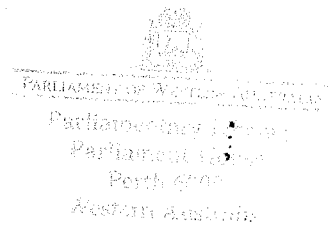


**HON COLIN BARNETT MLA
MINISTER FOR EDUCATION**

MINISTERIAL STATEMENT

THURSDAY 19 JUNE, 1997

SCHOOL EDUCATION BILL 1997



Mr Speaker

I seek leave to make a Ministerial Statement.

Today I am pleased to table a Green Bill for an Act to replace the State's 1928 Education Act.

There are few people in this State without an interest in schooling, whether as students, parents, employers or community members.

That is why, at the outset of the review of the Education Act in 1994, the Government gave a clear commitment to seek public comment before formal debate in the Parliament.

The Government is keen to encourage vigorous community discussion during the next three months. Following this period of public consultation, submissions will be examined and changes made.

The development of this Bill has been a complex task. I acknowledge the efforts of those who have brought the review to this stage.

The former Minister for Education, the Honourable Norman Moore, initiated the review in 1994 and appointed a project team and reference group. He had the foresight to appoint my colleague, the Parliamentary Secretary to the Minister for Education and Member for Roleystone, to Chair the review. He has brought considerable experience and skill to bear in this work, not only from his role as the Parliamentary Secretary to the Minister for Education, but also as a former school principal.

I thank the members of the reference group for their significant contributions. The group is made up of people from the Education Department, the Catholic Education Office and the independent school sector, as well as teachers, school administrators, parents, the legal profession and the community.

Under the leadership of Mr Ken Booth, the small but skilled project team has worked tirelessly in consulting extensively in developing the policy positions and drafting instructions. Following receipt of submissions on a range of matters from schools and the public in 1995, the project team conducted informal meetings with teachers and principals, education interest groups, government agencies and tertiary educators. Very close consultation has occurred with the Education Department, the Catholic Education Office and the Association of Independent Schools of WA. The project team is to be congratulated on the level and extent of consultation conducted to date, allowing for wide ranging input into the shaping of our education system for the future.

The School Education Bill provides a legislative plan for the management of school education in Western Australia well into the next century. Today I will outline its major features.

It is planned that the new School Education Act will come into effect from the beginning of 1999, with the passage of the Bill to be completed during 1998.

The present Education Act bears little resemblance to the Bill passed in 1928. It has been subject to a series of over 50 amendments, which means that very little of the original Act remains.

For most of its life, the Act has served the State quite well, but its provisions are no longer appropriate to school management in the 1990s.

The current Act, for example, still describes compulsory attendance requirements in terms of children's capacity to walk distances of up to three miles, and the regulations still contain provisions for teachers to air the classrooms during recess periods.

In the Second Reading Debate of 1928, there was considerable discussion about whether children should be exempt from school during harvest time in agricultural areas.

When the *School Education Act* comes into effect, it will be only the fourth piece of public education legislation in our State.

This Bill is the third major element in the Government's legislative program in education. The first was the *Vocational Education and Training Act 1996*, which provides for a TAFE sector which is significantly different from the limited technical education of 1928. The second is the *Curriculum Council Bill 1997* which provides for the development of a curriculum framework for all schools in the State.

The objectives of the School Education Bill reflect four key principles. They are:

- every Western Australian child has a right to receive a school education;
- parents have a right to choose the form of education that best suits their child's needs, whether a government school, a non-government school or in a home schooling setting;
- parents have a responsibility to work together in partnership with schools for children's schooling to be successful; and
- a government schooling system must be provided to meet the educational needs of all children.

ACCESS TO SCHOOLING

The first principle relates to access.

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COMPULSORY SCHOOLING

To reflect the importance society places on school education, the Bill maintains a commitment to compulsory education for children aged between 6 and 15 years. This is not changed from the existing legislation, although adjustments to these ages are provided for as the changes to the school entry-age take effect.

The compulsory education requirement will be satisfied by enrolment in a recognised schooling program, rather than by the 1928 Act's requirement to attend the nearest school.

The compulsory education period is complemented by an entitlement for all children to pre-compulsory school programs (that is, kindergarten and pre-primary) and post-compulsory school programs (that is, Years 11 and 12) either directly by enrolment at a government school or indirectly through per-capita funding to the non-government sector.

MORE FLEXIBLE ATTENDANCE PROVISIONS

While most students attend their schools on a daily basis, there are many who spend part of their school time elsewhere, such as in work experience, TAFE classes, enrichment activities or other special educational programs.

To acknowledge this increasing flexibility, which will increase in the future, the Bill provides a new approach to school attendance and participation. Where a student will spend a regular or fixed time away from the school site, but still be enrolled at the school, the principal and parents will be able to enter an alternative participation arrangement.

This allows a student's enrolment to be maintained at a school, even though the student might not be attending the school on a full time basis.

KEEPING TRACK OF CHILDREN IN THE SCHOOLING SYSTEMS

The Government and the community are concerned about the number of school-age children whose whereabouts are unknown. The Bill makes it clear that compulsory education is a serious responsibility of government, and that steps need to be taken to ensure it occurs. Accordingly, school principals in all sectors will be accountable for the accuracy of their enrolment registers and there will be strict procedures to be followed before names are removed.

ABSENTEEISM

Another aspect of this principle is that of ensuring that all children do in fact attend school as required.

Any level of unauthorised absence from school is of concern, because of the valuable educational time lost and because some children's absence from school is associated with inappropriate behaviour in the community.

Many schools have initiated relevant programs targeted at truancy, however there must be an appropriate sanction for non-compliance.

The Bill provides for significant penalties on parents who avoid the responsibility to enrol their children or have them attend school regularly.

While parents will be required to shoulder much of the responsibility, we must make allowance for those cases where, despite the best efforts of parents, children stay away.

The Bill proposes that such children be liable to an offence, but that no child's case be referred to the courts before proper intervention efforts have been made.

Members of the community should consider this matter very seriously. It is worth noting that, in the 1928 Act, the response to chronic truancy was to make a child a ward of the State. In those days that meant the child was placed in an institution, or detained, with the parents responsible for some of the costs.

Nowadays, truancy is not regarded as an extreme offence but by the same token, it is necessary to regard wilful absence seriously.

CHOICE

The second principle underlines the options which parents have to choose the mode of schooling for their children.

We should be proud that there is a quality public education system which is available to all children in Western Australia. This is complemented by strong non-government school systems operated by the Churches and many independent schools throughout the State.

HOME SCHOOLING

In recent years, a growing number of parents have sought home schooling as an option for their children. The Government recognises that they should have the right to exercise that choice.

Provided the appropriate approvals are obtained, the Bill provides for the compulsory education requirement to be met by home schooling.

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REGISTRATION OF NON-GOVERNMENT SCHOOLS

The Government has a responsibility to ensure that a certain minimum standard is maintained for children who attend non-government schools. The Bill provides for a comprehensive scheme of registration, and, in doing so, provides a framework to validate processes which have been used in Western Australia for some time.

In addition, the Minister will be able to enter agreements with systems of non-government schools. These agreements will enable some of the Minister's registration and accountability functions to be devolved to the systems themselves.

PARTNERSHIPS BETWEEN PARENTS AND SCHOOLS

The third principle reinforces that for a child to succeed at school, the cooperation and support of the child's parents is essential.

In Western Australia, we have an outstanding record of this cooperation and support. Most parents demonstrate active encouragement and support for their children and their children's school.

It is clear that the support of Parents and Citizens Associations and school decision-making groups in government schools, and Parents and Friends groups and School Councils in non-government schools is invaluable. They provide our schools with forums for discussion of educational matters and contribute to tangible improvements to school facilities.

The Bill reinforces the individual responsibilities of parents by making clear that there are obligations concerning enrolment and attendance matters which parents must shoulder.

Parents' interests are protected by ensuring that they have access to complaint and dispute resolution processes. The Bill provides for panels to be established to deal with enrolment, attendance and discipline matters. Panels will be required to have independent community representation and parents and students will have the opportunity to be heard.

SCHOOL COUNCILS

For the last decade, the Education Act has contained provision for school decision-making groups. This has been a means by which parents and community members could become involved in the management of their local government schools. The Bill maintains this important role and allows for further participation at schools where there is a readiness and willingness to do so.

When the new Act comes into force, all school-decision making groups will become School Councils. They will have a role in school planning, dress codes, student behaviour codes, endorsement of school charges and implementation of religious activities. Provision is made for this role to be extended, on request, to include participation in the selection of the school principal.

Where appropriate, School Councils may seek the permission of the Minister to become incorporated and take on further additional functions.

GOVERNMENT SCHOOLING

The fourth principle reinforces that public schooling is a major responsibility of government and that provision must be made for the educational needs of all children.

ESTABLISHMENT OF SCHOOLS

The Bill provides clarification of the role of the Minister in the establishment, classification, amalgamation and closure of government schools. The Bill will allow for the initiatives of recent years to establish new schools in innovative ways in rapidly growing areas, and the potential for multi-campus schools.

Most government schools in metropolitan and large country centres have a boundary. The Bill makes allowance for a local-intake boundary to be set only where there is a high demand for places. This will enable parents greater choice of schools where there are no boundaries.

ENTITLEMENT TO ENROL

The entitlement of all children to enrol in a government school is to be constrained only by the capacity of each school to provide an appropriate educational program and the availability of classroom accommodation. There is provision for a systematic analysis of the needs of children with disabilities so that school placements are appropriate and parents' wishes are taken into account.

Where parents have concerns about enrolment decisions, they will be able to seek a review.

PRINCIPALS AS EDUCATIONAL LEADERS AND MANAGERS

A noteworthy feature of this Bill is its recognition of school principals as educational leaders and school managers. It contains a clear statement of the responsibilities of principals and teachers and identifies a number of specific matters in relation to enrolment and attendance, management of finances, control of school premises and School Councils.

DISCIPLINE IN GOVERNMENT SCHOOLS

Many schools have developed effective strategies for dealing with discipline problems. It is still necessary, however, to provide support in the Act and regulations to deal with difficult cases.

The trial of a new discipline policy has been under way in the Education Department for the past year. The outcome of this project will be taken into account when the regulations are devised to support the Bill. The Bill continues the general provisions of the current Act which authorise

suspension and exclusion of those students whose behaviour is inappropriate, but allows that the detailed administration of these provisions be provided in the regulations.

This Bill makes no explicit mention of corporal punishment. The situation under the current Act is that regulations prevent the use of corporal punishment in government schools. This will also be the case under the new regulations.

FINANCIAL AND RESOURCE MANAGEMENT

The Bill contains an important new provision for government schools to establish special funds for building or library purposes, or for a school foundation fund to benefit the school generally. The potential to attract bequests and tax-deductible donations will address a need which has been identified for some time.

The Bill enables limited access to sponsorship and advertising support in government schools. This has been an area of ambiguity for some time and it has not always been appropriate to exclude the support of local enterprises from school activities. However, schools will need to be protected from commercial exploitation. The Bill requires the Minister to take decisions about these matters in ways which are consistent with the best interests of students' education in government schools.

EDUCATION OF CHILDREN WITH SPECIAL NEEDS

For students with disabilities, the Bill requires that parents be consulted when enrolment decisions are being made and, as far as possible, their wishes be taken into account. While the majority of such placements are agreeable to both parents and the school, the Bill makes provision for parents to seek an independent review if they feel the enrolment decision is inappropriate.

RELIGIOUS ACTIVITIES

The Bill provides for special religious education to continue to be provided in government schools. In addition it makes allowance for schools to include prayers and songs which are based on religious, spiritual or moral values in school activities. Provision is also made for children to be withdrawn from parts of the curriculum, including religious activities, on the grounds of conscientious objection.

PROTECTION OF CHILDREN'S INTERESTS

The community wants schools to be places where children are excited and stimulated by what they learn. By the same token, parents trust that their children will not be exposed to inappropriate influences. The Bill makes clear that the undue promotion of political, religious, industrial or advertising information is not allowed beyond what is a reasonable balance in the curriculum. Principals will be required to intervene if any person or organisation is using the school as a forum to disseminate inappropriate promotional information.

SCHOOL CHARGES

In the late 1990s, the community expects schools to provide a variety of relevant educational activities with the latest methods and technology. The 1928 Act was not framed with such demands in mind. We can easily conjure up images of the rows of steel-framed desks, the inkwells, chalk and slate that characterised primary school classrooms through the middle part of the century. The resources needed to deliver schooling in this environment were minimal.

The Bill is explicit in extending the 'no fee for instruction' concept of the 1928 Act to all students receiving education from teaching staff of a government school. Provision is made, however, for overseas students and some persons over 18 to pay tuition fees.

Under the Bill, government school principals will be authorised to determine a charge to parents for the materials and services which are directly used by students in the school's educational program. The school must be able to demonstrate how the charges are of benefit to the students. A new role for School Councils will be to approve these charges, which must be no greater than a limit to be set in the regulations and which will be capable of adjustment with inflation.

While principals will be given authority to seek recovery of the charges, the Bill is explicit in saying that no child is to be deprived of an educational program if the charges are not paid. Further, the regulations will empower the Government to put in place means of addressing financial hardship for individual parents.

ACCOUNTABILITY

The Bill provides a number of accountability mechanisms.

REVIEW MECHANISMS

While the majority of decisions made about children occur with the full support and cooperation of parents, there are times when disagreement occurs. The Bill provides review mechanisms in relation to enrolment decisions, school placements, and decisions about discipline.

The Bill identifies three panel structures:

- School Attendance Panels, which may be established to consider matters related to absenteeism and to facilitate the return of children to normal attendance;
- Disabilities Advisory Panels, which will be established whenever a parent seeks a review of an enrolment decision concerning a child with a disability; and
- School Discipline Advisory Panels, which will be required to consider the case of any child for whom exclusion is recommended.

These panels will have independent community representation and the members will have the relevant experience and expertise to deal with the specific matters before them.

The Bill also enables the Minister to establish advisory panels for other purposes and gives discretionary provision for other administrative decisions to be referred to such panels for review.

Finally, the Bill provides complaint and dispute resolution processes to be in place for schools in all sectors.

ACCOUNTABILITY FOR GOVERNMENT AND NON-GOVERNMENT SCHOOLS

While the government school system is subject to accountability requirements which apply to all public sector agencies, the Bill also provides for accountability of school principals and the Director-General of Education.

For non-government schools, the registration and re-registration procedures will require the governing bodies to account for the quality of the educational programs which they provide. Further, the Minister may seek information of an educational, financial or statistical nature from these schools.

To enable the Minister to monitor these matters over time, the Bill has a requirement that non-government schools be re-registered at least every seven years.

In terms of financial accountability, the Bill is explicit in identifying accountability on the part of the Minister and the non-government schools for the public moneys which are allocated as part of the Education budget.

ADMINISTRATION

Finally, this Bill will provide an administrative structure for the governance of schooling.

It has been deliberately written to avoid overlap with other laws of the State, particularly in relation to public sector management, financial accountability, and industrial law.

In particular, the Bill does not seek to intrude on the responsibilities of education providers under Equal Opportunity or Disability Discrimination laws.

There is provision for the continuation of the Education Department and for the responsibility of the Director-General of Education for managing the educational program in government schools and the staff of the Department.

Staff will be employed in four categories: public service officers, teaching staff, other officers (such as library officers and school administrative officers) and wages staff.

The management of teaching staff in Government schools is stated in terms that enable greater application of public sector wide standards, particularly in relation to substandard performance and discipline.

The Bill provides recognition for at least two classifications within the teaching staff of the Department, namely teachers and school administrators.

PUBLIC REVIEW PHASE

The aims of the forthcoming public consultation on the Bill are:

- to acknowledge the wide interest of community members in the proposed legislation;
- to initiate informed community debate on the policy settings in the Bill;
- to obtain feedback on inclusions, omissions or improvements to the Bill; and
- to enable the Parliament to undertake debate in the knowledge of public reaction to the Bill.

Copies of the Green Bill will be circulated during the next week to schools and parent groups throughout the State. A summary of the Bill has been prepared. 10 000 copies will be circulated. Both the Bill and the summary will be available on the Internet.

Information packs will be sent to all Members of Parliament and interest groups.

Over the next three months, a series of public meetings and video conferences will be held throughout the State.

In conclusion, Mr Speaker, I believe this Bill provides the basis of a comprehensive legislative framework for the governance of schooling in the State, not just for today but well into the next century.

Public feedback, debate and written submissions on all matters in the Bill are to be encouraged. I look forward to an intensive period of vigorous and informed discussion.

Mr Speaker, I am pleased to table the School Education Bill 1997 as a Green Bill for public consultation.