

MINISTER FOR EDUCATION AND TRAINING - CONFIDENCE OF THE HOUSE

Motion

Resumed from an earlier stage of the sitting.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [5.05 pm]: Prior to question time, I was asking a question, in the rhetorical sense, of the Minister for Education: why was Mr Albert sacked? All we have been told is what is contained in a ministerial statement delivered to this house undated, but I guess it was some time last week. It says -

Premier Alan Carpenter has announced that the Director General of the Department of Education and Training Paul Albert, will leave the public service.

Further on it states -

“It is with regret that during our discussion we came to an agreement that it was in the best interests of all parties for Mr Albert to leave the public sector under a Management Initiated Retirement.

The statement also reads -

“Mr Albert has provided excellent service to the Government over many years . . .

It further states -

I accept that the CCC did not make any specific adverse findings against Mr Albert, but we both agreed that public confidence in our education system was paramount.

The statement goes on to say what the government will do as a result of Mr Albert’s removal. As I said the other day when we sought to bring on the debate as a matter of some urgency, the sacking of a very senior public servant in this state is a very serious matter. If a government member is to respond again on this matter, we are entitled to know why Mr Albert was stood aside. The minister tells us that the CCC wrote a letter to Mr Albert and told him that he was not to disclose the substance of the contents of the letter to anybody, and we are told that that included the minister. If Mr Albert was removed from his position because he did not tell the minister, but according to the minister he was advised he was not allowed to, why was he sacked? Was he sacked because he was running an agency that allowed these things to happen? Is that why Mr Huts was also sacked? That then raises the question: who is responsible for the agency- the minister, the chief executive officer or the people who work beneath the chief executive officer?

In answer to a question this minister would have us believe that issues in relation to sexual misconduct within her agency were “operational matters”. I inform the minister that to my knowledge operational matters that ministers cannot talk about, have an involvement with or have some responsibility for relate only to the Minister for Police and Emergency Services. A whole range of things are undertaken by the police service that the minister should not, does not and will not ever know about because they are police operational matters. Ministers for Police, for as long as I can remember, have got up in the house and said, “I cannot answer that question because it is an operational matter.” An operational matter for the police service is totally different from any notion of an operational matter in a normal government agency such as the education department. The minister is responsible for the Department of Education and Training in the same way as her colleague is responsible for the Department of Agriculture and Food. As they are government departments, as opposed to statutory authorities, ministers have a special responsibility for and a particular capacity to be involved in the operations of their respective organisations.

The minister was quite happy to get up in this place five years ago and condemn then minister Doug Shave for not doing things in respect of his agency which at that time, and still is, a statutory authority at arms-length of the minister. The minister was quite comfortable to get up in this house and abuse him and accuse him of wrongdoings in the administration of his portfolio. However, here we are today talking about the minister’s responsibilities for a government department. The minister cannot claim that something that goes on in her department is an operational matter and, therefore, it has nothing to do with her. Both the minister and I know that that is not the way the Westminster system works. I could not believe it when the minister used that phrase for the first time, which was a week after she became a minister. Somehow she has taken the view that an issue that she does not want to be involved in or claim to have any knowledge of is an operational matter and is, therefore, something she would not be expected to know about.

The bottom line is that the minister is responsible for what goes on in her agency and it is not good enough to have the head of that agency, the director general in this case, removed from the job, firstly, without explanation and, secondly, to expect him to carry the can for what is fundamentally her responsibility. As I said earlier, this is a matter of the utmost seriousness. Sexual contact with children in the minister’s department is of the utmost

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

seriousness. Indeed, the minister has made that clear by getting rid of the head of the department. That is how serious the government sees the issue. However, it is not serious enough for the government to tell us why it sacked him and for the minister to go. She sits there and says that as long as the Premier says she can stay, she will stay. That is what she basically said in answer to a question the other day.

In her defence, the minister went to some trouble to explain why she did not know that these things been reported in the media. As I remember, she said that she went to Wiluna and her mind was on other things. She said that she did not hear the radio. Fair enough, I understand that. She said on another occasion that she was somewhere else and did not get a chance to read the newspaper. She said that, in another case, the article was on page 49 and it was so tiny that she did not see it. Okay; I accept all that. However, every ministerial office has a person whose job it is to look after the media interests of the minister. The minister has one, as did I when I was the minister. I expected the media secretaries to tell me everything that was said or written about me as the minister so that I knew what was happening concerning my portfolio. That was on a daily basis. In fact, it was on an hourly basis sometimes when there were certain issues of interest to the media. For the minister to say that she did not hear of the issue on the radio is for her to have us believe that it did not happen. It actually did happen and the minister has people whose job it is to tell her those things. On top of all that, there is an organisation called the Government Media Office. It is a big organisation within the Department of the Premier and Cabinet that monitors everything that is said or written by anybody or any television broadcast about anything to do with the government. It is all recorded and tabulated. It is all made available for the ministers. That was created by Brian Burke. It was a very clever move; it was set up so that the government knew what was being said so that it could respond. That is why the Government Media Office is there; it is to assist the minister and her office to respond to the issues affecting her portfolio. To say that the minister did not know the issue was in the media means one of three things: firstly, that she ignores the Government Media Office; secondly, that she has an incompetent media secretary; or thirdly, that she just does not read or listen. She can take her pick which one of those it is because I do not know.

I could be cruel and say that the minister appears to have a memory problem. I do not know whether she has. I know that I have. As such, I am not being in any way critical. The minister was asked the same question twice today and she gave two different answers. With the first question asked, which was without notice, the minister gave every indication in her response that she did not know anything about the issue. About two seconds later Hon Peter Collier asked a question of which notice had been given. The minister had signed off on the answer this morning. That demonstrates that she signed off on the answer this morning and forgot about it. Had she signed off on the answer and remembered, when Hon Murray Criddle asked his question she could have said that she had a similar question from Hon Peter Collier and she could have dragged it out and given the answer. Maybe the minister forgot. I do not criticise her for that because people do forget. However, she cannot forget about the CCC looking at her agency. She cannot simply say that it did not happen, that it was an operational matter or that she did not know. The minister cannot do that; it is just not acceptable. It is inconceivable that what she is telling the house is what happened.

I would be interested if the minister would be kind enough to table the letter from the CCC to Mr Albert that she uses as a defence in not knowing about these things. If my memory serves me right about that letter, it stated something to the effect that he was not to disclose the substance of the contents of the CCC report to the minister. I may have written that down incorrectly, but that is my recollection of it. I do not think it means that Mr Albert was not allowed to tell the minister that there was an inquiry going on; I think it means that he was not allowed to tell the minister the substance of the inquiry - in other words, the details of the particular cases. That is quite a different issue altogether. If the minister had been asked whether she knew that the CCC was investigating questions of sexual contact in her department, one would have thought that the minister might have said that she did but that she could not tell us about the substance of the inquiry because she is not allowed to know. The minister's answer was that she did not even know that there was an inquiry.

Hon Ljiljanna Ravlich: I didn't.

Hon NORMAN MOORE: The minister can keep saying that. As I said earlier, if it is a choice between whether the minister is misleading us or whether she did not know, I must say that not knowing about a matter of this substance going on in her agency is the worst offence.

I will not take much more time of the house other than to summarise the opposition's case in this matter. I again acknowledge the complexity and the difficulty of being the Minister for Education and Training. It is a very difficult portfolio, and lots of things happen in the agency. I might add, just for the record, that the most significant change in training made in the past 100 years was not made by this minister. It was, in fact, made by me when our government brought in the Vocational Education and Training Act, which was a complete rewrite of the training system in Western Australia and the creation of independent technical and further education colleges. That act has stood the test of the past 10 years, for what that is worth.

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

We are saying that with a portfolio that is so demanding, it is conceivable that, from time to time, a minister would not remember something or would not be aware of things going on in the agency. Literally millions of things are going on. The two main issues that were raised by Hon Peter Collier in his address were the curriculum and outcomes-based education and the minister being told by the Premier to straighten it out; and the CCC inquiry and the minister not even knowing that it was happening. Those two issues are issues that any minister worth his or her salt should know about. If the minister did not know about them, all I can say is that she should not be a minister. She is just not up to it if she does not know about those things. Mr Albert has been sacked and Mr Huts has been sacked. Maybe they were sacked because they did not tell the minister or because they did not do their jobs properly. I would like to know which is the correct version of events. It is not enough for the minister to say simply that she does not know because nobody told her or that she was not aware of it when everybody else seems to have been very familiar with what was going on. It is not enough to simply say when asked by the media whether she will be standing down - I think her answer was something to the effect - that she will stay as long as the Premier wants her to stay and that she is not resigning. The minister can tough it out if she wants to; I cannot give her the sack. I cannot make her stand aside. All I can do - as members of the opposition will - is to draw to the attention of the media and the public the fact that the minister is incapable of handling the job, and that she has demonstrated her incapacity to handle the job by the very fact that she did not have any knowledge - we accept her word for that - of the extraordinarily serious matters going on within her agency. The minister has demonstrated quite clearly to the house that she has lost our confidence in her capacity to carry out her duties to the satisfaction of the Western Australian community. We call on the Premier to replace her immediately. The Western Australian community's views have become well known. If she does not know what they are, she must not listen to the radio or read newspapers. It is time for the Premier to do something about it. I suggest that he agree to this motion and replace the minister immediately.

HON KIM CHANCE (Agricultural - Leader of the House) [5.19 pm]: Like the Leader of the Opposition, I will also keep my comments to a minimum, because I know that other members want to speak. I indicate from the start that I think the debate so far has reflected well on the house. It is certainly appreciated by everyone in this place that a difficult motion such as this has been dealt with in the way that it has been dealt with by all honourable members who have spoken. It is an opportunity. The minister, although perhaps not welcoming the motion, did welcome the opportunity to settle the matter, and that is a very good approach to a difficult motion such as this. I also do not intend to lecture the house on the issue of ministerial responsibility. However, I will from time to time draw on gems that I learnt from Hon Peter Foss; and, if any member takes that as being a lecture, I assure them that it is not meant to be. Hon Peter Foss was probably the most learned person on the concept of ministerial responsibility this house has ever seen. He was always very generous in the way in which he shared his knowledge of that particular subject. I always appreciated it, because I learnt much of what I understand about ministerial responsibility from Hon Peter Foss. One of the things that I learnt from him was how to make a distinction between ministerial responsibility and fault. I know that honourable members in this place will remember a particularly good speech of Hon Peter Foss on that very issue. Sadly, I have not been able to find it in *Hansard*, but I will go into it a little later.

The first questions that we must consider when we debate a motion of this kind are: where are we coming from, what is the concept of ministerial responsibility and how is that equated to fault? The first question was adequately answered by Hon Peter Collier. He defined ministerial responsibility accurately and properly in my view. It is also fair to say that an important aspect of individual ministerial responsibility is that ministers are responsible for what their departments do. Hon Peter Collier did not say that, but that is very true. Ministerial responsibility means that ministers are responsible for what their departments do, whether or not the ministers know about it. Let us put it clearly on the record what a minister is responsible for. The Minister for Education and Training has never dodged the fact that she is the responsible person. The minister is the department. The minister is responsible for whatever the department does, and, as such, we have mechanisms that attempt to ensure that the minister has the capacity to know what the department does, because unless the minister has the capacity to know, we hobble the capacity for the minister to be responsible for the actions carried out by the department. Thus, the department is the minister; all its actions are taken in the minister's name. Frankly, it is irrelevant whether an adverse action by a department is the fault of the minister; it just does not matter. It remains the responsibility of the minister and that is the proper definition of ministerial responsibility.

In his speech, Hon Peter Foss gave an analogy from when he was a partner in a law firm before he entered Parliament. He gave a hypothetical example of a junior law clerk in the firm who made a mistake that caused economic damage to a client. That was not the fault of Hon Peter Foss, but, as a partner in the firm, he was responsible for that damage and he had to make good the damage and ensure that it did not happen again. Although that example is of a law firm - it is not in the parliamentary sense - it is still a very clear definition of what responsibility is, how the responsibility is triggered and what the responsible person - in that case the law firm partner, and in this case the minister - is required to do to give effect to that responsibility. It is a very clear

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

definition of the split between what constitutes responsibility and what constitutes fault. Too often those two terms are not clearly understood.

In an extreme case in the New Zealand Parliament, the Minister of Energy resigned because of a drought. New Zealand's power is generated mostly from hydroelectricity. The commitment to hydroelectricity had been made by that minister. That minister was responsible for the decision to commit to hydroelectricity, rather than some other form of power. When it does not rain, hydroelectricity does not work very well. That minister resigned. That is a historical case. That is probably taking it too far.

Hon Simon O'Brien: We do have a drought affecting the agricultural sector in Western Australia.

Hon Murray Criddle interjected.

Hon KIM CHANCE: I raise that matter knowing full well that that could arise, because I think that is a fair analogy. The drought is my responsibility; I am responsible for the drought.

Hon Louise Pratt: Why don't you make it rain then?

Hon KIM CHANCE: As the Minister for Agriculture and Food - indeed, it is also a collective responsibility because other members of cabinet have responsibilities for dealing with the drought - the drought is my responsibility. The locusts are my responsibility; indeed, I can certainly be held accountable for the actions I take, or my lack of action, on locusts and it could be a resignable issue, were I to deal with it ineffectively.

Hon Norman Moore: You don't have to resign if it doesn't rain, minister.

Hon KIM CHANCE: No. In the instance that has been raised by Hon Murray Criddle, if I were to deal ineffectively with the locust outbreak - or indeed the drought - that is a resignable offence.

Hon Norman Moore: That is your responsibility.

Hon KIM CHANCE: Yes, and there would be fault as well. It would be my fault that I did not accept my responsibility accurately. In this case, an issue has arisen in the Department of Education and Training that is not the minister's fault, but is her responsibility. What we are talking about is time frame issues and whether she should have acted two weeks earlier than she did. That is fundamentally what it comes down to, because I have not heard one word of criticism - maybe it is latent and is still to come out - about the adequacy of her actions once she learnt of the issue.

Hon Peter Collier: What about the courses of study?

Hon KIM CHANCE: I am sorry; I am talking about the Corruption and Crime Commission matter. The courses of study is a longer term issue, and I will go over that. Once the minister became aware of the issue, she took action, which included recalling Mr Albert from overseas and putting in place the machinery to effect the recommendations made in the CCC report. Members may not agree with some issues, but that has not been an issue. Her fulfilment of her responsibility has not been an issue; the issue has been whether she should have done it a fortnight earlier.

Hon Norman Moore interjected.

Hon KIM CHANCE: That is really drawing a long bow.

Hon Norman Moore: No, it isn't. It is the whole issue.

Hon KIM CHANCE: What is it the minister's responsibility to do? His or her responsibility is to make good the damage that has been caused - as with the issue that arose with the law firm - and to ensure that the problem does not recur, which is exactly what she did. This matter, which has been identified by the Corruption and Crime Commission, is an enormously important matter, and I am grateful that no member opposite has even suggested that the minister did not care about the matter, or that the minister did not deal with this seriously when she became aware of it. Members have raised issues about whether she should have been aware earlier, but nobody has even suggested that the minister does not take this issue with the utmost seriousness. She does. We all know her personally; she would be the last person to condone anything like this, and she would share the loathing - as expressed by the Leader of the Opposition - for people who perpetrate crimes of that nature. If members asked me whether the minister should have known earlier than she did, I would agree with them and say yes. The minister should definitely have known earlier. Now let us ask the question: why did she not know earlier? A number of issues have been brought forward suggesting that had she done certain things, she would have known two weeks earlier. Had she listened to the radio that day, she might have heard it. Had the GMO brought it to her attention she might have known about it. All those may or may not be relevant. However, we are talking about a time frame of a couple of weeks, during which time she probably could not have done much

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

different from what she did anyway. Let us go to the really serious question. I agree that the minister should have known earlier.

Hon Barry House: My questions go back more than a year.

Hon KIM CHANCE: Yes, quite, but they were not questions about the CCC investigation; they were questions about what was happening with the resolution unit. As the minister has said, she was aware of that and she knew that the CCC was working in an educative function with the department. Hon Barry House has seen the briefing note and he knows what she did. I cannot see any fault in that. Yes, she should have known earlier. The fundamental allegation is quite right. We agree. Why did she not know?

Hon Norman Moore: We actually think she did.

Hon KIM CHANCE: Then Hon Norman Moore would be calling her a liar, and I do not think he wants to do that.

Hon Norman Moore: I am not going to say it in those words.

Hon KIM CHANCE: Why did she not know? In a matter this serious, why did the CCC not tell her? I have already said that the minister is the department. All the department's actions are the minister's actions. She is personally responsible for everything that the department does; nobody disputes that. Our concept of individual ministerial responsibility is built on all that. Therefore, why did the CCC not say to the minister that it had worked with the department on an issue, that it was a matter of serious concern - as it is - and that it had actually found the department to be unresponsive, if that is what it thought? Why did it not tell the minister? Members can say I am flying a kite here, but I do not think they are thinking that. In fact, their body language indicates that they are asking the same question.

Hon Simon O'Brien: No we are not. This is a red herring.

Hon KIM CHANCE: Hear me out. If members think I am flying a kite, why did the CCC go to the minister as late as Thursday, 12 October, brief her, show her the executive summary, but not the report, and then not let her keep the executive summary? If the CCC's concern was to get this issue resolved - a serious issue which, as a result of the failure of the Department of Education and Training to act properly, could have resulted in a repeat offence; it is that serious - why on earth did it not tell the minister?

Hon Norman Moore: That is not the issue.

Hon KIM CHANCE: I am sorry, but it is.

Hon Ray Halligan: It is not the job of the CCC either.

Several members interjected.

The PRESIDENT: Order, members! We are now beginning to have cross interjections. This debate will end at six o'clock, if it does not finish earlier. I am obliged to put the question at 6.00 pm, and I note that other members want to speak.

Hon KIM CHANCE: I will move along, Mr President. The Leader of the Opposition asked the government to table this letter from Mr Hammond, the Commissioner of the CCC, to Mr Paul Albert, Director General of the Department of Education and Training. I am about to do that. I will read the last paragraph again because not everyone can see it -

The draft report contains official information. Pursuant to sections 152 and 153 of the Act, aside from the purposes of obtaining legal advice and formulating your response -

Remember this is a letter to Mr Albert. It goes on -

you and your Department are not at liberty to disclose the contents or substance of the draft report.

I seek leave to table the letter.

Leave granted. [See paper 2160.]

Hon KIM CHANCE: We now go to the "any reasonable person" test. Any reasonable person - Paul Albert is most certainly a reasonable person - reading that and not reading section 153 itself, would come to the view that that is a prohibition on him providing that to the minister. It must have been unclear, because the CCC later felt compelled to issue a clarification in a media statement which says the exact opposite of that. There is no mystery in this. Honourable members should read section 153, in which subsection (3) provides a capacity to inform the minister, in my humble view. Why was the letter worded in that way in the first place? Was it just a mistake in law? I do not know; I am not going to second-guess Mr Hammond, for whom I have the utmost

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

respect as a lawyer. It just seems strange to say that one cannot communicate. Any reasonable person without legal training, or who is not familiar with section 153 of the act, would think that that meant that he could not tell the minister.

Hon Simon O'Brien: It does not mean anything of the sort.

Hon KIM CHANCE: I think Hon Simon O'Brien would find that that is the case with the "reasonable person" test. One cannot communicate it. For whatever reason - Mr Albert is not on trial here - he took that to mean that he could not tell the minister. Whether that was the intention of Mr Hammond or not -

Hon Simon O'Brien: How do we know that?

Hon KIM CHANCE: Because he did not tell the minister.

Hon Simon O'Brien: How does the Leader of the House know that?

Hon KIM CHANCE: Because the minister told me that, and I am not going to call her a liar. There is evidence in that letter to suggest that Mr Albert would reasonably have formed that view.

Hon Simon O'Brien: Then why did he have to be sacked?

Hon KIM CHANCE: That is not the question either.

The PRESIDENT: I propose to give Hon Simon O'Brien the call after Hon Murray Criddle and after a member of Greens (WA), if one of those members seeks the call. In the meantime, I think the Leader of the House will conclude his comments fairly shortly.

Hon KIM CHANCE: I am. Honourable members are reasonably concerned about this issue, as they should be. It is quite proper, and it is quite proper for Hon Peter Collier to raise the matter in the way that he has. I support that and, indeed, the minister herself supports that. This is a difficult issue. It is a dangerous issue concerning the way in which our children's safety is threatened. It needs to be dealt with seriously, but I question why the relationship between the CCC and ministers has to be at such arm's length. If the minister herself had been under suspicion, of course, the director general could not have disclosed to her those issues, and the CCC itself would not have. However, there has never been any question about whether the minister was implicated in the matters under discussion. There was nothing that could have prevented the CCC directly communicating with the minister; a phone call at the appropriate time could have prevented all of this happening, with the additional benefit of the matter being settled and our children's safety assured at a much earlier date than was achieved. Hon Simon O'Brien can suggest that this is a red herring. I ask members to consider that this is a matter in which there have been manifold mistakes.

Hon Simon O'Brien: Yes, it has totally undermined our confidence.

Hon KIM CHANCE: A number of people have made mistakes. The minister herself, frankly, was subject to some of those mistakes. Perhaps somebody could have looked at the Corruption and Crime Commission annual report, although I think the honourable Leader of the Opposition, apart from Mr President, is probably the only person in the world who reads the CCC annual report. However, somebody from the minister's office might have read it, which would have made a whole two weeks difference. Manifold mistakes have occurred, and no-one is saying that the fault lies all in the one direction. However, members might like to consider how fundamental a difference would have been made had the CCC simply formally raised the matter with the minister. How hard is that to do and why was it not done?

HON MURRAY CRIDDLE (Agricultural) [5.41 pm]: This motion is of real interest to me, because I have been the subject of a couple of these motions that have been moved here, particularly by Hon Tom Stephens, and I have had to answer them. It is a pity that this motion was not debated immediately it was raised in this house, because it would have been far more current. The motion is about the wellbeing of not only children but also teachers. It is about confidence throughout the Department of Education and Training. Anybody who has been among teachers and in the area of education would know that there is a lack of confidence, which is really sad for the state of education in Western Australia.

The minister must accept responsibility. On the first day I was made a minister, the people in my office pointed to an empty chair in the corner and said that responsibility started and stopped there and that there was no question about it. That message must be got through. The minister said she had been involved in the Curriculum Council, which is part of the management structure of the department, and involved in wage discussions. I think the Curriculum Council has had to date four chief executive officers under the minister. The minister has been involved in those issues.

The government has said that there is zero tolerance of sexual contact between staff and students. Everybody agrees with that and it is a policy that should be steadfastly adhered to. We must be sure that there will be no

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

tolerance whatsoever. The ministerial statement clearly outlines that policy, although there are still some outstanding issues that we must have dealt with immediately. The ministerial statement says that from now on the department's policy will be that any teacher convicted of sexual misconduct in or out of a school will not continue in that job. I hope that it is the government's policy. I hope that the minister accepts responsibility for it, as I know she will, and will carry it out.

I want to ask three questions. I will not go on because I know other members wish to speak. Hon Kim Chance said that the issue was all about timing, and it is. First, did the Corruption and Crime Commission go to the department at its own instigation or did the department invite it? Second, why did the director general not tell the minister? That is also a timing issue, because a letter was sent upon which everybody hangs the argument. The timing of the letter that was sent outlines the CCC belief about whether the director general could tell the minister. It would be very interesting to know when this investigation began. Third, was any member of the minister's staff told about the CCC inquiry before the report was presented to the minister on 12 October?

Hon Ljiljanna Ravlich: What was the second question?

Hon MURRAY CRIDDLE: Why did the director general not tell the minister that the CCC inquiry was under way? Bearing in mind the date of the letter that was sent, he could well have told the minister before the letter was sent. He could have found out whether he had an obligation to tell the minister before the letter was sent.

I make those points on these very serious issues. Ministers of the Crown take on a very responsible job. I have been in that position, and it is not easy. One has to work long hours and be on top of the portfolio, which is the particular issue here.

HON PAUL LLEWELLYN (South West) [5.46 pm]: I will keep my comments quite brief, but I want to deal with the motion and some of the fairly wide-ranging issues that Hon Peter Collier raised, some of the procedures and issues that arose out of the debate and the context in which the debate is taking place. Hon Peter Collier has certainly made a strong case for there being concerns that we need to address in the way that the minister has dealt with some of the issues. However, in reviewing the motion that the house has lost confidence in the capacity of the Minister for Education and Training to carry out her duties, the minister's most important duty is to educate the children and adults of the state, to protect the welfare of children, teachers and employees of the department and to preside over responsible administration of the department.

Hon Peter Collier raised quite a number of issues, one of which was outcomes-based education and the process of introducing OBE and the community and public concerns that were raised as a result of the public debate. There needs to be some proper recognition of this matter by the minister. I think that at some levels she failed to acknowledge the depth of community concern at the rate at which OBE was being implemented rather than whether OBE should be implemented. We all learn as a result of being in this place. One of the lessons must be that we need to be sensitive to the depth of concern in the community. In this instance, a long list of people had concerns. There were also issues with the complaints process within the department. However, the issue I have most concern about was the negotiations between the State School Teachers' Union and the government being linked to OBE outcomes. That issue seriously needed to be addressed. Quite clearly, from the evidence I have seen, it seemed to be an inappropriate way for the minister to conduct the business of managing the department and managing negotiations.

The issue of the Corruption and Crime Commission and whether the minister knew about a report is, I think, a moot point. The point has been made that it was a question of timing. We all know that the Corruption and Crime Commission does not go around advertising that it is investigating; in fact, the nature of the commission is that it largely operates undercover; otherwise, it would raise other issues.

In brief, I see that there are substantial questions to be answered on the way in which the minister has been conducting herself in not only this house but also the public debate. Taking public debate seriously is an important matter. We must also put this issue in the context of the Department of Education and Training having many thousands of staff - perhaps 25 000.

Hon Ljiljanna Ravlich: It has more.

Hon PAUL LLEWELLYN: It is a much bigger department, but I could not get the numbers.

Hon Ljiljanna Ravlich: It has 28 000 full-time staff.

Hon PAUL LLEWELLYN: It has many thousands of students and a very large budget of some millions. Is the minister able to tell me the numbers?

Hon Ljiljanna Ravlich: The budget is about \$3.7 billion annually.

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

Hon PAUL LLEWELLYN: It is a very big undertaking and requires a great deal of capacity to train, educate and inform our community. I want to put this whole debate in context.

We also need to look at the quality of discourse in this place, the way in which we ask and answer questions and the way in which we conduct ourselves in debate. There is a burden of responsibility and the opposition putting continual pressure on the minister and haranguing her on a daily basis - I am not saying she should not be accountable -

Hon Murray Criddle: You should have been here when I was Minister for Transport.

Hon PAUL LLEWELLYN: I am not apportioning blame here. I am merely saying that it is not conducive to good governance or good decision making when people are put under unreasonable pressure.

Hon Peter Collier: That is our role.

Hon PAUL LLEWELLYN: Our role is in effect to raise really important matters in a respectful way. Let me continue this line of thinking

Several members interjected.

The PRESIDENT: Order, members! Hon Ray Halligan and Hon Ken Travers! We have 10 minutes to go. Hon Paul Llewellyn has no more than that to deliver his observations and there may be other members who want to speak.

Hon PAUL LLEWELLYN: I will be very brief. The question is: where to from here? There is a great deal of room for the minister to improve the way in which she is conducting some of her public relations. We must listen more respectfully and intently in this place and speak more respectfully, and be models of good communication because, after all, many thousands of children look at this forum.

Hon Peter Collier interjected.

Hon PAUL LLEWELLYN: I am not being moralistic here. I am not talking to anybody in particular. If the cap fits, wear it!

We should stay focused on the issue and avoid personal attacks. That has been a feature of the way in which we have had this conversation. It is right that we should have had this debate today, and perhaps we should have had it the other day. However, I do not think that, on the balance of evidence and reasonableness, we can support a motion that says the minister has lost capacity. I think the minister has demonstrated she has a considerable amount of capacity to deal with her portfolio and a considerable capacity to carry out her duties.

Are some other issues at stake? Absolutely. I think this debate has been really important because it will improve the way in which the Department of Education and Training, the minister and the government conduct their work in the best interests of the children, teachers and parents of Western Australia. The issues that Hon Peter Collier raised were well researched, well presented and well argued, but they did not necessarily make the case that the minister should be replaced and that she has no capacity to carry out her duties. We can continue this investigation but we need much more time than this to develop the carriage of the education portfolio in a more responsible way and in the public interest.

HON BARRY HOUSE (South West) [5.53 pm]: I support Hon Peter Collier's motion. I will start by quoting from *Hansard* of 12 October 2000 what the minister herself said about setting the standards of ministerial responsibility. Members will recall that at that time the Labor Party was in opposition. Hon Ljiljana Ravlich said -

Members opposite may think they can govern with a hands-off approach, but they are part of the Westminster system and can abrogate ministerial responsibility no more than can chief executive officers abrogate responsibility for what happens in their agencies.

That is a pretty good summary of ministerial responsibility, which we should be applying here. That is what this motion is all about. They are the minister's words.

There is not very much time left for debate. In people's minds, the issue seems to have come down to timing. Who knew what about the Corruption and Crime Commission's involvement in this issue and at what time? I contend that the issue of sexual misconduct by employees of the Department of Education and Training was raised very clearly by the series of questions I asked from September to November last year. They established that there were 99 cases of alleged misconduct in the department; 16 of those were warehoused in district offices, and of those we have established that seven or eight were related to serious sexual misconduct.

In today's debate the minister has indicated that she was aware of the issue. It was either as a result of those questions or through other matters - I do not know. However, her tabling during question time, at my request, of

Extract from *Hansard*
[COUNCIL - Wednesday, 25 October 2006]
p7579c-7587a

Hon Norman Moore; Hon Kim Chance; President; Hon Murray Criddle; Hon Paul Llewellyn; Hon Barry House;
Hon Peter Collier

the briefing note that she sought following my questions indicates that the minister was concerned enough to get a bit more information on the issue from the department. That briefing note says that these matters were referred immediately to the Corruption and Crime Commission and the child protection squad. That indicates two things: first, that the minister was aware of the issue in the department and, second, that the CCC was involved at 17 November 2005. That was nearly a year ago. If matters of that nature have been referred to the CCC, surely the department, hence the minister, will expect that the CCC is conducting some sort of inquiry into these matters and will report back to the department and the minister.

Hon Kim Chance: Which it never did.

Hon Norman Moore: It did!

Hon BARRY HOUSE: Which it did.

The PRESIDENT: Order, members! The debate has four minutes to go. Hon Barry House has not interjected on anybody. I do not know why the two leaders have to interject on him.

Hon BARRY HOUSE: I am saying that in some people's minds it is a matter of timing; that is, who knew when the CCC was conducting an inquiry into this matter. I contend it is clear from the documentary evidence, the questions in *Hansard* and the briefing note the minister has provided that the nexus was established on 17 November 2005. Therefore, on that basis, along with a host of other matters, I think Hon Peter Collier's motion should be supported.

HON PETER COLLIER (North Metropolitan) [5.57 pm]: I would like a little more time to respond to some of the minister's comments and also to those of the Leader of the House, but I do not have that time. Suffice to say, the reason for bringing forward this motion was that the problems facing the Minister for Education and Training did not emanate from what happened over the past week. That was a profound issue but the problems have existed since she moved into the position of Minister for Education and Training. Confidence is lacking in the education sector because of the fact that the minister is not on top of her portfolio. She does not have the confidence of the education sector, she is not representing the education sector, and if we want to put some sanity back into the education sector, we need a new minister for the Department of Education and Training.

Question put and a division taken with the following result -

Ayes (13)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Murray Criddle

Hon Donna Faragher
Hon Anthony Fels
Hon Nigel Hallett
Hon Ray Halligan

Hon Barry House
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien

Hon Bruce Donaldson (*Teller*)

Noes (14)

Hon Shelley Archer
Hon Matt Benson-Lidholm
Hon Vincent Catania
Hon Kim Chance

Hon Kate Doust
Hon Adele Farina
Hon Jon Ford
Hon Paul Llewellyn

Hon Louise Pratt
Hon Ljiljana Ravlich
Hon Sally Talbot
Hon Ken Travers

Hon Giz Watson
Hon Ed Dermer (*Teller*)

Pairs

Hon Margaret Rowe
Hon Robyn McSweeney
Hon Barbara Scott

Hon Sue Ellery
Hon Graham Giffard
Hon Sheila Mills

Question thus negatived.

Sitting suspended from 6.02 to 7.30 pm