

SCHOOL BOARDING FACILITIES LEGISLATION AMENDMENT AND REPEAL BILL 2016

Second Reading

Resumed from 9 November.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [3.12 pm]: In the second time in a matter of months, I want to make some remarks on our support for the School Boarding Facilities Legislation Amendment and Repeal Bill 2016. It is disappointing and unfortunate that we are debating a bill that is a consequence of an erroneous decision, according to the legal advice that this chamber has received, that this bill constituted a money bill and therefore should not have originated in this place. I certainly hope that steps are afoot to resolve the apparent disagreement between the two houses about exactly what constitutes a money bill and what does not, so that we do not again find ourselves in the situation that we have. Twice in recent months, a decision has been made at the other end of the building, that we do not have the right to deal with a particular piece of legislation. Having said that, I want to quickly reiterate some of the key points about why we support the bill. I note that if anyone was really interested in reading my entire contribution, they could go read the *Hansard* of 16 August 2016.

We support the bill, which will abolish the Country High School Hostels Authority by repealing the Country High School Hostels Authority Act 1960 and inserting new provisions relating to the functions and governance of country high school hostels into the School Education Act 1999. The Country High School Hostels Authority Act provides boarding facilities for students who are attending secondary schools in eight regional centres. There is one at City Beach, which is for regional students mainly attending Perth Modern School. Primarily, students residing in these facilities attend public secondary schools, but there are three service agreements with the Catholic Education Office to provide a certain number of beds for students attending some private schools in the areas where those hostels are located. The genesis of this bill is the report by Peter Blaxell into not only St Andrew's Hostel in Katanning, but also a number of other hostels across regional Western Australia in 2012. That report was entitled "St Andrew's Hostel Katanning: How the system and society failed our children". That was an inquiry into the response of government agencies and officials to allegations of sexual abuse, and the report set those out in some horrendous detail. That report made a number of recommendations. It was not a direct recommendation of the Blaxell inquiry that the provisions relating to country high school hostels come under the purview of the School Education Act, but it is consistent with the recommendations of the Blaxell report.

The School Boarding Facilities Legislation Amendment and Repeal Bill abolishes the Country High School Hostels Authority and transfers its functions to the Department of Education. It is consistent with Blaxell's recommendation to abolish the statutory authority, which is at arm's length from the minister of the day, and to bring the governance functions and the operational oversight and governance under the closest scrutiny and accountability afforded by the Department of Education and the Minister for Education. The government flagged its intention to do this in the implementation report in 2013. The bill amends part 6 of the School Education Act 1999, which deals with the administration of schools. New part 6A will allow for the establishment and administration of residential colleges, wide regulation-making powers covering boarding agreements, fees and charges, students' health and safety, dispute and complaint resolution mechanisms, application processes, the use of facilities, the powers exercised in the investigations of complaints, advertising or sponsorship and a code of conduct for students, the establishment of a local input networking and communication committees, and a local input networking and communication committee at each residential college as a consultative but not a decision-making body. These will be appointed by the director general. That is a difference between school councils, for example, in which nominations are called for by the principal and for which elections can be held. The bill provides that a majority of one of those committees must be from parents and the general community. The land and finances are to be under the control of the department on behalf of the minister. The bill also includes provisions for school staff to be removed due to misconduct and extends these to include staff of residential colleges. As we would expect, the bill includes transitional provisions to apply to all existing staff so that they, all of their entitlements and service periods are transferred to the new employer. The scope of these powers is modelled on the existing powers for the establishment of schools, but are slightly varied to take account of the different functions.

That is essentially what the bill does. We supported it back in August 2016. We think it is a sensible response to the Blaxell inquiry and I am happy to again commend the bill to the house.

HON LYNN MacLAREN (South Metropolitan) [3.19 pm]: I, too, rise to support the School Boarding Facilities Legislation Amendment and Repeal Bill 2016. I want to thank the minister for the briefing; I can recall it, even though it was so long ago. It was a very good briefing, very close to the tabling of the bill, so it was a timely briefing for us. I have reviewed my contribution to the second reading debate made on 16 August 2016. I can let members know at this time that I still agree with myself and I still support the bill! I do not believe there is any need for me to repeat what I said before; it is still something that we think should be passed. I would only underline the

Leader of the Opposition's comments in saying that we really need to resolve this inconsistency with the views about what the upper house can do. I would love to see that progressed in the next term of the Parliament.

HON PETER COLLIER (North Metropolitan — Minister for Education) [3.20 pm] — in reply: I think we are all in furious agreement on this one. I thank Hon Sue Ellery and Hon Lynn MacLaren for their indications once again of supporting what is a good bill, the School Boarding Facilities Legislation Amendment and Repeal Bill 2016, and I would like to reiterate the fact that I like to think that we can overcome the impasse that exists from time to time between the two chambers, the Legislative Council and the Legislative Assembly.

It appears to me, on the evidence and the legal advice that was presented, that this is not a money bill and that it was quite appropriate that it be introduced into the Legislative Council. Regardless, as I said, I hope that it is not just a matter of muscle flexing here but that we are doing what is best for the expeditious passage of legislation through the Parliament. In this instance that did not occur, so I agree with members opposite and suggest that perhaps we can find a way to overcome that impasse when it exists. In this instance, I am very comfortable that this is not a money bill and I think the appropriate decision was made in the first place that it could have been introduced into this chamber. Regardless, I think it is a good piece of legislation. It captures the recommendations from the Blaxell inquiry into the St Andrew's boarding facility and the endemic child abuse that existed at that time. This bill ensures, of course, that the governance structure of the eight residential colleges comes under the guise of the Department of Education, and that will provide more clarity for the governance of that structure and the repercussions of any issues that may exist. In addition, it provides an avenue through local input networking and communications committees, or LINC's, for parents and staff to have a say and an input. Fundamentally, the governance of the eight residential colleges will come under the guise of the Department of Education, which has a very forensic procedure with regard to acceptable behaviour. With all that said, I concur with Hon Lynn MacLaren in this instance—I agree with all my comments from the previous round! I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Peter Collier (Minister for Education)**, and passed.