

**WESTERN AUSTRALIAN COLLEGE OF TEACHING BILL 2003**

*Committee*

The Deputy Chairman of Committees (Hon Simon O'Brien) in the Chair; Hon Graham Giffard (Parliamentary Secretary to the Minister for Education and Training) in charge of the Bill.

**Clause 1: Short title -**

Hon ALAN CADBY: The aim of this Bill is to promote and enhance the teaching profession in Western Australia for teachers who work in both government and non-government schools. Without doubt, the success of the Western Australian College of Teaching will depend on teachers working together with a common goal - namely, to enhance their profession. As this Bill has been developed, constant attacks on independent schools have been made by the Australian Education Union and the Labor Minister for Education and Training, Mr Alan Carpenter. It makes me wonder about the success of the College of Teaching if there will be such friction within the college, particularly between the 19 board members. It is important that Minister Carpenter realises that he has done some damage with his constant attacks. I note today that he has not accepted that he has done anything wrong. However, I have first-hand knowledge that he has done damage. For the benefit of the college, teachers and, in the end, the students whom teachers teach, Minister Carpenter should try to mend some of the bridges he has demolished over the past two or three years.

Despite the shortcomings of the Bill, I believe the teachers elected to the board will use their best endeavours to ensure the success of the college. They will have an enormous responsibility to ensure that their representatives are drawn from a broad spectrum of the teaching profession and are not captured by particular interest groups. Teachers must feel equal partners on the board, and not be intimidated by the nine non-teaching board members.

In reality, we know that no college of teaching can enhance the teaching profession. That is up to the teachers themselves. The clauses of the Bill rely on good working relationships between teachers, unions, university staff and the like. I wish them well in their endeavours. It is important that, as politicians, we butt out and allow teachers to take most of the control of the College of Teaching.

I now clear up a misunderstanding about professional associations. In Hon Graham Giffard's response to the second reading debate, he stated that primary teachers do not have professional associations. That is not correct. The Mathematics Association of Western Australia is open to teachers of primary and secondary schools. In fact, that body has primary and secondary conventions, and has far more activities for primary schoolteachers than is the case with secondary schoolteachers. I am sure it is true with other professional associations in the State.

Hon Derrick Tomlinson: It is certainly the case that the reading association compromises mainly primary teachers, whose primary responsibility is to teach children how to read.

Hon ALAN CADBY: Indeed. I do not know who gave the parliamentary secretary that advice, but it is wrong. It needs to be corrected: primary schoolteachers are well represented in teaching associations.

Independent schools are concerned about this Bill. This sector is not used to being controlled by a central bureaucracy. I use "control", but I am sure the parliamentary secretary would use a different word. The success of the Western Australian College of Teaching depends upon the regulations to be delegated under this Bill. Those regulations must be well thought out, reflect current practices and not challenge the local autonomy of schools to hire and fire staff and to determine the professional development that teachers at those schools require. Schools are in the best position to decide the needs of the school and its individual teachers. I stated in earlier debate that I thought there was a danger in the college not only making judgments on professional development, but also offering professional development courses. It was made clear in the briefing provided to me that the college would be involved in professional development. As Hon Derrick Tomlinson pointed out, the Bill states that it will offer PD courses, which worries me and many teachers. I lived in Victoria for a number of years where registration is compulsory. I am registered in the government and independent school systems there. The registration process in that State requires teachers to undertake particular courses in the pre-service training and in professional development of a more formal nature. I would hate to see our college go down that track with registration; it would serve no-one's needs.

Hon Christine Sharp: Why is that?

Hon ALAN CADBY: I suppose it is political dogma. There was certainly political bias in the courses the Victorian body required teachers to undertake. The courses focused on not necessarily the needs of children, but the politicians' desire to ensure the courses were politically correct. That is a danger. If the WA College of Teaching were to butt out of that process, I would have no problem. When the Bill states that the college will be

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involved in that area, alarm bells ring. Therefore, it is important in committee to restate clearly that the College of Teaching will not be the provider and judge of professional development. The Government may wish to move an amendment to take that role away from the college.

As I said earlier, the regulations are very important. I have been disappointed that despite a fair number of requests, I have not been given any idea of what the regulations will look like. I know it is difficult to have all the regulations available to me; I understand they are still being worked upon. However, I would have thought that the gist of the regulations would have been made available to Hon Barbara Scott as the lead speaker for the Opposition, and that she would then have passed them on to other opposition members.

All members received a letter from Brian Lindberg, the current chair of the Western Australian College of Teaching project, which reads -

Teachers in schools encourage their students to seize opportunities, take responsibility for their own actions and at times take risks. If they make mistakes then that is part of the learning and growing experience.

He states that the College of Teaching will be in a similar vein; namely, it may make mistakes and take risks, but we need to support it. I hope that during the committee stage we can take out some of the risks involved, along with some of the mistakes the college may make.

Hon Barry House: That is Mr Lindberg's application for a position on the board, do you think?

Hon ALAN CADBY: Probably. On that note, I resume my seat.

Hon BARBARA SCOTT: I rise as the lead speaker for the Liberal Opposition and reiterate that the Liberal Party has unequivocally declared that it will support the Bill because it has its roots in the protection of children. It endeavours to ensure for parents that teachers are appropriately qualified and that appropriate people are in the teaching field. However, as stated during debate, the Liberal Opposition has some reservations about the way this Bill is to be put in place. It is of grave concern to us that we have not seen the regulations that accompany this legislation or what they may hold. Therefore, we do not know what some of the constraints will be. However, we support the protection of children and the screening of people who go into the teaching profession. This is an area in which I differ from the Government. As we embark upon the legislative order of priorities for this Government, we are about to deal with another Bill; that is, the Children and Community Development Bill, which deals with screening of people who work with children. I would have thought it would be better to have screening of teachers with one body, perhaps as happens in Queensland, where the Commissioner for Children and Young People has the responsibility for screening all people who work with children. It seems to be a pity that, having had the opportunity to set up in this State a centre of excellence in teaching focusing on professional areas of teaching and checking people's qualifications, we are now spending quite a lot of funding on police checks of teachers.

The purpose of the Bill is to establish a College of Teaching. As we have said before, under the coalition, the centre of excellence for teachers was operating. We are not convinced that this legislation will improve the professionalism of teachers or, indeed, be an advocate for teachers. I will make a couple of points about one of the areas in which I believe it constrains teachers. The requirements for registration were raised earlier. We will deal with that in committee. The registration board will assure parents that those teachers who go into classrooms are properly trained.

Hon Bill Stretch raised the issue of discrimination against young women, particularly in rural and remote areas. Teachers were required to spend at least one year in the past five years teaching in a rural or remote area. That excluded many young women in the country who perhaps had taken maternity leave and needed to be called in. The cost of retraining teachers was also raised. I think it was about \$400 to enrol and about \$1 000 was involved in training. A small country school could be left without relief teachers. Two or three well-qualified teachers may have been in the area, but they could not be called upon because they had not done one year in the past five in a rural or remote area. We will raise that issue later in the debate.

The professional development area, to which Hon Alan Cadby has alluded, is an area of concern. Schools like to think that they somehow have the ownership of professional development, and not just for discrete areas of education. As I said previously, in the early years and in the later years, development is needed in discrete areas. However, certain schools in the non-government sector may like to undertake their professional development in certain areas, so that they have appropriately trained teachers available for their school, rather than the College of Teaching necessarily setting the areas of professional development.

I understand that the minister, Hon Alan Carpenter, when in opposition, did quite a lot of work on the concept of the name of the College of Teaching. One of the models that particularly impressed him was that of the British Columbia College of Teachers. Perhaps that is why this Bill proposes a college rather than a council or a

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registration board. However, this is much more like a registration board. It really is a board that will register teachers, check their credentials and have police checks done. The British Columbia College of Teachers has been in the news lately. I have an article from *The West Australian* of 7 February this year. I will read that article, because it alludes to one of the dangers that I foresee in this Bill. It is headed "Judge leaves anti-gay teacher out in cold", and states -

A Canadian court ruled this week in a ground-breaking case on freedom of speech and religion that a public schoolteacher had no right to criticise homosexuality.

The British Columbia Supreme Court said that Christian teacher Chris Kempling's freedoms were not violated when he was suspended for his letters to a newspaper.

Justice R.R. Holmes said: "Discriminatory speech is incompatible with the search for truth."

He backed the decision of the BC College of Teachers, the province's professional accrediting agency, to suspend him for a month.

"It is entirely appropriate that the teaching profession, like any profession, be held to more stringent standards of conduct than the lay public," he said.

Mr Kempling said he would appeal against the decision to the BC Court of Appeal. The final level of appeal would be Canada's Supreme Court.

"It is a black day for religious freedom in Canada," Mr Kempling said in a statement.

"It means that teachers who happen to be Christians or who belong to other religions proscribing homosexuality may not comment publicly on this issue."

Justice Holmes said Mr Kempling was free to hold unrestricted views should he choose not to teach in public schools in British Columbia.

Among the letters to his local newspaper that Justice Holmes quoted from, Mr Kempling had written: "Homosexuality is not something to be applauded."

In another letter, he wrote: "I refuse to be a false teacher saying that promiscuity is acceptable, perversion is normal, and immorality is simply 'cultural diversity' of which we should be proud."

The BC College of Teachers, which lost a Supreme Court case in 2001 in another gay-religious conflict  
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The DEPUTY CHAIRMAN (Hon Simon O'Brien): Order! I am sorry to interrupt the member, but it is necessary at this stage for her to relate this matter to clause 1, the short title, as part of previewing action that she proposes to take in committee; otherwise, I know that the member would not want to stray into the realm of repeating the second reading debate. I just draw that to the member's attention in the hope that she is about to direct those remarks and those quotes to the committee stage.

Hon BARBARA SCOTT: Thank you, Mr Deputy Chairman. I want to make two points from that example. We should be quite clear that the British Columbia College of Teachers did not suspend the teacher for teaching discrimination or prejudices in the classroom; he was suspended for a month, with the equivalent in WA teaching salaries of a \$5 000 fine, for writing letters to the newspaper, which the editor of that paper considered worth publishing. One of the concerns that teachers have is that this board will be able to ban teachers from teaching for doing things other than teaching inadequately, such as speaking their mind in the Press. That is why I read that article. Under this Bill it could easily happen. A teacher who is setting an excellent example of how to use the democratic process, rather than abuse it, may be brutally suppressed.

My second point relates to the Trinity Western University Supreme Court case, which is mentioned in that article. I remind members of this Chamber that in Western Australia, in Fremantle, the University of Notre Dame Australia, which is a Catholic university, encourages its students to follow an ethical and a moral approach in their teaching, as they do in their law course. We must ask: in five or 10 years, with the constraints that the College of Teaching will place on teachers, will the university be forced to defend itself in the Supreme Court? Once again, I ask the Government to reconsider the issue that this Bill should have gone to a committee to examine a whole range of issues about which we have concerns. One such issue is the freedom of teachers to speak in a public place about their own beliefs, regardless of what they are about - that was just an example that I had. This college should not be more than a registration board or a body that organises police checks of teachers, if it needs to do that. It purports to do other things. We are concerned about the constraints that it will place on teachers and its ability to restrict teachers in their teaching, when that should be up to the employer, particularly in non-government schools. The employer of teachers should have that prerogative to decide

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whether a teacher has stepped out of bounds. Teachers should be judged, in the main, on their ability to teach and whether they have ended up in the courts. This Bill should have been referred to the Standing Committee on Legislation so that it could have been dealt with in the same way that the previous Government dealt with the School Education Act 1999. It was thoroughly reviewed and scrutinised by the Standing Committee on Public Administration and Finance, which then presented a report to Parliament. The Opposition is disappointed that that opportunity has not been taken. It may result in a long committee stage.

Hon GRAHAM GIFFARD: I acknowledge the comments of Hon Alan Cadby. I certainly agree with the first few comments he made. I am sure that if he had stopped there and sat down, we would get along a lot better. I agree with his comments to the extent that the success of the college will depend on the teaching profession and particularly members of the college working collaboratively in the advancement of their profession and of the college. I reject his observations about the minister. He has made those observations previously in this place and offers most unreasonable criticisms of the minister. However, I will not bounce back and forward over that. I am aware that a motion on the Notice Paper deals precisely with the issue that Hon Alan Cadby has raised, and I look forward to that debate in due course.

I recognise the issue that Hon Alan Cadby raised about primary school teachers and their representation in professional associations. I acknowledge that and apologise to anyone who may have been offended by that oversight.

I also want to address the point raised by Hon Alan Cadby about the college being involved in professional development. During the second reading debate, I tried to make it clear that it is not the intention for the college to be involved in professional development. If there is a demand for particular training or professional development and it is simply not available, the college will look to provide that, but it is not the intention for the college to compete with any other provider of professional development.

In relation to the point raised by Hon Barbara Scott about the freedom of speech of teachers, I note that clause 61 of the Bill, "Inappropriate and trivial complaints", deals most appropriately with that issue. I am sure that when we get to that clause, we can have a discussion about the implications of that. I thank members for their support of the Bill.

#### **Clause put and passed.**

#### **Clause 2: Commencement -**

Hon DERRICK TOMLINSON: Clause 2 provides for staggered dates for the Bill to come into operation, and states -

- (1) Subject to subsection (2), this Act comes into operation on a day fixed by proclamation.

Proposed subsection (2) relates to clauses 30, 31 and 82. When I read clauses 30 and 31, I can understand why it is necessary for 18 months to be allowed before those two clauses come into operation, because it will take at least 18 months before it is possible to register teachers and to give permission to teach in schools. Simply, the logistics of registering I do not know how many thousands of teachers in Western Australia will require at least that 18-month period of grace. I accept that it will be necessary to allow that period before clauses 30 and 31 come into operation. I am not as clear about clause 82, because it states -

A person must not claim or pretend to be, or make use of any certificate or any words or letters or any name, title, abbreviation . . . to encourage the belief that he or she is -

- (a) qualified or entitled to teach . . .
- (b) a registered teacher . . .
- (c) the holder of a limited authority to teach . . .

Of course, paragraphs (b) and (c) relate to the same 18-month period. However, paragraph (a) refers to persons who are qualified or entitled to teach. I think I understand why the Government wants the 18-month period, but I am cautious about the consequences of that. Does this signal to any charlatan that he has 18 months in which to take advantage of the system, because nobody will bother if that person puts himself up falsely as qualified or entitled to teach? That person cannot put himself up falsely as being registered to teach because that person will not be registered to teach until he is registered to teach, and that is at least 18 months away; likewise, the limited authority to teach. Any charlatan could suggest that he is a qualified teacher because he has a bachelor of arts from the university of east Bullamakanka or a doctor of philosophy from the university of west California, which he bought for \$100. I would like the parliamentary secretary to explain and put at ease my reservations about clause 82(a). I can understand the requirements of registration, but I am not at all happy that there is a period of 18 months before anyone can be prosecuted for dissembling.

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Hon GRAHAM GIFFARD: I understand that it is anticipated to take 18 months to be able to fully establish the register of members of the college. Even though a person might be deemed to be a teacher from day one, it is anticipated to take up to 18 months for the college to be able to verify that that person is a registered teacher. That is why we do not want an offence until the college can satisfactorily say that, yes, that person is a registered teacher.

Hon DERRICK TOMLINSON: The parliamentary secretary has said exactly what I said about clauses 30 and 31. It will take at least 18 months to register teachers. Therefore, it would be unrealistic to proclaim the Bill and to have a commencement date for clauses 30 and 31 until the teachers are registered. Likewise, under clause 82 the same 18-month period will apply to teachers who pretend that they are registered or that they have a limited authority to teach. That 18-month period of grace will be absolutely essential to get in place the machinery for the implementation and the completion of the registration of teachers. However, that is not my concern. My concern is for those people who encourage the belief that they are qualified or entitled to teach. Why should they be given an 18-month period of grace? They can be dealt with now. Let us not pretend that there are none of them teaching now. I will give members a hypothetical example. A person - Fred Cudillahopper - could apply to a university to enrol in a doctoral program. To enrol in a doctoral program in education, he would be required to demonstrate that he had a first-class baccalaureate - honours - or had obtained a masters degree by completing a research thesis. Without either of those qualifications, he would not be qualified to enter into a PhD program. Fred Cudillahopper could enter into a Doctorate in Education - EdD - program with a masters degree through course work, but without a research component. A PhD is a research program and an EdD program is a professional program that does not require a research component. Fred Cudillahopper could request entry into a PhD program and claim that he was qualified for it. The university might ask to see his research component and then let him into an EdD program. Fred Cudillahopper could say that he had completed his degree at the University of Western Sydney. The university at which he had applied to teach would then ask the University of Western Sydney to tell them about Fred Cudillahopper and would find out that he had never been a student of the University of western Sydney - oops. In the meantime, Fred Cudillahopper, in addition to using that claim for entry to an EdD program, could have used the same claim to apply for employment at a school. He is not qualified. He would be claiming qualifications that did not exist. He would be claiming qualifications from a university that did not know him.

Hon Paddy Embry: That sounds like the CEO of Joondalup!

Hon DERRICK TOMLINSON: Yes. A registration process is not needed to deal with that type of situation. It would be easy for the school to deal with. This Bill is about maintaining the status of teaching. I wanted the parliamentary secretary to respond to that issue, not the question of the 18-month period, because I understand that - I said it. I want to know why clause 82 - and particularly clause 82(a) - is necessary. The parliamentary secretary has received a note from Brian Lindberg to explain it.

Hon GRAHAM GIFFARD: The distinction being made - it took a while for the honourable member to make the point -

Hon Derrick Tomlinson: It took a long while for you to respond.

Hon GRAHAM GIFFARD: Fair enough. The distinction being made is for the deeming of teachers who are in the system. That is the explanation. Clause 82 will apply to those persons. Teachers from overseas and people who present themselves as registered teachers but who might not be registered teachers who apply after the commencement date would be caught by clause 81. Clause 82 will apply to those teachers who are deemed. I am advised that people who are not registered teachers and who have not been deemed but who present qualifications that they do not have will be caught by clause 81.

Hon DERRICK TOMLINSON: Does that mean that for the next 18 months charlatans can pretend to be qualified to teach and the law is powerless to do anything against them?

Hon GRAHAM GIFFARD: I assume that the people to whom the member refers are currently in the system.

Hon Derrick Tomlinson: Over the next 18 months they might commit an offence two or more times. The Bill provides for a penalty of \$5 000 for the first offence and \$10 000 for the second and subsequent offences. Multiple offences could be committed in 18 months.

Hon GRAHAM GIFFARD: If people present themselves as qualified teachers, they will be caught by the provisions of clause 81. Clause 82 will apply to deemed teachers, whose qualifications would be scrutinised by the college after 18 months.

Hon CHRISTINE SHARP: I would appreciate it if the parliamentary secretary would explain the 18-month lapse. Is its purpose so that the secretariat of the college can be established by a proclamation in the near future?

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Would all teachers become members of the college after 18 months and on a particular day? Is that a final date at which registration under clauses 31 and 32 is the deadline? In other words, will people become registered in dribs and drabs during the 18-month period or will there be a certain day, after all the paperwork has been done, when everybody will be inducted?

The DEPUTY CHAIRMAN (Hon Simon O'Brien): The parliamentary secretary may wish to indicate how much of that question he wants to answer that is relevant to the commencement date. Other aspects could be more fully addressed during the debate on the appropriate clause.

Hon GRAHAM GIFFARD: I was going to address the question only to the extent that it applied to commencement. The 18 months is the time lag in which the college will be able to establish that those who are teaching in the system are legitimately teaching in the system; that is, that they are registered teachers, or are who they say they are. It will take the college 18 months to establish that. That will be done upon an inquiry from a member of the public or a school about a person who is on day one deemed to be a teacher. It will take 18 months for the college to be able to determine that a particular person is a registered teacher. That applies to those who are currently in the system and who will be deemed. That time frame will enable the college to reliably provide that information.

Hon CHRISTINE SHARP: It is still not clear whether, when the college has in 18 months concluded all the checking, everybody will become registered or whether registration will be a gradual process occurring over the 18 months before proclamation of those clauses relating to registration.

Hon GRAHAM GIFFARD: I am sorry if it is getting confusing. Teachers will automatically be eligible to be members of the college. There will be a formal requirement for them to fill out a form, and they will have 18 months in which to do that. That will be a huge logistical exercise for the college, and that is why that 18-month time frame has been provided.

Hon DERRICK TOMLINSON: It may be more appropriate to deal with what I am about to say when we get to clause 82; however, I am confident that you, Mr Deputy Chairman (Hon Simon O'Brien), will pick me up if I infringe. The reason I am dwelling on clause 82 at this stage is that it is important to clause 2. If we read clause 82 carefully, we will learn that -

A person must not claim or pretend to be, or make use of any certificate or any words or letters or any name, title, abbreviation, description, certificate or authority that implies or tends to encourage the belief that he or she is -

(a) qualified . . . to teach in a school unless he or she is a registered teacher . . .

If a person who is a registered teacher claims, pretends or makes use of certificates encouraging the belief - in other words, dissembling - that he is or she is qualified to teach, it will not be an offence because that person is a registered teacher. A registered teacher will have licence to make those claims or pretences or encourage those beliefs. I am sure the parliamentary secretary will tell me that clause 82 applies to someone who is registered to teach, and that anybody who dissembles, pretends or makes false claims will be caught under clause 81. However, that clause relates to a person who makes an application under the Act. What checks and balances will be in place for the person who slips through the net of registration and pretends or encourages a belief that he or she is qualified to teach when he or she is not? Even the Bill anticipates that this will happen on more than one occasion, because the penalty for the first offence is \$5 000, and it is something else for a "second and subsequent offence". Someone may pretend, dissemble or encourage a belief that he or she is qualified to teach, and may make all sorts of claims about having letters after his or her name, and, provided that he or she is a registered teacher, not commit an offence. Even then, a person may do that more than once, because it is anticipated in the Bill. I am sure that that is not the intent, but that is what the Bill states.

Hon ALAN CADBY: I ask a question about something Hon Graham Giffard said in an earlier response to Hon Derrick Tomlinson. I understand that for someone who is not currently teaching to be registered as a teacher, he must have taught for one year of the past five years. Will that five-year period start from the date of proclamation or from the end of the 18-month period?

Hon GRAHAM GIFFARD: Hon Derrick Tomlinson raises a good point that I want to get some advice on. He essentially raises the issue of people who are able in some way to slip through the net of registration and say that they are qualified to teach, which, as he says, is encouraging the belief that they are qualified to teach when they are not qualified to teach. I want to seek parliamentary counsel's advice on the wording of that clause and the implications of it. I think the member raises an interesting point. I would like to defer consideration of clause 2.

The five years mentioned by Hon Alan Cadby refers to the five years prior to the making of the application. The application might be made now or in five years, but the person must have taught for one year in any of the

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preceding five years. It is not prior to proclamation; it is prior to the person making the application, which might be made in 18 months.

Hon Alan Cadby: Is that at the beginning of the 18-month period?

Hon GRAHAM GIFFARD: Yes, that is right. However, the relevant time is the five years before the application.

**Further consideration of the clause postponed until after consideration of clause 82, on motion by Hon Graham Giffard (Parliamentary Secretary to the Minister for Education and Training).**

**Clause 3: Interpretation -**

Hon DERRICK TOMLINSON: The definition of “teaching” in clause 3 states -

- (a) the delivery of an educational programme . . .
- (b) the administration of any such educational programme,

Perhaps it includes non-classroom personnel in the schools, such as principals and deputy principals who do not have classroom teaching responsibilities. It does not include a teacher’s aide or an unpaid volunteer. Does it include people such as university lecturers, senior lecturers or professors who might come into a school for the purposes of practicum, which might mean observing a teacher in a classroom, mentoring a teacher in a classroom or demonstrating within a classroom? Certainly observing, assessing and mentoring are common practices, but it is less common to have university personnel participating in the act of teaching in classrooms, even if it might be in the process of some educational research about classroom dynamics or whatever. Does the teaching anticipate teachers of teachers being registered or given limited authority to teach as teachers of teachers?

Hon GRAHAM GIFFARD: My advice is that teachers might fall into either of two categories: the first is teachers not currently teaching who are able under clause 3 of schedule 4 to apply to the college for registration or deemed registration. In those circumstances, someone who has previously taught as a university lecturer or professor may teach under those provisions. Those people may fall within clause 38. They may be an associate member of the college, but that person would not be entitled to teach. Under clause 3 in schedule 4, that person may well be able to apply to the college for deemed registration.

Hon DERRICK TOMLINSON: Clause 3 of schedule 4 refers to teachers not currently teaching.

Hon Graham Giffard: Yes.

Hon DERRICK TOMLINSON: That means that somebody now in a university will be catered for. What about the person who has been recruited to one of our universities from Hong Kong and who is not currently teaching? Would that person meet the provisions of clause 3 of schedule 4? Will he, too, at some future date be provided for other than through the transitional provisions?

Hon GRAHAM GIFFARD: The provisions of clauses 36 and 37 also apply, particularly moving to the example of someone from Hong Kong. A school or a teacher might want the person to teach in a particular specialist area in which he might have some expertise, and he can seek registration with a limited authority to teach. Under those circumstances, that person may come into the classroom and teach in the manner that the honourable member has outlined.

Hon DERRICK TOMLINSON: For the time being I will accept what the parliamentary secretary has said, but, when we reach those clauses, I will take that matter up again. It does, however, relate to my next concern in clause 3, concerning “unprofessional conduct”, the definition of which is as follows -

**“Unprofessional conduct”** means conduct referred to in section 63.

Section 63 relates to being convicted of an offence, the nature of which renders the person unfit to be a teacher. I can anticipate what sort of offence that might be. A person has engaged in serious misconduct, the nature of which renders the person unfit to be a teacher. I think I have raised this question before, because recently Parliament debated the Corruption and Crime Commission Act, and “serious misconduct” has a particular meaning within that Act. What does “serious misconduct” mean? Much more vexing is the question of “seriously incompetent as a teacher”. Competence in teaching is probably one of the most vexing concepts that besets the profession, but one does not have to be just incompetent; one has to be seriously incompetent. What is the difference between incompetence and serious incompetence? It sounds to me like one of those qualifiers: being very dead or dead, or unique or almost unique. A person is either incompetent or not incompetent - not seriously or just a little bit pregnant: it happened only 10 minutes ago, therefore I am only a little bit pregnant! The notion of incompetence is vexing. However, we then compound that vexing notion by saying that the person is not guilty of unprofessional conduct unless he or she is seriously incompetent. Paragraph (e) states -

that a person has contravened this Act; or

I can accept that unprofessional conduct will be demonstrable there. Paragraph (e) states -

that a person has contravened a condition of the person's membership relating to the way he or she practises teaching.

Does that mean the manner of teaching or the content of teaching, or does it mean both the manner and the content of teaching? The manner of my teaching in days of yore would probably have earned me excommunication from the profession. However, the content of my teaching was beyond reproach. If the teacher from Hong Kong had a limited authority to teach music, what would happen if he were to teach maths? The way in which he teaches music is a content question. The way in which he teaches maths is also a content question. However, if that music teacher were to teach maths, under this Bill he would be guilty of unprofessional conduct. A teacher may have some sort of record that means that he cannot be left in charge of children in a classroom. However, he is still a valuable teacher; therefore, he might be filling a teaching position in distance education and be a very good distance education teacher. However, if that teacher were to go into a school classroom, would he be guilty of unprofessional conduct? It is a question of whether it is the manner of teaching or the content of teaching. These are vexing questions. I would like the parliamentary secretary to explain how unprofessional conduct is anticipated to be demonstrated as opposed to serious misconduct or being seriously incompetent as a teacher.

Hon GRAHAM GIFFARD: I am advised that both unprofessional conduct and serious misconduct will be spelt out further in the regulations that will be developed by the board in due course. The question of incompetent and seriously incompetent arose during the second reading debate. I can understand the temptation to draw parallels and say it must be either/or. The distinction is intended to allude to a situation in which the employer - the school - may dismiss a teacher because it does not regard his competence as being sufficiently up to scratch. However, that does not mean that the teacher is not competent to be a member of the college. It just means that the school has more exacting standards or expectations of its teachers. The intention behind the word "seriously" is to draw a distinction between being competent to be a member of the college but not necessarily being sufficiently competent to meet the requirements of a particular school. A similar situation applies to unprofessional conduct and serious misconduct. These matters will invariably be raised with the college by the employer - the school. In the case of clause 63(e) - namely, that a person has contravened a condition of the person's membership relating to the way he or she practices teaching - the referral will essentially be an assertion by the employer that the teacher has contravened a condition of his or her membership of the college. Again, the regulations will contain greater detail. However, it will be the employer who makes out the case.

Hon DERRICK TOMLINSON: It is often said in debate on legislation that the devil is in the detail. We are being told that the devil is in the regulations, and that if we wait until the regulations are published, we will understand the devil. I am not particularly happy with a process of delegating legislation to that extent. However, if that is the way in which the Government wants to work, we will let it delegate the legislative process, and we will then deal with it by disallowance at the appropriate time.

I accept that if a teacher at a given school has a teaching style that is inappropriate for the ethos of the school, the school may exercise the option of dismissing that teacher. That is a luxury available to the non-government sector, but not the government sector. Teachers are not located according to professional styles to fit the ethos of a particular school. However, that is an aside. The question of a teaching style being inappropriate to a particular school is not a matter of incompetence. Incompetence in teaching relates to not having mastery of the content, not having mastery of the processes, not demonstrating skills in communicating concepts or performing tasks appropriate to teaching, not having competence in relating to children, not having competence in fostering and nurturing the development of children, and not having a personality that is appropriate to the nurturing responsibilities of teaching. These are fundamental to teaching. These are the things that vex the profession and the qualities that vex parents whose children suffer under incompetent teachers. I guess we must wait for the devil in the detail of the regulations. However, to dismiss the question of competence with a statement, "Oh, well, it's about teaching style; some teachers are not appropriate to a particular school", does not deal with incompetence. It was an incompetent answer!

Hon BARBARA SCOTT: The issue I raised in the short title debate related very much to this area of unprofessional conduct. Could the College of Teaching deem a teacher unfit to teach if that teacher chose to write to a newspaper to express a view about, say, children in detention? A teacher may feel strongly about that matter. I gave a different example earlier. Writing to the editor is different from unprofessional conduct or the inappropriate handling of children in the classroom. I alluded earlier to the fact that we must wait for the regulations to find out whether a teacher acting in his or her own right writing to a newspaper expressing a viewpoint could be deemed to be acting in an unprofessional manner. Was a college of teaching in Canada taken



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to the Supreme Court in Canada by a teacher defending the democratic right to write to a newspaper? Will that be the sort of thing deemed to be unprofessional conduct?

Hon GRAHAM GIFFARD: It is not intended for the college to perform some general watchdog role reading all letters to the editor to vet teachers' opinions on a range of social policy issues. As I have said before, matters of professional conduct and competency will invariably be referred to the college by the schools; employers will be required to do so under the Bill. The college will then consider those questions. The employer will be required to advise the college of a dismissal or suspension of a teacher from the school. In that event, the college will consider the nature of the charge against that teacher.

**Clause put and passed.**

**Clause 4: Crown bound -**

Hon ALAN CADBY: If the intention is to bind the Crown to carry out the obligations of the Act, why does subclause (2) provide an exemption from prosecution for an offence? Referring to subclause (3), what does the parliamentary secretary mean or intend by "Crown"?

Hon GRAHAM GIFFARD: The Bill will "bind the Crown in right of the State". I understand that the Crown in that sense is the State. Clause 4(2) reads -

Nothing in this Act renders the Crown liable to be prosecuted . . .

The State is not liable to be prosecuted. People may want to prosecute the college, or officers or employers or agents of the college, but they may not prosecute the Crown - the State.

**Clause put and passed.**

**Clauses 5 and 6 put and passed.**

**Clause 7: Board of management -**

Hon ALAN CADBY: One of the aims of this Bill is to give a vehicle, namely, the Western Australian College of Teaching, the task of raising the status of teachers and the teaching profession generally within the community. We have all heard the phrase "control of the teaching profession by the teachers themselves". I wonder what sort of message we are giving to the community and to teachers by having nine non-teachers on the board - nine out of a membership of 19. Teachers have only one more person on the board than do non-teachers. The message I get is that teachers are incapable of running their own profession. We need others to oversee them, and the best way to do that is to have nine non-teachers on the board to check on the 10 teachers. I do not think this is a good start to the concept of teachers taking more control of their profession. I believe it gives the wrong message. I wonder what other profession would submit to this type of treatment - certainly not doctors, lawyers, architects, surveyors or even parliamentary clerks. The only reason that I can think of for Minister Carpenter making it 10-9 is that he thinks teachers do not have the capacity to run their own profession or he is frightened that, in fact, they do have the capacity to do so, and he is scared of what they might do; in other words, he might lose control. I do not think that is a good start to the Bill.

I wonder why the minister decided on this division of 10-9. I can understand, but do not necessarily agree with, the 10 teachers, but for the life of me I do not understand why nine non-teachers must be on the board. If it were 10-4, that would be reasonable. I believe 10-9 is unreasonable. I wonder whether the parliamentary secretary can give us the reasons that the minister decided on that split of 10-9.

Hon GRAHAM GIFFARD: As we have indicated previously, during the second reading debate particularly, it has been a reasonably lengthy consultation process. As a result of that process, there will be 19 members on the board, as contained in the Bill. Members will see in clause 9 a list of those members, who could all argue a significant interest in the college and the teaching profession. Therefore, it is considered desirable that all those organisations referred to in clause 9 have representation on the board. Ten teachers are to be elected to the board under that clause. That will make a very clear statement about the majority of the membership. It must be remembered that some of those nine members may well be teachers. A minimum of 10 members will be registered teachers.

Hon Alan Cadby: But those nine members are not currently teaching.

Hon GRAHAM GIFFARD: No, but they may well be members of the college and registered teachers. I suppose that is the point. They will bring their own perspectives and, in many cases, their own expertise to the board. There are another 10 members, which will clearly make the statement that the majority of the membership of the board will be practising teachers.

Hon ALAN CADBY: If we take that logic to the extreme, the one big stakeholder in education that is not included is students. Why are students not represented in their own right? Cleaners and service providers are

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not represented, nor are professional associations. The fact that these people have some interest in education or in teaching is not the reason that they should be on the board. Many more people could be included. Why is the split 10-9? It is so close that, in reality, if it came to a vote - I understand votes will be taken - the nine non-teachers would have the majority vote. As the parliamentary secretary knows, teachers quite often suffer from many of the illnesses the children bring to the school.

Hon Graham Giffard: They will all agree, will they, and divide the other lot?

Hon ALAN CADBY: That is not the point. The point is that if one teacher is not present, the teachers will lose their majority; yet this Bill is saying that it is control of the teaching profession by teachers. I do not think it is. I do not think the parliamentary secretary can argue that that split is justifiable. He could argue for the 10 teachers, although I did say that I do not necessarily agree with the way in which the 10 teachers are made up. However, I believe it is giving the wrong message to the community to have nine non-teachers on the board. If it is really control of the profession by teachers, why is it not just 10 teachers, and that is it? Those 10 registered teachers could in fact, as the parliamentary secretary said, come from a parental body, from the university sector, from the Curriculum Council of Western Australia or from the Department of Education. Therefore, there would still be the possibility of a wide range of interests. Was any consideration given to making it just teachers, knowing that teachers are in fact more than just teachers who are teaching in the classroom at present?

Hon GRAHAM GIFFARD: In addition to my previous comments, I indicate that, as I am advised, the composition of the board arose out of the consultation process. That was recommended to and accepted by government. I am sure that those issues were well aired during that consultation phase. We take the view that this is an opportunity for the teaching profession to control and run the board. We are confident that that will be the case.

The DEPUTY CHAIRMAN (Hon Adele Farina): Order, members! Some members are having difficulty hearing the parliamentary secretary and other members when they are speaking. Therefore, I ask that any members having private conversations leave the Chamber to do so.

Hon DERRICK TOMLINSON: I will be very offended if people cannot hear me. This question of the 19 members is a matter that I feel is an error of this Bill. I did give some thought to amending it to decrease the number of members. I do not know that I got a great deal of support from some of my colleagues on that. I did not proceed with that amendment, because I could not see a way of amending it without destroying one of the principles of the Bill. Whoever is speaking, go away. He is interrupting my speech. I am sorry; I lost my train of thought as a result of that interruption.

The DEPUTY CHAIRMAN: That is okay. I can understand that.

Hon DERRICK TOMLINSON: Let us look at the 19 members. Three are employer providers: the Department of Education, the Catholic Education Commission of Western Australia and the Association of Independent Schools of Western Australia. I know why we must have each of those organisations. Every schools authority that has been created in this State, certainly since I have been involved in the profession, has been compelled to include each of those organisations, because none of them will trust the other. It is nothing more than the professional jealousy of those three organisations. The Department of Education and Training will not trust the Catholic Education Commission, the Catholic Education Commission will not trust the Association of Independent Schools and neither of those will trust the Department of Education and Training alone, so representatives from all of them must be on the board. I do not believe that employer representatives should be on the board. The employers' responsibility is to accept the registered teachers, give them employment and, if those teachers behave in ways that are inappropriate to registration, report it to the registering authority. However, representatives of those three organisations are on the board for hysterical reasons.

The next paragraph provides that two representatives are to be nominated jointly by the five universities. I argued that teacher educators and university teachers should be registered teachers anyway, but I accept that the principle of the Bill is about the registration of schoolteachers, not the registration of teachers. It is not even about the registration of technical school teachers who might be teaching post-compulsory vet programs in schools. That is a flaw in the Bill. The next paragraph provides that two representatives are to be from the two teachers unions. Why are representatives from two teachers unions on the board? First of all, one union will not trust the other union; therefore, both must be represented on the board. A representative of the State School Teachers Union of WA must be on it because the employers are on it. What are we doing? We are immediately setting up adversarial membership of the board. The next paragraph provides that two members are to be parent representatives. I have read with interest the letter sent by Mr Brian Lindberg, the chairman of the interim board. It was a very good letter. I have a great deal of respect for Brian Lindberg and I understand what he was arguing about when he said that teaching is an inclusive profession and therefore the board must comprise employer representatives, teacher education representatives, union representatives and parent association representatives.

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However, if that argument were followed through, primary teachers, secondary teachers and education support teachers would all have to be represented. That would make it truly inclusive, rather than trusteeship, representation.

Having created this adversarial structure of employers, unions and parent associations, each with their own vested and strongly protected interests, to meet and deliberate, we then have teachers, who are now to be represented in a ratio of seven to two to one, according to the number of children who attend their schools. Seventy per cent of children attend government schools, 20 per cent attend Catholic schools and 10 per cent attend other non-government schools. For some reason we must have a ratio of seven to two to one. Why do we not just say that four teachers are to be elected and we do not care where they come from? We cannot do that because the government sector does not have any respect for the non-government sector and the non-government sector does not want representation by the government sector. They are stupid arguments.

Let us follow through this question of inclusiveness. If we are to have a truly inclusive body that embraces the whole spectrum of professional interests, the logical consequence is that it cannot make a single decision unless it is a consensus decision. Inclusiveness means respecting and making provision for the whole spectrum of interests; therefore, every decision must be a consensus decision. However, clause 9 of schedule 1 states that each question before the board is to be decided by a majority of members. This is to be an inclusive body of 19 members that is of adversarial composition by nature of employer-union-teacher with a teacher representation ratio of seven to two to one. There is to be a majority decision-making process, not a consensus decision-making process. I think that is a recipe for failure. It is a recipe for dissension in an inclusive body. For that reason, I thought about amending it. I cannot amend it simply without changing the whole principle of the Bill. As it is now structured, the 19-member board will render decision making and the management of the College of Teaching impracticable.

**Clause put and passed.**

**Clause 8 put and passed.**

**Clause 9: Membership of Board -**

Hon DERRICK TOMLINSON: I move -

Page 6, after line 2 - To insert -

- (a) one is to be the Chairman who must be a person with recognized expertise in education;

My intention in the amendment is to make the chairperson independent of the board - a chairperson who is appointed on the nomination of the minister. I am aware of the argument that this will politicise the chair. I weigh that against the alternative, which is that a chairperson in an elected body of an adversarial nature, as is this body, will be beholden to the majority who elect him or her and, therefore, will not be impartial. I think it is absolutely essential that the chairperson not be beholden to anybody, because the chairperson will have a difficult enough job as it is to deal with this unmanageable body of 19 people as it is now to comprise.

The second concern I have about the election of the chairperson from within the body is that it will exclude from consideration some people who are well qualified to chair such a body but who are not education administrators, teacher educators, members of the teachers union or members of the parents association. For example, retired schoolteachers and retired school administrators could not be appointed. Mr Brian Lindberg - I hope that he will not be offended by this - would be an admirable choice as the chairperson of this board. He would be an admirable choice because of his professional and industrial knowledge and experience, and he is well qualified because of his exceptional personality. He is an exceptional man who has done an excellent job with an almost unmanageable body. However, a person of that calibre is excluded from becoming the chairperson. Why exclude people of that calibre, especially when the Government talks about it being an inclusive body? Why must a person with mature experience be overlooked? I have moved the amendment because it will give the opportunity for the minister to appoint a person who has recognised expertise in education who will not be beholden to any body, institution or group in his or her role as the chairperson of the board. Therefore, I commend the amendment to the committee.

Hon GRAHAM GIFFARD: The Government is not inclined to support the amendment. The position is that the interim board has expressed a view to the Government, which the Government has accepted, that the chairperson should be elected from among the board members. I listened carefully to Hon Derrick Tomlinson's argument about the chairperson of the board not being beholden to the will of the majority. The same could be said of a ministerial appointment; that is, a person who was appointed as chairperson by ministerial appointment could be considered to be the minister's boy on the board. The member's view is that the appointment should be made by

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the minister, and that it could be argued the chairperson would be beholden to the majority of the board if he were elected by the board. The Government's argument is that the chairperson of the board ought to enjoy the confidence of the majority of the board because that will produce the most likely prospect of the board working constructively, collaboratively and positively, which we sincerely hope it will do. Similarly, it would avoid the accusation that the minister, who is unpopular in some small circles -

Hon Alan Cadby: Concentric circles.

Hon GRAHAM GIFFARD: Yes. It avoids the accusation that the minister is interfering with the operation of the board. It must be remembered that the Government's view of the board is that the College of Teaching will be run by the profession; it will not be run from the minister's office. It is to be run by the board. We think it is important that the chairperson enjoy the confidence of his colleagues on the board. The Government is optimistic that the election of the chairperson of the board by his or her colleagues is a positive feature of the operation of the board.

Hon DERRICK TOMLINSON: The parliamentary secretary reiterated the concern that I raised at the beginning; that is, by allowing the chairperson to be nominated by the minister, it exposes the possibility of the position being politicised.

Hon Graham Giffard: I countenanced the accusation. I countenanced that someone might say that.

Hon DERRICK TOMLINSON: I countenanced that also. That was the very thing I said in my opening remarks.

Hon Graham Giffard: I am not suggesting that the minister would make a political appointment.

Hon DERRICK TOMLINSON: Not at all. We have seen the politicisation and privatisation of the public sector and of ministerial appointments.

Hon Graham Giffard: Not under this Government, surely.

Hon DERRICK TOMLINSON: Particularly under this Government. I am also aware that chairpersons of statutory bodies have been appointed by a Government of one persuasion and have been reappointed by a Government of another persuasion because of the person's merits. I am confident that a minister would appoint a chairperson on his or her merits. However, I acknowledge and accept that a ministerial appointment could expose the possibility of politicisation. I tried to argue that one must balance the politicisation of the chairperson against making the independent chairperson beholden to the majority. Who comprises the majority? What is the power group among these 19 members?

Hon Graham Giffard: The teachers.

Hon DERRICK TOMLINSON: It is the State School Teachers Union of WA, because its members comprise eight of the 19 members. The parliamentary secretary is a numbers man.

Hon Graham Giffard: I am obviously not very good because I count one.

Hon DERRICK TOMLINSON: I accept what the parliamentary secretary said. He reasonably anticipates that a ministerial appointment could politicise the position. It is also reasonable to anticipate that the chairperson in an elected body would become captive to the majority. Which of those is the least desirable? Neither of them is desirable. Let us at least -

Hon Graham Giffard: They are both pessimistic scenarios. That is why neither is desirable.

Hon DERRICK TOMLINSON: I am sorry, but I am being distracted by all sorts of signals.

Neither is desirable. We must look at what is the best option. The best option is that which will make this body workable. I have spent some time demonstrating to the parliamentary secretary why this will be a difficult body to manage and to make work. I argue that in spite of the possibility of the appointment being politicised, the ministerial appointment of a person with recognised expertise in education would be the most efficacious way of resolving that conundrum.

Hon GRAHAM GIFFARD: I do not propose to add anything further, other than say it is a view with which we disagree. I understand why the member puts the proposition. If one puts two negative scenarios, one must choose between them, but we are taking the optimistic and not the pessimistic scenario. The interim board with this composition has been working well for two years now and we are optimistic that it will continue to function in a very positive environment.

Hon CHRISTINE SHARP: I am really curious why the honourable member is choosing to move this amendment, when he is suggesting that it is a lesser solution to the problems he has enunciated. I think the parliamentary secretary has been fairly convincing in his argument, that although there are some dangers and

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risks in the chairman of the board being elected by the minister, there are also some risks in the reverse situation. Throughout debate on this amendment and clause 9, Hon Derrick Tomlinson seems to be implying that this is a lesser solution and that there is in fact a better solution for what he is depicting as an extremely adversarial composition of the College of Teaching. The member has offered one solution, which I do not find very compelling. Why has he not put forward a more compelling solution to deal with this matter?

Hon DERRICK TOMLINSON: The alternative is to establish a board that is manageable. A board of 19 composed in this way is unmanageable. I did think about this. I referred to an amendment to reduce the membership of the board. For example, I do not believe the employers necessarily should be represented on the board; I do not believe that the Teachers Union should be represented on the board; I certainly accept that the teachers should be represented, but I do not accept that they should be representative of government, catholic and other non-government teachers proportional to the number of students enrolled in those schools. I believe that if we are to have a so-called inclusive profession, teachers elected by the total membership would become much more manageable. Therefore, a board that comprises an appointed chairman, four teachers and a teacher education representative - because I have some respect for teacher educators as part of the teaching profession - would be a much more manageable board. That overcomes the whole problem of the adversarial composition of the body and it becomes a manageable board. I could not move that amendment without restructuring the whole board. Therefore, the alternative is to take the chairman out of the adversarial structure and make the chairman independent of the composition of the board, in recognition of the matter pointed to by the parliamentary secretary, that he might politicise. I think that is the lesser of the solutions. The better solution is to have a manageable board in the first place.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Alan Cadby	Hon Ray Halligan	Hon Simon O'Brien	Hon Bruce Donaldson ( <i>Teller</i> )
Hon George Cash	Hon Frank Hough	Hon Barbara Scott	
Hon Paddy Embry	Hon Barry House	Hon Bill Stretch	
Hon John Fischer	Hon Robyn McSweeney	Hon Derrick Tomlinson	

Noes (14)

Hon Kim Chance	Hon Adele Farina	Hon Louise Pratt	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Ed Dermer ( <i>Teller</i> )
Hon Kate Doust	Hon Nick Griffiths	Hon Jim Scott	
Hon Sue Ellery	Hon Dee Margetts	Hon Christine Sharp	

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Pairs

Hon Murray Criddle	Hon Ken Travers
Hon Norman Moore	Hon Jon Ford
Hon Peter Foss	Hon Tom Stephens

**Amendment thus negatived.**

Hon DERRICK TOMLINSON: In light of the decision on amendment 31/9, my amendment 32/9 is unnecessary because 32/9 was a means of having an independent chair without increasing the number on the board. If we are to stick with that, I would prefer to have two teacher educators than one.

Hon BARBARA SCOTT: I move -

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

The reason for the amendment is that a number of people who are employed in the education system operated by the Minister for Education and Training are in non-teaching positions. I do not think I need to explain that in detail, but I cite people who are on the Curriculum Council, are moderators or are on marking boards, and so on. I refer to question without notice 1673 of Wednesday, 10 December 2003, in which Hon Derrick Tomlinson asked the parliamentary secretary representing the Minister for Education -

How many qualified teachers employed by the Department of Education are appointed to non-teaching positions outside government schools; that is, teachers assigned to head office or district offices as curriculum consultants, education officers and so on?

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The answer indicated that 115 teachers are employed in non-teaching positions, plus an additional 432 teachers comprising 250 school psychologists, 41 primary extension and academic challenge teachers, and 141 music teachers. That is a significant number of highly qualified teachers in the government school system who will be excluded from membership of the board.

Hon GRAHAM GIFFARD: The Government does not agree with the amendment. There is a strong view that the majority of board members should be practising teachers. This amendment could have the effect of including on the board, in an extreme circumstance, 10 people who have not been teaching in a classroom for a number of years. That would be undesirable. Therefore, the Government does not support the amendment. We also do not believe it would be supported by the teaching profession. The Bill provides plenty of scope for people who are not necessarily teachers in the classroom but who have educational expertise to be nominated to the board. There is a range of stakeholder groups that could, and I am sure would, be nominating people, some of whom will be qualified teachers or people with other types of educational skills or backgrounds. This amendment could set up a scenario in which a lot of people who work in Silver City are on the board. That would not be desirable. For that reason, we will not support the amendment.

Hon DERRICK TOMLINSON: Where is the opportunity for non-teaching people with educational expertise to be nominated to the board?

Hon Graham Giffard: Those are the other nine positions.

Hon DERRICK TOMLINSON: I see.

Hon Graham Giffard: The stakeholder groups.

Hon ALAN CADBY: The parliamentary secretary has missed the point. A classroom teacher may be seconded for 12 months to the Curriculum Council. Would such a person be eligible to be a member of the board? A person may be a member of the board and be teaching in a school but then be seconded out of the classroom for 12 months. Would such a person be required to resign from the board because he or she is no longer a practising teacher? That is what we are trying to cover. We are not trying to get non-teaching people onto the board. We are saying that a teacher who has been seconded out of the classroom for a short time should still be entitled to be a member of the board. It might help if the parliamentary secretary could clarify that point for us.

Hon Barry House: He might even be a union official for a couple of years.

Hon ALAN CADBY: Yes - any secondment.

Hon GRAHAM GIFFARD: I understand the point that Hon Alan Cadby is making. I am addressing what the amendment is seeking to do and how it will change the Bill. I have addressed what we believe the Bill will do.

Hon Alan Cadby: Perhaps you could answer my question.

Hon GRAHAM GIFFARD: I have addressed the amendment. That is what the amendment will do.

Hon Alan Cadby: That is the purpose of the amendment.

Hon GRAHAM GIFFARD: It may be what the member has in mind. What I have done is explain the consequences of the amendment, and my reasons for objecting to it.

Debate interrupted, pursuant to standing orders.

*House adjourned at 9.57 pm*

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