

SCHOOL EDUCATION AMENDMENT BILL 2014

Introduction and First Reading

Bill introduced, on motion by **Hon Helen Morton (Minister for Mental Health)** on behalf of Hon Peter Collier (Minister for Education), and read a first time.

Second Reading

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.34 pm]: I move —

That the bill be now read a second time.

The School Education Amendment Bill 2014 gives effect to policies announced by government and streamlines the regulation of non-government schools.

Year 7 charges: Starting in 2015, year 7 students in public schools will move to secondary school. This is a major change to the structure of the government school system. Despite this, only a minor amendment to section 97 of the act is necessary to allow secondary school charges to be levied for year 7 students from the beginning of 2015.

Child and parent centres: Another significant initiative of the government is the establishment of child and parent centres on government school sites. In December 2010, the Premier announced the establishment of 10 CPCs, and in February 2013, a further six were announced. Five of those 16 centres are at regional schools, and 11 are at metropolitan schools. The objective of the CPCs is to prepare children and their parents for success at school. As the centres are to be located on school sites, it is necessary to provide specific authority in the act to allow the Minister for Education to be the contracting party for CPCs; and the licensor for the use of the land. This is achieved through the amendment to part 6 of the act to enable the Minister for Education to enter into joint arrangements that complement and benefit the delivery of school education; and enable a licence to be granted for the use of school property for CPCs.

Enforcement of compulsory education: Compulsory enrolment and attendance are foundation obligations of the act and for a child's progress in their education program. Current provisions for enforcing compulsory schooling have proven to be cumbersome. The act is amended to strengthen the enforcement of compulsory schooling. The amendments focus on streamlining processes to enforce both enrolment in and attendance to schools. For non-enrolment, a new section 11AA has been introduced. This will place the onus on the parent to provide written proof of enrolment when the director general of Education has formed the opinion that the child is not enrolled. Failure to provide the proof when requested carries a fine of up to \$2 500. This is the same amount as the fine for failure to ensure the child is enrolled. For a non-attendance, the process for ensuring attendance to school has been streamlined. This includes amendments to allow for greater flexibility when taking steps to facilitate a child's attendance at school; reduce the reporting obligations of attendance panels; and enable attendance panels to advise parents to enter into responsible parenting agreements as a means of obtaining parental engagement and commitment to school attendance.

Child protection: Section 240 of the act is amended in response to a November 2012 report of the Corruption and Crime Commission. It will enable the director general of Education to order a staff member to stay away from not just their school, but all government school sites, during a misconduct investigation when student safety or welfare is at stake.

Part 4: Part 4 of the act governs the establishment and regulation of non-government schools. The workability of this part has been under consideration by successive ministers and the Department of Education Services for some years. It is cumbersome to administer and imposes an unnecessary regulatory burden on both schools and the department. The proposed amendments streamline procedures, improve efficiency and fairness, reduce regulatory burden and enable the registration standards for non-government schools to reflect contemporary expectations.

Under the amendments, the proponents of a new non-government school are required to apply to the minister for an advance determination. The application must be made at least 18 months before the planned opening date. An advance determination is essentially an assessment of the likely effect of the proposed new school on existing schools and on the choices available to parents. Applications will be assessed against policy criteria published in the *Government Gazette* and must be finalised within six months. An advance determination will also be required for schools seeking to make significant changes that could have an adverse effect on other schools. Significant changes would include moving the school to a different area, opening a new campus in a different area, and adding year levels. Refusal of an advance determination will become a reviewable decision. A request for review will be referred to the non-government school registration advisory panel for a recommendation. This panel is constituted by experts in both school planning and education provision. Registration decisions now made by the minister will, under the amendments, be made by the chief executive officer of the responsible

department. These include initial registration, renewal of registration, change of registration, school inspections, sanctions and cancellations. The CEO's decisions are reviewable by the minister with the advice of the panel. It is proposed to amend the scope of registration standards to include a specific standard on what measures are required for preventing child abuse and for responding to any such abuse which may occur.

Under other amendments, school governing bodies will be accountable for implementing effective strategic directions for their schools, and processes to plan, monitor and achieve improvements in student learning as well as for effective financial management.

The school inspection powers are expanded to enable an inspector to be charged with investigating how and why a registered school has failed to comply with a registration standard or requirement. Currently, inspectors are limited to assessing whether a school is compliant here and now. Inspectors will now be able to take account of the history of the present situation and the outlook for the future.

The amendments introduce a new tool for promoting school improvement. This is the quality improvement notice that will be non-mandatory and non-punitive. It could be issued where quite minor improvements are identified in a school that is otherwise performing well. The other sanctions of a condition on registration and a direction are retained, as well as the ultimate sanction of cancellation of the school's registration. Conditions and directions are published on the register of non-government schools, as well as on the school's registration certificate.

Agreements between the minister and a school system—known as system agreements—are to be bolstered with requirements concerning levels of care, the provision of statistical, financial and policy information about the system and its schools, and the system's performance in regulating quality in its schools. Currently, the only system agreement is with the Catholic Education Commission. No change is made to the provisions on school funding or loans for capital works.

Part 4 has caused frustration for non-government school proponents, regulators and Ministers for Education throughout the life of the current act. The proposed amendments have been reviewed by both the Catholic Education Office and the Association of Independent Schools of Western Australia, and both have expressed their satisfaction with them. The adoption of these amendments in whole or in part does not involve the enactment of uniform legislation across jurisdictions.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1897.]

Debate adjourned, pursuant to standing orders.