on and come out of advisory roles on a fairly regular basis. Very few teachers in those systems try to find a career out of the classroom, such as a little home in “Silver City”, and then never get back to the classroom. That is the way of promotion for some, but that is not the way with either the Catholic system or the independent school system. Although I was not a strong supporter of the first amendment - Hon Derrick Tomlinson said that I may have broken the unified approach - in this case I am unified with Hon Barbara Scott. It is a very important issue for both educational systems, because of their nature, the lack of support for them and the smaller support group available to them in terms of curriculum support. We would be doing a disservice to the classroom teachers who move into those areas for a short time.

**Amendment put and negatived.**

Hon BARBARA SCOTT: I move -

Page 7, line 5 - To delete “a school” and insert instead “an education”.

We are again talking about two people.

The CHAIRMAN: Are you referring to amendment No 29/9?

Hon BARBARA SCOTT: Yes. We are talking about two registered teachers who are to be elected.

Hon Graham Giffard: You have gone to amendment No 24/9 without dealing with amendment No 29/9.

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

The CHAIRMAN: We are dealing with page 7, line 5. The amendment seeks to delete the words “a school” and insert instead “an education”.

Hon BARBARA SCOTT: Yes. We are talking about two registered teachers, each of whom teaches at a school that is part of a school system.

The CHAIRMAN: As long as you are on amendment No 29/9. That is the important bit for me.

Hon BARBARA SCOTT: Again, I say to my colleagues in this place that we are talking about two registered teachers from the Catholic school system who are to be appointed to the board. The argument I am putting forward involves registered teachers under the Act who have been seconded to do other work. I am talking about people in the Catholic school system. I again argue that these people should not be excluded from the board of the College of Teaching. We believe that they would bring some experience and strength to the College of Teaching.

Hon GRAHAM GIFFARD: Again, the Government will not support the amendment.

**Amendment put and negatived.**

Hon BARBARA SCOTT: I move -

Page 7, lines 10 and 11 - To delete the lines and insert instead “is eligible for election under paragraph (b)(i);”.

Hon GRAHAM GIFFARD: We do not intend to support this amendment. It is an attempt to broaden the category of the persons who will vote for the two registered teachers to be on the board. For the same reasons we have indicated previously, we do not intend to support that principle and we will not support the amendment.

**Amendment put and negatived.**

Hon BARBARA SCOTT: I move -

Page 7, line 14 - To delete “teaches at a school” and insert instead “is employed as part of an education system”.

Again, we are talking about a registered teacher in the Catholic education system who should be eligible to be part of the board of the College of Teaching.

Hon GRAHAM GIFFARD: The Government will not support this amendment. It picks up the same arguments that the previous set of amendments did.

**Amendment put and negatived.**

Hon BARBARA SCOTT: I move -

Page 7, line 15 - To delete “a school” and insert instead “an education system”.

I will clarify the situation. Ten members will be elected to the board, seven of whom are to be teachers from the government system, two are to be registered teachers from the Catholic system and one is to be a registered teacher who teaches at a school other than a school referred to in subclause (2)(a) or (b). My amendment seeks to delete the words “a school” so that the provision includes a registered teacher who is not teaching at a school. Those are the people we want to include in the teachers registration board.

Hon GRAHAM GIFFARD: Again, I indicate that the Government will not be supporting this amendment.

**Amendment put and negatived.**

Hon BARBARA SCOTT: I move -

Page 7, lines 18 and 19 - To delete the lines and insert instead “is eligible for election under paragraph (c)(i).”.

The sentiment of my amendment is that registered teachers in the non-government sector who have been seconded to higher places will be eligible to vote for their colleagues to sit on the board.

Hon GRAHAM GIFFARD: Again, I indicate that we will be opposing this amendment.

**Amendment put and negatived.**

The CHAIRMAN: The committee now moves to amendment 19/9 in the name of the parliamentary secretary.

Hon GRAHAM GIFFARD: I indicated to members previously that we do not consider this a necessary amendment. I will not be moving it.

Hon BARBARA SCOTT: I move -

Page 8, after line 3 - To insert -

(10) No person may be a member of the board for more than 3 terms.

The issue at stake is that the term of office is three years. The Opposition believes that nine years is sufficient time to serve on the board.

Hon GRAHAM GIFFARD: We will not be supporting this amendment. We take the view that it is a matter for the organisations who nominate, or the stakeholders who vote for their representatives on the board, to determine how long they want a person or persons to be on the board. We are not inclined to impose artificial constraints on those people who would otherwise be eligible for election to the board. It really is a matter for the stakeholders themselves to determine who they want within their categories to represent them on the board.

**Amendment put and negated.**

Hon ALAN CADBY: I have a query about subclause (3) on page 7, which states -

If, within 30 days of a request to do so, a person or persons, or a body referred to in subsection (1) fails to nominate a person for appointment . . .

If the independent school sector fails to nominate somebody, does that mean that the minister will nominate someone from the independent school sector, or could he nominate somebody from outside that independent school sector?

Hon GRAHAM GIFFARD: It applies to subclause (1), so it applies to all of those appointments under subclause (1). I think the honourable member was talking about an election under subclause (2)(c)?

Hon Alan Cadby: I picked the wrong example.

Hon GRAHAM GIFFARD: Draw a line under subclause (1) and look up; those are the categories for which the minister may make an appointment.

Hon Alan Cadby: From that category?

Hon GRAHAM GIFFARD: Yes, from those in subclause (1).

Hon ALAN CADBY: My concern is the amount of money that is to be taken in by this College of Teaching and how that money will be spent. What concerns me are the expenses incurred by the Electoral Commissioner. Does the parliamentary secretary have any idea how much the elections will cost? This will happen every three years and it could involve a significant amount of money that could be used somewhere else.

Hon GRAHAM GIFFARD: I regret that I do not have any costings available for the election. I presume the honourable member is talking about the elections referred to in subclause (2). I do not have any figures available. It would probably depend upon the size of the ballot. If I could advise the member on an approximate cost I would.

Hon Alan Cadby: Will you do that at some stage?

Hon GRAHAM GIFFARD: I will inquire about that. I am not sure whether the Electoral Commissioner gives estimates of costs, but I am sure we could get some reasonably intelligent feedback for the honourable member.

**Clause put and passed.**

**Clause 10 put and passed.**

**Clause 11: Remuneration and allowances -**

Hon DERRICK TOMLINSON: I should point out at the outset that I am not standing as a spokesperson for the Opposition. I am speaking as a private member because I have not discussed this with anybody. It is simply a matter that I noted when I was reading the Bill. The remuneration and allowances are paid for member attendance or for teacher relief but, under subclause (3), not both. If we look at who might be eligible, the practice is that people such as those board members nominated pursuant to clause 9(1)(a), (b) and (c) under the general practice of the public service would not be paid for attendance because their attendance would be regarded as part of their professional duties under their appointment. Two board members are to be nominated by the joint universities; those members might be eligible for payment. One member is to be nominated by the Independent Schools Salaried Officers' Association and another by the state schoolteachers association. Therefore, the two teacher association members, provided they are not teacher members elected under clause 7, which will not be the case, might be eligible for member attendance payments. The two parent association members quite clearly would be eligible for remuneration. However, no teachers would be eligible because their



Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

schools will be eligible for remuneration under clause 11(2) for relief teaching when the board meets during school hours. Our education system has relied heavily for a long time upon the voluntary contribution of teachers to such functions. The practice in past decades has been for teacher relief to be paid. Many of the hours contributed by members of the profession to such official functions are out of school hours without any remuneration at all. I argue that if one is to really regard teaching as a profession, teachers should be paid professional fees. I do not argue about giving them a 30 per cent increase in salary, even though they may deserve it. I suggest that when involved in functions such as representing their profession on the WA College of Teaching Board, especially out of school hours, it would be proper to give due recognition by paying appropriate fees for services.

Hon GRAHAM GIFFARD: As I understand it, as the honourable member indicated, if the board meets during school time, the schools of teacher board members will be eligible for payment for relief. If the board is meeting out of school hours, the Bill allows for teachers to be remunerated. That remuneration will be consistent; that is, it will be determined by the Minister for Education and Training on the advice of the Minister for Public Sector Management consistent with other boards or committees that professional persons attend and for which they are paid for their time. That is the advice.

Hon DERRICK TOMLINSON: If that is the case, I commend the Government. Unfortunately, it is not what the Bill states. It states clearly that board members may be paid under either paragraph (a) or (b) in respect of a meeting, but not under both. If the Government's intention is that a teacher giving private time to meetings is eligible for payments under paragraph (a), that needs to be made clear in the regulations. The Bill can be read to exclude that possibility. I thank the parliamentary secretary for his assurance that the profession will be paid.

**Clause put and passed.**

**Clause 12: Meetings and minutes of meetings -**

Hon DERRICK TOMLINSON: I again speak as a private member as I have not consulted anyone. I refer to grounds for closed meetings. Clause 12(3) reads -

The Board . . . may order that the meeting, or part of the meeting, be closed if it is of the opinion that such an order is in the best interests of the parties involved or the maintenance of professional standards.

I noted when I read this clause that when a committee pursues disciplinary proceedings elsewhere, the general ground for closure of the meeting is consideration of the public interest. Here we have an exclusive consideration; namely, the maintenance of professional standards. The other consideration is the interests of the parties involved, which is a reasonable proposition. I can see situations in which a teacher faces disciplinary proceedings that reflect badly on the profession, but the public interest is best served by knowing the matters of those proceedings. I wondered as I read that clause whether the Government had given any thought to a ground being the public interest. I was even more concerned when I read clause 12(6) concerning a determination that a matter is confidential. I am not sure what "confidential" means in this context because we have considered closed and open meetings. "Confidential" is used. Subclause (6) reads -

The Board may determine that a matter is confidential if it considers that its disclosure is likely to infringe the reasonable privacy of any person.

If a matter is confidential, does that mean that the section of an open meeting at which confidential matters might be discussed are struck from the record, or is confidentiality another reason for closure of the meeting? That is peripheral to my main concern; namely, did the Government give any thought to the public interest as being a reason for deciding between open and closed meetings?

Hon GRAHAM GIFFARD: The phrase "maintenance of professional standards" has not been a matter of great discussion in the development of the Bill. It is considered that the provision of making a decision based on the best interests of the parties involved or the maintenance of professional standards is suitable and appropriate, and the board must use its discretion on that basis. In the event that the board does not take disciplinary action because an allegation has not been substantiated, it can use its discretion under that provision to have a closed meeting. However, if the board substantiates an allegation against a person and takes disciplinary action, clause 79 of the Bill provides the board with the discretion to release its judgment on the person against whom it has made the finding. If it takes disciplinary action against a teacher, clause 79 allows it to disclose its decision for the public interest.

Hon DERRICK TOMLINSON: I am sorry to waste the time of the committee on this matter, but it is of some interest to me. The board could take disciplinary action and decide to have a closed meeting because it is of the opinion that to do otherwise would be detrimental to professional standards. We could also use that argument in

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

the prosecution of a police officer for an offence. I make the observation that only 13 per cent of prosecutions against police officers succeed. Eighty-seven per cent do not succeed. Does that mean that for the 87 per cent of prosecutions against police officers that do not succeed, we will have closed meetings because the public prosecution of a police officer is not in the public interest? That is probably drawing too long a bow because we are talking about discipline versus prosecution. Let me use a closer analogy. A police officer or a public officer, including a teacher, could be examined by the Corruption and Crime Commission. The Bill gives it the authority to decide whether that examination will be open or closed. I make the point that at that stage the examination is simply part of an investigation. Nobody would be charged with anything, because the Corruption and Crime Commission has the power only to investigate, not to prosecute. If the Corruption and Crime Commission had a teacher under scrutiny, for example, it might decide in the public interest to open or close the hearing. In that situation, the same problem might arise in that what is disclosed in the public hearing might be detrimental to the professional interest. However, it is in the public interest that it be disclosed. I draw those comparisons because this is an important point. If we are going to have a so-called inclusive professional association that is about advancing the professional standards of teachers, why make it so exclusive and closed? It is exclusive to teachers and the teaching profession. Even a teacher facing discipline has the protection of his individual interests. I do not oppose that; it is an important principle. However, the professional standards of teachers are not solely the responsibility of the profession; each of us who has a child in a school has a vested interest in professional standards. The public interest must be a factor. I ask the parliamentary secretary whether he will consider an amendment to delete the words "the maintenance of professional standards" and replace them with "the public interest".

Hon GRAHAM GIFFARD: I am prepared to take up that matter with the minister in the terms proposed by Hon Derrick Tomlinson.

**Clause 12 postponed until after consideration of clause 89, on motion by Hon Graham Giffard (Parliamentary Secretary to the Minister for Education and Training).**

**Clause 13 put and passed.**

**Clause 14: College to give regard to advice of Minister -**

Hon DERRICK TOMLINSON: Again, this is a private member's question. I refer to other legislation under which a body must give due regard to the advice it receives from a minister; that is, advice to a quasi-autonomous body or a non-government organisation, which is known as a quango. In other legislation, when the minister may give advice and the members of the board or committee are bound to give due regard, there is provision that the minister either advise the Parliament of his action or the body report the advice of the minister in its annual report. I do not see any requirement that advice given and due regard be reported to either the Parliament or publicly through the annual report of the board. Why is this body treated differently from others?

Hon GRAHAM GIFFARD: The clause is as a result of dialogue between the minister and the interim board. The interim board was keen to make it clear that the College of Teaching will be run by teachers and the board. There was much discussion about whether clause 14 should be inserted because many board members felt they should not be required to take advice from the minister. They wanted to make decisions about the profession themselves. However, we thought it prudent to ask the board to give due regard to advice, but not directions, given by the minister. The board may accept the advice or reject it. It could accept advice in part; it might take up some aspects of a recommendation by the minister. The obligation is on the board to give due regard. The Government did not see it as necessary to report any advice the minister may give to the board. The member is proposing an additional requirement but the Government does not believe it is necessary for the smooth functioning of the board.

Hon DERRICK TOMLINSON: It may not be necessary for the smooth functioning of the board but it is an essential part of public accountability. This is a statutory authority established by statute. For the first five years it will be funded by the State. Thereafter, it will be required to generate its own income and its expenditure will be from that income. Regardless of whether it has financial input from the State, it is still a statutory authority that is accountable to this Parliament in an annual report and to the responsible minister. It is absolutely essential that a statutory authority have in its legislation a provision of this kind; that is, that a minister may offer advice and that the advice be given due credence. I accept that a body of this kind is not bound to agree with the minister or to follow the minister's advice as a direction. However, I believe that in the interests of public accountability of a statutory authority - not the smooth running of a board that is an incestuous association protecting its own interests - when the minister gives advice, the board be bound to report at least annually on that advice and the action that it has taken. Alternatively, that the minister report to the Parliament that he has given advice to a statutory authority that is a creation of the statutes of this Parliament.

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

Hon GRAHAM GIFFARD: I note what the honourable member says. It seems to me that if the Bill were to contain such a provision, it should probably be in clause 29. That clause sets out the annual reporting requirements and what is contained in such reports. The committee will not deal with clause 29 today. That will give us the opportunity to discuss this further. Such a provision should not be included in clause 14. Clause 29 is a more appropriate place to determine the matter.

**Clause put and passed.**

**Clause 15: Minister to have access to information -**

Hon BARBARA SCOTT: I move -

Page 12, after line 6 - To insert -

(6) This section will cease to have effect from 1 July 2006.

We have just discussed advice from a minister. The clause refers to the minister being able to demand or request information from the board. During the establishment of the board in its first year of operation it will be funded from the consolidated revenue fund. Therefore, the minister has the right to expect that the board will give him or her information. We are establishing a board for the college which, as Hon Derrick Tomlinson says, is a statutory body, and the amendment reflects the fact that the information a minister can request will cease when the consolidated revenue funding expires.

Hon GRAHAM GIFFARD: The Government does not support the amendment. The sort of information that the college will provide to the minister may well include the number of registered teachers in each of the teaching sectors and the extent of their experience and subject areas, as well as information that may assist the minister and the Government in strategic planning. It will not include personal membership details. For that reason, the Government does not want this sunset provision to be included.

**Amendment put and negated.**

**Clause put and passed.**

**Clause 16 put and passed.**

**Clause 17: Powers -**

Hon DERRICK TOMLINSON: Subclause (2) states -

The College may not acquire, hold or dispose of real property other than premises used, or to be used, as its office premises.

That may be somewhat constricting for a body that is required, under clause 16(f)(ii), to promote and encourage increased levels of skill, knowledge and competence in the practice of teaching. A move was made some years ago to establish a college of teaching that would have those responsibilities. That body was proposed to be established at the Claremont campus of Edith Cowan University - the former Claremont Teachers College - and was to have been involved in increasing the levels of skills, knowledge and competence in the practice of teaching. I suggest that if this body is to be restricted to the owning of office premises and is not to own premises that have suitable professional development rooms, it might find that a constraint on its functions. However, that is of minor importance compared with my next question. Subclause 3(c) provides that the college may -

develop and turn to account any technology, software or other intellectual property that relates to the function, and, for that purpose, apply for, hold, exploit and dispose of any patent, patent rights, copyright or similar rights.

The question of ownership of copyright, patent rights and turning to account any technology, software or intellectual property was tested by the colleges of technical and further education about five years ago. Those colleges, which function as quasi-independent agencies, had developed software, technology and intellectual property. For example, the then South West Metropolitan College of TAFE - I think it is now called Challenger TAFE - was involved in fish farming, and in its pursuit of fish farming it had developed considerable intellectual property. Likewise, various colleges had been pursuing various areas of curriculum development, and in their pursuit they had developed considerable intellectual property in those areas. They had, in fact, developed hardware, software and written material, and they wanted to know in which body that material would reside. They asked that question of the Crown Solicitor, and the Crown Solicitor said that the copyright resided with the Crown, because those agencies, although functioning as independent educational institutions, were agents of the Crown. I will probably get some very learned legal advice on this matter, but I am reciting what I was advised

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

when I reviewed this matter. One could argue that the Western Australian College of Teaching will not be an agent of the Crown. However, it will be a statutory authority. It will be established by the Crown for the purposes of the Crown. Therefore, those things that it will develop, whether they be curriculum, technology or whatever, in promoting the levels of skill, knowledge and competence in the practice of teaching, will not be its intellectual property, nor will it have the patent rights of private ownership. Those rights will reside with the Crown. I ask the parliamentary secretary has the Government received contrary advice with regard to this clause?

Hon GRAHAM GIFFARD: I am advised that we have not been advised that the copyright will reside with the Crown in this instance. The reason I am advised that is that the college is not an agent of the Crown. The example that the member draws upon is TAFE colleges. TAFE colleges are publicly-funded organisations and are part of the educational system. I am advised that a distinction must be made between the circumstances of TAFE colleges and the circumstances of the Western Australian College of Teaching.

Hon DERRICK TOMLINSON: Clause 6 provides that the college does not represent, and is not an agent of, the Crown. However, it will be a body that is accountable to the Parliament and that must be advised by the minister and have due regard for that advice. In those circumstances, although clause 6 provides that the college is not an agent of the Crown, as a statutory authority it may not be any different from TAFE colleges. I simply make that point and advise that this matter may be subject to challenge at a later date.

Hon GRAHAM GIFFARD: I am advised that a distinction must be made between TAFE colleges and the Western Australian College of Teaching, and for that reason the difficulties that the TAFE colleges had with copyright will not apply to the Western Australian College of Teaching. However, I will take up that matter and provide the member with further advice if necessary.

Hon Derrick Tomlinson: Would you expand on subclause (2) - the question of real property?

Hon GRAHAM GIFFARD: As I have said previously in this debate, much of the drive for many of the provisions of the Bill came from the interim board and its extensive consultation process. It is the view of the board and the Government at this time that the provisions in this clause will not be a burden or constraint. I acknowledge the member's view. There will, of course, be a review period for the college. During the course of that review, the college may say to the Government that, from its experience, that question needs to be revisited. However, at this stage the Government does not believe the provisions in this clause are unnecessary or unreasonable, so we would prefer to retain the current wording.

**Clause put and passed.**

**Clause 18 put and passed.**

**Clause 19: Director -**

Hon BARBARA SCOTT: I have a question for the parliamentary secretary. How will the director be appointed? A number of school organisations have requested me to ask that question. It is not a nuisance question. A recommendation has been made that the advertisement calling for applications for the position of director be an open advertisement. I am speaking to the parliamentary secretary.

Hon Graham Giffard: I am listening to you.

Hon BARBARA SCOTT: Will the parliamentary secretary explain to the Parliament how the director is to be appointed?

Hon GRAHAM GIFFARD: I am advised that the current director was selected on merit. The normal public sector process was followed, and that was open to scrutiny. The position was advertised across all education sectors. The board of the college will be required to follow this process again. It will advertise the position widely once the college is established.

Hon DERRICK TOMLINSON: I have read clause 19(4) several times, and I am perplexed. Perhaps the parliamentary secretary could elucidate. Subclause (4) reads -

An act or omission of a person acting in the place of the Director under an appointment under subsection (3) is not to be questioned on the ground that the occasion for his or her acting had not arisen or had ceased.

The last words are that the act or omission of a person acting "is not to be questioned on the ground that the occasion for his or her acting had not arisen or had ceased". If it had not arisen or had ceased, the person is not acting; and if the person is not acting, how can there be an act or an omission of that person?

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

Hon GRAHAM GIFFARD: I agree with the honourable member that it is interesting wording. I understand that it is included in the Bill to take into consideration leave. An acting director may be appointed while the director is to be on leave, but for some reason - any reason - that leave may not be taken. In that event, the occasion for that person's acting had not arisen, even though he may have been appointed by the board in place of the director while the director was to be on leave. I am advised that that is the explanation of why that provision is in the legislation, interesting though the wording is.

Hon DERRICK TOMLINSON: The person who is appointed but does not take up the position because the position does not exist cannot be questioned about acts or omissions done while he is not doing anything. To use the parliamentary secretary's example, the director of the College of Teaching may take leave of some kind. An acting director may take up the position for the duration of the director's leave. During that period as acting director, the acting director may act or omit to act in a certain way. However, if that act or omission is brought to attention after the acting director has ceased to be the acting director, the acting director, or the act or omission of the acting director who was acting then but not now, cannot be questioned. The subclause states that "the occasion for his or her acting had not arisen or had ceased". I understand what the parliamentary secretary said about the occasion not having arisen, because before he took up the job the director decided to not take his leave; therefore the person did not take up the job, so he could not have acted or omitted anything. However, he may act or omit while he is acting in the position. After he has ceased to act in the position, his acts or omissions cannot be questioned.

Hon GRAHAM GIFFARD: I will try to explain it this way: if an acting director makes a decision, and that person's period as acting director ceases, as I am advised, this provision would preclude someone from questioning a decision that was made while that person was acting director on the grounds that the acting had ceased; that is, it was a proper and valid decision of the person when he was acting director, and it remains a proper and valid decision of the acting director, notwithstanding that he has ceased to be the acting director. That clause is intended to apply to that situation.

Hon DERRICK TOMLINSON: Does that mean that an aggrieved person who has been disqualified, for example, from registration because of an act or omission by an acting director has no recourse of appeal against the act or omission of the acting director because the acting director has ceased to act?

Hon GRAHAM GIFFARD: I believe the short answer to that is no. However, he would not be able to appeal on the basis that that person is no longer the acting director. If he has grounds for appealing against the decision -

Hon Derrick Tomlinson: The clause states that the act or omission of a person acting in the place of the director cannot be questioned.

Hon GRAHAM GIFFARD: It cannot be questioned "on the ground that the occasion for his or her acting had not arisen or had ceased". Therefore, it is linked to it. If the person made a bad decision, it can be challenged. However, it cannot be challenged on the basis that the person is not the director any more; therefore, the decision should not apply. If it is a bad decision, it is a bad decision. When the person was acting, he was exercising the full powers of the director. Those powers do not just dissipate or disappear. That is what the clause means. That cannot be used as a ground of appeal; that is all.

**Clause put and passed.**

**Clauses 20 to 28 put and passed.**

**Clause 29 postponed until after consideration of clause 89, on motion by Hon Graham Giffard (Parliamentary Secretary to the Minister for Education and Training).**

**Clause 30: Persons who may teach in schools -**

Hon BARBARA SCOTT: I move -

Page 21, line 9 - To delete "\$5 000" and insert instead "\$1 000".

It is of grave importance to the public of Western Australia if a teacher is not properly registered, and this sentiment is conveyed in this clause, which states -

A person must not teach in a school unless the person -

- (a) is a registered teacher; or
- (b) holds a limited authority to teach and is teaching in accordance with that authority.

I ask that the penalties for first offences in clauses 30 and 31 be reduced from \$5 000 to \$1 000. This sort of fine should be applied in only extraordinary circumstances. In the courts, judges have difficulty determining the amount of fines to be levied, and here we have a board with the ability to impose a fine of that amount of money

Hon Alan Cadby; Hon Graham Giffard; Hon Barbara Scott; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp;  
Chairman

---

on someone who has purported to be a teacher. We know there will be first-offence cases involving highly qualified music or arts and drama teachers. A fine of \$5 000 is a very extreme fine to apply in that first instance and I would like it to be replaced by a \$1 000 fine.

Hon GRAHAM GIFFARD: The Government will not be supporting the amendment because it believes that the fines set out in this provision and others are appropriate. We have taken advice that these fines are consistent with those used by other registration authorities. They are maximum amounts and we think they are appropriate.

The fines need to be of a sufficiently high level to deter people from working as a teacher without being registered, and they should also deter employers from avoiding their obligations by employing a relative or a friend who is not a qualified teacher in the place of a registered teacher. The maximum fine needs to make a clear statement that we regard these offences as serious. Therefore, we feel that the levels set out in the Bill are appropriate.

**Amendment put and negatived.**

Hon DERRICK TOMLINSON: This is simply a point of clarification on a matter raised in a briefing. Clause 30 states -

A person must not teach in a school unless the person -

- (a) is a registered teacher; or
- (b) holds a limited authority to teach . . .

I asked how a student teacher on practicum in a school would be authorised. The advice I was given was that that person could be given a limited authority to teach. Whereas a provisional registration is for three years, the limited authority to teach is much more restricted. Does that mean that every time a student teacher goes on practicum, he or she must apply for and be given a limited authority to teach for the location and the period of the practicum? Given the number of student teachers who are on practicum at any given time, has the interim board given advice about how it will manage that problem?

Hon GRAHAM GIFFARD: I am advised that a student teacher does not need a limited authority to teach because he or she is under the supervision of the teacher. Under the Bill, the definition of “teaching” does not include the duties of the kind undertaken by a student teacher.

Hon Derrick Tomlinson: Sorry, I missed that point.

Hon GRAHAM GIFFARD: The definition of “teaching” in clause 3 states -

but does not include duties of the kind undertaken by -

. . . a student teacher; . . .

Therefore, a student teacher would not need the limited authority to teach and would not have that difficulty alluded to by the member.

Hon BARBARA SCOTT: I move -

Page 21, line 10 - To delete “\$10 000” and insert instead “\$2 000”.

The Bill provides a very severe penalty for someone who is a teacher but not a registered teacher. I ask that this penalty be applied in only extraordinary circumstances. Under this Bill, the limited authority to teach is somewhat unclear in instances. If a teacher is not registered and does not have a limited authority to teach, he or she is fined \$5 000 for a first offence or \$10 000 for a second offence. That is why I moved that a registered teacher who does not have that limited authority to teach receive a \$1 000 fine rather than a \$5 000 fine in the first instance.

**Progress reported and leave granted to sit again.**