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MINISTER FOR EDUCATION AND TRAINING - REMOVAL FROM PORTFOLIO RESPONSIBILITIES

Matter of Public Interest

THE ACTING SPEAKER (Mr O’Gorman): Today the Speaker received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That this house calls on the Premier to immediately remove the Minister for Education and Training from her portfolio responsibilities.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The ACTING SPEAKER: The matter will proceed on the usual basis.

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [3.16 pm]: I move -

That this house calls on the Premier to immediately remove the Minister for Education and Training from her portfolio responsibilities.

Calling for the sacking or standing down of a minister of the Crown is not a matter that we take lightly. This issue of teacher sexual misconduct claims and the Corruption and Crime Commission inquiry into it come on the heels of a range of other things that this minister has failed to do. In the end, the buck stops with the minister. Under our Westminster system of Parliament, the minister must take responsibility for her inaction and the inaction of her department. There is no doubt that Mr Albert has been made a scapegoat to draw attention away from the minister’s inaction. She has refused to act on this issue for more than a year. Any protestation by the minister that she was not aware of the issue just cannot be believed. This is not the first time the issue has been raised. It was raised in question time today, but we also raised it in September, October and November 2005 and again in March 2006.

The minister is culpable on this issue. She was made aware by the opposition more than a year ago but refused to act. At best she is incompetent and at worst she is culpable in the cover-ups. Either way, we cannot have any confidence in her ability and she must be sacked as Minister for Education and Training. I find it unbelievable that a report by the CCC into an issue such as this, and the earlier draft report, did not go across the minister’s desk, and that the minister did not have access to the draft response to the CCC inquiry. We asked questions about the whereabouts of and the action against those 16 education staff who have been housed in the district education offices. The minister had no answers at the time on what was happening with those staff, nor could she confirm that their cases were being referred to the police. In Parliament on 23 March 2006, the Minister for Education and Training said about the location of the 16 staff within the department -

Certainly if allegations of sexual misconduct were made, they would not be in close proximity to children.

This is directly at odds with case study No 1 of the CCC’s report on page 13, paragraph 4, which says the teacher was convicted of indecently dealing with a 12-year-old girl. Police told the CCC that the teacher said he was testing the waters with the girl and would have gone all the way if she had not resisted. Despite his conviction, he was given another teaching job in a different school. The Corruption and Crime Commission’s overriding concern in this case was that prior to this report the Department of Education and Training was unwilling to properly assess the risks to students posed by this teacher and to move to eliminate those risks. The CCC raised serious concerns about the department’s capacity to ensure that learning environments are safe and secure for schoolchildren insofar as sexual contact by DET staff is concerned, and stated that such a deficiency leads to an ideal environment in which those who choose to sexually abuse children are likely to thrive.

We could argue that it is no wonder the government did not want a royal commission into child abuse in Western Australia. We could also argue that it is no wonder that the minister, when asked by Hon Barry House on 16 November 2005 whether she would ensure that her department would be directed to call in police immediately and refer all 16 allegations to the police, would not commit to ensuring that police were involved. She would not commit to ensuring the safety of children in the school system. In response to the question, she said -

I cannot advise whether one or all of the matters have been put to the police, but I can advise that the matters have been, and will be, dealt with in accordance with the normal procedures in dealing with such matters. If that means a referral to the police, obviously the department will do whatever is required in terms of the legal obligations of the department to deal with matters such as the ones the member has outlined.

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The former education and training director general, Paul Albert, yesterday said that he was not aware of the content of the report; that is despite the fact that the report itself contains a letter from Mr Albert to Mr Kevin Hammond dated 7 August that clearly shows that Mr Albert had read and commented on the draft report. Are we expected to believe that Mr Albert did not tell his minister anything about this report? Are we expected to believe that yesterday was the first time the Minister for Education and Training had heard of these cases? Time and again we find that the safety of children, particularly the safety of children in the areas of education and child protection, is a secondary concern to this state government when it should be front and centre and placed firmly before the community. The minister's performance really amounts to death by a thousand cuts. I am hard-pressed to think of any minister other than this minister who has had more problems with a portfolio. I refer to the outcomes-based education debacle; the no work, no welfare fiasco; her ill-judged and graceless performance over problems with the Wiluna Remote Community School; the "google it" stance; Halls Creek District High School; the bullying of teachers into not speaking out about problems in the industry; and her looking at ways of preventing teachers from voicing their concerns over OBE. She continues messing it up. The Premier must admit that this minister is accident-prone and not capable of being the Minister for Education and Training in Western Australia.

The background of the report indicates that this scathing report into sexual misconduct by teachers with students has again exposed the state government's inaction on child safety. The CCC's report highlighted systemic failings in the Department of Education and Training, which mirror the appalling environment in the Department for Community Development. As the Premier said - I am sure I heard him say this - parents should be able to send their children to school and expect that they will not be the target of predators working in the education system. Parents must know that their children will be protected in that school environment. In the terrible event that their child is abused by a teacher, parents would expect a proper investigation with police involvement. That is simply not happening and the minister stands condemned for that. All the problems outlined in this report track back to the responsibility of the education minister. I will refer to five cases in the Department of Education and Training. One related to a 13-year-old girl. Another related to the actions of a number of DET supervisors in allowing a teacher with a known history of sexual contact with students while on overseas excursions to attend another overseas excursion and failing to intervene when he was observed by them engaging in inappropriate conduct with a 15-year-old student. On it goes. Another case involved the DET's decision to not conduct inquiries into allegations about a teacher engaging in sexual contact with students at school camps and outside school hours over a number of years. Another case related to the DET's management of the circumstances surrounding the resignation of a teacher who was romantically involved with a 15-year-old student. Another case related to the DET's decision to conduct an investigation into poor performance rather than allegations of inappropriate behaviour towards children. It goes on. The CCC concluded that greater weight appears to have been given to employee welfare than to the DET's safe and secure learning environment policy; too much responsibility for dealing with sexual contact allegations was assumed by local and district managers; insufficient attention was paid to identifying and managing risks; there was non-adherence to policies and procedures; there was a failure to give practical effect to the Western Australian College of Teaching Act 2004; senior managers did not hold local and district managers to account for their decisions; insufficient attention was given to ensuring that police were notified and consulted; and there was poor record keeping. It is a litany of misadventures by the Department of Education and Training. The person in charge of that department is the Minister for Education and Training and a member of the Legislative Council, Hon Ljiljana Ravlich.

There are further questions that the Premier must answer, in particular about his role when he was Minister for Education and Training. Were there issues similar to these that were not reported to police? The Premier cannot have it all one way. There is no doubt that this minister has been incompetent and is culpable. No sane member of this Parliament would believe that the Minister for Education and Training did not know about the CCC inquiry and the draft report; members need only read the questions that were asked in March. In a question to the Minister for Education and Training headed "Department of Education and Training Staff - Allegations of Misconduct", Hon Norman Moore referred to a question asked the previous day and asked -

- (1) In view of the fact that the matter of the 16 staff has been raised at least three times in this house, will the minister provide me with a written answer to my question asked yesterday?
- (2) What are the usual operational procedures used by the Department of Education and Training for dealing with school staff about whom allegations of child abuse have been made?

That question was asked on 23 March. The minister said yesterday that she found out about it only last Thursday and that she called back the director general from his trip last Thursday. In response to the question, the minister said that she did not resile from the response she gave the previous day. Hon Norman Moore said -

You need to know what's going on.

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The minister responded -

I do know what is going on.

Yet we heard last night and today in the press that the minister did not know about the report, that she did not know about these allegations of abuse of a huge number of children in the education system and that the police were not involved in these inquiries. The minister stands condemned by any means. The Premier has no alternative: he has stood down the Director General of the Department of Education and Training and he must now stand down the Minister for Education and Training.

DR E. CONSTABLE (Churchlands) [3.27 pm]: I support this motion. I will start my brief comments by referring first to section 8(2) of the Public Sector Management Act, which states -

In matters relating to -

- (a) the selection, appointment, transfer, secondment, classification, remuneration, redeployment, redundancy or termination of employment of an individual employee; or
 - (b) the classification of a particular office, post or position,
- in its department or organisation, an employing authority is not subject to any direction given, whether under any written law or otherwise, by the Minister of the Crown responsible for the department or organisation, but shall, subject to this Act, act independently.

I will not read section 105, which refers to a restriction on communications by members of Parliament in relation to employment of people in the public sector.

I turn now to the situation of Garry Smith at Halls Creek District High School. We know that the Minister for Education and Training flew to Halls Creek last school term, I think it was, and gave the principal of the Halls Creek District High School his marching orders. In fact I am told that, firstly, the minister flew in the government jet accompanied by Mr Paul Albert; and, secondly, she stopped in Broome to pick up the district director. She therefore had two heavies with her. She flew on to Halls Creek and told Garry Smith to go quietly. In effect she dismissed him. The Public Sector Management Act says that she cannot do that. Poor school attendance was the reason cited by the minister to justify the way in which Mr Garry Smith was dealt with. The minister then flew back to Perth with the director general and the district director as she had an engagement in Perth. The district director had to stay in Perth overnight and fly back on a commercial flight. That was an expensive little exercise. Paul Albert was with her. He should have told her that she had no place doing what she did.

Mr J.H.D. Day: She should have known better.

Dr E. CONSTABLE: Yes. She should have known better. There are penalties in the act for a minister who behaves in that way. She had no role in dealing with the employment or dismissal of a member of the Department of Education and Training. The Public Sector Management Act is quite clear on this matter. Only the director general or someone he delegates has the legal authority to remove a teacher or a principal. I want to know why she is still the minister if she is behaving in this way.

By all accounts, Garry Smith is highly thought of by many educators, parents and the local community. He is devoted to what he does. He is innovative, and he is a very caring person. He was trying to do something about the attendance records of indigenous children in Halls Creek. I want to know what the then director general was doing about attendance and what the minister has done. She has done absolutely nothing. He was a dedicated principal trying his best to do something about the issue. What happened? He was sacked for it. We have now learnt that people who perpetrate sexual behaviour against students get to stay in schools while a dedicated principal gets the heave-ho by the minister. This is an appalling set of circumstances. These things were going on at the same time! I want to know what the Premier is going to do about this. It is an intolerable situation that people who are dedicated educators trying to do their best under very difficult circumstances get treated in the way in which Garry Smith was treated, yet other teachers get to stay on after they have committed crimes.

I have tried to be on the case of the department for a long time but I have not got too far because of the slippery answers I get from ministers. I did not get such answers from the Premier when he was the minister. However, the problem at the moment is the complaints management unit. It is dysfunctional and it has victimised people. Despite that, it has had carriage of this issue of complaints. What does it do? It does not call in police when there are allegations of sexual assault. That is surely a no-brainer. If there is an allegation of sexual assault, the coppers are called in. It does not belong in the hands of incompetent people in the complaints management unit. If one thing comes out of this dreadful saga of the past 24 hours, it should be that something is done about the complaints management unit. The department should start all over again and get rid of the people running it because they are incompetent and they victimise good teachers. The government should go back and look at the

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Browne report; it should look at the answers to questions asked by me, particularly in estimates when the Premier was the minister. The Premier said at the time that he was worried about the complaints management unit. The government should fix this once and for all.

MR J.H.D. DAY (Darling Range) [3.33 pm]: In effect, this motion expresses this house's lack of confidence in the Minister for Education and Training and calls on either her to resign or the Premier to dismiss her. That is all for very good reasons. The first reason is that of child protection and allegations of sexual assault by staff of the Department of Education and Training. Such an issue should be paramount in the responsibilities of any minister responsible for a department that deals with, and has the care of, hundreds of thousands of children across the state. It is clear that these issues have been raised with the Department of Education and Training. They may not have been raised in an absolutely specific sense, but they have certainly been raised in a general sense through questions the opposition asked of the minister in her house, the Legislative Council, towards the end of 2005 as well as this year. She should have at least twigged that, in her discussions with the director general of the department, she should be asking more questions about what was going on and how allegations were being dealt with. She should have asked where staff who were the subject of allegations were stationed and so on. What have we seen? For example, in March this year she stated in the Legislative Council - amongst other things - that she was not exactly sure what was happening to district officers. She said that she was not sure where a certain 16 officers were located. She might not have been sure then, despite the fact that a question was asked on the exact same subject in the Council the day before. She should have done some homework and requested the department to give her full information about the issue so that she could be prepared. Obviously, she did not have the initiative or make the effort to find the information. As the subject was raised again, she should have asked questions about what was happening. It is clear that any minister who is on the ball and doing her job properly would ask her director general - and other staff if necessary - to provide full information about what is being done and how the issues are being responded to when such questions are asked. That is to ensure that the public interest is met.

Dr K.D. Hames: The right thing to do is to ask for a briefing.

Mr J.H.D. DAY: Absolutely. As the member for Dawesville said, when these sorts of issues are raised, the minister should ask for a briefing. A minister should not spend her time swanning around the place pretending that issues will go away. A minister has to roll up her sleeves and get her hands dirty, so to speak. She should not interfere inappropriately, as the minister has done on other occasions when it has suited her. A minister should ask difficult questions to make sure that she is given information. If things are not being followed up adequately, she should keep discussing it and keep asking questions of the director general or whomever, as the case may be. It is clear that the minister has not done her job in that respect. She has not earned her substantial ministerial salary of \$210 000 or whatever it is. That is the first point against the minister.

Secondly, she has clearly been out of her depth on a number of issues. I do not say that with any great joy. I do not like making such comments but it is self-evident and has been demonstrated on a number of occasions. The minister is not generally seen as an effective advocate or guardian of the education system in Western Australia. For example, during the widespread public debate on outcomes-based education - a major issue in the state's education system - on a number of occasions the minister either refused to comment publicly or was unavailable for comment, which is really the same thing. On the few occasions she has discussed the issue publicly, she has not been able to deal with the substance of the issues. I clearly remember an interview with her on talkback radio on a rare occasion when she seemed to be quite keen to get on radio. I think she made the point that she had come back from leave on that occasion supposedly to discuss the OBE debate. All she wanted to do was to make the point that the philosophical implementation of the system started with the previous government when the member for Cottesloe was the Minister for Education. So what? People want an intelligent discussion of the issues and they want a defence of the philosophies being put in place in the education system in Western Australia. She was not able to do that. She was a teacher and, I understand, a deputy principal for a period. She is now the Minister for Education and Training. Such a person should be able to intelligently defend the policies she is putting in place in schools. Unfortunately, she has demonstrated on a number of occasions that she has been out of her depth.

On a number of occasions, when she has acted, it has been on the basis of intimidation or bullying. I entirely agree with the comments made by the member for Churchlands about the principal of Halls Creek District High School. It was an outrageous situation. If the information we have is wrong, the Premier should tell us. So far, we have not been told that it is wrong. Apparently, the minister flew to Halls Creek with the director general. They picked up the district director in Broome so that the minister would have some support. She very strongly heavied someone who, by all counts, was a very dedicated, principled and decent principal who tried to do the best for his local community in Halls Creek. She heavied him and she pushed him out.

Mr C.J. Barnett: He was particularly committed to Aboriginal education; that was his outstanding area.

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Mr J.H.D. DAY: The member for Cottesloe probably knows him. I do not recall meeting the principal, Garry Smith. By all accounts, he is a very decent individual simply trying to do the best for his community, particularly Aboriginal people in Halls Creek. Because it was not in accordance with some homespun philosophy of the Minister for Education and Training or it did not suit the spin doctors in the Labor government, the minister quite inappropriately - and I believe unlawfully under the Public Sector Management Act - heaved the principal to ensure that he was pushed out of that job. That is an absolutely disgraceful situation. She should stand by somebody who is doing his job honestly and decently. If she has issues with the way in which education is being provided in a particular school, she should discuss it. She should get the other side of the story, including from the director general and perhaps directly from the principal.

Time and again what we have seen from this government - from not only the current minister, but also, I regret to say, the previous minister - is that when the going gets tough, people are hung out to dry. There was a situation with the principal of Ocean Reef Senior High School, if I recall correctly, in which there was some difficult publicity for the government about the collection of school fees. That principal was not backed up by this government. He was actually implementing government policy and doing his job properly. It was about three or four years ago.

Mr A.J. Carpenter: I remember the case.

Mr J.H.D. DAY: He was hung out to dry. He was not backed by the Premier, who was then the Minister for Education and Training, or by the hierarchy of the Department of Education and Training at the time. I recall that, and I believe it sends a very poor message to professional teachers in this state.

Mr A.J. Carpenter: My recollection does not accord with yours. As I recall, there were some questions about whether his approach was in line with the department's policy guidelines. That was the question.

Mr J.H.D. DAY: I think he was doing his job honestly, and he was hung out to dry and was certainly not backed in the way that I believe would have been appropriate for somebody who was acting professionally.

Mr A.J. Carpenter: Just because there was a controversy at the school does not mean to say that the principal was hung out to dry. I do not believe I hung out anybody to dry.

Mr J.H.D. DAY: That is my recollection.

Mrs D.J. Guise: That principal was very highly regarded and did a great job.

Mr J.H.D. DAY: I am glad to hear the member for Wanneroo's defence of that principal, so perhaps to some extent she is backing up what I am saying. However, the more recent example, of course, is this case in Halls Creek, in which I believe the principal concerned has been treated very shabbily and quite disgracefully. We have also heard the minister make some quite nonsensical comments about education in Western Australia. For example, in the debate about what should be in a history syllabus and the curriculum content and so on, she made the quite stupid comment that students can get the information off Google; they can get dates off Google, and therefore they do not need to know anything about the important dates of Australian history.

Mr A.D. McRae: Where did you read that quote?

Mr J.H.D. DAY: Probably in the same place as the minister did.

Mr M.P. Whitely: Why don't you quote it directly?

Mr J.H.D. DAY: The Minister for Education and Training did not deny it. The parliamentary secretary can stand and defend her if he likes, but she did not deny it, from my clear recollection. We need a Minister for Education and Training who will do the job more professionally and who, quite frankly, is up to the job. In these positions, a person cannot be there just for the ride. It is necessary to do the job a lot more professionally - not necessarily with big headlines, but to be involved in an intelligent and constructive way behind the scenes and to use strong argument when that is necessary. The minister has certainly not been operating on that basis. She has acted in a completely inappropriate manner on many occasions. For that reason, somebody else who is more capable of doing the job should be appointed to the position.

MR T.K. WALDRON (Wagin) [3.43 pm]: In supporting this motion on behalf of the Nationals, my main concern is for the care and protection of the children in our schools, preschools and kindergartens. There is no doubt that the public expects and should be provided with a system that guarantees that when there are any allegations of sexual misconduct with a child by a staff member, they are immediately, fairly and properly dealt with. Obviously, that has not been the case. I cannot understand why, in this day and age, this situation should have reached the stage that it has reached. Surely proper systems should have been in place. The cases that have

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been highlighted by the Corruption and Crime Commission are obviously of real concern to everybody, and, in particular, are greatly disturbing for parents and, indeed, all people in Western Australia.

I have four daughters. I had always sent them off to school feeling confident that the system would look after them, and that the government and the department would have systems in place that would ensure that that was the case. I know that things can sometimes happen, but there should be mechanisms in place, including a chain of responsibility, to ensure that if a situation arises, it is dealt with. Unfortunately, because of what has transpired, I can understand why many parents have had their confidence greatly eroded. I think the Premier highlighted that this morning on the radio. It seems to me that those systems that should be in place must be and are the responsibility of the department, the government and the minister. Once again, I cannot understand how these cases that were highlighted by the CCC were not looked at previously or passed on through the education system to the head of education, the minister, and of course the government. Surely this should have happened. If it did and nothing was done, that is pretty damning, and that is what this debate is about.

When I became a member of Parliament, one of the things that Hon Hendy Cowan, Hon Monty House and Hon Murray Criddle, who had been ministers, passed on to me was that at the end of the day the minister has the ultimate responsibility and a minister must be aware of that. In this case, the government, the minister and the department should have ensured that they had a process that was double-checked and watertight, and that such a process to deal with these allegations was in place. Surely this should have included direct notification to the director general, the minister and at least the complaints management unit, although I do not know what role it actually plays. If that was not in place, it should have been; and if that procedure was not followed, it should have been.

Because there is not much time, I just say to the Premier that I know he really cares about this issue, and I understand that he wants to put it right. Things have not gone right. That is the reason we are having this debate now. I believe it is damning that things have not been right, and I really urge the Premier to put them right now.

MR A.J. CARPENTER (Willagee - Premier) [3.46 pm]: I oppose the motion. We have a difficult situation on our hands as a result of the outcome of the Corruption and Crime Commission's review of the way in which complaints of misconduct, particularly complaints of a sexual nature involving teachers, have been dealt with in the Department of Education and Training. Yesterday was a very difficult day, because it resulted in the Director General of the Department of Education and Training in Western Australia leaving his position. That is a big step. It is not a sign that the government is taking this issue lightly at all. I had a conversation with Paul Albert in my office last night, and it is not the sort of conversation that I want to have on a very frequent basis. I was the education minister when Mr Albert became the director general, and I worked well with him. I thought that he was very professional in his approach, and I had a great deal of respect for him. I also had a great deal of respect for Mr Alby Huts, who, like Mr Albert, was a longstanding member of the department. He had some 40 years of what would be described as outstanding service to public education in this state. Mr Huts was the executive director of the human resources area, which oversaw many of the issues that the CCC reviewed.

We came to a point in our conversation at which we agreed that, in the best interests of the public education system and for the maintenance of confidence in that system, Mr Albert should go. He has done that. He has - and did last night as I spoke to him - accepted responsibility for what has been described as the systemic failings of the department to deal with these issues in a satisfactory manner. I think Mr Huts feels the same way. I have not spoken to Mr Huts, but if I know him as I think I know him, he will be feeling quite devastated today. I believe his view is that if he had hindsight, he would have treated some of these issues in a different way. However, there were matters that were undeniably grave and had to be treated that way. The role of the minister was one in which she was not informed. She had not been kept informed of the gravity of the situation that the department was dealing with.

Mr C.J. Barnett: Was she briefed on the report?

Mr A.J. CARPENTER: The indication that I have received is that the minister was advised last Thursday that a report along the lines of that which was tabled yesterday was going to be tabled. Last Friday she contacted Mr Albert, who was away on a trip related to his profession, and insisted that he return to Perth immediately - I do not think he resisted that - which he did. He arrived back in Perth on Saturday afternoon. The minister was aware prior to Thursday or Friday only that ongoing work was being conducted between the Corruption and Crime Commission and the department to deal with the processes within the department, policies and how they were being implemented, and the structures for complaints management.

Mr T. Buswell interjected.

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Mr A.J. CARPENTER: The member can get up. The individual contents of the matters that were highlighted in the CCC's report were not brought to her attention. I think that explains her demeanour, which was one of serious displeasure and anger.

Mr T. Buswell: Really, really angry.

Mr A.J. CARPENTER: I think this is a serious matter.

Mr C.J. Barnett interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members! The Premier and members on my right listened in silence to the contributions of opposition members and I think the same respect should be accorded to the Premier and government members.

Mr A.J. CARPENTER: I hear the interjections and I take them on board. That is what happened.

Mr T. Buswell: You'd better double-check.

Mr A.J. CARPENTER: I have. Within two hours of receiving the report, the minister acted, and we know what happened as a result of that. I read the CCC report on Sunday afternoon. I was in Melbourne at the Council for the Australian Federation and I was advised on Friday evening that an issue needed to be addressed. I read the report on Sunday afternoon when I was back in Perth, and I was disturbed, to say the least, about the content of the report. I was more than disturbed about case 1, in which a teacher who had been convicted of inappropriately dealing with a 12-year-old girl was allowed to continue teaching. I thought that was an unforgivable decision by the Department of Education and Training. I was very disturbed about it because I was the minister for four years and I took up the issue of making sure that there were no teachers in our system who had been convicted of these sorts of offences. The previous government, to its credit, introduced in, I think, 1997, for the first time in Western Australia, any form of screening of teachers coming into the profession anew; that is, newly employed teachers.

Mr C.J. Barnett: We started with that.

Mr A.J. CARPENTER: Yes, it started with that. These teachers had to provide evidence that they had no criminal conviction, and quite rightly. In retrospect, people might say that it should have applied to everybody, but these are very difficult and complicated procedural matters to put into practice. I became minister in 2001 and I became very concerned that there was no appropriate screening mechanism. We had debates in this chamber about teacher registration and the ability of the registration process to filter people out. The government first of all extended the screening to teachers who were going for promotion or transfer. Ultimately, in December 2003, we announced that all teachers, including those who were longstanding members of the profession, would have to be police screened, so that, as minister, I could be assured that the very circumstance that has arisen in case 1 would never again occur; that is, a teacher with a conviction of this kind would never be allowed to continue teaching. A couple of years later, this very thing has happened in our system. It is totally unforgivable. I thought the other cases were also extremely concerning, but it amazed me that that particular case had been allowed to occur. The minister should have been made aware of the nature of the report of the CCC, but she was not made aware of it. She should have been made aware by somebody that the decision had been made to allow a teacher with a conviction for indecently dealing with a girl to continue teaching. The minister was not made aware of that, and she should have been. She became aware of it when she read that report, as did I.

Mr C.J. Barnett: From my experience of Paul Albert, he was meticulous in advising the minister on what was happening in his area of responsibility over a number of years. He was a very thorough and correct public servant.

Mr A.J. CARPENTER: And I had the same experience with him. As I have said, I had the highest regard for Paul Albert as a professional person and, as a matter of fact, as a person. I had a detailed and lengthy conversation with Mr Albert in the office last night and I accepted his version of events. That version of events led him to say that he believed that he was ultimately responsible for what had happened and he agreed with me that he should leave the public service.

Mr J.H.D. Day: Did he agree with you that he had not told the minister as much as she should have been told? Did he say that?

Mr A.J. CARPENTER: We had a conversation about that and Mr Albert confirmed the minister's version of events. If he did not believe that -

Mr C.J. Barnett: Did he send the minister a copy of the letter he wrote to the CCC?

Mr A.J. CARPENTER: I did not ask him about that.

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Mr C.J. Barnett: It would have gone to the minister's office, wouldn't it?

Mr A.J. CARPENTER: I am sure that if Paul Albert did not believe that, he would have made it clear to me that he had provided all the necessary information to the minister. He did not. In fact, one of the failings that has been identified by this inquiry is that too many of these issues were dealt with at the local level and were never referred to a senior position or, if they found their way to the human resources section, were decided upon by a single individual. One of the things that Mr Albert has said that he recognised was a structural weakness was that the judgment of a single person in cases such as this should not be relied on, particularly if that person is close to the scenario, because he or she may be affected by personal relationships and history, and that it would be better for a body more remote from the issue to deal with it. He announced that he believed that the complaints unit should be beefed up and should deal with all these allegations itself. That is what happened with Mr Albert.

I have listened to the general commentary about the questions that have been put to the minister in the upper house. I have also read the questions and the answers provided by the minister. The questions about the number of cases of misconduct were very general in nature, and I think she identified 99. Sixteen cases involved sexual misconduct. When the minister was asked whether they had been referred to the police, she said that they were being dealt with in the appropriate way. That is the background. A specific case was not put to her. Now, of course, with the transpiration of events that have occurred, a specific outcome is being retrospectively connected to the general questions asked last year. The minister quite rightly feels very aggrieved that she was not made aware of the true nature of the inquiries that were going on inside the department. I reject the calls for her to be sacked on that basis.

I also take up the point that the member for Churchlands raised about the teacher at Halls Creek, Garry Smith. If I remember correctly, I met Garry Smith this year when I went to Halls Creek to open the swimming pool, and we talked about the introduction of a no school, no pool policy as a way of encouraging more students to go to school. My understanding of what happened is that the minister, along with the district director and the director general, had a conversation with Garry Smith. She did not sack Garry Smith. As I said, Mr Smith is on sick leave and has not been sacked.

Mr C.J. Barnett: He was sacked the day after. What a coincidence that the day after he was suddenly too sick for work.

Mr A.J. CARPENTER: I am hesitant to raise this matter, but I understand that Mr Smith has a serious illness.

Mr C.J. Barnett: He has cancer.

Mr A.J. CARPENTER: I understand that he has cancer. Therefore, it is not totally unexpected that he should be on sick leave.

Mr T. Buswell: The day after the minister's visit.

Mr C.J. Barnett: How sensitive was the minister?

Mr A.J. CARPENTER: I was not there.

Mr C.J. Barnett: The guy has cancer and she flies in -

Mr A.J. CARPENTER: That issue was not raised in the conversation I had with Mr Smith. To be honest, I do not know whether my visit predated that conversation.

Mr T. Buswell: What was the point of the visit then, Premier?

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, Deputy Leader of the Opposition!

Mr A.J. CARPENTER: The Deputy Leader of the Opposition will find that ministers for education try to visit as many schools as they possibly can.

Mr C.J. Barnett interjected.

The ACTING SPEAKER: I call the member for Cottesloe to order for the third time.

Mr A.J. CARPENTER: In particular, education ministers visit areas that are experiencing problems. Halls Creek has been identified as having problems, as does the whole area centred around Halls Creek. That deals with the complaints about Mr Smith.

The Leader of the Opposition asked about my role. I think I have explained that. My role was to insist upon there being absolutely no tolerance of misconduct by schoolteachers in the school system.

Mr P.D. Omodei: Did all these issues happen during the current minister's time?

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Mr A.J. CARPENTER: I cannot say whether they have or have not all occurred under her watch. I am telling the Leader of the Opposition about my response to his question.

Mr P.D. Omodei: Either way you have a problem. If they all happened under her watch, she should go.

Mr A.J. CARPENTER: I do not have a problem. I introduced comprehensive police screening to make sure that no teachers in our system have a criminal record. As I recall, it was a matter of some controversy and there was resistance to me doing that. I also introduced the Western Australian College of Teaching Bill, which created the Western Australian College of Teaching.

Mr C.J. Barnett: Which you resisted initially.

Mr A.J. CARPENTER: I did not.

Mr C.J. Barnett: Talk to the member for Churchlands.

Mr A.J. CARPENTER: There were issues about teacher registration and the construction of the teaching college. I have publicly and generously acknowledged the member for Cottesloe's role - if he does not mind - and I acknowledged the role of the member for Churchlands in the early stages of the development of the WA College of Teaching. It is because of the teacher registration powers of the WA College of Teaching Act that the offender who was mentioned earlier today was screened out of the system. Therefore, we can at least say that the reforms we put into place were ultimately effective.

The Corruption and Crime Commission did not exist under the former government. There is no doubt that the role of the CCC has been pivotal in illuminating the systemic weaknesses in the education system, which we are seeking to address. We will address these issues. I am committed to excellence in public education and I do not think anybody doubts that I am. Neither I nor the Minister for Education and Training will tolerate any activity whatsoever that calls into question the safety of children in schools, particularly regarding activity of this nature.

MRS D.J. GUISE (Wanneroo - Deputy Speaker) [4.02 pm]: I have had a chance to read the Corruption and Crime Commission's report in full, and I find what is contained in it disturbing. However, I agree with the Premier that the Minister for Education and Training responded immediately to the matters raised by the CCC report that were drawn to her attention. Therefore, I will not support this motion. This issue must be addressed and it deserves a considered response. Parents entrust their children to our schools. Our children must have a safe learning environment. The Corruption and Crime Commission has made some excellent recommendations, which will be implemented.

A couple of matters have been highlighted for me in this report. I refer to the Western Australian College of Teaching Act, and others. I worked hard as the president of the Western Australian Council of State School Organisations to ensure that Western Australia had a teaching registration board. At the time, there was talk about the need for a national database to screen teachers. The registration board would set standards and make sure that they were upheld. The establishment of the teaching registration board was also about giving general recognition to the profession.

I took particular notice of recommendation 3 of the report, regarding the board's responsibilities under that act, and to recommendation 4, regarding the board's responsibilities for working with children and the Working with Children (Criminal Record Checking) Act 2004. The report makes some interesting recommendations, all of which the minister has indicated will be implemented.

There are many wonderful educators in our schools. I do not want to let this situation undermine the confidence we have in them. I have had a wonderful working relationship with Mr Albert and Mr Huts over the years and I hold them in the highest esteem. Clearly something has gone wrong and those two gentlemen have made a decision based on the information before them. I respect them for that and I know that it would not have been an easy decision to make. I believe that in all their working lives in education they have had the children's interests at heart.

Mr J.H.D. Day: This motion is about the minister. Is she a good minister?

Mrs D.J. GUISE: I have already given the reasons that I will not support this motion.

Mr J.H.D. Day: Is she a good minister?

The ACTING SPEAKER (Mrs J. Hughes): Order, member!

Mrs D.J. GUISE: Wanneroo has received excellent support from this government and from the Minister for Education and Training. Since 2001 the Wanneroo, Carramar, Ashdale and Butler Primary Schools have been built. In 2007 the East Butler, Tapping, Neerabup and Two Rocks primary schools -

Mr T. Buswell: It is not about buildings, member.

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Mrs D.J. GUISE: I am talking about the support that the Minister for Education and Training has given.

Mr C.J. Barnett: They were planned years in advance.

Mrs D.J. GUISE: They were not, and the member for Cottesloe knows it.

Other schools are coming on stream and will be supported by this minister. They include Hocking in 2008, and Landsdale, Darch and Butler senior high schools.

If members opposite are not careful, during this debate they will undermine the confidence people have in our education system and our wonderful educators. That would be a very sad indictment of those people. In that regard, I wish to talk about the support they have received from this minister.

For 10 years the Neerabup Primary School has schooled children in houses. It will finally get a purpose-built school next year. The school offers performing arts, physical education, pastoral care and social interaction programs. It has had excellent educational achievements. It is not an easy school to be principal of and it has been supported by the minister. The principal of the school, Terri Reid, does an exceptional job.

The Carramar Primary School opened with some 575 students. That school has done well and was supported by the minister and the government. On the opening day of the school, not one parent needed to seek advice from the school's office because it has a program in place that supports the parents.

Students who are achieving well at schools are supported by the pastoral programs, and the educators do a marvellous job. When we talk about the things that go wrong in our schools and our school system - clearly this is one of them; the two recommendations I spoke about must be addressed - we must also remember the very good things that happen in our schools and the people who make them happen. The government and the minister have provided support to our schools. The opposition has made a very harsh judgment. It is not balancing the bad with the excellent results that have been achieved.

Mr J.H.D. Day interjected.

The ACTING SPEAKER: Order, member for Darling Range! It is clear that the member for Wanneroo is not taking interjections.

Mrs D.J. GUISE: The minister has indicated that the recommendations will be implemented immediately with the full support of the government. On that basis, and on the basis that other allegations have not been substantiated, I will not support the motion.

MR J.N. HYDE (Perth) [4.09 pm]: I will also oppose this motion. It is the most stupid motion I have ever seen. The Deputy Leader of the Opposition cannot articulate in three or four words why -

Several members interjected.

The ACTING SPEAKER: Order, members! There is a very short time allowed for the debate. Will members on my left please respect the member who is on his feet.

Mr J.N. HYDE: The Deputy Leader of the Opposition cannot articulate a reason to back up his motion. This motion should be voted down because it is a badly written and stupid motion.

Ms K. Hodson-Thomas interjected.

The ACTING SPEAKER: Order, member for Carine!

Mr J.N. HYDE: I encourage members opposite to support the Minister for Education and Training because of what has been achieved in education under the Gallop and Carpenter governments. The last bit of infrastructure put in place in my electorate after nine years of the Liberal-National Party coalition was a tiny undercover assembly area in Highgate, which the member for Cottesloe opened. It measured approximately 45 metres by 45 metres. Mount Lawley Senior High School did not receive a razor under the coalition government.

Several members interjected.

The ACTING SPEAKER (Mrs J. Hughes): Order! Members to my left will please dissuade themselves from interrupting, or Hansard will clearly have a problem. Those members will please contain themselves.

Mr J.N. HYDE: Mount Lawley Senior High School received \$42 million under the Gallop and Carpenter Labor governments. It received zip under the coalition government. Highgate Primary School has received \$650 000 for a resource and library centre.

Several members interjected.

The ACTING SPEAKER: Order, member for Nedlands!

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Mr J.N. HYDE: North Perth Primary School celebrates its 100th anniversary this year. In two weeks I shall be delighted to open a real undercover assembly area at that school.

Ms S.E. Walker: What has this got to do with the motion?

The ACTING SPEAKER: I call the member for Nedlands to order.

Mr J.N. HYDE: Infrastructure investments for TAFE can be seen between Newcastle Street and Aberdeen Street, and also in the “Silver City” area at Claisebrook station. This government is investing in infrastructure. The people of Western Australia know that an education system needs not only infrastructure, but also retention rates at school, which is being achieved. Mount Hawthorn Primary School is also 100 years old. My electorate has been left with all these 100-year-old schools. Under the coalition government they received zip, zip, zip, but under this government there has been reinvestment in the education portfolio, which reinvestment has included the new Harbeck Resource Centre at Mount Hawthorn Primary School. Some tremendous achievements have been made in the education portfolio. This is a very stupid motion, and I urge everybody to vote against it.

MR R.C. KUCERA (Yokine) [4.12 pm]: I want to quickly touch on a couple of issues. First, I will not be supporting this motion. The present Minister for Education and Training is a good minister. I have known her for many years outside this Parliament, including a period when she was in another role. She has always been passionate about the welfare of children.

Mr T. Buswell: Was that when she was the adviser to -

The ACTING SPEAKER: Order member for Vasse!

Mr R.C. KUCERA: Judging from the look on her face the other evening, she was as shocked and concerned about the content of this report as anybody else. I also raise today an issue that has not been raised by anybody, which is the operation of the Corruption and Crime Commission. Many colleagues of mine in another organisation have been part of investigations revolving around the CCC, and that has highlighted for me some of the issues facing ministers. When people are interviewed by the CCC, the instructions are quite clear; they will not divulge the nature of the inquiry and what is being spoken about. It seems to me that this places ministers in an invidious position. I have not read the whole report, although I have read some of the recommendations. Any thinking person would totally support the recommendations. It is reprehensible that systems that were put in place appear to have been ignored, particularly as they deal with the safety of children, and more particularly as they deal with sexual assault. Having worked for many years with the Department of Education and Training, I was very shocked and surprised to learn that this attitude has been adopted. Knowing Paul Albert as both an educator and an administrator, as I do, I am surprised that this has happened. I am not surprised that Paul Albert has offered his resignation, because that is the nature of the man and the kind of principle that he would adopt. If he felt that he had let down the minister, parents and children, I have no doubt that what he did was of his own volition.

I come back to my main point that there are a couple of issues involved. First, I commend the Premier and the minister for acting quickly to review the complaints management procedure in the Department of Education and Training. When one reads this report, one realises it is something that must be dealt with immediately. I believe there also is a need to give consideration to the investigation of complaints generally. When we instigated the school-based police officer program, a primary issue was the parameters put in place for the management of police officers working with the Department of Education and Training. In fact, on a number of occasions we moved officers. I recall one occasion when there was nothing wrong but the officer had put himself in a position in which allegations could potentially have been made. The issue was acted upon immediately. The report has highlighted very well issues that have arisen and not been acted upon.

I come back to my original point. There is a need to look at the operations of the Corruption and Crime Commission, the Corruption and Crime Commission Act and the way in which the commission investigates matters if it transpires that those investigations are to form the basis of reports upon which ministers must act. If the CCC finds during the commissioning of a report and the gathering of evidence that these kinds of things are occurring in a major department, the act must allow the CCC to advise ministers, and certainly advise heads of department, that action needs to be taken. It should not have to wait for six or seven months until the report is written. We are not dealing with the Auditor General who can at any time speak to heads of department or people within the department to advise them of the action that must be taken. The issue is the operation of the CCC act, and how ministers can relate to the organisation and to people within departments who are being interviewed. I have seen what happens when these kinds of secrecy provisions prevent such things from occurring. A member of this house today I think would probably agree with me on some of those issues. The CCC also spoke to a very good friend of mine. During the course of that interview it was made quite clear that he could not divulge any of the issues discussed. The next morning, his wife and children found him hanging in

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a shed at the back of their house. He was later totally exonerated. I am not criticising the CCC, but I urge the Attorney General to look at this report and the way in which it was provided to determine whether the act has precluded action by the minister and the head of her department, who I think quite rightly has offered his resignation, or chosen to retire, whichever one it is. We need to make sure that the legislation is not precluding us from taking appropriate action. I believe this is a real issue for the Parliament and the Joint Standing Committee on the Corruption and Crime Commission.

Nobody would condone any department or departmental head who did not act on issues related to child abuse or the protection of children.

Mr T. Buswell: They tried to cover it up.

Mr R.C. KUCERA: If that is the case, it is reprehensible. I do not think anybody in this house would condone that. However, we cannot blame a minister who is not aware of what is occurring. That is the advice that we have been given. Ministers should not pluck things out of the air. In my five and a half years as a minister I learnt very well that one cannot see every sparrow that falls on every day of the week. If the opposition uses this issue to try to make political mileage and gain the scalp of a minister and undermine the community's confidence in an excellent education system, it will be as reprehensible as the people who perhaps ignored these issues.

MR C.J. BARNETT (Cottesloe) [4.18 pm]: This is a very, very soft motion. It simply calls on the Premier to remove the Minister for Education and Training from her portfolio. It is not a censure motion calling for her to be sacked from cabinet; it is simply asking for her to be moved from the education portfolio. It is hardly over the top. It is a very responsible motion.

The minister is clearly not up to being Minister for Education and Training. I do not think that education is the hardest portfolio, but it is a large portfolio and its minister has a duty of care for about 350 000 children in this state, spread across 1 100 schools, two-thirds of which are government schools. The minister has ultimate responsibility for the education and also the protection and care of children. I know because I had the experience of the Gracetown tragedy when I was minister. The protection and care of children counts for more than anything.

I refer to two issues. Firstly and briefly, I refer to Halls Creek and the visit by the minister, presumably in the government jet because it was a long trip. She flew to Broome, picked up the district director, flew to Halls Creek and obviously berated Mr Garry Smith, the principal of Halls Creek District High School - a man who left the job the next day and who was a long-serving, loyal employee of the Department of Education and Training. Perhaps he is a bit unconventional. One can be a little unconventional when one is dealing with an Aboriginal-dominated community. He had all sorts of problems: social problems, which we have heard about, domestic violence and poor attendance at school. He may have been unconventional but he was by all accounts doing a great job. What did the minister do? She flew up there to berate him. Effectively, according to him and presumably his father, who recounted it, the minister fired him. Then she got in the plane and flew back to Perth, making the district director stay overnight and find his own way back to Broome. This was not a visit to a school as a minister for education does presumably on a weekly basis. This was a special targeted trip, a short visit, to see one person in a remote school in a remote town in this state. As the member for Churchlands pointed out, section 8(2)(b) of the Public Sector Management Act states -

... an employing authority is not subject to any direction given, whether under any written law or otherwise, by the Minister of the Crown responsible for the department or organisation . . .

The minister did not have authority to even try to discipline that principal, let alone fire him. If she had a concern - I think it would be misplaced - about the programs and the policies being followed in Halls Creek, she was perfectly entitled to raise those concerns with the director general or the district director, but not to get in a plane and fly up there and take it upon herself to be the employer. She cannot do that under the Public Sector Management Act. Following her handling of outcomes-based education, which I think has been a tragedy for the state in the way that it unfolded, we have the Halls Creek issue. Now we have the report of the Corruption and Crime Commission.

Let me read some extracts from a letter from Paul Albert, Director General of Education, to Commissioner Hammond of the CCC. It is dated 7 August 2006. It says in part -

Because of the significant implications associated with a report of this nature . . .

Given that the draft report contains adverse comment about the Department, legal advice from the State Solicitor's Office has been sought in preparing the Department's response.

Mr Albert goes on to say that he thinks the CCC has got it wrong. He says -

Extract from Hansard
[ASSEMBLY - Tuesday, 17 October 2006]
p7038c-7050a

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... it is my view that there is nothing in the draft report to sustain a position that warrants the matters being reported to Parliament.

What is going on here? Here is a draft report received by the Director General of Education. He obviously recognised that it had significant implications and they were so significant that he sought advice from the State Solicitor. He then wrote back and said that he did not think it should be reported to Parliament. The Premier expects us to believe that Paul Albert - a person I also respect; meticulous, detailed, the sort of public servant who dots i's and crosses t's - would not have drawn these issues to the minister's attention. It is not conceivable. The minister was aware of these issues; she had been questioned about them in the upper house. What happened? When the report finally came down - it is a damning report and it damages the reputation of our schools, particularly government schools, which is very sad; it is a reality that there will be people in education, both in government and private schools, who prey on children - the response was to get rid of the director general. It was clearly to make him a scapegoat. If the director general was responsible, and if the Premier thought he was responsible and had to go, how can it possibly be that the minister, the top of the tree, has no responsibility? The minister is responsible. We are not saying she should be sacked from cabinet, but there is no admission of responsibility by the minister. Whatever happened to ministerial responsibility under this government? At a very minimum we are saying that this minister must bear some of the responsibility. Given her record on Halls Creek and on outcomes-based education in years 11 and 12 and a host of other issues, she is clearly - I do not mean it unkindly - not up to being education minister. If the Premier wants to keep her in cabinet, he should move her to another portfolio and find someone more competent to look after what I regard as probably the single most important portfolio in cabinet.

MR P.W. ANDREWS (Southern River) [4.24 pm]: I rise to support my colleague in the other place. There is no doubting the minister's passion. It would have been easier in this case for her to have said, once the report came out, that she accepted that damning report, as the member for Cottesloe said, and that she was going to move on and do something about it. The minister also expressed very strongly that she was angry about this. She is a person of great passion and someone who delivers for education. One of the reasons I am proud to be a member of the Carpenter government is that we have delivered on education. When I had to send my kids to school, even though I had taught for 23 years in a Catholic school, I chose our state school system. That has proven to me that we have one of the best state school systems in the world. It has been far better under a Carpenter government than it was under a Liberal government, and I will tell members why. Even though I have respect for the member for Cottesloe as a former Minister for Education, the fundamental belief of the Liberal party is in privatisation and private schools. We on this side support our state schools and we do so where it counts most, and that is in funding.

[Member's time expired.]

Question put and a division taken with the following result -

Ayes (21)

Mr C.J. Barnett	Mr J.H.D. Day	Mr P.D. Omodei	Ms S.E. Walker
Mr D.F. Barron-Sullivan	Mr B.J. Grylls	Mr D.T. Redman	Dr J.M. Woollard
Mr T.R. Buswell	Dr K.D. Hames	Mr G. Snook	Mr T.R. Sprigg (<i>Teller</i>)
Mr G.M. Castrilli	Ms K. Hodson-Thomas	Dr S.C. Thomas	
Dr E. Constable	Dr G.G. Jacobs	Mr M.W. Trenorden	
Mr M.J. Cowper	Mr J.E. McGrath	Mr T.K. Waldron	

Noes (25)

Mr P.W. Andrews	Mr F.M. Logan	Mr A.P. O'Gorman	Mr P.B. Watson
Mr A.J. Carpenter	Ms A.J.G. MacTiernan	Mr J.R. Quigley	Mr M.P. Whitely
Mr J.B. D'Orazio	Mr J.A. McGinty	Ms M.M. Quirk	Mr B.S. Wyatt
Mrs D.J. Guise	Mr M. McGowan	Mr E.S. Ripper	Mr S.R. Hill (<i>Teller</i>)
Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts	
Mr J.C. Kobelke	Mr A.D. McRae	Mr T.G. Stephens	
Mr R.C. Kucera	Mr M.P. Murray	Mr D.A. Templeman	

Pairs

Mr G.A. Woodhams	Dr J.M. Edwards
Mr A.J. Simpson	Ms J.A. Radisich
Mr M.J. Birney	Mr J.J.M. Bowler
Mr R.F. Johnson	Mr N.R. Marlborough

Question thus negatived.