

TEACHER REGISTRATION BILL 2011

Consideration in Detail

Resumed from 28 March.

Clause 10: Application for registration —

Debate was adjourned after the clause had been partly considered.

Mr J.N. HYDE: I am particularly interested in subclause (1)(d), non-practising registration. My interest concerns a constituent who was, until 12 years ago, a deputy principal who did not go through the interim registration system, and we now have this system. What is the process under the new registration system for people who were qualified teachers and who seek to come back into the teaching service but who were not involved in the previous registration system?

Dr E. Constable: They were never registered under the WACOT act?

Mr J.N. HYDE: It was before the Western Australian College of Teaching Act was introduced.

Dr E. CONSTABLE: I am advised that such a person could apply to be registered in any of the categories—full, provisional, limited or non-practising registration—but they would be advised to seek advice from the authority as to the best way to apply.

Mr J.N. HYDE: I take it from the minister's advice that the database containing registration information and personal details of practising teachers prior to the introduction of the WACOT act is still held by the department.

Dr E. Constable: There was no registration prior to WACOT.

Mr J.N. HYDE: The department would have people's qualifications, identification and serving records. I would imagine that if somebody is applying for registration, then access to that documentation is a priority.

Dr E. Constable: The member is asking whether they would have access to their documentation in the department. I would imagine that is available. It is their personal information and they should apply to the department for it. I am sure they would have access at the department.

Mr J.N. HYDE: Therefore, people would apply to the department and not to the new registration body.

Dr E. Constable: No. They would apply to the department to get the information and then they would go to the registration board.

Mr J.N. HYDE: If the government is keen to regain the employment of teachers who have been absent from teaching and to bring them back into the system, does it intend to make that system as easy as possible?

Dr E. Constable: Yes, it does.

Mr P. PAPALIA: It has been some time since we began this clause and I am trying to get my head around what we had reached at the time. I am interested in the line of questioning by the member for Perth. I think we were at the point at which we had determined that the secretariat supporting the board would reside within the education services directorate.

Dr E. Constable: That is right; it is with the Department of Education Services.

Mr P. PAPALIA: Assuming that is the secretariat that will deal with the applications for registration from the type of person to whom the member for Perth referred, I am also assuming—I am not really sure—that the secretariat would have the easiest access to the data and historical records that those individuals will require. Therefore, would it not be prudent at this time to make it very clear that we expect the secretariat to do the footwork once they are in receipt of an application from a person who was teaching prior to the introduction of WACOT and who has now demonstrated an interest in returning to teaching and who is someone we may wish to employ? Would it not be appropriate for the secretariat to do the hard slog rather than the individual making the application?

Dr E. CONSTABLE: There are a number of things happening here. Firstly, when a person makes an application to the new authority they will have to provide details of their qualifications and teaching experience. In the example given by the member, the former employer would have that information. The teacher has to put together the application, not the secretariat. The secretariat receives and assesses the application and takes its advice on the applications to the board. In putting together an application, it is incumbent on people applying for registration to put together the details of their qualifications and teaching experience.

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Mr P. PAPALIA: The member for Perth raised a pertinent point. In light of the desire to access a pool of people who may be very attractive to us in 2015, when we will be struck by this massive and impending shortage of teachers, would it not be appropriate and worthwhile to consider part of this secretariat having a role to facilitate qualified Western Australian teachers who were previously employed by the Western Australian Department of Education and who wish to return to active teaching through perhaps a sub-unit within the secretariat or something of that nature? I understand that the minister is saying that is not the intent of the bill, but I can see what will happen. I imagine they will have to apply to the human resources directorate or whoever retains the data, which may even be the education services directorate outside of this secretariat. It will be yet another hurdle that we place in front of people who, were they not confronted by such a hurdle, may be willing to return to the teaching profession and help us out at a time of dire need in 2015 and beyond.

Dr E. CONSTABLE: I need to explain to the member for Warnbro that we have a Department of Education and a Department of Education Services; they are quite separate departments. The Department of Education Services does not have access to the information of the Department of Education.

Mr P. Papalia: Are you the same minister responsible for both of them?

Dr E. CONSTABLE: I urge the member to just let me give him an answer. He asks the questions; I give the answers. There is not one employer of teachers in this state; there are hundreds of them, because there are many non-government schools. It might be the case that we can find an example of someone who has not taught for the Department of Education, but taught in a number of private schools.

Mr P. Papalia: But I didn't ask about them.

Dr E. CONSTABLE: I am answering the question the way I want to answer it. The member can ask more questions later, if he likes.

Just as someone would if they were a doctor or an occupational therapist applying for registration, applicants must fill out an application form and describe their qualifications and work experience. That work experience needs to be documented. In the case of a teacher, they go to whoever their employer was, get the documentation and append it to their application. That is the way it is. I can assure the member for Warnbro that with the impending shortage of teachers that was documented way back in 2008 when the member was in government, the Department of Education will do everything it can to assist and facilitate people in putting together that information.

Mr J.N. HYDE: Can I drill down on this? I will give the example of someone who has moved on a contract to New Zealand. If they come back to apply for a job in the WA Department of Education, the first thing the department as an employer will ask for is their registration. The person, who now lives in New Zealand, will try to get her records so that she can then go to the registration body, which is also within the minister's department, to apply to another section of the minister's department.

Dr E. Constable: They are different departments, member for Perth.

Mr J.N. HYDE: That is the whole point I am making. Somebody who now lives in New Zealand and was a teacher here 12 years ago may want to work in, say, Harvey Senior High School. Perhaps she was a previous deputy principal in the metropolitan area and is happy to go bush. She would apply to the department to get back into the WA department as an employee. To be an eligible person under the new registration system, she would have to prove to the registration body that she is registered. Therefore, she would need to go somewhere in the minister's department to get the documentation, which she would then submit, not to the people who would be employing her, but to this new registration body.

Dr E. Constable: If a person is registered in New Zealand, they will be registered here through mutual recognition, and they will not have to do what the member has just described.

Mr J.N. HYDE: Unfortunately, that is another problem in international relations with which the minister could help. A person who was not working as a teacher in New Zealand looked into the idea of teaching in New Zealand and it was too difficult to prove that they were registered in Western Australia because their registration was pre-WACOT. So, that is unfortunately —

Dr E. Constable: There was no registration pre-WACOT.

Mr J.N. HYDE: Correct.

Dr E. Constable: So, they could not have been registered in Western Australia pre-WACOT, as the member has just said.

Mr J.N. HYDE: Yes, but as with the minister's system, the New Zealand system demands that teachers are registered. The only way someone can prove that they are registered as a teacher in New Zealand is if they have

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been registered as a teacher somewhere else. If the last time someone taught was in WA before teachers were registered, that person is not registered. Someone who wants to get a job in New Zealand, let alone someone who wants to come back here, has to be registered first before they can apply for the job.

Dr E. Constable: If that person has a record of employment in Western Australia, they should be able to get that detail in order to register.

Mr J.N. HYDE: I agree with the minister that they should be able to. I am asking the minister what the process is.

Dr E. Constable: I am sure that any former employer would facilitate that. The process is that the person gathers together that information and applies for registration.

Mr J.N. HYDE: Minister, we understand that, but the previous employer, the current registration body and the future employer are all under the minister's department.

Dr E. Constable: A mechanism of limited registration would help that person. They can be employed immediately. The employer then applies to the registration authority for them and facilitates that process. They can be employed immediately under limited authority. That is a great improvement in this legislation over the WACOT legislation.

Mr J.N. HYDE: That category would be limited registration, rather than non-practising.

Dr E. Constable: Under limited registration, that person can be employed and can work until the registration is dealt with one way or the other. We will come to that in clause 17.

Mr J.N. HYDE: We will get to the process of that under clause 17.

Mr M.P. WHITELEY: I am a former teacher at Christchurch Grammar School. If I were to get Christchurch to provide me with a record of my teaching, and I make an application, I could get an interim provision to teach until the final approval comes through; is that right?

Dr E. Constable: Are you referring now to my comments about limited registration?

Mr M.P. WHITELEY: Yes.

Dr E. Constable: We should deal with limited registration when we get to clause 17. Limited registration applies to someone a school wishes to employ. Let us say a school has employed somebody and that person has pulled out, and immediately for day one of the school year the school can employ someone, and then the employer applies for registration of that person and the registration process is put in place.

Mr M.P. WHITELEY: Is that not what I am talking about?

Dr E. Constable: No. Let us wait until we get to clause 17 rather than trying to deal with it in clause 10, because it is not clause 10.

Mr P. PAPALIA: Clause 10(2) provides —

- (2) An application is to —
 - (a) be in writing in the form approved by the Board; and
 - (b) specify the category of registration applied for;

Et cetera. The board is named constantly throughout this part and other parts of the legislation, but I assume the secretariat will receive everything and the board will act as a final provision of imprimatur or something of that nature; is that right?

Dr E. Constable: In the typical application, that would be the case, as you would expect.

Mr P. PAPALIA: Unless there is some complication.

Mr R.H. COOK: I am keen to hear from the minister in relation to clause 10(2)(e), which provides that the form of application —

be accompanied by the registration fee, if any, prescribed.

Could the minister describe to us what form that fee will take and how that fee is arrived at?

Dr E. CONSTABLE: There are currently fees, as members would imagine there would be. There is no intention to increase those fees at the current time. Existing fees are pretty similar to those charged in other jurisdictions. I will go through the current fees. The provisional registration for someone who has completed an accredited program is \$120. For provisional registration, other, such as overseas registration, it is \$400. It takes a lot of time

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to process an application from overseas normally, so that covers the cost of it. For full registration, the fee of an accredited program graduate is \$150. The fee for mutual recognition applicants is \$120. For others, overseas applicants and other graduates from unaccredited programs, the fee is \$420 in recognition of additional difficulty and the cost of assessing their qualifications. For limited registration, the fee is \$200 if they are a local and \$480 if they are overseas qualified. There is an annual fee of \$80. Once someone is registered, they then pay an annual fee. A person registers for five years. A full registration is a five-year registration; for everyone else it is three years. There is no renewal fee; there is only an annual fee.

Mr R.H. COOK: If I can just clarify, minister, the initial fee referred to in clause 10(3) is for the first three years or first five years of registration. Does that mean in those cases that the annual fee is waived for those first three to five years for those particular teachers?

Dr E. Constable: After one year, they would pay their annual fee. Otherwise, they would never be paying an annual fee because registration is renewed every five years.

The SPEAKER: I have to have someone on their feet, minister.

Mr R.H. COOK: Therefore, a teacher would be paying around about \$500 for applying to be registered and thereafter they would be paying the annual fee. I apologise if this is muddying the argument, but from what I can gather —

Dr E. Constable interjected.

Mr R.H. COOK: Sorry, yes.

Dr E. Constable: It is \$120.

Mr R.H. COOK: It is \$120, right. Therefore, a teacher will pay the initial fee to apply for registration and then each —

Dr E. Constable: For five years.

Mr R.H. COOK: It is for five years, and within each of those five years they pay an annual fee.

Dr E. Constable: They pay an annual fee and when it comes to renewing their registration, they do not pay the fee for the renewal; therefore it is a one-off at the beginning with the registration fee, and then the annual fee.

Mr R.H. COOK: Can the minister point to the place in the legislation that states that it is just a one-off fee and they will not have to pay?

Dr E. Constable: Renewal comes up in a later clause.

Mr P. PAPALIA: I was waiting for that later clause to focus on the fee situation; however, I guess we are into it —

Mr R.H. Cook: My apologies.

Mr P. PAPALIA: That is all right. Although the member for Kwinana has elicited that information, and noting that part of the justification for removing the Western Australian College of Teaching and replacing it with the Teacher Registration Board, would the minister be able to provide —

Dr E. Constable interjected.

Mr P. PAPALIA: I am sorry. Part of the justification for this deal and creating the Teacher Registration Board and getting rid of WACOT was that it has been incapable of operating in a financially viable fashion. Can the minister break down how we are now going to retain the same fee and still operate in a more financially viable manner? Is that because we are intending to sell the building that WACOT was operating from and remove the mortgage demands on the organisation? Can the minister break down where the money—the annual fee of \$80 and the initial registration fee of \$120—is being allocated to and how that will therefore result in a viable organisation in the future?

Dr E. CONSTABLE: Until this bill is passed in this Parliament and becomes an act of this Parliament, we cannot go into some of the things to do with the financial detail. We cannot do anything such as sell a building or whatever. Once the act is in place, there will be a review of things like the building. It certainly would not be sold at a fire sale; it would be done prudently. The Department of Education Services will provide some backup for the authority and there will be some expenses at WACOT that we could probably streamline. Until we are able to look into it, I cannot really give details of future finances. It is our assessment that the annual fee of \$80 and the registration fee were recently raised and therefore I do not see those being changed in the near future. One thing I have done is an analysis of the actual cost of registration. We found that WACOT was charging people from overseas a fee to assess their application and if the application failed, WACOT refunded the fee.

Extract from *Hansard*

[ASSEMBLY — Tuesday, 1 May 2012]

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Therefore, 10 or 20 hours may have been spent looking into those applications at great cost, which means that the local members were subsidising the applications of those people once WACOT gave the money back. That does not happen anymore and the application for overseas people meets the average cost of the application of an overseas applicant for registration. Therefore, some things have been streamlined and those fees for registration are the current fees, and they will stay as the fees because they have recently been adjusted. I do not see changes in the near future to any of the fees that I have referred to.

Mr P. PAPALIA: I am interested in this because it is all well and good for the minister to stand in this place and say that she does not see an adjustment to the initial fees happening prior to the election in March next year, but it is potentially a significant issue; it will be of interest to teachers around the state. I would have assumed that the minister had the wherewithal, the resources and the staff to make an accurate assessment of the actual costs —

Dr E. Constable: Member for Warnbro, I can categorically tell you now that those registration fees for local and overseas graduates that I read out will not change before the next election.

Mr P. PAPALIA: I know; that is what I am saying. My implication was: who will stop the fees from being put up the day after the election? What I am after from the minister now is, as I was about to say, whether the minister has the capacity, resources and personnel to be able to determine the actual cost of registration per teacher as opposed to —

Dr E. Constable: That's why they were raised recently.

Mr P. PAPALIA: I do not understand. This is unrelated to WACOT; this is the minister's current assessment of the department's anticipated cost of registration per teacher and the justification for retaining the registration fees at the same level as now. It has nothing to do with WACOT, because it has gone and what the minister is looking at now is —

Dr E. Constable: WACOT is still there until this legislation is passed.

Mr P. PAPALIA: Why not?

Dr E. Constable: WACOT is still there until this legislation is passed.

Mr P. PAPALIA: I am sorry, okay; I understand that. But I am talking about the intended fees, which the minister has just indicated. The minister must have had a breakdown of those fees per teacher to be able to determine that they do cover the costs.

Dr E. Constable: They previously did not cover costs, especially the overseas ones.

Mr P. PAPALIA: So they previously did not cover costs.

Dr E. Constable: There was a review of these fees. These fees were changed for the beginning of this year; I do not see those changing for quite some time because of the analysis that has been done.

Mr P. PAPALIA: But what are the costs of registration per teacher? Are those fees that are going to be charged reflective of the actual costs or is there a component in the legislation beyond the actual cost?

Dr E. Constable: It is reflective of what WACOT informed me were the costs.

Mr P. PAPALIA: Surely the minister and the Department of Education, taking on this onerous responsibility from WACOT, have made a projection of the actual cost per teacher, and this is either reflective of that cost already or is in excess of that cost. Perhaps it is below the cost and the government is intending to put up the price after the next election; I do not know.

Dr E. CONSTABLE: When WACOT was set up by the previous government, it was set up not as an agency of government at all; it was aside from the minister. I do not have access to the information that the member is talking about. Therefore, until this bill is passed, I will not get access to the information; that is the situation we are in. Based on information that WACOT gave when asked about these registration fees and it was discovered that it was giving overseas application fees back to people who were not successful, the fees were increased for this year. I do not anticipate these fees being changed in the near future based on information that WACOT has given me, but I do not have the power to go in and take that information from WACOT and analyse it. It is WACOT's information because of the way the previous Labor government set it up.

Mr P. PAPALIA: I thank the minister for the little assault on my ego. The previous government set up WACOT with the minister's wholehearted support when she was in opposition. If she wants me to go through *Hansard* and read the quotes, I can do that.

Dr E. Constable: You don't need to, because I've always supported teacher registration.

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Mr P. PAPALIA: There is probably a decade or more of quotes of the now minister's wholehearted support for WACOT, and she congratulated the former minister, albeit while also criticising him for not doing it fast enough at the time it was implemented. Nevertheless, is the minister saying to the people of Western Australia and every teacher in this state that she is creating a new board and imposing a fee without any knowledge whatsoever about whether the fees she is charging fully cover the cost of registration and all associated costs or are in excess of those costs or below those costs? Is that what the minister is saying to me? Because if the minister cannot tell us now, she is saying that she is taking the word of WACOT, the body that she is criticising and getting rid of, for the justification of the fee that she is setting. She is either setting the fee because she has done some appropriate work as the minister or she is just taking the word of WACOT, a body that she has decided is not worth keeping and is to be replaced.

Dr E. CONSTABLE: I think that the people of Western Australia and the teachers of Western Australia can be comforted by the fact that this information is the most up-to-date information available about the registration fees.

Mr P. Papalia: From WACOT?

Dr E. CONSTABLE: That is the only place the information could come from.

Mr P. Papalia: So you did not ask the department, as an independent —

Dr E. CONSTABLE: But they are not able —

Mr P. Papalia: — to conduct an independent analysis?

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Warnbro!

Dr E. CONSTABLE: Neither of my departments has access to any information that would help determine registration fees. The only organisation that has any information at all that could provide that is the existing WACOT. But let me tell the member that there is a safeguard for him, that there is a safeguard for the people of Western Australia, and that there is a safeguard, very importantly, for teachers; namely, that any change is subject to regulation, and that regulation comes to this Parliament. Therefore, there is real protection. I am not in the business of wanting to charge teachers one cent more than needed for registration, and that is why these fees have been set in the way that they have. I anticipate the fees will not change.

Mr P. PAPALIA: Why could the minister's department not determine the cost of obtaining a criminal check and any other administrative requirements associated with registration, and then add a component associated with covering the cost of the administration of that process, and thereby determine the appropriate cost for registration? Why is that so challenging to do in the absence of the data that WACOT has that the minister is not allowed to have access to?

Dr E. CONSTABLE: Member for Warnbro, the criminal record check is contained within this, and we know that —

Mr P. Papalia: Is it part of the \$80?

Dr E. CONSTABLE: Yes, it is part of the registration fee.

Mr P. Papalia: The \$120 fee.

Dr E. CONSTABLE: Yes, the \$120 fee, and we know that that component of it is \$33.

Mr P. PAPALIA: That is my point, exactly. Surely if the minister knows the cost of that component of the registration, would she not be able to list all the different components and thereby construct a reasonably accurate prediction of the overall cost per teacher of each category of registration, and therefore be able to give a guarantee that paying teachers will be charged enough and not too much—that is, be charged at an appropriate level?

Dr E. CONSTABLE: The only thing that we can base this fee on is information from WACOT—the breakdown from WACOT. As a result of the way WACOT was set up, it is the only body with that information. The \$120 fee includes the criminal record check, and, as far as WACOT is able to advise me, it covers the cost of registration for a local person. WACOT has provided that information, I am sure in good faith, and that is why, for instance, it was able to give information that showed a higher fee needed to be charged for the registration of an overseas person by calculating the actual average cost of such an application. The member for Warnbro should be really pleased that local people are no longer subsidising overseas people who previously had their application fee returned. That is much fairer to those people.

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Mr P. PAPALIA: I am interested to know whether all the fees outlined contain a component that will go towards funding the board that the minister will appoint, and about any remuneration the board members will receive.

Dr E. CONSTABLE: All the fees—the annual fee, the registration fees—are designed to cover the costs of the organisation, just as they are for other registration boards such as for occupational therapists, nurses and so on. The fees are designed to cover the costs of the organisation.

Mr P. PAPALIA: In that case, I am assuming that the minister knows exactly the cost of the seven individuals she intends to appoint to the board and can therefore at least provide us with the details of the component associated with the cost of payment of any remuneration to those seven individuals for the term of their service on the board, so that I can at least tell the teachers of the state how much they will be paying for the seven individuals whom the minister will nominate, and that this is the component of their fees that will go towards that particular part of the cost of the board and its operation.

Dr E. CONSTABLE: Until we know who will be appointed, we will not know the cost of those fees, because, for instance, a public servant is not paid sitting fees to be on a board. That is standard. Therefore, appointed teachers will not be paid sitting fees; they will be paid expenses. For instance, if there was a teacher coming from a country centre who had to fly to Perth for meetings, those expenses would of course be paid. Until we know who those members are, we will not know the cost of the board. It may cost virtually nothing. There may be two or three members of that board who are paid sitting fees. There may be two or three people from country areas who have costs in coming to Perth. Until we know that, I cannot answer the question.

Mr P. PAPALIA: The minister is saying that she will appoint seven people, three of —

Dr E. Constable: At least three.

Mr P. PAPALIA: — three of whom are going to be teachers —

Dr E. Constable: At least three!

Mr P. PAPALIA: — at least three of whom are going to be teachers with no definition as to what that means; that is, whether they are currently practising, currently retired, currently acting as a consultant or anything. We do not know much about them. We know that one member will be a lawyer. I am assuming that the minister could have a fair crack at estimating what a lawyer would cost, unless she is assuming that the position will also be someone employed by the state. Nevertheless, the minister must have some concept as to the nature of the chair of this board who she has indicated will be responsible for the operation of the board in accordance with this bill.

Dr E. Constable: The Public Sector Commissioner is the person who decides what people will be paid and who advises the government and cabinet on these issues, so I do not have a figure in my mind.

Mr P. PAPALIA: Okay; I concede. The minister has created a complete contradiction. She has said that this fee will completely cover all costs associated with this board, but she does not know what the board costs will be because she does not know who will be on it.

Dr E. Constable: They are not going to be that big.

Mr P. PAPALIA: The costs are not going to be that big? What is not big? I mean, Clive Palmer's big is bigger than my big! What is big?

Dr E. Constable: It will be a very small component of each person's registration fee.

Mr P. PAPALIA: The minister is not filling me with confidence that she has done much in the way of preparation for establishing this board. Firstly, the minister brought in a bill that she subsequently changed with 33 pages of amendments. We then find that the minister is charging the same fee that WACOT was charging, but she thinks that she will be able to do it in an efficient manner that will be adequate to cover the costs, but that she does not know what the costs are going to be because she does not know who she is going to appoint to the board. Nevertheless, the minister cannot tell me the exact breakdown of the costs within each of the individual fees. Naturally, that raises questions about how much the minister knows about setting the fee and whether that has been set just because that is the fee WACOT set at the start of the year and the minister is assuming that it will be more efficient than it was prior to that time, or whether the minister is assuming that the costs will be absorbed within the education services department —

Dr E. Constable: Member for Warnbro, WACOT consulted me about these increases because the one thing that comes through the minister is regulation, and this is subject to regulation. Therefore, these increases at the

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beginning of the year were not just set at the whim of WACOT; they came through me as minister and I signed off on the regulations, which then came to this Parliament.

Mr P. PAPALIA: So why can the minister then not give us more detail as to —

Dr E. Constable: At that point I am able to ask those questions.

Mr P. PAPALIA: — the breakdown of the costs, if WACOT consulted and it is the body with the information?

Dr E. Constable: They had to come through me.

Mr P. PAPALIA: So you are just not sharing it. Is that what the minister is saying?

Dr E. Constable: No, it is not that I am not sharing it. WACOT made those judgements based on its costs. I keep giving the member the example of the overseas applicant.

Mr P. PAPALIA: No, I heard that, but I am assuming that there must have been more going wrong with WACOT for it to have been deemed unworthy of retention and have a number of issues related to its financial viability.

Dr E. Constable: Salaries of staff and staffing, salary increases and so on—all those things were taken into account.

Mr P. PAPALIA: I will probably look at it in later clauses, because I think there will be an opportunity to do that. It seems to me that we have just assumed that the fees that were set earlier this year by WACOT—the enhanced fee or the increased fee—are what the minister is deeming to be adequate based on the vibe.

Dr E. Constable: The member keeps saying these fees were set by WACOT. They were set by regulation.

Mr P. PAPALIA: Okay, but it was done on the vibe really, wasn't it? What the minister is saying is —

Dr E. Constable: There was no vibe. It made those calculations.

Mr P. PAPALIA: There was no vibe! Without the vibe we are lost, because there is certainly no detail, there is certainly no accuracy and there is certainly no analysis of what the real projected costs are going to be, because if the minister had those, she would be able to provide them.

Mr R.H. COOK: I am just wondering if the minister could clarify the registration fee for those teachers under part 8, division 3, subdivision 2—that is, those teachers who were already registered under WACOT at the time that this legislation is enacted. Does an application fee apply for the registration transfer?

Dr E. CONSTABLE: No, there is not. They just transfer.

Clause put and passed.

Clause 11: Application for renewal of registration —

Mr R.H. COOK: The minister said that the registration fees, as they are currently intended, are based on historical experience with WACOT. I wonder if the minister could clarify how the application fee for renewal is going to be reviewed on an ongoing basis to reflect cost recovery, as opposed to potential windfall.

Dr E. CONSTABLE: There is no renewal fee at the moment, and no renewal fee is proposed. One of the reasons for re-registration is so that people can give information about their professional development and other things that have happened in that three-year period or the five-year period, so that information is important and there are certain standards that teachers need to uphold. Provided that they fulfil those obligations of professional development and a certain number of days or hours of teaching experience, their registration is renewed without fee.

Mr P. PAPALIA: With respect to the consent for the board to obtain a criminal record check—the minister might be able to clarify this—I get the sense that obtaining that check becomes onerous for the teachers involved in that they need to provide a significant amount of information. Are we changing that process in any way to streamline it so that when their renewal is made, there are fewer demands made upon the actual teachers and we draw upon previous information that has been provided, or are we requiring them to repeat the entire process each time?

Dr E. CONSTABLE: As I understand it, it is a very important question to be asking. The teacher gives permission for the record check and then it is done by the authority.

Mr R.H. COOK: In terms of the renewal of registration, does the waiving of the fee that the minister has announced today —

Dr E. Constable: There is no waiving. There has never been a fee.

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Mr R.H. COOK: Minister, the legislation specifically empowers the minister to set a fee, and she is saying that it is government policy not to have a fee.

Dr E. CONSTABLE: It says “if any”. It has always been thus: no fee. That is the intention going forward: there will be no fee. I realise that it is possible for someone in the future to impose a fee. We do not intend to impose a fee.

Mr R.H. COOK: Thank you for clarifying that. In terms of the renewal of registration, is this for a teacher who has an uninterrupted practice—

Dr E. Constable: Yes, it is.

Mr R.H. COOK: Or would this be for those coming back into teaching? If it is, for instance —

Dr E. Constable: The former of those.

Mr R.H. COOK: If it is a teacher coming back into the provision, what is the gap that the minister would anticipate is the point at which they incur a fee?

Dr E. CONSTABLE: If a person had been out of teaching for some time and was coming back in, they start afresh with their registration. If they continue, the registration is as I described before: no renewal fee. They obviously have to fill in a form to show that they have kept up with their professional development and the amount of teaching that they have done and to give permission for a criminal record check.

Mr R.H. COOK: I am trying to get a feel for what the minister regards as the continuity principle such that the teacher does not have a fee for re-registration. For instance, if I was a teacher and I went on long service leave and then I decided to tack three months on top of that without teaching and so forth, am I just continuing, particularly if registration comes in?

Dr E. CONSTABLE: A teacher would move across to non-teaching registration and then move back. The teacher would then not have to re-register. A teacher might take six months off for long service leave, and they could become a non-practising teacher—that is their registration category. They can then come back and move back to being a fully registered teacher.

Mr D.A. TEMPLEMAN: I just have a question about the registration process. A story was outlined to me by a principal and his wife today about the requirements for proof of name changes, as an example. The example that was given to me today was one in which a teacher whose name changed because of marital status was required to provide extensive details, and things such as the marriage certificate were not appropriate. Has there been any change in terms of the documentation that might be required of a teacher during the registration process that ultimately is required to determine their identity? Can the minister see any issues, or have any issues been raised, in the registration process whereby women—given that they are the ones who might go through a name change because of their marital status et cetera—might have to jump through greater hoops to determine their identity and indeed be appropriately registered as per the requirements of the act?

Dr E. CONSTABLE: The board will determine the requirements for these things. We have all heard those stories about people having to jump through too many hoops for these things. I would anticipate that this board will be a board of seven sensible people who I am sure will say that a marriage certificate proves the point for the person who has changed their name. The member and I would accept that. I think everyone in Western Australia would accept that. I expect this board, with good authority, to determine in a very sensible way the documentation that will be acceptable.

Mr D.A. TEMPLEMAN: Further to that, in the past there have been issues with teachers seeking registration in Western Australia who may have received their professional qualifications in other states or indeed other countries. I have heard a couple of examples of New Zealand citizens who have previously taught in Western Australia, gone back to New Zealand, come back here and their re-registration has certainly been a longer process than they expected. What is the key recognition factor for trained teachers who might be trained outside Western Australia? Are there any implications with this new process for teachers of that nature and, indeed, international teachers who have qualifications from overseas? In my electorate an increasing number of teachers have received their qualifications in the United Kingdom, South Africa, New Zealand and another country that was brought to my attention. They in particular have given an indication that they would like to become, say, relief teachers in my electorate and I am sure in other electorates where the pool of relief teachers sometimes dwindles. I am interested in how this bill, particularly this clause if it is relevant, will streamline the process for those types of teachers.

Dr E. CONSTABLE: The question raised by the member for Mandurah is very pertinent, but I think it will fall under clause 15, so we are jumping the gun a little bit. Generally speaking, people who are registered in New Zealand can be registered here through mutual recognition. When we get to clause 15 we will respond to that.

Clause put and passed.

Clause 12: Applicant for limited registration is employer —

Mr P. PAPALIA: This may not be the right clause. I wanted to get on the record who exactly we are talking about concerning limited registration and which sort of individual the bill might intend to cover. If it is appropriate to deal with it in a later clause, let me know and I will sit down.

Dr E. CONSTABLE: It will be best dealt with under clause 17, but I will make some preliminary remarks now that may help answer the member's question. Currently the employer is the co-applicant. Making the employer the sole applicant, which is what the bill will do, will not only assert the employer's control but also its responsibility to ensure appropriate supervision and support for the unqualified or under-qualified teacher. There might be someone teaching years 10, 11 and 12 a subject related to a trade. The person will not be a trained teacher. The member has probably seen in schools that he has been to people in this situation who are not trained teachers but who can teach because there are very few of those people and it is a specialised course. That person will have limited registration. In the case of this new legislation, the employer will put in the application. They can employ the person who can start work, and within five days the employer has to put in an application for limited registration for that person to teach in that school. It will cover a period of three years. While the person is teaching, the application is processed. Assuming the person gets registration for limited registration, they can teach for three years before the renewal time comes up. This will enable the gap to be filled quite often, especially in the case I mentioned earlier when a teacher might be ready to teach in the school and for some reason due to illness or an accident they cannot start teaching and the position has to be filled immediately so that the school can run smoothly and students can be taught. It is a very valuable tool and, of course, we rely on the judgement of the employer. The Department of Education will employ most of those teachers in the state and, in other cases, Catholic Education Western Australia and other independent school organisations can choose someone appropriate to teach those children.

Mr P. Papalia: The employer is the Department of Education, but what about independent schools? Will that have any impact? Is it always the department?

Dr E. CONSTABLE: No; there are many employers. The employer of public school teachers is the department. The employer of Catholic teachers in the Catholic system is the CEO and individual non-government schools in other cases, so there are many employers.

Mr M.P. Whitely: Can independent schools employ somebody they deem to be the best person for the position even if they do not technically necessarily qualify?

Dr E. CONSTABLE: So can a state school, especially in the example I gave before.

Mr P. Papalia: Are you talking about Teach for Australia or something like that?

Dr E. CONSTABLE: No; Teach for Australia is a different category. No; I am sorry, it would fit in here, and Teach Next as well.

Mr M.P. Whitely: There is no rider that there has to be an absence of another qualified person; would it be purely at the school's discretion?

Dr E. CONSTABLE: That is correct.

Clause put and passed.

Clause 13: Information in support of application —

Dr A.D. BUTI: I will seek to move an amendment. I am sure the minister's last answer to the member for Bassendean has warned of his future prospects now!

Dr E. Constable: I was thinking that at the time!

Dr A.D. BUTI: Clause 13 is about the application. What concerns me under this and some other clauses is that there is no obligation on the board to deal with an application within a certain time. There is some reference in clause 31, but that is related to cancellation. Last year the government moved a series of amendments to, I think, the planning legislation to put the onus on councils to determine a building application within a certain period, otherwise it was deemed to be approved. My amendment will seek to do that so that the board will deal with applications in a prompt fashion. It will be very unfair on prospective teachers if they have to wait for some time while the board makes a decision. Unless some punitive or other measure acts as a stick to encourage the board, a prospective teacher will have no real comeback. I move —

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- (4) The Board may not refuse an application under subsection (3) if more than 14 days has expired from the date of the request subject to clause 14.

I have signed the amendment. As the minister can see, clause 13 contains comprehensive provisions for the board regarding the information sought in support of applications. But, as I have stated, nowhere does it say the board has an obligation to make its decision within any period. I consider it to be bad administration and bad public policy in this incredibly important area of teacher registration to not impose on the board a prescribed period in which it should make a decision. If it cannot make a decision within the prescribed time I have proposed in this amendment, it should be deemed that the application has been accepted.

Dr E. Constable: I have not seen the amendment.

Mr P. PAPALIA: I stand to support the member for Armadale's contribution and proposed amendment. It sounds eminently reasonable and I am sure once the minister has looked at the amendment, she will see the sense of imposing some sort of obligation on the board to resolve any of these issues in a reasonable time frame, considering the degree of latitude the board will have to demand additional information and the like. It would appear to be reasonable that some sort of time frame is put on the board itself so that individuals concerned do not have their lives put on hold for a significant period and their whole professional futures put into limbo as a result of any lack of prescription by us.

Dr E. CONSTABLE: I can understand the desire to have a prompt response from a teacher's point of view, but there are well over 40 000 registered teachers in this state and at times of the year there are a large number of applications. I am really surprised the member is going down this path because the primary reason for teacher registration is to protect children—to make sure that the people in our classrooms are fit and proper people to teach children. All the member is interested in is making sure this process happens in 14 days.

Dr A.D. Buti: That is not true.

Dr E. CONSTABLE: That is the way it reads to me.

Dr A.D. Buti: We will lose teachers if it is not done in a prompt manner. That will not be good for students either.

Dr E. CONSTABLE: It is the job of the board to make sure it is done promptly. It must be done promptly. I do not know of any such clause in any other professional registration legislation—doctors, nurses; no. Fundamental to all of this is the protection of children and maintaining standards in teaching. Parents want to know that the teachers standing in front of their children are fit and proper people, and are properly registered. I am not going to accept this amendment.

Amendment put and negatived.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Full registration — requirements —

Mr D.A. TEMPLEMAN: I refer to my previous line of inquiry. This clause outlines the requirements for full registration. In part, it states —

- (a) has a teaching qualification —
 - (i) from an accredited initial teacher education programme; or
 - (ii) that the Board recognises as equivalent to such a qualification;

I am really interested in what subparagraph (i) means. I note that the minister has already mentioned that flexibility exists for teachers to be employed in our system. I want to get to the crux of what is and what is not an accredited teacher education program, particularly as it impacts on teachers who may have received teacher education accreditation from the United Kingdom or New Zealand. The minister has already highlighted the New Zealand one, so I understand we have a reciprocal agreement there. Will there be any implications for interstate teachers who may move to Western Australia? We know that will happen, given the population increase.

Dr E. Constable: Recognition for all Australian jurisdictions.

Mr D.A. TEMPLEMAN: That is great. In that case perhaps we should just focus on international jurisdictions that maybe the state does not recognise. I do not want the minister to go through every country in the world, but I certainly want her to go through the ones from which we are getting fairly large migrant intakes. I will give an example. In my electorate of Mandurah we see more and more migrants from the UK, New Zealand and South Africa, and some from Europe. Some teachers have visited my electorate office in the past who have sought to

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go on the provisional registration list to go on school lists for relief teaching. The availability of relief teachers varies in my electorate. If the process excludes some teachers because their accredited educational qualifications are not recognised by the state, I am interested in the minister's response to that line of questioning.

Dr E. CONSTABLE: I thank the member for Mandurah for raising these issues. An accredited initial teacher education program will be a program accredited by the board or by some national body, such as the Australian Institute for Teaching and School Leadership. AITSL is being set up to look at quality of teacher training and so on. It could be accredited by a national board or accredited by our own board. When we come to an overseas qualification, it is the board, on advice, that will assess whether a teaching degree from the University of Cape Town, the University of Oxford, the University of London, Harvard University or somewhere else, is equivalent to what we expect of our teachers and is to be accredited. The member provided the example of people in his electorate from overseas who wish to do relief teaching. The limited registration, which puts the onus on the employer to put in the application for registration, provides an opportunity for those people. If a constituent wants to be a relief teacher and the principal of the local school would like them to do that relief teaching, that principal can put in an application for that person to do relief teaching in the school. They might be someone with really good qualifications teaching a language other than English. The school can employ them, but it has to put in the application within five days. The board will then look at that person's qualifications. There are opportunities that did not exist before for the well-qualified person the member talks about.

Mr D.A. TEMPLEMAN: A number of innovative programs, such as the Song Room program—which emanated from Melbourne—have been funding tuition in schools in my electorate. Song Room has had arts teachers in Dudley Park Primary School and Coodanup Community College. They are programs which usually focus on the arts —

Dr E. Constable: They are short-term programs.

Mr D.A. TEMPLEMAN: They are, but in the case of Dudley Park and Coodanup Community College, for example, they have gone on for a couple of years. They are funded for up to three years. The tutors of those programs quite often are, in the case of the ones at Dudley Park, former actors. I am sure all the checks were done—I know they were—but I am interested in exploring the flexibility of a principal in signing on teachers of this nature. Yes, the board will have to determine their qualifications. I think we will see this more, perhaps even in schools that have gone through the independent public school process, where the flexibility is supposedly greater, whereby schools take on life skill teachers —

Dr E. Constable: They are not teaching the curriculum.

Mr D.A. TEMPLEMAN: No, but they are delivering programs. Quite often some of these programs are tailored towards students who have specific needs.

Dr E. Constable: They may not need to be registered if they are not teaching the curriculum. They are teaching a program outside it. We previously discussed music teachers. They are actors involved in a very worthwhile program but they are not teaching the curriculum. They may not need to be registered. They would certainly need a working with children check.

Mr D.A. TEMPLEMAN: Yes, so they have to go through that process.

Dr E. Constable: It could be that they could seek, through the principal, limited registration.

Mr D.A. TEMPLEMAN: In terms of the limited registration, is that a separate aspect to full registration? Is that what you are saying?

Dr E. Constable: It is a type of registration—limited registration. But there are certain people who provide programs in schools who are not teaching the curriculum; they are teaching outside of it or providing a program outside of it. It sounds like it could fall into either of those situations.

Mr D.A. TEMPLEMAN: The minister has answered my question about clause 15(a)(i); subparagraph (ii) states —

that the Board recognises as equivalent to such a qualification;

If we then go through clause 15(b), (c), (d) and (e), there is a range of other —

Dr E. Constable: This is clause 15?

Mr D.A. TEMPLEMAN: Yes, still clause 15.

Dr E. Constable: We are talking about full registration here.

Mr D.A. TEMPLEMAN: Yes, full registration. My reading of this is that for a person to get full registration they must satisfy all these elements.

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Dr E. Constable: That is right.

Mr D.A. TEMPLEMAN: So, all of these elements must be satisfied. I am interested in the situation for a teacher who may have gone out of the system for a significant period of time but seeks to re-enter. Clause 15(b) states —

meets the professional standards approved by the Board for full registration, or has done so within the previous 5 years ...

Let us say a teacher was elected to Parliament and decides to go back into the system after having been out for a period of time. Is there anything in this full registration clause that states that there are implications because they may have been outside the system for longer than five years, and that they will be no longer recognised under full registration criteria?

Dr E. CONSTABLE: A couple of things are very pertinent to the member's queries. I know we are helping the member for Bassendean. If the member for Bassendean had non-practising registration, he could come back as a fully registered —

Mr M.P. Whitely: There wasn't any registration when I worked as a teacher.

Dr E. CONSTABLE: I know there was not, but I did say "if the member had". I know there was not.

Therefore, while that person is out of teaching—it could be a member of Parliament such as the member for Mandurah, who is a former teacher—that person could have non-practising registration, which is clause 18. Then the person can come back, I believe, into full registration, but they would have to satisfy things following that full registration, or the person could come back in and get provisional registration. I cannot imagine that there would be any stumbling block in doing that. The person certainly could resume work as a teacher.

Mr M.P. WHITELY: Just to follow up, clause 15(b) states —

meets the professional standards approved by the Board for full registration, or has done so within the previous 5 years ...

What does "meets the professional standards approved by the Board for full registration" mean for someone coming into teaching who has not been teaching for five years? What would that mean in practice?

Dr E. Constable: It would probably be, in essence, the principal of the school declaring that the person met the standards that have been set by the board.

Mr M.P. WHITELY: Is that to be set by the board external to the school?

Dr E. Constable: They will be as set by the authority's board—the Teacher Registration Board.

Mr M.P. WHITELY: What are those standards likely to be? Obviously, they have not been set yet.

Dr E. Constable: They have not been set yet.

Mr M.P. WHITELY: Are they going to be that a person possesses a teaching qualification or has significant teaching experience?

Dr E. Constable: Standards have been agreed to nationally through the national body, the Australian Institute for Teaching and School Leadership, and they would probably be the standards that the board would base its requirements on.

Mr M.P. WHITELY: What are those standards?

Dr E. Constable: I can get those for the member. They are graduate, proficient, and so on. There are several levels, depending on experience. A graduate—we can all understand who that is—is someone who has not taught but who has graduated. Someone who is proficient is at a higher, more exceptional level. But I can get those for the member.

Mr M.P. WHITELY: Surely a teacher who has the adequate qualification and has had previous experience would be able to meet those requirements. If a graduate can meet those requirements, surely a teacher who is qualified and has that previous experience would meet the standards, I would have thought, just by logic.

Dr E. Constable: They just have to demonstrate that that is the case, and the principal, or someone at a high level, can sign off on that person's competency.

Mr M.P. WHITELY: If that person was not teaching in the school in which they had taught previously, would the principal have to base that upon a reference?

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Dr E. Constable: If there is a gap of five or more years, then I think provisional registration is the answer for that person.

Mr M.P. WHITELY: But surely if a graduate can demonstrate their competence —

Dr E. Constable: A graduate will get only provisional registration.

Mr M.P. WHITELY: Okay.

Mr P. PAPALIA: The minister has referred a couple of times to the fact that AITSL will set the standards as we achieve harmonisation across all the states and jurisdictions. Is that an appointed body or is it permanent? Is it sitting at all times or is it an elected body? What is the breakdown?

Dr E. CONSTABLE: AITSL has been set up with agreement from all jurisdictions around Australia. I understand it is paid for by the commonwealth. There are members from all around, and it is a board chaired by Mr Tony Mackay.

Mr P. Papalia: Is it appointed?

Dr E. CONSTABLE: Its members are appointed by the federal government, so they are reasonably representative. My experience of AITSL is that it is an excellent organisation with very competent people; in fact, the chief executive officer is a former deputy director general from Western Australia, Margery Evans. It has a very competent chair and a very competent board; I have met with the board chair on more than one occasion. It reports to the ministerial council at all meetings.

Mr P. Papalia: So the intention is that, effectively, AITSL will assess any qualification an individual might have from another country?

Dr E. CONSTABLE: No, it does not assess individuals; it sets standards.

Mr P. Papalia: It may assess a teacher training establishment in another country or a qualification from somewhere; it will be assessing the initial —

Dr E. CONSTABLE: Not necessarily. It sets standards for teachers in Australian schools. When it comes to an individual qualification, the board will have that responsibility, but it could easily draw on information from any similar board around Australia or from AITSL if it had information. However, the final decision is within our legislation and our board will make that decision about that individual with a qualification from overseas. But there will be a standard that is seen to be the standard we want to see around the country, so the board will have a lot of information on which to make its judgements.

Mr P. PAPALIA: With regard to each of the categories, starting with the full registration category, does the minister have an indication of the expected number of the 40 000 or so teachers in the state who will be provided with full registration? Also, how many does the minister think, at any one time, will get provisional, limited or non-practising registration? Do we have an idea of those sorts of categories and the breakdown of the overall numbers?

Dr E. CONSTABLE: I do not have those figures at my fingertips, but I think we have them and we can give them to the member in a moment.

Mr P. Papalia: I would appreciate that.

Dr E. CONSTABLE: But as a general comment, I would say that the vast majority will be in the first category of full registration, given that graduates start as being provisionally registered and after three years they have the opportunity to become fully registered.

Clause put and passed.

Clauses 16 to 18 put and passed.

Clause 19: Only natural persons may be registered as teachers —

Mr D.A. TEMPLEMAN: I do not wish to be too flippant, but I am very intrigued by this clause. I can understand that this clause discounts a horse being registered as a teacher, but I am intrigued, honestly, by the definition of a natural person and why this is necessary at all.

Dr E. Constable: The member knows the answer.

Mr D.A. TEMPLEMAN: When I read this clause, the phrase jumped out at me! I have obviously been living under a mushroom because I have never seen it before. I am interested in the minister's reaction because she is champing at the bit to give me an answer.

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Dr E. CONSTABLE: When I was looking at my notes this morning, I felt that someone would get up and ask a question on this. I have an answer for the member. I will read the answer, which states that this is a standard provision, although the subject of some derision in “Inside Cover”. You never know—it might be in “Inside Cover” tomorrow, the member having raised it again. It is a standard provision, and we need to establish and make sure in the bill that a trust or a corporation cannot register as a teacher.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Grant of registration —

Mr P. PAPALIA: I am interested in the intended practical application of the process described in the bill. I assume that the board will not receive these applications and they will be submitted to the secretariat, which will analyse them and provide a recommendation or briefing to the board.

Dr E. Constable: That would be usual.

Mr P. PAPALIA: If that is the process by which the board will operate, it raises the question of why it would take a greater period of time than was suggested by the member for Armadale; however, I am okay with that.

Dr E. Constable: I hope it does not. I agree with the member totally and we should not tie the board down to 14 days because there might be exceptional circumstances.

Mr M.P. WHITELY: I missed some of that conversation. Is there a time limit at all?

Dr E. Constable: No, there is not; it is similar to legislation for boards in other professions.

Mr M.P. WHITELY: This has a potential to create all sorts of problems. I imagine there could be a backlog and the staffing of the board is not sufficient to deal with a backlog. We will end up with schools wanting to employ teachers and teachers not earning and becoming frustrated and leaving the profession.

Dr E. Constable: I do not think we will.

Mr M.P. WHITELY: I think there is a potential for that. I accept the point about the proposal for a 14-day limit.

Dr E. Constable: Do you accept this is all about the protection of children, safety of children and the standards?

Mr M.P. WHITELY: I accept that and that 14 days may have been a little short, but 28 days or 30 days is adequate time to process these applications. Perhaps you could work in “unless there are exceptional circumstances” so there is some sort of time limit; otherwise, we have to rely on the good graces of efficient operations, and that has not been my experience of these sorts of processes.

Dr E. CONSTABLE: The member makes an important point. However, in the review of the WACOT legislation that was required to be done, it was the “limited authority to teach” category that received the most complaints about time. Regular registrations were done, in the main, in a timely fashion, but we have changed the “limited authority to teach” category to “limited registration”. Previously, both the employer and the teacher had to apply for the “limited authority to teach”, now it is just the employer. The employer can employ someone today, and within five days they have to put in the application form; therefore, a teacher will not have to wait as they did previously. The problems that were experienced under the WACOT act were with the “limited authority to teach” category. In the example given by the member for Mandurah, teachers might know they can get some relief teaching but have then had to wait for three months, six months, or whatever it was, to get a tick from the authority.

Mr M.P. Whitely: Can they start teaching?

Dr E. CONSTABLE: Within five days the employer submits the application, and the person can teach until that application is assessed one way or the other.

Mr M.P. Whitely: Is that the employer’s call?

Dr E. CONSTABLE: No; the board decides whether or not to give that person a tick.

Mr M.P. Whitely: The employer has the call on whether they will employ someone in the interim?

Dr E. CONSTABLE: That is exactly right.

Mr M.P. Whitely: Can they continue to employ them until it is resolved?

Dr E. CONSTABLE: Exactly; until it is dealt with.

Dr A.D. BUTI: Where does the legislation say that?

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Dr E. CONSTABLE: We will get that for the member. That came out of the WACOT review and the concerns in that review that the process was taking too long. That might be the basis of some of the concerns from the other side today.

Mr M.P. Whitely: Can you point to where that is in the legislation?

Dr E. CONSTABLE: Clause 23(5) deals with the issue that the member for Bassendean raised.

Clause put and passed.

Clause 22: Renewal of registration —

Dr A.D. BUTI: Once again I raise the time factor, which the member for Bassendean alluded to. We just mentioned that possibly clause 23(5) deals with that. However, under clause 22(1), there is an obligation on the teacher to ensure that an application for renewal of registration is made within 28 days before the expiry of the registration. Since we require that an application for renewal is to be made at least 28 days before the expiry of registration, I can see no reason to not impose the same obligation on the board. Therefore, I move —

Page 14, after line 19 — To insert —

- (4) The Board must make a determination on the application for the renewal of registration within 28 days of the receipt of the application, unless the Board gives reasons for the delay within 28 days.
- (5) Subject to subsection (4) if the Board does not make a determination on the application for the renewal of registration within 28 days of receipt of the application, the Board shall be deemed to have determined to have renewed the registration of the applicant.

My amendment seeks to create the same obligation on the board that we have for the teacher. It is 28 days, not 14 days, and of course the board has the out clause that it can give a reason for the delay, and if the board gives the reason within 28 days, it is not deemed to be renewed. I see no reason why the minister would not see that as a sensible proposal. I foreshadow that, if the chamber decides to pass this amendment, I will be seeking to delete clause 23(5).

Mr P. PAPALIA: Having listened to the member for Armadale, I think there is an opportunity here to ensure that the minister and, post the minister's departure, future ministers are provided with some protection against negative consequences, such as those for WACOT's reputation and its standing within the teaching profession as a result of the administrative overload or overburden it endured when it was established. In this case, this amendment provides an opportunity for a time limit to be applied and justification to be provided when the board is delayed. This will give the teachers some sort of end date so that they can anticipate a conclusion. They will have to accept that any justification by the board will be reasonable, because that is all that is required. I do not think that there is any real reason to oppose it. It is not a criticism of the drafting of the bill necessarily. It is just a way of enhancing the legislation that has been provided by a very eminent scholar and experienced lawyer, who is probably providing us with a little escape clause in the future so that we do not end up suffering in the way that WACOT did with its reputation being so damaged.

Dr E. CONSTABLE: I can understand the concerns about a time frame and so on from the member's point of view, but the comments I made before still stand. The registration of teachers is not about rushing something within a particular time. I would expect this board to act promptly, diligently, prudently and in the interest of the people it registers so that they do not have to wait around. That is my expectation and members' expectation. Once again, I would say to the member that registration of teachers is not about whether it takes 28, 30 or 35 days to re-register someone. It is about making sure that the person being registered is fit and qualified to stand in front of those children and teach them. That is what registration of teachers is about. It is about making sure that those people standing in front of those children are qualified to do so. My expectation is that there would be a very quick turnaround for re-registration. We must expect that. If a board did not do that, we would look at the board to see what was going wrong with it.

I say to the member that this issue of whether renewal of registration is speedy was not raised in the review. So, it is not an issue that came to our attention in drafting this legislation. Having said that, I am not inclined to support this amendment.

Dr A.D. BUTI: The minister has now said a couple of times that the intent of this legislation is to protect children. We do not dispute that. However, the minister does not seem to understand that if we do not have a profession of teachers that are confident with the body that oversees their professional standards and determines

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whether they can teach, we will have a very unhappy profession and good teachers will leave the profession. How can that be good for students? I do not see how that can be good for students.

The minister has said numerous times this evening that she sees that there will be a quick turnaround. Hopefully, there will be. What is the problem with having a 28-day limit, but with the opt-out option for the board to give a reason for the delay? I cannot see any rational reason for the minister to oppose this other than that she wants to be stubborn or there is some ideological reason. I do not know what ideological reason the minister could possibly argue in this case.

Part of the reason I moved this amendment is that someone in my electorate under the WACOT system sought renewal and was given the runaround. Their renewal application went in three or four times. Whose fault was it? It was WACOT's fault. There was no apology from and no consequences for WACOT. The only consequence was that the teacher received, I think, three letters saying that they were violating the law because they were teaching without registration. Who was punished? The teacher, who was an outstanding teacher. Who was punished? The school. Who was punished? The students who nearly lost this teacher from the profession.

So, what is the problem with what we are saying? The minister says that a teacher has to apply for renewal within 28 days before the expiry of the registration, so what is the problem with asking the board to make its determination within 28 days and, if it cannot, requiring it to provide a reason. What logical, rational, educational reason is there for the minister to oppose such an amendment?

Dr E. CONSTABLE: I think we need to look at, with your indulgence, Madam Acting Speaker, clause 22(1), which is basically what we are looking at, and then clause 23(5). This is another reason why I do not think the member's amendment is necessary. Clause 23(5) provides —

... if an application for renewal of registration is made in accordance with section 22(1), the registration is taken to continue until the application is decided.

Therefore, teachers will not be deregistered if they have a proper application.

Mr M.P. WHITELEY: The minister is arguing against herself, because surely having a specified time frame protects students. The minister says the purpose of this bill is to protect students. The minister does not want teachers who are not qualified to register to be left in a class for an extended time. If a child is in a class with a teacher who is not adequately qualified and who should not be in the classroom with them, the school —

Dr E. Constable: That is an assumption.

Mr M.P. WHITELEY: The minister's argument is that we need to do this because we need to protect students. This is the whole philosophy behind this thing. How does it protect the interests of students to leave teachers in abeyance in a classroom? They will be left in abeyance, as the minister said in answers to earlier questions, because the employer has put them there, yet they are not qualified or suitable to be in a classroom. Surely the 28-day time frame provides the protection of the rights of children, which is what the minister said. The minister has been arguing against herself, because this 28-day turnaround will protect children; it will make sure that a teacher who is inadequately qualified to do the job is in a classroom for only those 28 days.

Dr E. Constable: You need to look at clause 22(5), because you will find that once a person has put in their application for renewal of registration, they remain registered until that is dealt with.

Mr M.P. WHITELEY: That is the point. If we let them go for three to six months, we are leaving a teacher who should not be in a classroom for three to six months —

Dr E. Constable: I do not know what you are talking about.

Mr M.P. WHITELEY: The minister needs to follow what I am talking about.

Dr E. Constable: It is a bit hard to follow. You are not following what the legislation says.

Mr M.P. WHITELEY: I have been listening to the minister. The major part of her argument has been that we do not need to worry about processing these things quickly, because —

Dr E. Constable: I did not say that at all.

Mr M.P. WHITELEY: Sorry, within 14 days. We had this debate before. The minister said this is all about protecting the students. We cannot just have some assumption that the person is appropriately qualified after 14 days, because this is all about protecting students. How does it protect students to leave a teacher in a classroom for an indefinite time when that teacher should not be in a classroom? The member for Armadale has said that all the board should have to do to get an extension is to give a reason. Surely the 28-day period protects children, which is the very intention of what the minister is trying to achieve. Does the minister understand what

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I am saying? I gather she is not paying a lot of attention, but she said before that she could not understand what I was saying. Have I explained it clearly enough to the minister?

Dr E. Constable: Reasonably enough.

Mr M.P. WHITELY: I would be interested to hear how leaving an unregistered teacher in a classroom for an indefinite time protects the welfare of children.

Dr E. Constable: No-one is talking about an indefinite time.

Mr M.P. WHITELY: Surely there is potential for students to be left in a classroom with someone who should not be in a classroom.

Dr A.D. BUTI: As I mentioned to the minister, if my amendment is supported by the house, I would then be moving the deletion of clause 23(5) because it would be superfluous. I reiterate the excellent comments by the member for Bassendean, because he is saying that under clause 23(5), a teacher who should not be there could be there for a long period. In the minister's endeavour to protect students there will be someone in a classroom who is deemed to remain registered —

Dr E. Constable: We are talking about someone who is already registered being able to stay in their job.

Dr A.D. BUTI: But something may have happened. Surely the whole point of renewal is that it gives the board a chance to reassess a teacher; otherwise, what is the use of having renewal? Once they become registered they should stay —

Dr E. Constable: And you want to rush it!

Dr A.D. BUTI: But under the minister's logic, they should be registered for life.

Dr E. Constable: Not at all.

Dr A.D. BUTI: Therefore, they may do something that makes them not suitable to be teachers anymore. The minister said herself that the whole purpose of the bill is to protect students; therefore, there may be teachers who do something that now disqualifies them from being an appropriate mentor or instructor of students. By not putting a prescribed period in which the board has to make decision, that teacher could be left in front of students indefinitely, when they should not be in front of students. By having a time limit, with the possibility of an extension—all that would need to be done would be to give reasons—we would hopefully minimise that very unsavoury possibility of teachers remaining teachers when they should not be teachers. How can that not be protecting students?

Mr P. PAPALIA: I do not think it is outrageous that the minister should at least give some response to the two members' concerns. I know the minister will probably respond that subsequent clauses provide an opportunity for teachers who behave in an inappropriate manner to lose their registration; I understand that. Conceivably, without the renewal process being completed, an individual may have committed some act or omission that results in them not really being appropriate to continue to teach, but this may not be identified until the renewal process is completed within a certain time frame. Therefore, the members are making a reasonable point; namely, that in the absence of completion of the process, an individual could continue to be registered indefinitely, because a time frame has not been put on the completion of the process. I do not see that it would be that outrageous to suggest that the minister should consider the amendment.

Dr E. CONSTABLE: The only reason the registration would not be renewed would be if people had not fulfilled these obligations of 100 hours of professional engagement within the previous five years, and if they had not, they had not done 100 hours of professional learning, which is reference to certain standards. They will be the requirements for re-registration. If there is a problem with discipline or the person not being fit and proper, that is dealt with elsewhere.

Several members interjected.

The ACTING SPEAKER: Members, one person at a time please; the minister is on her feet.

Dr E. CONSTABLE: Regulations will require an applicant to have completed 100 hours of professional engagement, which is teaching, over the previous five years—it is a five-year renewal—or 100 hours of professional learning, which is standards referenced. The requirements for pro rata persons for early renewal—that is, professional registration—is only for three years; therefore, it is pro rata on that period of time. We are talking about 20 hours a year for each of those. That is what the regulations will state.

Mr M.P. WHITELY: Perhaps I should have made this point at clause 21, but the statements I made apply even more in cases in which initial registration is being considered. Surely time protection is needed in situations in

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which someone is not registered, but is employed in a school and their original registration has not been considered.

Dr E. Constable: I'm not sure what the member is referring to now.

Mr M.P. WHITELY: I am talking about the need to have a timely process of —

Dr E. Constable: No; what sort of registration are you referring to?

Mr M.P. WHITELY: I am talking about the grant of registration—the initial registration. I appreciate that I should have made this point in consideration of the previous clause.

Dr E. Constable: We're not on that clause.

Mr M.P. WHITELY: I know we are not on that clause, but it is a weakness with the bill and I would have thought that it is the business of this Parliament to consider weaknesses with the bill. It is more likely that there will be problems not with renewals of registration, but with the fact that there may be inappropriate teachers because they have never been through the initial registration process. If there is no time frame and time limitation on the processing, there may be, for an indefinite period, an unqualified and unsuitable teacher in front of a classroom who has never been through the registration process. I am less concerned about re-registration—although that is a concern—than the initial registration, when a teacher has never been through the process once.

Dr E. Constable: I think the member is talking about limited registration, which is one type of registration; he is not talking about registration per se.

Mr M.P. WHITELY: It does not really matter, unless there are time frames —

Dr E. Constable interjected.

Mr M.P. WHITELY: It does not, minister. It does not matter which type we are talking about, unless there are time frames, there is the potential, for all the types of registration, to leave unqualified and unsuitable teachers in front of children for an extended period simply because there is a backlog in the registration processes. Therefore, the minister needs to revisit the whole question of time frames and build something into the legislation.

Amendment put and negatived.

Clause put and passed.

Clauses 23 to 25 put and passed.

Clause 26: Conditions imposed by the Board —

Dr A.D. BUTI: I was going to move an amendment, but I will not; I just want a clarification. The reason I asked this question is that recently a number of academics in the University of Sydney have lost their employment due to the university deciding that, as a result of budgetary measures, it had to remove a sizeable proportion of academics—let us say it was 100 academics. The way it selected who would be removed was by stating that academics who had not produced four prescribed publications in the last three or four years were vulnerable to having their employment terminated. That was retrospective. As of yesterday, an academic did not have to meet those requirements. Of course, academics have to publish; I understand that. As of today, if an academic had not published four articles in the last three or four years, they would be vulnerable to losing their employment. Subclause (1) states —

The Board may impose conditions on the registration of a teacher —

This, of course, is very normal and prudent, but I presume that these conditions do not have a retrospective aspect to them. For instance, when a teacher seeks renewal, in the last three years should that person have done 150 hours? If that is the case, I will move an amendment.

Dr E. CONSTABLE: I would be very surprised if there was any retrospectivity and it would certainly not be my intention to place anyone in the situation that the member has just described.

Dr A.D. BUTI: The amendment I was going to move was to add “but not retrospectively” after the word “conditions”. The amendment in full would have read —

The Board may impose conditions, but not retrospectively ...

Although I have the minister's assurance that she will not do it, does legislation provide the guarantee that no future minister or board will impose this condition?

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Dr E. Constable: If you and I make it absolutely plain that it is the intention of this legislation and of this house that there will be no such retrospective requirements, I think that is good.

Clause put and passed.

Clause 27: Cancellation of registration by Board —

Mr D.A. TEMPLEMAN: This may be a naive question, minister. We acknowledge the, if one likes, criteria of cancellation of registration by the board, and the paragraphs under subclause (2) that highlight when a teacher is not entitled to be registered—which continues over to page 18. Again, this may sound a little naive, however previously, in my time, a teacher's documentation was held on the teacher's file and included details of any complaints or anything —

Dr E. Constable: By the employer.

Mr D.A. TEMPLEMAN: The file was held by the employer. I am interested in knowing about the role of registration and the ultimate decision of the board to cancel the registration of an employee. Again, this probably predates me but I understood that teachers previously had access to their personal files if they requested such access. I am interested in knowing who, in the process of a cancellation of a registration, holds the teachers' records. I know it is the employer at this stage —

Dr E. Constable: It is the employer.

Mr D.A. TEMPLEMAN: The employer. How does that relate to the role of the board if, for example, a complaint is received? In the past, some parents have written to the department to complain about a particular teacher and I understand that such complaints are still held on the teacher's file.

Dr E. Constable: You are getting ahead of yourself by quite a way and this is dealt with further into the bill.

Mr D.A. TEMPLEMAN: It could be, but I am interested in how it relates to the ultimate cancellation of registration. What triggers the cancellation of registration by the board when and if there is a paper trail of complaint? Previously —

Dr E. Constable: If you look at subclause (2), paragraphs (a), (b), (c), (d), (e) and (f), you will see that the board can cancel only on those grounds. Other than that, the State Administrative Tribunal can cancel a teacher's registration.

Mr D.A. TEMPLEMAN: So does the board —

Dr E. Constable: It is very clear.

Mr D.A. TEMPLEMAN: When can the board request access to a teacher's record in determining the appropriateness or otherwise of the registration of a teacher? When does the board have the right to access the file? I can see that if a particular teacher is being considered for deregistration —

Dr E. Constable: None of the six paragraphs in subclause (2), as I read them, require the board to look at the person's file. But when we get further into the bill and look at the discipline committee, the issues the member raises may be pertinent.

Mr D.A. TEMPLEMAN: In that case, can I ask the question using as an example someone like me who was an employee of the department for 10 years? Let us say that I was seeking to become a teacher again. Is my file "live" still? Does it exist to this day? Is there still a file on David Templeman, file number whatever I was registered under, and —

Dr E. Constable: I think that file would be in an archive somewhere.

Mr D.A. TEMPLEMAN: So the file could be archived.

Dr E. Constable: That would be my —

Dr A.D. Buti: The minister has the file in her office, mate.

Dr E. Constable: If I haven't, I should get it!

Mr D.A. TEMPLEMAN: I always wished that I had looked at my file. I remember people saying that I could go and have a look at my file. However, I am interested in pursuing this clause —

Dr E. Constable: It would definitely be subject to the State Records Act and my guess is that the file would be archived at this stage.

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Mr D.A. TEMPLEMAN: The minister is saying that the property of my file, in determining my registration, would not necessarily —

Mr P. PAPALIA: I am enthralled by the member for Mandurah’s comments and would like to hear more.

Dr E. Constable: We always are.

The ACTING SPEAKER: I give the call to the member for Mandurah—the enthralled!

Mr D.A. TEMPLEMAN: I thank the member for Warnbro for his support of my line of questioning. I am not trying to be difficult, and the minister may be right that it may come up later in another clause, but I am interested in this issue of the ownership of a person’s record—in this case an employee’s record—and when it may become necessary for the board to have access to that record in determining whether a teacher may be suitable for employment. I think this is a pertinent line of questioning because —

Dr E. Constable: We can get into this issue when we look at clause 56, “Board’s powers of investigation”. It is beyond what we are doing now.

Mr D.A. TEMPLEMAN: I am happy to do that but the line of questioning is about the ownership of someone’s personal file, which may have on it a history of issues that have been raised and kept on file about the suitability of that person to either continue as a teacher or indeed to be considered for deregistration.

Clause put and passed.

Clauses 28 to 33 put and passed.

Clause 34: Effect of suspension of registration —

Mr P. PAPALIA: This clause caught my eye; I was going to wait until clause 35, but clause 34, “Effect of suspension of registration”, is interesting. This is a big bill and it has changed a bit and I may have missed other references, but what does “suspension” mean; what sort of time frame is associated with it; and what limitations are placed around it? I am not entirely sure where it appears and if it is something that I should be aware of. Just point me in the right direction and that may solve the issue.

Dr E. CONSTABLE: As I understand, it is an interim disciplinary order and when we get to it—we are just looking for the clause now —

Mr P. Papalia: That refers to the term “suspension”?

Dr E. CONSTABLE: Yes.

Mr P. Papalia: Okay, we will deal with it then.

Clause put and passed.

Clause 35: Annual fees —

Mr P. PAPALIA: I just wanted to return briefly to the subject of fees that we were pursuing in earlier clauses, because this clause is where the matter is more appropriately dealt with. I am concerned that it appears as though there are no projections; there really are no projections of estimated costs for this process that we are embarking upon and there is no real evidence to suggest that the fees being set —

Dr E. Constable: Thirty.

Mr P. PAPALIA: There is no evidence to suggest that the annual fee teachers will pay has been set at an appropriate level or whether it will meet costs, exceed costs or provide for additional expenditure in some fashion. There is no evidence to suggest that it will even meet the remuneration fees that may be afforded the seven appointees on the Teacher Registration Board because we do not know who they are and the minister has stated that she cannot give any indication as to the type or level of remuneration they may receive until such time as we know who they are—even though the minister will be, I imagine, appointing them very shortly.

Teachers of the state, I think, would expect all those projections to have been done more thoroughly now that the government is effectively taking control of this whole process. We had an independent process. We had an elected body that was unwieldy and perhaps incapable of meeting the expectations that had been built within the teaching profession; nevertheless, we had that body. It was, to the best of its ability, attempting to recoup costs associated with registering, administering and any disciplinary processes it was responsible for. As part of the process of getting rid of WACOT and replacing it with the Teacher Registration Board, we identified that WACOT was not operating in a financially sustainable manner. I think it is natural to ask what level of analysis or projection was done to determine this fee setting that we have now accepted from WACOT from the start of the year. What level of confidence does the minister have that this money received from teachers will be

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adequate to meet the functioning costs? Will it exceed functioning costs? Will it cover the cost of the remuneration payments to the board? Is it going to cover any additional costs? For instance, how much money does the minister anticipate raising annually from the fees paid by teachers in the state?

Dr E. CONSTABLE: I thank the member for Warnbro for raising this issue. There are just a couple of things. There have been two increases of the fee from \$70 to the current \$80. The \$80 fee is very similar to the amount around the country. I do not think we are the lowest, but we are certainly not the highest; we are somewhere in the middle. It is very similar to nurses' registration, for instance. There are a large number of nurses and teachers. Nurses' registration works well. I think it is around \$90 for nurses. WACOT sought an increase. That is the one thing it has to do, through the minister, in regulations. The main component of increasing this fee to \$80 was salary increases of people employed at WACOT. I am confident that \$80 is the amount it should be. Quite often there are CPI increases from year to year in similar sorts of fees, but I do not see that any increase would be a very large increase; it would be a very small CPI increase, if anything, in a year or two. That would be my understanding of how this was put together. I think we sit well nationally with the annual fee, and I am very comfortable with that. WACOT sought an increase, and this was the main area of cost increases that it was dealing with.

Mr P. PAPALIA: Is the minister able to provide me with an answer to that question with regard to the annual revenue she anticipates receiving as a consequence of every teacher paying this fee? Can she give a rough figure of how much money will come in the door each year when the \$80 fee is paid?

Dr E. Constable: If the member can just bear with us.

Mr P. PAPALIA: The minister has already indicated that that is the one thing for which WACOT had to seek approval from the minister. In that case, I assume that it provided —

Dr E. Constable: Changes in any fees have to be done via regulation.

Mr P. PAPALIA: I assume that it provides the minister with good justification for that, because otherwise she would not have approved it. What amount of money are we are talking about?

Dr E. CONSTABLE: The best information that I can provide to the member is the information that is in WACOT's annual report. From its annual report, I understand that receipts from customers were \$5.2 million in 2011.

Mr P. Papalia: That would predominately be the annual fee as opposed to new registration fees.

Dr E. CONSTABLE: The annual fee would be the major part of it. I would guess the registration fees are a smaller part of it.

Clause put and passed.

Clause 36: Register of teachers to be kept —

Mr D.A. TEMPLEMAN: My question relates to the register that is kept of a teacher's details. I have a further question relating to the next clause, which is the inspection of the register. I have a couple of concerns here, and I will be interested in the minister's response. Obviously, as outlined in clause 36, the board will be required to keep the register up to date, including details of the person's name, category, registration number and date of commencement. I am interested in the details of "any other information prescribed", because clause 37(5) states that a person, on application to the board and payment of a fee, can actually obtain a certified copy of the register or a particular entry in the register. I think that raises a series of questions. I want to know what is meant by "any other information prescribed" in clause 36. What might that information be? In relation to clause 37, "Inspection of register", the information prescribed may actually be information that a member of the public can not only view but also obtain a copy of. To me, that has some serious implications and needs clarification.

The second point is that, although there may be a requirement for teachers to be registered, there are many teachers who, like any other member of the public, quite often for personal reasons or indeed reasons of personal safety, may wish to have suppressed some of their personal information such as the school at which they are employed. All of us know that the Electoral Act provides that people seeking to be registered to vote can of course be a silent voter and have their information available to the appropriate authorities but not made public if someone seeks to do that.

I really am quite concerned about these two clauses, because there is not clarification of what "any other information prescribed" might be. In my view, that concern relates to clause 37(5), which allows anyone to go in, pay the prescribed fee and obtain a copy of the register—that is my reading—or a particular entry in the register. My understanding is that if I am a vexatious or aggrieved parent or a former partner, I can go to the register and see whether my ex-wife or ex-partner is on the register. Possibly, if the other information prescribed

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shows where she may be, I can have access to it. Not only can I have access to that, but also I can get a certified copy of it. I am very interested in the minister's comments on clause 36(1)(e). I am sure we will get to those under clause 37, but some alarm bells are ringing about that.

Mr P. PAPALIA: Mr Acting Speaker!

The ACTING SPEAKER (Mr P.B. Watson): Can I get the minister's response?

Mr P. PAPALIA: It is on the same matter, so I want to speak before the minister stands, otherwise we will be repeating ourselves.

Dr E. Constable: It might save your breath.

Mr P. PAPALIA: I doubt it. Beyond that, subclause (2) calls for the register to be included on a website maintained by the board. That is a little more concerning than the application process in clause 37(5), which enables an individual and the public to access the information.

The ACTING SPEAKER: Member, that is clause 37; we are dealing with clause 36.

Mr P. PAPALIA: I know. Clause 36(1)(e) refers to "any other information prescribed". What on earth is "any other information prescribed"? If it includes a photo, for instance, or as the member for Mandurah indicated, the school a person teaches at or any other personalised information that allows someone's privacy to be breached, when it comes to the next clause, I think that is very concerning.

The ACTING SPEAKER: Can we talk to this clause, please, member?

Mr P. PAPALIA: That is what the member for Mandurah was talking about.

Dr E. CONSTABLE: Mr Acting Speaker, it is very hard for me to stick with clause 36, so with your indulgence, I will comment on clause 37 as well.

The ACTING SPEAKER: Does the minister want to vote on clause 36 and then we can deal with clause 37? Minister, if you sit down we will get clause 36 out of the way.

Dr E. CONSTABLE: No, no; I am going to make comments about both, with your indulgence.

The ACTING SPEAKER: With my indulgence, you may.

Dr E. CONSTABLE: Thank you. Thank you, member for Mandurah, for raising these issues. It is important we make it absolutely clear. I believe the legislation is clear. The board is required to keep a register of the person's name. No address is mentioned, just the name; the category of registration that person holds; the person's registration number—we expect the board to have that—and the date of commencement of the person's registration. That is all that will be available to the public. It will be on a public website; it is now, and it is standard practice. That is all the public will have access to.

Mr P. Papalia: What is the point of subparagraph (e)

Dr E. CONSTABLE: Let me keep going. The other information prescribed is being considered for regulation, so that it will be possible for the regulation to be disallowed by Parliament. The other information includes the employer's name and business address, registration expiry date, any condition imposed on the registration, date on which any suspension order will take effect, date on which any cancellation order will take effect and date on which the teacher's next annual fee is due. It is very straightforward information, subject to regulation and subject to disallowance if the Parliament deems it does not want certain information to be on such a register. That information will be accessible only to the teacher himself or herself. It will be their own record that they have access to.

Mr P. Papalia: Where is it stated that that information will be accessible only to —

Dr E. CONSTABLE: It is part of regulation.

Mr P. Papalia: The regulation specifies that the information under clause 36(1)(e) —

Dr E. CONSTABLE: The additional information will be accessible only as follows: to the teacher himself or herself; that is, access to their own record, as we can expect them to have access to that record; to employers and principal supervisors; and teachers in their school or service. An employer needs to have access to information about whether someone is registered or whether there is a suspension order. One administrative officer to be given a PIN could be nominated by the employer. It is a very secure register that only certain people can see. We would expect a teacher to have access to their own record, so that all teachers will have that access.

Mr P. Papalia: Why not specify in the legislation that that part of the information will not be available to the public domain?

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Dr E. CONSTABLE: Clause 37(3) states —

Register information (professional) is to be made available for inspection, in accordance with subsection (2), by any of the following persons, as the Board thinks appropriate —

- (a) registered teachers, employers of registered teachers and principals;
- (b) such other persons, if any, as are prescribed.

It is provided in the bill that it be very restricted information.

Mr P. Papalia: I do not know that it is because “Register information (professional)” means all the information. Okay, sorry.

Dr E. CONSTABLE: Yes, it does. I think it is covered. I think that answers the questions that were raised.

Clause put and passed.

Clause 37: Inspection of register —

Mr D.A. TEMPLEMAN: I seek clarification of clause 37(5). The minister has just mentioned who would have access within the security process. Subsection (5) refers to a person seeking inspection “on application to the Board and payment of the fee prescribed” obtaining a copy of the register or a particular entry in the register. Would any situation arise in which the board might inform a teacher that a request had been for that teacher’s information? Does the minister see any time when the board may need to indicate to a teacher that a request had been made for information on them via the register? Has that happened? I am not trying to be conspiratorial or anything of that nature, but could there be an occasion on which a teacher should be informed that requests have been made to obtain copies of a particular entry relating to them or would that be something the board would need to consider?

Dr E. Constable: I think it is certainly something I would encourage a board to consider. It would be a policy of the board to do that. I think that would be very sensible.

Mr D.A. TEMPLEMAN: Obviously, we cannot amend this to include that, but we hope the board would be mindful of informing a registered teacher —

Dr E. Constable: As a matter of policy it would do that.

Mr D.A. TEMPLEMAN: — that there has been application. Because it could be that the police service investigating someone —

Dr E. Constable: In that case you probably wouldn’t inform them because they would be under investigation.

Mr D.A. TEMPLEMAN: Okay, but a private investigator doing a check of someone’s credentials could go to the board and ask for a copy.

Dr E. Constable: Public information is available to anyone; it is available currently on a website.

Mr D.A. TEMPLEMAN: This is specific to someone who —

Dr E. Constable: You can look that up now.

Mr D.A. TEMPLEMAN: Yes, but this might be when they apply to the board and they make a payment. I know people can look up a website.

Dr E. Constable: They can only get what they are entitled to; they can’t get any more. If they are a member of the public, they can only get the public information I described earlier.

Mr D.A. TEMPLEMAN: Yes, but they can do that anyway, can they not?

Dr E. Constable: Yes.

Mr D.A. TEMPLEMAN: Why then does this clause provide that a person can pay a prescribed fee and obtain a copy of the register—it has to be certified—and a particular entry in the register? It is my understanding that a particular entry would relate specifically to an individual. Would it be an occasion when I want to look up “David Templeman” to see whether he is registered appropriately and I want to get a copy of it?

Dr E. Constable: I understand this is a standard provision. Perhaps the person would want a certified copy if that is what it was, but, generally speaking, to get the information I or the member could go to that website and obtain it because it is publicly available. That is public information, those four things.

Mr D.A. TEMPLEMAN: As the minister said earlier, I cannot see how every teacher could be informed that someone has come in and just wanted to look at the register, because that is what clause 37(4) allows.

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Clause 37(4) allows someone to come in from the general public, and that register must be made available for inspection.

Dr E. Constable: It is just a standard provision.

Mr D.A. TEMPLEMAN: So, is the minister saying that clause 37(5) is also a standard provision?

Dr E. Constable: Yes.

Mr D.A. TEMPLEMAN: Can someone come in and just say, “I want to have a look at the register, and there’s the name I want to get the details of that I’m legally allowed to get, and I want a copy of it”?

Dr E. Constable: You can do that with doctors, nurses, whoever; it is a standard provision.

Mr D.A. TEMPLEMAN: That is fine. I thank the minister.

Clause put and passed.

Clause 38: Notice about legal actions —

Mr D.A. TEMPLEMAN: This relates now to the registered teacher being given notice by the board.

Dr E. Constable: No, this is the teacher notifying the board.

Mr D.A. TEMPLEMAN: Sorry; okay.

The clause states that the notice is to be given in writing no later than 30 days after the order, and then there is the penalty. I am just interested in clarifying that. The notice given in writing to the board —

... no later than 30 days after the order is made or judgment of conviction entered and is to set out the details of the order or conviction.

Does that mean that if a teacher is ordered to pay damages or compensation as a result of civil proceedings or they are convicted of an offence, he or she must make sure they notify the board of that particular order?

Dr E. Constable: That is correct.

Mr D.A. TEMPLEMAN: If they do not do that, there is a fine of \$5 000. Is the \$5 000 a —

Dr E. Constable: It is a maximum; they are all maximums.

Mr D.A. TEMPLEMAN: Does that include, so the minister can answer my other queries, the penalties under clauses 39 and 40?

Dr E. Constable: Yes, they are all maximums.

Mr D.A. TEMPLEMAN: I thank the minister.

Clause put and passed.

Clauses 39 to 48 put and passed.

Clause 49: Disciplinary committee —

Mr P. PAPALIA: As a result of an oversight and the amendment standing in my name not being on the *Notices and Orders of the Day*—it is still out there—I want to withdraw that amendment and change it to one that reflects the changes made by the minister. I wish to withdraw the amendment standing in my name, and then move another one to this clause.

The ACTING SPEAKER (Mr P.B. Watson): It is on clause 87, is it not, member?

Mr P. Papalia: Oh, sorry.

Dr E. Constable: I’m happy to go to clause 87!

Mr P. PAPALIA: I beg members’ pardon; I am almost as tired as the Leader of the House!

Mr R.F. Johnson: I just think we should make some progress, don’t you?

Mr P. PAPALIA: I do have a question about this clause.

Minister, with regard to “disciplinary committee”, which is a subcommittee of the board, as I understand it —

Dr E. Constable: It is a committee of the board.

Mr P. PAPALIA: It is a committee of the board. How frequently is it anticipated that this board will sit, or these boards will sit, based on historical experience? I have some other questions.

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Dr E. CONSTABLE: Member for Warnbro, I understand there is a backlog in these issues —

Mr P. Papalia: There is a backlog.

Dr E. CONSTABLE: — and we would hope to clear that pretty quickly. I would imagine that the disciplinary committees—because there might be more than one—would probably have a fair bit of work to do to start off with to clear that backlog. After that, it is hard to judge how often the committees would need to sit, but we could perhaps try to get that information for the member. We would have to guess, but hopefully not too often, being disciplinary committees.

Mr P. Papalia: So we do not know how many annually might be dealt with if they were dealt with in a more expeditious fashion than they are now?

Dr E. CONSTABLE: Between 10 and 15 matters a year, but there is a backlog; some go back three or four years. When we are talking about timing, it is just so unfair to anyone who is caught up in such a matter; it should be dealt with expeditiously. The best educated guess we can give you is 10 or 15 matters a year would go to the State Administrative Tribunal, and there would be other matters that the disciplinary committees could deal with themselves.

Mr P. PAPALIA: With respect to clause 49(3), the composition of the disciplinary committee, are those individuals there to be drawn from the board? I notice that only one of the board members is specified as a lawyer, but clearly others could be. Particularly at the outset when more than one committee will be required to sit at one time, I am just wondering whether —

Dr E. Constable: They can all be non-board members.

Mr P. PAPALIA: So can the board just appoint people?

Dr E. Constable: Yes.

Mr P. PAPALIA: There is no reference to the minister; it is just the board's own choice of individuals to be on those boards?

Dr E. Constable: That is correct. It is a board decision.

Mr P. PAPALIA: As long as they comply with those on the list; registered teacher, lawyer, or such other person —

Dr E. Constable: Absolutely. A number of people are experienced in this field, particularly lawyers. Sorry; under clause 49(5), at least one must be a member of the board.

Mr P. PAPALIA: So could there be any number of these in that first period of time when the backlog is trying to be cleared?

Dr E. Constable: I would expect there would be.

Mr P. PAPALIA: Or there could be seven, conceivably.

Dr E. Constable: I would expect there would be a number of them.

Clause put and passed.

Clause 50: Impairment review committee —

Dr A.D. BUTI: Minister, I presume this impairment review committee will look into matters that arise under clause 48, "Impairment matters". Clause 48 refers to a teacher who may be under the influence of alcohol or other drugs. Clause 50(9), which is identical to clause 49(9), states —

The impairment review committee may determine its own procedures but they must be consistent with the terms of any delegation under which the committee is acting.

How would it actually be determined whether a teacher was under the influence? Obviously, there may be witnesses, but what I am actually wondering about is the issue of drug testing. Presumably clause 50(9) does not authorise the impairment review committee to compel the teacher to undergo drug testing; and, if it does not, would it not be prudent for such an authority to be prescribed in the legislation? Obviously the minister can understand the concerns and the difficulties there will be if a teacher is demanded to undergo a drug test.

Dr E. CONSTABLE: The member has raised a really important question. I am advised that the board could do that if it had consent, but if the issue could not be resolved, it could be referred to the State Administrative Tribunal.

Extract from Hansard

[ASSEMBLY — Tuesday, 1 May 2012]

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Dr A.D. BUTI: The problem is that by the time it got to SAT, it would be a bit too late to know if a teacher had marijuana in their body. If a principal thinks a teacher is under the influence of a drug and that drug stays in the system for only a certain time and the teacher will not consent to a drug test, in the end it has to go to SAT and it will be too late.

Dr E. CONSTABLE: The area the member is describing could have criminal matters associated with it and therefore police and others would be involved.

Dr A.D. Buti: Having alcohol in one's body is not a criminal matter.

Dr E. CONSTABLE: A medical examination can be done only with the teacher's consent anyway, so if they did not consent perhaps there would be an issue.

Dr A.D. BUTI: The minister is right, but there are many employers who demand drug testing.

Dr E. Constable: The board is not the employer though.

Dr A.D. BUTI: Mining companies have compulsory drug testing and pilots, for obvious reasons, undergo drug testing.

Dr E. Constable: It would be the employer—the Department of Education or the Catholic Education Office—that would have to do that.

Dr A.D. BUTI: That is right. I understand that the Department of Education at any time can negotiate under the enterprise bargaining agreement with the union that there may be mandatory drug testing, but I am referring to a particular case. I am not 100 per cent sure, but I understand the Department of Education has no ability to demand that a teacher be drug tested.

Dr E. Constable: Not that I am aware of.

Dr A.D. BUTI: In this case, the employer cannot demand it and, because it has not been prescribed in the legislation, nor can the impairment review committee.

Dr E. CONSTABLE: This would start with a complaint which the board would then investigate, so time is already passing, and then they can collect other information that might be relevant. The board could ask the person to have a medical examination, but I am not sure that the board has a lot of time to manoeuvre in this situation anyway.

Clause put and passed.

Clauses 51 to 55 put and passed.

Clause 56: Board's powers of investigation —

Mr D.A. TEMPLEMAN: This relates to the line of inquiry that I raised earlier and which the minister said she would be able to clarify on the ownership of a teacher's records and when those records might be required by the board.

Dr E. Constable: Can I clarify that it is the employer's records, because we were talking about other records as well?

Mr D.A. TEMPLEMAN: Yes, it is the employer's records. At what point would the board have access to the employee's records? I gave the example that it was my understanding that previously the employer kept records of the employee and, to my knowledge, individual employees had the right to view their file to see what may be on that file. I am interested then, in this clause on the board's powers of investigation, when the board may seek to access that information. Is it correct that the records of the employees remain the property of the department, not of the board? That is my understanding, and I do not think that will change. Effectively, if the records of the employee are held by the department, then during an investigation there will be a need for the board to access those. Does a formal process need to be established for that or is it already established? I think the minister understands where I am coming from.

Dr E. CONSTABLE: Clause 56 refers to the board's powers of investigation and what the board can do to investigate a matter. They are pretty basic investigative tools. It can require a person to appear before the board and to produce documents, but it does not have the investigative tools to go out and require information from an employer. We are talking about very basic tools of investigation. It can require the person to produce the document or thing, and it can require a document to be inspected and can make copies of those documents. This clause does not go any further than that. They are very basic investigative tools, bearing in mind that the bill does not provide for the board to appoint authorised investigation officers. When it gets to that point, they may need to call in other agencies; for example, it may be a matter for the police, SAT or another agency. If there is a

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complaint, the person is required to come in and answer questions or to produce certain information. This is not referring to the board's access to employer's information.

Mr D.A. TEMPLEMAN: How is the board expected to carry out a thorough investigation? We are entering a period when parents in particular are much more willing to pursue the quality of teaching—in the interests of their children usually. Let us say a parent was to make a written complaint to the board saying they believed that teacher X—this is not a complaint of a sexual nature—is inappropriately and mentally tormenting their child in the classroom using inappropriate words and methods to discipline them and is picking on their kid.

Dr E. Constable: That is the sort of complaint they would refer back to the employer in the first instance.

Mr D.A. TEMPLEMAN: But a person can still write to the board and complain about a particular teacher or employee —

Dr E. Constable: They certainly can.

Mr D.A. TEMPLEMAN: — and request the matter be investigated, and that can still involve a formal investigation process.

Dr E. Constable: Part of that investigation would be engaging with the employer. It would have to be referred to the employer because that is happening inside the classroom, so the employer would need to look into that as well.

Mr D.A. TEMPLEMAN: Absolutely, and that is where I am a little unclear as to when the role of the department ceases in terms of an investigation of a complaint and when the role of the board commences in that regard. I ask the minister: if a parent comes to me, a member of Parliament, and says they want to complain and asks me who to complain to, what do I tell them?

Dr E. Constable: Where do you take that complaint?

Mr D.A. TEMPLEMAN: Normally, to the minister.

Dr E. Constable: And then it goes to the employer.

Mr D.A. TEMPLEMAN: However, in the knowledge that the Teacher Registration Board will specifically be armed to investigate and discipline teachers as one of its key roles, we need clarity on the role of the department and the board. I want to protect the interests of teachers and, most importantly, the interests of children.

Sitting suspended from 6.00 to 7.00 pm

Mr D.A. TEMPLEMAN: Before I was rudely interrupted by the dinner break, I was pursuing the issue which I think now is becoming a little muddy, about the role of the Teacher Registration Board's powers of investigation and the department's investigation. I am interested in pursuing when a matter becomes elevated to be the responsibility of the board to investigate. I will use a complaint against a teacher as an example. Let us say a parent or other individual makes a complaint about a teacher initially to the minister, or to the local member, who forwards it to the minister for investigation. My understanding is that that is what normally happens; however, given the board's powers, as proposed in the Teacher Registration Bill, to investigate a complaint and, indeed, the conduct of a teacher, when does that investigation become the board's role? I think we have reached a stage at which there is a little uncertainty about when those responsibilities or roles kick in. At the end of the day, if members of the general public want to make a complaint about a teacher, they will want to know the most effective means by which that teacher —

Mr P. PAPALIA: I am, as usual, enthralled and would very much like to hear more from the member for Mandurah.

Mr D.A. TEMPLEMAN: This point is very pertinent to this total legislation because if indeed we are going to have two parallel processes —

Dr E. Constable: No, we're not.

Mr D.A. TEMPLEMAN: I need clarity on that because, as far as I can see, now we are consolidating the role of the Teacher Registration Board to issues of registration and discipline that are related to an investigation of a complaint about a teacher, and there are powers for the board to investigate. When is there a point of difference between the department's responsibility to investigate a complaint that may come in and the board's responsibility to investigate a complaint made against a teacher? It appears to me that there are now possibly two processes. I am interested in when it is the board's responsibility to carry out an investigation. Clause 56 outlines the powers of the board in undertaking such an investigation. This clause highlights that for the purposes of conducting an investigation, the board can do certain things. The board can —

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- (a) by written notice given to a person require the attendance of the person as a witness at a time and place specified in the notice to give evidence; or
- (b) by written notice given to a person require the person to produce any document or other thing that is in the possession or under the control of the person and is relevant to the matter before the Board; or
- (c) inspect a document or other thing produced before it.

I really think we need some clarity about the role of the board and the role of the department in an investigation of a complaint against a teacher because, from the minister's earlier answer and as it appears to me, there is now a muddying of the waters about when the board investigates and when it is simply a departmental process. At what point does the department decide to refer a complaint to the board? At what point does the department decide to refer a matter to the board for investigation? I really think this is important for the minister to clarify because I am now a little confused about the roles of both the department and the board as such.

Dr E. CONSTABLE: I thank the member for Mandurah. We need to go back through a range of steps. I may not remember all the member's questions, but I think that what I say will answer most of them. Clause 53, which is at the beginning of the division that deals with the assessment, investigation and referral of complaints, provides that the board can do two things; it can reject a complaint or it can make an interim disciplinary order. But if we go forward, the board also can appoint a disciplinary committee or an impairment committee, depending on what decision it makes. The member dealt with a whole range of clauses in his questions. The board also can send a complaint to the State Administrative Tribunal. I think that most of the member's questions are answered in clause 62. For instance, clause 62(1)(e) states —

if the matter the subject of the complaint is before another person or body or the subject of proceedings, —

That is, if a complaint had been received by the department, the department could deal with it and then report that to the board or it may refer it back to the employer to look at it first and then get a report from the employer.

Mr D.A. Templeman: Who, though, the department or the board?

Dr E. CONSTABLE: The board might refer the complaint on. If it is a complaint about a teacher in a classroom, and it is about a public school teacher, the board might refer that back to the department. The department would look at that and then report back to the board. The complaint might have gone to the department first, or the complaint might have come to me and because it is to do with the employment of someone and I cannot interfere in that, I would refer that back to the department to deal with. If, having investigated the complaint, the department is so worried that it is a matter for the board, it would be obliged to tell the board about it as a matter of —

Mr D.A. Templeman: And request the board to investigate?

Dr E. CONSTABLE: But it has already been investigated by the department, so the board would take that information, look at it and make its judgement about how it would proceed.

Mr D.A. Templeman: Yes, but clause 56, which we're debating, specifically talks about the board's powers of investigation.

Dr E. CONSTABLE: I told the member earlier that the board's powers of investigation are very basic investigatory tools in that it can call a witness, call the person in or maybe other witnesses, or ask that a document or something be provided to it, but that it does not appoint authorised investigation officers. If a matter is of such complexity or importance that it needs to do that, it would call other people, which might be an employer, to provide it with that information. It does not set up a whole investigatory arm of the CCC or something like that. The board can collect information from many sources, but the bill does not provide for the board to appoint investigators so it can collect the information that it might need from other sources.

Mr D.A. TEMPLEMAN: I am not trying to be difficult, but I need clarification. If a member of the public, particularly a parent, has a specific concern about a teacher or a principal and they want their complaint to be investigated thoroughly, what avenue are they directed to? If they do not write to their local member, they may write, for example, to the district director or to the director general of the department. If it is about a specific teacher or employee, including a principal, who does the investigation? Is it the department in that case?

Dr E. Constable: Yes, it is the department.

Mr D.A. TEMPLEMAN: If the same person with the same complaint, through this act, writes to the chair of the board and says, "I have been into the register and I have checked that this teacher is registered as a teacher in Western Australia and I want you as the board to investigate my complaint", what happens then? To me there are

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two processes. The savvy parent will decide which is the best process through which to have their complaint heard appropriately. That is what I want the answer to. What happens in each of those cases?

Dr E. CONSTABLE: The board can look at the complaint under clause 56 and then make a decision on what it will do under clause 52. It can refer the complaint to a disciplinary or impairment committee, reject the complaint or send it to the State Administrative Tribunal.

Mr D.A. Templeman: That is if they go to the board.

Dr E. CONSTABLE: If the board receives a complaint under clause 56, that is what it can do.

Mr D.A. Templeman: That is what the board can do.

Dr E. CONSTABLE: That is what the board can do.

Mr D.A. Templeman: Now, if the same complaint goes to the department, what is the process?

Dr E. CONSTABLE: The department also has a process for dealing with that. It has quite a large section that would look into that complaint and investigate it. The department has investigators. If it is of such gravity, the department may refer it to the Corruption and Crime Commission and the Corruption and Crime Commission might ask the department to look into it.

Mr D.A. Templeman: Why are we not introducing a bill that simply deals with registration, not discipline, because the discipline process is already embedded into the departmental processes? Why are we creating a dual process of investigation as part of this bill?

Dr E. CONSTABLE: Not every teacher is employed by the Department of Education. Other small groups of schools—non-government schools, Catholic education—do not have those same processes that the department has because it is a government agency.

Mr D.A. Templeman: Therefore, why are we not simply establishing through this bill a process for non-government teachers? This could be the complaint mechanism and disciplinary mechanism for them, because we already have in place a departmental process that deals with the department's teachers.

Dr E. CONSTABLE: This is independent of the employer making a judgment about whether someone should be registered. I think each and every teacher needs that protection, if we like, of an agency independent of the department looking at complaints. Registration and employment are different things; they are not the same thing. The member is trying to make them the same thing with his comment.

Mr D.A. TEMPLEMAN: No, I am specifically talking about the disciplinary aspect and the handling of a complaint. I do not have a problem with the registration, because I think the registration aspect is about making sure that teachers who seek to be employed as teachers in Western Australia, whether in the public or private system, are appropriately “criteria-ed” to do that. However, here we are talking about a process of discipline and the appropriate hearing of any complaints. The minister has told me that the Department of Education already has a process that involves dealing with complaints against teachers who are employees of the department. We already have a process and mechanisms to deal with complaints. The minister has told me that a person who wishes to make a complaint in a state school has two options. One is to use the processes of the department for their complaint to be investigated and the other is to appeal to the board to investigate their complaint. If someone is in a private school and they have a concern about a teacher or an employee of the private sector, their approach, understandably, can be only through the board.

Dr E. Constable: The School Education Act does not have a fit and proper requirement, which is really important in this bill; a person is required to be fit and proper to be a teacher. There are differences between employing and registering. I think you are trying to make them the same thing. Complaints to the department or the employer are not necessarily the same complaints that would go to the board.

Mr D.A. TEMPLEMAN: No, but to be honest I do not think the minister has clarified to me—I am specifically talking about state government schools—when an investigation becomes the responsibility of the board or the responsibility of the department. To me there are two processes. If I were advising a parent about having their complaint heard to their satisfaction so that they know that it has been investigated appropriately, I would want to advise them on which is the best process through which to send their complaint.

Dr E. Constable: I know that this is not going to be satisfactory for you, but I think that would depend on the nature of the complaint.

Mr D.A. TEMPLEMAN: It probably would. The board may reject a trivial complaint, which is highlighted in the next clause or, as the minister said, after the board has gone through and assessed a particular complaint, as

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highlighted in clause 53. Does that still leave it open to a complainant to pursue their complaint again purely through the department and its processes?

Dr E. Constable: I am sure it does.

Mr D.A. TEMPLEMAN: You are giving people two bites of the cherry.

Dr E. Constable: I am sure they can.

Clause put and passed.

Clause 57: Inappropriate and trivial complaints —

Mr D.A. TEMPLEMAN: This clause relates to inappropriate and trivial complaints. I understand, minister, that this would be in the jurisdiction of the board's assessment of whether a complaint in its view is trivial, inappropriate or vexatious. I think that is covered in the three elements there. My question about this clause relates to the potential subjectivity of the board in determining what it sees as being potentially vexatious, trivial or unreasonable. I understand why we have to have it. We have examples of teachers who have been subject to petty complaints, if we like, that do not relate at all to the quality of education that the child or children may receive. However, in relation to issues that some parents can feel very strongly about—a good example is the dress sense of a teacher —

Dr E. Constable: That is a matter for the employer.

Mr D.A. TEMPLEMAN: But if the parent thought that their child's teacher was wearing inappropriate clothing —

Dr E. Constable: That is a matter for the school and the principal.

Mr D.A. TEMPLEMAN: — that would be an example of something that would be seen as not appropriate for the board to investigate.

Dr E. Constable: It is for the workplace; yes.

Mr D.A. TEMPLEMAN: Something such as that would not be seen as appropriate for the board to investigate.

Dr E. Constable: That is my view.

Clause put and passed.

Clauses 58 to 68 put and passed.

Clause 69: Record of inquiry —

Mr P. PAPALIA: What type of record of inquiry are we talking about? Will it be a Hansard-type recording of every word spoken or just a precis of the process and a general report of the conduct of the inquiry?

Dr E. CONSTABLE: I think that is a matter of policy for the board to decide. It could be a tape recording, for instance. The board will decide. How the board will do that may vary from complaint to complaint. Certainly, a tape recording would be possible, and it would be next to as good as, or as good as, a *Hansard* report.

Clause put and passed.

Clause 70: Decision of disciplinary committee after inquiry —

Mr D.A. TEMPLEMAN: This clause relates to the ultimate decisions of a disciplinary committee after an inquiry has been held. Paragraphs (a) to (g) highlight how the committee might deal with a particular complaint, and obviously that includes dismissing the complaint, imposing an order, issuing a caution et cetera. I am interested in the recording of an order and/or a fine or suspension. Will that outcome be recorded on the teacher's personal file or as part of their registration as other information, which I know will not be made public because that was the minister's assurance? Is that an example of something that might be "any other information prescribed" as provided for in clause 36? The board would then have a record of the outcome of any disciplinary action and it would be recorded against the teacher's name and on their registration, but it would not be publicly available if a member of the public looked at the register.

Dr E. CONSTABLE: It will be up to the board to decide, and it will be in the regulations. Some of these things might be recorded. A suspension would be recorded certainly while it was in place so that people know when it started and when it is due to finish. People will know the status of the teacher. I understand that a fine will not be recorded. That is the current intention through regulation. A caution and a reprimand will not be recorded. Any current condition on the registration will need to be recorded so that there is an up-to-date record for those who need to know about it, such as an employer and the board itself.

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Mr D.A. TEMPLEMAN: I will not give a drastic example such as in paragraph (f), which provides for the cancellation of registration and the substitution of provisional registration. Let us use as an example an order that the teacher be suspended for a period. Let us say that there has been an inquiry and the disciplinary committee has found that the teacher has breached the act and the teacher is suspended for six months. That six-month suspension from, say, 30 June to 31 December would be recorded on their registration. Let us say that the teacher left Western Australia after being suspended and went to New South Wales seeking to register as a teacher. Can the minister explain to me how that jurisdiction would be aware of that? Is there portability of the information?

Dr E. Constable: Yes, there is.

Mr D.A. TEMPLEMAN: Does that include any order —

Dr E. Constable: That would appear on the person's record during the period of suspension. Given the dates that the member mentioned, the person would no longer be suspended after 31 December, so it would no longer appear. But during that period of suspension, the other jurisdiction could seek information. It is portable.

Mr D.A. TEMPLEMAN: Under the same scenario, if the teacher was suspended from the end of June to December but lobbied in New South Wales and registered with the equivalent authority in New South Wales at the end of January, would they be required to give any information about past suspensions when they registered?

Dr E. Constable: That would depend on the legislation in that jurisdiction.

Mr D.A. TEMPLEMAN: How would that work in reverse? Let us say that someone had been suspended in New South Wales and the opposite occurred. What would happen if a teacher who had been suspended for 12 months lobbied in Western Australia and wanted a job for the start of the new year?

Dr E. Constable: That information could be asked for even if the person was not in a period of suspension, but if the suspension was over and they had been reinstated and were registered, they would be registered. Any information can be asked for.

Mr D.A. TEMPLEMAN: I suppose I am interested in the portability of the information and making sure that other jurisdictions are aware, if it is relevant, that someone is carrying a particular imposition.

Dr E. Constable: If it is relevant at the time, yes, I agree.

Mr D.A. TEMPLEMAN: Clause 70(2) states —

A disciplinary committee may, in dealing with a complaint under subsection (1), order that the teacher pay to the Board such costs and expenses of, arising from, or incidental to —

(a) ... the complaint; ...

Are we talking about costs that might be attributed to the time taken to carry out the inquiry? What sorts of costs might a teacher be ordered to pay? If the teacher has been found guilty, that is fine, but what costs might be involved? Will an hourly rate be charged for committee members or for any investigation? Can the minister give us some idea of what that might mean?

Dr E. CONSTABLE: In answer to the member's question, there is nothing in the legislation that prescribes those costs, but this provision will give the board the ability to impose costs on that person if it wishes to do so. Again, I think this would fall within the area of policy for the board to determine that. It may be that the disciplinary committee has to meet many times. There may be a whole stack of photocopying or something. There may be those sorts of costs that are incurred that they wish to recoup.

Mr D.A. Templeman: Could it include flight costs? If a teacher was in the north west and the members of the disciplinary committee had to have the teacher flown to Perth for some meeting here, or vice versa —

Dr E. CONSTABLE: It might be a teleconference.

Mr D.A. Templeman: Is that the sort of cost that could be imposed on a teacher?

Dr E. CONSTABLE: It will be up to the board to determine. This will allow the board to determine some costs if necessary.

Clause put and passed.

Clauses 71 to 86 put and passed.

Clause 87: Membership of Board —

Mr P. PAPALIA: I do not intend to proceed with the amendment standing in my name on the notice paper. I move the following new amendment —

Page 52, after line 11 — To insert —

- (3A) Of the persons appointed under subsection (3)(b) —
- (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).

This new amendment is incredibly similar to the amendment that we had standing on the notice paper. But the minister has moved amendments to her own legislation, and that has required me to amend my amendment to fit the new structure and paragraphs. All we are advocating is that there be a bit more detail about the persons whom the minister, or any minister in the future, can nominate to these positions on the board. I think the minister would acknowledge that when we dealt with the minister's legislation in its original version, we identified that the flaw in the legislation was the complete lack of the presence of a teacher on the membership of the board. The only requirement in the original legislation that was introduced and read into Parliament by the minister last year with respect to the professional qualifications of the individuals to be appointed to the seven-person board was the necessity for one of those persons to be a lawyer. It would, no doubt, have made some members of this place quite happy to think that there might be some alternative employment option should the worst come to the worst. However, in our caucus, and in the discussions within our party about the original legislation, we came to the conclusion that it would be nice if the body that will replace WACOT would accept at the outset all the identified flaws and perceived failings of WACOT, and all the criticisms that were levelled at WACOT by all manner of individuals and agencies. However, we felt that, accepting all those points, it would still be appropriate that the minister be compelled to appoint at least one teacher.

In coming to that conclusion, we looked at other teacher registration bodies around the nation. Many of those bodies have a similar makeup or complement to the original WACOT, in that they have an enormous number of members, and they have elected individuals who are representative of the different stakeholder groups associated with education. We did not want to have that with this body. We accepted the argument that it is time to reduce the size of the body that will be dealing with this process. We also acknowledged and understood the minister's desire to be able to appoint the members of the board. But we felt it was appropriate to reflect the fact that the role of this body is to deal specifically with the teaching profession. We have, therefore, decided to adopt in this amendment the wording that is contained in the Victorian legislation, which states specifically that one of the individuals to be appointed is to be a registered teacher who teaches or works at a government school, and the other is to be a registered teacher who teaches or works in either the independent or the Catholic school system. The wording that we have proposed in this amendment is the wording that is used in the Victorian legislation. I do not think it is an outrageous demand to ask the minister to consider this amendment.

Dr A.D. BUTI: I am very much interested in hearing further from the member for Warnbro.

Mr P. PAPALIA: I thank the member for Armadale. All this amendment will do is enhance the amendment that the minister has made to her original bill, in that it specifies, for the benefit of the teaching profession, the persons whom the minister must include. There is no restriction on the make-up of the remainder of the board members. One lawyer and two teachers is not a big demand. There will still be four individuals whom the minister, or my future minister, will get to choose and appoint. It is not any great imposition. I suspect that in all likelihood the minister intends herself to appoint a number of teachers, or at least a number of people from the teaching profession. What this amendment will do is ensure that those people who are currently engaged in the profession, in the public sector and in the non-government sector, are represented in the make-up of the board, and I would ask that the minister consider that as an option.

Dr E. CONSTABLE: The only reason that the member for Warnbro has given for his amendment is that he thinks it would be a good idea to have three representatives from three different sectors.

Mr P. Papalia: No; it is two. It says "or".

Dr E. CONSTABLE: It is three.

Mr P. Papalia: It says "or". One is to be a registered teacher, and one is to be either of these two people.

Dr E. CONSTABLE: Okay. Sorry. I thought the member was going for three. No matter what the number may be, what the member is asking for is teachers to represent the different sectors—public and private—in

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education. That would put those people in the frame of mind that what they have to do is represent their sector. I think this is the mistake that was made with WACOT—it was representatives of organisations. What we need now more than anything, after the experience of WACOT, is a board of experts. What I have in the bill now is that at least three of the members will be teachers—it is possible that six will be teachers—and one must be a lawyer. It is very important to have a lawyer and someone who is experienced in the administration of law when we are setting up a registration board of any sort. It is important that we have a lawyer on the board. I do not think there is any argument about that. I do not think there is anything to be gained by having representatives; in fact, I think we will lose something. We need to have people who are there to do the work of the board, not to represent a certain section of the community. That is why I am not going to accept this amendment from the member for Warnbro.

Mr P. PAPALIA: I think the minister is misinterpreting what the amendment tries to achieve. We are attempting to acknowledge the teaching profession as a profession. The minister has suggested that notional experts will be better representatives than the teachers who are engaged in the profession in schools right now. All I have done by moving this amendment is specify that one representative must be from the public sector and one from the non-government sector. We have not done that so they can represent those bodies; we have done that so that they can bring with them the expertise that is inherent within those systems, which by their very nature are not identical. It cannot be suggested that someone who has taught for their entire career in the Catholic or non-government system has identical experience, knowledge and skill sets to those of someone engaged in the public sector. All we are doing by specifying those backgrounds is acknowledging that the people engaged in the profession in those fields are professionals. They are the experts. By denying this amendment, the minister is suggesting that they are not expert enough to meet the minister's requirements.

Dr E. Constable: I am not.

Mr P. PAPALIA: I am not disputing the make-up of the rest of the board.

Mr R.F. Johnson: The minister never said that. I have been listening. She never said that.

Mr P. PAPALIA: Is the minister with *Hansard* now as well as the Leader of the House?

Mr R.F. Johnson: Don't mislead the house. She never said that.

Mr P. PAPALIA: I did not say what she said either. Shall we go through *Hansard*? It is ridiculous.

Our intention is to acknowledge that the individuals who are engaged in the profession right now are the experts. The government would get to choose who they are within the parameters that we have outlined in our amendment. The current Minister for Education will not always be here. Another Minister for Education might have a preference for a particular part of the teaching profession or acknowledge only people with a PhD in education as being experts or might not believe that someone from the Catholic sector should have any say at all in the discipline and registration body that is responsible for registering, administering and disciplining all teachers. All I am saying is: why not look at what has been done elsewhere? The wording in the amendment is reasonable. Initially, the minister did not even acknowledge that a teacher was a worthy member of the board. I find it incredible that the minister is seeking to criticise us.

Dr E. Constable: I am not criticising you.

Mr P. PAPALIA: The minister wanted to include lawyers, but teachers were not even in the original legislation.

Dr E. Constable: I thought that commonsense might prevail, but clearly you didn't.

Mr P. PAPALIA: Then why did the minister amend the bill?

Dr E. Constable: Because clearly common sense wasn't prevailing.

Mr P. PAPALIA: It was not because the minister was embarrassed about not including the teaching profession in the board whose role is to administer and register teachers?

Dr E. Constable: I was not the least bit embarrassed.

Mr P. PAPALIA: So it had nothing to do with the minister's embarrassment about the poorly drafted bill she read into the house in December last year on the last sitting day after rushing her staff into drafting it with very little opportunity for consultation elsewhere? I find that incredible. Sorry, I do not believe that. I do, however, believe that the phrases in the amendment that have been chosen from the Victorian system acknowledge the teaching profession as a profession and that those engaged in it are experts and can be representatives of an expert body. Also, specifying exactly who we are talking about sends a message to the Western Australian teaching profession that the minister respects them and that we in Parliament respect them and want to ensure they are acknowledged as being expert professionals. They must be people who teach or work in a government

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or non-government school, not someone who might be retired or has been lecturing at university for the past decade, although those types of people could still be on the board because there are still another four positions. All we are talking about is the other three positions out of seven. In fact, we are talking about only two positions because the minister has put a lawyer on the board. What is the harm in considering it?

Mr D.A. TEMPLEMAN: I think the member for Warnbro is right. Specifically including two teachers highlights the importance of the input of teachers. As the minister said, we could end up having six teachers on the board, but we also could end up having none. That is a possibility.

Mr P. Papalia: It was changed to three teachers.

Dr E. Constable: At least three. The words “at least” are really important because there could be as many as six.

Mr D.A. TEMPLEMAN: All we are asking is that at least one be a representative of the public sector and one a representative of the non-government sector. That is very important because a lot of people have opinions about the capability of teachers. We simply wish to include the proviso that at least one teacher be a representative of the public sector and one a representative of the non-government sector. That is the flavour of the amendment, is it not, member for Warnbro?

Mr P. Papalia: It is.

Mr D.A. TEMPLEMAN: I believe that is appropriate. Even more importantly, it must be remembered that this bill essentially replaces the Western Australian College of Teaching. One of the roles of WACOT that has disappeared is its role to enhance the status of teachers. This bill is very much a disciplinary bill. It says to teachers that if they do the wrong thing, there is now a process by which we will deal with them. Teachers must be registered, and they must pay for it, and they also must pay for a process that disciplines them if a complaint is made. Therefore, I think it is important to send a “message”, if members want to use that word, that we have enough faith in who we will appoint to ensure that of those three positions, at least one of them is from the 20 000-odd employees of the government system. I am not sure how many are employed in the private system. Is it about 5 000?

Dr E. Constable: It would be more than that. It is one-third of all schools.

Mr D.A. TEMPLEMAN: It is possibly 7 000 or 8 000 then.

Dr E. Constable: No, it is more likely to be 15 000. Are you talking about FTEs or bodies?

Mr D.A. TEMPLEMAN: How many teachers are there in the private sector?

Dr E. Constable: How many bodies?

Mr D.A. TEMPLEMAN: Yes.

Dr E. Constable: At least 15 000.

Mr D.A. TEMPLEMAN: We are saying that each of those sectors—the state government and non-government schools—should be given representation because there is a large number of people to choose from in both those areas. Because we are putting in place a regime that essentially focuses on disciplining teachers—the thrust of this bill is the potential disciplining of teachers and making sure they are registered properly—those two sectors have a vested interest in the make-up of the board.

Dr E. Constable: That is the problem.

Mr D.A. TEMPLEMAN: No; they have a vested interest in ensuring that they are able to bring to the board the aspirations of their peers. That is not made clear by the way the minister has drafted the bill. Our amendment is fairly simple. As the member for Warnbro said, it replicates a similar provision in Victoria. I cannot see why the government would not support the member for Warnbro’s amendment.

Mr P. PAPALIA: I think that the minister should at least respond in a more comprehensive manner than by just interjecting from her seat. The message she is sending to the teachers of Western Australia by her resistance to specifically naming those two sectors as being from where membership for at least two positions would be drawn —

Dr E. Constable: This is not about education sectors; it is about registering teachers, their qualifications and their fitness. They are totally different things. You do not need representation, as the member for Mandurah just suggested. That is where we got into trouble before.

Mr P. PAPALIA: Is it not this board’s role to register, administer and discipline teachers from within the public sector and also the independent Catholic schools? Is that its role?

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Dr E. Constable: It is about Western Australian teachers, their qualifications and fitness; not about representation, which was the argument of the member for Mandurah.

Mr P. PAPALIA: I understand that the minister is picking apart the words that the member for Mandurah used. When this legislation is passed, and with the removal of WACOT, we will lose any pretence on the minister's and the government's behalf to any desire at all for trying to elevate the status of the profession of teaching. The minister has told me in this place that the only thing that will do that is registration.

Dr E. Constable: And that's what we're doing with this bill. We are registering teachers. We're about their qualifications, we're about standards and we're about protecting children.

Mr P. PAPALIA: That is all administrative stuff. I would suggest to the minister that elevating the status of the profession requires a lot more focus, effort and drive than what she has to offer and what she is proposing in this bill. If she thinks this will achieve that, she is deluding herself. I also think that she sends a very negative message —

Dr E. Constable: It is a very strong message—that at least three members will be teachers.

Mr P. PAPALIA: No. After the minister presented the bill in December, it was drawn to my attention that I overlooked the small matter of having any teachers on the board. Then I made a cursory mention of three teachers. What is a teacher? Is it someone who is engaged in the practice, is currently employed in the system or who once taught?

Dr E. Constable: It is a registered teacher.

Mr P. PAPALIA: That is not true. I accept that the minister's advisers gave her a bit of advice, but it is not true because this part of the legislation does not say anything about a "registered teacher"; it says "teacher". When we talk about registered teachers elsewhere in the legislation, we talk about registered teachers. When we talk about practising teachers, we talk about the nature of their registration.

Dr E. Constable: Subclause (3) states —

At least —

...

(b) 3 members are to be registered teachers.

That is not what you just said.

Mr P. PAPALIA: The minister got me there.

Mr D.A. Templeman: It is only a flesh wound.

Mr P. PAPALIA: Yes; it is a flesh wound.

Dr E. Constable: So, we are cool.

Mr P. PAPALIA: No, we are not.

Dr E. Constable: There will be at least three registered teachers and there could be more.

Mr P. PAPALIA: The minister is not specifying where they come from. I retract that; I beg your pardon.

Dr E. Constable: Because they are from Western Australia; that is why.

Mr P. PAPALIA: No. The minister is suggesting that the only reason we would name the system that they come from is so they can represent the system.

Dr E. Constable: That's the implication of what you're saying, and it was explicitly what the member for Mandurah just said.

Mr P. PAPALIA: It was not explicitly what I said. I said that individuals from within those systems bring with them experience, skills and knowledge that is not resident —

Dr E. Constable: All teachers.

Mr P. PAPALIA: The minister should hang on for a second.

Dr E. Constable: They have got to be in some sector in order to be registered teachers. I think we are covered.

Mr P. PAPALIA: No. The minister is just disagreeing. It does not mean we are covered. It does not mean I have to sit down. The point is that those people, as is the case in Victoria, are worthy of having individuals from within their systems at least eligible for representation and specifically eligible for certain positions on the board. They bring with them specific skills. If they come from the Catholic sector, they will have knowledge and

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experience that people in the public system will not necessarily have. To suggest that they are identical is not correct. To say that three members will be registered teachers does not meet that requirement. I think the minister is paying lip-service and she is sending a negative message.

Amendment put and negatived.

Clause put and passed.

Clause 88: Remuneration and allowances —

Mr P. PAPALIA: The nature of this clause draws me back to some questions I asked earlier. There is a great degree of flexibility here in remuneration and allowances for members of the board. As I said earlier, there does not appear to have been any process, analysis or projections of the extent of the costs associated with these people. The minister has just said that there are to be three registered teachers. We know there will be a lawyer. We have no idea about the status, profession or expectations of another three people with regard to remuneration. I think it is fair to ask: what level of remuneration are we talking about, how much will it be and are we absolutely certain that the current rate of \$80 per teacher on a recurrent basis will be adequate to meet all the costs associated with this board and all its activities?

Dr E. CONSTABLE: These are important questions that the member for Warnbro is asking, but it needs to be said from the beginning that any fees, be they sitting fees or an annual fee that is paid to anybody, are determined by the Public Sector Commissioner. When the bill passes through both houses, I will write to the Public Sector Commissioner and seek his advice. That is what I will recommend to cabinet when the names go forward. Usually members of a board with a small budget such as this receive half-day and full-day sitting fees, and the chairman gets more. Sometimes it is a small annual fee. I do not expect that to be very big. I also explained earlier that anyone appointed to the board who is an employee of the public sector does not receive any sitting fees for being on such a board. If they were to come from the country—maybe a teacher from Geraldton or Kalgoorlie—the expenses they incur to come to the board meeting will be covered.

Mr P. Papalia: Your expectation is that a lot of these people will just be working as teachers right now and they will sit on the board.

Dr E. CONSTABLE: There are seven members of the board. At least three have to be registered teachers. Assuming one or two of those registered teachers is a public sector employee, that person cannot, by the rules, be paid because they are already being paid out of the public purse.

Mr P. Papalia: Potentially that will have quite an impact on their work environment, wherever they work.

Dr E. CONSTABLE: What WACOT has done up to now and what this board will do is pay for the relief of that person in their school if they miss half a day or a day of school.

Mr P. Papalia: I know in the long term you are hoping that it will be a much less onerous role, but in the initial year or so, or two years to clear this backlog, I am assuming more demands will be placed on them.

Dr E. CONSTABLE: The member is talking about both the board and committees. The teachers on the board will not necessarily be the teachers of committees. There is a catch up and we know that is the case. I do not think the member should be too concerned about the cost of the board. I think it is money well spent. Money has already been spent by WACOT on board members—I think it was a board of 19—when they were absent from their school for meetings or for other purposes. Costs have also been included up to now.

Clause put and passed.

Clause 89: Functions —

Mr R.H. COOK: I want to quiz the minister about clause 89(c) and how the coordination or cooperation with teacher regulatory authorities in other states or territories or New Zealand may work. Is it intended that there be a national accreditation scheme? If that is the case, how will this scheme work in comparison with others around the country?

Dr E. CONSTABLE: What we seem to be moving towards, through the body that I spoke about before, is a nationally agreed process, but this legislation would always be the vehicle through which we register teachers. We are looking for national standards, if you like, in the quality of teacher preparation, and national standards in continuing learning and all those things. There is a sort of national process, or agreed process, but our legislation will still stand on its own.

Mr R.H. COOK: I thank the minister. I bring this up because the health sector has gone through a similar process, moving from state boards through to a national regulatory authority —

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Dr E. Constable: No, there is no idea of having a national accreditation board, but national standards and an agreed process for registration.

Clause put and passed.

Clause 90: Powers —

Mr D.A. TEMPLEMAN: The “Powers” clause is very short; it states “The Board has all the powers it needs to perform its functions.” There were related powers outlined in clause 68, “Powers of inquiry”. I refer to the board’s powers with regard to calling witnesses. I know this refers back to clause 68, but it relates directly to the issue of powers. What happens if —

Dr E. Constable: That refers to the teacher as a witness.

Mr D.A. TEMPLEMAN: Yes, but it also refers, on the next page, to a person who is not a registered teacher who can be called, so that would be somebody who is not a teacher but might be —

Dr E. Constable: Okay; it could be an employee.

Mr D.A. TEMPLEMAN: It could be an employee, or I am assuming it could be a principal; it could be a parent.

Dr E. Constable: Yes.

Mr D.A. TEMPLEMAN: Specifically in relation to a request by the board for a person to attend as a witness, what actual powers are there to compel that person to attend; and is there any penalty if they do not attend?

Dr E. Constable: The legislation is silent on any penalty.

Mr D.A. TEMPLEMAN: Let us say they are hearing a complaint and they would like to call a parent. They may already have called a registered teacher, but part of their investigation is that they would also like to call perhaps the complainant or perhaps a couple of other parents, but they say no, or they are concerned that there may be some legal implications if they attend. They may be unaware of defaming —

Dr E. Constable: It’s not a court of law; it’s an inquiry. If the proceedings got as complicated as you’re suggesting—and indeed they might in, I would think, rare cases—then I would expect that the board would refer the case to the State Administrative Tribunal.

Mr D.A. TEMPLEMAN: So that would be the default referral—to SAT?

Dr E. Constable: That would be my expectation.

Mr D.A. TEMPLEMAN: So there are no means of compelling a witness who may be called to attend?

Dr E. Constable: No, the bill is silent on that.

Mr D.A. TEMPLEMAN: But there are for teachers, are there not?

Dr E. Constable: Well, if the teacher is subject to an inquiry and doesn’t turn up, that’s —

Mr D.A. TEMPLEMAN: But there is still no compulsion?

Dr E. Constable: No, but then I think SAT would be the avenue that the board would need to go down.

Mr D.A. TEMPLEMAN: I thank the minister.

Clause put and passed.

Clause 91: Delegation by Board —

Mr D.A. TEMPLEMAN: The only uncertainty I have about this clause is with regard to subclause (5), which makes reference to “Nothing in this section limits the ability of the Board to perform a function through an agent.” Obviously we have processes under which we have two key committees. Can the minister explain what this might mean or be an example of? When might it be appropriate for the board to have one of its functions performed through an agent? What might be an example of that?

Dr E. Constable: You’re using the word “agent”; it’s for a member of staff.

Mr D.A. TEMPLEMAN: No, this is clause 91(5) —

Nothing in this section limits the ability of the Board to perform a function through an agent.

Dr E. Constable: I’ve got “a member of staff” in mine. Clause 91(5) states —

Nothing in this section limits the ability of the Board to perform a function through a member of staff provided to the Board by the CEO under this Act or a person representing the Board.

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Mr D.A. TEMPLEMAN: I grabbed the wrong one! Okay. Can the minister just read that again to me? Is it a member of staff?

Dr E. Constable: It states —

Nothing in this section limits the ability of the Board to perform a function through a member of staff provided to the Board by the CEO under this Act or a person representing the Board.

Mr D.A. TEMPLEMAN: That is fine; I thank the minister.

Dr A.D. BUTI: This clause, of course, deals with the delegation power. It is very common to delegate powers for the exercise of an actual duty, but I assume that this clause does not wash away the responsibility or the obligation of the board in this matter. That is, it may delegate to a committee, but the board still remains obligated and responsible.

Dr E. Constable: That's correct.

Mr P. PAPALIA: I am interested in the delegation power; I might ask the minister to give us a little clarification in respect of the entire clause. This may be quite reasonable; I do not know, it is a bit difficult to say, because it is kind of a unique situation, but it would appear as though it is completely unnecessary to have any board members conduct any of their duties, and that every duty associated with the board and its committees, and any other inquiries or roles it undertakes, could be completely delegated to the Department of Education Services. Is that the case?

Dr E. CONSTABLE: No, that is not what is said here at all. Member for Warnbro, this is a standard clause in legislation; one would find this sort of clause in many pieces of legislation. There are many powers that a minister has that are delegated to directors general, for instance. I do not find it extraordinary at all that the board should be able to delegate a power to a committee—for instance, a disciplinary matter is delegated to a committee. The CEO would do all sorts of things for and on behalf of the board and report back to the board, so that is delegating that authority or power to the CEO. It is, to me, a quite straightforward clause that allows the good working of any organisation to be carried out, because the board cannot physically do all those things; they are delegated to somebody else to do on the board's behalf. It is very commonplace and, as I say, it is a standard type of clause that would be found in legislation of this sort.

Mr P. PAPALIA: Acknowledging what the minister just said, it appears to me as though we have created this board with specific roles, yet every single role can be delegated. So it is not just on an occasion when the board members may be overburdened through some busy period, and it is not just in the event that they need to have additional staff to complete duties because they have a greater demand on them at that time. What we are saying in this clause is —

The Board may delegate any power or duty of the Board under another provision of this Act —

- (a) to a member of the Board; or
- (b) to a committee; or
- (c) with the consent of the CEO, to an officer or employee employed in the Department.

What is the point of the board? Now that we have got rid of the role of elevating the status of the profession of teaching, there is no role that requires any specific skills set or personality or knowledge other than what really is being done by the administrative secretariat within the education services department already, or will be done in the future.

Clause put and passed.

Clauses 92 to 170 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

DR E. CONSTABLE (Churchlands — Minister for Education) [8.12 pm]: I move —

That the bill be now read a third time.

MR P. PAPALIA (Warnbro) [8.13 pm]: I do not want to delay the house any further on the Teacher Registration Bill 2011. I just wanted to place on the record again my observation that in abandoning that dual role that the Western Australian College of Teaching had of focusing on elevating the status of the teaching profession, I think we have made a mistake. I believe that a body that has that as its focus is needed. Initially, we

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implemented WACOT with a view to doing all those things that this legislation that we are passing is intended to do and that the Teacher Registration Board is intended to do: registering, administering, punishing teachers when necessary and disciplining teachers when necessary, and protecting students and children. We have never disputed that that should be the primary focus of such a body, but there was always, as the minister would be aware, and as a reading through *Hansard* and the minister's contributions in the past confirm, a desire on behalf of at least a significant number of members of the teaching profession for some advocacy for their profession. They wanted to have a body that had that as its focus—not an industrial advocacy and not the role that the union undertakes, but a more significant, more professional advocacy that might be akin to something like the role of the Australian Medical Association or its spokespeople in individual states, so that whenever there is a discussion about education, those people are there to provide a professional insight; they are there to speak on behalf of the teaching profession and to reach out to the community more widely and be seen as respected representatives of the community in the interests of the teaching profession, which is in the interests of all of us ultimately.

Any reading that we can do now about the systems that are performing best in the world, and, indeed, those that are outperforming us, indicates that at the core of their focus is building the capacity of their teachers and that they respect the teaching profession. It seems almost as though we cannot get that enhanced performance of the system and we cannot improve our system without first elevating the status of the teaching profession and the respect with which it is held in the wider community. What we are talking about in particular is the status, the reputation and the respect with which the teaching profession in the public system is held. I think there is a need for that, if for no other reason than boosting morale. We should do it to elevate the morale of the teaching profession. However, I think there is ample evidence to suggest that it is just a basic requirement if we want to improve our system. If we want to be competitive with the best in the world and if we want our system to improve and continue to improve, we have to do a number of things, and one of the core things that we have to do, one of the key elements that must be given a lot of attention and must be the focus of those in leadership roles such as the Minister for Education and other members of the government, is to focus on elevating the status of the teaching profession.

Mr C.J. Barnett: A six per cent pay rise helped.

Mr P. PAPALIA: The Premier interjected across the chamber —

Mr C.J. Barnett: No, I didn't.

Mr P. PAPALIA: Not across the chamber. The Premier interjected in such a way that I was able to hear—I have bad hearing, so it must have been reasonably loud—and said that a pay rise does that. There is the problem, Premier. A pay rise is a part of recognition of a profession, but a pay rise alone will not achieve an elevation of the status of the teaching profession.

Mr C.J. Barnett: I think it did—significantly.

MR P. PAPALIA: I do not think so, Premier.

Mr C.J. Barnett: Teachers feel proud of the work they do because they are being paid appropriately —

Mr P. PAPALIA: I look forward to the Premier getting up to make his —

Mr C.J. Barnett: — and you in government could not get yourselves to that point of recognising education and paying teachers properly. You were so inept; so inept!

Mr P. PAPALIA: Are we past the Premier's bedtime? I reckon we will do a few star jumps and then —

Mr D.A. Templeman interjected.

The ACTING SPEAKER (Ms L.L. Baker): Member for Mandurah, I think you are on three calls.

Mr P. PAPALIA: I welcome the interjection from the Premier. Firstly, I agree that adequate and appropriate remuneration is a key part of elevating the status of the profession, but if that is all that the Premier is going to do, I suggest he is going to fail.

Mr C.J. Barnett: It is not all we did—independent public schools, a role in decision making, leadership in schools. That counts too. So there are two.

Mr P. PAPALIA: No. Actually, that is the flaw, because it has been a long time since the Premier spoke to a teacher who gave him their honest opinion—I can tell him that—if that is what he believes. If that is what the Premier believes, and if he thinks that teachers love him because he gave them a pay rise in the enterprise bargaining agreement and he is rolling out independent public schools, and that is all he has to do to boost the morale of the teaching profession, I welcome his contribution, because I think he is wrong.

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Several members interjected.

Mr P. PAPALIA: We will see. I think the Premier is wrong; I think that the teaching profession is more complex than that. It requires a greater degree of complexity in acknowledging and attempting to elevate the status of the profession than just saying, “You’re like an apple; if I pay more for you, you’re going to be a better apple”.

Mr C.J. Barnett: Did I say that?

Mr P. PAPALIA: That is effectively what the Premier is saying.

Mr C.J. Barnett: No, I didn’t at all.

Mr P. PAPALIA: That is what the Premier is saying; he has commoditised the education profession. The Premier is saying, “It is just a matter of a little money; they are easy, I will buy them off, they will be happy.” The teaching profession by its very nature requires a greater commitment to it than that. It requires an indication that the government really cares.

Mr C.J. Barnett: And the best education minister in the state’s history and, if I can say so, the second best! That is the reality.

Mr P. PAPALIA: That extraordinary hubris and arrogance on behalf of the Premier is good to hear because the more he talks, the more popular we get!

Several members interjected.

Mr P. PAPALIA: People are starting to question just how arrogant the Premier can be; just how full of himself he is! They are. People are starting to look at the Premier and wonder why on earth we ended up with this guy as our Premier.

Mr C.J. Barnett: Because you were a corrupt government—that’s why!

Mr P. PAPALIA: I was a corrupt government?

Several members interjected.

The ACTING SPEAKER (Ms L.L. Baker): Member for Albany, you do not have the call; the member for Warnbro has the call. Member for Warnbro, it would help me in attempting to manage the house, if you did not direct your questions at the Premier but talked to the Acting Speaker.

Mr P. PAPALIA: I am serious. My belief is that we need to do more. The Premier may disagree with me; he may think that the enterprise bargaining agreement and rolling out independent public schools is adequate. I do not think it is. There needs to be a considered focus —

Mr C.J. Barnett: Better teacher housing—that is the third. What did you do for teacher housing? Very little. We’ve done a huge amount for teacher housing.

Mr P. PAPALIA: It is about elevating the status of the profession; it is not about the house.

Mr C.J. Barnett: Country allowances—that’s four things we’ve come up with, while you’ve been dribbling on!

Mr P. PAPALIA: But the Premier is not paying them; he is actually ripping country allowances off them. I get letters from people in the Pilbara who are not getting the allowances that other public servants get. They are complaining about the Premier, but that is not the point. What I am talking about is a bigger thing than what the Premier is talking about. If he considers that that is all the government has to do, I am saddened by that because I do not think it will offer what is needed. What is required is a focus on developing the capacity of teachers in classrooms, recognising that they are the ones who can help with that, developing their ability and enabling them to actually contribute to the improvement of our system.

Mr C.J. Barnett: IPS does that.

Mr P. PAPALIA: Just saying, “Oh, I’m rolling out independent public schools” does not do it. It is not doing it. It is not going to do it. If that is the only solution that the government has, it will be found wanting.

Mr C.J. Barnett: I’ve given you about five so far in this speech.

Mr P. PAPALIA: The Premier is not going to agree with me and I am not going to agree with him. I will always say that this attitude the Premier demonstrates about the teaching profession is inadequate; it is not what is required. I will produce something to tell the Premier what I think is required and I will let him look at it and I will give him a suggestion. If the Premier thinks that the only thing we need to do for the education system in Western Australia is roll out IPS, it is really quite disturbing.

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Mr C.J. Barnett: Do you support IPS?

Mr P. PAPALIA: I support the objectives of the IPS initiative because I know that the state government is trying to meet the intentions of the federal government as articulated in the national partnership agreement.

Several members interjected.

Mr P. PAPALIA: I know they —

Dr E. Constable: They copied us two years after we did this!

Mr P. PAPALIA: I just think that it is a flawed system that —

Several members interjected.

The ACTING SPEAKER: Members! The Hansard reporter is attempting to record this debate; we do not need members calling out from the government side of the house. The member for Warnbro has the call. Will members, including the minister and the Premier, please not call out around the house.

Mr P. PAPALIA: It is flawed in that at some stage it will require a threshold of non-independent public schools that we cannot go below because the idea of IPS and the primary benefit to be had, if the Premier talks to the principals who endorse and support it, is a legitimate one—namely, they can reject some teachers they do not want to employ. But those teachers have to go somewhere, and for them to go somewhere we need a system of schools that are not IPS; those ones that cannot reject teachers and must accept them. That is why it is a flawed system. I think that ultimately it will break down, but that is a problem that members opposite will have to encounter. It is not a problem that will become evident in the near term. The government may not have to encounter it because maybe we will get rid of it at the next election and we will have to deal with the problem.

What I am saying is that I think there is a very real requirement to respond to the concern, the sense within the teaching profession—within the community of teachers and educators in this state and around the country really—that what politicians have determined is wrong with education is that teachers are not being driven hard enough to perform. That is what I think they feel. They feel overwhelmed, oppressed and that they are engaged in a system that is punitive by its nature. We have completely embraced a philosophy that has come from the United States, loosely termed “no child left behind”, which has been proven to be flawed and has been abandoned in all those systems that outperform us. It has been left behind by all those systems that are outperforming us and —

Mr P.B. Watson interjected.

The ACTING SPEAKER: Member for Albany!

Mr P. PAPALIA: If we choose to continue down this path, then we are doing as Michael Fullan is saying—that is, we and the United States have chosen the wrong drivers. We will end up splitting the teaching profession from a collaborative cooperative process and in doing so we will undermine our greatest strength. The greatest strength of the public education system for sure is its scale; the skills of the people within it and their knowledge, experience and professionalism. To benefit from that, to harness those strengths, we have to have cooperation and collaboration. If the government sets up a system based on competitive exclusivity, it will end up preventing people from cooperating; it will not have people learn from other people’s mistakes, but it will actually encourage risk aversion and ultimately undermine the objectives that it has set for itself. That is a criticism that I level at the federal government and at our government. I think it is a sad situation, but I hope to change it by engaging in and shaping a little of the debate so that it goes beyond the superficial level of debate that we get at the moment where when someone mentions the word “education”, the Premier mentions independent public schools and expects that that is the end of the debate.

MR D.A. TEMPLEMAN (Mandurah) [8.29 pm]: The Premier bowled into the chamber after not taking part in any of the debate on the Teacher Registration Bill. We are having the third reading debate and it is probably a good thing that the Premier leaves now because he has not helped the debate at all. I think that in the debate we have analysed the bill, looked at a range of important matters and asked some important questions. Despite the accusation by the Leader of the House that we have been filibustering, I think some very appropriate questions have been asked at the third reading stage.

I will start by acknowledging two important things on a personal note. Today I hosted for lunch year 7 children from Greenfields Primary School. Some of them are student counsellors, some are faction captains and some were selected because they showed great leadership qualities, and they are great kids. Their principal, Mr Clarke, and their year 6–7 teacher, Mr Rosling, were also there. It was very refreshing not only to share lunch with who I think are seven very talented young people, but also because it reinforced my view and I am sure the view of many people in this place that we have some fantastic young people in our state. We have some fantastic young

Extract from Hansard

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people who are very well supported by their families, parents, guardians and carers. They are brilliantly nurtured and encouraged by teachers and supported by great principals, such as Kevin Clarke from Greenfields Primary School, and by the staff of those schools. It is very refreshing when we talk to those kids about what their aspirations are and how they are enjoying their school life. It is a bit disappointing that we are finishing this debate by arguing about a range of issues across the chamber.

I am also mindful of a bloke I taught with at North Mandurah Primary School. He is lying in Sir Charles Gairdner Hospital tonight. Milton Prentice was a teacher for 49 years and taught at North Mandurah Primary School. Milton served the Department of Education for 49 years. He retired at the end of the last year. He was going to retire three years before then, but the global financial crisis hit and he thought that he needed to continue teaching for a few more years to ensure that his superannuation would sustain him. Tragically—I really am very, very sad about this—Milton has been struck down by a very, very serious brain tumour, and, as I said, lies in Sir Charles Gairdner Hospital. I know that Milton gave great service to the department—fantastic service. He was at North Mandurah Primary School for at least 20 years—probably 25.

I always think about not only the different people who were part of my life as a student and the types of people who chose teaching as a vocation, but also those who currently teach in our schools throughout Western Australia in both the private and state systems. We must be appreciative of teachers and the difficult job they now do. It is getting more difficult. It is so much more complex than I think it has ever been, yet I observe a great sense of resilience among a lot of our teachers. The vast majority of teachers I meet do the job because they want to see the young pupils whom they see day to day achieve the potential that they deserve to achieve. Those teachers teach in all sorts of faculties, all sorts of subject areas and all sorts of conditions, whether in the north of our state, remote and regional communities or metropolitan areas.

This bill does an important job in making sure that we have a very clear process through which to register teachers and to ensure that they are appropriately qualified and capable of carrying out such an important job. However, through the changes to what was WACOT and the aspirations of WACOT through this bill, we are essentially creating a registration system and a regime of disciplinary powers for a board to investigate a complaint or concern about a teacher as outlined in the bill. As the member for Warnbro quite rightly said, symbolically, if we like, it has jettisoned what was one of the other key arms of WACOT's proposed roles—that is, to ensure the enhancement of the teaching profession was given priority. The Premier in his interjections highlighted from his perspective a range of areas within which he believes the government has addressed the issue of the status of teaching. It is not only about remuneration and the creation of the independent public school system or resting on our laurels and saying, "That is how we are addressing the status of teachers." Every day all of us have to, as much as possible, recognise teachers and schools in our community that continue to do a great job. Most of them, if not all of them, are working towards making sure that they do the very best for their students.

The legacies of people such as Milton Prentice, who served 49 years in the system, and Olive Binks are very important. Olive Binks was my year 7 teacher who passed away about seven years in ago in her 80s. She pioneered camps. Olive Binks was a woman who challenged the system in the 1960s. I remember talking to Olive when she moved to Mandurah. I kept in contact with my year 7 teacher right up to the day that she died. Olive Binks challenged the regime at the time. I went to Avonvale Primary School in Northam, which took kids from a vast range of backgrounds, particularly from migrant and lower-socioeconomic families. There was a lot of state housing in the catchment for Avonvale. Olive said, "I want to take these kids out of their family environment for a week, take them on a camp and give them an opportunity as young 11 and 12-year-olds to experience time away from mum and dad when they have to work together and rely on each other." It was a bit foreign at the time. She outlined to me the battles she had with the then superintendents. They might have been called something else back in the 1960s. She outlined very clearly that she just persevered. She said, "I want to take these kids," and in the end she got approval by the department and started taking kids to Kalbarri on camp. That started a tradition at Avonvale that I think continues today. The idea was taken up by many more schools after that.

The legacies of the Olive Binks and the Milton Prentices of the world show that many of them teach because they not only want to see children reach their potential and be given the opportunities that they so richly deserve, but also believe very, very strongly that they can make a contribution to the community, to society and to Australia. Our teachers are very much the fabric of nation building. They are at the forefront of nation building. Every time I go into a school in my electorate—I am sure members do the same in their electorates—I sit back and see the sort of stuff that is going on and the quality of the relationships fostered between teachers, students and chaplains. The pastoral care that occurs in so many of our schools is quite fascinating to watch. Speaking to those year 7 kids today from Greenfields Primary School gave me a great sense of faith in our future generation. Here were these well-rounded kids from various backgrounds who had these great aspirations for the future. That

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is very good. I put that down to the wonderful nurturing and support of their parents, guardians and their families and the input of teachers and principals who many of them have had right through their schooling years from kindergarten through to year 7.

Minister, this bill will pass. We will have a system in place. I really hope it does the job it is set out to do; I think it will. We are moving towards some very important milestones over the coming years with the year 7 students becoming part of the secondary cohort. More schools will look at the IPS system as an option. Some of them will not, but some of them will.

We have the fascination, I suppose, which the member for Warnbro highlighted, of measuring every single thing that can possibly be measured; and there are issues about that. I think there are issues about constant testing and how we rate one school against another school when the variables are so different and the implications of the catchment of a community are so different. I think we need to have those debates all the time.

The status of teaching is such an important issue for us. We should make sure that younger people, and older people, are attracted to the teaching profession. I have never believed that teaching should become a bastion of just one age cohort. Some of the best teachers I have seen have been people who have entered teaching as young graduates. But I have also seen magnificent examples of teachers who entered the profession much later in life, bringing with them a vast amount of life experience.

Dr E. Constable: Or perhaps as a second or third career. You are obviously right.

Mr D.A. TEMPLEMAN: I was a person who never left school! I did not! I went to primary school, to high school and to teachers' college, and then I went to a school.

Mr P.T. Miles: It shows!

Mr D.A. TEMPLEMAN: That I still look young, yes! Is that what the member means? I always thought there were some issues there personally about what I did not know. Because I have a birthday late in the year, when I came out of teachers' college and went to a school, in the first class that I taught I was eight years older than the students. These were primary school kids. I was only 20, turning 21, and the kids I was teaching were in year 7, and some of them were turning 12, so they were eight years younger than me. I always found that quite amazing.

Mr M.P. Whitely: Had your voice broken early?

Mr D.A. TEMPLEMAN: Only just! But the quality of some of the people who are entering teaching as mature-age students is also fascinating and also important. It is a focus of the Minister for Education, and it will be a focus of the future Minister for Education and the future government after 9 March, to look at encouraging a diversity of people to take on the profession of teaching, and also at enhancing the status of teaching and making sure that teaching continues to be elevated as not only a noble but a critical profession for our nation's future. I think this bill has perhaps taken away that focus. I want to see that focus reinstated, and I hope that we will see some initiatives in the future that will help to enhance the status of teaching. I believe we owe it to people like Milton Prentice and Olive Binks, who have invested their lives in the profession of supporting and encouraging young people, to ensure that we continue to aim for improvement and we allow young people in our community to achieve the optimum of their aspirations, because this is an exciting time for them.

DR A.D. BUTI (Armadale) [8.43 pm]: I also rise to support the third reading of the Teacher Registration Bill 2011. As the member for Mandurah has articulated, the teaching of education is not only a noble profession but also very important to the future of this nation. I would actually say that being Minister for Education, probably along with being Minister for Health, is the most important ministerial job one can have. I am not sure whether the Attorney General and Treasurer would necessarily agree with me. I think the responsibility of being Minister for Education is enormous, and if the minister does not set the right parameters, it may have long-lasting effects for our economic and social wellbeing.

The purpose of this piece of legislation, as the minister stated numerous times in the consideration in detail debate, and in the second reading speech, is to protect children. It is also to improve the status of the teaching profession. Of course those two things are not mutually exclusive, because if we are trying to protect children, we need to improve the teaching profession. It is obvious that if we want our kids to receive instruction from the best qualified people, the only way in which we will attract the best qualified people is if the profession has a high status.

It was unfortunate that the Premier interjected, with what I thought were quite immature interjections, on the member for Warnbro. I have to say that the debate that we had in consideration in detail was very mature and very sensible, involving not only the minister, but also the members for Kwinana, Warnbro, Bassendean and Mandurah, and maybe even me. No-one is disputing that this bill will go some way towards improving the teaching profession. But I am saying it will not be enough.

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I do not want to reiterate or rehash what we see as some of the deficiencies in this bill. However, I believe that the disciplinary matters may have been better covered in a separate act. I understand that the minister obviously needs to have some disciplinary matters in this act to begin the registration and cancellation of registration. But the problem that the member for Mandurah raised in a number of questions during consideration in detail is: where does a parent go to make a complaint? Does a parent go to the board or to the Department of Education?

Dr E. Constable: I think they would go to the employer in the first instance.

Dr A.D. BUTI: But they could go to the board?

Dr E. Constable: They could, absolutely.

Dr A.D. BUTI: That is where I think there is some confusion. They should go to the employer, because the employer ultimately has the responsibility for employing teachers. But I would imagine that the education department would have greater resources to investigate than the board would have. So that is why I would have preferred to have the disciplinary matters separated from the registration matters. I do understand the need for some connection. But I think it confuses the situation.

The Premier interjected on the member for Warnbro and seemed to be fixated on independent public schools. Independent public schools is an interesting concept, and of course the minister's legacy will be the independent public schools. But of course, in the end, the minister's legacy will depend on what the future holds for independent public schools. There is no doubt that they have been very popular. No-one can dispute that. The number of applications to become an independent public school has grown every year. I have a number of independent public schools in my electorate. I am on the board of two of the independent public schools. So I do not necessarily have an ideological objection to independent public schools. However, I do see some problems, and the member for Warnbro highlighted some of those problems.

If I may not be modest for a minute, minister, I actually talked about a concept like this about 10 years ago. The minister may have had it in her mind before that. My view was that we need to increase the flexibility in the education system and give schools greater opportunity to teach in a different way and with a different syllabus from schools in the next neighbourhood. The problem with the education system was that it was a monolithic structure, and if a school did not fit within the box, it was missing out, whether it was at the lower end or at the higher end. I am not sure, though, that independent public schools do that. The great advantage of independent public schools is that they have a one-line budget, and the principal has greater discretion and flexibility in employing teachers. But of course, as the member for Wanneroo has said, those teachers who are not employed need to go somewhere, and the problem is that a two-tiered system will be created. Independent public schools are popular. They have some sound management logic to them. Whether they will end up being of great educational benefit I do not think we know yet. They are very new; they have come under the current minister's stewardship. We do not have empirical evidence and as the minister knows from her education degree—she would have done educational statistics—we need to have a series of measures over a period of time before we can say with any certainty from an educational point of view whether independent public schools have been successful. There is no doubt at all that they are popular, but whether they are successful from an educational point of view remains to be seen. The member for Mandurah mentioned the need to attract people from a wide range of backgrounds into teaching and I could not agree with him more. There is a problem though in the attraction of teachers or people into the teaching profession and that is highlighted by the scores needed to enter the education degrees at universities. There is a significant and major problem with the absence of male primary school teachers, which I am sure the minister is well aware of. I understand that it is very hard to deal with. The member for Mandurah talked about a number of teachers who had been in the profession for a long time. I received correspondence the other day from Benjamin Seabrook. I am not sure the minister has ever come across Benjamin Seabrook. The member for Bassendean may have come across him in his former electorate, because Mr Seabrook is a Roleystone resident who was a teacher at Kelmscott Senior High School and he was in the profession for over 50 years. He was actually still playing Australian Rules football into his 60s. He wrote to me about three weeks ago lamenting the lack of male teachers in primary schools, and it really is a major problem. It compounds the social problems that we face in many electorates where there are a lot of single mothers who have boys who do not have a father figure.

Dr E. Constable: But neither do their daughters.

Dr A.D. BUTI: Neither do the daughters, exactly; the minister is right. But the boys go to school and there is a female figure, but there are very few male figures. I agree it is the same issue for the girls, but as I think the minister will also realise, it must have a different effect on boys than on girls, because based on my communication with teachers and principals in my areas, girls are outperforming boys.

Dr E. Constable: But it has been thus for decades.

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Dr A.D. BUTI: It has been happening for a while, yes. But not having male teachers is a major problem in the education system. It is obviously not caused by this minister—it is not caused by any minister—it is just a fact that this is a situation we need to address.

As the member for Mandurah said, the teaching profession is very important. It is disappointing that we were having such a mature, sensible debate here and then we had the Premier come in at the last moment to bring down the tone of the debate. It was very unnecessary. It is simplistic to say that increasing teachers' salaries is the answer or that independent public schools are the answer. All these things need to be taken into consideration. There is no doubt that paying teachers higher salaries will hopefully improve the profession because it will attract a higher calibre of graduate to the teaching profession and also, hopefully, make teachers who are in the profession stay in it. But he is wrong if he believes that teaching is a happy profession at the moment. Of course there will never be one monolithic attitude from the teaching profession; there will be variable factors as to why some people are happy teaching while others are not, but I can say from my communication with teachers in my electorate, and also other teachers I have as friends, because I used to be a high school teacher, many teachers are not happy. I am not necessarily blaming the minister for all the unhappiness, but they are unhappy with certain directions that are taking place under the minister. Hopefully, the minister has a greater grasp of the issues than the Premier does, because if the effort by the Premier in the third reading debate is reflective of his understanding of education as it is today, he has very little understanding and he would be better off not interjecting on the shadow minister who was trying to make a responsible contribution to the third reading debate. As far as the Teacher Registration Bill is concerned, let us all hope that it does go some way to improving the profession.

MR M.P. WHITELEY (Bassendean) [8.56 pm]: I just want to comment on three things. One is the change from the Western Australian College of Teaching to the teacher registration system we basically have. Another is some of the changes in education and how I think they are effectively in danger of making the public sector an educator of last resort, and there are real dangers associated with that. Thirdly, I want to make some brief comments on the recent furore around the National Assessment Program — Literacy and Numeracy testing that got some prominence on the front page of *The West Australian* recently.

Firstly, the thrust of this legislation is to replace the WACOT process with a largely administrative process. This is largely an administrative bill and sets up administrative processes about registration and punishment of teachers. I understand the reasons for that, and I am not critical of the bill itself, but I think there is a philosophical problem here, and it was touched upon by the member for Warnbro, the shadow Minister for Education, in his speech when he talked about the need for teachers to be in charge of their own profession. We really need to supplement this bill with other measures that do that. I think education gets into problems—I think the minister would agree with me that when we went down the outcomes-based education path, it got into severe problems—when we let people who are not teachers, who are not rooted in the reality of being a classroom, drive curriculum development and drive the models of education that are being delivered. They get too far from reality. Someone comes up with a pet theory about education and then applies it to the system. If I were the Minister for Education—it is not going to happen now, I realise that!—but if I had ever had the privilege of being the Minister for Education one thing I would have done would have been to put practising teachers very much in charge of curriculum development. I would have taken them out of the classroom so that they were teaching half-time and let them do some curriculum development, rather than having professional curriculum developers, because frankly, I do not think that they have a sense of reality that comes from being in a classroom. I think OBE is one example of when we got into trouble in education, not just at the pointy end, not just the year 11 and 12 end, but as it was rolled out through the system. It was a problem because it was a system developed by people who were obviously divorced from reality.

The second thing I want to talk about is a general fear. I agree with the member for Armadale that the independent public school system is a very popular system and schools want to become independent public schools. I have certainly supported the application of any school that has applied to become one in my electorate. I am a fan of them in that respect, but I think the rollout of independent public schools, the role of selective government schools like Perth Modern School —

Dr E. Constable: There is only one.

Mr M.P. WHITELEY: — but others as well —

Dr E. Constable: No; there is only one fully selective school.

Mr M.P. WHITELEY: Yes, but there are also schools like John Curtin College of the Arts that have a selective focus to them. There is also the flight away from the government system towards the independent system, and these things present a real —

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Dr E. Constable: But that occurred —

Mr M.P. WHITELY: I understand that that is something that the minister cannot control.

Dr E. Constable: It occurred under the previous government when permission was given to the Catholics and the independents to put year 7 students into high schools. That is when that started to happen—the flight away.

Mr M.P. WHITELY: I appreciate that. There are a whole bunch of reasons, and I think that that was as much a marketing ploy by the independent schools, and it was a clever marketing ploy and it did grab a section of the market for a whole bunch of reasons —

Dr E. Constable: It was more than that; the rest of Australia is like that.

Mr M.P. WHITELY: I am just talking in general terms. For a whole bunch of reasons we are seeing a movement away from basic government schools—not so much primary schools, but certainly the government high schools—as the dominant model of education. I went to high school at Como Senior High School, which was a classic example of the 1970s Australian government high school. It drew just about everybody then. I do not know the numbers, but I am guessing that about 80 per cent of kids in the secondary system were educated in the government system. At high schools like Como high school there was a whole mix. There were kids from state housing commission areas like Manning and Karawara, which was starting to emerge then, and there were kids from middle-class aspirational areas like Como and South Perth. There was this melting pot at the local government high school where bright kids from working-class backgrounds —

The DEPUTY SPEAKER: This is the Teacher Registration Bill 2011. If you want to talk about the bill —

Mr M.P. WHITELY: It is the third reading stage.

The DEPUTY SPEAKER: Yes, but you have to keep your comments germane to this, not on anything to do with education other than the Teacher Registration Bill. You seem to be going off on a tangent. Can you please come back to talk about the Teacher Registration Bill?

Mr M.P. WHITELY: With respect, I have just listened to a number of speeches that have been broad ranging in their scope. These are matters that I raised in the second reading debate, so I am just revisiting those.

The DEPUTY SPEAKER: I was not in the chair previous to that. I have the Teacher Registration Bill 2011 in front of me and all the subclauses to do with the bill. Can you please keep your comments germane to the bill?

Mr M.P. WHITELY: As I was saying, I cannot see anything in the bill that protects the nature of Australian government secondary schools, which I think have been the foundation of getting —

Dr E. Constable: Did you expect to find it in the bill, member for Bassendean?

Mr M.P. WHITELY: No, and I am still scouring. If the minister can draw my attention to any part that is relevant, I would certainly appreciate it. Nonetheless, I am concerned about the future of the government system when, through the rollout of selective schools, through the flight to the independent schools and through the rollout of independent public schools, we are seeing this movement away from the government high school as being the dominant model of secondary education delivery. That concerns me. It concerns me that we are getting schools that will end up being the educators of last resort where we do not have that mix that encourages kids from less advantaged socioeconomic backgrounds to move up the system.

The last thing I wanted to comment on briefly—I will not take as long to make my speech as many of the other speakers—is the recent furore around the National Assessment Program — Literacy and Numeracy.

The DEPUTY SPEAKER: How does NAPLAN relate to the Teacher Registration Bill 2011? I do not see anything about NAPLAN in this bill. Can you please come back to the bill?

Point of Order

Mr P. PAPALIA: Mr Deputy Speaker, you will not find anything in the bill about enterprise bargaining agreements or pay rates for teachers either; nevertheless, the Premier interjected on my speech consistently with respect to those issues. You have not been present for the entirety of the debate. The debate has been wide ranging. It has covered a significant spectrum of issues relating to education as they are affected by the registration, administration and disciplining of teachers in accordance with this bill. I think it is fair that the member for Bassendean is reflecting on his earlier contribution and the contributions of others in the debate and we should continue in the same vein.

The DEPUTY SPEAKER: Member for Warnbro, I refer you to footnote 100 on page 87 of the standing orders, which states —

Extract from Hansard

[ASSEMBLY — Tuesday, 1 May 2012]

p1836e-1882a

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Third reading debate is restricted to the content of the Bill and is not as wide as the debate on the second reading:

I do not know what happened before I got into the chair, but now I am in the chair and all I am asking the member for Bassendean to do is to talk on the bill.

Debate Resumed

Mr M.P. WHITELY: Previously, WACOT, which will be abolished through this legislation, had a wide-ranging brief. WACOT had a far more wide-ranging brief than the Teacher Registration Board will have, for instance. WACOT would have had the capacity to consider issues such as the future of NAPLAN, for instance. I think WACOT could have given due consideration —

Dr E. Constable: That is stretching it a bit.

Mr M.P. WHITELY: Possibly, but it could have given due consideration to some of the issues that attracted prominence in the recent debate, as highlighted on the front page of the paper. The only comment I wish to make about this debate, and I will be brief, is that I think the key purpose of the NAPLAN process—WACOT may well have understood this—has been lost in the debate around NAPLAN and whether NAPLAN is a good or a bad thing. The major focus of NAPLAN tests should be as an individual diagnostic tool so that parents and teachers can identify individual children who need extra work to help them achieve a benchmark or an appropriate standard. Much of the NAPLAN debate that could have been facilitated through a WACOT-type process has been on whether we should have league tables and reporting of NAPLAN results, and whether that is an inappropriate use of those sorts of results. The only comment I wanted to make is simply that we should not overlook that major benefit that comes about through the NAPLAN process in which teachers, and parents particularly, can say that little Johnny is not achieving benchmark compared with his peers; and that little Johnny is in a percentile of the population compared with his peers that indicates he has needs that are not being attended to. With those three brief points made, I will resume my seat.

DR E. CONSTABLE (Churchlands — Minister for Education) [9.07 pm] — in reply: I will try to confine my remarks to the Teacher Registration Bill 2011 itself. The reason we are debating this bill tonight—I thank all members for their contributions during consideration in detail; it was a very worthwhile debate on a number of important points to do with the bill—is that the Western Australian College of Teaching was not a successful organisation. It was set up with the best of intentions but it was not successful. We are all aware of that. It was unwieldy, it employed too many people and it was too big. We will soon have a much smaller board—a board of people who are experts, who can draw on others when it comes to discipline and impairment committees. I am confident that the Teacher Registration Board will be successful. The review of the WACOT act, which we had to have four years after its establishment, has led us to where we are tonight; that is, the current bill. Many teachers had the opportunity to be involved in surveys and to comment on WACOT and what they saw as the shortcomings of WACOT. Therefore, they had input into where we are going today with the Teacher Registration Board.

One of the things that has been mentioned a number of times has been enhancing the status of the profession. All the research that I ever read on teacher registration said that one of the reasons for registering teachers is to enhance the status of the profession of teachers. Our teachers were not registered before 2004; that is, before the WACOT bill was passed. By registering teachers, we say, “We respect your profession, just as we do with so many other professions.” By registering them, it says we want quality and we want standards, and we want to impose that quality and those standards and we expect that of our teachers. That immediately enhances the status of the profession.

One of the areas in which we went too far with WACOT is that the WACOT legislation tried to do too much. WACOT had a professional development role. Professional development is not the role of a registration body; it is the role of employers, teacher organisations and subject associations. Of course, in teacher registration and re-registration, we want to make sure that teachers have engaged in professional development. That is what we see in the new legislation. WACOT was asked to do too much. In being asked to do so much, it was not able to do that. We are now saying that we need a teacher registration board to register teachers, which will set standards in courses, standards in teachers and standards in professional development and will deal with special classifications of registrations such as limited registration.

Advocacy for the profession is not the primary job of a teacher registration board; that is done by teachers themselves through their professional organisations, through their subject organisations as teachers, through principals’ organisations and others. They are the people who advocate and, indeed, unions advocate for teachers as well. There are many different bodies that do that, and to legislate a body to advocate was taking things far too far. This will be a very manageable organisation and one that I know will have the standards of

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the teaching profession at heart; it will make sure that the status of teachers is recognised through those standards.

Many people commented on many things; it was a wide-ranging third reading debate. I will not make comment on all of them, but I want to say one thing, if I may, in reply to what members have said: I refer to independent public schools. Members talked about some of the flexibilities, but the thing that strikes me about independent public schools is the example of Roseworth Primary School in Girrawheen—a hard-to-staff school before it became an IP school. It was difficult to get teachers to go there. The last time there was a vacancy at that school, 90 teachers wanted that job. That is something that is way beyond what members were commenting about regarding IP schools: “Oh, well, you can choose your own teachers; yes, you’ve got a one-line budget.” It is much more than that. It is the flexibility to make decisions at a local level that is important for the students and for the teachers teaching in that school. That is what makes the difference. Teachers are now carefully and actively engaged in the day-to-day running of their schools with their principals; it is not just someone imposing something on that school, imposing on the principal and imposing on the teachers.

Mr P. Papalia: You do realise that the principal was there before it became an IPS, and before the construction of the new school, and had a direct part to play in designing the school.

The DEPUTY SPEAKER: Member for Warnbro!

Dr E. CONSTABLE: The member has had his turn.

Mr P.B. Watson interjected.

The DEPUTY SPEAKER: Member for Albany, please stop interjecting and let the minister finish.

Dr E. CONSTABLE: I only wanted to comment that there is more to IPSs than selecting teachers and a one-line budget—far more—and they should not be simplified by any member opposite saying that that is all they are. As a result of the success of IPSs, some really good changes and developments in the employment of all teachers have been made. Adjustments have been made to the general system as we develop IP schools.

Question put and passed.

Bill read a third time and transmitted to the Council.