

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 197

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 27 MARCH 2012

### 1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Death of Jaye Radisich – a former Member of the Legislative Assembly

The Premier, without notice, moved,

That this House records its sincere regret at the death of Jaye Radisich and tenders its deep sympathy to her family.

The motion was supported by Mr M. McGowan, Mrs M.H. Roberts, Mr B.J. Grylls, Ms M.M. Quirk, Mr F.A. Alban, Mr R.H. Cook, Dr K.D. Hames, Mr D.A. Templeman, Mr D.T. Redman, Mr J.R. Quigley, Mr T.R. Buswell, Mr T.K. Waldron, Mr J.J.M. Bowler, Mr F.M. Logan, Mr J.N. Hyde, Mr A.J. Simpson, Mr J.C. Kobelke, Mr A.P. O'Gorman, Mr M.P. Whitely, Mr A.J. Waddell, Mr P.B. Watson and Mr M.P. Murray.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the extension of the reporting date to 18 July 2012 for the inquiry into the response of government agencies and officials in regard to allegations of sexual abuse at the St Andrew's Hostel in Katanning.

The Minister for Local Government on the statutory review of the Local Government Standards Panel.

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#### *Paper*

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Local Government –

Department of Local Government – A Review of the Operation of the Local Government Standards Panel and its Supporting Legislation, June 2011 (4647).

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The Minister for Environment on the Ngari Capes Marine Park.

#### 4. Questions

Questions without Notice were taken.

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##### *Paper*

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Planning –

Minister for Planning – City of Nedlands – Town Planning Scheme No. 2 Amendment No. 192 – For final approval following readvertising (4658).

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Questions on Notice Nos 7588 to 7603 were asked.

Questions on Notice Nos 6982, 6999, 7110, 7151, 7152, 7210, 7237, 7238, 7240, 7311, 7314 to 7318, 7320, 7321, 7327, 7330, 7332, 7344, 7345, 7350 and 7351 were answered.

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Paper tabled by the Minister for Road Safety –

Question on Notice No. 7238 – Summary of the Road Trauma Trust Fund expenditure for each year from 2001–2002 to 2010–2011 and the amounts and purposes of all payments categorised as ‘Support Implementation’ and the amount provided to the WA Police Strategic Traffic Enforcement Program (4656).

Paper tabled by the Minister for Education –

Question on Notice No. 7320 – Question in relation to student enrolment in government schools for 2012 including the number of students in each year group since 2000 (4657).

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#### 5. Joint Standing Committee on the Corruption and Crime Commission

Mr J.N. Hyde, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – The Use of Public Examinations by the Corruption and Crime Commission, Report No. 25 (4659).

Mr J.N. Hyde spoke on the report.

#### 6. Petitions

Container Deposit Scheme – Ms L.L. Baker presented a petition from 18 persons requesting that the Legislative Assembly calls upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 562).

Midland Train Line – Ms L.L. Baker presented a petition from 24 persons requesting that the Legislative Assembly ensures that the Barnett Government addresses continued issues of overcrowding on the Midland train line, as it has done on the Joondalup-Mandurah lines (P. 563).

Prostitution Bill 2011 – Mr P. Abetz presented a petition from 1,390 persons requesting that the Legislative Assembly either heavily amend the Western Australian Prostitution Bill 2011 such that brothels are not legalised in Western Australia, or reject the bill completely (P. 564).

#### 7. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Speaker –

Public Sector Commissioner – Assessment Report, Alleged Breaches of the Code of Ethics by Ministerial Officers (4631).

By the Clerk –

C.Y. O'Connor Institute of Technology – Annual Report 2011 (4632).

Central Institute of Technology – Annual Report 2011 (4633).  
 Challenger Institute of Technology – Annual Report 2011 (4634).  
 Commercial Tenancy (Retail Shops) Agreements Act 1985 – Regulations (Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2012 G.G. 23/03/2012) (4635).  
 Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations (No. 4) 2011 G.G. 23/03/2012) (4636).  
 Curtin University – Annual Report 2011 (4637).  
 Dog Act 1976 – Local Laws (City of Perth Dog Local Law 2011 G.G. 21/03/2012) (4638)  
 Durack Institute of Technology – Annual Report 2011 (4639).  
 Edith Cowan University – Annual Report 2011 (4640).  
 Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2011 G.G. 23/03/2012) (4641).  
 Great Southern Institute of Technology – Annual Report 2011 (4642).  
 Health Act 1911 – Local Laws (Shire of Koorda Health Amendment Local Law 2012 G.G. 20/03/2012) (4643).  
 Kimberley Training Institute – Annual Report 2011 (4644).  
 Land Administration Act 1997 – Regulations (Land Administration Amendment Regulations (No. 2) 2012 G.G. 23/03/2012) (4645).  
 Local Government Act 1995 – Local Laws (Mandarie Regional Council Standing Orders Amendment Local Law 2012 G.G. 20/03/2012) (4646).  
 Magistrates Court (Civil Proceedings) Act 2004 – Rules (Magistrates Court (Civil Proceedings) Amendment Rules 2012 G.G. 23/03/2012) (4648).  
 Murdoch University – Annual Report 2011 (4649).  
 Pilbara Institute – Annual Report 2011 (4650).  
 Polytechnic West – Annual Report 2011 (4651).  
 South West Institute of Technology – Annual Report 2011 (4652).  
 Terrorism (Extraordinary Powers) Act 2005 – Review under section 34 of the Act, January 2012 (4653).  
 University of Western Australia – Annual Report 2011 (4654).  
 West Coast Institute of Technology – Annual Report 2011 (4655).

## **8. Notices of Motion**

### **9. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994* and the *Equal Opportunity Act 1984* and for related purposes.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

### **10. Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

# 11. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2 and 1 be next considered.

# 12. Teacher Registration Bill 2011

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

The Minister for Education moved, That in relation to the Teacher Registration Bill 2011 the amendments listed on the Notice Paper standing in the name of the Minister for Education be made *pro forma*.

Question put and passed.

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The amendments agreed to under the foregoing motion were –

Clause 3.

The Minister for Education: To move –

Page 2, line 24 – To delete the line.

The Minister for Education: To move –

Page 3, after line 10 – To insert:

“

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

”.

The Minister for Education: To move –

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

“ a committee ”.

The Minister for Education: To move –

Page 3, after line 22 – To insert:

“ (d) a detention centre; ”.

The Minister for Education: To move –

Page 3, after line 28 – To insert:

“

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

”.

The Minister for Education: To move –

Page 4, after line 12 – To insert:

“

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

”.

The Minister for Education: To move –

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

“ aide or ”.

The Minister for Education: To move –

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

“ assistant, or by ”.

The Minister for Education: To move –

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

“ teacher on practicum placement; or ”.

Heading to Part 2.

The Minister for Education: To move –

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

“ **persons and related offences** ”.

Clause 7.

The Minister for Education: To move –

Page 6, after line 11 — To insert:

“

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

”.

Clause 9.

The Minister for Education: To move –

Page 7, after line 12 – To insert:

“

- (3) A registered teacher must not —
  - (a) claim to be registered as a teacher in a category other than the category that the person is registered in; or
  - (b) claim to be qualified or entitled to teach in an educational venue in contravention of a condition to which the teacher’s registration is subject.

”.

Clause 10.

The Minister for Education: To move –

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

“ prescribed. ”.

The Minister for Education: To move –

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

Clause 11.

The Minister for Education: – To move –

Page 9, lines 17 and 18 – To delete “prescribed; and” and substitute:

“ prescribed. ”.

The Minister for Education: To move –

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

Clause 13.

The Minister for Education: To move –

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

“ request — ”

Clause 15.

The Minister for Education: To move –

Page 11, line 18 – To delete “teacher; and” and substitute:

“ teacher. ”.

The Minister for Education: To move –

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

Clause 16.

The Minister for Education: To move –

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

“ teacher. ”.

The Minister for Education: To move –

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

Clause 18.

The Minister for Education: To move –

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

“ if — ”.

The Minister for Education: To move –

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

“

(a) the person —

(i) does not intend to teach in an educational venue for a period of time; and

(ii) holds full registration or provisional registration;

or

(b) the person intends to teach in an educational venue and meets the requirements for —

(i) full registration as set out in section 15, other than the requirement regarding professional standards set out in paragraph (b) of that section; or

(ii) provisional registration as set out in section 16, other than the requirement regarding professional standards set out in paragraph (b) of that section.

”.

Clause 21.

The Minister for Education: To move –

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

“ registration in ”.

Clause 24.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

“ any ”.

Clause 27.

The Minister for Education: To move –

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

“

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

”.

The Minister for Education: To move –

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

“

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

”.

The Minister for Education: To move –

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

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

The Minister for Education: To move –

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

“ the Board becomes aware that ”.

The Minister for Education: To move –

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

“ the Board becomes aware that ”.

The Minister for Education: To move –

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

“ has been cancelled ”.

The Minister for Education: To move –

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

“ or reinstatement ”.

The Minister for Education: To move –

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

“ or reinstatement ”.

Clause 29.

The Minister for Education: To move –

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

“ registration; ”.

The Minister for Education: To move –

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

“ of the registration; ”.

Clause 31.

The Minister for Education: To move –

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

“ or reinstatement ”.

The Minister for Education: To move –

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

“ or reinstate ”.

The Minister for Education: To move –

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

“ cancelled or reinstated; and ”.

The Minister for Education: To move –

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

“ holds, or held, ”.

The Minister for Education: To move –

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

“ cancelled or reinstated; and ”.

The Minister for Education: To move –

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

“ or reinstatement ”.

The Minister for Education: To move –

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

“ if the notice is about the cancellation of registration, ”.

The Minister for Education: To move –

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

“ person whose registration is cancelled ”.

Clause 32.

The Minister for Education: To move –

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

Clause 34.

The Minister for Education: To move –

Page 21, line 27 — To delete “suspension.” and substitute:

“ suspension, other than for the purposes of Part 4. ”.

Clause 37.

The Minister for Education: To move –

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

“ any of the following persons, ”.

The Minister for Education: To move –

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

“

appropriate —

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

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

”.

The Minister for Education: To move –

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

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

The Minister for Education: To move –

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

“ all or some of that information. ”.



Clause 38.

The Minister for Education: To move –

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

“ if — ”.

The Minister for Education: To move –

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

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

The Minister for Education: To move –

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

“ the teacher is ”.

The Minister for Education: To move –

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

Clause 39.

The Minister for Education: To move –

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

Clause 40.

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

“ issued. ”.

Clause 41.

The Minister for Education: To move –

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

“ written ”.

The Minister for Education: To move –

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

“ court for, ”.

The Minister for Education: To move –

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

Heading to Part 5.

The Minister for Education: To move –

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

“ **Disciplinary** ”.

Clause 46.

The Minister for Education: To move –

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

“ means — ”.

The Minister for Education: To move –

Page 28, after line 24 — To insert:

“

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

”.

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

“

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

”.

Clause 49.

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

Clause 51.

The Minister for Education: To move –

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

Clause 53.

The Minister for Education: To move –

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

“ a disciplinary ”.

Clause 55.

The Minister for Education: To move –

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

“ another ”.

Clause 57.

The Minister for Education: To move –

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

“ may reject ”.

The Minister for Education: To move –

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

“ a disciplinary ”.

Clause 58.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

“

(a) on the day —

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

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

and

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

”.

Clause 59.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

Clause 60.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

The Minister for Education: To move –

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

The Minister for Education: To move –

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

Clause 61.

The Minister for Education: To move –

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

Clause 62.

The Minister for Education: To move –

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

Clause 63.

The Minister for Education: To move –

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

The Minister for Education: To move –

Page 39, lines 1 and 2 — To delete “the exercise of power by the disciplinary committee” and substitute:  
“ a disciplinary committee conducting an inquiry ”.

Clause 64.

The Minister for Education: To move –

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

The Minister for Education: To move –

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

Clause 65.

The Minister for Education: To move –

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

Clause 66.

The Minister for Education: To move –

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

Clause 67.

The Minister for Education: To move –

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

The Minister for Education: To move –

Page 40, lines 10 to 12 — To delete “practitioner (within the meaning of that term in the *Legal Profession Act 2008* section 3) is authorised — ” and substitute:

“

practitioner, within the meaning of that term in the *Legal Profession Act 2008* section 3, does not breach that Act, or any other Act merely by —

”.

The Minister for Education: To move –

Page 40, line 13 — To delete the line and substitute:

“

(a) representing a party before an inquiry; or

”.

The Minister for Education: To move –

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

“ providing ”.

Clause 68.

The Minister for Education: To move –

Page 40, lines 17 and 18 — To delete “the disciplinary committee may —” and substitute:

“ a disciplinary committee may do one or more of the following — ”.

The Minister for Education: To move –

Page 40, line 22 — To delete “or”.

The Minister for Education: To move –

Page 40, line 27 — To delete “or”.

The Minister for Education: To move –

Page 41, line 5 — To delete “or”.

The Minister for Education: To move –

Page 41, line 10 — To delete “or”.

The Minister for Education: To move –

Page 41, line 11 — To delete “or”.

The Minister for Education: To move –

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

“ A disciplinary ”.

The Minister for Education: To move –

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

“ A disciplinary ”.

Clause 69.

The Minister for Education: To move –

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

“ A disciplinary ”.

The Minister for Education: To move –

Page 41, line 25 — To delete “inquiry.” and substitute:

“ inquiry conducted by the committee. ”.

Clause 70.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

“ or more ”.

The Minister for Education: To move –

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

“ condition, or conditions, ”.

The Minister for Education: To move –

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

“ condition, or conditions, ”.

The Minister for Education: To move –

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

“ A disciplinary ”.

Clause 72.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

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

“ a disciplinary committee; ”.

Clause 75.

The Minister for Education: To move –

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

“ and a proper ”.

Clause 78.

The Minister for Education: To move –

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

“ a disciplinary ”.

Clause 80.

The Minister for Education: To move –

Page 47, line 21 — To delete “section 78” and substitute:

“ section 78(1)(f) ”.

Clause 83.

The Minister for Education: To move –

Page 49, line 6 — To delete “the recommendation of the” and substitute:

“ its own initiative or on the recommendation of a ”.

Clause 84.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

Page 49, line 24 — To delete “or”.

The Minister for Education: To move –

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

“ a disciplinary ”.

The Minister for Education: To move –

Page 50, line 5 — To delete “or”.

The Minister for Education: To move –

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

“

teacher;

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

”.

The Minister for Education: To move –

Page 50, after line 7 — To insert:

“

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

”.

Clause 85.

The Minister for Education: To move –

Page 50, line 21 — To delete the line.

The Minister for Education: To move –

Page 50, line 22 — To insert before “a decision”:

“ an order or ”.

The Minister for Education: To move –

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

“ a disciplinary ”.

Clause 87.

The Minister for Education: To move –

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

“

least —

- (a) one member is to be a lawyer; and
- (b) 3 members are to be registered teachers.

”.

Clause 89.

The Minister for Education: To move –

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

“ initial teacher education programmes ”.

The Minister for Education: To move –

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

“

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

(i) to establish such an accreditation scheme; and

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

”.

The Minister for Education: To move –

Page 53, line 7 — To delete “facilitate and assist in the administration of” and substitute:

“ implement and administer for Western Australia ”.

The Minister for Education: To move –

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

“ initial teacher education programmes ”.

Clause 91.

The Minister for Education: To move –

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

“

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

”.

Clause 93.

The Minister for Education: To move –

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

“ A copy ”.

Clause 100.

The Minister for Education: To move –

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

“ constitute ”.

Clause 105.

The Minister for Education: To move –

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

“ 5 ”.

Clause 107.

The Minister for Education: To move –

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

“ a disciplinary ”.



Clause 114.

The Minister for Education: To move –

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

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

Clause 118.

The Minister for Education: To move –

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

“ of a disciplinary ”.

The Minister for Education: To move –

Page 65, line 30 — To delete “or”.

Clause 124.

The Minister for Education: To move –

Page 68, after line 25 — To insert:

“

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

”.

The Minister for Education: To move –

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

“

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

”.

The Minister for Education: To move –

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

“ a disciplinary ”.

Clause 128.

The Minister for Education: To move –

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

“ applications and ”.

The Minister for Education: To move –

Page 71, after line 29 — To insert:

“

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

- (vii) anything supplementary or additional for the implementation or administration of the accreditation scheme;

”.

Clause 135.

The Minister for Education: To move –

Page 75, after line 18 — To insert:

“

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

”.

The Minister for Education: To move –

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

“ and ”.

Clause 137.

The Minister for Education: To move –

Page 76, line 17 — To delete “who —” and substitute:

“ who immediately before commencement day — ”.

The Minister for Education: To move –

Page 76, line 21 — To delete “was teaching” and substitute:

“ is currently teaching and has taught ”.

The Minister for Education: To move –

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

“

school —

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

”.

The Minister for Education: To move –

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

“

- (3) An individual to whom this section applies who is not currently teaching but has taught at an educational venue other than a school at some time before commencement day is eligible for either full registration or provisional registration as a teacher, as the Board decides is appropriate.
- (4) The Board must, on application made in the manner approved by the Board, register an individual eligible for registration as a teacher under this section unless the Board is satisfied that the person is not a fit and proper person to be a registered teacher.
- (5) An application for registration —
  - (a) by a person eligible for registration under subsection (2) must be made within 18 months after commencement day; or
  - (b) by a person eligible for registration under subsection (3) must be made within 24 months after commencement day,

or such later time as the Board may allow having regard to the circumstances of a particular case.

- (6) Part 2 does not apply to, or in respect of, an individual to whom this section applies until whichever is the earlier of the following —
  - (a) the expiration of the period during which the individual could apply for registration under this section;
  - (b) if the individual has made an application for registration under this section, when that application is dealt with by the Board.
- (7) An individual to whom this section applies who is aggrieved by a decision of the Board under this section may apply to the State Administrative Tribunal for a review of the decision.

”.

Clause 146.

The Minister for Education: To move —

Page 80, line 10 — To delete “continue under the direction and control of the Board.” and substitute: “ be dealt with under this Act. ”.

Clause 147.

The Minister for Education: To move —

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

Clause 155.

The Minister for Education: To move —

Page 83, after line 8 — To insert:

“

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

information.
  - (b) delete paragraph (c).

”.

The Minister for Education: To move —

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

Clause 165.

The Minister for Education: To oppose the clause.

New clause 165.

The Minister for Education: To move —

Page 86, after line 20 — To insert:

“

# **165. Oaths, Affidavits and Statutory Declarations Act 2005 amended**

- (1) This section amends the *Oaths, Affidavits and Statutory Declarations Act 2005*.
- (2) In Schedule 2 delete item 42 and insert:

42. A person registered under the Teacher Registration Act 2011. Registered teacher

”.

New clause 170.

The Minister for Education: To move –

Page 88, after line 5 — To insert:

“

**170. State Administrative Tribunal Act 2004 amended**

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

*Teacher Registration Act 2011*

”.

Long title.

The Minister for Education: To move –

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

“ **establishment, implementation** ”.

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Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

**13. Notice of Motion Lapsed**

The Speaker advised that Private Members’ Business Notice of Motion No. 2, Minister for Planning – Concrete Batching Plant in East Perth, had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

**14. Adjournment**

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 11.37 p.m. until Wednesday, 28 March 2012 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**  
Speaker of the Legislative Assembly