

WESTERN AUSTRALIAN COLLEGE OF TEACHING BILL 2003

Second Reading

Resumed from 2 December.

HON ALAN CADBY (North Metropolitan) [11.14 am]: The purpose of this Bill is to establish the Western Australian College of Teaching with a prime responsibility for the registration of teachers. Although the seeds of this Bill were collected during a coalition Government, before they were sown they were genetically modified by the union movement and the Labor Government and we are about to harvest a contaminated crop that has the potential to leave a bad taste in my mouth and in the mouths of other teachers. This crop is all about union control of the teaching profession, aided and abetted by Minister Carpenter. In reality it is a no ticket, no start Bill; one that Kevin Reynolds would be very proud to have drafted. Perhaps its short title should be changed from the Western Australian College of Teaching Bill to the Western Australian control of teachers Bill, because that is what it is all about. As we know, Minister Carpenter has a hatred for independent schooling, yet, he is very happy to gain more control of this school sector through this Bill. Only this morning I heard him talking about the funding for independent and government schools. He made the claim - it is not the whole truth - that independent schools receive, on average, \$3 500 per student, but government schools receive, on average, only \$700. Of course, that is a load of nonsense; it is not true. Government schools receive about \$8 500 per student from all government sources, whereas non-government schools receive, on average, about \$6 500. He is not telling the whole truth; he is telling only part of the truth, because it suits him to do so.

It is the intention of the Bill that this college will be a professional body of and for teachers. Its role, as outlined in the second reading speech, is to promote and enhance the teaching profession; to research and develop professional standards and values for teaching in schools; to ensure ongoing professional development for all teachers; and to administer the registration of teachers for all schools in Western Australia. A component in this Bill addresses the college's advocacy role on behalf of all teachers and the teaching profession. The objective of promotion of the teaching profession in Western Australia is commended. However, in reality, no external body can do this. The locus of control still remains within the teaching profession itself. A stated objective of the college is to raise community awareness of the important role teachers play in society and to set out quality standards in teaching and regulated entry into the profession.

The Bill has a number of clauses. Clause 16 is very important, because it outlines the main role of the college. The Bill lists 10 functions of the college that include enhancing the status of the teaching profession by facilitating the professional development of teachers throughout their careers - that is a very good function of the college and I applaud it; establishing professional standards and values for teaching in schools - I have a doubt about that; conferring with all relevant stakeholders with respect to required standards of teacher education and administering the scheme of teacher registration and disciplinary proceedings - I have a difficulty with the disciplinary nature of this board; and promoting and encouraging the continuing education of teachers and increased levels of skills, knowledge and competence in the practice of teaching - once again, that is laudable and I hope that the college will succeed. I have concerns with some aspects of these functions.

The locus of control for professional development should remain with the employer; it should not be given to a committee that is far removed from the teachers or from the schools in which they work. Considerable professional development is undertaken by teachers who are currently teaching. This professional development may include working towards postgraduate qualifications or attending courses run by professional associations such as the Science Teachers Association of Western Australia, the Mathematical Association of Western Australia, the English Teachers Association of Western Australia and the like. Teachers can also attend school-based programs that have been identified as a priority need by the school or a teacher. However, the most common form of professional development is the informal professional development that can occur daily through dialogue between groups of teachers in the school. It is my experience that some of the best professional development occurs in schools between teachers discussing issues in a faculty staff room. I ask: is it the intention of the Bill that the only worthwhile or recognised professional development is that which is formally organised and registered with the board? If that is the case, I believe it will seriously damage the stated intention of the Bill to raise the teaching standards of the profession. I mentioned these different aspects of professional development at both briefings I attended. I was assured that the current style and format practices in the delivery of professional development would be recognised and valued. I would like the parliamentary secretary to state on record that that is the case. I would also like an assurance from the parliamentary secretary that the stated functions will not be used to promote a particular government educational ideology. That is very important.

Division 5 refers to the director of the college and other staff. Clause 19(2) provides that the college may appoint and remove a director. How is a director to be appointed under clauses 19 and 22? To date, the acting director's position, which has gone to a former president of the State School Teachers Union of WA, has been

filled by secondment within the Department of Education and Training. I believe advertisements for all positions, including the position of director, should be open. Because the college is to be cross-sectoral, it must have the confidence of all sectors of the education community. Will the parliamentary secretary state in his response how the director is to be appointed and when the position is expected to come into being.

A board of management composed of 19 members will administer the college. The minister will appoint nine members to the board. The key employee representatives and teachers' unions, peak parent bodies and universities will nominate those members. Their peers - the teachers - will directly elect a further 10 practising and registered teachers. The board will be supported by a secretariat, led by a director. In my opinion, 19 board members is an excessive number. I wonder how effective they will be in their stated roles. The argument for having 19 board members was to include all the stakeholders. However, it does not include all the stakeholders. If it did, it would include the professional associations, employers of the graduate students and, most importantly, it would include students.

The Bill does not limit the number of times board members can be elected to the board. Members need only stand for re-election every three years. It seems to me that a good practice would be to have a change in membership of this type of board. Like every profession, teachers can get stale within their profession. It would be a good idea to have a fairly routine changeover of board members. I believe that the Bill should include a sunset clause for membership. Generally, three terms of three years is considered sufficient. I was a member of the advisory committee on mathematics, which was called the CAC committee. It was very important that the membership of that committee rotated so that new ideas came into force on a fairly regular basis and that not all the board members left the position at the same time. It could be difficult to remove a board member from the proposed board, and the board member might not work in the best interests of the profession. I would like a limit placed on the number of times a board member can be elected to the board.

Under clause 9(2), seven of the 10 elected members of the board are to be registered teachers who teach at government schools and who will be elected by registered teachers who also teach at government schools. Two are to be registered teachers, each of whom teaches at a school that is part of a school system, the governing body of which is the Catholic Education Commission of Western Australia. One board member is to be a registered teacher who teaches at a non-government and non-Catholic school, and is elected in the same manner as the other teachers.

It seems a pity that this Bill perpetuates the great divide between government, Catholic and non-government schools. Had the minister or the interim board considered electing teachers from across the broad spectrum of the education community? I am also worried by the definition of "teachers". Some would classify head teachers as non-teachers. They are far removed from the classroom and are seen by some as not representing the views of typical classroom teachers. A difficulty I have is that the 10 elected teachers might not be classroom teachers. I do not know how one would define "classroom teachers". They could be classified as a teacher who is at least a 0.4, 0.6 or 0.8 full-time equivalent, for example. I would have thought that the idea of this Bill was to have a board that was represented by classroom teachers who are involved in the teaching of children. They are more in touch with the needs and the demands of the profession. Of the nine board members appointed by the minister, other groups are represented, including employers. The principal is part of the employer body. I would like an amendment made to this Bill to define a classroom teacher as somebody who teaches in the classroom; for example, a 0.8 FTE teacher. There is a great deal of concern in the teaching profession that the district officers, the principals and deputy principals could take over those 10 board positions.

Potentially, the distribution of the membership gives enormous power to the unions to dictate the nature of the professional development undertaken by the teachers, particularly in the non-government school sector. Although 11 teachers were represented on the interim board, the union movement - either the SSTU or the Independent Schools Salaried Officers Association of Western Australia - appointed all 11 teachers. I have mentioned on a number of occasions that they are the nominating bodies for those teachers. Teachers have limited funds for campaigning. I suggest that the two unions are likely to participate in the campaigning by popularising their preferred candidates. This will give union-preferred candidates a considerable advantage and they will owe the union a debt of gratitude, which might have to be repaid at a later date. It is for this reason that I would like to see, through regulation, a regime to maintain a level playing field so that each candidate would have the same opportunity to promote his or her election to the board.

Once again, I will talk about the board membership. The parliamentary secretary is well aware that I am concerned that no professional associations will be represented on the board. This Bill is about professional development for teachers. The people who provide most of the professional development for teachers currently are the professional associations. However, none of these associations will be represented on the board. That is a weakness in the make-up of the board. Nineteen members is too many anyway, but perhaps the minister would consider dropping one of the university sector representatives - after all, the universities will have two

representatives - and replacing that person with a representative from a professional association, who is chosen and supported by the minister. Perhaps the minister could choose that person on a roster system that rotated between maths, science, English, social sciences, computing, etc, so that at least there would be someone on the board who has some experience of the way in which professional associations work.

Schedule 1 of the Bill deals with the constitution and proceedings of the board. The term of office of each member of the board will be three years. The board will elect its chairperson from its membership, and the chairperson will be able to hold that position for one year and be eligible for re-election. Given my experience with school governing boards, the position of chairperson is absolutely critical. While I appreciate the intent of clauses (1) and (2) of schedule 1, the issue of an independent chair with a fixed term should be considered by the Government.

Hon Graham Giffard: When you say a "fixed term", do you mean a sunset clause so that the person cannot be re-elected?

Hon ALAN CADBY: I am saying that the term should be for three or four years, and after that a new chairperson should be elected.

Hon Graham Giffard: And that person would not be eligible to contest the election?

Hon ALAN CADBY: If the person has done a good job and it is working well, I would have no problem with that person standing for re-election. However, in the same way as the membership, I would not want the person to be re-elected for 20 years. Perhaps it should be a maximum of three three-year terms.

The funds of the college shall consist of the fees received by the college; and other money or property lawfully received by, made available to or payable to the college in the performance of its functions. The college will be self-supporting in about 2006. However, in its establishment phase, the State Government will fund the college to the amount of \$500 000 per annum until June 2006. My concern is that the college will be both the regulator and the provider of professional development for teachers. That will leave the college open to an accusation of bias. I do not believe the college should regulate professional development and at the same time offer professional development. There should be a separation of those two roles. We have been told that the annual cost of college membership will be between \$50 and \$75; I do not think the exact figure has been determined as yet. For some mysterious reason, although I was told in the first briefing that there are about 38 000 teachers in Western Australia, in the second briefing I was told there are about 36 000. I do not know whether 2 000 teachers have left the profession because of the coming into play of this Bill. That means that the annual income for the college will be between \$1.9 million and \$2.9 million. That is a lot of money for the college to spend as it sees fit. I suppose it is a bit like the compulsory student levy; we all know how that money can be misspent.

Clause 30 stipulates that a person must not teach in a school unless the person is a registered teacher, or holds a limited authority to teach and is teaching in accordance with that authority. I seek some clarification on the role of technical and further education staff, because the information that we were given in the first briefing was different from the information that we were given in the second briefing. In the first briefing we were informed that a TAFE lecturer who came into a school to teach the students would need to be registered. We were also told in the first briefing that if the school students were to go to a TAFE as part of their vocational education and training program, the TAFE staff who would be teaching them would not need to be registered. In the second briefing we were told that is not the case; any TAFE staff who were involved in the teaching of children and who were registered in schools would also need to be registered by the College of Teaching. I would like some clarification on that matter and on the nature of the registration. As we know, many TAFE lecturers are not qualified teachers, so they might be able to get only provisional registration, not full registration. The reason that is important is that otherwise TAFE will be seen as a second-rate educational institution, as it has the capacity to hide incompetent and seriously incompetent teachers. Is it the intention of the Government that eventually all TAFE staff will come under the College of Teaching; and, if that is to be the case, when is that likely to occur? This is particularly important, because, as we know, in the future there will be more mixing and matching between TAFE and schools. I believe it is very good that this will occur. However, we must still have the same guarantee of quality in the TAFE colleges as we are likely to get in schools with the registration of teachers.

Registration will be for a period of five years, during which time teachers must undertake professional learning as required by the college in order to be eligible for renewal of their membership. The requirements for registration are that the applicant must hold a teaching qualification, be proficient in written and spoken English, be of good character as measured by the criminal checks, achieve the standards of professional practice, and engage in ongoing professional learning. Clause 35(c) states that the applicant must achieve the standards of professional practice approved by the college. This clause may cause a great deal of conflict with the professional standards set by the various teaching institutions. How can the College of Teaching determine the standards for professional practice appropriate for a teacher? As I said earlier, surely this should be the right of the employer. It might also vary from school to school, depending on the nature and philosophy of the school.

A registered teacher can be refused registration if he or she has not completed a professional development program that the College of Teaching deems acceptable. This may place the college in dispute with the employer. A teacher may have completed a program that is custom made for the teacher's needs in a particular school. For example, as part of the co-curriculum, a teacher may give yoga classes to the students, or it may be craft making, sailing, or a variety of things. If the teacher were to put that down as part of his or her professional development, the College of Teaching might deem that that is not relevant to teaching. However, it is relevant if it is part of that teacher's role in that school. How will the college manage those different views on professional development and the needs of particular teachers or schools? That issue must be addressed before the implementation of this legislation. There must be a fine balance between the roles of the college and the employer. Each educational institution will have different educational focuses and different views on the standards of professional practice required. This aspect of registration should be left in the hands of individual employers, who appoint teachers to harmonise with the philosophy of their school and its needs at the time of employment.

This raises the issue of the way in which it will be policed. Will each individual teacher have to complete a form every year detailing his or her professional development record? Will the College of Teaching send out a list of recognised courses each year, and will only those courses be acceptable? Will the schools be responsible for ticking off professional development requirements for continuing registration? I can see this as a bureaucratic nightmare for teachers, schools, administrators and the college board unless current practice is recognised and valued and it is left up to teachers to list professional development they have been involved in. I ask the parliamentary secretary to explain how the audit of professional development will be managed.

Newly graduated teachers or those re-entering the profession after an absence of in excess of five years will be granted provisional registration and admitted to full registration when they are able to meet the requirements. Teachers who were employed in that capacity at the time of commencement of the legislation will, upon application, be granted registration for a limited authority to teach. That means that, although some practising teachers may not hold a relevant teaching qualification, their livelihood will not be taken from them as a result of this legislation. That is my interpretation. In answer to a question I asked in the House about the number of unqualified teachers currently working in state schools, I was told that at least 33 full-time positions were being covered by unqualified teachers. Will these unqualified teachers automatically become registered teachers because they are currently teaching, or will they be given only a limited authority to teach because they are unqualified? Current teachers will be registered, but will those unqualified teachers also be registered? We know that some people who teach specialised subjects, or who provide their services on a casual or part-time basis, but do not have a formal teaching qualification, may be granted a limited authority to teach. In the Minister for Education and Training's second reading speech, he stated that the teachers who fall into this category of limited authority to teach will also be required to demonstrate their fitness to be in charge of a Western Australian classroom. Is this to be judged by the College of Teaching or is it to be at the discretion of the employer, who would be in the best possible position to make a judgment on the teacher's experience and employment history? Also, a number of schools have programs in which individuals are brought into the school as, say, an artist in residence, for the delivery of extended programs. An example of this occurred at Hale School when I was there. An eminent musician was brought into the school to deliver courses extending beyond the traditional curriculum. These people are unlikely to be teachers, and as a result they would have to apply for a limited authority to teach. As I understand it, this will only be granted if a suitably registered teacher is not available. This could be interpreted in many ways, but one way is that it would require the school to employ a non-teaching registered teacher instead of the distinguished musician or writer. In other words, if I were the head of a school and I wanted to bring in somebody to offer expertise in political history, could I invite Hon Derrick Tomlinson in 2006, when he is in retirement, to come in and do some teaching because of his relevant experience, or must I employ a teacher who is registered but currently not employed?

Hon Derrick Tomlinson: If you invited me to teach, you would be inviting a very experienced and competent teacher. However, you would be fined \$10 000 if I went into your classroom.

Hon ALAN CADBY: Hon Derrick Tomlinson would not go into my classroom, so that is okay.

Hon Derrick Tomlinson: Exactly. The employer would be fined for employing me.

Hon ALAN CADBY: We do not know that yet. The member can apply for a limited authority to teach, but if I have an unemployed, incompetent teacher - because only gross incompetence stops a person from being registered as teacher - must I employ that teacher, rather than Hon Derrick Tomlinson, who has all the expertise in the world and is just what I am looking for?

Hon Derrick Tomlinson: Exactly.

Hon ALAN CADBY: I would have to pay him a pittance, I am afraid, because teachers' salaries are not very high. I seek some clarification of that from the parliamentary secretary. Allowances need to be made for guest

teachers who can offer some variety in and special knowledge of various aspects of education, and it should not be a long or extended process as long as these applicants already have a police clearance.

The other question I have is about registration. A number of teachers work on a relief basis. Many are young parents who want to get back into teaching, but because they have young families, they want to do one or two days a week relief teaching to keep their hand in and to earn a little bit of extra money. Will those teachers who are currently teaching part time or doing relief teaching get registration? If they can be registered, is there a minimum amount of time they would have to have taught in the preceding year or within the preceding five years? As we know, if someone has been teaching for one year or more when the legislation comes into force, he or she can be registered as a teacher. What does teaching for one year mean for a relief teacher? Does this describe an academic year, or a minimum number of days work? I would be grateful for some clarification on that. Many country schools rely on relief teachers to come into the school to teach subjects in which there is a shortage of staff. Consideration needs to be given to that. It is not explained in the Bill, and we do not yet have a copy of the regulations because they have not yet been made.

Clauses 49 and 55 relate to criminal acts, and particularly focus on sexual offences. I can see no indication in the Bill that these provisions include offences that may be committed using the Internet. Surely this should be made explicit if it is one of the acts listed in schedule 2. My reading of clause 51 is that it seems to overstep privacy provisions. Consider a teacher in, say, a dispute with a neighbour over a tree that has fallen on a fence. If the case goes to court and results in the teacher having to pay damages to the neighbour, and the teacher is currently teaching at a school, he or she would have to inform the college of the result. I know the parliamentary secretary intended to obtain some legal advice on whether the offence must be connected directly with the school employing the teacher, rather than simply being required to be reported because the person is a teacher. The word "or" is the problem in that clause.

The legislation allows disciplinary action to be taken against teachers as a result of a criminal conviction or serious misconduct that renders the person unsuitable to be a teacher. Disciplinary action may take the form of suspension or cancellation of registration. I do not think that anybody has problems with that. If a teacher is involved in criminal activity, he or she should not be in front of a classroom.

Hon Derrick Tomlinson interjected.

Hon ALAN CADBY: Criminal. I would not like any of my children to be taught by a criminal.

Hon Graham Giffard: Is it a criminal offence that warrants imprisonment?

Hon ALAN CADBY: Yes. Clause 61 deals with inappropriate and trivial complaints. Paragraph (a) states that the college would not investigate a complaint that could more appropriately be dealt with by another person or authority. This is very vague and its definition will obviously need to be extended by regulation. It would be of great concern to the teaching sector if the college were to address issues that would be more appropriately dealt with by the school or by the teacher. We all know that some parents who are dissatisfied with teaching tend to blame teachers for most things. If they do not get satisfaction, they are likely to race off to the college and take up the time of the college rather than go to the school where the action is and where the locus of control is. Such matters should be dealt with at the school level. I would not like to see the college involved in those sorts of disputes. I know that it is not the intention of the college to do it, but one never knows. I would like it to be made clear that that is not the role of the college.

Clause 63(2) states that the conduct that constitutes the serious incompetence of a teacher will be prescribed in the regulations. This is another area in which the nature of the regulations is critical. I find it interesting that a teacher can be incompetent but not seriously incompetent. Maybe the parliamentary secretary will later on give the definition of what is serious incompetence and what is incompetence. If I were a parent of a child who was being taught by an incompetent teacher, I would have a problem. I believe that employers should be involved in dealing with the incompetence of teachers and that regulations should be specific about what deems a teacher incompetent or what is unprofessional conduct. As the college is responsible for conducting an inquiry into the charge of unprofessional conduct, does the employer have an opportunity to provide input into its decision? It seems to me that the employer must have the opportunity to manage its staff without a great level of interference from the Western Australian College of Teaching in order to maintain an efficient and productive educational system.

Clauses 67, 68, 69 and 79 relate to disciplinary proceedings that will be open to the public unless the college deems otherwise. This is an area that has the potential to create significant problems. Again, regulations will need to be more carefully developed, particularly since under clause 79(3) the college may notify any person referred to in subclause (2), which includes journalists, of its findings and reasons. In other words, I am asking for a fair hearing for all teachers who are brought before the board and not a trial by media, which is what we tend to get currently.

Clause 80 deals with the review of decisions. It allows an aggrieved person to seek a review by the District Court of a decision by the college to refuse membership or cancel membership. It is important that an adequate review process be in place. Clearly, the option of appealing the decision at a District Court level would be very expensive, time consuming and, let us be honest, out of the reach of teachers. If there is to be a review process, should there be a defined review panel, which presumably should be different from the group that heard the complaint in the first place?

In general, the Opposition supports the establishment of the Western Australian College of Teaching provided that it is a registration body with quality control functions. The college should not hinder a school's ability to appoint suitable teachers. The categories of registration need to allow, for example, for instrumental music teachers or religious education instructors who have a limited teaching role and may not have a formal teaching qualification.

Although it is inevitable that parents may complain to the college about a specific teacher, it is essential that such complaints be referred back to the employer. The college should not seek to interfere in the staff management of a school. The conditions to apply for deregistration must be considered carefully. If a teacher is asked to leave a school for an inappropriate performance in that school, will this result in deregistration? Can the school move to deregister a teacher? Again, there needs to be a clear distinction between the rights of the employer and the College of Teaching.

The conditions for re-registration need to be considered. It is insufficient to say that these will be covered by regulation. They should be spelt out up front. Although there are some beneficial aspects of this Bill, overall it is just another piece of bureaucratic legislation presented by the Government. The measure was sold to us as establishing an independent body for the governance of teachers by teachers, yet clearly this is not the case. In part 2, division 3, clauses 14 and 15 state that the college must take into account all advice from the minister and allow the minister access to a great deal of the college's information. So much for the autonomy of this college.

How is this independent body addressing what is best for teachers? If it must report back to the minister and have regard to the minister's advice, I am not convinced that this college will be seen by teachers as an autonomous body with the aim of raising the status of teachers. In reality, this College of Teaching could be another roadblock that prevents schools from utilising their own methods of professional development and raising the standards of the teaching profession. After all, the big winners with this Bill are meant to be the students because they would be taught by better qualified teachers who have ongoing professional development. I agree with Hon Barbara Scott that although this Bill is about teachers, the second reading speech did not recognise the fact that the big winners or losers will be the students currently in our schools.

Some of the other things about which I have concerns I will leave to the committee stage. Maybe the parliamentary secretary could indicate whether he has legal advice on the matter I raised earlier.

HON MURRAY CRIDDLE (Agricultural) [11.59 am]: I will make some very brief remarks. The National Party will support this Bill, the purpose of which is to establish the Western Australian College of Teaching, which is to be a professional body for teachers, to promote the teaching profession and ensure the professional development of all teachers and to administer the registration of teachers for all schools in Western Australia. I understand that across the board something like 35 000 people fall into this category.

Hon Alan Cadby: Another figure! We have had 38 000, 36 000 and now 35 000.

Hon MURRAY CRIDDLE: The indication I have received from people who I think should know is that that is roughly the figure. It varies a lot because there are various qualifications. The Bill points out that there are four categories of membership. I will accept other people's judgment, but when reality strikes, we will find out just who does and does not want to join. Hon Alan Cadby mentioned the fact that some people may drop out and in that case, his figure of 38 000 would be 36 000. That is interesting.

The Bill will establish a legislative basis for the recognition of the teaching profession. It will be unlawful for any person who is not appropriately cleared to practise as a teacher in any school in Western Australia. Indeed, the interim group that has been operating has focused on advocacy for the profession and responsibility for students, parents, the community and teachers. If all those issues are not taken into account, we will not achieve the expectations of this Bill.

The board of management of the college will have 19 members, nine of whom will be appointed by the minister on nomination from the key employer representatives and 10 practising teachers, as has been outlined. As I mentioned yesterday when we spoke about planning issues, the real issue will be the people represented on that board, the goodwill they bring to the college and the way they carry out their duties. I have had some experience with the teaching profession. I was the president of a parents and citizens association for 14 years, and four of my kids have gone through school, so I have been pretty close to the teaching profession. By and large, the

teaching profession can hold its head very high. We have had a pretty good success rate. There are always people who fall by the wayside, but, by and large, our teaching profession does us proud. There are three groups of professionals to which we do not give enough respect: the police, nurses and teachers. They are absolutely essential to our community and we should certainly hold them in high esteem and ensure that they serve us well.

The college will receive \$500 000 per annum until 30 June 2006, and thereafter annual fees will be required to be paid so that it will be an autonomous body. Yesterday I spoke to some people about the fees. I understand the fees are about \$50 in Victoria and there are 50 000 teachers in that State, which is a substantial amount of money.

Hon Graham Giffard: I thought Hon Alan Cadby might have a different figure.

Hon MURRAY CRIDDLE: He may well have a different figure. I heard that figure on the news this morning and I thought it was a reasonable figure to put forward.

There is some concern about the time frame of three to five years for a teacher's registration, depending on whether the teacher is a provisional or fully fledged teacher. There are four categories of registration for teachers, including provisional registration as a teacher, limited authority to teach and associate membership of the college. I fully endorse the comments of Hon Alan Cadby about country teachers. My wife was a teacher originally, and, later, she assisted on the days that other teachers were absent. Providing assistance to country people who fall into that category is absolutely essential to keep the flow of teachers to those areas. In fact, my daughter was not immediately accepted into the teaching profession but went to Port Hedland and immediately got a job and became a fully fledged teacher. I have forgotten the word that is used when referring to registered teachers -

Hon Derrick Tomlinson: Permanent status.

Hon MURRAY CRIDDLE: Permanent status is exactly the point. I understand that it is not so easy to achieve these days. She went on to teach in the north west, thanks to Hon Norman Moore and the contracts that were issued in the north west, and enjoyed a long and fruitful career in the area until she got married. However, I am sure she will return to the profession later.

By and large the National Party supports this Bill. There are always areas with which we have some concerns. We do not want any particular group to have undue influence. If this college is to be fully effective, it must have an independent view. I hope that the college will be independent and will bring some benefit to the teaching profession in Western Australia for the benefit of students. I hope also that it will give comfort to parents who rely heavily on the teaching profession to advance their children's knowledge and to assist in ensuring that they are good citizens. Obviously, parents will always be the people who are primarily responsible for the upbringing of their kids, but certainly the teaching profession has a huge influence on that. With goodwill, this Bill may well enhance the teaching profession. I will certainly keep an eye on it to ensure that it is of benefit to teachers, because we do not want another group in place that will be anything other than positive. Other groups have been represented, but not always to the benefit of their industries or professions, and I hope the College of Teaching is successful into the future.

HON CHRISTINE SHARP (South West) [12.06 pm]: The Greens (WA) also are pleased to support the Western Australian College of Teaching Bill. We think it is a good Bill and a positive step forward for the teaching profession in Western Australia. We also are very pleased to support it in a timely way. We understand that this proposal has been many years in coming to fruition. Indeed, I believe this is the third attempt to enact such a proposal in legislation. We are very supportive of the Government's passing the legislation in a timely way so that the College of Teaching can be established for the new academic year.

We are also very keen to support any move that will assist in addressing some of the professional challenges that the teaching profession is clearly facing at the moment. We know that teachers face problems with managing class sizes, controlling difficult behaviour in students and dealing with an ever-increasing administrative and performance-auditing workload. We understand that there is an alarming drop-out rate for teachers in Western Australia. I believe that, currently, within five years of graduation, 50 per cent of trained teachers who have qualified leave the profession. That is a very serious statistic. We hope that the activities of the College of Teaching will be able to make some effective steps forward to provide better support for teachers in their professional activities so that this alarming drop-out rate is addressed.

The college may also be able to address the increasing shortage of teachers at secondary level and teaching staff within the disciplines of mathematics and science, which I forecast to become quite serious within the next five years. Clause 16 refers to the functions of the College of Teaching. This is extremely positive stuff that will give a real boost to the profession. The list of functions is outstanding, and there would not be a member in the Parliament who would not endorse these objectives, particularly the first one, which states -

- (a) to enhance the status of the teaching profession by facilitating the professional growth and development of teachers throughout their careers;

Some moves have already taken place to trial workshops for new teachers to provide them with better support for challenges in the classroom post graduation. A few months ago, a trial workshop that was attended by over 300 teachers received outstanding support from new teachers across the State. The College of Teaching could perform a very important role in fostering the profession in Western Australia with those sorts of activities.

I would like to briefly touch on the role of the minister in this legislation. I note the concern other members have raised about the role of the minister. I do not share the Opposition's concern about clauses 14 and 15 in division 3 dealing with the relationship of the college with the minister. It is quite a healthy relationship, and above all else the minister does not have the power to direct the college, and in that sense the college is still an independent entity. The fact that the college must have regard to advice given by the minister is not at all unreasonable, because the college should work in collaboration with the office of the Minister for Education and Training, as well as collaborating with other stakeholders within the profession, as represented on the board. The minister, as the ultimate responsible person in the State for the standard of education, must have a special relationship with the college. In my view, the Bill has managed to get that balance right, and a clear network has been developed between the minister and the college, but the minister is not provided with the power to direct or override the independence of the college. I am comfortable with that. I acknowledge that the Bill is not very prescriptive and it provides for a lot of flexibility for future operations, what committees may be set up and what the college priorities may be. That sits fairly comfortably with me in the sense that this is something new; it is fair enough that this is an opportunity for the teaching profession to get its act together - it is the profession's Act, not ours - and the teachers should be shown enough respect to realise that we trust them during this four-year period, after which time the Act will be reviewed. It is up to the teachers to demonstrate the effectiveness of the powers that they have been provided with and to demonstrate to a future Parliament - not in the distant future; four years is not very long - that they have used those designated powers to good effect for the outcomes that we all share.

I have a concern about one item, which was raised by Hon Barbara Scott, regarding the requirement for police checks on all teachers. We have probably both had a concern that it is still not mandatory for all teachers in Western Australia to be put through police checks. Those police checks need to be very thorough and to not only involve police records in the State of Western Australia but also police records elsewhere in Australia. My understanding is that since about 1997 virtually all teachers who are currently teaching in Western Australia have been subject to that scrutiny, which is carried out by the Department of Education and Training on behalf of government schools and the Association of Independent Schools. Therefore, the vast majority of teachers have been cleared. However, a handful of independent schools are so independent that they do not belong to the Association of Independent Schools; they prize their autonomy to such an extent that they have not joined in the process of uniform police checking for teachers. That has given rise to some real problems, and a record of paedophilia in the case of one school is of concern. The Opposition has raised this matter and I have raised it, and I ask the Government whether there is a way of ensuring that this is done through the registration process. I will go back a step. I understand why the Government wants all current teachers brought into this network and be offered automatic registration. I understand the practical reasons for how that will work. Can one exception be made to that - namely, must all teachers offered registration not only be current and practising but also have been subject to mandatory police checks? This Bill is one way of doing that, and the other way is by regulation under the School Education Act. This is not the only way to do it, but it is an opportunity for that checking to be done. It will impact on a small number of schools, but it may have the very beneficial effect of assisting those highly autonomous schools to have due regard to the possible attraction to the teaching profession of persons with paedophile tendencies. We have missed the opportunity to bring those schools up to speed and it is something that needs fixing. A recent example of this appeared in the newspaper.

I feel that the Government, either in this way under this Bill or through new regulations, needs to make police checks mandatory for all non-government as well as government schools. I am really putting that by way of a question to the Government on how it intends to deal with that matter and whether it is possible to deal with it by a simple amendment to this Bill or in some other way, so that it does happen. Having said that, I am very pleased on behalf of the Greens (WA) to support the Government in the passage of the Western Australian College of Teaching Bill.

HON DERRICK TOMLINSON (East Metropolitan) [12.20 pm]: I will vote with the Opposition in support of this Bill. I do not hold a great deal of hope that some of the expectations that have been attached to this Bill will be realised, certainly not in the short term nor in the four years before the review. Before I talk about the Bill I want to respond to the concern about police checks on teachers. Hon Chrissy Sharp was quite correct in saying that the Department of Education and Training facilitates police checks on teachers and even on student teachers. No student in teacher education may enter a school for a teaching practicum without first having a police

clearance. I understand the reason for that. However, I want to warn against the fixation with police clearances because of the concern about the moral welfare of children.

I have been associated with the education profession since 1962. The last time I was in a school classroom as a teacher was in 1973. I was engaged in educational research and teacher education until I entered this place in 1989. Since I have been in this place I have conducted some work in schools on behalf of ministers. I attend schools in my electorate regularly. The observation I would make from my long professional involvement in teaching, from my observation of teachers as a member of Parliament and from my experience of the teachers who were responsible for the primary, secondary and tertiary education of my two sons and my daughter, is that successful teachers love children. If teachers do not love children, if they do not enjoy working with children or with adults in teacher education and universities, and if they do not enjoy the process of teaching and learning, they will not stay long in the profession. Because teachers are committed to the welfare of children, I have absolute confidence in them.

From time to time teachers are convicted of sexual offences against children or of physical assault upon children, but how many? I heard Hon Chrissy Sharp say that there was one instance at a school; therefore, all teachers must be subjected to obtaining police clearances. That would not merely apply to the period during which they had worked in this State, but would cover wherever they had worked. Does that mean that every person who works with children will be scrutinised in the same way? Will no school bus drivers, and not merely those who drive the orange buses, be allowed to have children on their buses if they do not have police clearances? Doctors have been found guilty of moral turpitude. Shall they be subjected to a police clearance before they can medically examine children? Shall every father be subjected to a police clearance before he can enter his home, because some fathers have sexually abused their children, as have mothers. I simply want to make the point that there is a very important reason in this caution about protecting the moral and physical welfare of children. However, I sincerely hope that we do not allow this to become a fixation, because that would denigrate the profession of teaching. I sincerely hope that that matter does not become a fixation of the Western Australian College of Teaching, because it would denigrate both the college and the teaching profession. I support the provision in the Bill that states that the College of Teaching may seek the permission of a teacher to have a police clearance undertaken. There are some cases and some instances, particularly in relation to the sexual offences listed in schedule 2, in which it is particularly important that the board seeks a police clearance if there is a justifiable reason to do so.

Members should not allow the teaching profession to be unfairly associated with paedophilia. It is no more rampant in the teaching profession than it is in any other profession. If members want to do something to enhance the moral, social and physical welfare of children, they should do so by looking at the functions of the College of Teaching. These include enhancing the status of the teaching profession by facilitating professional growth and the development of teachers throughout their careers. We should not penalise teachers because they might be paedophiles. Another function is to establish professional standards. Professional standards are not about how neatly a teacher writes on the blackboard, but how he conducts himself as a role model, professional, colleague and member of the community. The College of Teaching is also to provide professional leadership and so on. I suggest that if the college focuses on that aspect of its role, instead of becoming fixated with other matters, it will do a great deal to enhance not only the teaching profession but also teaching and the quality of experiences children have of schooling. I am sure the board will do that, because the interim board has demonstrated its professional commitment.

That train of thought enables me to raise another matter that various speakers have referred to; that is, the matter of persons who may teach in schools. Clause 30 of the Bill requires that a teacher must not teach in a school unless the person is a registered teacher or holds a limited authority to teach. The Bill provides a penalty of \$5 000 for the first offence and \$10 000 for a second or subsequent offence. The interpretation clause tells us who is a teacher. A teacher is somebody who undertakes duties in a school that include the delivery of an educational program designed to implement the Curriculum Council Act 1997 and the assessment of student participation, or the administration of such an educational program. However, the interpretation clause does not define what is a school. I remember a colleague of mine on the Australian Council for Educational Research, Henry Schoenheimer, who wrote a book called *Good Australian Schools* in which he described a number of schools throughout Australia as exemplars of good schools. His judgment was highly respected. I well remember Henry Schoenheimer sitting with me in my office in the ACER and he said, "Derrick, you do not need bricks and mortar and elaborate furnishings and equipment to teach children; you can do it under a tree with a stick to draw in the dust".

There is some concern that education is a little like a sausage machine. The ingredients are pushed in at one end, the students go through a uniform process and products come out of the other end that are a uniform size, texture, consistency and flavour. However, as honourable members well know, children are not sausages; they are individuals. They are as diverse as the number of children that exist. The children who go to school are

diverse. Some children carry baggage that we could not tolerate. It has nothing to do with their intellectual or physical capacity or the progress of their social or moral development; I refer to the private baggage that comes from the circumstances of their lives, which disadvantages them at school. If such a child and another child, whose baggage comprised nothing more than privilege, had an equal aptitude for schooling and were put through the same program, guess what? The child with the privileged start would achieve more quickly and at a higher level than the other child. Educationalists have known that for hundreds of years. Plato, Socrates and Jesus Christ - who incidentally sometimes taught while standing on a mountain - knew that each child should be taught differently. Children have different aptitudes, attitudes, values and experiences that they bring to school. They respond to learning materials differently and they respond to different learning materials differently. They process information differently. They will also bring to bear different cognitive processes when learning. They will have different understandings as a consequence of their educational experience. They will not be sausages that come out of a sausage machine, and schools should not be constructed as sausage machines. So what if some schools do not want to conform to the curriculum framework of the Curriculum Council of Western Australia? If I were a teacher today, I would object to the curriculum framework that is being imposed on schools. That is a personal value.

Hon Alan Cadby: Many are.

Hon DERRICK TOMLINSON: I note the member's interjection. The School Education Act provides for government schools, non-government schools and home learning. It also provides for the registration of schools. However, that does not mean that if a school is registered, every school must be the same and have the same processes. Each school should not have to conform to teach in the same way as every other school. They should not. When the statement in the Bill about who may teach is considered in the totality of the Bill, it can be seen that it is a far too restrictive and restricting view of teaching. Not only does this Bill reflect a limited appreciation about the nature of school teaching and learning, but also it is somewhat confused about its functions.

I wonder why the teachers who may be registered - not provisional registration, but registered - must be people who teach according to the Curriculum Council of Western Australia. Hon Alan Cadby said Western Australia has between 36 000 and 38 000 teachers and that Victoria has some 50 000 teachers. The 50 000 Victorian teachers are not eligible for teacher registration in Western Australian schools. They can be provisionally registered, but they do not become registered teachers until they have taught for one year in a Western Australian school that uses the curriculum framework of the Curriculum Council. Let me tell members that some of the graduates from our universities are welcome to teach in the United Kingdom, Canada, and other English speaking countries. They are also welcome to teach in Japan and China. They are welcome as teachers in those countries because of the quality of their teacher education, and the competence they have demonstrated, not because they are capable of teaching within a particular box in a particular way and with a particular curriculum. They are competent professionals. Why should a technical and further education teacher not be registered? If that TAFE teacher has the qualifications and meets the other requirements of registration, why should the TAFE teacher be restricted from registration because he or she does not teach in a school with a particular curriculum? That same TAFE teacher may take vocational education courses, but will only be able to do so if there is a registered teacher in charge of the program. A highly competent TAFE teacher thus works under the supervision and jurisdiction of a secondary school teacher who is registered. That is something odd. Why should the senior lecturers, the associate professors and the professors in the schools of education in our five universities not have the opportunity to register as teachers? I have taught in secondary schools, colleges of advanced education and universities. A year 8 child is, to be sure, a different product from the person undertaking research towards a masters or doctoral degree, but the processes of teaching are fundamentally the same. We can go into an English or a mathematics classroom, and although the content is different, the processes are fundamentally the same; they are applied in different ways. I take exception to Hon Barbara Scott who said that just because a person is an experienced secondary teacher, he or she is not necessarily competent to teach children in early childhood. In that case, I am not competent to have been a father.

Hon Murray Criddle: Would you like a comment on that?

Hon DERRICK TOMLINSON: Regrettably, my two sons and my daughter would agree with Hon Murray Criddle.

Hon Alan Cadby: You do not have to be registered to be a father.

Hon DERRICK TOMLINSON: I would not have passed that test either.

The point made by Hon Barbara Scott is that the specialisation of teaching into early childhood, secondary and other areas requires the application of the competencies in different ways, but they are all members of the teaching profession. I am not denigrating early childhood teachers. The most important years of schooling are the early childhood years. The most important years of all are those before children's education is restricted by

schooling - in the home. I am one of those who believe that school limits a child's learning, particularly in the progression from early childhood to upper secondary. I would prefer to see a registration board that embraced a wider range of the profession, not merely those who have spent one year teaching the Curriculum Council framework, but including TAFE teachers and university lecturers. Within that range, there would be specialism, so that I as an English teacher would have been a member of the English teachers' association, which would be about advancing that aspect of the profession of teaching. Likewise, Hon Alan Cadby would have been in the mathematics teachers' association and Hon Barbara Scott would have been a member of the early childhood teachers' association. Dr Tan may be a member of the Royal Australian College of General Practitioners and Dr Kadiddlehopper may be a member of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. Whether they were members of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists or the Royal Australian College of General Practitioners, if I went to either of those doctors with a bung knee, they could diagnose the condition and refer me to a specialist for treatment. They are all competent and registered, in the first instance, as medical practitioners, and they have an understanding of the whole body before they start looking at particular areas. The point I am making is that there is a general competence and a specialist competence. I would not support a proposition that registration depends on the competence and standing of teachers. Professional development is far better dealt with by the professional associations.

The next concern I have about this Bill is the confusion over its objectives. The first five functions, listed in clauses 16(a) to 16(e), are about enhancing and promoting the professional growth and development of teachers, and establishing minimum requirements for teacher education. Subsequent subclauses deal with promoting the continuing education of teachers, increasing levels of skills and encouraging diversity, flexibility and responsiveness in teacher education. There is the very thing I was talking about. The Bill talks about diversity, flexibility and responsiveness but puts teachers in the particular framework of the Curriculum Council. Anyone not in that framework is not a teacher. How can there be diversity, flexibility and responsiveness when that constraint is applied? Does it mean that people can be diverse, flexible and responsive only within those parameters? Is anyone outside those parameters too damned diverse, flexible and responsive, and not wanted?

The last two functions are -

- (i) to administer the scheme of registration under Part 4; and
- (j) to perform -
 - (i) the disciplinary and other functions that are conferred on the College . . .

Of 10 functions, eight are about promoting the profession and two are about regulation and discipline of teachers. The rest of the Bill beyond clause 16 covers administering the scheme of registration and performing disciplinary functions. The focus of the board under 89 clauses of the Bill -

Hon Graham Giffard interjected.

Hon DERRICK TOMLINSON: The parliamentary secretary is shaking his head. I am afraid it is. The Bill is silent on how the college will enhance the status of teachers, establish and promote professional standards, and do all the other things. I suppose it could be argued that the Bill is silent because it is up to the profession to do those things. No instructions or powers are provided in the Bill. Clause 16(e) reads -

to confer and collaborate with persons who employ or engage teachers, teacher education institutions, the teaching profession, teacher organisations and the general community in relation to standards of courses of teacher education acceptable for the purpose of teacher registration . . .

The graduate school of education at the University of Western Australia will have to teach courses that are prescribed by the College of Teaching as acceptable. Since when did a professional organisation prescribe what shall happen at a university? Does that mean that the courses at the UWA graduate school of education will be exactly the same as those at Murdoch, Edith Cowan, Curtin and Notre Dame Universities? Will Notre Dame University, which has a particular set of values and does an excellent job, direct its programs towards ethics that no other university has? They are commendable. Shall the ethics that are to be taught at Notre Dame be the same as those taught in other universities? Fundamentally, the same 10 rules will apply. However, if there is to be flexibility, diversity and responsiveness, the universities themselves should be teaching with those goals in mind. The purpose of the Bill is constrained by the functions of registration and discipline. The three functions are, first, to promote the profession; secondly, to establish the minimum standards for registration as a teacher; and, thirdly, to be responsible for discipline. The body that will be established to maintain professional values in the members of the college will become the very body that will discipline the teachers. The body that is responsible for establishing the courses of teacher education, certainly through consultation and all those things -

Hon Graham Giffard: It will be by registration.

Hon DERRICK TOMLINSON: Yes, by registration. If they do not meet those requirements, they will not be registered.

Hon Graham Giffard: The universities will provide training.

Hon DERRICK TOMLINSON: Of course they will, as long as the training conforms with the requirements of the college.

Hon Graham Giffard: Are you saying that minimum standards equal a gridlock and that the Bill locks in everything that universities can teach?

Hon DERRICK TOMLINSON: No, I am not saying that at all. I am referring to the standards of teacher education courses that are acceptable for the purpose of teacher registration.

Hon Graham Giffard: They are minimum standards.

Hon DERRICK TOMLINSON: It is not about minimum standards.

Hon Graham Giffard: Why not?

Hon DERRICK TOMLINSON: I sincerely hope it will not be a question of minimum standards. It is the standard of courses. The Government can say that the Bill will provide comparability of standards. That is admirable. It would be nice if all universities provided education as good as that provided at the University of Western Australia. It would be highly desirable that they dragged themselves up to that standard. It would be even better if all the teacher education courses were as good as those offered at the UWA graduate school of education. That would be highly desirable because the UWA graduate school of education does not bother with minimum standards; it produces quality. We are not talking about that; the Bill is not restricted to that. It is about the standards of teacher education courses. Once we start talking about the standards of teacher education courses, we are not talking about the single notion of minimum standards or if we like minimum competencies. We are then talking about and intruding into the issue of content and process. The process involves prescribing the curriculum of teacher education just as it involves prescribing the curriculum of schools for which teachers will qualify or in which teachers will qualify for registration. That is my concern. That is restrictive and confining.

The concern I was about to address is that the single body responsible for promoting the profession is also the disciplinary body. The argument surely must be that one of the characteristics of a profession is that it is responsible for either the discipline or the regulation of its members. The AMA is responsible for the discipline of doctors. Is the Law Society responsible for the discipline of lawyers? No. The Law Society is the professional association that has responsibility for ethical standards. However, the Legal Practitioners Board is responsible for the discipline of lawyers and investigation of charges of incompetence or whatever it might be against members of the profession. Yes; the Legal Practitioners Board comprises senior members of the profession and therefore the profession disciplines its own members. However, it does not discipline its own members through the same body that is responsible for their professional development. What would be the effect of knowing that the board that is responsible for my registration as a teacher can also determine whether I shall teach because it will be able to withdraw my registration? I would be looking pretty closely at making sure that I always conformed with the board's requirements.

Hon Alan Cadby: They also provide professional development.

Hon DERRICK TOMLINSON: I will get to that in the second 40 minutes of my speech.

Hon Christine Sharp: What?

Debate interrupted, pursuant to standing orders.

Sitting suspended from 1.00 to 2.00 pm