

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

TEACHER REGISTRATION BILL 2011

Second Reading

Resumed from 1 December 2011.

MR P. PAPALIA (Warnbro) [5.20 pm]: I rise to make a contribution to the second reading debate on the Teacher Registration Bill 2011. At the outset, I have to make an extraordinary observation. Members would have noticed as they came into Parliament today that the notice paper is quite thick—a little thicker than is the norm. The reason is that the Minister for Education has provided an extraordinary number of amendments to her own legislation, which was introduced into this place only in December last year. The second reading was moved in December last year on the very last sitting day of Parliament and we came into Parliament today to be confronted with something like, I am told, 32 pages of amendments to a bill that in its entirety is only 90 pages long.

Mr P.B. Watson: That would have to be a record!

Mr P. PAPALIA: The bill in its entirety is 90 pages long and there is in the order of 32 pages of amendments to the minister's own bill.

Mr D.A. Templeman: It should be a new bill!

Mr P. PAPALIA: It should be a new bill, and it will be a new bill—no doubt. It will effectively be a new bill, as the minister has indicated via her advisers during briefings to us. Once we finish the second reading debate, the minister will stand in this place and propose a complete amendment to her own bill, such that more than one-third of it will be changed. That is incredible. What message does the minister think that conveys to the professional teachers and the teaching body of this state, for whom this legislation is supposed to provide some surety and some improvement on the Western Australian College of Teaching Act that it repeals? What message is the minister, as the minister responsible for the education department and for guiding and providing leadership to all the teachers of this state, sending to the teaching profession?

I can seek some insight into the cause of the extraordinary number of proposed changes to the bill by going into a little of its history, and I intend to do that. Before that, I will try to describe it for the purposes of *Hansard*, because *Hansard* readers do not have the benefit of looking at the thickness of the notice paper or, for instance, looking at this copy of the bill I am holding that is marked up with a little post-it flag on every single page upon which there is a change. I do not know how to describe this marked-up bill for *Hansard*; it might look like the trailing edge on an eagle's wing with all the feathers sticking out or, in light of the questions we had in Parliament, it might be a chicken's wing! It is a very feathery chicken with a more than adequate number of feathers on the edge of the wing that mark every single page in the bill that has a change upon it—that is, every single change that will be brought in by the minister to her own legislation. We as the opposition have proposed one amendment and I think it is a very worthwhile amendment. In fact, the minister has chosen to kind of acknowledge that amendment by introducing her own amendment that is in a similar vein; however, it is not as good and we will move our own amendment regardless. I will explain that when I get to that part of my contribution.

In an effort to try to discover some reason, some justification, some pointer as to why the minister came into this place with, firstly, a new bill in December—the last sitting day of Parliament—and then, only a few short months later, with an extraordinary number of amendments to her own bill, I will go back in history. I will go all the way back to the now minister's contribution to the second reading debate on the Western Australian College of Teaching legislation, which this bill will replace, because we would not want, as occasionally occurs, a minister to try to pour scorn and blame upon a previous government for some flaw that has been identified in her own era of responsibility, under her own guidance, particularly when that minister as an Independent member of Parliament had such an integral part to play in the creation of the legislation that this bill will replace. I chose to go back to 19 June 2007, when the second reading debate was taking place on the WACOT legislation that had been introduced into this place, to the contribution made by the now minister, Hon Dr Constable. I think that is worthwhile because it provides some insight into what happened with the WACOT legislation, which was so derided last year at the outset of the process that has led us to where we are today. It is very interesting to read the now minister's contribution she made at that time because members would not be too far wrong if they drew the conclusion that she took a large proportion of responsibility for introducing the WACOT legislation to Western Australia. At the outset, she said —

I, too, support the Western Australian College of Teaching Amendment Bill 2007.

She had a bit of a crack about the time it had taken, and said —

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It is a pity that it has taken so long to formalise the election of the 10 teacher representatives from the government, Catholic and independent sectors.

The now minister went on to say —

This legislation had its beginning in a deputation I received in my electorate office in 1997 from a number of people from the State School Teachers' Union of Western Australia.

I think the minister talked more to the union than she does now. The interesting part about what she said came after she made the observation that the minister had been true to his word and introduced the WACOT legislation. I will quote what she said because I think it is worthwhile in that it gives us the lead as to what the WACOT act was supposed to achieve, and I want to go to how the Teacher Registration Bill that the minister has introduced is a dramatic change from the initial intention. The now minister said —

It is a great pity that it has taken so long to get to the point at which, finally, the board will be in place. I am very supportive of this legislation and it is worth members reminding themselves why it is before the Parliament. The teachers' union representatives came to see me because they wanted to raise the standing of the profession.

That is an important point. She continued —

At that time, they understood that something in the order of 147 professions and trades were registered, but teachers were not. They felt it would be very important for their profession if teachers were registered. Not only that, it would provide for the setting of standards and the maintenance of standards in the teaching profession. Most importantly, the registration of teachers is about the protection of children. We should keep those three things in mind.

There are three things. First, the intention was to elevate the status of the profession of teaching in this state. That was one of the objectives. Another was for registration and to ensure that we maintained standards in the teaching profession. The third was about the protection of children. But the important thing to note is that way back then, the now minister was very comfortable with taking responsibility for having a large part to play in creating the act that eventually resulted in the Western Australian College of Teaching, initiating that process and, ultimately, when it was delivered, taking a lot of the credit for that having taken place. That is important because when we look at this new bill in light of the criticism of WACOT and the WACOT act last year, it is worthwhile remembering that the minister, as an Independent member of this place, had a significant part to play in initiating the creation of WACOT and that she was very supportive of it at the time. If we want the more recent history that is I think far more instructive about why we have before us a significantly changed document only months after the minister introduced it, we can look to what happened in the Western Australian media.

Firstly, the minister announced a review of the Western Australian College of Teaching Act for which submissions had to be received by 14 May 2009, and a subsequent report was presented to the minister. However, what really led to the rushed nature of this bill and to the unfortunate process by which the minister introduced one bill and subsequently tried or intended to introduce another bill last year was the roasting that the minister received at the hands of that well-known Western Australian media personality Howard Sattler. The minister has my sympathy in respect of Mr Sattler's effectiveness at going to the heart of a matter. He can and he has been known to identify vulnerabilities in government ministers and in governments, and when he senses an opportunity to strike on behalf of the little guy, and he perceives the teachers in this case —

Dr E. Constable: He was delighted to see that WACOT was going. Come on! You're twisting the truth.

Mr P. PAPALIA: I beg your pardon, minister?

Dr E. Constable: He was very pleased to see that WACOT was being abolished and that something was replacing it.

Mr P. PAPALIA: Yes, but a lot happened before that, did it not, minister? A lot happened before that.

When Mr Sattler seized the opportunity to stick up for people who may not, or who he perceives may not, have any other means by which to get the government to act, he goes for it. He went for it on you, minister. It is undeniable that the reason —

Dr E. Constable: He went for WACOT.

Mr P. PAPALIA: Okay. I have a few transcripts from the Howard Sattler show, commencing from when this story began to gather heat and momentum in late May 2011 after he received a phone call from a teacher who had been deregistered by WACOT. Not surprisingly, Mr Sattler's interest was piqued, and a significant conversation took place between him and the teacher, whereupon on conclusion of that conversation he, I think,

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sensed that something was seriously wrong. He wanted to see action by government. He understood that WACOT was the object of the person's concerns. He understood that the person had grievances with WACOT, but he did not see WACOT as the solution; he saw the minister as the solution.

Dr E. Constable: And here is your solution.

Mr P. PAPALIA: No; he saw the minister as being a part of the problem, too, initially. That was very clear at the end of the conversation. On 23 May 2011, towards the end of the interview with Mary, which is not the woman's real name, who was deregistered by WACOT, Mr Sattler said —

Something is horribly wrong and I would think, if you're listening, Liz Constable, or Minister, you can ill afford to do without teachers like Mary. So, if someone can tip her off and see if she can sort it out, because she's the person of authority to do it ... but this is hopeless, absolutely hopeless, but typical of bureaucracy that's created itself, for itself, gone mad.

He then went on to address the issue for a number of days, and we all know that it took some time to extract some action from the minister. Mr Sattler continued the next day, again focusing on WACOT; and the day after, again focusing on WACOT. This time he spoke to Anne Gisborne from the State School Teachers' Union of WA about WACOT. He demanded some action, he was frustrated that nothing was going on and he looked for targets all over the place, but he did not hear from this minister! On Thursday, 26 May, the campaign continued. This time the Director General of Education was on and had to stand in the firing line, and, unfortunately, take the heat on behalf of the minister. At the end of that interview, Howard Sattler spread the blame around. He blamed the previous Labor government for introducing WACOT, but, as I suggested by reading out the minister's and then opposition member's contribution to the WACOT act's creation debate, the minister saw this legislation as her baby; therefore, she has a fair share of the original responsibility. Mr Sattler also said —

... I blame the side of Parliament ... at the moment, the ... Liz Constable, she's the Minister, she's got responsibility ... that they've allowed this mob to be set up, out of their control as well. Totally unaccountable to anybody.

The reason he said those words some four days after the initial story—he continued to do so every single day in the same aggressive and very focused manner that he can bring to bear—was that the minister would not talk to him; she would not get involved.

On Friday, 27 May, the then shadow Minister for Education, Ben Wyatt, went on the Howard Sattler show—because the minister was not there—and again drew attention to the fact that the minister had refused to step into the game or onto the field to take a little bit of responsibility and take some action. He pointed out that the minister had received the review into WACOT a long time prior to this matter hitting the airwaves. The then shadow minister pointed out that the review was back in 2010, that the minister had had it since June 2010, and that it highlighted the problems at that time. Remembering that the Howard Sattler campaign was in May 2011, we are talking about almost 12 months of procrastination on the minister's behalf without any action.

Finally, on 21 June, the minister was able to respond by saying that she would introduce legislation to repeal WACOT and to replace it with another body during the spring sitting of Parliament. The spring sitting ended on 1 December 2011, and that was the day the minister introduced her legislation. Therefore, from June 2010 to the end of 2011, the minister was incapable of introducing legislation that was obviously being demanded by the teaching profession and that a great many people in Western Australia looked forward to as a means by which to provide certainty and a guide to the way ahead. Nevertheless, when introduced on the last sitting day of Parliament in 2011, the legislation was not complete as it was the version prior to this version; that is, the version prior to the one with all the little flags to indicate how many pages have changed. Even though the minister held onto the report from the middle of 2010 to the end of 2011, she was incapable of delivering a piece of legislation that did not require 32 pages of amendments after it was introduced into Parliament. That has to raise questions in the minds of anyone watching, listening to or reading about this debate. Anyone concerned about the guidance and the leadership that this minister provides to the teaching profession of Western Australia will wonder why that occurred; that is, why did it take so long? Was it just that the minister was incapable of making the decision to get on with it or was it that she did not ask people to start drafting the legislation until very late in the day—only to realise as a result of pressure from the opposition in Parliament and in the media that she had not delivered on a commitment that she made to sort out WACOT and provide alternative legislation? Was that the cause? Was that the problem? The questions are legion that result from this minister not being capable of delivering a bill that is anywhere near complete. A huge number of questions will be asked just by virtue of that. I have looked at the bill and I acknowledge that there are a lot of pro forma changes, but why are there so many changes of a typographical nature or word changes to reflect a different construct of sentences in certain paragraphs? I know that there are a few significant changes in the legislation, but there are not that many. The

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vast majority of them reflect a lack of attention to detail or an inability on behalf of the minister's staff—I suggest because the minister did not give her staff enough time—to complete the task in an appropriate way or to seek advice and guidance and input from other people to ensure that all the necessary consultation had taken place. The minister should be able to address the questions about the significance of the changes in this version of the legislation. Having said that, and having gone through my reasons for the minister initially making a commitment to introduce the legislation in the spring sitting of last year, I believe it was entirely down to pressure from Howard Sattler on the minister —

Dr E. Constable: Oh, don't be ridiculous!

Mr P. PAPALIA: On the Howard Sattler show, the minister made a commitment that she would introduce this legislation. Does the minister know what else she said?

Dr E. Constable: It started with the review. That's what the review was about.

Mr P. PAPALIA: Yes, but the review was a year before. The minister had the review in June 2010. The concerns of the teachers who were being deregistered started to be aired in the media in May 2011.

I want to note another thing. This again contributes to the suggestion or the appearance of lack of preparation of, or lack of interest in being prepared for, this bill on the minister's behalf. When the minister made the commitment to introduce the bill in the spring sitting, she went back to Howard Sattler to take credit for having introduced it on the last day of Parliament. She went back to Howard Sattler on 1 December 2011, which is the day on which she introduced the bill and second read it into this place. When the minister was interviewed by Howard Sattler, she talked about what she hoped to achieve with the new legislation. However, she also said that it was introduced today—that is, 1 December 2011—and that it would be debated in February. It is not February, and we are not actually debating the bill, because what we are debating right now is the bill minus 32 pages of amendments. So I believe that the commitment that the minister made to Howard Sattler was just to fob him off and get him out of her hair. I can understand the minister feeling under pressure in that regard and wanting to do that, but the consequence is that a message is conveyed to the wider population of Western Australia that the minister does not really care too much about getting things ready when they are supposed to be ready, that she is not very engaged with her portfolio and that maybe her mind is on something else. I think that is the case.

I will move away from that now. I warned the minister's staff about, and apologised to them in advance for, the likelihood that there would be a lot of focus on the fact that this legislation was introduced in one format and that the minister intends to completely change it. That is almost unprecedented. I know that the minister has been in this place a lot longer than I—I have been here for only five years—but I have not seen a minister propose amendments to that extent. I have not seen a minister propose 32 pages of amendments to their own bill. I thought the Minister for Local Government was doing well when he had 11 amendments that we moved, and he accepted, to one of his bills, but it is extraordinary when the minister is making those amendments to her own bill.

I will move on from that and read into *Hansard*, and ask the minister respond to, a number of submissions that were received by my predecessor in this shadow portfolio in response to questions to stakeholder groups that might not otherwise be represented quite so robustly. There is one letter here in response to the member for Victoria Park after he asked this association whether it had some input into this legislation. The West Australian Music Teachers' Association wanted to make a contribution. It has concerns.

Mr B.S. Wyatt: I sent that same letter to all the associations, seeking feedback from them on the legislation. Of course, not all responded.

Mr P. PAPALIA: Yes. I acknowledge the sterling and herculean efforts of my predecessor in seeking contributions from every single possible stakeholder in the teaching profession in Western Australia, or associated bodies. As the member said, he did not receive a response from everyone, but he received a considerable number. The first one I want to address is the WA Music Teachers' Association response. It stated —

Although some of our members are employed by schools, mostly on a part-time basis, most members teach from their private studios.

You might not be aware that private instrumental music teachers are not formally recognized by government in the same way as teachers of other subjects.

Music teachers began their process of lobbying to get recognition in 1910 when they formed their association, and they are still going. So more than 100 years later, in spite of efforts by their association, they are still not

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fully recognised as educational teachers. On their own account, they have created an accreditation system, which is a two-year diploma course, to improve teaching skills and knowledge, and they maintain an ongoing program of professional development through seminars, workshops and conventions in association with the University of Western Australia School of Music. What the music teachers want from this legislation is recognition. I do not believe that has been accommodated, but I think it is important that we, as the opposition, represent their concerns and their interests. In the concluding part of the letter, the association says —

Without private studio music teachers, there wouldn't be a need for Conservatoria and Departments of Music in higher education institutions. We are the grass roots of music education and as such we deserve government recognition.

Music teachers make an extraordinary contribution to schools in everyone's electorate, I am sure, but I am very aware of it in my electorate, and I am aware of the concern that they have whereby they are predominantly part time and do not get the benefits associated with permanency or even full-time employment. So that is raised on their behalf as a result of the member for Victoria Park seeking their input.

The member also received a response from the English Teachers Association of Western Australia. The minister will be happy to note that that association strongly endorses any initiative that supports classroom teachers, and I guess this legislation does. Later I will talk about my concerns with regard to supporting teachers and elevating the profession, but the association is positive in that regard. It also states —

One particular aspect of the Bill which has the potential to affect our delivery of professional development appears on page 16 of the Bill.

That would be page 16 of the old bill —

It reads as follows:

I think the association is referring to clause 7 of the current bill. Confusion reigns, because I am not sure whether we are talking about clause 7 in the current bill, but it is about employing teachers who are registered —

7. Requirement to employ etc. teachers who are registered.

A person must not appoint, employ, engage or give permission to another person to teach in an educational venue unless the other person is a registered teacher.

Penalty:

(a) for a first offence, a fine of \$5 000;

(b) for a second or subsequent offence, a fine of \$10 000.

The association states, and I think this is a really good point —

We are concerned that this might apply under the new Bill to visiting specialists, such as artists, authors or whoever schools engage from time to time. ETAWA —

That is, the English Teachers Association of WA —

also works on various occasions with people in these and other capacities, so there are clear implications for us as providers of professional development for English teachers. We often deliver PD —

That is, professional development —

in schools, and if this section of the Bill is to be taken at face value, it has the potential to cause a problem for our members. We would appreciate clarification regarding this section of the Bill.

That is conveyed to the minister on behalf of the association.

The minister has support from Edith Cowan University, which responded. I think the minister has this letter, so it is not any great news to her. However, I will confirm for *Hansard* that we did represent the university's views. It states —

We suggest that greater clarity is required in the Bill on the restrictions and limitations of each of type of registration (full, provisional, limited and non-practising)—similar to that which has been described for the requirements for registration.

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It is noted that the Bill does not require a university representative or a member of the teaching profession in the composition of the Teacher Registration Board;

It is interesting that the university noted that. We noted that as well. The letter states —

A Board that is reflective of the body of professionals it regulates would be better served with representation from the institutions that provide the initial teacher education and training, and a member of the teaching body practicing at the coalface.

It is interesting that ECU identified that flaw in the original bill. I felt that that was a significant flaw. I understand and concede that a lot of the process was changing words here and there and the structure of paragraphs and sentences, but to overlook any requirement for representation from the profession for which the bill has the greatest responsibility is just incredible. Not only that; to include a lawyer as the only professional who must be represented on the board raises all manner of questions, I would have thought, amongst the teaching profession. It would be interested in that. However, the minister's legislation that was introduced on 1 December last year does not call for any teachers to be part of the board to be appointed by the minister; it calls only for one of the people to be a lawyer. That is good news for lawyers and for the large number of lawyers in the Labor Party—maybe one day they will get a board appointment—but it is not good news for teachers.

Mr J.R. Quigley: There are too many of those in the Labor Party!

Mr P. PAPALIA: Two lawyers just walked into the chamber. We have two potential board members of the Teacher Registration Board in the chamber at the moment. Unfortunately, many professionally qualified former teachers in the chamber would not get a look in under the legislation; they would have to rely solely on the goodwill of the minister. The minister would not be compelled in any way to include a teacher on the Teacher Registration Board.

Dr E. Constable: But you'd be pretty stupid not to have teachers on it, so you always would.

Mr P. PAPALIA: So why does the minister have an amendment to include teachers as a necessity on the board?

Dr E. Constable: To make it absolutely clear that there will be teachers on it.

Mr P. PAPALIA: If it was pretty stupid and a silly point to make, why does the minister have an amendment to her own bill?

Dr E. Constable: Because I want to make sure that you understand there will be teachers on it.

Mr P. PAPALIA: I will go now to our amendment, because I think the minister's amendment to include three teachers is inadequate.

Dr E. Constable: Of course you do.

Mr P. PAPALIA: I am not being silly about this, minister; I am being serious. I think we drew to the minister's attention quite a valid point, and the Vice-Chancellor of Edith Cowan University fully agreed with us. It does not make any sense for the body of professionals whom the Teacher Registration Board will regulate to not have some representation on the board. It is bizarre that it was not included in the bill in the first place. But, that aside, the minister's amendment provides that one member is to be a lawyer and three members are to be registered teachers. That can be compared with our amendment. We looked elsewhere in the nation for our proposal and took the wording from the Victorian legislation because that wording is more reflective of the body of professionals who will be regulated by this bill. Our amendment provides —

- (5) Of the persons appointed under subsection (4) —
 - (a) one is to be a registered teacher who teaches or works at a government school; and
 - (b) one is to be —
 - (i) a registered teacher who teaches or works at a school that is part of a school system the governing body of which is the Catholic Education Commission of Western Australia; or
 - (ii) a registered teacher who teaches or works at a school other than a school referred to in paragraph (a) or (b)(i).

I understand that the minister will amend her legislation. She has acknowledged that it was an oversight on her behalf and that it is an improvement to add some specification of the need for teacher representation on the board. I do not know what the motivation was for the minister's amendment; perhaps it is just to be different

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from ours. The minister's amendment provides that three members are to be registered teachers. I assume that the minister is expecting that she will appoint one from the state school system, one from the independent school system and one from the Catholic school system.

Dr E. Constable: I am not expecting that at all. There will be three teachers.

Mr P. PAPALIA: If not, will the minister indicate in the legislation whom she intends to be appointed?

Dr E. Constable: Why? Three registered teachers should be enough.

Mr P. PAPALIA: The minister is simply saying that they should be registered. Does she not want them to be currently teaching or working?

Dr E. Constable: My amendment says "registered teachers".

Mr P. PAPALIA: But, as the minister knows, a registered teacher may not be doing either of those things.

Dr E. Constable: When we get to consideration in detail, we can discuss it.

Mr P. PAPALIA: We will. I think the minister is being obstinate just for the sake of it, but I will not continue with that. We will move our amendment, because I think it is better than the minister's amendment.

Dr E. Constable: Of course you do.

Mr P. PAPALIA: We are trying to improve the legislation. The minister has acknowledged that it will be improved because there was no mention of teachers being required to be on the board until we brought it to her attention. I think she should at least consider it, unless she has some motivation for not doing it. Perhaps in her response to the second reading debate she can tell me her motivation for that.

Curtin University responded to the member for Victoria Park. I am not sure whether the minister received a submission from Curtin University.

Dr E. Constable: No, we did not.

Mr P. PAPALIA: I can provide this document to the minister's advisers. Curtin University was at pains to say that its viewpoint was a non-political view derived from feedback from educational experts within the Curtin community. Its submission states —

... The major changes ... appear mainly to be changes related to structure and process. Curtin University supports the new Bill in these areas as it would appear a rather large and complex Board ... is being replaced by a smaller Board —

I do not think anyone would dispute that —

whose brief has been focussed on to the main rationale of Teacher Registration boards—the determination of Professional Standards, individual Teacher Registration, Disciplinary matters concerning registered teachers and the accrediting of Initial Teacher Education Programs.

The University is particularly pleased to note that Early Childhood teachers working in child care will also be accommodated for the first time in the new Bill.

As is the opposition. That is a good thing, minister; it is good to see. It continues —

Importantly, Educators who have been working in educational venues other than schools, will be required to be registered in accordance with the new provisions.

That provides me with an opportunity to reflect upon one of the changes that the minister will make; it is a more significant change than just the wording. The change is to include detention centres as an educational venue. It is not in the bill, but it will be added. I understand that after the minister gave the second reading speech for the bill, she sought advice from other agencies and stakeholders and it became clear that the schools and teachers at detention centres—there are two currently, but there will be only one shortly; I am not sure whether there will be a single education centre at Banksia Hill Detention Centre with a combined remand and sentenced job or whether there will be two separate ones—wanted to be part of it, which is commendable. It is excellent that they have been included. But I found that to be another indicator that the bill was rushed. The bill that we are debating—we are not debating the subsequent changes—was not fully across all the potential pitfalls or points of interest to stakeholders. This is a very important issue. I believe the greatest challenge confronting the education system across the country, particularly in Western Australia, is the growing gap between the most disadvantaged schools and those that are achieving at the highest level and the consequence of people falling through the gaps in our education system. Education inside detention centres is vital, as is providing continuity and keeping track of all those people and their subsequent return to school. I know that that does not happen. I know that there is a

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breakdown. When those juvenile offenders go into a detention centre, they receive possibly the best education they have ever had in their entire lives for the duration of their sentence or for their period in remand. Thereafter, they return to the place they came from, and invariably to the behaviour that got them into the detention centre in the first place, without the supporting mechanisms associated with detention, without the strong mentoring, particularly male mentoring, that is available within a detention centre, and without the very intense education support that they get inside a detention centre. They very quickly revert to disruptive or completely disengaged behaviour. The opposition has been at the minister for some time now about this significant lack of focus on those disengaged people. The minister cannot shrug her shoulders and dismiss it.

Dr E. Constable: It's got nothing to do with this bill, of course.

Mr P. PAPALIA: The minister cannot dismiss it. In 2009–10, the minister chose to slash, as part of her cuts to the education budget, the participation directorate by 50 per cent. The consequence was real. In the same year, the number of students whose whereabouts were unknown to the system exploded by 80 per cent.

Dr E. Constable: They are not related and you know it.

Mr P. PAPALIA: Everyone in Australia relates the two, with the exception of the minister.

Dr E. Constable: You have this wonderful knack of taking two things that are unrelated and bringing them together.

Mr P. PAPALIA: The minister and some of her coterie who surround her and provide her with advice—I am not talking about the wonderful advisers who are in the Speaker's gallery of course—and perhaps some of the people in the department who are suggesting to her that they are completely unrelated, are the only people who believe that. No-one else believes that.

Dr E. Constable: You don't understand the definition of "whereabouts unknown" and you deliberately won't understand it.

Sitting suspended from 6.00 to 7.00 pm

Mr P. PAPALIA: Moving on from where we concluded before the suspension, I will shift my focus to the significant change that the Teacher Registration Bill makes to the Western Australian College of Teaching Act 2004. The Minister for Education acknowledged in the second reading debate that that change was intentional. As a consequence of the perceived lack of provision of services by WACOT, the intention of the Teacher Registration Bill 2011 is to shift away from one of the key objectives of the WACOT act, which was to elevate the status of the profession of teachers. In 2007, the now minister acknowledged in a speech she gave about WACOT that elevating the role of the teaching profession was one of the key roles of WACOT. The Western Australian College of Teaching Amendment Bill also dealt with registration and disciplinary matters and focused on providing better outcomes for the safety of children. The primary role when creating WACOT was to elevate the status of the teaching profession. That was the objective mentioned by the State School Teachers' Union of WA when it saw the member for Churchlands, which the member referred to in 2007 in her speech on the Western Australian College of Teaching Amendment Bill. The union representatives approached the member about an intended outcome of the amending bill being the elevation of the status of the teaching profession. They wanted registration to be one of the ways to achieve the elevation of the status of the teaching profession and told the member that just about every other profession but the teaching profession was registered. The union representatives considered that being registered with an authority that would set the standard of eligibility for operating in that profession in Western Australia would be one way of elevating the profession, but it was not the only way.

We must consider what is happening in the context of the wider debate and activities in education in Western Australia. This bill effectively removes from the role of this new board the intention to elevate the status of the teaching profession. The minister's second reading speech acknowledges that WACOT was not successful in achieving that outcome anyway. The minister also said in her second reading speech that the review that was the basis for the new teacher registration board found that the WACOT act's functions did not concentrate the WACOT board's attention on the primary reason for teacher registration, which was the protection of the public interest, especially the interests of schoolchildren. That is interesting because that was not the primary reason referred to in the member for Churchlands's speech on the amending bill way back when WACOT was on the drawing board. It was an outcome, and it was one of the three objectives, but it was not the primary objective. It was not the key point that the member referred to when relating her discussions with the teachers' union. The key point the member related to this place, which is recorded in *Hansard* and which I quoted earlier, was that the WACOT amendment bill 2007 would elevate the status of the teaching profession to a higher level of respect in

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the community. That notion has been abandoned because, as the minister says in her second reading speech on the Teacher Registration Bill —

Instead, the act is more about enhancing the status of the profession, which, although important, is not the primary reason for a registration body.

I am not certain that that is correct. From what I have read of the minister's contribution and the WACOT act, the enhancement of the status of the profession is identified as a pretty significant role. I acknowledge that it is not the only role, but it is a pretty significant role, and now it has been removed.

Dr E. Constable: Can I interrupt? It says in clause 5 of the bill that the best interests of the children are paramount. It has not been removed.

Mr P. PAPALIA: Is the minister talking about the current bill?

Dr E. Constable: Clause 5 of the Teacher Registration Bill 2011.

Mr P. PAPALIA: That is what I am saying to the minister. The elevation of the status of the teaching profession is a priority and objective of the new organisation. That is my point.

Dr E. Constable: Registration does that.

Mr P. PAPALIA: I dispute that. I do not think that the process of merely registering does that. The intent of this part of my contribution is to convey to the minister that I do not believe that registration alone achieves that outcome. If registration alone achieved that outcome, we would not be talking about WACOT having failed to elevate the status of the teaching profession. Eventually, we would have said, "Okay, it was a little dramatic and there were teething problems and troubles, but ultimately the teachers got registered." If that were the only thing the minister had to do to elevate the status of teachers, we would have teachers lauding WACOT for having achieved that outcome, but registration did not do it and the teachers do not believe that that outcome was achieved. A significant proportion of teachers and the professional teaching community feel that they are not as valued as they should be and that their profession is not respected in the way it should be. I think the minister has made a contribution to that perception.

I would not want to interrupt the minister's discussions with the Minister for Police about whatever he has to talk about, but I would like the minister to actually listen to what I am saying about what she has done to the perception of teachers and their belief that they are not respected and that their profession is not accorded the respect that they desire. It is my personal view that they deserve that respect. The minister of the Crown who is responsible for the education of Western Australia's children has a significant role to play in elevating the status of teachers, and I do not think the minister does that. In complete contrast to what we would expect a minister to do, I believe that this minister has pursued a path of expecting that we will get a better outcome if education systems are compelled to accumulate huge reams of data and then that data is used as a mechanism by which the system is assessed and people in responsible positions are either commended or punished. The minister alone has not followed that path; it has been pursued by other governments at other levels, and it could even be said to some extent that it was also pursued by us when we were in office. That approach has been described to me by educators as the commodification of education. They believe that what the minister is saying to them is that the teaching profession is just like producing widgets; that is, we have a whole lot of widget factories and if we empower an individual widget factory principal to do what needs to be done to produce more widgets at a greater and faster rate than the other factories, that factory will be rewarded and it will get better and better, and the ones that do not perform can be sacked. The problem with that method is that we are producing children, not widgets, and we are dealing with people's lives.

When we pursue a path of taking a punitive approach to education and suggest that what is termed "starting gate disadvantage" has no part to play, we are compelling a certain percentage of our population to increasingly worse outcomes. This will not be fixed by things like offering bonuses to principals in hard-to-staff schools. I refer to the minister's announcement the other day. The minister would say to me that she is dealing with disadvantage by offering contracts to principals to go to disadvantaged schools, and that she will offer those positions to anyone in Australia to get the best people. They are the minister's words. She said she will get the best people in the country to tender for those contracts, and when they come to get the contracts, she will give them some performance targets. If they achieve those performance targets, they will get not only a bonus for coming to do that job above and beyond their pay —

Dr E. Constable: No, they don't get the bonus; the school gets the bonus.

Extract from Hansard

[ASSEMBLY — Tuesday, 27 March 2012]

p1331c-1388a

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

Mr P. PAPALIA: They will get additional pay for going to the school and then they will get a bonus for their school. What is the other side of that equation? I reckon we could stick General Petraeus in charge of some of these communities and it would not make a skerrick of difference to the outcomes.

Dr E. Constable: You do understand that this is part of a national partnership agreed to by Julia Gillard?

Mr P. PAPALIA: I know; the minister took great credit for the national partnership scheme funding. I am not commending or supporting the federal approach to this problem either. What I am saying to the minister is that she is the responsible minister. She suggested that her approach, under the national partnership scheme, which she did not mention, was going to result in a better outcome. What about all the schools where the challenges of the communities are so devastating that it does not matter what the principals do? No matter how good the principals are, they will not achieve the performance targets. What the minister is saying is that they will not get extra money, extra training for their teachers, extra resources or extra support. The minister listed a whole range of support mechanisms that every single disadvantaged school in the state should get. She was wrong.

Dr E. Constable: You do understand that there is a lot of extra funding that goes into the disadvantaged schools you are talking about?

Mr P. PAPALIA: Correct; and on top of that the minister is offering additional resources that will go only to the schools that achieve performance targets. My observation for the minister is that in the meantime, whilst these things are being measured and these schools are failing, the minister will have failed in her role to really target disadvantage. It is a systemic problem. The minister cannot outsource responsibility for targeting the disadvantage to the principals. It is a systemic problem. The minister needs to bring a whole-of-government response to what is the real cause of those disadvantaged schools having the outcomes that they currently have. It is because of their socioeconomic index. It is because of the communities within which they are situated. They need a whole-of-government response. It cannot be achieved by going and stealing a Labor Party policy for early childhood development and saying, "There you go; I'm going to create 10 new centres." Four of those centres already exist and the minister has had nothing to do with them. She cannot do that. She cannot say that between now and the next election the only thing she is going to do in the field of early childhood intervention is to appoint community liaison officers. If we are short 150 early childhood nurses in the outside system, what will we achieve by creating the centres in the schools? I thought it was 150 the last time the member for Alfred Cove spoke. The member for Alfred Cove, who is out of her seat, is signalling to me and I cannot read her sign language. I am sure she is telling me that we need more early childhood nurses; she is always telling me that. I acknowledge that point.

The minister did not start this, but I certainly believe that we are contributing to it with the way in which our system has evolved. Politicians demand a lot of statistics that they can then put on websites and publish and say to the world, "Look at me; I've just done this. I am wonderful. I have given parents more information." That is okay; we do need to measure and achieve outcomes, because we have to acknowledge and determine whether we are improving. However, the manner in which we have gone about it is based on a debunked philosophy, which all of the systems that are outperforming us in the Organisation for Economic Cooperation and Development have abandoned and moved on from. They are now focussing on building capacity for learning in the classroom. It is not about a punitive approach, which suggests that schools are like factories and that teachers and principals are like some sort of factory foremen or entrepreneurs who can be enticed by either rewarding or punishing them.

The greatest strength of the Western Australian education system is its scale. We have an incredible number of highly qualified, very capable educators in the Western Australian system. I cannot see what is achieved, or why the minister thinks it is good for the system, by the minister going out to the media and telling people that the government, in partnership with the federal government, believes that none of the principals who are working in disadvantaged schools and all the ones who may be considering doing that currently fulfil the necessary skill levels or make a positive contribution to afford them eligibility for this extra bonus that the minister is talking about. The minister has said that it will only be done in schools in which that position is vacant. Effectively, there are only two schools in that category at the moment and not 10 or 30. Two schools right now are eligible. The minister is going to put those positions out to tender right across the country. She says that like it is a wonderful thing! I actually think it is a bad message. I do not think we need to go right across the country. Sure, I would like to entice people to Western Australia and if they are teachers, great, I welcome them, but I do not think we need to say to the teachers of Western Australia that they are not good enough, and I do not think we need to say to the principals, and particularly those running disadvantaged schools and who have made a sacrifice and are continuing to make a sacrifice to be in those locations to try to get better outcomes, that they do not deserve the extra bonus that the minister will provide only to people under a future contract. I question that. If the federal government is imposing those restrictions, the minister should fight it. Hon Colin Barnett fights

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everything else the federal government imposes on him. In fact, he looks for things on which to fight the federal government. If the federal government is doing something in education that suggests that our teachers and principals are not as skilled, capable and worthy of recognition as they are, then the minister should fight it.

Ultimately, I think the world has moved on. Our state and the federal systems are lagging behind. We have embraced the “no child left behind” policy of the United States of the 1990s. People have identified that it does not work. I am not an educator; I am not a teacher or a professional in this field, but it is not hard to research current thinking on the matter. I am going to read into *Hansard* in the last couple of minutes available to me an extract from Ben Levin’s book *How to Change 5 000 Schools: A Practical and Positive Approach for Leading Change at Every Level*, published by Harvard Education Press in 2008. He wrote in relation to this matter —

In the 1980s and much of the 1990s education reform was driven in many places by the idea that improvement could be created through changes in governance, or through increased testing and accountability, or by threats and punishments for failure.

That is what we are doing. That is what the minister announced on Sunday. That is exactly what she did. Mr Levin goes on to state —

As discussed more fully in the chapter on barriers, over the last twenty years we have learned, often the hard way, that these approaches do not bring the desired results. Increasingly, governments and educational leaders are recognizing that the central element in any real improvement must be, as Michael Fullan puts it ... “capacity building with a focus on results [for students].”

The Grattan Institute report on the four Asian high performers that all outperformed us in the OECD said exactly the same thing. John Hattie says the same thing. In the end it is about the teachers in the classrooms. We need to support them. We need to build capacity in the classrooms. We need to build the capacity of schools to build capacity. It has got to be about more than just language. It cannot be doing the same thing that we have been doing and then wrapping it up in the language of building capacity. That does not work. We need a cultural shift so that the people in education understand that the leadership in education in Western Australia at the highest level believes in them and believes that they are the ones who can achieve better outcomes, providing we focus on building capacity for learning in the classrooms and we do not set people up to compete against each other. It has been suggested to me that it has become dog eat dog in recent years, unnecessarily. Our greatest strength is our size and our capacity for collaboration and cooperation using the skills that reside within that massive system that is the WA education system and all those people who, over decades, have built up experience and knowledge. We need to cooperate and bring it to bear where it is most needed and bring the whole of government to bear on disadvantage and tackle the real problems at their source.

That is what we need to do. It is not the minister alone who is not doing it; it is the whole system across the country, unfortunately. It is time for us to reconsider. This Teacher Registration Bill 2011 abandons any pretence of trying to elevate the status of the teaching profession, and I think that is a sad, sad thing.

MS A.R. MITCHELL (Kingsley) [7.20 pm]: I rise to speak to the Teacher Registration Bill 2011 and I commend the minister on repealing and replacing the Western Australian College of Teaching Act 2004 with this bill. I would not be the only member who sees people come into their office—not regularly, but they certainly come in and make contact with us—who make some very negative comments about WACOT and the registration processes they have had to go through in recent years. I have to say that it is quite disappointing that a body that was set up to improve a service has not worked very well at all. It has become quite ineffective, quite inefficient and, in fact, quite dysfunctional. As I said, that has been very disappointing because the original objective was good. It was certainly no surprise to me when we looked at the review of WACOT that came out in September 2010 that there were some key themes running through the report, such as the high level of dissatisfaction among teachers. I think most of us have met teachers who have commented that they do not understand WACOT or what it is doing and why it is doing things in a certain way.

Generally across the board WACOT has not found a place in the life of teachers. There is no favour with it; teachers just do not know what it is doing. Teachers have also said that they do not believe they are getting value for money. They believe that the value they understand they should have been getting for their money, they certainly were not getting. I particularly refer to professional development in that area. In 10 of its functions, teachers gave WACOT’s performance low ratings. I am sure they did not all get together and say they would give that rating; it was individual teachers across the board making comments.

As I mentioned previously, WACOT did absolutely nothing for professional development and that was one of the things it stated it would do. I guess the WACOT board’s attention was not concentrated on what it was supposed to do. The review also found some shortcomings in the governance model of WACOT, which I think is

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very, very concerning because the Parliament set up an organisation in which there are now severe governance issues. I do not know how any board of 19 persons can effectively operate. I have been on a few boards in my life and I would run from any board that consisted of 19 people because it would make the board totally ineffective and dysfunctional.

Dr A.D. Buti: Much like the Queensland Labor caucus!

Ms A.R. MITCHELL: No comment, member for Armadale.

WACOT has shown no commitment to appointing people with expertise, knowledge or experience to its board. It can appoint who it likes. The issue that was very concerning was the financial position of WACOT. Its finances were in a very, very poor state; it was incurring operating losses and drawing on cash reserves. It is not the way I believe any board should operate. A board that finds itself in that sort of position should very quickly be checking to see what it is doing.

The one good thing I have learnt over this time—obviously I still have some friends who are teachers—is that they understand the need for teachers to be registered. There is no problem with that. They recognise that it is a good thing, that it needs to be done regularly and that it should be upgraded when appropriate. If something has improved in their teaching role or they have done something extra, that needs to be recorded. One of the strong grievances teachers bring to me is their lack of understanding of why, every five years, they have to reapply for full registration, rather than adding achievements to their current registration. Every five years they have to go right back to the beginning of their teaching career and submit all the documentation plus any new information. I am a fairly organised person and at one stage in 2008, before the election campaign, I considered that I might do a bit of relief teaching. I did not have a WACOT number so I did some investigating to see what I should do. I have to say that the process was frightening. I do not believe that my teaching ability had been lost. In fact, it had probably improved because I had done a lot more work in people management and those sorts of things. The system during my first year of teaching in 1976 was very much controlled by the department. We did not get a lot of documentation. I remember getting a call from my superintendent to tell me where my first school would be. To register with WACOT in 2008 I had to find documentation that, in many cases, was not available. If I had rung the Department of Education at that stage and said, “Hi, my name’s Andrea Mitchell. Is there any chance you could send me some information about when I commenced teaching in 1977?” I have a funny feeling the people there would ask, “Who are you?” I was fortunate that I am in contact with some people who could vouch for the fact that I had taught in a couple of schools and that I had done this and done that. But I still did not complete all the documentation. That was my one personal experience with it.

Mr R.H. Cook: You were busy campaigning; you had more important things to do.

Ms A.R. MITCHELL: I did. Fortunately, the member’s party called the election sooner, which meant that I was safe financially. It was an experience that caused me to say, “My goodness me; I don’t know how people do it.” I think I am organised and I have a pretty good filing system, but when I started teaching, in many cases, there was not the kind of documentation WACOT requires. I have heard how people have put together the documentation and every five years have needed to come up with another pile of paper. And guess what? Invariably, some papers get lost in the system, and that is where the problem seems to be for the many teachers who go through the re-registration process. I can imagine what it might look like in this WACOT organisation when many teachers are re-registering, not just reapplying, and sending in bundles of documentation. I cannot imagine any organisation being so efficient that it can lock up that much documentation and keep it all neat and together. Given that registration and re-registration process, we certainly need to upgrade the system and keep in touch with people and have a process. I hope that the next step will not involve such a quantity of paperwork and duplication. There were working with children checks, police clearances and new legislation. Requirements were overlapping and there was a lot of confusion. People were asking: “Why do I have to do this again or that again?” As I said, I think if people understand the process, they are inclined to accept it more. I am not sure that was always clear or why police clearances and working with children checks and that sort of thing had to be done as well.

It is interesting that even on Monday this week someone came into my office wanting to speak to me about the problems they were having with WACOT and asking how they could go through the process in a more efficient way. I suspect this person will not be able to wait until the new bill is passed, but I certainly hope we will be able to provide some assistance to people like that in the future. I want to see teachers spending more time doing the job they are supposed to be doing, not filling in paperwork and trying to find out the latest information, and, on many occasions, getting inaccurate information.

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As I said, teachers understand that they should be registered and the need to have quality control over teaching, but they do not want to spend their time doing things that have been done probably on many occasions. I support this new Teacher Registration Bill because I believe the functions of this bill are limited to registration and discipline. If that focus can be maintained in a nice, streamlined way with the registration, I believe that the new Teacher Registration Board will be more effective in its work.

I am also pleased to hear that the Department of Education Services is hosting the Teacher Registration Board. That will make a huge difference. Financial records are absolutely essential and must be done properly. I do not think the Teacher Registration Board will not have to worry about it, but it certainly will not have to worry about it as much. There will be systems in place. Economies of scale will come into its operations by being involved with the Department of Education Services, which will make it easier for the board. That is the sort of thing that will help the people on the Teacher Registration Board focus on important things.

Thirdly—this is one of the most important things—the functions of the Teacher Registration Board will be able to focus on the determination of professional standards for teaching so that people understand what they are. The board will not only be involved in the registration of teachers, but also deal with complaints. Unfortunately, that includes discipline and other sorts of things. As so many new teacher education programs are coming on board, it is important we have an organisation that can spend some time focusing on those to ensure it will happen. As I mentioned previously, it is essential that this board does not have more than seven members—nine would be the absolute most. I am also keen it has the expertise, experience and knowledge of four people to make the right decisions. Its members should also be visionary. I have to say that as well—I believe in people looking at what is next, what is coming up and how it can be done better. It is important that the Minister for Education has some association with these people, who will be appointed by the minister. There should be some linkage. This is no disrespect to previous members of the Western Australian College of Teaching, but the separation became too much and actually worked against it.

I applaud the Teacher Registration Bill 2011. I am sure it will be well received by the teaching profession at large, who are keenly seeking its implementation.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [7.32 pm]: Thank you for the opportunity to speak on the Teacher Registration Bill 2011, which is of great interest and importance to many members as we watch education practices in schools in our electorates. In the Kwinana area, where there is a high educational need, the way we go about teaching, the way we go about managing our teachers and the way we go about enhancing our education system is of vital importance if we are to give kids equality of opportunity in life and the capacity to live their lives to the full. As the member for Warnbro, the shadow Minister for Education, discussed, teachers are a crucial aspect of that. It is not until we have appropriate support for teachers that we can be confident our kids are getting the best possible opportunities in life, and that the minister can be confident that when she charges those teachers with the responsibility to carry out the curriculum, that they are doing so to the highest possible level. I am not hugely familiar with this area. I am aware, like all members, that the position of the Western Australian College of Teaching was becoming almost terminal. It was not living up to the expectations that both the teaching fraternity and indeed the broader community had for it. I believe that the aspirations of WACOT to work to elevate the status of teachers in our community is a very important goal or objective. It is a great pity that that particular mandate or charge for WACOT was never able to receive its full attention. The status of teachers is incredibly important. We want to attract the best and brightest people to the teaching profession so they can hand on their life experiences, learning and teachings to give our kids the best possible start in life.

I understand this legislation is supported. It is obviously important to take note that this is a very different approach to the one WACOT sought to undertake. I share the shadow minister's concerns that we have a piece of legislation before us that the minister will seek to amend on 32 occasions. I can only suppose that might be for a number of reasons. I notice the minister makes the observation that the decision to introduce the bill was not taken lightly. Indeed, it looks as though the bill, at first blush, is a tad undercooked. If it was not, why does it need such a wide overhaul? One reason may be that we need to make sure the bill itself is in some way aligned to national standards in relation to this area. It is a legitimate concern to members that the minister proposes to make 32 pro forma amendments. It gives the impression that this legislation is particularly undercooked and that it has been rushed to this place to meet a political agenda and political deadline, whereas we know, as members of Parliament, that it is absolutely crucial we get this right. For better or worse, we will consider the new legislation before us over the next couple of sessions.

This legislation is very different in intent from the WACOT legislation. It comes from a situation whereby we have an organisation that advocated for teachers and sought to elevate the role of teachers to one that is moving

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towards a regulatory regime that will be imposed upon the teaching profession rather than the different approach expected from a college; that is, to use peer review and peer support to elevate the profession and maintain standards within it. This is a very different approach. It is one therefore that raises a number of questions. We are keen to hear from the minister in her right of reply: if it no longer does these things, what will it do?

The bill clearly states that the Teacher Registration Board, in performing its functions, must have regard to the best interests of children as its paramount consideration. This is obviously a very important insertion into the legislation and an important change in the role of this regulatory regime. It is right and appropriate that children's education is the absolute paramount concern for this organisation. It is right that when parents leave their kids in the responsibility of the state for their education that there is a regime regulating the roles, functions and standards of teachers, and holds that responsibility uppermost in terms of its charter. I support that particular part of the legislation. If the TRB is advocating for kids rather than teachers—that is good—who or what is advocating for teachers? Remember this is the registration of teachers across all fields in education—early childhood, state schools, private schools and religious schools. The advocacy for those teachers in an industrial context is understood, but how do we go about advocating for teachers as a profession when, taken out of the charter of the new authority is the role of advocating for teachers? That is okay in the sense that this is not a college of teachers, this is a regulatory body inside the government overseeing the performance and registration of teachers. It is therefore okay that it will have this role and that it will no longer have an advocacy role, but the question still remains: who will advocate for teachers? The Teacher Registration Board's functions will be limited to the determination of professional standards, the registration of teachers, dealing with complaints, discipline and impairment matters, and accrediting initial teacher education programs. It will therefore be a highly regulatory regime. I am sure the minister is of the view that the intention of the legislation is to make sure we have absolute confidence in the profession and in the way teachers conduct themselves. These things are therefore good things.

I also observe that in taking the registration of teachers out of that peer support and professional organisation approach—that is, moving to the regulatory approach of the department overseeing teachers—we will have a newly appointed board, the members of which will be appointed solely by the minister. There will be no elected representative from the teaching profession or from the education teaching profession on the board; it will be entirely up to the discretion of the minister. The legislation refers to people sitting on that board who the minister regards as having the appropriate qualifications. We therefore understand that there will be a mix of people from the teaching profession and people with other experience in these professional regulatory regimes. But it should be noted that there will be no elected representative. This is the point at which we totally abandon the idea that teachers have any role or capacity to regulate themselves.

Professional oversight and peer review in the college approach have been totally abandoned in this legislation. I am not necessarily saying that is a bad thing. It is a good thing that we have absolute confidence in relation to that, but let us understand that we are no longer taking that approach. It is my view that that is a real impediment to raising the status of teachers, because we have essentially gone from a position whereby we said, "Here is, albeit by legislation, a professional body over which you have control and which will ultimately be the decider of your standards and the way you undertake your profession. You are no longer capable of running that organisation. You no longer have any say about the way that organisation gets run. Instead you'll be policed." So what we are doing is not at all elevating the status of teachers, but actually reducing the status of teachers, because they will go from having a professional college approach to one now of being completely regulated by government. Again, we understand why this type of regulation is important and we understand the problems that the Western Australian College of Teaching suffered. But let us be clear on what we are doing here. We are not elevating the profession of teachers; we are actually putting an external regulatory oversight on their work. We are saying, "You are not capable of regulating yourself. We are now going to police your profession."

Dr E. Constable: Like doctors and nurses.

Mr R.H. COOK: That is true, minister, to a certain extent, except of course that the minister and the member for Alfred Cove, who is at present sitting next to the minister, would understand the intense role that those professions play in both the accreditation of education programs and also the accreditation and recognition of their profession.

Dr E. Constable: But that is what this does as well.

Mr R.H. COOK: It does to an extent.

Dr E. Constable: It does it as well.

Mr R.H. COOK: But it is totally imposed and it is no longer a college approach; it is a regulatory approach.

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Dr E. Constable: But their colleges are not legislated for either.

Mr R.H. COOK: That is right.

Dr E. Constable: So why legislate, for God's sake?

Mr R.H. COOK: When the minister was discussing with her advisers a short while ago, I actually made the observation that it was unusual that the minister had to legislate to create the college in the first place.

Dr E. Constable: It is the only one, and it didn't work.

Mr R.H. COOK: As the minister knows, I have acknowledged in my speech a number of times that it did not work; the situation has become terminal. However, this legislation is a very different approach and I think it is important that we take note that it is a different approach.

Dr E. Constable: But not different from doctors, nurses, occupational therapists and specialists.

Mr R.H. COOK: As I said, the role of the TRB's functions will be limited to the determination of professional standards, the registration of teachers, dealing with complaints, discipline and impairment matters, and accrediting initial teacher education programs.

One of the roles of WACOT is to raise the status of teachers; it did not do that. I think all members are of the view that it actually failed in that role. Perhaps it was busy and involved in other things, but it did not achieve that. However, we will now have a board that will advocate as its primary responsibility in the interests of children and kids in schools. We will have a board of members whose only functions will be the registration of teachers, the hearing of complaints and discipline matters, and the accreditation of education programs. Therefore, at the end of the day, who will be the champion for teachers? Who in our community will have the charter to raise the profession of teachers, to raise the status of teachers and to increase the awareness of people in the community of the importance of the roles and skills that they bring to the process? Who will now take on this role? While this legislation was never intended to play that role, clearly there is an answer out there for us and for people in the community who have a concern about these matters and about who will play that role. Now that we understand that WACOT did not and no longer can play that role, who out there will be charged with that role of championing the status of teachers?

In the second reading speech the minister stated —

... WACOT's assets and liabilities will be wound up and the net proceeds placed in an agency special-purpose account called the teacher registration board account.

It is unclear to me from that description how the finances of WACOT, which are essentially driven by teachers' registration fees, will now be treated. Do the assets and liabilities represent a net liability into which teachers' fees will feed; or is there a net asset there that will enhance the role of the Teacher Registration Board? I am not familiar with the finances of WACOT. I never sought to familiarise myself with the finances of WACOT, but if there is a substantial wad of money, part of which has been contributed to by teachers, it might provide an opportunity for a fund of money to raise the standard of teachers. However, if it is also the case that WACOT has a net liability, will teachers' fees now be put towards retiring that debt? If ultimately we are losing WACOT and any sort of role teachers have in electing members to the board, it being their college, is it appropriate that they wear the net liabilities; or should the government not wear those liabilities, given that it is now wading in and saying, "We are now taking over this area"?

As the member for Kingsley observed, the ongoing registration and update of people's registration for their profession is a point of great annoyance, and in some cases stress, for people in different professions. Through my experience of watching the emergence of the Australian Health Practitioner Regulation Agency, listening to some of the anecdotes around nurses and doctors trying to get themselves registered or re-registered, and studying a collection of data and information involved in that body, it is more than a hassle—it can be quite stressful—but it is an important part of the accountability process. It is an important part of the accountability process because, as I observed in the second reading speech, part of the construction of the teacher registration board is that it will assist in the establishment and implementation of a national scheme for the accreditation of teacher education programs. I greatly endorse that shift to make sure that we have some uniformity and a national approach to the registration of teachers. Increasingly, we have to take a national response to these sorts of issues around education, health and so forth. It is important, therefore, that at a state level we implement legislation that is able to dovetail into national programs, which from time to time we may or may not agree to.

I look forward to hearing further contributions from members on both sides of the house. As I said, it is extraordinary that the minister claims the legislation has been brought under careful consideration when it is

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being almost rewritten through the amendments being put forward by the minister in a pro forma fashion. It would be appropriate for the minister to provide us with some clarity on that. How will we see the status of teachers elevated in the future if we no longer have an organisation that is capable or charged with that responsibility? How will teachers be advocated for in the context of the interaction with the Department of Education in not only an industrial context but also a professional development context? How will the assets and net liabilities of WACOT be treated? Will that represent a liability that teachers will have to bear?

I thank members for their patience as I stumbled through this speech and I look forward to the responses from the minister.

DR J.M. WOOLLARD (Alfred Cove) [7.53 pm]: I apologise to the member for Warnbro because I missed his first comments in this debate on the Teacher Registration Bill 2011. I heard the latter part of what he said, but I missed why he opposes teacher registration.

Mr P. Papalia: I don't.

Dr J.M. WOOLLARD: Does he not? That was the impression I got from what he said in the latter part of his speech.

I have looked at some parts of this bill and at the second reading speech. The Teacher Registration Bill 2011 is a bill for —

An Act to —

- **provide for the establishment of the Teacher Registration Board of Western Australia;**

As members know, in this house I argued against the Nurses Board of Western Australia coming under the federal banner. To start with, I congratulate the minister on keeping teacher registration under the control of this government, because that means that this government will control the standards in Western Australia; we will not hand over those powers to elsewhere. The proposed act will also —

- **facilitate the establishment and administration of an inter-jurisdictional accreditation scheme for teacher education programmes;**

Any registration scheme involves accreditation and ongoing education; this bill will facilitate that.

I am also very pleased to see clause 5, which states —

Best interests of children paramount

A person or body with functions under this Act must, in the performance of those functions, regard the best interests of children as the paramount consideration.

It is interesting that this bill should be on the table today, because I just received in my email inbox a newsletter from the Nursing and Midwifery Board of Australia, which states that the Nursing and Midwifery Board of Australia met for the first time in September 2009. Since that first meeting, the eight practitioner members and four community members have met regularly. The article reads —

Public safety is at the heart of the National Registration and Accreditation Scheme (the National Scheme).

That is why I am very pleased to see that this bill provides that the best interests of children are the paramount consideration.

I have looked at what the minister said in her second reading speech. She said that the bill will replace the Western Australian College of Teaching Act following the review and the report that was tabled in Parliament 18 months ago. That review took place because people were unhappy with what they received under WACOT. The minister said —

... the review found that if teachers' expectations were to be met, fees would have to rise to levels that would be generally unacceptable. In light of this, the functions of this bill are limited primarily to registration and discipline, which have been reformulated in terms of a "fit and proper" test and so that applicants and registrants have recourse to the State Administrative Tribunal ...

That is really important because teachers who have had disagreements at school have come into my office. I am sure that the same has happened to most members. The State Administrative Tribunal is very effective, but one of the problems with it is funding. I know that there are long six-month waiting lists for some of the issues that go to the State Administrative Tribunal. I am very hopeful that when this bill is enacted and it comes under the

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banner of the State Administrative Tribunal, the appropriate funding will be given to that body to ensure that we do not have long waiting lists.

The second reading speech also states that teachers will be required to have working with children checks. The nurses registration act ensured someone could not put themselves up as a nurse unless they had been registered with the nurses board as either a registered or enrolled nurse. Under this bill, someone who applies for a teaching position will have to be registered with the registration board. The board's "fit and proper" test will look at someone's criminal history and will take into account other considerations further to offences against children. This bill will establish a Teacher Registration Board of seven members appointed by the minister. When I quickly looked through the bill, I learned that one of those people will need to be a lawyer. Although I have every confidence in this minister, I would have liked to have seen some further descriptions of who might be appointed to that board to ensure that it was a wider classification. Given the minister's background, I am sure that excellent people will be appointed to the board when this bill is enacted. I would not like this to be a case of "jobs for the boys" in the future, which is what we have sometimes seen in the past.

Dr M.D. Nahan interjected.

Dr J.M. WOOLLARD: I say to the member for Southern River that I would love it to be a case of "jobs for the girls".

Dr M.D. Nahan: Riverton.

Dr J.M. WOOLLARD: I apologise. Most areas, including this Parliament, are male dominated at the moment, so it is more likely to be a case of jobs for the boys than jobs for the girls.

Mr P. Papalia: Not on this side.

Dr J.M. WOOLLARD: I will have members opposite know that it is 50–50. Actually, there are three Independents, so it is 66–33 because there are two female Independents and one male Independent. In fact, with the member for Fremantle, there are three female Independents, so 75 per cent of the Independents on this side of the house are female. That is a good thing for the Independents.

I am very pleased that, with the introduction of this bill, there will be checks and balances —

Mr M.P. Whitely: Could you just point to some of the checks and balances in the bill?

Dr J.M. WOOLLARD: For example, clause 5 of the bill states —

A person or body with functions under this Act must, in the performance of those functions, regard the best interests of children as the paramount consideration.

That is the main focus of the bill. It puts children first. The member should look at that clause; it says it all.

Several members interjected.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Warnbro and member for Bassendean, that is enough, thank you. The member for Alfred Cove is not accepting your interjections.

Mr M.P. Whitely: I am seeking further information from the member for Alfred Cove.

The ACTING SPEAKER: Member for Bassendean!

Dr J.M. WOOLLARD: When we look at the bill, we have the short title under part 1 and the preliminary sections, including clause 5, "Best interests of children paramount". Part 2 is headed "Teaching by unregistered persons—offences". As a nurse, I know that prior to legislation being enacted in this house, people would go to nursing homes and put themselves forward as carers or enrolled nurses. They would say that they had worked elsewhere and there would be no checks and balances. People were being cared for by people who had no qualifications. Part 2 of the bill looks at the requirements for people to be registered and the conditions for registration. That is also covered in part 3, which relates to the application and length of time for the registration. I am not sure of the exact clause, but that length of time is five years. That is similar to what occurs in other places when someone puts themselves forward and they get that registration.

What is not in the bill at the moment but what I believe will be in this bill in the future is a requirement for a form of annual continuing education. I hope that when that continuing education is required, a certain amount of additional funding will be put forward for it. I know that all teachers do a certain amount of continuing education at school, but under the national registration requirements I believe that nurses must do 20 hours of continuing education each year and they must document it. That means that nurses are accountable for their own professional development. I think that would be a good measure to arise from this bill as it would ensure that all

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teachers take responsibility for their continuing education, particularly in this day and age with the new methods and strategies that are available for teachers in schools, such as e-learning. Teachers need to get that continuing education if we are to ensure that children in all schools get parity in education. If schools are not using all those new e-learning techniques, the children in those schools will be disadvantaged.

Mr P.B. Watson: A lot of them can't get their computers to work, as you well know.

Dr J.M. WOOLLARD: I agree with the member for Albany that there are problems in some schools that he and I are both aware of. That is why the Education and Health Standing Committee is looking at e-learning at the moment. We know how important it is in this day and age. Hopefully, when we present our report later this year we will be able to identify any deficiencies in that area and make recommendations to the minister so that they can be addressed and so that there is equality in e-learning, both in the metropolitan area and in regional areas.

I return to the bill. Part 3 relates to the registration of teachers. Part 4 is headed "Board to be given notice, and may obtain criminal record checks, in some circumstances". Again, that gets back to the main objective of the bill, which is about putting the interests of children first; that is, ensuring that the right checks and balances are done in relation to teacher registration.

Part 5, "Discipline and impairment matters", discusses the role of the State Administrative Tribunal. It is not something that falls under the banner of the Education and Health Standing Committee but at some stage I think one of the other committees should review the State Administrative Tribunal. It should look at the disciplinary boards for the different groups and the waiting lists for the State Administrative Tribunal so that any additional funding required by the State Administrative Tribunal can be given to it because people are very unhappy when they have to wait such a long time for issues to go in front of the tribunal.

Part 6 relates to the membership of the board. As I said earlier when the minister was speaking with her advisers, I have every confidence in her appointment of those people to the board. I notice that one person will be a lawyer and the other people will be appointed by the minister. I wonder whether the minister, either now or possibly during consideration in detail, could give the house some indication of the type of professionals that she will be looking to appoint.

Mr P. Papalia: What do you think of the opposition's amendment on the notice paper relevant to that point?

Dr J.M. WOOLLARD: I will be very interested in the debate when we come to those clauses.

In relation to this bill, I think that registration plays a very valuable role with all professional groups. The member for Warnbro said a lot about the status of teachers; I believe that registration will enable teachers to, in many ways, safeguard their status. The member for Warnbro was concerned that maybe registration would diminish the status of teachers or that the Teacher Registration Bill 2011 will do nothing to elevate the status of teachers; I will refer again to what happened when nurses had to become registered and codes of practice and standards of practice were implemented. I expect the same thing will happen with this legislation. Registration will enable teachers to focus on the interests of children, and by focusing on the interests and protection of children I believe that teachers will gain more professional credibility. I will be interested to hear the member for Warnbro's comments during consideration in detail, but having read this bill and seen its intent, I believe it is a good bill that will enhance the education of our children, and, in so doing, will enhance the profession of teaching.

MR B.S. WYATT (Victoria Park) [8.12 pm]: I, too, rise to speak to the Teacher Registration Bill 2011. For the avoidance of doubt, the opposition will be supporting this legislation. I think the member for Warnbro's contribution to the second reading debate outlined the reasons the opposition will be supporting this legislation. It is a timely change, and I think most members of Parliament would agree with what this legislation is doing. Certainly, the member for Kingsley made the point, as have a number of other members, about teachers coming into our offices because they are frustrated with the current Western Australian College of Teaching processes for registration, particularly the renewal of registration. Certainly last year, when I had the role of shadow Minister for Education, it became a very pertinent issue. I had a large number of complaints from teachers about the double-up between the information that had to be provided to the Western Australian College of Teaching. The member for Warnbro has said that the opposition is not convinced that those problems will be rectified by this bill, but that is something to be pursued in consideration in detail. I do not intend, during my contribution to the second reading debate, to go through each individual clause of the legislation in great detail; that is for consideration in detail. My mother and father are teachers, and I think everybody accepts the necessity of a registration process to at the very least ensure that a teacher in a classroom meets certain minimum standards. That is ultimately what is seeking to be achieved in this situation.

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The minister will be required to answer a number of questions during consideration in detail. The member for Warnbro has already gone through in some detail the significant differences between the legislation tabled on the last sitting day of last year and the legislation that we will be debating tonight. By a matter of process, minister, is it correct that the bill will be tabled after the second reading debate?

Dr E. Constable: I am sorry?

Mr B.S. WYATT: After the second reading —

Dr E. Constable: That is correct.

Mr B.S. WYATT: Will the bill then be tabled in its entirety?

Dr E. Constable: That is right. It is pro forma; the member for Victoria Park has to understand what the words “pro forma” mean.

Mr B.S. WYATT: Perhaps the minister could tell me.

Dr E. Constable: It is not substantially changing it; there are grammatical errors and other errors like that, and I would guess that, in the end, about two or three more pages will be added to the bill. It is not the 23 or 32—whatever was said; it is the way they are presented.

Dr A.D. Buti: But they’re not just grammatical errors.

Dr E. Constable: It is basically those errors.

Dr A.D. Buti: We were at the briefing; there are more than just grammatical errors. Don’t mislead the house.

Dr E. Constable: I am not misleading —

Dr A.D. Buti: Yes, you are.

Dr E. Constable: I am saying that that is what pro forma means, and then there are half a dozen other amendments.

The ACTING SPEAKER (Ms A.R. Mitchell): Thank you, members. The member for Victoria Park is on his feet, and I believe he should have the floor.

Mr B.S. WYATT: Thank you, Madam Acting Speaker; ultimately I perhaps led myself into that situation by asking for comment from the minister and then having my own side perhaps step all over my toes, which I appreciate sometimes. There are some over-eager opposition members.

I am looking at the marked-up version of the bill that the member for Warnbro provided, which I assume was provided to him by the minister’s staff. The points made by the members for Armadale and Warnbro have some merit. There are not only grammatical changes; there are significant other changes, including the creation of offences in the legislation, that could certainly not be described as pro forma. I think the member for Warnbro highlighted the problem of legislation coming before us in one form, and there having been significant changes made to it before it comes on for debate. There have been some significant changes to the Teacher Registration Bill 2011. I agree that there have been some grammatical changes, but also significant areas have been removed and included that are not simply grammatical corrections or putting the odd space in here or there. In any event, the opposition will pursue that during consideration in detail.

The review of the Western Australian College of Teaching Act 2004 produced a report about which a number of members have already talked during their contributions. It was given to the minister in June 2010, and it is good that we are, some two years after the minister received that review, debating the legislation. It is quite a thorough review; members may want to spend some time going through it. The first chapter gives a brief history of teacher registration in WA; this is obviously not a new concept for Western Australia or, indeed, Australia. Again pulling information out of that report, the state Parliament passed teacher registration legislation by way of the Teachers’ Registration Act 1976; that was repealed by the Teachers’ Registration Act Repeal Act 1978. The issue came before the Parliament in some detail throughout the 1990s via the now Minister for Education, who foreshadowed some significant amendments to the School Education Bill in 1998. At the time, the member for Belmont was the shadow education minister, and he indicated that the opposition would support those changes; however, the education minister at the time—the now Premier, the member for Cottesloe—declined to accept the amendments, but he did something else. I will quote a page from the report that was given to the minister a couple of years back. The report states —

In due course, Mr Barnett established the Teacher Registration Cross-sectoral Reference Committee to oversee the development of the mooted discussion paper.

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As a result of that committee, three different papers were published: “Teacher Registration in Western Australia: An Issues Paper”, in March 1999; “Teacher Registration in Western Australia: A Discussion Paper”, in June 1999; and, finally, “Western Australian Council of Teaching: A Position Paper”, in September 2000. To the credit of the then Minister for Education—now Premier—he went through quite a comprehensive process in respect of teacher registration. I am quite interested in page 7 of the WACOT report, from which I will quote. Page 7 states —

The discussion paper was launched by the Minister at a forum on 24 August 1999 and around 20 000 copies were distributed to schools, parent organisations and universities. The existence and availability of the paper were notified to the general public through advertisements in *The West Australian* at the beginning and near the end of the consultation period (respectively, August 1999 and March 2000).

As a result of that incredible attempt to seek public feedback to the discussion paper, again from page 7 —

The committee reported (in its position paper) that its analysis of the 348 submissions received by May 2000 showed that moves to establish a non-industrial registration body would be widely supported provided its functions were not restricted to the administration of a minimal licensing requirement.

That, members, is how we do consultation. That is quite an extraordinary process of consultation by the former Minister for Education and now Premier—something that this Minister for Education has refused to do on a number of occasions. On the move of year 7s from primary school to high school, the minister made not one attempt at genuine public consultation. Now, with what is a significant move—a move that is supported by the opposition—again, there has been no consultation. I think that is why the minister is now proposing to make some significant changes to the original bill that was introduced in Parliament on 1 December last year. Perhaps if the minister had made a reasonable effort at consultation, she would not find herself in the position tonight of having to propose, after the second reading speech has been introduced, such a huge number of changes. The minister would like us to think that these changes are only pro forma and involve only grammatical corrections and putting the odd space here and there. But the changes are more detailed than that. If the minister had taken just a partial look at how the then Minister for Education and now Premier had gone about consultation in the late 1990s and up to March 2000, perhaps she would not have found herself in the somewhat embarrassing position that she finds herself in tonight. However, as I have said on a number of occasions, the minister has proved to be reluctant to engage in genuine consultation in respect of her portfolio.

The bill that we are repealing by way of this legislation, and which established the Western Australian College of Teaching, was introduced in the Legislative Assembly on 13 August 2003 and passed on 18 September 2003, with two amendments. The bill was given assent by the Governor on 10 June 2004, and the act formally commenced operation on 15 September 2004. Therefore, as we can see, the history of teacher registration goes back certainly to the 1970s in this state.

I have already referred briefly to the level of discontent that teachers have with WACOT. Perhaps ultimately that discontent was inevitable because of the way WACOT was designed. Hopefully something has been learnt from those experiences and this bill will resolve some of those problems. The most condemning element of WACOT was that it lost the support of teachers. A registration body about which teachers feel such discontent ultimately could not be successful.

At page 10 of the review report there is a very interesting table. Teachers were asked to rank the performance of WACOT in a range of areas. On the first question, promote importance of teachers, 87 per cent of teachers said that is an important role of WACOT. Unfortunately, only 13 per cent of teachers said that they were satisfied with the performance of WACOT in promoting the importance of teachers. On the second question, ensure education programs provide knowledge and skills, 82 per cent of teachers said that is an important role of WACOT. However, only 21 per cent said that they were satisfied with the performance of WACOT in fulfilling that role. On the 10 questions that were put to teachers, the highest rating that WACOT received for satisfaction with its performance was 27 per cent. That certainly condemned WACOT. It was inevitable that either significant changes would be made to WACOT, or the minister would be doing what she is doing in this legislation—namely, completely repealing the WACOT legislation.

I turn now to the composition of the new Teacher Registration Board. The member for Warnbro has outlined a proposed amendment that he will be moving. Some of the grammatical changes that the minister has foreshadowed include changing the membership of the board. Therefore, the minister has already proposed amendments that deal partly with some of the opposition’s concerns. Page 13 of the report states —

Almost nine out of 10 respondent believe it is important that the Department of Education and elected teachers are represented on the College Board. Eight out of 10 believe that the Independent Education

Extract from Hansard

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Union and the State School Teachers' Union should be represented on the Board, as should the Catholic Education Commission and the universities. Seven out of 10 believe that the WA Council of State School Organisations should be included and six out of 10 believe that Parents and Friends' Federation should be included on the Board.

It appears that respondents believe it is more important for teachers to be included on the Board than are school principals.

So there is strong support for representation of those organisations that represent teachers in the various education sectors.

However, I agree that the WACOT board was far too large. Early last year, as shadow Minister for Education, I attended a meeting of the WACOT board. There were 19 members on the WACOT board. It was a big meeting. It amazed me how ultimately anything could be decided with a board of that size. The minister is proposing in this bill to reduce the number to seven members appointed entirely by the minister, with some changes now to stipulate that one of the members be a lawyer, and that three of the members be registered teachers. It does not say which sector of the education system those teachers should be from. That is a good change. But the opposition's suggested amendment is an even better change. It is interesting to look at the other states. The Victorian Institute of Teaching has 12 members on the board, six of whom are elected by registered teachers and five of whom are nominated by the minister. In New South Wales, there are 21 members—I do not know how they get anything done with 21 members—10 of whom are elected by practising teachers/principals. That is a huge governing body by way of numbers. In Queensland, there are 17 members, and the legislation stipulates that teacher employers have three members, teacher unions have three members, parent groups have three members, and so on. In Tasmania, there are 11 members, three of whom are union nominees and three of whom are employer nominees, and there is one member from a parent group and one teacher-educator nominee. In South Australia, there are 16 members; in the Northern Territory, there are 12 members; and in the Australian Capital Territory, there are 12 members. So if we look around the nation, it seems that historically the bodies that are set up to register and regulate teachers have been inclined to have a large number of members; and certainly until this legislation goes through, the position in Western Australia is the same. The proposal to have seven members on the board is a good move, subject perhaps to some of the amendments to be moved by the member for Warnbro.

[Member's time extended.]

Mr B.S. WYATT: I am curious and I will find out how some of those other states get by with their registration processes with such significant numbers on their boards.

I return again to the issue of the views that teachers have about the Western Australian College of Teaching. I refer to page 13 of the "Review of the Western Australian College of Teaching Act 2004". The review states —

There seems to be a sense of frustration that the College appears (from the teachers' perspective) to be a body with little apparent purpose that is not already met. There is a sense that it is an unnecessary level of the education bureaucracy. For example, 13% commented that there is "no benefit in being a Member / no value for money" in the College Membership. There were also specific comments to the effect that the College should be disbanded (E.g. "get rid of WACOT"), or that "WACOT is simply not relevant".

That is where WACOT ultimately foundered. Despite the best efforts of the legislation that went through Parliament back in 2003, WACOT ultimately lost the support of the teachers it regulated. As I have said as shadow Minister for Education, and as other members have already pointed out, there were regular complaints about registration, particularly about the renewal process. If the minister responsible for this legislation does not fix those points raised by the member for Warnbro, which I will pursue during consideration in detail, the teaching profession will continue to be incredibly frustrated. We need to resolve the issues that have caused so much consternation.

One of the issues I will put to the minister—no doubt her advisers will be ready to advise the house about this—is the issue of likely fees for the different levels of registration. Off the top of my head, I think there are four different levels of registration. I want to find out whether those fees will be different or the same, and whether they are likely to increase from the current level. Some members of the WACOT board made the point to me that the fee for registering was simply inadequate to cover the costs WACOT incurs in meeting its responsibilities under the WACOT legislation. Will there be a significant increase imposed on teachers as a result of this legislation; and, if so, what will it be? That is something that will, of course, be pursued by the opposition during consideration in detail. Ultimately, as I indicated at the beginning of my speech, the opposition will support this

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legislation because it is timely. I think that the minister is correct in creating a new body because WACOT has lost the support of the teaching profession.

I want to acknowledge the members of the board; I have said that the board was large. I went to a meeting early last year and was somewhat surprised at the size of that board, and wondered how it got anything done. That is in no way a reflection upon any board member individually, it is simply a reality—not even BHP, Rio Tinto or Woodside have boards of the size of the board that has been running WACOT. I think that is a pertinent point to make. This will be an agency that is involved in the very important process of ensuring that teachers, when they go into the classroom, have certain minimum requirements that we all expect, and we want an efficient organisation that can make decisions efficiently and productively. I do not think that under the structure of the WACOT board that was designed in the legislation passed 2003, WACOT was ultimately able to do that. That is just a reality and not a reflection upon anyone individually.

The large number of amendments that we will see when the second reading debate has been completed could have been avoided if the minister had gone through a more comprehensive consultation process, as the former Minister for Education, now Premier, did when he released the discussion paper back in 1999. He sent out some 20 000 copies and took out ads in *The West Australian*. That is what one does when one consults, and I am not surprised that the Premier, when he was Minister for Education, received some 350 submissions in respect of the registration of teachers. Perhaps the Premier may want to enlighten the Minister for Education and other ministers about how consultation works, because back then he certainly did it well.

Dr E. Constable: He only did it because I made him do it!

Mr B.S. WYATT: Well, that is interesting. The Minister for Education, when she was still an Independent member in the late 1990s, thought then that consultation was important; but, when she became Minister for Education, consultation was no longer an important part of her brief.

Dr E. Constable interjected.

Mr B.S. WYATT: The minister may say that it had already been done, but the reality is that she is repealing the legislation that was consulted on. We are dealing with a new piece of legislation. The minister occasionally stands and says, “I like to get my red pen out and go through things in some detail.” I think the minister should have gone through her own bill with a red pen; she might have realised what a mess it was before she scampered in here late last year and laid it on the table to meet the deadline she gave to Howard Sattler or Paul Murray—someone at 6PR. “It’ll be introduced in the spring session, Howard,” she said, and made it in on the very last day, only to go back to her office to hear her advisers say, “There’s about 30-odd pages of amendments, minister; I do apologise.” The minister may say that they are only pro forma amendments or grammatical corrections, but when she is creating offences with her amendments, they are more than simply grammatical and pro forma changes.

I got a bit worked up and hot under the collar about her interjections, Madam Acting Speaker (Ms A.R. Mitchell); you should protect me from the Minister for Education! But I point out again that the opposition will support the legislation; it is good, and I emphasise that, ultimately, 19 members on the WACOT board are way too many. I do not know whether any of the world’s top 500 companies would have that number; the member for Riverton might be able to tell me.

Dr M.D. Nahan: Rio has 17.

Mr B.S. WYATT: Seventeen? I am surprised. Anyway, we have 19 members on the WACOT board, and streamlining that will be an important part of making the process of registering teachers much more efficient. I look forward to consideration in detail.

DR A.D. BUTI (Armada) [8.37 pm]: I rise to also contribute to the debate on the Teacher Registration Bill 2011. As many earlier speakers have stated, this bill seeks to replace the Western Australian College of Teaching Act 2004. WACOT has been a dismal failure. The idea of WACOT was commendable, because we should be registering teachers, and the Teacher Registration Bill does that, as its name would suggest. WACOT, for whatever reason, just did not work. A significant number of teachers have come to my electorate office on this issue during my short time in this house. One particular constituent is a deputy principal who was actually one of my teachers when I was in high school, and the way he was treated by WACOT was nothing short of disgraceful. I will not mention his name, but basically he sent in his registration papers and certified copies to WACOT; WACOT said that it had not received them, so he again sent certified copies and it once again said that it had not received them, and basically WACOT abused him and alleged that he was lying. That was not the WACOT board; that was just administration staff within the WACOT structure, so all I can say from my

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understanding of WACOT is: good riddance to WACOT. The idea was great, but going on the evidence of the various protests made by teachers, it just did not work.

What do we have now? We have an attempt by the minister to change this situation with the Teacher Registration Bill, and hopefully that will improve the situation. No doubt it will improve the situation to substantially reduce the number of members on the board, as the member for Victoria Park said. Having 19 members on a board is just incredible; it is more than one team has on a football oval. I am not actually quite clear how that was ever going to work; maybe it was thought that half the board would not be able to make each meeting. Maybe that was the reason there were 19 members. We do not have that situation today.

One thing that disturbs me about the bill before us is the ability of the minister to make directions to the board with regard to its functions and performance. I agree that the government of the day does have a right to be involved in the registration of teachers—there is no doubt about that—however, I am concerned about the degree to which this could be used for political purposes, whatever colour of government is in power. I will be interested in the minister's comments on what safeguards there are to ensure that it is not used for political purposes. I know that the bill sets out what the minister can direct the board to do, but I do not necessarily believe that it cannot be used for political purposes that would be detrimental to the purposes of the legislation.

The minister stated in her second reading speech that the main purpose of the legislation is to act in the best interests of schoolchildren. I am sure every member of this house would agree that should be the main purpose of the legislation. The minister also stated that another purpose of the legislation is to enhance the status of the profession. The status of the teaching profession has been a point of debate for many, many years, as the minister would know from her own professional expertise in the education field. A newspaper article from 30 June 1945 with the headline "Professional Status Urged For School Teachers", which comes from Tasmania, states —

A PLEA for raising the teaching profession to that of medical and other professions was made yesterday by the Director of Education (Mr G. V. Brooks) at a farewell function tendered him by heads and subheads of Government departments. Mr Brooks retires today after holding the position since 1919.

That was from 1945. Even earlier than that, back in 1938, there was an academic article in the *Peabody Journal of Education* that explained ways to improve the professional status of teachers. Interestingly, this article points out that, in trying to enhance the professional status of teachers, in many respects teachers have to perform that function themselves, although I believe that the government of the day has to have a major role in improving the status of the profession of teachers. I suppose that was part of the purpose of the Western Australian College of Teaching and is part of the purpose of the Teacher Registration Board. This article from 1938 reads —

... however, it should be stated that marked improvement in the professionalization of teaching has occurred already. Higher standards of preparation, closer relationship between preparation and the kind of work that teachers are required to do, and a marked sensitiveness to the need for a code of ethics in the field of teaching are indications of the improvements we have already made. Although it is quite common to point out the great disparity between the ethics of the teacher and the ethics of the doctor, it should be kept in mind that in some states it is still possible for persons of no particular qualifications to secure a state license to practice medicine, and it would not be a difficult task to point to most glaring violations of medical ethics among persons who bear the title "doctor." Just as it is a responsibility of a reputable, well-trained medical man to protect the public from those who would make a quackery of medicine and the alleviation of human suffering, it is a responsibility of those teachers who are well prepared to protect the ignorant from the teacher quack.

That is a term I have never heard before!

I also have an even earlier article from 1926 about improving the professional status of teaching. It states —

Service, training, esprit de corps, and the rewards are the four factors that determine the professional status of any group of workers.

I remember during my university days, when I was doing my Diploma of Education during the early 1980s, that in the unit "sociology of education" we had major debates about whether teaching was a profession with regard to service, training, esprit de corps and the rewards. I think we would all now agree that teaching is a profession, but the question is: what is the status of that profession in the wider public arena? Unless the teaching profession has a high status, we will not be able to attract the best graduates to that profession. No doubt registration is an important step in enhancing the professional status of teaching, but of its own it is not enough. Just because someone is registered does not mean that the professional status of teaching is enhanced. Really, that is a minimum requirement to ensure that the people who call themselves teachers and who want to practise the

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profession of teaching in Western Australia have the qualification to do so. However, a lot more needs to be done. There is nowhere in this bill that I see that happening. At least WACOT did advocate for or say that it was there to enhance the profession of teaching. There is no doubt it was a dismal failure, but I am not sure how this legislation fits in the minister's overall scheme of trying to enhance the professional status of teaching. I look forward to the minister's comments on that.

We need to take this subject very seriously. As we well know, education is crucial to the future economic and community development of our state. Teachers are at the epicentre of the quality of education that we will deliver to our students. The status of teaching is an issue that is very well recognised across Australia and internationally. For instance, the United Nations Educational, Scientific and Cultural Organization recognises the importance of the status of teachers. Even going as far back as 1966, UNESCO made recommendations concerning the status of teachers. In its recommendations, it starts off by recalling that the right to education is a fundamental human right. Then it notes that a number of existing human rights conventions apply to teaching. It then outlines the guiding principles, which state —

5. The status of teachers should be commensurate with the needs of education as assessed in the light of educational aims and objectives; it should be recognized that the proper status of teachers and due public regard for the profession of teaching are of major importance for the full realization of these aims and objectives.
6. Teaching should be regarded as a profession: it is a form of public service which requires of teachers expert knowledge and specialized skills, acquired and maintained through rigorous and continuing study; it calls also for a sense of personal and corporate responsibility for the education and welfare of the pupils in their charge.
7. All aspects of the preparation and employment of teachers should be free from any form of discrimination on grounds of race, colour, sex, religion, political opinion, national or social origin, or economic condition.

The UNESCO recommendations from 1966 also include a section titled "Preparation for the profession". I think this is probably the section that most closely resembles the issue of registration we are dealing with here. This section refers to the need to ensure that teachers meet certain qualifications and that education authorities must ensure that people have met certain qualifications for them to be able to undertake teaching. It also refers to the need for disciplinary procedures relating to breaches of professional conduct. As we know, the bill before us has a section on disciplinary procedure. It is quite enlightening to read the UNESCO procedures about discipline for breaches of professional conduct, which state —

47. Disciplinary measures applicable to teachers guilty of breaches of professional conduct should be clearly defined. The proceedings and any resulting action should only be made public if the teacher so requests, except where prohibition from teaching is involved or the protection or well-being of the pupils so requires.
48. The authorities or bodies competent to propose or apply sanctions and penalties should be clearly designated.
49. Teachers' organizations should be consulted when the machinery to deal with disciplinary matters is established.
50. Every teacher should enjoy equitable safeguards at each stage of any disciplinary procedure, and in particular:
 - (a) the right to be informed in writing of the allegations and the grounds for them;
 - (b) the right to full access to the evidence in the case;
 - (c) the right to defend himself and to be defended by a representative of his choice, adequate time being given to the teacher for the preparation of his defense;
 - (d) the right to be informed in writing of the decisions reached and the reasons for them;
 - (e) the right to appeal to clearly designated competent authorities or bodies.
51. Authorities should recognize that effectiveness of disciplinary safeguards as well as discipline itself would be greatly enhanced if the teachers were judged with the participation of their peers.
52. The provisions of the foregoing paragraphs ... do not in any way affect the procedures normally applicable under national laws or regulations to acts punishable under criminal laws.

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It then refers to medical examinations. The bill refers to the ability to direct teachers to undergo examinations. This directive from the United Nations Educational, Scientific and Cultural Organization states —

53. Teachers should be required to undergo periodical medical examinations, which should be provided free.

It is interesting that the whole issue of teacher status, teacher registration and the control of the profession has been with us for a long time. It was even recognised and articulated by UNESCO back in 1966. Here we are in 2012, in Western Australia, dealing with teacher registration. Our attempt under the Western Australian College of Teaching, while its purpose and motivation was laudable, in many respects did not achieve the purpose. Although in many respects this bill is an improvement, and we are supportive of it, there are still concerns about how this bill will enhance the profession, apart from registering teachers. The need to incorporate a proper professional standard as well as certain disciplinary procedures will go towards ensuring we have an appropriate standard of conduct by Western Australian teachers.

Clause 93, “Directions by Minister”, is found at part 6 of the bill. I have some concerns about the degree to which that might be used for political purposes. Part 5 deals with the issue of discipline. Under clause 58, the board or the disciplinary committee has the ability to instigate an interim order, especially in an emergency situation. The disciplinary committee will be established by the board under the bill. Under the ability to instigate an interim order, it can be done on an ex parte basis; in other words, the teacher who is the subject of the disciplinary hearing and the sanction may not be present at the hearing. That is not uncommon. In legal procedures, the party is often not present. That is why it is only an interim order. Under the bill, an interim order is for 30 days. The consequences of an interim order are quite significant. Clause 58(4) refers to —

Notice of an interim disciplinary order is to be given in accordance with section 85.

Proposed section 85 relates to the notice provisions of any order.

[Member’s time extended.]

Dr A.D. BUTI: When an interim order is sought, there is always the possibility that a mistake may be made, particularly when the party who is the subject of the hearing will be the subject of any disciplinary sanction imposed. Often, the whole story is not heard. There is a possibility that the material and professional interest of the teacher could be severely tarnished. If, after a proper hearing, the case against them is not upheld, the fact there was initial notice of a sanction can have a long-lasting effect. When I was a lawyer in a law firm—which, incidentally, represented teachers from the teachers’ union—I was involved in a case of a teacher who had been charged with assaulting a student. In the end, the teacher was found innocent. The magistrate said that the case should never have come before the court. That was after a one and a half day hearing and three to four months of stress leading up to it. Even though he was cleared of the assault charge, the fact there was an allegation against him is on his file. I am sure that has an effect for promotional purposes. We must allow the committee the ability to impose interim orders in particular circumstances, particularly circumstances involving a risk of injury or harm. I have some concern about the consequences of, say, a wrongful conviction. Even though a conviction may be overturned, the damage is done in many respects.

That really leads into the issue of clause 126, “Protection from liability”, which states —

- (1) An action in tort does not lie against a person for any thing that the person has done, in good faith, in the performance or purported performance of a function under this Act.
- (2) The protection given by subsection (1) applies even though the thing done as described in that subsection may have been capable of being done whether or not this Act had been enacted.
- (3) Despite subsection (1), the State is not relieved of any liability that it might have for another person having done any thing as described in that subsection.

The protection afforded in clause 126 can actually set up a false security for people who seek to make allegations against a teacher. If they have not acted in good faith, this proposed section will not protect them. However, it can be very difficult to show that someone has not acted in good faith and has acted for a wrongful motive. We have a situation here in which we can have an interim order that can be issued ex parte—that is, without the teacher who is the subject of the hearing being involved—and notification is given of the interim order under proposed section 85. That may be eventually revoked, but in many respects the damage is done. Clause 126 can afford a certain degree of protection against false allegations unless it can be shown that those allegations were made in bad faith. That is a very high standard of evidentiary proof to overcome. I am not trying to say that the minister should not have these clauses in the bill, as I think they are needed. I am saying that they create issues that we need to very carefully consider. There is no doubt that ultimately the responsibility of the minister is to

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have the interests of schoolchildren as the number one priority; no-one would disagree with that. The second priority is to enhance the teaching profession because, obviously, the Minister for Education wants to improve the quality of education, and one of the main ways to do that is to improve the quality of teaching. Therefore, enhancing the professional status of teaching, I hope, would improve the teaching standard of the teachers already in the system, but more importantly the teaching standard of those who follow. It is important that the children of today, as they seek to decide on the career they will pursue, can see that teaching has a high status and is actually considered to be a profession—which of course now we all agree it is. As I alluded to in my historical analysis, it has not always been considered to be a proper profession. Even in the early 1980s when I was at university there was much argument about whether it was a profession. But let us say it is a profession. Now we need to get to the stage that we will do whatever we can to enhance the professional status of teaching. I would like to know which provision in this bill will improve the status of teaching, apart from the minimal requirements of registration and the ability to discipline teachers who have engaged in inappropriate activities or breaches of their professional standards; or, if not in this bill, which policy or other legislative reform the minister has in the pipeline to improve the status of teaching. This bill on its own will not do anything to improve the status of teaching. It is a necessary step, but on its own it will not achieve it. As has been mentioned by other speakers on this side of the house, we will be supporting this legislation and we look forward to debating at the consideration in detail stage the new bill that we will all be able to see, hopefully, tomorrow.

MR D.A. TEMPLEMAN (Mandurah) [9.02 pm]: I would like to make a contribution to debate on the Teacher Registration Bill 2011 that we now have in front of us, which is not the same bill that was presented to the house in late November or December last year.

Dr E. Constable: Yes, it is.

Mr D.A. TEMPLEMAN: It is the same bill, but we know it will change because the red pen has gone out on it and there will be a new one. If members look at how much red pen there is here in the bill, they will see it is substantial. The changes that have been made to the original bill, which is what we will be debating clause by clause at the consideration in detail stage, are substantial. As the members for Victoria Park and Warnbro said earlier this evening, this is very sloppy, and I am afraid the Minister for Education would be given a fail if we were marking it!

Dr E. Constable: Full marks, because it's such a great piece of legislation.

Mr D.A. TEMPLEMAN: No, we would be marking it. Actually my view is quite different. I think we should be repealing the bill in total. That is my personal view.

Dr E. Constable: Do you think we shouldn't register them?

Mr D.A. TEMPLEMAN: No, I think that could be dealt with by registering teachers through the department. I think that could be done because this bill effectively eradicates —

Dr E. Constable: The department doesn't employ all teachers.

Mr D.A. TEMPLEMAN: Just let me finish.

The bill eradicates all the elements that we have been trying to focus on for enhancing the teaching profession. So, the minister has gutted everything and now this is a disciplinary piece of legislation.

Dr E. Constable: Have you read it?

Mr D.A. TEMPLEMAN: It is a disciplinary piece of legislation. It is a piece of legislation that seeks to put in place a series of processes that have a range of disciplinary responses.

Mr P. Papalia: That is an interesting point.

Mr D.A. TEMPLEMAN: That is my personal view.

Mr P. Papalia interjected.

Mr D.A. TEMPLEMAN: The personnel will go back to the department.

One thing the minister argued in support of the original Western Australian College of Teaching Bill back in 2004 was that the bill was essentially about how to make sure the teaching profession was given the recognition it deserved as a profession in its own right, and that as part of that there would be in place a focus on advocacy and on enhancing the status of teaching in Western Australia. That was a noble goal, and I think it is probably rightfully agreed that it was one of the great failings of WACOT as an entity. It did fail to do that sort of thing. Essentially it collected \$70 annually from every teacher in Western Australia, and very little happened as a result of the collection of \$70. Most teachers—I am sure they have told the minister the same—were genuinely

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aggrieved about paying an amount of money per year from which essentially they derived no benefit. That is basically what the main criticism of WACOT was about. But that does not mean we abandon—which is happening with this bill—the aspiration of genuinely improving and enhancing the status of teaching in Western Australia so that young people and not-so-young people who seek to choose the profession of teaching as a noble profession are encouraged to do so. The reason I think that is simply that the minister, in her second reading speech, which she delivered in this place late last year, stated —

In light of this, the functions of this bill are limited primarily to registration and discipline, ...

Those are the minister's words, not mine. I started my speech tonight by saying that I think that is what this bill is about. It is basically a disciplinary piece of legislation that makes a number of assumptions. I want to refer in a minute to one of the clauses on page 15 of the bill that causes me grave concern. The assumption now is that WACOT did not work. WACOT failed. Teachers are disenchanted with it. They did not like paying the money because they were seeing no genuine benefit from it at all. Now the minister has brought in a piece of legislation that is really the big stick. This is the big stick for teachers in Western Australia. All members should be able to understand this. This is the big stick. How this piece of legislation is going to encourage people to go into the teaching profession, I do not know. I do not know how, because the minister is presenting only the big stick. Let us look at the disciplinary process. Let us look at what this board of seven will be charged with doing. Let us go to clause 24 on page 15 of the mangled bill, which states —

Who is a fit and proper person

In determining whether a person is a fit and proper person to be registered, the Board is to have regard to the following —

Some of them we would agree with. Of course we do not want people who have a criminal history. There should be an account of a person's criminal history, particularly of course if a person has been convicted of inappropriate behaviour, sexual predation or a sexual crime. But let us look at paragraph (d) of the clause. In effect the minister is saying, "I'm going to choose seven people." No longer is there independence of the board from the minister, because the minister is now saying, "I will not only appoint these seven, but where appropriate I will have a role in directing them." That is what the bill says. That is what the minister is proposing to do. Let us look at clause 24, which states —

In determining whether a person is a fit and proper person to be registered, the Board is to have regard to the following —

...

- (d) any behaviour of the person that —
- (i) does not satisfy a standard of behaviour generally expected of a teacher; or
 - (ii) shows that the person is not of good character;

What does that mean? Who in this place could sit on that board and decide what they consider to be a standard of behaviour generally expected of a teacher? A condolence motion was moved this afternoon and the member for Forrestfield made a key point. He said that we need to look at ourselves. We have to look carefully at whether we can say that we are fit and proper people to sit in this place. But who decides? The minister is giving the board the power to determine the suitability of a teacher —

Mr D.T. Redman: The voters decide.

Mr D.A. TEMPLEMAN: Yes, but sometimes they make the wrong decision—grave decisions for some members here! Present company excepted, a few members have questionable characters.

These seven people will now have the power to determine whether a person is a "fit and proper person" to be a teacher in Western Australia and whether any behaviour of that person does not satisfy a standard of behaviour generally expected of a teacher. What does that mean? Who decides that someone's behaviour or standard or character is fitting or generally expected of a teacher? What does "generally expected of a teacher" mean? What are the criteria for the behaviour that is generally expected of a member of Parliament or of a nurse working in a hospital in Western Australia? What behaviour is generally expected of other professionals? What does that phrase mean? The board is also to have regard to any behaviour that shows that the person is not of good character. What does that mean? Member for Wagin, this is a rhetorical question, but what is a good character of a teacher? What is the member's opinion?

Mr T.K. Waldron: I will give you a good example of a good character of a teacher—my wife!

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Mr D.A. TEMPLEMAN: That is a very, very safe answer. I do not know the member's wife; I think I met her once. I think she is a wonderful person, but I am not in a position to judge her suitability, capability or character as a teacher. This legislation allows the minister to appoint seven people to sit on the board around a table and those board members can be directed by the minister. I ask members to remember that those board members can now be directed by the minister. That is different from the entity of WACOT, which had a strong sense of independence. We have to ask this question.

Mr D.T. Redman interjected.

Mr D.A. TEMPLEMAN: I do not care whether they talked to me; I have always been off on my own tangent!

I want to know how we determine whether the behaviour of a person demonstrates bad character. I remember teachers from when I was at primary school —

Mr T.K. Waldron: I'm sure they remember you!

Mr D.A. TEMPLEMAN: They probably do. One particular teacher, who I do not think teaches anymore, was a different type of teacher. He was into the arts and he was always clashing with the principals of the time, but his results were outstanding. He always pushed the boundaries. Some things he did probably crossed the boundaries and went against the direct regulations. If we were to judge him using these criteria, he probably would have been judged as not of good character. He probably would have been seen as a risk. He was one of the teachers responsible for building one of the first theatres at a primary school in Western Australia at Avonvale, but if he had been judged on these criteria, many people would have found him as not being of sound character. Some of the best teachers I have seen have not necessarily fitted the mould. In my view, the minister is trying to create a mould. The minister is saying that if someone does not fit the mould, we will have a very big stick ready to discipline them.

I think the first thing we should do is abolish the fee. At the moment teachers pay a fee, but under this legislation, they will pay a fee to set up a board with which their only connection will probably be if they do something wrong. The minister might correct me, but that is how I read it. We will ask teachers to pay \$70 a year to set up a board to support an entity when, ultimately, its role will be discipline and screening—and that is it. The enhancement of teaching in Western Australia and the projection of teaching as a viable and vital part of our community are gone.

We already have an act of Parliament that has a range of disciplinary actions against teachers anyway. I can remember that when I was teaching, the old section 7C of the Education Act 1928 would be waved in front of people's faces. There are so many questions about this bill that I cannot see us getting through it this week. There are so many questions on a range of clauses and the rewrite has created more questions.

I will finish by highlighting one of the key things that I think the minister and any entity, particularly the Department of Education, should focus on—that is, the decline of male teachers in our state schools, particularly in our primary schools. We have all known about this issue for a long time. An article in *The West Australian* last Thursday started with the comment —

Male teachers are becoming an endangered species in WA classrooms, with new figures showing the State's public schools have registered the biggest fall nationally in their numbers.

That is a major concern. As a dad with four kids who will go into primary school in the next 10 years, that is a real concern to me. Having been a primary schoolteacher, I know that when I was teaching in the 1980s and into the 1990s, the decline in male teachers was beginning. As these figures show, we in Western Australia have experienced the most rapid decline in male teaching numbers in our state schools. This article refers to the Australian Bureau of Statistics figures showing that 5 134 male teachers worked in Western Australia's school system last year, which is 314 fewer than in 1997. The percentage of male teachers fell from 34 per cent to 25 per cent. One in four teachers in our primary schools is male. Members have only to go to the primary schools in their electorates and they will see that male teacher numbers have dwindled. That is a serious concern for us in this place and in the wider community. I know that this concern is shared by many members in this place, particularly those members who have high proportions of single-parent families or families experiencing disadvantage or dysfunction in their electorates. When members look at those families, they will quite often see the lack of quality male role models.

[Member's time extended.]

Mr D.A. TEMPLEMAN: Quite often those families experience socioeconomic and cost-of-living pressures and many of them lack quality male role models.

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I think it is time that uncles and grandfathers step up to the plate and recognise the role that they can and should be playing in their wider family network because many of our young girls and boys are screaming out for a positive male role model in their lives. Traditionally, in the 1970s and the 1980s and earlier, children would see some of those quality role models in their school. The year 3, year 5 or year 7 teacher was a male but that is now in steep decline. We need to admit that in many ways teaching is very much becoming a non-male option. Why is that? I know that the minister will say—I think it was mentioned in this article—that we can blame the resource boom and say that males are all going off to work in the resource sector. I do not think that is true. I think that the current system and the way the system is heading makes it increasingly disadvantageous for men to enter the teaching profession. Indeed, there are a range of threats stopping men from entering what is now becoming a traditionally non-male profession. I think that is very, very sad.

If increasing numbers of young kids are not experiencing quality positive role models in their lives as they are developing, I think their lives will not be as rich as they could be. That is one of the key things that the minister should focus on. The other thing we should focus on is encouraging people to enter the teaching profession. I know that the department has a program that seeks to entice professionals from other professions. A bridging course allows people to move into teaching after they have passed that course. We have to do a lot more than just that. I have always believed that mature age people are prime targets for teaching. Traditionally, the old days—they were not that long ago—of young teachers graduating and going out in the country are now also in steep decline. The number of young teachers who graduate and then teach in the bush for two or three years like they used to is declining. That will be even more difficult for the independent public schools because the principals of those schools are able to select staff. They will cream off all the good ones. They will target them. They will go out headhunting. It was always a mindset.

When I graduated from Edith Cowan University in 1986 it was normal for graduates to do their country service for two or three years and then they would be looked upon favourably when they came back to the city. Having done their country service, they were looked at favourably because they had served their time in the country. Some people served in remote parts of Western Australia and some people went to regional cities such as Mandurah, Bunbury, Geraldton and Kalgoorlie. They served their time and came back. The minister admitted in a debate we had about this last year that the options for these teachers when they come back to the city are drying up.

Dr E. Constable: It's actually turning around. At the beginning of the year the jobs in the regions and the remote areas were filled before all the metropolitan jobs.

Mr D.A. TEMPLEMAN: During the debate that we had about North Mandurah Primary School last year I raised this issue of the teachers going out and the spaces not being available when they came back. The minister said that only one graduate had decided to go bush during a certain period.

Dr E. Constable: No, only one graduate last year said they'd go anywhere, but that doesn't prove your point.

Mr D.A. TEMPLEMAN: No, it does not but if we go back 10, 15 or 20 years, that percentage would have been far higher because there was an assumption that the system would treat graduates fairly when they chose to go into rural and remote areas. I always tell any young teacher that it is the best experience they can have. If they want to get a real feel for teaching and experience what communities have to offer, they should do their country service. The problem now is that when we advise someone to do that, their options have dried up when they choose to leave. The minister has admitted that herself in this place. As we get more and more independent public schools, it will happen even more. Then we will be in a situation in which graduate teachers will think very, very carefully before they tick the box and say they will go anywhere, whether it be the great southern, the goldfields or wherever. That is the problem that the minister has set up for herself. I believe that we need to address these issues if we are talking about enhancing teacher status. We need to encourage people to take on this very difficult role.

If I lose my seat next year, I will not go back to teaching, even though I loved it, because it is one of the hardest and most difficult professions to be in. Despite some remuneration and packaging and things like that, the reality is that many teachers are feeling even more isolated than they ever have in their classrooms and in their schools because we have not done enough to lift the status of that profession. All of us have failed collectively. I may have said a few things that are different from what the shadow spokesperson said, but the fact is that the minister has now replaced a bill that was ineffective. The Western Australian College of Teaching was ineffective. I apologise to the advisers sitting at the back of the chamber, but it was ineffective. We have now replaced it with a big stick. We are saying, "This is what you have to do to be registered, and we will judge who is of sound character and fits a particular category."

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Mr M.P. Murray: If a person was wearing fish-net stockings or something like that, would they be judged along those lines?

Mr D.A. TEMPLEMAN: If I was on the board, I would be supporting that person's character, but I am only one person. This is the problem. The member is on the spot. We have created a big stick now and we charge a person \$70 to be part of a process that will bash them over the head if they are not doing the right thing, and we will decide whether they are doing the right thing and whether they are of sound character. That is my personal opinion. I think the government should scrap the lot. It can deal with the teaching discipline stuff in the department or another entity. We should give the teachers \$70 a year. Why ask them to pay \$70 a year for something that is not delivering and will not deliver anyway? We should give it back to them and say that we will not charge them. Yes, they have to go through working with children checks. Anybody who works with children has to go through a working with children check. That is a primary requirement. Yes, we have to check out people's criminal history. Of course we have to do that. Members opposite will blindly follow this bill. They will not get up and say anything about it and they will blindly follow it. When we vote on the amendments, which will be very sensible, members opposite will blindly follow the minister and blindly vote against us. They should think carefully about what they are doing.

We are replacing one perceived failure with another, and I think it is wrong. It does nothing for the enhancement of teaching in Western Australia and it does nothing to encourage teachers. It does not say to teachers, "Hey, we value you! We say and think you are important people; we value you!" Instead, it says, "This is what we'll do if we don't like you! And we'll decide and the minister will judge; the minister will have the power to direct this committee."

Dr E. Constable: No, I do not!

Mr D.A. TEMPLEMAN: Yes, the minister will! It is in the second reading speech!

Dr E. Constable: I'll explain it later.

Mr D.A. TEMPLEMAN: Minister, it is in here! It is in here!

Dr E. Constable: I will explain it later; just sit down.

Mr D.A. TEMPLEMAN: It states that the minister will be able to direct at his or her discretion; that is what the minister will do.

I hope there are lots of divisions on the Teacher Registration Bill 2011. Leader of the House, I think we are ready to debate this bill throughout the night. Do not be a pussy! Come on, we can stay here all night—right through! We can stay here all night and we will debate this bill and we will go through it clause by clause, because I think it is very, very poor legislation.

MR M.P. WHITELEY (Bassendean) [9.31 pm]: That was an inspirational speech by the member for Mandurah, and I think it reflected his passion for teaching. Like him, I am a former teacher and I also loved teaching. My time spent teaching was some of the happiest years of my life. I echo the thoughts of the member for Mandurah when he said that the Teacher Registration Bill 2011 does nothing but require teachers to pay a fee, and is really only relevant to them if they do something wrong; it does absolutely nothing to elevate the status of teaching. I think it is really sad that we allow lawyers and doctors to self-regulate, but when it comes to teachers we have created this pretence of self-regulation but we do not give them any capacity to determine their own professional standards.

One problem I have seen consistently throughout my time in Parliament is that it has tended to overcomplicate the business of teaching. I do not think teaching is a very complicated process; I think there are three requirements of a good teacher. I look back with pride on my time as a teacher, and I know I was a good teacher because I was passionate about teaching and I met the three requirements. Good teachers need to know their stuff; they need to know their content and they need to know what they are talking about. Good teachers need to be entertaining; they need to realise that they are in charge of kids for six hours a day in primary school, and in high school there is a flood of kids coming through the classroom all day. Teachers need to be able to hold their attention and entertain them. The third thing good teachers need is empathy.

The ACTING SPEAKER (Mr P.B. Watson): Members, if you want to have a meeting, have it outside, please, so that I can hear the member for Bassendean.

Mr M.P. WHITELEY: If a teacher has empathy for kids, they are not going to do any of those horrible things that we are hearing about from the Katanning hostel, for instance.

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They are the three attributes that basically make a good teacher: knowing their stuff; having the capacity to entertain and enthuse kids; and displaying a degree of empathy. I think what I have seen over my time in the Parliament—this legislation is just a continuation of that process—is the fact that we are overcomplicating teaching. We are not adding value to the profession of teaching. We are legislating and we are complicating—because that is what we do in this place—but we are not actually allowing good teachers to flourish. Frankly, if someone is being asked to pay a fee to fund a board that is going to punish them when they do something wrong but actually adds nothing to their professional status, I think nothing is being added to the value of teaching. We are not adding to the value of teaching, we are in fact diminishing it.

I was a teacher at Christ Church Grammar School for six and a half years; that was, in fact, my only professional teaching job. My only experience of the school environment prior to that was actually being a student at Como Senior High School from 1972 to 1976, and, prior to that, Manning Primary School from 1965 to 1971. I had never walked into a classroom to teach before I first walked into a classroom at Christ Church Grammar School. I was not actually even qualified to apply for a job in the government system. I achieved a diploma in higher and further education at Curtin University, but because I had never done a teaching practical I was not qualified to teach in the government system. Christ Church Grammar School gave me an opportunity to teach that I would not otherwise have had. It did that because it had a principal who was prepared to take a punt on me as a teacher—namely, Jeremy Madin. I imagine the Minister for Education would have known Jeremy Madin; he was an excellent principal.

I came from a background of having been educated in the government system and having sort of a reverse snobbery, if members like, that made me quite nervous about going into a very elite western suburbs school. I almost went there wanting to dislike the school environment because it was quite foreign to what I had experienced as a child. But I loved that place; it was a fantastic place to teach. The reason it was such a good place to teach was that it was a school that backed its teachers. It said, “We expect performance out of you. We expect our kids to do very well. We know they are going to do very well because we know we have selected you and you are an excellent teacher, and we are going to pay you very well.” In fact, I was actually the chief negotiator for the enterprise bargaining agreement in about 1999, and it was always a heartening process when I went in as the chief negotiator for the EBA on behalf of the staff and the principal said to me, “I give you one guarantee at the beginning of this process; at end of this process you are still going to be the best paid teachers in Western Australia. We are going to do that because we know you are the best teachers in Western Australia.” That was reflective of an ethos of valuing teaching and understanding that teaching was a calling. Teaching is more than a profession; it is a calling. I was honoured to be a teacher and I was honoured to be regarded as a good teacher, because that is an incredibly difficult thing to achieve. In a sense teachers can be helped to become better teachers, but good teachers are born. They know their stuff, but they have that capacity to entertain and they have a natural empathy for kids. Christ Church Grammar School was a great employer and a great school because it backed its staff. I do not see anything in this legislation that states that the Minister for Education actually backs her staff.

Of course, Jeremy Madin was incredibly lucky because he was the headmaster of the school with the highest fees in Western Australia. In a sense, compared with other schools he had relatively unlimited resources, which made his job easier. In that sense I think a parallel can be drawn with the current minister. I think the current minister is actually the luckiest education minister who ever drew breath, and I will tell members why. She became the Minister for Education at a time when, because of a national economic imperative, the federal government needed to pour millions and millions dollars—probably billions of dollars—into the Building the Education Revolution program. Because of that, most of the infrastructure needs of primary schools and, to a lesser extent, secondary schools in Western Australia were met, which took a lot of pressure off the minister in regards to infrastructure spending. She also came in at a time when—I am not going to shy away from it—Labor had lost the confidence of teachers. I will go through that in a minute, and I will not be saying anything I have not said in the Parliament before. Labor had lost the confidence of teachers because it did not display enough confidence in teachers. It had overcomplicated the business of teaching.

So the minister came in when there was this sort of backlash against Labor, and she also came in against a backdrop of a quite generous offer having been made to teachers by Labor during the EBA negotiations, but of course we had lost their confidence and faith at that stage. It was very good politics on behalf of the then Leader of the Opposition to top that offer up with another \$120 million; it sort of outbid us. The minister came into an environment of having this massive infrastructure spend from the BER and there having been a very generous remuneration offer to teachers. Teachers were well disposed to be responsive to her.

But I think the minister has lost teachers. I am hearing that consistently from teachers in the schools that I represent.

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Before I talk about why the minister has lost teachers, I will talk about why we lost teachers. I think the two reasons are connected. We have successively overcomplicated the job of teaching. It is incredibly important that we measure the outcome of teachers. The outcome of teachers is student performance. How we should measure the outcome of teachers is not how in absolute terms students perform, but how much value teachers add to student performance. One of the good things that has been done by this federal government—it was picked up on in innovations of earlier state governments through the Western Australian Literacy and Numeracy Assessment, now called the National Assessment Program — Literacy and Numeracy—is the measurement of children’s performance at various stages of their education. I think that is actually in a good thing. I reject those criticisms that say, “Oh my God; we get teachers teaching to the test; we get teachers narrowing down the curriculum; it does not recognise the breadth of what teachers do”. All of that is true, but at least NAPLAN, and WALNA as its predecessor, set a benchmark. They set a snapshot that teachers could use to look at the performance of their students, and they could say that this kid on this particular day performed this well relative to his or her peers. I say that as a former teacher. But I say that as a former parent as well.

Dr E. Constable: Former?

Mr M.P. WHITELEY: Well, still a parent, absolutely—a former parent of children of school age. When my second child—who is doing brilliantly now and is in his first year at Curtin University—started school, my wife was concerned about his progress. I dismissed it. I said look at his school reports. He was getting wonderful school reports about how well he socialised with the other children in his class and how well adjusted he was and all the rest of it. I said the teachers were not flagging any concerns. But the WALNA testing, when it first occurred in year 3, revealed that my child was not doing as well compared with his peers as we might expect. So that snapshot of his performance against that of his peers actually revealed a truth that had not been revealed in his normal school assessment to that date. So I am a great fan of measuring teacher performance and having standardised testing, because it does give a snapshot of a child’s performance. Yes, it is not the full picture, and, yes, it does not cover the full breadth of what teachers do, but at least it enables us to look at performance of our children against the performance of other children and see how our children are going and whether they are meeting what is expected of them, are keeping up with their peers and are meeting the benchmarks. I am not against teachers’ performance being measured, but we need to be very careful in the use of those sorts of measurements, because obviously we need to be mindful of social demographic influences on a teacher’s performance, so we need to look at what it is reasonable to expect when it comes to the performance of children. Nonetheless it is incredibly important that we can take that snapshot of how a child is performing compared with other children. I think good teachers will, over time, consistently value add. They will consistently push up the performance of the children in their charge. So I am not against measuring the performance of teachers in that standardised way. What I am against is the over-complication of teachers’ jobs.

The outcomes-based education approach was a disaster in my view. It was revealed as a disaster only when it was going to be applied to years 11 and 12. This idea that we could measure the performance of children across 12 years of education and across eight levels of achievement, and distinguish between how the child was doing in one of those levels and who should be able to enter medicine, was a completely furphy; it was a complete nonsense. It was possible to fudge it up to year 10, because there was not a need for fine-grain, big-stakes assessment, but when it was going to be rolled out in years 11 and 12, it became obvious that it was a flawed system. During our time in government, we started to roll it back, but we did not roll it back far enough. The current Premier, when he was the Minister for Education, should also bear some responsibility. In fact the only Minister for Education who really grasped the problem and started to roll it back was the current Leader of the Opposition. We allowed the business of teaching to become overcomplicated. We allowed teaching and student performance to be measured against hundreds of very nebulous outcome statements that were in effect meaningless. What we needed to do was get out of the way of teachers. We gave them all this busy work, but we needed to get out of the way of teachers and let the good teachers teach, and then every so often, on a regular basis, assess how their students were going against the required level and against their peers. The system of outcomes-based education, which was rolled out progressively through the primary school years, and then through the years of early high school education, was in my view a disaster. That is one of the reasons that we lost teachers. Perhaps I am drawing too long a bow here, but I do not think so. I think it is a reflection of the fact that we have overcomplicated teaching. Teaching is about giving teachers an objective, giving them a defined curriculum and giving them a defined expectation of what they need to achieve, and then telling them to go ahead and do that in whatever way they see fit. It is about giving teachers maximum flexibility to achieve defined goals. My concern is that progressively over the last 20 years we have seen this process of trying to interfere in how teachers do the inputs and not paying enough attention to the outputs. We lost teachers because we overcomplicated their job. This minister is losing the faith of teachers. She is not showing faith in teachers. The minister is not concentrating on what really matters. That is a consistent message that I get from teachers.

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If I were a teacher again, I would have to mark this minister down for this piece of legislation. I cannot remember the minister ever introducing a bill of equivalent magnitude to this bill. This is the biggest bill the minister has introduced. There is a lot of red ink running through this bill. There are so many mistakes in this bill.

[Member's time extended.]

Mr M.P. WHITELEY: I am staggered that, when this is the minister's big piece of legislation, her big bill, her big moment in the sun, she could make so many errors. I mean, I look at today's notice paper, and from page 17 all the way through to page 40 are amendments that are to be introduced by the minister. I do not know what process this bill has been through. Why has the minister got it so wrong? Why do we need to have so many amendments to the bill? I have heard stories about the fact that the minister sets deadlines for herself, under a bit of pressure from Howard Sattler, that require her to do things to a certain time. So maybe the minister rushed the process. But it is shocking. It is a really poor piece of work. I have to say that if this piece of work came across my desk as a teacher, I would say, "Must try harder; unsatisfactory; D-minus". The alterations to this bill are not alterations that are needed because the bill has gone through the process of debate. These are alterations that would appear to be just sloppy and careless. It is not a very good example to be setting for the children of Western Australia.

If we want to increase the status of teaching, one of the things that we need to do is sell the message of why teaching matters. I think the decline in the status of teaching comes down to a number of factors.

Relative pay scales are obviously important, and there have been some moves made to address that issue, and that is a good thing, but I think it reflects the short-term perspective we have on the value of different professions. The benefits of good teaching do not flow through the system for 10 to 15 years at least, yet we have an economic system that increasingly values short-term outcomes, so we need to reflect upon that. We need to understand that how well we function as a society in 10 to 15 years' time will be the result of two things: firstly, how well parents do their job, and that is by far and away the most important influence; and a distant second behind that, but nonetheless very important, is how well teachers do their job. If we are to elevate the profession of teaching, we need to have an appreciation of that. We should not be concentrating as much as the Teacher Registration Bill 2011 does on a punitive approach to bad teaching and on telling teachers how to teach. We should instead be concentrating on having systems that measure their performance in terms of the performance of students, rewarding those who value-add, and not necessarily punishing those who have students who perform below the average, because most often they are the teachers who are teaching at the most difficult schools. We need to, in fact, have a system that value-adds. I think that is a key to elevating the status of teaching.

We need to define curriculum and we need to have minimum standards. Above all, we need to actually value the process of teaching by valuing teachers and making them front and centre in determining the standards of their own profession. Unfortunately, as the member for Mandurah pointed out, this bill does not do those things. This bill says, "Give us your 70 bucks and we'll set up a system that will give you a slap on the wrist when you do something wrong". That is an insult to teachers; frankly, we should abolish the fee of \$70, if that is all it is. But if we are serious about elevating the profession of teaching, we should allow teachers to self-regulate; we should actually recognise that the expertise of teaching lies within the teaching profession. We do not need to overcomplicate the assessment of inputs; we need to concentrate on the assessment of outputs. We need to allow maximum flexibility in how the outcomes we are trying to achieve are met, but we need to have minimum standards defined in the curriculum and we need to make sure that those minimum standards are met.

With those few comments, I invite from the Minister for Education, by interjection—I am quite happy to take an interjection—an explanation of why there are so many amendments. I am disappointed that the one piece of legislation she has brought to this Parliament as her signature piece has so many amendments before we have even started.

Dr E. Constable: I will explain that when I reply.

Mr M.P. WHITELEY: The minister can explain it right now; I have eight minutes left.

Dr E. Constable: No, it will take a bit longer than that. I'll explain it later.

Mr M.P. WHITELEY: Well, just in general terms. There must be some simple explanation.

Dr E. Constable: I am going to go through those amendments later when I speak.

Mr M.P. WHITELEY: It is disturbing, minister. Frankly, as an ex-schoolteacher, I presume she did not spend all her time in the principal's office and spent a bit of time in the classroom. She would have been pretty

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disappointed to get a piece of work that had been submitted for assessment that had so much in it that was wrong and needed to be corrected. That is disappointing.

The other thing that is disappointing, and of far greater consequence, is the fact that, as the member for Mandurah said, it is a punitive approach. It does not do anything to elevate the status of teaching. It says, “Give us your 70 bucks and we’ll administer a system that is designed to punish you”. It is disappointing and it is one of the reasons that the minister has slowly lost teachers. As I said, I think she had a very easy run; she did not have to do a lot to keep teachers happy, but frankly, I see them falling off very quickly, and I do not think that this bill will do anything to restore their confidence in the minister.

MR A.J. WADDELL (Forrestfield) [9.55 pm]: It will please the house to know that I will be very brief. I am also disappointed: I am disappointed that the member for Mandurah stole most of my thunder; I am disappointed that I have to disagree, most respectfully, with the member for Bassendean; and I am disappointed that a government that prides itself on reducing red tape, making life easier and being the party of small government has brought in what is, essentially, a huge waste of everyone’s time.

When one reflects upon WACOT and the new Teacher Registration Board, one quickly sees the difference; the difference is that WACOT was originally designed to improve the status of teachers. I put it to members that if we were able to improve the status of any profession by legislation, politicians would be held in very high esteem indeed! We are not, and there is a very good reason for that: legislation will not achieve that. The community will draw its own conclusions. The community will see how we value teachers and the community will see what contribution teachers make. That is something that will evolve of its own accord as our society continues to evolve. I think all members would express a desire for teachers to be held in very high esteem, because we know it takes a considerable effort to raise our community and to ensure that the standards of teaching that we all expect are achieved.

Let me return to some of my disappointments. My disappointment with the member for Bassendean is, of course, in respect of his support for National Assessment Program — Literacy and Numeracy. As the parent of a child who is subject to NAPLAN every second year, I think it is an enormous waste of time and probably one of the greater failings of the current federal government. It encourages teaching to the test; of that there is no doubt at all, and I am sure many members will recall times when they have tried to schedule events in schools and have been told that it is not convenient because it is the NAPLAN period, when schools are entirely motivated by achieving their NAPLAN results. In fact, as the patron of the Gifted and Talented Children’s Association WA (Inc), I am often told, when I am advocating for specialist schools, that schools would not like it if we were to take away their best and brightest, because their NAPLAN results would fall. There is no consideration whatsoever of the best outcomes for the child; it is just about working to the test.

People who are fans of popular economics may have read the book *Freakonomics*. There is an excellent chapter on California, which tried to bring in incentives for teachers whereby bonuses were paid to teachers who achieved exceptional results. They found that teachers not only taught to a very specific test, but also began to fudge the tests.

As a parent, what do I think of NAPLAN? I can tell members that I think it is absolutely useless, because if I am looking to move my child to where the best results will be, by the time the NAPLAN results are published for a given school, we are halfway into the next year. I cannot actually move my child in response to it. I think that testing is valuable as an internal process, and it can reveal problems, but the public nature of NAPLAN makes a mockery of the education system.

The disappointment I expressed about the member for Mandurah stealing my thunder was in the sense that I agree, most wholeheartedly, that the best outcome would be to abolish the existing act and to leave it at that. This debate should not occur. I do not see any value in this bill whatsoever. In fact, to me it is a somewhat so-so, mediocre human resources policy. It describes a disciplinary process; how various events will be dealt with; what we will do to register a teacher; and how teachers need to be fit and proper. It would seem to me that all these things could be done at the point of employment; it would seem to me that these things are occurring everywhere else within the public sector already; and it would seem to me that we do not need this level of bureaucracy. We do not need a legislative act to actually do what is sensible. Is the government saying that unless we pass a bill that says we do not want a teacher who has been involved in sex offences, the Department of Education would not do that? Do we have such low views of that particular bureaucracy that it needs to be told not to do what is patently obvious not to do? It seems completely unnecessary. It seems that a simple policy document would have achieved the exact same outcomes without wasting the time of this place or creating all of the bureaucracy that goes along with a piece of legislation.

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There are very worrying things in this legislation. Again, the member for Mandurah pointed them out. He pointed out the concept of “fit and proper”. I ask members to please not take what I am about to say in any way as a reflection on the debate that occurs within this place or in Australian politics generally. I am a keen observer of US politics. I very much enjoy watching their debates. I am watching the Republican primaries as they play out. It seems to me that one of the key issues in the United States is whether somebody engages in premarital sex. In fact, I believe that some candidates have come out and actually said that they feel teachers should not have engaged in premarital sex, and that if they have, they are not fit and proper. When we leave definitions open, as we are doing in the bill before us, we leave that debate open. We leave that debate about what is going on in someone’s private life available to a future minister or a future government of a party that may not even be represented in this Parliament today.

I reflect on social media. Right now there is a big debate about whether employers should be allowed to do an audit of a person’s Facebook page before they are given a job. Will this be a purpose of the Teacher Registration Board? Will it require of teachers or prospective teachers that they provide their passwords and user names of their Facebook accounts so that it can determine whether they are fit and proper? It is a door that we are leaving slightly ajar. I am not accusing anyone of doing it; I am merely putting it in front of us and saying that it is something that is entirely possible under this legislation. I ask: for what purpose? Again, I do not believe for a moment that anyone is actively advocating that we employ people who would offend this legislation in any particular way. I think there are simple mechanisms that could be put in place. I do not have an argument with there being a child worker test; people need to have appropriate certificates to work in the education system. That makes perfect sense.

Of course, the other thing that was raised was the effect of independent public schools and how IPS is effectively creating a two-tier education system within our state. This is something that has certainly been raised with me by a number of my schools, particularly those that are not IPS.

A government member interjected.

Mr A.J. WADDELL: Schools can get their act together to a certain extent, but eventually there are going to be winners and losers. Not every school is going to be an IPS. At the end of the day, if the independent public schools are able to cherry-pick the best teachers, we would expect the educational outcomes of those schools that do not have the best teachers to continue to move downward. They are not going to become eligible to become an IPS. We will effectively create a two-tier system. That means that the lower socioeconomic areas, such as those in my electorate and of the member opposite, are probably going to suffer. That is something we need to be very mindful of. I do not disagree with the concept of IPS. I think the idea of a single-line-item school is not a bad one. I think the idea of giving more flexibility is a good thing. I am standing here today arguing that we do not need this bill. I think we need to simplify and free up the system—we should let teachers teach and principals run the schools. We should open up the system. I think that is what the minister is trying to do with the IPS. I do not disagree with that. However, we have to let go of the regulation when we do that. Again, I flag that as one of the possible problems.

As I said, I will be brief. The final point I would like to make is about costs. Everyone has referred to the \$70 that teachers will have to pay to be part of this disciplinary process. I reflect on papers that have been made public through the Joint Standing Committee on Delegated Legislation, whereby we were given some information on WACOT and how it forms its costings. I remember reading that at the time and thinking that was a little odd. One of the things that they pointed out to us was that WACOT currently has four full-time equivalents who provide assessments of between 4 000 and 5 000 applications per year, and a further two FTEs devoted to assessing overseas qualifications. They then calculate that each FTE goes through about 700 applications a year. If I think about that, 700 applications in a working year of 200-odd days essentially means that each officer is performing only about three checks a day. It seems to me a fairly inefficient operation when the majority of teachers are carrying qualifications through state universities or federal universities. It would be fairly obvious that they are appropriately accredited to teach in our system. It seems a bit top-heavy and a bit bureaucratic. Again, this process is not necessarily eliminated in the bill before us today. Why are we charging our teachers? Why are we making them jump through these sorts of hoops when they have already jumped through the hoops of becoming qualified teachers? It seems unnecessary and something that disappoints me greatly.

MR T.G. STEPHENS (Pilbara) [10.06 pm]: Over the years this house has seen a very robust debate indeed when its processes have been abused by a government minister introducing legislation and then introducing onto the notice paper page after page after page of amendments. Whenever that has happened in previous debates in previous parliaments, the annoyance of the house has been absolutely palpable. Ministers have been chastised by the chamber and chastised by their colleagues and by and large have learnt the lesson to not do such a thing as

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waste the time the whole house by introducing a sloppy bill like the Teacher Registration Bill 2011. It displays a level of arrogance on the part of the minister. Instead of them doing their job, they are instead dumping a sloppy bill and wasting the time of the whole house in having to fix up that sloppy bill even in advance of the second reading debate. People on both sides of this house have refused to cop it in the past, and they should not be coping it now. The minister should be sent scurrying from the place, and she should get a bill back in this place in a consolidated form before the bill is advanced through the second reading debate.

Mr R.F. Johnson: That is exactly what you're going to get.

Mr T.G. STEPHENS: No, it is not what is happening. Instead, we will eventually get a bar-two bill, a consolidated bill, that incorporates pages 17 to 40 of the current notice paper, and then that bill will then somehow or other be the bill that eventually passes to the house.

I can tell members that in the history of the Parliament ministers have legitimately been chastised by their colleagues and been pulled into order by the leaders of the house or by the presiding officers. This type of sloppy, arrogant behaviour on the part of the minister has not been tolerated. In fact I recall that it was the sort of display of arrogance that the member, when she was sitting here as an Independent, would not tolerate if it was legislation advanced—on the rare occasions that it was—by a Labor government minister. They were taken to task, and in turn, those ministers that went down that path were pulled into line by their leaders of government and their Premiers and prevented from introducing bills in such a sloppy way ever again. This reflects on no-one else. This is not a question of officers, departments or anything else; this is entirely the responsibility of the minister who has introduced this bill. The minister should not waste the time of the Parliament or the time of the house with a sloppy bill that requires an extraordinary number of amendments before we can even complete the second reading debate. The minister should apologise to the house. At best, she should withdraw it and come back with a completed bill in its final form so the bill can be read in its entirety rather than having to read the bill in conjunction with this series of amendments before the house.

This side of the house is lucky indeed to have amongst its ranks people who are advancing a vision for education and a vision for teaching, such as those being advanced week after week by the shadow Minister for Education—most recently today in *The West Australian*. He is taking leadership in the education debate that, more typically, would be in the hands of the minister. He is pointing out to the Western Australian community what needs to be done in the field of education and what needs to be done in support of the efforts of teachers. I am delighted to think *The West* has taken up the opportunity to publish some of the preliminary thoughts of the shadow Minister for Education, the member for Warnbro. I am delighted to hear the positive responses that I and other colleagues have received from people with an interest in education, within the school communities and more widely across the community of Western Australia. People are positively responding to the vision being held out in the early stages of policy formulation and platform preparation which will be put before them in the lead-up to the next state election. That is in marked contrast to the situation on the other side of the house with the current education minister continuing to deliver chaos into the field of education. At the end of this term she is not even going to stand for re-election, so we will not have a clue as to who will be the education minister if this crowd was lucky enough to be re-elected. We will not have a clue as to the future shape of the education portfolio if this crowd opposite, by some misfortune, were able to hang on to the Treasury benches. This debate today is an example of why this government should relinquish those Treasury benches as quickly as possible and hand it over to people who are determined to deliver. At the end of three and a half long, wasted years on the part of this government, this Minister for Education has not delivered in this portfolio. We can instead replace that with energy, vision and leadership so that the community of Western Australia can get on with the task of delivering quality education, quality opportunity, quality schools and quality teaching in conjunction with the people in that portfolio area who simply want to do that.

Missing from this bill, and missing from the strategies of this government, is a response to the serious challenges that face education. Within the bill before the house, even in the amended form that it might finally take once the house deals with page after page of amendments on the notice paper, there is not yet the opportunity to endorse strategies that would extract from the teacher education facilities of Western Australia programs that can best equip teachers with the certainty of delivering a pedagogy and an approach to teaching that will guarantee success in the fields of literacy and numeracy—areas in which those skills are most desperately needed. Instead, we have a government that has stood back like a laissez-faire purchaser of whatever the results of those higher education establishments are and then delivers into the schools teachers who in too many cases are unable to take up the task of delivering the essentials, particularly in primary education, and the basic skills and techniques of delivering educational programs that can secure progress with certainty in literacy especially, but also to some extent numeracy skills. Instead of that, teachers are landing in schools at which the leadership of those schools has to do the job that should have been extracted by this government from the higher educational

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establishments of Western Australia. That school leadership then has to advance strategies to secure the skills for those teachers so they can advance the educational opportunities for their students, particularly in the field of literacy.

It is galling for me that the current Minister for Education does not display in this bill, or in the strategies that she puts on the table in handling the education portfolio, anything that will secure from higher education—the universities, the teacher training programs—the strategies for the teaching of literacy in ways that are known to succeed. That is further evidence of why this bill is somewhat futile and does not deal with one of the core issues that face the major employer of teachers in this state, the Minister for Education, who sits apparently disinterested in the skills that are taught to the teachers in the universities, and the teacher training facilities of Western Australia. That is a complete disgrace.

The minister stands idly by while report after report from this Parliament and from every other English-speaking democracy describes how teachers and schools need to advance with more certainty programs that can secure the literacy achievements of their students. Western Australia has a minister who is disinterested and not at all involved in extracting from those teacher training facilities and from the higher education establishments, the coursework and the programs that will deliver into classrooms and schools all that the schools and those teachers need that should be delivered automatically, especially to a teacher going to the primary area. Instead, I find in my electorate teachers and administrations increasingly stripped of the resources that they need to do their jobs. I find principals who are resigning and taking jobs in other departments—anywhere else—just to get away from the Department of Education, which has been stripped of the basic resources that were once there in the support that was on offer from the regional office structures of the past. They are disappearing, including male teachers, and what is most evident in this process is that teachers have not been able to tolerate a situation in which they do not have the support on offer from that department to do the job. That is a direct consequence of the policies that have been inflicted by this minister as she has delivered upon the pre-election commitments of the Liberal Party, a party that she is not even part of. She has enthusiastically taken up and delivered on its misplaced policy initiatives, which in my experience have been a disaster for the schools. The minister has instead put in place these positions in which principals are being asked to be monitors of and support for schools a huge distance away. Principals in Hedland have to look after school leaders in Nullagine and Marble Bar—tasks that were previously done from well-resourced regional offices with support programs that were able to tap into the basic resources of government. This bill is further evidence of the chaos that this minister is delivering under this government. She cannot even get the bill right and has not been able to get her reforms right. In my view she should make space in double-quick time for someone who can do the job more appropriately and more thoroughly than this minister has.

I simply urge government backbenchers to do their job by speaking up and taking up the case of the Western Australian community in their party room and with their government to extract out of the government a better minister than this, better results than this and better bills than this. They should not allow the minister to waste their time by an arrogant display in the form of a misshapen bill that now has to be fixed up by this house in ways that should not be necessary.

Mr C.J. Barnett interjected.

Mr T.G. STEPHENS: I have been part of governments in the past when backbenchers have been too quiet. We learnt our lesson, and the current government's backbenchers will learn their lesson, I predict, in double-quick time. Arrogance is not tolerated by the Western Australian community, but it is on display by the bucketful —

Mr C.J. Barnett: Weren't you sacked as a minister?

Mr T.G. STEPHENS: The Premier would not know anything about any minister being held —

Mr C.J. Barnett: Something to do with a housing contract, wasn't it?

Mr T.G. STEPHENS: He is the Premier who sat there with the worst standards of ministers ever. He is the Premier —

Mr C.J. Barnett: Sacked!

Mr T.G. STEPHENS: He is the Premier who sat by and watched the worst standards of ministers being put on display. He sits there and says that somehow or other, because he is a Liberal Premier, his ministers can be pathetic, hopeless, lacking in virtue, standards and competence, yet they are still tolerated.

Mr C.J. Barnett: How many ministers were sacked under Labor; was it five or six? How many were under investigation before the Corruption and Crime Commission one after another?

Several members interjected.

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Mr T.G. STEPHENS: Does the Premier know the funny thing about this?

The ACTING SPEAKER: Order!

Mr T.G. STEPHENS: The funny thing about this, Mr Acting Speaker (Mr J.M. Francis), is that the barking from the Premier is in fact a reflection on him rather than on us. On this side of the house our leaders held themselves and their colleagues up to standards that the Premier walks away from.

Mr R.F. Johnson: You were never up to standard! You were a disgrace!

Mr T.G. STEPHENS: The Premier has ministers behind him and ministers around him with standards that would never have been tolerated by Labor in office.

Mr C.J. Barnett interjected.

The ACTING SPEAKER: Member for Pilbara and all members, this is not a broad-ranging debate on other portfolios. Member for Pilbara, I am going to direct you to return your comments to the bill.

Mr T.G. STEPHENS: Thank you, Mr Acting Speaker. I digressed to respond to the interjections of the Premier, but I take your direction to get back to the bill.

Bills such as this display a level of arrogance and incompetence on the part of the minister that she did not tolerate when she was sitting on this side of the house as an Independent; nor should members of this house, either opposition members or government members tolerate it. Government members should not have to put up with this. They should be able to tell their leader, the Premier, that there are members on their side of the house who can do a better job than this minister, and that it is time and they have had enough. I encourage them to do that. They have the opportunity between now and the next election to put up their best and brightest who can deliver bills that will attract the support of the house in the handling of this important field of education. Do not be taken down the pathway of having to face the next election with a minister who seems to be disinterested in the portfolio to the extent that she comes in and wastes the time of the house with a disorganised bill and a notice paper that is now stuffed full with amendments that she has to sort out. The minister is failing to tackle, in this bill or in the policies and strategies that she is deploying, ways to advance the education portfolio that will meet the needs of the community of Western Australia. She is failing to tackle the core issues of attracting and retaining the best and the brightest within our school communities. She strips dedicated teachers of the resources that they need. The school communities and the teachers deserve the very best resources for the dedicated effort that is on display. They deserve the best not just by Australian standards but by global standards. Partnerships between government and school communities that can reward the teaching community for the dedicated effort that it endeavours to put on display. In my own area, I am delighted to find that despite the failure of the minister, teachers go out and find other ways to equip themselves with the knowledge base, resources and programs they need to advance educational outcomes within their region. I find that despite the failure of the system, dedicated teachers are finding other ways to acquire the resources that are not on offer from the education department through training programs. The minister has sat by idly and delivered inadequate programs to meet their needs.

DR M.D. NAHAN (Riverton) [10.27 pm]: I want to make a few comments on the Teacher Registration Bill. What the bill does is rather simple; it starts dismantling another Labor bad-idea initiative in the education area.

Mr P. Papalia: The minister thought it was a good idea when it was set up!

Dr M.D. NAHAN: I am speaking for myself.

The Western Australian College of Teaching was a fundamentally flawed —

Mr P. Papalia: In fact, she took credit for it!

The ACTING SPEAKER (Mr J.M. Francis): Member for Warnbro!

Dr M.D. NAHAN: WACOT was a fundamentally flawed initiative, as I think the member for Forrestfield and many other people highlighted. It was part of Labor's series of bad ideas on education that has backfired. The member for Victoria Park went through and showed that quite clearly when he read out the results of a survey of teachers. I think he said that the highest rating of any of the issues was 27 per cent. The purpose of WACOT was basically to do a number of things, but primarily to increase the status of teachers. When we came into government, the status of teachers, particularly under the Labor Party, was at rock bottom. Indeed, it was a major reason for our coming into government.

Dr A.D. Buti: You should go and speak to the teachers now and see what they think.

Dr M.D. NAHAN: I do, almost on a daily basis.

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Dr A.D. Buti: I do, mate, and none of them support this minister—none!

Dr M.D. NAHAN: That is the member's spot. In Riverton, I guarantee they are.

An opposition member interjected.

Dr M.D. NAHAN: No, it is not the lack of money. A lot of money goes to teaching. Teachers are very highly paid in this state—the highest of all states—so they are satisfied with that. There has been a range of initiatives, but I will go back to this bill.

This bill is very simple. As the member for Forrestfield stated, the WACOT legislation that tried to somehow increase the status of teaching was an impossibility; it was ridiculous. This bill tries to hone the task down to registering teachers. The member asked the question: do we have to have registration for teachers? I might add that that is a good debating question. A whole range of professions have registration—law, medicine, social work, engineering.

Mr M.P. Murray interjected.

Dr M.D. NAHAN: The AMA is a union—one of the strongest. I think Milton Friedman said it is the most powerful union around. I am not arguing that. But a whole range of professions have registration. It is particularly important when people deal in sensitive areas, such as teaching kids or addressing parents or patients.

Do we need a registration board for teachers? Yes, we do. This bill basically hones it down instead of trying to pursue impossibilities with a huge bureaucratic structure and a board of 17 members. My feedback from the schools in my electorate—of which there are quite a few—was that without exception the teachers, the principals and the administrators thought the Western Australian College of Teaching was a disaster. It was bureaucratic and incompetent. It required the teachers to register too often—every five years or so—and it kept losing the records provided to it. I do not know why that was the case, but clearly it was doing too many things. The bill is trying to simplify things and bring it down to what the board needs. Some criticisms have been made about what the board will try to regulate the profession to do. The board's tasks include registration of teachers, dealing with complaints, disciplining teachers, dealing with impairment methods and facilitating accredited initial teacher registration programs; those are all necessary and sensible issues. I would argue that the opposition's friends in the education union would support this bill and require the Labor Party to agree to it. I understand WACOT was driven by the union initiative, so this is quite sensible.

As I said initially, the previous Gallop–Carpenter government's approach to teaching with outcomes-based education, WACOT and a range of other things, was, as another speaker pointed out, one of the reasons that teachers lost faith in the Labor Party. It was palpable. Teachers often have strong affiliation with the Labor Party, but I remember when doorknocking through my electorate —

Several members interjected.

Dr M.D. NAHAN: Many of them vote Labor traditionally. This last election they left the Labor Party en masse because —

Mr P.B. Watson: They are coming back in droves, I can tell you.

Dr M.D. NAHAN: Members, watch and we will see. Teachers left in droves because of what the Labor Party did to the profession. The Labor government set up this organisation called WACOT to improve the standards and the status of the profession, but it drove it down. Particularly under the Carpenter government the status of the teachers in the community declined because of what the Labor Party did. Teachers left in droves.

Mr M. McGowan: If he is going to say ignorant rubbish, I am going to speak.

Dr M.D. NAHAN: No, it is true.

Several members interjected.

Dr M.D. NAHAN: We in government have set about systematically addressing that issue.

The ACTING SPEAKER (Mr J.M. Francis): I do not want to have to start calling people, Leader of the House and Leader of the Opposition. While I am on my feet, member for Mandurah, you know better than to interject from somewhere other than your chair.

Dr M.D. NAHAN: The Leader of the Opposition knows this full well, because he was made the Minister for Education to fix up the mess that the government inherited. He did some good things such as disbanding outcomes-based education. However, there is no doubt that at that time, by all measures, the status of teachers was in question by not only the community but also the teachers. They felt disheartened. We have systematically

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gone out and improved that. The work of the Minister for Education has done that. I will go to the next election campaigning on the record of this government in my electorate on education more than any other thing. The three high schools in my area are all independent public schools, which is the most popular thing implemented in education in this state for decades.

Mr P. Papalia: Is it?

Dr M.D. NAHAN: Yes.

Mr P. Papalia: Who told you that?

Dr M.D. NAHAN: I am not sure how the member operates but I talk to the teachers and schools in my electorate on a daily basis.

Mr D.A. Templeman: I reckon you lecture the teachers; you don't talk to them.

Dr M.D. NAHAN: I talk to the teachers at Lynwood Senior High School, which I am on the board of, along with the member for Cannington. We are both on the board of Lynwood Senior High School. We went to the annual meeting the other day.

Mr W.J. Johnston: I'm on the board but I'm not with him.

Dr M.D. NAHAN: We are on the board together, to be precise.

Mr M.P. Murray: Did you hang onto his hand to make sure you got a vote?

Dr M.D. NAHAN: We are not in the same electorate. It is extremely popular. I will give an example of what the principal of Lynwood Senior High School said.

Mr W.J. Johnston: There was an overwhelming response from the parents last night, wasn't there, member?

Dr M.D. NAHAN: Yes, it was a bad turnout. There is no doubt about that, and that is to be recognised. As board members and as members who share Lynwood Senior High School, I think we should do something about it.

Dr A.D. Buti: There's no doubt even when public schools are popular, and I'm on the board, too, they may be popular but where's the evidence that the education outcomes have been improved?

Dr M.D. NAHAN: Lynwood Senior High School started as an independent public school this year.

Mr W.J. Johnston: So there is no evidence.

Dr M.D. NAHAN: I will give an example. Lynwood Senior High School became an independent public school a few months ago. I think someone said that it takes 15 years to make a change.

Dr A.D. Buti: So it will take a while. That's right. I agree with you.

Dr M.D. NAHAN: I will give an example. Lynwood Senior High School has —
Several members interjected.

The ACTING SPEAKER: Member for Riverton and member for Armadale, I am just going to repeat the ruling that I made to the member for Pilbara when he was on his feet. I am going to direct you to talk to the bill that is in front of us. Member for Armadale, I direct you to perhaps reduce the number of interjections and then we might get somewhere.

Mr D.A. Templeman: Hurry; I have a train to catch.

Dr M.D. NAHAN: I thought we were going to stay here all night.

I return to the bill. I think the independent public school system needs a good debate, and I would like to give a good example of it. Lynwood Senior High School just became an independent public school. The principal told me about one of its successes. He was able to identify and recruit a young woman who had just finished her degree at the School of Music at the University of Western Australia and appoint her as a teacher at the school. She is doing wonders, particularly with the multicultural groups in that community. It is phenomenal. I am just reiterating what the principal told me yesterday when he was outlining the benefits of being an independent public school. Things are happening right now. Lynwood Senior High School, as I think the member for Cannington highlighted, does have some troubles, and I am not arguing that. Being an independent public school allows it to tailor its culture offering to interest the parents and teachers in that community. Lynwood Senior High School is trying to focus on sustainable and environment issues. These are the things that we need to encourage.

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Other members in this debate have stated the importance of the status of teachers. About a month ago there was an interview on *Lateline*, I think, with the former head of the education system in Finland. If we looked at all the testing around the world, we would see Finland has the highest rating outside Asia. One would argue that Asia is slightly different. I think that is exaggerated, but Finland is a small European country. He was saying that the success in Finland comes down to one thing—that is, the status of teachers. He also gave some examples. It is harder to get into primary education in Finnish universities than it is to get into medicine. Indeed, I think he said that it is harder to get into education than most other disciplines, including law.

Dr A.D. Buti: And they do not have any private schools.

Dr M.D. NAHAN: Yes, they are all public schools. And in Finland, the testing is minimal, except at the end of the year. The next question is: how do we ensure results? Obviously, Finland is getting results that by international standards are high and have been high for a while; although, they were not high 20 years ago. He answered that in Finland, they systematically set out to alter a few basic things. First, they got the best people into teaching; and best does not mean “academic”, it means “aspiring to be a teacher”. And second, they allowed the teachers to run the schools. He told me that they do not have a Department of Education, but that the whole country basically has a series of independently run schools that in terms of quality are administered by teachers because of the standards of the teachers themselves. Now this is a very difficult thing to achieve, but honestly it is what we should be aspiring to do. Important in those results is that Australia has very good outcomes for the high-performing schools. It is the low-performing schools that are a concern; the tail is long in Australia and in Finland it is not.

Mr M.P. Whitely: And one other thing—a serious matter—in Finland, kids’ access to extra in-class support is based purely on performance. There is no measure of disability or labels for disability that are the gateway to extra support. They give the resources to the kids that are performing the worst and push it up that way.

Dr M.D. NAHAN: One of the great reforms, and one I think the Gonski report tried to emphasise is that we need to allow not only greater flexibility in schools to allow, for example, Rossmoyne to flourish, which it is, but also to reorientate resources—and I am not talking only about money, but about the quality of the teachers because in many schools the teachers are not performing up to scratch. That is what I think Finland has done. However, the point of this debate is: how do we increase the status of teachers to the same level as that of teachers in Finland, where the best kids want to be teachers, including primary school teachers, rather than doctors? I assure members that in our system the best students want to be doctors and lawyers. A mark of 99.8 is needed to get into the University of Western Australia’s law school, which is phenomenal; whereas a few years back it was not even necessary to have an ATAR score to get into education. There is a real issue and it will require an adjustment process.

I refer to WACOT and the attempt to regulate, promote and boost the status of teachers by way of a regulatory body and a 17-member board, which is just ridiculous. It is absurd! Therefore, we are cutting that back and focusing on the registration of teachers. On the record, I agree with the member for Forrestfield in that we do regulate too much in Western Australia. However, given the nature of the task of teaching kids and managing the schools spread around this big state—both public and private—with teachers coming in and out of the system, we need some kind of formal process; it could be done by a non-profit organisation owned by teachers or it could be managed more formally through the Department of Education. I think that it is best done this way. As to what is good and proper, and the member for Armadale may know more about this, it is common in the regulation of a profession and is open to interpretation, and I imagine that a lot of case law backs up what it means. This is just a means of trying to simplify the overall impost on teachers by focusing on registration, thereby allowing us to get to the softer but more important issue of building the status of teachers in different ways. One of the most important ways of doing this is to increase teachers’ pay, which we have done.

MR M.P. MURRAY (Collie–Preston) [10.45 pm]: I would like to add to this debate very briefly. Tonight I have listened to the many and varied views on the Teacher Registration Bill 2011, and I certainly have some problems about where this is headed and about how teachers will be able to put their viewpoint across. Previously, they were able to go and talk to someone who was not necessarily part of a union. I see this as, in some ways, forcing people to go to a union organisation to get their point across, but not everyone wants to be, or is, in a union. Let us face it, the teachers’ union is very strong and very well presented, and it certainly contacts me from time to time about different issues. If we take away the current system and put something else in place that means that non-union people will not be able to put their point of view forward, we are telling them, “Okay, go to the union.” The previous speaker might find the next election very difficult if the people in his electorate are not in the union; his margin is very slim and he might not be in this place after the next election and he would be unable to express his viewpoint on where teachers should go.

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I also have a concern about how teachers will be judged under this system. I interjected earlier about whether teachers would be judged on appearance, and I mentioned fish-net stockings, which are sometimes a bit of a rage in this place—even leopard skin suits have been a bit of a rage in the London area over there. People could be judged on their dress, not on their abilities or personalities. I think we have to be very, very careful where this is headed. I am saying we should not take away the Western Australian Council of State School Organisations, which has represented teachers across the board very, very well over the years, and replace it with a union group. I am concerned about teachers losing the ability to go to that group or that that group will not be listened to by the minister's office. Hon Col Holt recently asked a question in the upper house about why Collie Senior High School was not granted independent status. The answer was deplorable, to say the least. It was a slight on the headmaster and the teachers—the whole lot. The answer was virtually that they were not good enough, and that the school had put in three applications and it was not good enough. I think the way that was done, without any chance for redress or the ability to request reasons—I see the minister does not seem to be too concerned about what I am saying, although I know it is very late—was deplorable. My electorate has huge concerns about the minister's opinion of Collie high school, and it also worries me. Where will representation come from if we do not have the likes of WACSSO around the place so that we do not have to get the union involved? I think we have to be very, very careful. Time and again we say our kids are our future, but it is no good walking the walk if we do not talk the talk and do something about it. That is what I am really saying. I am very concerned about where we are headed in taking away the ability and rights of teachers to express a viewpoint that may not agree with the government. I suppose that is the crux of the whole matter. If the government of the time does not agree with the peak body, can that body's viewpoint be rejected? Sometimes, it is very, very good to have a different point of view, and I am concerned that we are taking that away, and, on top of that, charging teachers to take it away. Looking at the way in which we are going in the education system, I think the government system is quite reasonable at the moment. I do not see it as being really bad. I just think it is the way in which the political view is coming forward.

Another concern I have is that we have a federal member in our area who is actually charging teachers to listen to the viewpoint of the federal shadow minister for education. Teachers are being charged \$40 to listen to what the federal shadow minister has to say. However, it is better than that. If people want, they can pay another \$30 and stay for the fundraiser. I have real concerns about how that works, and I am sure the minister should have concerns about how that works. I am not sure what this government's association is with the shadow minister for education in Canberra. I am giving the minister the benefit of the doubt. For the shadow minister to be running around the countryside and running forums that cost teachers \$40 to listen to is deplorable. If the shadow minister has a position to put to teachers, he should not charge those teachers to listen to it. That is why we need the peak bodies. If we get rid of them, we will not have a body representing the various groups that can listen to the minister and then come back and put that to teachers, whether it be through newsletters or whatever. One of the really big problems at the moment is that teachers are being used as the milking cow for the federal opposition or the federal government. Yet we do not hear anything from the state government saying that that is wrong. The next thing we will see is the state government minister charging teachers \$40 or \$50 to listen to her point of view. That is totally wrong. I have been approached by teachers who are appalled by the system and how the government is getting the message across. Do teachers want to pay to listen to a minister—whether it be a shadow minister or a government minister—to find out what that minister's position is? There is something wrong with the system if we have to charge people a fee not only to belong to a certain organisation, but also to be able to listen to the person who is supposed to be running their affairs. There is something wrong with the system. I would love to hear what the minister has to say about the federal opposition running forums and people having to pay to listen to what is said at those forums. I would love to hear from the minister on that, because I think it is wrong. I would like to hear from the minister now through interjection. If she thinks that is wrong, I would love to hear that.

Dr E. Constable: It's the first I've heard of it. No-one is forced to go and spend their money. I wouldn't pay \$40 to go and listen to anyone on the other side speak, and I wouldn't charge anyone to listen to me speak. It's the first I've heard of it, member. I don't know anything about what you're talking about.

Mr M.P. MURRAY: It costs up to \$70 to go and listen to the federal Liberal opposition put its point about where it is going on education. It is just deplorable, and I would like to hear the minister come out and say that it is wrong—because it is wrong! At the same time, the minister is saying that we should take away a forum for teachers to talk through issues and to support each other. The minister is saying that she will take that away and put another position forward, at a cost. That is where I really have some misgivings about what is being put forward.

Dr E. Constable: I'm lost.

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Mr M.P. MURRAY: I might not understand it totally, and I make no apologies for that. However, when teachers come to me in my office with a brochure and say that they would love to hear what the federal opposition has to say about where we are headed with education, but they do not think they should have to pay \$40 to do so, something is wrong. The state minister should come out and say that it is wrong and that there should not be a charge for any teacher or an impediment to any teacher being able to listen to what the federal government is putting forward for these people. In response to other questions that have been asked in this house, the minister has said that she has a very close relationship with the federal government, or the federal opposition, or something along those lines.

Dr E. Constable: I have never met the man. I have no relationship with him at all.

The ACTING SPEAKER (Mr J.M. Francis): Member for Collie–Preston, I have given you a very long bow here. You are the third speaker in a row now in whose comments I can see absolutely no correlation to the bill in front of me. I am going to direct you to come back to the bill.

Mr M.P. MURRAY: Point taken and point made is what I am going to say. Here we have the WACSSO issue. But associated with that are many strings. That is the point I am making. The minister is trying to take away the right of teachers to have a say.

MR W.J. JOHNSTON (Cannington) [10.55 pm]: I will not be speaking for very long on the Teacher Registration Bill, but I am moved to speak because of the contribution of the member for Riverton. It is indeed true that the member for Riverton and I sit together on the board of an independent public high school, Lynwood Senior High School. I am also on the board of an independent primary school in my electorate, Beckenham Primary School, and I have been invited to join the board of Bannister Creek Primary School, and I am looking forward to being received by that board.

I am interested to know how this bill will interact with the independent public schools. One of the important things about independent public schools is that parents want to have a greater say in the education of their children. It may well be that this legislation is a mechanism to allow additional parent involvement in independent public schools. It will be interesting to see how that will be assessed. One of the questions that is raised with me by parents constantly is: how will the government be able to be held accountable for the operation of independent public schools, and will this legislation be used by the government as an excuse not to be responsible for IP schools?

I want to move now to a new topic. At page 22 of the notice paper, there is a series of amendments that the minister is intending to move when we get to the consideration in detail stage of the bill. The minister is proposing in this series of amendments to insert after the words “cancellation” or “cancel” the words “or reinstatement” or “or reinstate”. I wonder whether the minister would be able to explain why this issue was not considered when the bill was drafted. It does seem very surprising that this is a power that was not thought about in the process of drafting the bill. I am particularly interested to know what led the minister to seek, before the second reading debate, that such extensive changes be made to so many clauses of the bill to insert what I would imagine would have been a reasonably easy issue to contemplate in the drafting of the bill. So I think it would be quite important for the minister to explain to the chamber, and through us to the people of Western Australia, why the issue of reinstatement was not canvassed in the process that led to the drafting of the bill. Indeed, it would be interesting to know, in respect of many of the pages and pages of amendments to the bill, what happened after the introduction of the bill that changed the minister’s mind and caused her to seek such an extensive number of amendments. I am quite surprised at the extensive list of government amendments.

One of the things that strikes me is that this is not the first occasion on which government bills have needed extensive amendments. I do not know what the reason is for the minister needing such extensive amendments, and I would appreciate her explanation of why there needs to be such extensive amendments. If the government talks to stakeholders when developing new legislation that the minister explains is in response to the community’s demands, why are such major changes thought of only after the bill has been introduced? The minister might help us in considering all these amendments if she explains the procedures she used to consult with the community before she introduced the bill. If the minister thinks that the bill is so extensively defective, how did it get through the procedures of the government?

I want to finish on one other issue.

Mr C.J. Barnett: The original bill was introduced by your government.

Mr W.J. JOHNSTON: No, it was not; this bill was introduced by the Minister for Education.

Mr C.J. Barnett: This one was, yes.

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Mr W.J. JOHNSTON: I think the Premier might have been confused by what I was saying. I am talking about the bill that is before us now, not a bill that was passed by a different Parliament of which I was not a member.

Mr C.J. Barnett: The Labor government, yes.

Mr W.J. JOHNSTON: I was not raising amendments to any bill introduced by a Labor government; I am talking about the pages and pages of amendments that have been introduced by the government that the Premier leads. What was the consultation process that led the minister to require so many amendments to be made after she had introduced the bill? If that consultation process delivered such extensive changes, what prevented the government doing that consultation beforehand? I do not know the answer to any of those questions, and it will be interesting to hear the minister talk about that. But, as I say, I am happy to move on to a different issue.

There is a suggestion that somehow this government is correcting the failures of the Labor government. It was interesting to look at the *Hansard* of 19 June 2007 to see the contribution of the member for Churchlands, now the Minister for Education, to the debate on the Western Australian College of Teaching Amendment Bill 2007. She said —

I, too, support the Western Australian College of Teaching Amendment Bill 2007.

At the bottom of that same page of *Hansard*, the member for Churchlands said —

I support the legislation completely and hope that it has an easy and quick passage through both houses of this Parliament.

Indeed, she made the comment —

It is a great pity that it has taken so long to get to the point at which, finally, the board will be in place. I am very supportive of this legislation and it is worth members reminding themselves why it is before the Parliament. The teachers' union representatives came to see me because they wanted to raise the standing of the profession. At that time, they understood that something in the order of 147 professions and trades were registered, but teachers were not. They felt it would be very important for their profession if teachers were registered. Not only that, it would provide for the setting of standards and the maintenance of standards in the teaching profession. Most importantly, the registration of teachers is about the protection of children. We should keep those three things in mind.

It is also interesting that in her contribution on 19 June 2007, the member for Churchlands, the now minister, commented —

This legislation had its beginning in a deputation I received in my electorate office in 1997 from a number of people from the State School Teachers' Union of Western Australia.

It may well be that the minister sees that we are fixing the mistakes of the past, but let us not try to hide the reason for those mistakes. I was not here at that time; I do not know the particular reasons that people supported the legislation. But I do know the contribution of the minister, who effectively claimed credit for the creation of the bill and encouraged its passage through the house. I think it is important that we do not rewrite history, so I will be interested to hear in the minister's second reading response what led her to change from the position she held on 19 June, 2007, to the position she holds today. I would also like to know what was the consultation and the procedure that she used to decide that the bill that she introduced was so defective that it needed such an incredible number of amendments. I would be interested to hear from the minister at the appropriate time.

MR M. MCGOWAN (Rockingham — Leader of the Opposition) [11.06 pm]: I understand the hour of the evening, but I want to speak briefly on the Teacher Registration Bill 2011, particularly in light of the rather inflammatory remarks of the member for Riverton in relation to this bill. I just want to comment at the outset that I think this is a good, progressive step to change the nature of the Western Australian College of Teaching. Perhaps it does not go far enough in some respects, but it is a good, progressive step to amend what its role is.

As I recall, the genesis of WACOT was part of the election commitments of both sides of politics in the 2001 election. Labor committed to it on the basis, I think, that it was a system that had been implemented in a range of other states—New South Wales, Victoria and the like—as a mechanism to lift the status of teaching. I think we all agree with that outcome; we all agree that the status of teaching needs to be improved. Some members refer to other jurisdictions and other countries in which teaching has a higher status than it does in Australia, and measures to improve the status of teaching are, I think, something that all of us would agree with.

Unfortunately, my assessment is that I do not think WACOT has thus far succeeded in that aim. When I became the Minister for Education in 2007 I found that WACOT was an organisation that caused me some grief. It was not well supported by the teaching workforce. A number of teachers did not think it provided the outcome that they were in effect funding. A lot of them, as I recall, were declining to pay their registration fees. I was dealing

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with a situation where there was a form of civil disobedience, if you like, by some of the teachers, because they thought WACOT was not delivering in the way that it should. I think that is probably still the case, so I support this legislation as an incremental measure to try to deal with that situation.

WACOT had an unwieldy and large board structure. I think it had ill-defined goals. I do not think it achieved its goals very well, although I think the ambition with which it was set up and the intentions were good. As I recall, when it was established back in 2003 or thereabouts, it was supported by both sides of the house. We have heard some quotations here. Members, including the current minister, were supportive of its establishment.

Dr E. Constable interjected.

Mr M. McGOWAN: I thought I did hear some quotations to that effect.

Dr E. Constable: Yes, that's right; that's correct.

Mr M. McGOWAN: So we were supportive of the legislation; I think the vote was unanimous in the house—there was not a vote in the house, if you like, because both sides were supportive of the aim. As I said, it has been established in other jurisdictions, and people thought it would work here as well. I do not think it has, and so I am pleased to see that there is some change in this regard. I think it came about as a result of a statutory review. I remember commissioning the Department of Education Services to undertake a statutory review in perhaps 2008. That may be the process by which we have reached this point. I recall it was perhaps one of my last acts as Minister for Education and Training to commence that process. The statutory review concluded, and we have reached this point of time.

I accept there are difficulties with the legislation. If a whole range of additional amendments are introduced at the last moment, there are some difficulties with the legislation. Perhaps that is why we are here at this hour of the night, and we will be dealing with these amendments in due course.

I want to just deal briefly with the member for Riverton. I thought his speech was rather ignorant, to be honest. His lack of knowledge of the events of the last decade in the education portfolio, and his over-politicisation and attribution of responsibility for some of the problems to one party and not the other, I do not think was becoming of someone who proclaims himself to be an academic. I want to go over a few of the difficulties faced by the education portfolio and put into context where certain things may have arisen. The member for Riverton claimed that the status of teaching was driven down by some sort of deliberate effort on the part of the last government. Nothing could be further from the truth, and anyone who alleges that somehow there was some deliberate intention to drive down the status of teaching has not read or learnt anything over the period; that is true. To simply allege that a former minister deliberately drove down the status of teaching defies reason and logic, and a person would not find any evidence of it. The current minister would understand that when someone is a Minister for Education they have to deal with a whole range of difficult issues, many of which are historic. To the best of my knowledge there are no quotations or evidence to be found of former ministers running down the profession, certainly not in my case in the 18 months or so that I held the portfolio, irrespective of the protestations of the member for Riverton. When we try to change the way that subjects are marked, when we change all the issues surrounding curriculum and syllabus, when we introduce new senior school courses, when we introduce a requirement for students to stay longer in high school, all of those issues are difficult to manage. To suggest that that is somehow an attack on the status of teaching is frankly ridiculous. As this government will shortly realise, all the measures that have to be taken in a booming economy such as Western Australia's, all the measures that have to be taken to try to get enough teachers into the workforce and to try to ensure that we have a proper supply of teachers—if necessary we have to recruit them from elsewhere—are necessary and appropriate actions on behalf of a government. They are not somehow reducing the status of teaching as, I think, the member for Riverton was trying to allege.

Sometimes the mistakes of the past have to be repaired and I know that this bill is an attempt to repair a mistake of the past, a bit like the failed middle schooling experiment was something that I had to repair by winding it back. It was a failed experiment —

Mr C.J. Barnett: Have you been out to Ballajura?

Mr M. McGOWAN: The Premier might try to misrepresent what I am saying, but the simple fact of the matter is that a range of stand-alone middle schools were established in the public system around Western Australia in the 1990s that had to be unwound because they were not working. There were a number of those that I unwound; I basically made them high schools for years 8 to 12 because that is the model that works.

Mr P. Papalia: Ellenbrook, Comet Bay.

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Mr M. McGOWAN: Comet Bay College, Ellenbrook Secondary College, Coodanup Community College, Eaton Community College, and a few others; there was a range. The mistakes of the past have to be unwound and I am sure that when the member for Cottesloe, now Premier, put those measures in place he did it with the best of intentions, but they did not work; those schools were dying. The Premier can frown all he likes, but I am telling him that they were, and the department will tell the minister. Those things have to be unwound. It is bit like in 2007 when the Labor government had to reintroduce the syllabus. The syllabus was abandoned in 1998–99; we had to reintroduce the syllabus. It was unwinding a mistake of the past. The idea was that somehow teachers would teach without an established syllabus because teaching to a syllabus denies creativity and denies teachers using their training and their thoughts, and rather roboticises, if we like, education. Of course, teachers said that they wanted a syllabus, therefore over a year-long period we created, with a task force of 24 staff, a new syllabus that we reintroduced into the schooling system in 2008. That unwound a mistake of the past. This bill is unwinding a mistake of the past. The Premier made mistakes when he abandoned the syllabus, when he introduced the model of outcomes-based education that he introduced and when he went to the middle-school experiment.

Mr C.J. Barnett: There are middle schools right throughout the state right now. All the private schools have middle schools.

Mr M. McGOWAN: Once again, the Premier is misrepresenting me. As I said, a range of stand-alone middle schools were failing. The Premier is suggesting that somehow a middle-school arrangement inside a larger high school that also has years 11 and 12 is working. It may well be working, but these stand-alone middle schools established by the Premier were not working. I can absolutely guarantee the Premier that. In fact they were dying; some were down to a few hundred students. Therefore, unwinding those mistakes was absolutely necessary and it was done. This bill is now about having put something in place that the government is undertaking to do some repair work on, and that is a good thing. Bear in mind when I, as Minister for Education, inherited responsibility for the Western Australian College of Teaching, as I outlined to the house, a form of civil disobedience was going on with some teachers because they hated it so much. However, WACOT was established with the best of intentions, just as the Premier's middle-school experiment was done with the best of intentions and just as the abolition of the syllabus on his behalf was done with the best of intentions. That does not mean they were not mistakes.

DR E. CONSTABLE (Churchlands — Minister for Education) [11.15 pm] — in reply: This has been, as always happens with a bill to do with education, a very wide-ranging debate. I counted 14 and maybe 15 speakers. I particularly thank the Leader of the Opposition for his remarks. While he was talking about this bill fixing a mistake of the past, I think the other point he was raising, but did not use these words, was that education evolves. Sometimes it looks like we are correcting a mistake of the past, but education is actually an evolving business. Education has to evolve because we are dealing with hundreds of thousands of people and changes in society, and so it evolves with those changes. It is a very dynamic situation. However, I particularly thank the Leader of the Opposition for his remarks just a moment ago. I also thank opposition members generally for their support. Rather than reply to what everybody said, as the hour is getting very late, I will touch briefly on half a dozen areas that were raised across a number of speeches.

One issue raised by several members is that somehow I took responsibility for the introduction of WACOT. Not at all. I was one of many people who supported WACOT. I will take the house back to 1998. Following representations from the State School Teachers' Union of WA, which wanted to raise the status of teachers through registration—that was the view of the union representatives who came to see me—I proposed some quite massive amendments to the School Education Bill that was debated in 1998. As a result of that, the then minister and now Premier agreed that, while the amendments were not accepted and he did not see them as appropriate as part of the School Education Bill, he was interested in furthering the discussion in the community about teacher registration, especially in the education community. That discussion then went out for very wide consultation. The result of that consultation was the WACOT bill introduced in 2004 by Minister Carpenter to which amendments were made in 2007. It was therefore an evolving business.

Three things have always been stated about registration. The first is the protection of children. Everyone has agreed tonight, or those who have spoken about it have agreed, that that is a very important matter, which also stands out in this legislation. Standards in teaching and the status of teachers is the second very important matter. It is true that WACOT maintains that a sound registration and discipline scheme is the best contribution we can make to the status of teachers; therefore, a good registration scheme that includes registration and discipline raises the status of teachers. That is the line the WACOT board took and it was part of the underlying development of the WACOT legislation. Of course we supported that legislation. We supported the registration

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of teachers, just as we supported the registration of doctors, occupational therapists, speech therapists, nurses and others. It is very important that the community has confidence in the quality of those people and registration is one way of doing that, just as we do with plumbers and others in the community. Hundreds of professions and trades are registered.

Mr P. Papalia: That won't elevate the status.

Dr E. CONSTABLE: There is a belief in the literature and amongst everybody who has stopped to think about this that one way—it is not the only way—to elevate the status of teachers is through legislation of this sort. The member may not agree with that, but that is what I think is the case.

Mr P. Papalia: I've read literature that says there's a lot of ways.

Dr E. CONSTABLE: And that is one way and one element —

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro!

Dr E. CONSTABLE: One element in raising the status of teachers is through registration. I think that is really important.

One of the other themes that came through the debate tonight has been the amendments that will be moved pro forma. Later I will talk about those amendments, so I will leave it now. However, the ability to move amendments pro forma was introduced in 2000 and most recently the Minister for Planning did just that with some planning legislation in May 2010. Therefore, it is not an unusual thing to happen and is done so that it is easy in consideration in detail to move through the legislation with those amendments. I will talk about the amendments a little later.

I have all my papers muddled up, so I will now go through those amendments and then come back to some of the other comments that were made. It is nearly four months since the bill was introduced last December and there has been an opportunity in that four months—I think a good opportunity—for comments from interested parties and these have been taken into account in the amendments. That time has allowed some changes to the bill, which I think enhance the quality of the bill.

Mr P. Papalia: Can I ask which interested parties in particular you —

Dr E. CONSTABLE: I will go through the amendments and that will emerge as I go through them, so just be patient for a moment.

The amendments that I will move pro forma later this evening deal with five subjects overall. I will go through each issue in a moment because I think it is important that the overall purpose of the amendments is on the record. The first issue is the correction of grammatical errors, cross-referencing and similar errors that were picked up by Parliamentary Counsel after the second reading speech. In the whole scheme of the bill, these are very minor amendments, and I am sure the member has already seen them in the marked-up bill that we gave him earlier today.

Mr P. Papalia: Why were they so extensive?

Dr E. CONSTABLE: Parliamentary Counsel picked them up when it went back to the bill. There had been, I think, 11 versions of the bill before that, so it had been scrutinised very carefully.

Mr P. Papalia: Eleven versions are in —

Dr E. CONSTABLE: Eleven drafts.

Mr P. Papalia: When did it commence drafting?

Dr E. CONSTABLE: Way back last year; I have not got the date with me. However, that is not important for the substance of it, so let us move on. Examples include the amendment to clause 85(1), which corrects the referencing of particular orders or decisions made under section 70 and 80, and the amendment to clause 100 to ensure noun-verb agreement in stipulating the quorum for the board. Therefore, they are very minor changes. In reviewing the bill, Parliamentary Counsel also came to the view that two further terms should be defined and these have been added to clause 3—namely, definitions of “inquiry” and “registered teacher”. It was also observed that with a board of seven members, recognising a resolution by at least half the members would be nonsensical. It is therefore proposed to amend clause 105 to require that at least five members must agree to a resolution put to them individually in order for that resolution to take effect as if passed at a meeting.

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The second kind of amendments are needed for internal consistency between different provisions of the bill. These amendments do not change the intent or meaning of the clauses they amend, although some ensure consistency with other amendments that I will describe in a moment. An example is the proposed amendment in clause 114(2). This aligns the annual report requirements with the fact that the disciplinary and impairment review committees are committees with the board; they have no independent status. Their annual reports are to be submitted to the board so as to assist the board in preparing its own annual report, thus the requirement that their annual reports be included side by side with the board's own annual report in the report by the CEO of the Department of Education Services is being deleted.

The third kind of amendments arose during consultations on the bill with stakeholders. Introducing the bill at the beginning of December has allowed stakeholders to comment on it and their comments have been listened to.

Mr P. Papalia: Is that what you would normally do?

Dr E. CONSTABLE: That is what has happened in this case. We had a review of the act, which took 15 months.

Mr P. Papalia interjected.

Dr E. CONSTABLE: There were 34 submissions and more than 900 teachers surveyed in a properly conducted survey of a random sample. From that review the bill was drafted.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, you are on three calls. I observed earlier this evening that you made a substantial contribution to this debate. I would prefer now that we all have the opportunity to hear the minister respond to some of the questions that have been asked and for her to present to this place the way that she intends to proceed with the legislation should it get past the second reading stage. I am not interested in interjections, member for Warnbro.

Point of Order

Mr P. PAPALIA: Mr Speaker, can I seek clarification on your observation? I am aware you have not been here for this debate. There were 32 pages of amendments to this legislation —

The SPEAKER: I am aware of the legislation and simply because I am not in this place does not mean I am not listening or watching or paying attention to what goes on. I suggest to the member for Warnbro that he leaves it there.

Debate Resumed

Dr E. CONSTABLE: The third kind of amendments arose during consultations on the bill with stakeholders. For example, the Department of Education noted that the definition of “teach” in clause 3 did not differentiate between teacher trainees in non-traditional programs in schools such as Teach for Australia and Teach Next and those on a traditional practicum placement. An amendment is proposed to address this.

WACOT staff raised several matters based on their experience. For example, a teacher whose registration is suspended should remain under an obligation to notify the board if convicted of an imprisonable offence or issued with a negative notice under the working with children legislation. These matters can lead to automatic cancellation of a teacher's registration. The proposed amendment to clause 34 aims to ensure that this obligation will continue during a period of suspension. WACOT also advised that the regulation-making powers in clauses 10, 11, 15 and 16 could be deleted as a similar power in its act had not been needed.

Further consultations with WACOT and the State Administrative Tribunal drew attention to a likely need to clear a backlog of disciplinary matters as soon as possible after commencement of the board. I understand that there are 150 disciplinary matters, some of which have been around for more than three and a half years. That backlog needs to be fixed up as quickly as possible.

Clause 49 is amended so that the board can appoint more than one disciplinary committee for this purpose. Throughout the bill, provisions subsequently need to refer to “a disciplinary committee” instead of “the disciplinary committee”.

Finally, I have received several representations that the teacher registration board must include registered teachers. While this to me is understood, I propose to put the intention beyond doubt by including the requirement that at least three board members are to be registered teachers. Given one member has to be a lawyer, up to six people on the board could be registered teachers, which is much broader than the amendment proposed by the opposition.

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

The fourth kind of amendments are required to give full effect to the policy informing the bill. For example, the amendments to clause 137 ensure that the transitioning to registration for teachers not currently registered will mirror the original registration of schoolteachers into WACOT registration as set out in schedule 4 of the college act. These are principally teachers in childcare services together with some relief teachers in the two juvenile detention centres.

The inclusion of the two detention centres as educational venues by amending the clause 3 definition of “education venue” follow consultation with the Department of Corrective Services.

Clause 84(2) is needed to list the orders that the State Administrative Tribunal will be able to make in impairment matters. One function of the new board will be to accredit initial teacher education programs in accordance with a national accreditation scheme approved by education ministers nationally, so it is necessary to amend clause 89 to ensure that the board will have power to not only participate in the development of the school but also administer it in this state. Proposed new clause 89(c)(ii) is included on the advice of the State Solicitor’s Office—that an explicit power should be provided for the new board to become a member of the Australasian Teacher Regulatory Authorities, which is an incorporated body under Victorian law.

The fifth and final type of amendment relates to consequential amendments to other acts that were overlooked in the bill when it was introduced. There are a lot of amendments. I understand that once moved and made pro forma, it will amount to another two or three pages in the bill at the very most.

In conclusion, I want to comment on a couple of matters raised by members. I have briefly covered the question about the number of teachers on the board. There will be at least three teachers on the board. Of course we need a lawyer on the board. It is quite usual to have lawyers mandated to be on registration boards. It is very important to have a lawyer who has expertise in the area of administrative law, in particular, and on matters to do with occupations, licensing and discipline. That lawyer will provide important advice to the board members.

The member for Kwinana referred to the finances of the Western Australian College of Teaching. One of the issues is that WACOT is not an agent of the Crown and therefore it is not subject to the Financial Management Act 2006. If we look at the past annual reports, we will see that WACOT has reported losses in the past two years. WACOT owns a building, which will eventually be sold when WACOT staff come under the teacher registration board and under the Department of Education Services.

The member for Alfred Cove raised the importance of the State Administrative Tribunal. At the moment, under the WACOT act, teachers can only go to the District Court. I think I am right in saying that no teacher has ever taken an appeal to the District Court because it is too expensive. It is not possible to do that. I think it is very worrying that as I speak there are 150 outstanding disciplinary matters. One matter has been hanging around for three years and 10 months. No professional person—no teacher—should be put in that position. I am hoping that that backlog will be cleared pretty quickly with the involvement of the State Administrative Tribunal. The member for Alfred Cove also mentioned professional development requirements. They will be set by regulation when we get to that point.

The member for Victoria Park talked about representative boards. I think we are better off with a board of experts, and that is what this will be. We got some approval from the member for Victoria Park that a smaller board would most likely be a much better board than a large board of 19 members. There is no intention —

Mr M.P. Whitely: So teachers aren’t expert enough to sit on the panel, are you saying? They are going to be experts of education.

Dr E. CONSTABLE: There will be at least three teachers on this board. It goes without saying that they are experts in their field.

The member for Armadale raised a number of issues. One in particular was the minister’s ability to make directions. If that happens—the member is not with us now—that direction has to be laid before both houses within 14 days of the decision being made. That is a standard requirement when ministers make directions. The minister cannot make directions about any individual person. It would be inappropriate to even consider such a thing.

The member for Mandurah made a very wide-ranging speech, one of his usual evening performances. He raised the question of a person being “fit and proper”. Wherever we look in registration bills we will find a term such as “fit and proper” or something similar in other professions. In teacher registration legislation in all other jurisdictions, “fit and proper” or an equivalent term is used—our legislation is almost the same as that in the Northern Territory—and the term “suitability” is sometimes used instead of “fit and proper”.

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

The member for Bassendean told us about his teaching history, which was very interesting, even though it is late at night. He talked about the value of teachers and teaching, which was interesting. The member for Forrestfield made, I thought, a similar statement to that made by the member for Mandurah; namely, that we should do away with registration—I do not think that is the general sentiment of this house—and that somehow employers can register people. We do not do that with doctors, we do not do that with nurses, and we do not do that with veterinarians, and no other jurisdiction does that. We recognise that the registration of teachers is essential in ensuring we not only have the very best teachers and maintain teaching standards, but also protect children.

I thank everyone and commend the bill to the house.

Question put and passed.

Bill read a second time.

Pro Forma Amendments

On motion by **Dr E. Constable (Minister for Education)**, resolved —

That the amendments listed on the notice paper standing in the name of the Minister for Education be made pro forma.

The following amendments were agreed to pursuant to the foregoing resolution —

Clause 3.

Page 2, line 24 — To delete the line.

Page 3, after line 10 — To insert —

detention centre has the meaning given in the *Young Offenders Act 1994* section 3;

Page 3, line 11 — To delete “the committee” and substitute —

a committee

Page 3, after line 22 — To insert —

(d) a detention centre;

Page 3, after line 28 — To insert —

inquiry means an inquiry under Part 5 Division 6 Subdivision 2;

Page 4, after line 12 — To insert —

registered teacher means a person who is registered under Part 3;

Page 4, line 31 — To delete “aide,” and substitute —

aide or

Page 4, line 31 — To delete “assistant or” and substitute —

assistant, or by

Page 4, line 32 — To delete “teacher; or” and substitute —

teacher on practicum placement; or

Heading to Part 2.

Page 6, line 1 — To delete “**persons — offences**” and substitute —

persons and related offences

Clause 7.

Page 6, after line 11 — To insert —

(2) A person must not appoint, employ, engage or give permission to a teacher to teach in an educational venue in contravention of a condition to which the teacher’s registration is subject.

Clause 9.

Page 7, after line 12 — To insert —

(3) A registered teacher must not —

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

- (a) claim to be registered as a teacher in a category other than the category that the person is registered in; or
- (b) claim to be qualified or entitled to teach in an educational venue in contravention of a condition to which the teacher's registration is subject.

Clause 10.

Page 8, line 27 — To delete “prescribed; and” and substitute —
prescribed.

Page 9, lines 1 and 2 — To delete the lines.

Clause 11.

Page 9, lines 17 and 18 — To delete “prescribed; and” and substitute —
prescribed.

Page 9, lines 19 and 20 — To delete the lines.

Clause 13.

Page 10, line 2 — To delete “require — ” and substitute —
request —

Clause 15.

Page 11, line 18 — To delete “teacher; and” and substitute —
teacher.

Page 11, lines 19 and 20 — To delete the lines.

Clause 16.

Page 12, line 6 — To delete “teacher; and” and substitute —
teacher.

Page 12, lines 7 and 8 — To delete the lines.

Clause 18.

Page 12, lines 21 and 22 — To delete “if the person —” and substitute —
if —

Page 12, lines 23 to 27 — To delete the lines and substitute —

- (a) the person —
 - (i) does not intend to teach in an educational venue for a period of time; and
 - (ii) holds full registration or provisional registration;or
- (b) the person intends to teach in an educational venue and meets the requirements for —
 - (i) full registration as set out in section 15, other than the requirement regarding professional standards set out in paragraph (b) of that section; or
 - (ii) provisional registration as set out in section 16, other than the requirement regarding professional standards set out in paragraph (b) of that section.

Clause 21.

Page 13, line 23 — To delete “registration of” and substitute —
registration in

Clause 24.

Page 16, line 6 — To delete “the disciplinary” and substitute —

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a disciplinary

Page 16, line 16 — To delete “other” and substitute —
any

Clause 27.

Page 17, lines 25 to 29 — To delete the lines and substitute —

(a) the teacher has been convicted or found guilty of a sexual offence involving a child; or

Page 18, lines 1 to 8 — To delete the lines and substitute —

(b) a negative notice or an interim negative notice has been issued to the teacher under the *Working with Children (Criminal Record Checking) Act 2004*; or

Page 18, line 20 — To delete “section” and substitute —

section, or if the registration has been cancelled must be reinstated by the Board,

Page 18, line 21 — To insert after “applies,” —

the Board becomes aware that

Page 18, line 24 — To insert after “applies,” —

the Board becomes aware that

Page 18, line 25 — To delete “is no longer current” and substitute —

has been cancelled

Page 19, line 3 — To insert after “cancellation” —

or reinstatement

Page 19, line 5 — To insert after “cancellation” —

or reinstatement

Clause 29.

Page 19, line 22 — To delete “registration granted;” and substitute —

registration;

Page 19, line 23 — To delete “for which registration is granted;” and substitute —

of the registration;

Clause 31.

Page 20, line 22 — To insert after “cancellation” —

or reinstatement

Page 20, line 24 — To insert after “cancel” —

or reinstate

Page 20, line 25 — To delete “cancelled; and” and substitute —

cancelled or reinstated; and

Page 20, line 26 — To delete “held” and substitute —

holds, or held,

Page 20, line 30 — To delete “cancelled; and” and substitute —

cancelled or reinstated; and

Page 21, line 1 — To insert after “cancellation” —

or reinstatement

Page 21, line 2 — To insert before “a statement” —

if the notice is about the cancellation of registration,

Page 21, line 2 — To delete “applicant” and substitute —

person whose registration is cancelled

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Clause 32.

Page 21, lines 10 and 11 — To delete the lines.

Clause 34.

Page 21, line 27 — To delete “suspension.” and substitute —
suspension, other than for the purposes of Part 4.

Clause 37.

Page 22, line 28 to page 23, line 1 — To delete “registered teachers, employers of registered teachers and principals,” and substitute —

any of the following persons,

Page 23, line 2 — To delete “appropriate.” and substitute —
appropriate —

(a) registered teachers, employers of registered teachers and principals;

(b) such other persons, if any, as are prescribed.

Page 23, line 6 — To insert after “person” —

to whom register information may be made available for inspection under this section

Page 23, lines 7 to 8 — To delete “the register or a particular entry in the register.” and substitute —

all or some of that information.

Clause 38.

Page 24, lines 6 to 8 — To delete “if the teacher, or a person who is or was an employer of the teacher, is — ” and substitute —

if —

Page 24, line 9 — To insert before “ordered” —

the teacher, or a person who is or was an employer of the teacher, is

Page 24, line 13 — To insert before “convicted” —

the teacher is

Page 24, line 15 — To delete “in writing to the Board”.

Clause 39.

Page 24, line 24 — To delete “in writing to the Board”.

Clause 40.

Page 25, lines 2 and 3 — To delete “a current assessment notice is cancelled, or”.

Page 25, line 6 — To delete “in writing to the Board”.

Page 25, line 8 — To delete “issued, or written notice of the cancellation is given.” and substitute —

issued.

Clause 41.

Page 25, line 15 — To insert after “to give” —

written

Page 25, line 20 — To delete “court for” and substitute —

court for,

Page 25, line 31 — To delete “in writing to the Board”.

Heading to Part 5.

Page 28, line 1 — To delete “**Discipline**” and substitute —

Disciplinary

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

Clause 46.

Page 28, line 24 — To delete “means that —” and substitute —
means —

Page 28, after line 24 — To insert —

(a) an offence that, on conviction, would result in the person charged being a child sex offender; or

Page 28, line 25 — To delete “the sexual offence was” and substitute —
a sexual offence

Page 28, line 27 — To delete “the sexual offence was” and substitute —
a sexual offence

Page 29, lines 1 to 3 — To delete the lines and substitute —

(d) an offence the commission of which used or involved material the production of which involved a sexual offence against or in respect of a child;

Clause 49.

Page 30, line 4 — To delete “a committee” and substitute —
one or more committees

Page 30, lines 4 and 5 — To delete “the disciplinary committee.” and substitute —
disciplinary committees.

Page 30, line 8 — To delete “The disciplinary” and substitute —
A disciplinary

Page 30, line 14 — To delete “the disciplinary” and substitute —
a disciplinary

Page 30, line 16 — To delete “The disciplinary” and substitute —
A disciplinary

Page 30, line 19 — To delete “the disciplinary” and substitute —
a disciplinary

Page 30, line 21 — To delete “The disciplinary” and substitute —
A disciplinary

Page 30, line 26 — To delete “the disciplinary” and substitute —
a disciplinary

Page 31, line 1 — To delete “The disciplinary” and substitute —
A disciplinary

Clause 51.

Page 32, lines 18 and 19 — To delete “person under Part 4 Division 2; or” and substitute —
person; or

Clause 53.

Page 34, line 2 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 55.

Page 34, line 27 — To delete “the other” and substitute —
another

Clause 57.

Page 35, line 18 — To delete “is not under a duty to deal with” and substitute —

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may reject

Page 35, line 23 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 58.

Page 36, line 3 — To delete “the disciplinary” and substitute —
a disciplinary

Page 36, line 5 — To delete “the disciplinary” and substitute —
a disciplinary

Page 36, line 11 — To delete “the disciplinary” and substitute —
a disciplinary

Page 36, lines 18 to 20 — To delete the lines and substitute —

(a) on the day —

(i) on which notice of the order is given to the person who is bound by
the order; or

(ii) on a later day specified in the order;
and

(b) whether or not the person to whom it is given has had an opportunity to
make representations to the Board.

Clause 59.

Page 36, line 23 — To delete “the disciplinary” and substitute —
a disciplinary

Page 36, lines 26 and 27 — To delete “or more”.

Clause 60.

Page 37, line 3 — To delete “the disciplinary” and substitute —
a disciplinary

Page 37, line 4 — To delete “charged — ” and substitute —
charged

Page 37, lines 5 to 7 — To delete the lines and substitute —
with a sexual offence involving a child

Page 37, line 8 — To delete “or both”.

Clause 61.

Page 37, line 15 — To delete “making” and substitute —
the making of

Clause 62.

Page 38, line 5 — To delete “The disciplinary” and substitute —
A disciplinary

Clause 63.

Page 38, line 28 — To delete “the disciplinary” and substitute —
a disciplinary

Page 39, lines 1 and 2 — To delete “the exercise of power by the disciplinary committee” and
substitute —

a disciplinary committee conducting an inquiry

Clause 64.

Page 39, line 4 — To delete “the disciplinary” and substitute —

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

a disciplinary

Page 39, lines 6 and 7 — To delete “and proper” and substitute —
and a proper

Clause 65.

Page 39, line 13 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 66.

Page 39, line 26 — To delete “the disciplinary” and substitute —
a disciplinary ”.

Clause 67.

Page 40, line 9 — To insert before “be represented” —
with the leave of a disciplinary committee,

Page 40, lines 10 to 12 — To delete “practitioner (within the meaning of that term in the *Legal Profession Act 2008* section 3) is authorised — ” and substitute —
practitioner, within the meaning of that term in the *Legal Profession Act 2008*
section 3, does not breach that Act, or any other Act merely by —

Page 40, line 13 — To delete the line and substitute —
(a) representing a party before an inquiry; or

Page 40, line 14 — To delete “to provide” and substitute —
providing

Clause 68.

Page 40, lines 17 and 18 — To delete “the disciplinary committee may —” and substitute —
a disciplinary committee may do one or more of the following —

Page 40, line 22 — To delete “or”.

Page 40, line 27 — To delete “or”.

Page 41, line 5 — To delete “or”.

Page 41, line 10 — To delete “or”.

Page 41, line 11 — To delete “or”.

Page 41, line 13 — To delete “The disciplinary” and substitute —
A disciplinary

Page 41, line 18 — To delete “The disciplinary” and substitute —
A disciplinary

Clause 69.

Page 41, line 24 — To delete “The disciplinary” and substitute —
A disciplinary

Page 41, line 25 — To delete “inquiry.” and substitute —
inquiry conducted by the committee.

Clause 70.

Page 42, line 2 — To delete “the disciplinary” and substitute —
a disciplinary

Page 42, line 3 — To insert after “one”—
or more

Page 42, line 12 — To delete “condition” and substitute —
condition, or conditions,

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

Page 42, line 13 — To delete “condition” and substitute —
condition, or conditions,

Page 42, line 22 — To delete “The disciplinary” and substitute —
A disciplinary

Clause 72.

Page 43, line 19 — To delete “the disciplinary” and substitute —
a disciplinary

Page 43, line 20 — To delete “the committee;” and substitute —
a disciplinary committee;

Clause 75.

Page 44, lines 27 and 28 — To delete “and proper” and substitute —
and a proper

Clause 78.

Page 46, line 23 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 80.

Page 47, line 21 — To delete “section 78” and substitute —
section 78(1)(f)

Clause 83.

Page 49, line 6 — To delete “the recommendation of the” and substitute —
its own initiative or on the recommendation of a

Clause 84.

Page 49, lines 21 and 22 — To delete “the disciplinary” and substitute —
a disciplinary

Page 49, line 24 — To delete “or”.

Page 50, lines 3 and 4 — To delete “the disciplinary” and substitute —
a disciplinary

Page 50, line 5 — To delete “or”.

Page 50, line 7 — To delete “teacher.” and substitute —
teacher;

- (iii) if an order is made under subparagraph (ii), order that the person is disqualified from applying for registration as a teacher for a period of time specified in the order.

Page 50, after line 7 — To insert —

- (2) If, in a proceeding commenced by a referral under this Act, the State Administrative Tribunal finds that an impairment matter exists in relation to a teacher the Tribunal may do one or more of the following —
- (a) dismiss the complaint;
 - (b) order that the registration of the teacher be suspended for a period, not exceeding 2 years, as is specified in the order;
 - (c) order that a condition, or conditions, be imposed on the registration of the teacher, or order that an existing condition, or conditions, be modified;
 - (d) order that the teacher undergoes counselling or medical treatment or acts in accordance with medical advice given to the teacher;
 - (e) order the cancellation of the person’s registration as a teacher;

Extract from *Hansard*

[ASSEMBLY — Tuesday, 27 March 2012]

p1331c-1388a

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

- (f) if an order is made under paragraph (e), order that the person is disqualified from applying for registration as a teacher for a period of time specified in the order.

Clause 85.

Page 50, line 21 — To delete the line.

Page 50, line 22 — To insert before “a decision” —
an order or

Page 50, line 24 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 87.

Page 52, line 9 — To delete “least one member is to be a lawyer.” and substitute —
least —

(a) one member is to be a lawyer; and

(b) 3 members are to be registered teachers.

Clause 89.

Page 53, line 2 — To delete “teacher education” and substitute —
initial teacher education programmes

Page 53, lines 4 to 6 — To delete the lines and substitute —

(c) to work with, and join associations of, teacher regulatory authorities (however described) of other States or Territories or New Zealand —

(i) to establish such an accreditation scheme; and

(ii) generally, to participate in, and contribute to, debate and activities relating to teaching and teachers;

Page 53, line 7 — To delete “facilitate and assist in the administration of” and substitute —
implement and administer for Western Australia

Page 53, line 8 — To delete “teacher education” and substitute —
initial teacher education programmes

Clause 91.

Page 53, line 29 — To delete “an agent.” and substitute —

a member of staff provided to the Board by the CEO under this Act or a person representing the Board.

Clause 93.

Page 54, line 17 — To delete “The copy” and substitute —

A copy

Clause 100.

Page 58, line 9 — To delete “constitutes” and substitute —
constitute

Clause 105.

Page 59, line 8 — To delete “half of the number of” and substitute —
5

Clause 107.

Page 60, line 4 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 114.

Page 62, line 27 to page 63, line 2 — To delete the lines and substitute —

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

to include the report of the Board under subsection (1).

Clause 118.

Page 65, lines 26 and 27 — To delete “the disciplinary” and substitute —
of a disciplinary

Page 65, line 30 — To delete “or”.

Clause 124.

Page 68, after line 25 — To insert —

(b) an applicant for registration as a teacher; or

Page 69, lines 7 to 9 — To delete “under section 26 when granting or renewing an application by the person for registration; or” and substitute —

on the person’s registration under section 26 when granting or renewing that registration; or

Page 69, line 15 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 128.

Page 71, line 27 — To insert after “regulating” —
applications and

Page 71, after line 29 — To insert —

- (iii) the provision of information about eligibility for registration;
- (e) implementing and administering an accreditation scheme for initial teacher education programmes including —
 - (i) the grant and cancellation of accreditation, including conditions on accreditation and the duration of accreditation;
 - (ii) eligibility criteria for accreditation;
 - (iii) the fees to be paid for accreditation, and in relation to the accreditation scheme, and the person liable for the payment of any fee;
 - (iv) providing for accreditation panels, including the functions and powers of accreditation panels;
 - (v) the role of the Board and other bodies, including any accreditation panel or panels, in the accreditation scheme;
 - (vi) the review of accreditation decisions;
 - (vii) anything supplementary or additional for the implementation or administration of the accreditation scheme;

Clause 135.

Page 75, after line 18 — To insert —

currently teaching, in relation to an individual, means engaged, employed, appointed or given permission to teach, in an educational venue other than a school, whether or not the individual was actually teaching, immediately before the commencement day;

Page 75, line 21 — To insert after “section 7;” —

and

Clause 137.

Page 76, line 17 — To delete “who —” and substitute —
who immediately before commencement day —

Page 76, line 21 — To delete “was teaching” and substitute —
is currently teaching and has taught

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

Page 76, lines 22 to 24 — To delete “school, for a period of at least 3 years is to be taken on commencement day to hold full registration.” and substitute —

school —

- (a) for a period of at least 3 years is eligible for full registration as a teacher; and
- (b) for a period of less than 3 years is eligible for provisional registration as a teacher.

Page 76, lines 25 to 28 — To delete the lines and substitute —

- (3) An individual to whom this section applies who is not currently teaching but has taught at an educational venue other than a school at some time before commencement day is eligible for either full registration or provisional registration as a teacher, as the Board decides is appropriate.
- (4) The Board must, on application made in the manner approved by the Board, register an individual eligible for registration as a teacher under this section unless the Board is satisfied that the person is not a fit and proper person to be a registered teacher.
- (5) An application for registration —
 - (a) by a person eligible for registration under subsection (2) must be made within 18 months after commencement day; or
 - (b) by a person eligible for registration under subsection (3) must be made within 24 months after commencement day,or such later time as the Board may allow having regard to the circumstances of a particular case.
- (6) Part 2 does not apply to, or in respect of, an individual to whom this section applies until whichever is the earlier of the following —
 - (a) the expiration of the period during which the individual could apply for registration under this section;
 - (b) if the individual has made an application for registration under this section, when that application is dealt with by the Board.
- (7) An individual to whom this section applies who is aggrieved by a decision of the Board under this section may apply to the State Administrative Tribunal for a review of the decision.

Clause 146.

Page 80, line 10 — To delete “continue under the direction and control of the Board.” and substitute —

be dealt with under this Act.

Clause 147.

Page 80, line 15 — To delete “the disciplinary” and substitute —
a disciplinary

Clause 155.

Page 83, after line 8 — To insert —

- (1) In section 15(2):
 - (a) in paragraph (b) delete “information; and” and insert:
information.
 - (b) delete paragraph (c).

Page 83, line 9 — To delete “(2)(c) and”.

Clause 165.

To oppose the clause.

Mr Paul Papalia; Ms Andrea Mitchell; Mr Roger Cook; Dr Janet Woollard; Acting Speaker; Mr Ben Wyatt; Dr Tony Buti; Mr David Templeman; Mr Martin Whitely; Mr Andrew Waddell; Mr Tom Stephens; Dr Mike Nahan; Mr Mick Murray; Mr Bill Johnston; Mr Mark McGowan; Dr Elizabeth Constable

New clause 165.

Page 86, after line 20 — To insert —

165. Oaths, Affidavits and Statutory Declarations Act 2005 amended

- (1) This section amends the *Oaths, Affidavits and Statutory Declarations Act 2005*.
- (2) In Schedule 2 delete item 42 and insert —
 42. A person registered under the Registered Teachers *Teacher Registration Act 2011*.

New clause 170.

Page 88, after line 5 — To insert —

170. State Administrative Tribunal Act 2004 amended

- (1) This section amends the *State Administrative Tribunal Act 2004*.
- (2) In Schedule 1 insert in alphabetical order:
Teacher Registration Act 2011

Long title.

Page 1, third bullet point — To delete “**establishment**” and substitute —
establishment, implementation