

Extract from Hansard

[ASSEMBLY — Tuesday, 21 November 2017]

p5809d-5850a

Mr Paul Papalia; Mrs Liza Harvey; Mr Colin Barnett; Mr Matthew Hughes; Mr Terry Healy; Mr Zak Kirkup; Mr Chris Tallentire; Ms Libby Mettam; Ms Sabine Winton; Mr Reece Whitby; Mr Ian Blayney; Mr Bill Marmion; Dr Mike Nahan

SCHOOL CURRICULUM AND STANDARDS AUTHORITY AMENDMENT BILL 2017

Declaration as Urgent

MR P. PAPALIA (Warnbro — Minister for Tourism) [3.53 pm]: In accordance with standing order 168(2), I move —

That the bill be considered an urgent bill.

The current wording of the School Curriculum and Standards Authority Act 1997 prevents the authority from releasing identified student data for the purposes of National Assessment Program — Literacy and Numeracy online testing. The amendments in the amending legislation that we are requesting to be made urgent are required to enable Western Australia to take part in NAPLAN Online next year, 2018. The School Curriculum and Standards Authority cannot wait for issues to be dealt with under the proposed information privacy legislation, so it must be done now. We are rapidly approaching the new school year and, thereafter, online NAPLAN testing. In addition, the current wording in the act prevents the authority from disclosing identified student data in response to ongoing requests from organisations such as the Telethon Kids Institute, which undertakes child health research studies for which data about educational achievement is relevant and necessary. Without the amendment, Western Australia will not be able to provide information to parties with a relevant and legitimate need to access it. We move that the bill be made urgent.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [3.54 pm]: We understand the reason the government is requesting that the School Curriculum and Standards Authority Amendment Bill 2017 be declared urgent. However, I draw the house's attention to the government's management of business so far this year since we resumed for the fortieth Parliament. Legislation has been given priority over the School Curriculum and Standards Authority Amendment Bill 2017 that has a time limitation attached to it. We understand absolutely that this amendment needs to go through to allow our Western Australian students to participate in NAPLAN Online. The Minister for Education and Training would have been briefed on that when she came into office on 11 March. She has had all this time to bring the legislation forward. Instead, the Animal Welfare Amendment Bill 2017 was prioritised ahead of this legislation with a time limitation, as was noted in debate the last week that Parliament sat. A whole range of legislation—41 pieces, in fact—has come to this place ahead of a time-limited bill that is now required to be declared urgent in the last two weeks of Parliament.

We have to question the government's priorities and how on earth it is prioritising legislation and drafting other commitments when it has time-limited legislation. The bill is not simple legislation. Although the bill will enable students in Western Australia to participate in NAPLAN Online, the government is asking us to rush through legislation that will allow identified student data—names, dates of birth, addresses, information about parents, and information about their academic records, which will potentially cross over with health records—to be used for research. I have no problem with the research that the Telethon Kids Institute will undertake but some parents have a significant issue with the privacy of data about their children. We are being asked to rush through debate in this place on identified student data being made available for research purposes. We were promised by the Leader of the House in the other place, the Minister for Education and Training, that there would be an amendment to this legislation at the request of Hon Donna Faragher from the other place. It would ensure that some protections would be put in place by way of regulation to ensure the protection of identified student data and the privacy of children in Western Australia. There is no amendment on the notice paper so I hope that the amendment will be brought forward during the consideration in detail stage because members of the Liberal Party have grave concerns about the release of identified student data without strict controls over how the data will be released, to whom it can be released and what form of identification it will include. There is nothing in this legislation to protect the data that belongs to Western Australian children and their parents.

For the government to come in here and say that it needs our concurrence with the urgency of this legislation when it has prioritised 41 pieces of legislation ahead of it and when it knew there was a time limitation on this bill is a significant thumbing of the nose to parliamentary process, which is what we have seen from this government from day one. The Dangerous Sexual Offenders Legislation Amendment Bill 2017 was one of the last two bills to have been declared urgent. It has not even been prioritised in the other place. It has still not been debated. It came through here with much fanfare and government members said, "This is urgent; we have to get it through." It has not even been listed for debate in the other place. The Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017 was the second piece of legislation to be declared urgent. It involves pay rises for members of Parliament and other public servants for the next four years. It was declared urgent with heaps of fanfare and lots of media trumpeting about how important it was. It has not even been debated in the other place. Hopefully, knowing that the Minister for Education and Training, who is in charge of government business in the other place, is the sponsor of this legislation, we will see some integrity in the urgency of bringing this legislation forward as an

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urgent bill. Hopefully, we will see it debated in the other place and passed by the end of the year. We hope that will occur and that, with the current government having such a big majority, its abuse of the processes of Parliament and its contempt of Parliament will not continue.

MR C.J. BARNETT (Cottesloe) [3.59 pm]: As the member for Scarborough has said, there is absolutely no urgency for this at all.

Mr P. Papalia: That's not what she said.

Mr C.J. BARNETT: There is no urgency for this. I was a minister at the table when National Assessment Program — Literacy and Numeracy was introduced. It has been in operation for 15 or 16 years. The School Curriculum and Standards Authority Amendment Bill 2017 relates to the release of personal details of students and/or their parents. That is not a matter that should be rushed through in any sense and to suggest that this is an urgent bill is just sheer nonsense. There is nothing urgent about this. There is nothing in the way the education bureaucracies across Australia work that is urgent. I assure the minister that at numerous education minister's meetings there was never a sense of urgency at all. If the minister believes it is urgent, he has been played on a line by the commonwealth. Grow up and be responsible.

MR P. PAPALIA (Warnbro — Minister for Tourism) [4.01 pm] — in reply: I will respond to the contributions from the other side.

[Quorum formed.]

Mr P. PAPALIA: In response to the extraordinary contributions to the debate about whether the amendment should be considered urgent, I find it interesting that there were only two speakers; one conceded it was urgent—the member for Scarborough—because, clearly, the School Curriculum and Standards Authority of Western Australia requires the ability to join NAPLAN Online next year, at the start of the new school year. By contrast, the other speaker, who made a very short, angry contribution—the member for Cottesloe—claims it is not urgent. Regardless of the inconsistency of the contributions, I will respond to the member for Scarborough's questions about the amendment. An amendment to the bill will be moved. I was under the understanding that the nature of the amendment had been discussed with the shadow Minister for Education and Training.

Mrs L.M. Harvey: It was at the suggestion of the shadow minister, yes.

Mr P. PAPALIA: I understand it has been discussed with the shadow minister—she has been thoroughly briefed and is fully aware of the amendment and is satisfied that it meets her concerns about the legislation.

With regard to whether it will be adequately debated and we are truncating in some fashion the extent of the opposition's ability to contribute to democracy in Western Australia, it is an eight-clause amending bill. If the member for Scarborough would like me to cede debate time to the other side of the chamber, I will happily do so. However, I understand two members of the opposition will speak and some five on our side would like to make a contribution. In the event the member for Scarborough is concerned that half an hour for each speaker will be inadequate, I am sure that if I approach some of the people from our side who have indicated an interest in speaking, they will cede time for some other opposition members to speak. But I guarantee the member for Scarborough that we will fully accommodate her wish to contribute to the debate in this place. There is no shortage of opportunity for her to contribute and make any points she wishes to make.

With respect to further interrogation of the bill and the amendment, I welcome contributions and questions during consideration in detail. The minister's advisers will be in the chamber at that time and will be able to assist me in dealing with any intricacies associated with the eight clauses of this bill. I am sure we will be able to meet members' concerns about the nature of the bill and the intention and consequences of the amendment that we propose to move during consideration in detail. As I understand it, the shadow Minister for Education and Training in the other place has indicated her support for the bill and has been fully involved in the construction of the amendment. If members opposite want to raise any issues across the chamber now, I will make sure they get the answers they require.

I reinforce the urgent nature of this bill. We are almost at the end of the 2017 school year. The passage of this bill will enable the necessary administrative processes to be conducted to allow Western Australian students to participate fully in the NAPLAN Online testing, which will commence in the 2018 school year.

Question put and passed.

Second Reading

Resumed from 8 November.

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MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [4.09 pm]: I rise to speak to the School Curriculum and Standards Authority Amendment Bill 2017. I want to put on the record my complaint about the fact that this bill has been declared an urgent bill. This legislation is being considered by Parliament in the last two weeks of the parliamentary session for 2017. The government has claimed that this bill needs to be passed urgently to enable Western Australian students to participate in the National Assessment Program — Literacy and Numeracy Online testing for the 2018 school year. The government has prioritised 41 pieces of legislation ahead of this legislation, but it has now had to declare this legislation urgent because it has run out of time. It is now November. The government knew that NAPLAN Online would commence in the 2018 school year. The minister would have been apprised of that in March at her first briefing as Minister for Education and Training. The issue is the processes the government has put in place to manage debate in this chamber. The government declared urgent the Dangerous Sexual Offenders Legislation Amendment Bill 2017. However, the government has not even brought that bill on for debate in the other place. We therefore have to question the motives of this government. The government also declared urgent the amending legislation to restrict pay rises for members of Parliament, the judiciary, the senior executive service and government entities. However, we discovered at the time that that legislation was not urgent at all. What was urgent was the requirement to make the media think that the Premier and the Attorney General were responding to those issues decisively. The urgency was that the Attorney General said, when in opposition, that the first thing he would do in government was introduce legislation to change the rules around the release of dangerous sex offenders, and to lift the statute of limitations for civil litigants in child sex abuse cases. Thankfully, we will see that legislation read in this year. The fact remains that there was an issue with a dangerous sexual offender who was about to be released, and the Attorney General, as a stunt, brought legislation into this place and declared it urgent so that it would look as though he was actually doing what he said he would do to get elected. He had been caught napping, and he abused the processes of this place to declare the legislation urgent, and it has not yet been brought on for debate in the other place. Similarly, the Premier announced an election commitment of a 1.5 per cent pay rise for the WA Police Force, but that is now off the table; police officers will not get that pay rise. In order to save his reputation, the Premier had to bring on, as an urgent bill, legislation to ensure that members of Parliament would not get a pay rise for four years, to try to make it look as though, having broken a big promise to police that had got him elected, he would make sure that he was doing something about those members of Parliament and members of the judiciary who get paid far too much. It was a stunt. Having pulled that stunt, the legislation was found wanting, and now that bill is languishing in the other place. It is not urgent at all, and it has not been debated.

Now we are presented with this legislation that is urgent, because the government has not prioritised it. That is why it is urgent; it was not given priority. The deadline was looming, and instead of the Minister for Education and Training getting a priority in drafting to bring this legislation forward, so that our students would not be disadvantaged in NAPLAN Online, this bill has been brought in as an urgent piece of legislation, dog-ate-my-homework style, in the last two weeks of Parliament. It is not good enough. The people of Western Australia deserve better, and this Parliament deserves greater respect than having its process manipulated so that ministers can get a media sugar hit to get their backsides out of a sling when they find that an issue is running away and they have not dealt with it appropriately. The Parliament should not be abused in that manner. That is what we have seen—this government is off to a very bad start with its contempt for Parliament. We have seen it time and again, and we are in the process of yet another scandal about a government member misrepresenting the veracity of his claims to have been awarded police medals. This is yet another failure in transparency and in the management of government business in understanding what members claim on their *curricula vitae et cetera*.

I turn now to the legislation before the house. The minister in the other place was good enough to provide us with a briefing with three officers from the Department of Education, or the School Curriculum and Standards Authority. They explained aspects of this legislation to us, and we raised some concerns. We have no concern with enabling legislation to allow our students to complete their NAPLAN tests online. From the modern student perspective, that will improve the experience for our students. I have one child who has just graduated from year 12, and I have a son finishing year 10. Quite frankly, if the information they are given is not received in some tablet format, they are not really interested in participating. Student participation and engagement in an online testing forum will probably improve. That is why it is important that we have legislation like this before the house to allow our students to engage in a testing regime in a format with which they are familiar and comfortable and is a format they enjoy. This is different from when I was going through school, but that is the format that they like.

Hon Donna Faragher, who is the shadow Minister for Education and Training in the other place, raised some concerns with the minister. The minister accepted that those concerns were valid. The concerns were around the enabling legislation allowing the release of identified data for students to be made available for research purposes. We requested that stronger controls be put around the management of that data. So that people understand what

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this means, generally research into the demographics of populations into educational and health outcomes for children and different populations in different parts of the country et cetera is conducted with de-identified data. Health records of children who might come from impoverished backgrounds or affluent backgrounds will be provided to research institutes so that the health outcomes can be cross-referenced with family income, criminal history, school attendance and health issues. It is very unusual, though, to take the step to allow identified data to be released for research purposes. Identified data will include the child's name, date of birth, where they live and details of their parents. It could include details of the parents' earning capacity, their occupation and level of educational achievement. It could include whether those parents have criminal records or convictions. This is the range of data collected as part of the process of understanding student outcomes in Western Australia as part of the educational experience.

As a parent, I have concerns about that data being made available. What if my child had a serious mental health issue and was in and out of a mental health institution? Would I want that sensitive data with my child's name attached to it made available for research purposes? I am not so sure. Those are the questions that we need to ask. If the child were absent from school, for example, because of a mental health issue or an illness, would I necessarily want that data and information about my child to be made available for research purposes? Parents get quite concerned about that sort of data being made available. We know that if there are not very tight constraints around the management of that sort of data, it can be abused. Sometimes, details about students and families that families would rather not be made public can be made public. They have been made available to third parties in a non-consensual way. That is the crux of the issue Hon Donna Faragher raised. That is why we requested that if the minister wanted to get this legislation through by the end of the parliamentary year, she should consider an amendment to the legislation to allow for a regulatory mechanism for the management of the release of that data such as the kind of identified data that will be released and to whom, how it can be used and managed and when it should be destroyed. The rule for the management of that data should not be by ministerial sign-off, which is what was initially proposed in the legislation; it should be governed by a regulatory mechanism that is freely and publicly available and able to be scrutinised. For parents to have some confidence in the identified data of their children being released to third parties via this process, they should be able to look up and see what the intention of this legislation was as part of the debate in this chamber and see a regulation governing who controls the release of that data and the circumstances under which it can be released. It is the function of this Parliament to ensure that issues such as that are managed appropriately. If we had privacy legislation in this state, it could be argued that we do not have to take steps to amend individual instruments such as those that this legislation seeks to amend. However, in the absence of privacy legislation in Western Australia, this sort of amending legislation has to come forward. I am not sure that any state's privacy legislation would allow the release of identified data without a further step in the legislative process to ensure that it is managed appropriately.

Identified data will be used for research involving students to promote student achievement and wellbeing and to understand outcomes connected with student achievement and wellbeing. This is an interesting provision and it brings me to the case I am making that we need to ensure that there is a regulatory process for the management of this data. Some private schools might like to access identified data to promote student achievement—data that can be used for their own purpose to promote their school. Perhaps parents might have something to say about that.

The legislation requires that the board of the authority be satisfied that the student data disclosed for the purpose of research involving students, which includes personal information that could identify a student, is reasonably necessary. We will ask the minister what tests will establish that a disclosure is reasonably necessary. That is an important test to apply with the release of very sensitive data. The board will need to be satisfied that the disclosure requires personal information. For example, if a researcher who needs data can conduct their research with de-identified data, they should not be provided with identified data. If they do not require it for their research or it is not going to enhance their research or contribute to the wellbeing of students and our understanding of how to achieve better outcomes for our students, they should not get the identified data. Only de-identified data should be made available, unless the identified data is the only data that can be used.

Another test is that it is impracticable to obtain consent from individuals about whom the information relates. This was explained to me in the briefing. It may be that a study is going to be done on children in a particular region—the wheatbelt, for example. Given the number of students in the wheatbelt, it might be problematic to send out a letter to every single parent and student to gain consent for the release of identified data. A research project that encompasses all primary school students across the state might be costly and problematic and render the research impossible to complete because of the cost constraints in having to obtain consent from every individual. I understand that test; it is a good test. That said, as a parent with one student who has finished her schooling and one student who is soon to finish, I regularly receive letters from various government departments—for example,

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the Department of Health—requesting permission for data and information about my children to be used in particular ways. Sometimes I say yes to the release of data; sometimes I say no. In certain circumstances this legislation will provide for the release of identified data without a request having to come to me as the parent to make that decision. That is somewhat concerning.

I remember debating in this chamber several years ago legislation around the Criminal Investigation Act and the identification of DNA databases and all sorts of things. Some conversations were had in here about the privacy that should be afforded to criminals who have been in police custody—arrested or charged suspects who had had their DNA taken. I was put through my paces as minister to explain the sorts of checks and balances that would be in place to protect the data of those criminal offenders in a DNA database. Those offenders may have committed serious crimes. They may have been imprisoned for those crimes and their DNA should be held on a database. We had various steps, checks and balances in between the data being released. In fact, the police would collect that data and the Department of Health would hold it. There needed to be an intermediary, a completely separate organisation, as custodian of the data to ensure that there could never be a question of inappropriate access by police to the DNA database holding that very personal information of our criminal offending population. That is why that step was put in place. The test for the identified data of our students in the legislation, prior to the intervention of Hon Donna Faragher, was going to be a recommendation of the board with the signature of a minister. That was not a rigorous enough test and I am very pleased that the minister has agreed to our suggested amendments.

Another requirement is that the student data, including personal information, disclosed for the purposes of research can be protected by enabling the board to impose conditions on recipients of such data. We requested for there to be the ability to have those conditions prescribed by way of regulation so they are tabled in the Parliament and there is an ability for Legislative Council members to scrutinise them. That way if they do not feel that those conditions are stringent enough, there is an opportunity to disallow them. Should those conditions just be drafted by the board? That test and the scrutiny of the Parliament would have been subverted and, indeed, the ability of members of the public to scrutinise that testing criteria may have been watered down.

The other test is that there is some transparency and accountability in the authority's disclosure of students' data. That was the other test regarding the board's development of procedures for disclosure approved by the Minister for Education and Training. The minister has now agreed that the procedures for disclosure will be prescribed by regulation, which is a very good, solid test and will allow for proper scrutiny of these processes. During consideration in detail we will ask the minister about the exact details of the proposed regulations. We have flagged that there is a need for regulatory standards around this information. Previously, the board was going to develop procedures for disclosure. I would expect that to a degree the agency would have thought through some of those procedures. We now understand that they will be prescribed by regulation and we would like to know what some of those procedures will be. For example, will an ethics committee be established to look at the ethical disclosure and use of this information? Will there be an independent test on the management of data by a third party such as an ethics committee? Once the data has been released for research purposes, as per this enabling legislation, who then vets the research work to ensure that the identified data was actually required for the research work? Who vets that to ensure the release of that identified data is appropriate in those circumstances? Who then looks at the product of that research work to determine whether the research work fits the test and fits the criteria within which the data will be released? It is okay to say that we will set up these tests and procedures, but there needs to be auditing of the research work that has resulted from the release of the identified data of our children. Researchers need to understand that if this very sensitive information about our children is sought, their research work needs to demonstrate that that identified data was absolutely required. If it were not, there are penalties in this legislation for the misuse of identified data. If identified data were released inappropriately, we would expect some tightening of the regulatory mechanisms and that regulations would be updated in this Parliament to ensure that the appropriate tests can be applied in future.

If an ethics committee were established to look at the release and use of this data, who would sit on that committee? Would those people be independent of the Department of Education Services? Would they be people from the School Curriculum and Standards Authority? Would they be potentially experts in privacy law? Who would sit and determine whether the identified data of our children was being appropriately or inappropriately released? Who manages that? Who does the government believe are the appropriate individuals to look at the standards of the work being produced from the identified data and also the appropriateness of the release of the data? Will the regulations detail the procedures for the approval at the disclosure? What will those procedures be? What sort of application process can we expect? What is the test for those researchers, including the Telethon Kids Institute, to obtain identified data? What will they need to prove to a committee potentially vetting these requests for the release of data, or to the minister and the board? There are broad statements in the legislation around specific requirements

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with respect to the release of data, but how does an individual or the board approving the release of the data satisfy themselves that those tests have been met? What steps would be in place for the individuals allowing the release of the data to satisfy themselves that it was in the spirit of the legislation and in the spirit of the intent in enabling the release of the data that it was appropriate for it to be released?

Will these regulations put in place measures to ensure that no system or school sector will be identifiable? This is an interesting one because we have independent schools, public schools and independent public schools. Part of the issue when NAPLAN testing was introduced was that the intent of the NAPLAN testing was to determine where student achievement was sitting in the context of the expectations of students at a particular year level in school. When NAPLAN was introduced, high ideals and standards were proposed around the management of the data. The intention was that NAPLAN data would never be used to compare schools against each other, that it would not be used to compare the performance of states against each other and that it would not be used to compare the performance of the different schooling sectors against each other. It was supposed to be individual testing for a student so that the teacher in that classroom could see an independent test of the ability of that student and then compare that testing with where the teacher thought that student was sitting. The teacher would then work on remediating the gaps in achievement. That was the intention of the NAPLAN testing. Over time, much to the concern of many individuals in the education sector, we have seen a flagrant 180-degree turn from the intent of the data from NAPLAN testing to having league tables. Schools are being ranked according to performance. Classes in schools are being ranked according to performance. I sit on a couple of school boards and the school boards are obsessed with NAPLAN data because they have to be. Funding is now linked to testing results for NAPLAN. That was never envisaged when NAPLAN testing was introduced, but that is what has happened with the distorted use of the data. My concern and the concern of members on this side of the house is with the release of identified data of our students. The intention, when we allow this legislation to come through this place, is that it is used for very noble and robust purposes to promote student achievement and wellbeing and to understand outcomes connected with student achievement and wellbeing. That is the intent, but look at how far we have come from the intent of NAPLAN testing. Where will we be in 15 years' time with the way the identified data of our students is being managed? What will we have seen that data used for? We do not know. We know that data is king in this modern world. We know from the float and privatisation of the titles registry in New South Wales that data around property is worth billions of dollars and investors are prepared to stump up billions of dollars to buy a database just on property. We know with the electronic conveyancing in the digital age that investors are prepared to pay billions of dollars for access to data around property transactions. What would, for example, a private health system or insurance company be prepared to pay for identified data about our students? Are we opening a Pandora's box in enabling the release of this identified data of our students? Out of these research projects and work will we find—hopefully not; hopefully we can get the regulations right—that somehow the data about these students recorded through the school system could be used when those children are adults? We do not know. That is not the intention and I know it is not the intention, but neither was it the intention of NAPLAN testing when it was introduced to have league tables of schools and schools' funding linked to the outcomes of those students, because that is now what that data is being used for.

We need to understand, during the consideration in detail stage, what student data will be provided. I struggle to understand why any research project would need the name, date of birth and address of a student. I struggle to understand why a researcher would need that data.

Mr C.J. Barnett: Only for case studies. Not for any empirical, statistical database.

Mrs L.M. HARVEY: The member for Cottesloe has interjected and said that that would be required for individual case studies. I do not know how I feel about that. I would have to question what the individual case studies would be. Presumably, they might be of individuals at the extreme end of the spectrum. If a student comes from a low socioeconomic background and a household of family violence, is not a regular school attender and has a criminal offending record that the school is aware of because of visitation by police and other services, how would they feel about that data being released when they have no control over it and neither do their parents? It could be released by way of this enabling legislation and a decision of a board. Yes, there will be a test that consent from individuals would be impractical to be obtained; however, some children live in shocking households, which I saw in my time as Minister for Police, and sometimes with no parent on the scene, no knowledge of where their parents are and with no formal arrangement for guardianship of those children. In those circumstances it probably would be impractical to obtain consent because if no parent can be found, no consent can be obtained. If there is no legal guardian, there is no legal guardian to provide the consent. In those circumstances, the most vulnerable children in our community would have no control over the release of their data.

They could become a case study for an institution or a research project, which I put to this house may well be a further abuse of their already vulnerable situation that led them to being in a position in which their personal data

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cannot be protected. We need to understand why student name and address data would need to be provided and why it could not be just a student number or whether, indeed, a student number would need to be provided. That is an interesting question. As I said, identified data is a different beast to de-identified data. We have to wonder what the purpose for some of these research projects might be.

We would need to understand that the exact student data that will be provided will be spelt out clearly in the regulations. We need an assurance from the Minister for Education and Training. Indeed, the exact student data that can be provided being laid out clearly by way of a regulation will allow the scrutiny of the Parliament to ensure that it reaches the standard that most people expect for the protection of their private details and data.

We would also like some confirmation from the government that it will consult with the Association of Independent Schools WA, Catholic Education WA and parent bodies on the regulations before they are tabled. We have heard much this place about consultation. We heard it from the Treasurer today when he talked about consulting with the gold sector. But having a meeting with a sector and saying, “This is what I’m doing”, is not consultation. With this sort of sensitive legislation and regulation we would expect the minister to form a committee of representatives from AISWA, Catholic Education WA and the parent bodies—the Parents and Friends Association and the Western Australian Council of State School Organisations—to have some input into the regulations that will prescribe the scenarios in which it will be appropriate to release identified data about our students. We have not heard the minister’s intention about consultation on the drafting of those regulations, but I hope that there will be meaningful consultation and that the concerns of those bodies can be addressed ahead of the drafting of the regulations. I hope it will not be the case that a regulation gets drafted, a meeting gets called and people are handed a regulation and told, “This is what we’re doing.” That is not actually consultation. It is basically giving people a heads-up and saying, “Here’s what we’re doing—hope you like it. If you don’t, too bad; we’re going to table it in Parliament.” That is what we saw with the gold royalty, which the other house disallowed, largely due to the lack of meaningful consultation.

We would like to get a time line of when the government envisages the regulations will be tabled in Parliament so that we know when to be looking for them to ensure that we will be part of that process, that the checks and balances that we have requested are included by way of the provision of the bill for the creation of regulations, and that our test of the strength of those regulations, conditions and provisions for the release of data will be met.

In closing, I look forward to the consideration in detail stage when we can examine these issues more closely. I know that other members wish to contribute to the debate on this legislation. Once again, I hope that next year we see the government acting in a more coordinated and organised fashion when it prioritises the legislation that it brings to this place. It should be rare to declare a bill urgent for debate in Parliament. It certainly should not be in response to a looming deadline that was not met because the minister was not paying attention or the government was not prioritising legislation appropriately. The government certainly should not move to declare legislation urgent because the Attorney General or the Premier needs a media event to take the pressure off and the focus away from an issue that has run out of control in their respective portfolio areas. Legislation is declared urgent only when a decision is pending and there is no way for the government to respond other than to require the legislation to be declared urgent.

In 2016, NAPLAN Online was mooted to start in 2018. Government agencies had a year to look at enabling legislation for our students to participate in the program. That did not happen; the legislation did not get the priority that it should have. Instead, other legislation is being given priority, such as the Animal Welfare Amendment Bill. We have had lots of debate on the appropriation bills. Appropriation bills from the previous Parliament have been brought forward for debate with many members standing and debating legislation that was given priority ahead of this bill. The Local Government Amendment (Auditing) Bill was assented to in September. That was done and dusted before the introduction of this legislation that is required to be in place before Parliament rises this year. It is very disappointing to see the abuse of the parliamentary process and an urgency motion being required because a minister has been caught napping. However, we understand the importance of that and, in any event, in this chamber we do not have the numbers to prevent a bill being made urgent on the floor of the house. It will be declared urgent regardless of what we think about it, but I would like to see greater respect given to the parliamentary processes. Hopefully, over summer, the ministers in the new government will brush up on parliamentary processes and conventions and the government will be on a better footing when we start the parliamentary sessions in 2018. I hope that we will not see ridiculous stunts being pulled instead of the proper respect that should be shown for the members who have been elected to consider legislation in this place on behalf of the community.

We have all been elected on behalf of our representatives to represent their interests in this place and we should all be treated with the respect that the standing orders ordinarily provide for when it comes to legislation being

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brought on for debate. Legislation on the release of private and identifiable information about our children should not be subject to urgent debate. There should be consultation and good sound briefings. Certainly, an amendment sponsored by the government to strengthen the legislation should not be required as the legislation is debated. We would not see that if there were a considered process to determine the legislative agenda. However, we have seen that numerous times. I hope for the government's sake and for the sake of the community of Western Australia that we see an improvement in processes next year.

MR M. HUGHES (Kalamunda) [4.50 pm]: I, too, rise to speak in the second reading debate of the School Curriculum and Standards Authority Amendment Bill 2017. I thank the Deputy Leader of the Opposition for her comments. I think both sides of the house would agree this mechanical bill will address the drafting oversights in the School Curriculum and Standards Authority Act that have meant that the School Curriculum and Standards Authority of Western Australia is not able to release identifying data for the purposes of testing or research. As far as I understand it, the provisions of the current act limit the capacity of SCSA to do that. This deficiency was known to the previous government. It became aware of that fact, and as a result, in terms of its relationship with the Australian Curriculum, Assessment and Reporting Authority and the provision of National Assessment Program — Literacy and Numeracy testing data, significant work was undertaken by the previous government for it to participate fully in the national assessment program regime. That is a fact. This deficiency in the legislation was known to the previous government. This government came into power effectively when it was sworn in on 17 March. By 27 March, cabinet indicated to the drafters to proceed to bring about the necessary amendments to the legislation to fill the deficiency that was well known to the previous government. I think the argument that the government's processes have been sloppy and it has been caught on the hop are a little mischievous and unwarranted. Albeit this seems to be a simple piece of legislation—there are only eight clauses—it required detailed consideration by a large number of interested bodies outside this Parliament, who contributed to determining how the bill would meet the required objectives. To understand public perceptions, the bodies that were brought into discussion for consideration of the proposed legislation included WA's five universities, the Department of Education, the Catholic Education Office of Western Australia, the Association of Independent Schools of Western Australia, the Department of Health, the Government Chief Information Officer, the Information Commissioner, the Western Australian Council of State School Organisations, the Parents and Friends Federation of Western Australia, ACARA, the Telethon Kids Institute and the State Solicitor's Office. That is a rather large group for ensuring that the legislation that has come to this Parliament will be sufficient to, in fact, meet the needs of providing information to ACARA and for Western Australian children to be able to participate in the National Assessment Program — Literacy and Numeracy. All parties consulted in the development of the bill support the amendments to the act. That is a simple fact. The bill has been brought in at a time when those consultations have been finalised, notwithstanding that it is at the end of a parliamentary period. Those are the facts. There is nothing mysterious or difficult about it, and the fact that the opposition might find a bit of a flap to pull against the government is between it and the way in which it wants to engage in the political process in this Parliament.

This bill is a mechanical bill that will address drafting oversights in the 2012 legislation. The bill will address the deficiencies outlined in existing legislation to enable the transfer of data by SCSA to, principally, ACARA and other bodies, and for the purposes of research that would or could identify individual students. I do not intend to go through the details of the legislation; no doubt that will be undertaken when detailed consideration is given to the bill, as I am sure it will be. The point made by the Deputy Leader of the Opposition about ensuring a belt-and-braces approach to privacy provisions, particularly in situations in which there is a proven case in which identifying data would be necessary, is, I think, an important point to be made. Discussions have taken place in the other place on this matter to indicate that there is agreement that this government will, during the process of consideration in detail, accept an amendment along the lines that were outlined by the Deputy Leader of the Opposition.

However, I would like to make some general comments about the National Assessment Program. Such programs are, I believe, now ubiquitous across the developed and developing world; they are everywhere. I will preface what I have to say by saying that these are my views, and the views that I express today are not necessarily those of the government. They are critical of an over-reliance on the national assessment regimes that have come into place—the ones that we are, in fact, subject to in this country. The Deputy Leader of the Opposition had it right in saying that NAPLAN—the member for Cottesloe referred to its precursor, the Western Australian Literacy and Numeracy Assessment—came into existence in 2008. You would agree with that, Madam Acting Speaker (Ms S.E. Winton), as a former teacher in schools. The point I am making is that this regime has been around for a long time. Supporters of NAPLAN would argue that, in theory and in practice, the National Assessment Program — Literacy and Numeracy is both necessary and beneficial, and that before NAPLAN, for too long it was impossible to measure a school's academic effectiveness or to know how individual students performed against agreed, acceptable national standards.

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That is all very laudable. Here we have an annual literacy and numeracy test for years 3, 5, 7 and 9. Of course, it is annual, because cohorts move through and, more importantly—going back to the point made by the Deputy Leader of the Opposition—it makes school results public on the My School website. Proponents would say that this ensures accountability by allowing parents to compare their child’s school against similar schools across Australia. That was never really intended, but it is something that has emerged. I would argue that it creates a great deal of stress on schools, and I will come to that in a moment. I am not the only one who believes that; academics have a particular view about it, too.

Thus, under the regime, we are told that teachers and parents are able to identify how well individual students are going in terms of the standards expected at a particular stage of schooling and in a particular age group. That is another point of difference. We are actually talking about a test that is administered at a particular age, regardless of the fact that we have different degrees of development and progress amongst students in any one year. Of course, it is also about looking at how students perform against other students in the same classroom, and I think that is actually quite odious in many ways; we should simply be looking at the way individual students are performing, rather than how they are performing against others. How they perform against a standard matters most. It is argued that at the system level, NAPLAN also permits government school sector authorities and researchers to analyse and evaluate why some schools and sectors achieve stronger results comparative to others, and to investigate and identify the characteristics of strong performing sectors and schools. All this may be true and who could argue against those perceived benefits, but the statistics show that despite a regime of NAPLAN being in existence since 2008, there has been very little demonstrated lift in the overall standards at any level. Apart from the first couple of years, around 2008 to 2009, there has been no significant change in the performances of the Australian and state student populations. We flatlined and, on that basis, public policy makers say there is something wrong with the quality of teaching and the quality of schools. I would take strong exception to that. However, notwithstanding NAPLAN’s apparent—I believe, real—benefits, there are several concerns and unintended consequences that were never resolved in the time that I was principal of a school and that I think need addressing. If we are going to have a discussion about identifiable student data going to the Australian Curriculum, Assessment and Reporting Authority, I think we have to look very closely at how ACARA perceives the usefulness of that information and, more importantly, the way in which it educates the press and parents about the importance of that information.

I am conflicted because I appreciate the need for objective data and see NAPLAN as a useful tool for teachers if it were used as it was originally intended. However, I am concerned how NAPLAN results are often misused as league tables by an ill-informed press to compare one school with another. If a public school happens to be achieving well comparatively with an independent school, the press will make odious comments about why parents would spend so many dollars on independent schools when, in fact, the results could be achieved over there or, if an independent school is performing poorly, why would parents be spending those dollars at all. This really does nothing other than create dispirited situations for teachers and school communities because that data, in the public arena, is misunderstood by many parents. I am not alone in having misgivings about the public discourse that NAPLAN tends to engender. Dr Riddle is a senior lecturer in literacy and education, and English curriculum at the University of Southern Queensland. He has a very dim view about NAPLAN. Speaking about the 2017 NAPLAN results, Dr Riddle states —

“Quite frankly it doesn’t tell us much at all, it’s a big monster of a thing,” Dr Riddle said.

“I think its hyped up, people make of it a much bigger tool than it is. If it really was a diagnostic tool for teachers, parents and students, there would be no need to publicly report it.

“My opinion, after working with it for the last decade, is it gives very expensive fodder to people who just want to take a bash at teachers not doing a good enough job or at students not being able to read or write.

That is the kind of inference that NAPLAN creates for an uneducated press and a much-misled public. Dr Riddle is not the only one who has things to say about NAPLAN. Members may know that in 2013, a Senate committee looked at a range of adverse consequence emerging from NAPLAN including narrowing the curriculum and the development of a NAPLAN preparation industry and creating the perception of NAPLAN as a high-stakes test—that is how it is perceived by schools and some parents. The Australian Primary Principals Association found in a survey that two-thirds of respondent principals believed that NAPLAN had a negative impact on student wellbeing. With that in mind, the committee recommended that the Australian Curriculum, Assessment and Reporting Authority monitor NAPLAN results to ensure that it delivers targeted funding to schools and students who require support. I am not quite sure of the connection between the two.

The real issue is the way the National Assessment Program — Literacy and Numeracy is being used for focuses other than for which it was intended. Dr Bronwyn Hinz, the Policy Fellow at the Mitchell Institute,

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Victoria University told Education Matters recently that some schools and parents have overemphasised the importance of the NAPLAN test, which she says is not a high-stakes test. My concern is echoed by those academics. It relates to the inordinate amount of time, under the current system, between students sitting the test and schools receiving the results. Under the existing regime, that can be up to six months. It is hardly a useful tool in those terms for the cohort of students in front of the teacher. The NAPLAN Online movement from pen and paper tests to computer-generated tests, which this School Curriculum and Standards Authority Amendment Bill foreshadows, appears to address this flaw, giving teachers and school leaders more timely feedback. Additionally, it gives the ability to individualise tests to suit the strengths and weaknesses of particular students as the test is progressively completed. In other words, to test the threshold at which in fact they fail to understand a particular concept will be an interesting refinement and, potentially, a useful one, I believe, for teachers. There is a positive aspect to NAPLAN Online but the corollary to that is how we are using NAPLAN in the public arena.

[Member's time extended.]

Mr M. HUGHES: A second issue for me arises as a result of schools' performance being publicly ranked. This bothers me the most. This results in some schools spending significant time preparing for NAPLAN tests to the detriment of their students and the curriculum. Time is lost to important activities such as dance, drama, music, art and physical education. The way in which NAPLAN is perceived by the schools in these situations distorts the curriculum experience of students. By focusing on what is now considered to be a high-risk test, the curriculum is narrowed and students miss out on a broader, more balanced curriculum. This is not a good outcome but it is an all-too-familiar story. I believe it is unquestioned that subjects such as dance, drama, music and art plus physical education are vital to learning as is the appreciation and performance of music. They are all important aspects, particularly for young children at school. Learning to draw, for example, and learning to paint and developing strong motor skills, especially eye-hand coordination, are known to strengthen basic literacy and numeracy skills. When teachers are confronted with pressures from within schools to ensure that students are ready for NAPLAN rather than NAPLAN being a test of what is taught within schools, it creates a real problem.

Jacques Delors' *The Treasure Within*, a fairly famous tome, which made statements about the nature of curriculum in schools and what a good curriculum in schools would be, established, effectively, four pillars of learning: learning to do, learning to know, learning to be and learning to work together. Those are the real pillars of education. NAPLAN and the way in which its use is distorted, pulls at those pillars in far too many instances and we should be cautious about that. To do well, students need a comprehensive, rich and balanced curriculum. It is also true that instead of preparing for NAPLAN in isolation by drilling students in copycat tests, effective teachers make literacy and numeracy an integral part of normal classroom activities and, as a result, students perform well in NAPLAN tests. Pressures to teach the test are very real and cannot be underestimated.

The third issue, which was alluded to by, I think, both of the academics—I have not read extensively what they say about NAPLAN—relates to the industry that has grown up around NAPLAN. The profusion of NAPLAN tutors, textbooks and websites specifically dedicated to preparing students for NAPLAN have come into existence with the allure that if taken up by parents, their child will excel in the test. It reminds me of the door-to-door encyclopaedia salesmen of my childhood, who used to rove over the council housing estate offering expensive sets of encyclopaedias to families ill-equipped to pay for them. Their selling point was that would give their child an edge in the education stakes. Believe me, I think the NAPLAN industry is in the same category as the door-to-door encyclopaedia salesmen of my childhood. Parents are prompted by anxiety to spend money on low-quality tests that do not add any real value. As we know, there are far better ways in which parents can help strengthen their child's literacy. I believe the most important is by taking an interest in, and being engaged with, their children's activities both in and outside school. Parental engagement in their children's education is an essential ingredient in ensuring educational achievement. Rather than spending money on NAPLAN tests, parents should take their children to the museum, the zoo, the art gallery and other interesting places, rather than drilling them on the NAPLAN test. That is my considered view.

NAPLAN as it is currently configured is a once-every-two-years fairly basic test for a particular cohort. According to Professor Margaret Wu, there are concerns about the reliability and credibility of NAPLAN. Although the impression that is given is that NAPLAN is scientifically exact and a true measure of a student's academic ability, the reality is that NAPLAN is not as precise as the Australian Curriculum, Assessment and Reporting Authority would like to suggest. Professor Wu holds that the validity and reliability of large-scale assessment regimes such as NAPLAN is under threat from multiple sources, including measurement and sampling errors, measurement disturbances and administrative challenges. Kevin Donnelly, senior research fellow at the Australian Catholic University and a former member of the Victorian Board of Studies, has suggested that we rethink the My School website to make it impossible for schools to be ranked and, therefore, for parents to be concerned about how well their children's school is doing compared with other schools. He goes further to suggest that the test be voluntary

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for school communities that do not wish to be involved. I wish him luck with that. I suggest that such a radical step would never gain favour given the ubiquitous adoption of these types of assessment regimes almost globally. I suggest also that we should call for a far more restrained statement from ACARA about the value of NAPLAN. That would help better educate parents and the general public about the purpose of NAPLAN. It would also encourage parents and the general public to see NAPLAN as an aid rather than a judgement statement about the effectiveness of teachers and the competence of the schools to which parents send their children.

The unanimous view on both the government and opposition side is that the administrative glitch or oversight in the 2012 amendments—which were made when the now opposition was in government—needs to be fixed. I agree wholeheartedly with the Deputy Leader of the Opposition that privacy of information is very important. We should regard privacy as a treasure. We should be concerned when government agencies lay claim to unbridled access to identified data for very good purposes. I know the Deputy Leader of the Opposition does not believe there is anything malevolent in what is proposed in this bill. However, we should tighten the privacy provisions of the bill to ensure that if parents have legitimate concerns that as a result of the use of identified data, their life story could be tied to things in ways they would rather it was not, that can be managed by the wisdom of both houses of this Parliament.

Having trolled through my concerns about NAPLAN, I am realistic, and I accept the fact that Western Australia has signed up to participation in a national assessment program, and we should honour that. We should not, however, be afraid of making criticisms of initiatives that have overreached themselves and, in instances, because of uninformed use of that material, created unintended consequences and worked in opposition to the good education of children in our community. I commend the bill to the house.

MR T.J. HEALY (Southern River) [5.16 pm]: I rise to speak to the School Curriculum and Standards Authority Amendment Bill 2017, which amends the School Curriculum and Standards Authority Act 1997. I will discuss the bill and its effects and, similar to the member for Kalamunda, my own views as an educator in this place on this issue and its effectiveness. That will be a focus of my speech on the bill. I will also discuss local schools in my electorate.

As the member for Kalamunda indicated, this is an administrative bill that will allow the disclosure by the School Curriculum and Standards Authority of data for student registration in online NAPLAN testing when we take part in that in 2018. The NAPLAN acronym is the National Assessment Program — Literacy and Numeracy. There are a number of national assessment programs, and the most prominent of them is the annual NAPLAN test, conducted in May, that affects years 3, 5, 7 and 9. The current wording of the bill prevents disclosure of information in this and other education-related programs. It has been mentioned that this issue was identified in 2013–14. I guess we did not foresee that the internet and online resources would be factors. The alternative to passing this bill is that we would have to obtain 120 000 individual consents, which is not realistic. My understanding as well is that this bill will allow the Telethon Kids Institute and the Australian Institute of Health and Welfare to continue compiling research.

As an educator, I am no fan of standardised testing. I endorse the minister's second reading speech on this, and I wish to echo a few of the comments. The speech reads —

Educational outcomes are affected by factors beyond what the education system can influence, such as social and environmental circumstance, and the culture of their home learning environments. The provision of identified student data is vital to better understand these factors to evaluate and improve the education services and outcomes.

I certainly concur with that. I have views critical of NAPLAN and standardised tests. As I said, these are my views, as an elected representative and a teacher, not necessarily the government's. I do not call for Western Australia to secede from national testing, but I will make some comment on our existing system, and I look forward to being part of a government that will improve that system. I acknowledge many teachers in this place—the members for Kalamunda, Wanneroo, Midland, Mandurah, Churchlands and Warren–Blackwood. The member for Cottesloe was a lecturer at Western Australia Institute of Technology, which later became Curtin University, my university. The member for Cottesloe's name is in my curriculum framework from many years ago when I became a teacher.

Mr C.J. Barnett: I deny any responsibility.

Mr T. HEALY: It was simply the member's name on the inside of a book, I meant to say, about outcomes-based education.

I mentioned that NAPLAN testing addresses years 3, 5, 7 and 9. It is a test that takes place in the first few weeks of the second term in May.

NAPLAN assesses writing and literacy skills. There is a grammar test and also a numeracy test. If children are absent, there are days for repeating testing, and it can be quite a big chunk of time. As an educator working in a school, it is quite a lead-in before the actual week. It is certainly several days of stress for many students. I wish

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to say on behalf of the many students and families who get very stressed about the NAPLAN that no test can ever measure someone's worth. No standardised test can ever tell you that you are a good person. No standardised test can really sum up all the things that we want to get out of our education system. We do not test for friendliness and friendship. We do not test for citizenship. We do not test for care or for love. We do not test whether students care for others.

I would like to mention one of my schools that is doing quite well. The Premier, Mark McGowan, was at Huntingdale Primary School recently, and I would like to share an article from the local *Examiner* by Juanita Shepherd titled "Premier praises student's kind act". This is the sort of stuff that I would love to be able to test and to share more in schools in my electorate rather than discussing NAPLAN data. If the Deputy Speaker allows, the article reads —

Last month Huntingdale Primary School celebrated its 40th anniversary but unbeknown to many there was a behind the scenes event which was heart warming and special.

Year two student Vaughn Keys was presented with an award which was then personalised by Premier Mark McGowan for an act of kindness towards a younger student.

When Vaughn saw a year one student crying profusely because he had forgotten where to sit for lunch he put his arm around his shoulders and helped him work out his problem.

...

and invited the year one child to sit with him for lunch,"

... then invited him to play with his group."

A teacher at the school said —

... she was so touched to see the school values and motto 'I care' put into practise by a young student she spoke to principal Edd Black.

"A decision was made to award him with a special acknowledgement of his act of kindness and caring," ...

The next day, when we were there for the fortieth anniversary, the Premier met with Vaughn and spoke to him. He really emphasised how wonderful and beautiful Vaughn's character is. Mr McGowan wrote a personal message on the back of the honour certificate. He wrote, "Dear Vaughn, you are a very good kind boy who thinks about others. Don't ever change." I commend Vaughn and his school, Huntingdale Primary School. Vaughn's teachers know whether he can read, write and count. They focus on what they need to. Obviously, they are also ensuring that other values are put in place.

Imagine a national system that invested in classroom resources and education assistants, and encouraged acts of humanity like Vaughn's. It is my view that standardised testing does not improve any student's reading, writing or numeracy. The funds at the state and federal level, which are significant, and the class time—do not discount the amount of class time devoted to test preparation and awareness of those NAPLAN tests—dedicated and, I guess, in some ways taken from our young students are significant. Imagine if those class hours, the teacher time, the administration time and even the budgets that go into NAPLAN testing were directed to one-on-one reading, small numeracy assist classes and Sound Way literacy programs. We could significantly increase the number of priceless education assistants in needy classrooms across the state.

I would like to refer to a media article from the ABC News website of 2 August 2017 by Meredith Griffiths in which she discusses NAPLAN as a missed opportunity. The article states —

Education assessment specialist Dr Rachel Wilson from the University of Sydney said results had not improved enough over 10 years.

"This presents really as a missed opportunity," ...

Dr Wilson said there were other ways of testing children which could have led to better results.

"Those assessment systems are not high-stakes, they are usually operated at the teacher level and involve the teacher really understanding students and what they know through classroom-based assessment," ...

Am I saying that we should not test students? No, not at all. Is it important to identify areas of need? Yes, it is. Is it important to see which areas we need to focus on? Yes, it is. But I can identify areas of need by postcode. I do not need a NAPLAN test for that. I can tell members where the schools are that need further focus on literacy and numeracy every year simply by looking at the school's postcode and its suburb. I do not need that NAPLAN test; I do not need the annual standardised test.

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NAPLAN data is very hard to interpret even for skilled educators. My School is a resource available at the federal level but it is not a reliable interpreter of NAPLAN data, and, of course, ranking schools does not help. I note that the information on the My School website for Southern River College in my electorate, and Rockingham Senior High School, is out of date because it states that the schools start at year 8, which has not been the case for some years. I ask My School to consider updating some of its information.

The School Curriculum and Standards Authority Amendment Bill 2017 provides for a move towards online NAPLAN, which is where the test will go. It has predominantly been a written test. Students sit at a desk with pencils and big booklets. They are given multiple choice questions for literacy and numeracy and are required to shade in a box. That will now be a click-box. For writing, it is often a short written essay, a letter or a written piece on a variety of topics. Students are not pre-informed of the topics but are prompted in the test. They are given prompts and are asked to write—that is the writing component. As an English teacher, if the levels of digital literacy are sufficient, a move to online NAPLAN will make some things a little easier. But one of the big challenges, certainly in schools across Gosnells, Huntingdale and similar areas, is that children’s handwriting is poor and, unfortunately, that affects their score.

I refer to an article that appeared on news.com.au on 2 August 2017, which is headed, “NAPLAN results show decline in writing skills”. It is written by Charis Chang, and reads —

... Victoria Minister for Education James Merlino blamed technology for the state’s poor handwriting results.

...

“I think that’s part of our concern. Education ministers all around the nation ... (are) very firm in the belief that we have to continue (with) primary school-level writing being handwriting ...

Mr Merlino said a balance needed to be struck to ensure students could still write.

For the 10 years that NAPLAN has existed, a great challenge for the children and students in my electorate has been their ability to produce legible, handwritten work. It is a stress and a pressure.

The Minister for Education and Training, Hon Sue Ellery, is doing some great work to address this issue but I am looking at it from both angles. Although a written test has its advantages for some poorer communities, so will online testing disadvantage some poorer school communities. Does every student have a laptop at school? Does every student have access to a computer for at least one hour a day at school, be that a standalone tower system or a MacBook? If a school is at the fantastic level of having a one-to-one system, how many years has it had the ability to deliver that, because all those factors come in, including whether a student can write 500 words in a certain period, whether they are familiar with a mouse and other technology and whether the strength of the school’s wi-fi and the network are sufficient. Again, I commend Sue Ellery. In 2017 she pulled WA out of the testing for online NAPLAN because it was not sufficient and she was not confident about the levels of resourcing for our students. I appreciate that she will address this as time goes on.

I will speak briefly about the Online Literacy and Numeracy Assessment, which has had its issues and is related to this field. If students do not score in the relative top band of their year 9 NAPLAN, they are required to sit another type of NAPLAN test. They get two opportunities to do so in years 10, 11 and 12. Once they have passed, they do not have to continue, but this also creates certain challenges. I know many students who have trouble obtaining their Western Australian Certificate of Education. I knew, as their English teacher, that they could read and write, but they had not been able to pass that standard online test. Again, I appreciate that the government is working towards looking at that.

One of the significant influxes of infrastructure certainly came from the federal Labor government of some time ago. Federal Labor gave thousands of MacBooks to my community, and to all of our communities. That was 10 years ago now. It built new classrooms as part of the Building the Education Revolution. Those things will certainly lift test scores; they will certainly help lift literacy and numeracy in schools. I am a Sue Ellery fan. She talks about the need to address access and equity in our education system, and I think it is fantastic that she is doing that.

I would also like to take a moment to commend the many educators, teachers, education assistants, student services staff, admin teams and the school executives who do so well in managing tough circumstances every May for National Assessment Program — Literacy and Numeracy. There are many external factors that they have to manage in teaching their students, and they do a great job.

[Member’s time extended.]

Extract from Hansard

[ASSEMBLY — Tuesday, 21 November 2017]

p5809d-5850a

Mr Paul Papalia; Mrs Liza Harvey; Mr Colin Barnett; Mr Matthew Hughes; Mr Terry Healy; Mr Zak Kirkup; Mr Chris Tallentire; Ms Libby Mettam; Ms Sabine Winton; Mr Reece Whitby; Mr Ian Blayney; Mr Bill Marmion;
Dr Mike Nahan

Mr T.J. HEALY: I refer to the My School webpage for one of the schools in my electorate. Again, it is not always the most accurate. This speech, if anything, may prompt an update of that website. The first line of the blurb for Caladenia Primary School states that the school is four years old. That school is actually 10 years old, and so is NAPLAN. With the indulgence of the house, I would like to make a few comments about the fact that it is the 10-year anniversary of NAPLAN and of my school, Caladenia. I congratulate Caladenia Primary School, one of the outstanding schools in my electorate of Southern River, on celebrating its tenth anniversary. It opened 10 years ago. It is a school that was fought long and hard for by Paul Andrews, MLA, the former member for Southern River, and I commend his work in bringing that school to be. I acknowledge Mark McGowan, who was the education minister at the time we funded and built the school. I note that former Premier Alan Carpenter opened the school 10 years ago. I acknowledge our current principal, Ted Nastasi, a finalist last year in the Principal of the Year Awards; deputies Paula Asplin, Robert Smyth and Craig McIlwraith; and the many incredible staff and educators. I acknowledge our inaugural principal, Simon Reid, for his stewardship. We have an exceptional school board at Caladenia, headed by Carole Veneris, and a proactive and passionate parents and citizens association headed by Tracy Sartori, who represents our amazing families. The students of Caladenia Primary School are of high calibre, intelligence and passion. As a local teacher, I have worked with and taught many Caladenia students and I confirm that they are students of great talent. I also proudly display art from Caladenia Primary School in my electorate and parliamentary offices. Earlier this year I was honoured to have the current year 6 student councillors of Caladenia Primary School here at Parliament House for lunch. With your indulgence, Deputy Speaker, I would like to commend the student councillors: Imogen Nicholls, Serena Murray, Charlize Lamb, Skye Holden, Yishen Liu, Jessica Birrell, Teon Tong, Jonty Cockerill, Tom Murray, Isaiah Denton, Gurbaz Singh and Ryan Crofts. I also commend the staff: Mrs Ashby, Mrs Priestly, Ms Justine Arnold-Glossop, Mr Ted Nastasi, Mr Robert Smyth and Mr Craig McIlwraith. I know the future of my community is bright with such exceptional young people, and I look forward to the tenth anniversary assembly later this week. I will be proud to stand there at such an incredible school as a member of Parliament.

The 2016 NAPLAN data for Caladenia Primary School for years 3 and 5—that is the cohort dealt with—for all reading, writing, spelling, punctuation and numeracy is substantially above that of similar schools and above the national average. It has been consistently, and the school is to be congratulated. Caladenia is a great school. It cares for its students. But what do we gain every year by putting those students through that test to attain the same results and to tell us things that we already know? What are the solutions? I am not going to whinge about NAPLAN. I believe that when we increase education funding, we improve children's real literacy and numeracy standards. When we address the low socioeconomic areas and put funds into them, we improve local students' reading, writing and numeracy skills. More education assistants and program funding make a difference. The previous Western Australian Liberal government left education in a mess. It cut funding. There were overcrowded schools, and poor information and communications technology, including wi-fi and hardware. The federal Liberals cut funding to Gonski. When it cut funding to Gonski, further schools were hurt.

I think we all agree that more education funding will assist in supporting our students. This McGowan Labor government will improve literacy and numeracy. We have already put more education assistants into over half of the schools in my electorate of Southern River. We have more Aboriginal and Islander education officers. We are building two new schools in Southern River after none were built for eight and a half years. There is \$8.4 million worth of infrastructure going into Southern River College and \$2 million going into Canning Vale College. I have talked about other outside issues. We are also finally dealing with meth addiction in my community. We are dealing with domestic violence, poverty and homelessness. When we make strides towards reducing the percentages of those issues that affect my community and take the kids out of class, we will improve literacy and numeracy in Gosnells and Southern River.

I commend the minister's second reading speech when he said —

Educational outcomes are affected by factors beyond what the education system can influence, such as social and environmental circumstance, and the culture of their home learning environments.

I concur that the provision of identified student data is vital to better understand these factors to evaluate and improve education services and outcomes.

Again, these are my views, not the government's. I look forward to being a part of a government that funds and builds schools, employs teachers and education assistants, deals with domestic violence, and addresses meth, poverty and the disadvantaged in Gosnells and Southern River. We will make real community change for the people of Canning Vale, Gosnells, Huntingdale and Southern River. I commend the bill to the house.

MR Z.R.F. KIRKUP (Dawesville) [5.36 pm]: I, too, rise to join the opposition in speaking to the School Curriculum and Standards Authority Amendment Bill 2017. Perhaps uncharacteristically of me, I will not

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attack the government for its extensive failings thus far in its short term of government. I think it is worth making the point, echoing the member for Scarborough, that I do not consider this bill to be particularly urgent either. As the member for Scarborough pointed out during the urgency motion, it is a bit of an abuse of this place when a bill like this keeps the Minister for Tourism in this place, representing the Minister for Education and Training, when he should be out there getting as many tourism jobs as possible. This bill will enable electronic data exchange, as the member for Southern River pointed out, but it is not urgent for two reasons. The first is that although we are dealing with what I consider to be an unusual process in declaring bills urgent, they are not part of the list of urgent bills being dealt with in the upper house. As the member for Scarborough pointed out, all of us in this place are being asked to progress an urgent bill that will languish in the upper house because it simply will not be dealt with there. Secondly, as the member for Southern River pointed out, NAPLAN testing takes place in May. It will start in Western Australia on 18 May next year. That is five months and 27 days away. I find it remarkable that we need to progress a bill urgently to try to deal with that situation.

In response to the urgency motion, the minister argued that the School Curriculum and Standards Authority needs time to implement the process. All of us in this place know—certainly ministers and those who help serve ministers—that the authority has likely already put those plans in place to deal with it. It simply needs the legislative power to do so and that will be granted by this place at some point. The opposition agrees with the bill. It will agree to it when it gets to the upper house but it simply cannot see the need for the urgency. Once again, it is lazy legislating from this government.

It is again rare, but I empathise with the Minister for Tourism who has to deal with this. I feel as though he has been sold a bit of a pup in the sense that he has to deal with this as an urgent bill. It is simply not the case. I will get off that now —

Ms S.E. Winton: Talk about the bill!

Mr Z.R.F. KIRKUP: I will.

Ms S.E. Winton: That would be good.

Mr Z.R.F. KIRKUP: I appreciate the member for Wanneroo being here; I really do. I will talk to an issue more substantively about this bill and it is something that matters greatly to me. In my maiden speech, I spoke about the oppression that has been orchestrated on Aboriginal people since colonisation. I spoke about my family and, indeed, today the member for Kimberley told me that she had spoken to some people when she went back during the sitting break and found that it was likely that my grandfather has been referenced by an organisation tracking some members of the stolen generation. That is something that I had not been told, probably because records of my grandfather's movements are quite limited. The experience of Aboriginal people with this place is that they have been actively segregated and subjugated because of decisions made and legislation agreed to by previous Parliaments. All of us in this place know that Aboriginal people face significant hardships, disproportionate to those of the western population; that is no secret. We look at things such as Closing the Gap in relation to health, and there are dedicated campaigns to help address those issues. The issue that I would like to address today, as the member for Wanneroo encourages me to deal with this bill, is the shortfall that I see in the provision of education services for young Aboriginal people. We all know the value of education. It changes lives for the better and it improves all of us and makes us all better citizens and, ultimately, a better society. The public school system, which was fundamentally rebuilt by the previous government, helps provide an enriched educational experience for young people, regardless of their circumstances. The public system is fantastic. I am a product, as I suspect many in this place are, of the public education system. Specifically, as part of that, I would like to talk about the education department's efforts with PEAC, the Primary Extension and Challenge program, and the gifted and talented programs that exist. This is about NAPLAN and testing. It is important that we talk about these enriched educational programs that are on offer.

To provide some context for the rest of my remarks, I would like to bring to the attention of this place an article that was published in the *Journal of Public Administration Research and Theory* in April 2016. The article is titled "Disentangling the Casual Mechanisms of Representative Bureaucracy: Evidence From Assignments of Students to Gifted Programs". The article was authored by a number of academics from Indiana and Vanderbilt University, so it was obviously done in the context of education in the United States. But it is important, because the study itself looked at some 10 000 students in kindergarten, 9 000 students in first grade, 8 250 in third grade and 7 000 in fifth grade across the US education system. In this longitudinal study, it was found that the authors were able to —

... predict differences in the probability that an elementary student is referred to gifted services by race. Our results suggest that black students are more likely to be referred to gifted services when taught by a black teacher but that increased presence of black teachers in the school *other than* the classroom teacher has little effect.

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I quote what is obviously a US study. It is important to note in this place the contribution of these academics because they found that there was, generally speaking, a significant under-representation of African–American students being referred to gifted and talented programs in the US education system. I quote part of the conclusion from the authors of the article. It states —

Generally speaking, analyses of those data suggest that black students are assigned to gifted services at higher rates when their classroom teacher is black and that the presence of black teachers in the school *other than* the classroom teacher has little effect. They suggest that one of the mechanisms underlying this active representation is more positive subjective assessments of students by teachers of the same race. Finally, the results *do not* indicate that changes in the behavior of students or their parents, both of whom can be considered clients in the context of education organizations, explain higher gifted assignment rates for black students by black teachers, though we acknowledge that measures of client behaviors more specific to the gifted assignment process ...

I quote the article because it is a university study that shows an unconscious bias in the education system of the United States. My concern is that the same unconscious bias may exist across other western education systems. Indeed, it piqued my interest and so on 17 October, after reading that article, I asked a question on notice to the Minister for Education and Training about enrolments in PEAC and gifted and talented programs and the student cohort, the answers to which came back today. I would like to go through a bit of that. I asked for a breakdown by year group of the total population of the student cohort and those involved in PEAC divided by all students and those who have identified as Aboriginal or Torres Strait Islander background.

As part of the answers to those questions, I found that as of 1 July 2017, there are some 300 849 students across the public school cohort. Of those, 8.12 per cent are Aboriginal—that is, 24 426 Aboriginal students across the cohort. Many former teachers here will know that Primary Extension and Challenge programs are delivered in year 5 and year 6, with gifted and talented programs delivered in year 7 through to year 12. I asked for a breakdown of students involved in gifted and talented and PEAC programs. Going by year, we found a significant under-representation of Aboriginal students in those programs. For example, in year 5, 823 students are involved in PEAC across the education system, but only two of them are Aboriginal. In year 5, 3.38 per cent of the student population is enrolled in PEAC, but 0.24 per cent of the Aboriginal student population is involved, which is quite a significant shortfall. There are shortfalls right the way through. It concerned me greatly that 806 year 7 students were enrolled in a gifted and talented program but not a single Aboriginal student was enrolled. That under-representation goes all the way through. An average of 4.35 per cent of the cohort is involved in PEAC or gifted and talented programs, but only 0.75 per cent of the Aboriginal student population is enrolled in those programs. That is a chronic under-representation of that student population.

PEAC and gifted and talented programs offer students an enriched educational experience. At Woodlupine Primary School, I was brought into a PEAC program and it helped to provide a far more enriched educational experience. These programs provide extra attention to and focus on those gifted students. I find it unusual, and it concerns me greatly, that not a single year 7 Aboriginal student is considered able enough to join a gifted and talented program. It is a great concern of mine.

Ms S.E. Winton: Just now, or for the last eight years?

Mr Z.R.F. KIRKUP: The member for Wanneroo is quite right. Although she seeks to colour this with a partisan filter, I suspect that this has been an issue right across governments, regardless of the political party. The member for Wanneroo may seek to make a political issue out of this. On the other hand, my contribution seeks to draw attention to what I think is a chronic problem. I am greatly surprised that she has sought to politicise this at this juncture.

Ms S.E. Winton: I'm just pointing out that it's been going for a long time.

Mr Z.R.F. KIRKUP: Indeed. The chronic under-representation of Aboriginal students who are not involved in these programs continues what we in this place all see and know. It is perhaps an inherent bias. The same level of focus and attention is not given to helping those who are most in need. As we know, Aboriginal students are likely to face unusual problems disproportionate to those of the rest of the population. All of us in this place should do all that we can to make sure that we pay more attention, and the Department of Education pays more attention, to ensuring that they are enrolled and actively involved in those programs. The study that I mentioned before demonstrates the need to have more Aboriginal teachers involved in the state's education system. The previous government set an ambitious target for involving more Aboriginal people in our education system. More effort needs to go into those outcomes so that we can see more Aboriginal teachers involved in the classroom and thus, perhaps, try to address what seems to be, in these studies, an unconscious bias. Perhaps the government should consider putting in place active targets to recruit more Aboriginal students to get them involved in those gifted and talented and PEAC programs. All of us would be better off for it. The Aboriginal population of Western Australia

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would be far better off for it. Indeed, I think it would help to address a shortfall in the education system's delivery of those important programs to the Aboriginal people of Western Australia. I commend the bill to the house.

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [5.50 pm]: I am very pleased to rise to speak to the School Curriculum and Standards Authority Amendment Bill 2017. The contributions from members have been of great substance. The contributions from education professionals, such as the members for Kalamunda and Southern River, and the very worthy contribution from the member for Dawesville, make the tone of this debate all the more fitting of this Assembly.

The point of this legislation is to ensure that the data and information on students that we capture are readily available and transferable to national bodies and researchers so that important assessments can be made. One of the best examples of how the information gleaned from the data gathered by the School Curriculum and Standards Authority can be used relates to things that are medical in nature. The Telethon Kids Institute, for example, may request access to some of the information on performance. That is a very worthy use of the data. I heard from members opposite, such as the opposition spokesperson for education, that there is concern about privacy implications. When there are health benefits, we have to weigh that up. Of course, we have to put in place whatever measures are necessary to protect the rights and identities of individuals. I am sure that that can be done with all sorts of blind numbering. Researchers are well practised at this. We need the mechanisms in place to enable it to happen.

Overall, I am very supportive of this legislation. We have heard from members on my side who have taken the opportunity to suggest that the National Assessment Program — Literacy and Numeracy is far from perfect. I well understand why they hold that view. No doubt when we ask a huge number of students to sit basically online exams, there is scope for inaccuracies and generalisations to be made. We are left wondering: if the great bard William Shakespeare had used his expression “the world's mine oyster” in a NAPLAN exam, where would he have ended up? He probably would have ended up in the bottom bands. I do not know whether that expression would have been well received by the markers at NAPLAN. We could use all sorts of examples from the bard's work that probably would not appeal to the markers of a NAPLAN exam. There are deficiencies, but we live in a world where we need to gather big data and analyse it as effectively as possible so that we can make broader policy settings as applicable as possible to the benefit of society as a whole.

I have been looking at the website maintained by the School Curriculum and Standards Authority. I was very disappointed to see the number of students taking higher level mathematics. This information is available on the site and it is worthy of the sort of analysis that I think we will enable by passing this legislation. What is overwhelmingly depressing is the decline in the number of students taking the harder maths courses. I understand that we can group the different mathematics streams in different ways. One of the observations that has been made to me comes from some people based at Murdoch University who have looked at this system. They are very concerned because it has great implications on prerequisites for courses and assessing the need for bridging courses. We think of our state government policy on STEM—science, technology, engineering, mathematics. We know that the economy has to go in that direction and that is where the employment prospects of the future are. However, the data on the number of students studying mathematics is really worrying. The information that is available to me is from the years 2014, 2015 and 2016. I am talking about the glory years, if you like, of the previous government. It is a really sad picture and we are going to have to work very hard to turn things around.

The first observation is that the percentage of candidates doing ATAR mathematics from 2015 to 2016 decreased by 3.09 per cent. That does not sound too bad, but it is bad. It is not good; it should be going the other way. If it were an increase of 3.09 per cent, we would be saying we should be doing much more—but it is going backwards. The percentage of students doing high level “specialist” mathematics has decreased by 2.09 per cent. Again, that is not dramatically bad, but it is not good. However, this is where it starts to get more worrying. The percentage doing medium level mathematics has declined by 32 per cent, which means that universities will have to increase the number of bridging courses in science, technology, engineering and mathematics subjects as well as in the business area. That is a 32 per cent decline in students doing medium level mathematics—in other words, we seem to have a problem in Western Australia. I do not know whether that is peculiar to our state—I suspect it is not; it is probably a national problem—but it is a problem whereby people are choosing to do easy maths. They have somehow got it into their heads that they will be able to focus more on other subjects if they leave the more difficult and more challenging maths. Bear in mind also that if a student chooses to go for the harder maths subject, it will result in a 10 per cent increase on their ATAR score, so there is an incentive for people to take the harder maths, but they are not taking it.

When I analyse the figures further, the story gets even bleaker. The simplest way of doing this is by looking at the study of mathematics at high school level in three bands. There is the high level maths—3A and B, 3C and D. That is the specialist band. Then there is the medium level maths—3A and B, 3C and D—methods. Then there is general level maths—2A and B, 2C and D. That is the applications maths. When we look at the figures, we can see this

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decline over only the 2014 to 2016 period, especially in the medium level maths—3A and B, 3C and D—methods. Of the students who took ATAR in 2014, 61 per cent opted for medium level maths—3A and B, 3C and D—methods. In 2015, it was also 61 per cent, but in 2016 it went down to 29 per cent—a dramatic decline. This is a very depressing story. It is not the direction in which we want the teaching of mathematics to go. It is completely at odds with the well-understood realities of the world today, that mathematics is an essential discipline for career opportunities of the future; yet we are not living up to that.

I also want to look at another very important educational area—that is, of course, languages. Again, the data presents a pretty depressing picture, and it is not unique to Western Australia. I recognise that. There seems to be a very serious problem across the anglophone world of students not studying a second or indeed a third language as is common practice in many non-English speaking countries. When we look at the figures, we see a tiny percentage of course candidates learning languages such as Chinese. It is perhaps a very difficult language, but it is one in which we have invested in primary schools such as Oberthur Primary School in Riverton, in the Leader of the Opposition's electorate. That school teaches in Chinese. We are investing there so I would have thought that the flowthrough from that would have increased the numbers. But if we take Chinese background written language, it is a tiny percentage—0.11 per cent in 2016. It is similar for other languages. It is a very disappointing picture. I should point out as well that the way this data is presented does not help with the analysis because it seems as though the name has changed or the way various courses are arranged has changed. It is a little bit challenging to sometimes make sure we are comparing like with like. Between 2014 and 2015 there was consistency; in 2016, things have been renamed, so we cannot always be sure that we are comparing directly like with like. That is something the Minister for Education will have to have a look at and it is a problem and a great challenge that we have inherited. No doubt after the dinner break, I will be able to continue and go into more detail about some of the problems we are facing with NAPLAN being a relatively poor surrogate indicator.

Sitting suspended from 6.00 to 7.00 pm

Mr C.J. TALLENTIRE: I resume my contribution to the second reading debate on the School Curriculum and Standards Authority Amendment Bill 2017 and clarify a point I made before the break, which is that currently in Western Australia, NAPLAN is not an online examination. It was, indeed, intended that NAPLAN would become an online assessment in 2017, but our legislation was not actually ready, so that has not happened. That is, indeed, why this legislation is so important, because it will enable us to fall in line with the other states and move to an online situation. I just wanted to clarify that.

I also touched on the issue of the Telethon Kids Institute which has, in the past, used the sort of information that is gathered through various exams like NAPLAN. It has used that information to great effect to look at various connections between background, learning difficulties and health problems. In fact, sadly, the Telethon Kids Institute has not received any information since 2012 because we have this problem with the current legislation. The necessary oversight under the act is not there, and that is what this amending legislation seeks to achieve.

Before the break, I was just beginning to talk about the importance of language education. I was looking at the figures on the School Curriculum and Standards Authority website and I saw the—it has to be said—appalling low level of language education that is undertaken at the WACE ATAR course examination level. How do we remedy that? That is a real question; how do we go about solving this problem? How do we make sure that future Western Australians have some sort of language capability? The Western Australian curriculum is actually really good on this point, and I will quote from it. It states —

Despite its status as a world language, a capability in English only is no longer sufficient. A bilingual or plurilingual capability is the norm in most parts of the world.

Mr W.J. Johnston: Hear, hear.

Mr C.J. TALLENTIRE: It is a very important point. Indeed, hearing those words of support from the member, I will raise a point that I have raised with the people who compile the *Parliamentary Handbook*. All 59 of us here in the Legislative Assembly and the 36 members in the other place are in that handbook and it goes through various bits of our backgrounds; it states where we were born and what educational qualifications and other things we have. I think we should insist that the compilers of the handbook include language proficiency skills. This is all about internationalising this Parliament and our Western Australian community getting greater recognition for the very important area of language skills. There are things that need to be addressed, and that is very clear from the School Curriculum and Standards Authority website.

This morning I was greatly encouraged when I heard a report on ABC radio that language classes would be compulsory for year 3 students in all Western Australian schools from 2018. I was greatly encouraged to hear that because I think it is how we should start. A lot of people will perhaps ask what language we should choose. The excuse is always thrown out that English dominates, so which language should we choose? My answer is that it

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does not matter which language it is. We have to accept there is a very strong connection between language and culture. One of the greatest benefits people get from learning another language is that they have to step into another culture and, from that other culture, they get to look back on their own culture and see it from another perspective. That is one great benefit and one of the reasons it is a wonderful thing for us to insist that our youngsters in year 3 and onwards learn languages. As to the question of which language it is, it does not matter but, certainly in the south west of this state, we really should look at teaching the Noongar language. What a great opportunity that would be for us to respect and acknowledge the traditional culture of this area. What a great way it would be for us to learn and appreciate that culture. That is something for us to look at. Schools will choose all kinds of languages. I mentioned the example of Oberthur Primary School in the Riverton electorate where maths classes are taught in Chinese. That is fantastic. I think that may be the pattern for a lot of schools in the future.

[Member's time extended.]

Mr C.J. TALLENTIRE: This is also really important. If anyone ever asks members why they should bother to learn another language, here is one of the best, self-interested reasons they can be given: a growing body of scientific research shows that the neurological pathways that are especially created in people who are fortunate enough to be bilingual are the best weapon we have against dementia. Imagine that! We are offering people something of an antidote to the problem of dementia. I think that is a great gift—an absolutely amazing gift—that we could give people. I will mention one study, which I think was a particularly cautious one, because I do not want to overstate this claim at all. A study by the University of Edinburgh compared groups of people with the same levels of cognitive decay in their brains—loss of cognitive capability—which can be mapped on MRI machines or CAT scans, whatever. They can show the level of decay and comparisons can also be made in post-mortems. A bilingual person has a five-year advantage over a person who is not bilingual. The study is not saying that people will not get the decay of the brain that causes dementia; their brains will still decay, but the brain's pathways will cope with that deterioration. The study from the University of Edinburgh showed that bilingual people have a five-year advantage. A person will be five years better off if they have had the great opportunity to learn another language. That is just one other reason to learn a second language.

In this day and age when we look at the geopolitical situation, we also think of the Anglosphere. Tony Abbott, on his way out of federal politics, I am sure, wrote a book called *Battlelines* in which he spoke about the pre-eminence of the Anglosphere—the pre-eminence of the Anglosphere! If we look at the Anglosphere today and the political situation in the United States and the United Kingdom, I think there is every good reason for us to want to build strong connections beyond the Anglosphere. That is what this enhanced, bilingual, polylingual language capability could give us.

I did not begin to learn another language until I was 23. A few members here are bilingual and probably have been from a very young age. I am incredibly envious of them. Learning a language was a wonderful experience. I would say that learning another language was the richest learning experience of my life. I had some exposure to it at school. People have different learning abilities or learning styles. If I think back to, I think, about six months of French lessons that I must have had in about 1976 in Brother Collopy's French class, I do not think it was very useful. That was perhaps a sign of the style of language education back then. However, at 23 years of age, the total immersion I enjoyed living in Paris was a totally different story. It was incredibly exciting and fulfilling and a fascinating way to learn and enjoy at the same time.

The opportunity to step out of one's own culture into another culture and then look back on our own culture is a great gift and an opportunity we should be giving people. It is why I am very pleased that at long last we have a Minister for Education and Training and an education system that wants to turn around these dreadful figures I see on the School Curriculum and Standards Authority of Western Australia website. The passage of this legislation will enable analysis to find out the determining factors behind whether a student chooses to study or not study a language. In some private schools, there is a strong push towards languages; indeed, only a few weeks ago, I was fortunate to speak at Christ Church Grammar School on this very point. The school was particularly enthusiastic about the internationalising of the education they were giving to the students. That was very encouraging to see. Not everyone gets to go to Christ Church Grammar School. It is interesting when I look at the students in an area such as mine where the multilingual background of the school population is truly remarkable. There is an interesting situation with the very upper echelons of Western Australian society receiving probably good language education and at perhaps the more challenged socioeconomic community level there is often a richness of language capability.

What is happening to the Western Australian middle class? That is what I am concerned about. Many people from my electorate might have arrived here as refugees or as relatively poor migrant workers but I know that they very quickly climb the social and economic ladder. I am concerned about what we might term middle Australians and their opportunities for language education. There is a big job to be done there. A lot of it revolves around the issue I touched on of making sure people realise the motivations and opportunities given to them by a second and third

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language. That is the sort of realisation we want our communities to have, along with the benefits. It is exciting for them, coupled with a science, technology, engineering and mathematics-type education. It is not in isolation; we want people to be well rounded and well educated in the true sense of the word, and, for example, be competent engineers with some language capability. That is what we should be driving at. That is the standard many countries take for granted. When we meet young people from the Netherlands, Denmark—most of the European Union, in fact—we find that it is assumed they will have that language capability. I think I have raised the point in this place before that our Master of Business Administration courses that a couple of our universities see as their flagship course do not even mention language capability; whereas the truly top 100 MBA courses always include language capability—absolutely. One of the best MBA courses we can do I am told is the INSEAD course. It is assumed that by the end of that course someone from a non-English speaking background would be onto their fifth language. It is assumed that someone from an anglophone background would have learned a second language, and that during their MBA course they would have picked up a third language. It is essential in this modern world that a person is multilingual, or at least bilingual. We should not take the old-fashioned view that English is somehow the lingua franca of the world and we can get by with only English.

This is an important bill. We need to encourage our youngsters to embrace the important courses that I have spoken about. If we have a problem with people in middle Australia choosing not to take these courses, we need to work out how we can motivate them to do so. Perhaps it will be around the possibility of discovering things such as the antidote to dementia, which I mentioned earlier. This bill will facilitate the collection of data to enable us to see what is motivating people to study particular courses.

There has been comprehensive consultation on this legislation with the universities, the Telethon Kids Institute, Catholic Education Western Australia and the Association of Independent Schools. I note that the intent is that the School Curriculum and Standards Authority will be empowered to hold information from those different educational sectors. That is very important.

In developing the bill, consideration was given to the federal privacy legislation. Members have raised concerns that the identification of individuals based on a particular NAPLAN result will have the potential to be some sort of tag that will stay with them for the remainder of their days. This legislation has been developed in harmony with the legislation in other states. That will ensure that the research that takes place in this area is not just based on a Western Australian view of education but feeds into the overall assessment of standards across the nation.

I conclude by saying that when I look at the Western Australian Certificate of Education and Australian tertiary admission rank examinations during the 2014–2016 era, I am incredibly disappointed at the downward trajectory in the number of students who chose to study a language such as Chinese, French, German and Spanish, which also have a 10 per cent ATAR loading.

I have mentioned the sad situation with the move away from specialised and more difficult mathematics courses, to the point at which students are taking the lowest level of maths. That is very disappointing. We know the importance of studying science, technology, engineering and mathematics. If we are not honouring that in this state, we have a problem. That is placing a huge impost on universities to construct courses that can be taken up by people who do not have the prerequisite level of mathematics, and it means we are not doing the right thing by those students and those academic institutions.

I commend the bill to the house. I look forward to a dramatic improvement in our Western Australian education system, under a minister who wants to bring about great educational change and ensure that the youngsters in our state are given the very best educational opportunities.

MS L. METTAM (Vasse) [7.20 pm]: I would also like to make some very brief contributions to this debate on the School Curriculum and Standards Authority Amendment Bill 2017. As has been pointed out already, the opposition supports this bill. We also welcome the engagement already taking place between the shadow Minister for Education and Training and the Minister for Education and Training about some of the issues identified by the opposition, particularly about the information being shared and the regulatory measures that need to be in place.

I want to talk about what this bill does in the first instance; that is, it brings Western Australian schools into line with those in other states in introducing online NAPLAN tests. As a mother of two teenage daughters, one of whom has just finished the final exam and the other is just entering year 12, I recognise the difference between the education my daughters have experienced and what it was like for me growing up in a regional town. It was pen and paper throughout the exam process and in study at home, as compared with what my girls now experience with online technology. There is now a heavy reliance on the internet and iPads for the gathering and processing of information. The introduction of online NAPLAN testing therefore makes sense, in bringing the process into line with the rest of secondary school study.

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There are, however, some issues, particularly in regional Western Australia, when the internet does not work, which puts a lot of pressure on schools. Feedback I have received from schools across the Vasse electorate indicates support for the introduction of online NAPLAN testing, but there is a need to address issues with schools that want to purchase more bandwidth. Bandwidth and connectivity are significant issues in regional Western Australia. At the moment, although we are seeing the rollout of the national broadband network, and we have the flexibility under the independent public school model for schools to spend money according to their own budgets and discretion, we have not yet seen the ability in schools to contact internet service providers for more bandwidth. That is the feedback that I have had from local schools in the Vasse electorate. For example, some schools can have bandwidth of up to only 20 megabytes. The average home is about 29 megabytes. The connectivity in some schools is only 10 megabytes, and I am aware of a school in the south west that has access to only two megabytes. It is a huge frustration. When the online NAPLAN tests were trialled, and some schools undertook a trial of their own volition, they shut down the rest of the school so that the kids could undertake these online tests. There was just not the capacity for these students to do the test online without isolating everything else happening in those classrooms across the board.

In some schools we are actually seeing the use of hotspotting by administration staff to develop and process their payroll system. That is not an issue across the board, but the fact that we are talking about the transition to next-stepping online education with the National Assessment Program — Literacy and Numeracy test highlights the broader issue of the ability of schools across regional Western Australia—and perhaps some in areas in Perth—to purchase and build on the size of their bandwidth. That is a significant concern.

Another element of the School Curriculum and Standards Authority Amendment Bill 2017 is the ability for information to be disclosed. Earlier we heard comments about organisations, such as the Telethon Kids Institute, accessing information. It is often very challenging and problematic accessing and utilising the vast array of important and valuable data about a range of students. It is recognised that the information acquired from students through NAPLAN tests is very valuable. I think there would be broad support for any initiative that gives the state a better snapshot of the health and wellbeing of our students but, of course, there are issues with the extent to which this information will be used and how it will be used. I am aware that concern was raised about the process by which the Minister for Education and Training will access that information and how that information will be obtained and managed. The minister will have responsibility for the control of, and access to, student data. There are concerns about the safeguards that were effectively put in place regarding the sort of information that will be gathered and utilised. Parents have legitimate concerns about data collection and the sort of information that may be accessed. It is my understanding that an amendment will be introduced to provide safeguards or regulatory controls—a measure that will control the release of data. The opposition believes—I am aware that the shadow Minister for Education and Training in the other place has also identified this issue—that the information gathered from NAPLAN tests requires a level of regulatory control.

It is also worth pointing out that the School Curriculum and Standards Authority, which administers NAPLAN and is an independent board, will be subsumed within a mega department, which raises concerns about the relationship between the Department of Education and SCSA. I understand that the minister has provided an assurance through the amendments that will be presented and the regulations that will follow—which will be scrutinised in not only this place but also the upper house—that checks will be put in place to ensure a fair balance between the provision of data-driven information and the integrity of the information that is gathered about individuals and the families that surround those individuals.

I will just conclude by saying that I support this bill, but that is on the basis that those regulatory measures are supported. I also encourage the government to acknowledge the issues of internet access in regional classrooms in particular to ensure that the process for online NAPLAN tests in the future does not shut off parts of a school and that teaching in classrooms can be enabled so that kids across the regions of WA, and perhaps in parts of Perth, can match up with the expectations of a technologically driven information society.

MS S.E. WINTON (Wanneroo) [7.31 pm]: I, too, rise to offer a short contribution to the debate on the School Curriculum and Standards Authority Amendment Bill 2017. I have to say that I have enjoyed the contributions on this important bill made by members on both sides. It is a mechanical bill and I hope that we can get it through this chamber quickly. The bill has three key changes to the disclosure of student data. This bill seeks to achieve those amendments. The School Curriculum and Standards Authority is responsible for curriculum and assessment standards and reporting from kindergarten to year 12 in all WA schools. The authority is an independent statutory authority and is responsible to the Minister for Education and Training. As I said, I am delighted to make a small contribution to the second reading debate on the bill so that we are further able to enhance the role played by the authority.

Mr Paul Papalia; Mrs Liza Harvey; Mr Colin Barnett; Mr Matthew Hughes; Mr Terry Healy; Mr Zak Kirkup; Mr Chris Tallentire; Ms Libby Mettam; Ms Sabine Winton; Mr Reece Whitby; Mr Ian Blayney; Mr Bill Marmion;
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As many members have mentioned in the debate so far, this amendment bill really concerns itself with changes to the disclosure of student data. There are three key changes proposed in that regard. Obviously, the first and most important one that I suppose has been focused on in the debate tonight is an amendment to section 9 of the act, which will allow the authority to disclose identified student data that it holds, allowing us to proceed with the National Assessment Program — Literacy and Numeracy online in 2018. Of course, the current wording of the act prevents the authority from releasing the required data to allow WA to participate. The bill will enable the authority to have the role of administration authority for WA for all national assessment program testing. I want to focus a bit more on the second key change, because I am a glass-half-full kind of person rather than a glass-half-empty person. This amendment will allow changes to be able to disclose identified student data for the purposes of research. I think research is a very, very important part of our education system and it is also a very, very important part of any government that wants to do good work in community services. These amendments will allow research related to promoting the understanding of outcomes connected with student achievement and wellbeing. The data would be provided only to parties with a relevant and legitimate need to access it. I have listened a lot today to the concerns of various members and I look forward to consideration in detail and the amendments the government will bring on in regard to regulations, which I am very confident will address those concerns.

Before I talk about the importance of research to education and delivering education better in this state, I will first briefly talk about the important work that the School Curriculum and Standards Authority does because that has been a little overlooked so far. As I said before, the authority is responsible for kindergarten to year 12 students. It is responsible for setting the standards of student achievement and for the assessment and certification of student achievement according to those standards. This aspect is an important one that I appreciated as a teacher. I think the authority does a brilliant job in supporting teachers through its work in developing an outline of curriculum and assessment in schools that takes account of all students' needs. It also provides guidelines and moderation tasks. A lot of the time the focus tends to be on years 11 and 12 and entry ways into university, but we cannot forget that SCSA plays a very important role in early years and primary education in setting the curriculum and the standards and assessments for students in all schools in our state. It is also its role to maintain a database of information relating to the participation of students during their school years.

I want to briefly alert the house that in doing research for this bill, I looked through the annual report of SCSA and its strategic plan. It was very worthwhile. It is important to recognise in this place that the strategic priority of the authority is the provision of high-quality curriculum assessment and standards. Although we have talked a lot today about NAPLAN and its merits or otherwise, we should not overlook the important role that the authority plays in our education system. I also noted during my research on the authority that it has an important role in developing and publishing a variety of reports on a great range of issues. I was particularly interested in its 2016 report "STEM Education in Western Australian Schools". Important commentary was made about the importance of science, technology, engineering and mathematics in our education system in improving the economic prosperity of our community and also for future prospects. The report is thorough and in-depth. It is the important kind of work that the authority does as well as just collecting test data, which is sometimes the perception that people have of the authority.

I will talk a little about NAPLAN; I will not dwell on it too much. A lot has already been said today. I concur with lots of members in this place that NAPLAN has morphed over the years into something different from what it was intended to be originally. I can say from personal experience that there are a whole heap of primary and secondary school teachers right now trying to avoid being the year 3, 5 and 7 classroom teachers next year. When landed with those classes, it means virtually that term 1 —

Mr M. Hughes: And year 9.

Ms S.E. WINTON: Sorry, and year 9. Term 1 is given over to preparing for a test that is held in May. That tells me that NAPLAN has morphed into something that is not very useful or valued by teachers at the coalface. It is more a system-based tool for gathering data and talking about education holistically. I would agree with lots of members' concerns raised today about some of the negative impacts that NAPLAN has in our classrooms and in our education system.

I want to briefly touch on research. It has been raised quite a bit in the debate today that there is concern about privacy issues and the negative impacts of releasing information for potential research. I was interested to look back a little at the Telethon Institute for Child Health Research, because it is an example of the kind of institute and research organisation that will benefit if this bill is passed and we are allowed to again provide data for research purposes. In particular, I refer to the 2013 report, "Student Attendance and Educational Outcomes: Every Day Counts", commissioned by the Telethon Institute and the University of Western Australia. Research is really important for us to set good policy decisions in our key portfolios, including education. This particular research study, which is

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not possible under the current regime but is the kind of work that was previously done, will again be possible if we pass this bill. I want to read from the report. It states —

This report documents the findings of a detailed study of the relationship between attendance at school and student outcomes. The study was commissioned by the Australian Government Department of Education, ... and the Institute ... using unique data provided by the Western Australian Department of Education ...

The primary aims of the study were to assess patterns of attendance over time, how these patterns vary across schools and students with different characteristics, and how these patterns of attendance contribute to student outcomes.

This is where the research is going to be really important. I think we all acknowledge that NAPLAN data of itself is a meaningless exercise, but as soon as we start overlaying NAPLAN data or information attached to postcode, socioeconomic background, or ethnicity or cultural backgrounds, that is when the data becomes useful. This bill encouraging use of data in a way that encourages research and best practice in the future and cross-agency collaboration is a most wonderful thing. Notwithstanding the concerns that people have expressed tonight, I think we can overcome them. I also want to quote a little further from that report. Under its data and methodology section, it states —

The study was based on all students who were enrolled in the public school system in Western Australia at any point from 2008 to 2012. The data included information collected by schools on students and their caregivers upon enrolment, attendance records, and the results of the National Assessment Program — Literacy and Numeracy (NAPLAN). This information was collated by the WA DoE and linked together in order to provide a comprehensive picture of the educational history for each student.

Is that not wonderful? It is holistic research rather than just a bunch of numbers about median performances in schools, which mean nothing. The report continues —

The process of linking these records also meant that students could be tracked across schools, —

That is very important —

allowing an assessment of student mobility. Our analyses were restricted to students enrolled in Years 1 to 10 and included more than 2.4 million records for over 415,000 individual students.

I am excited about the kind of research that we might be able to undertake in the future if we allow the passage of this bill and allow the authority to release data to research agencies. The findings of that particular report were really interesting and, of course, no surprise to most educators who would know that NAPLAN results are very importantly tied to school attendance, as I said before, geographical location and a variety of aspects. Research will allow those kinds of things to be teased out so that we can progress policy in education and also think about things in a more holistic way, because we know that health policies impact on the educational outcomes of children, and so do a lot of other social services.

I want to quickly talk about consultation. I appreciate others have done so too, but I cannot help but highlight this because it is an important aspect of the work that I do in my community and I am really happy that this government holds this aspect as a priority too. It was previously suggested that this bill was being rushed through somehow and that consultation had not been done. We need to be quite clear that this was a collaborative piece of work. Feedback and consultation was undertaken with all five universities, the Department of Education, Catholic Education WA, the Association of Independent Schools WA, and the Department of Health. Imagine that! A holistic approach to governance bringing lots of different departments to the table. Consultation was also undertaken with the Government Chief Information Officer, the Information Commissioner, the Western Australian Council of State School Organisations—it sounds like a whole bunch of parents to me—the Parents and Friends Federation of WA, the Australian Curriculum Assessment and Reporting Authority, the Telethon Kids Institute and the State Solicitor's Office.

It is important that we recognise and acknowledge that all the parties that were consulted in the bill's development support the amendments to the act. It is very important that we acknowledge and recognise that. Given that our minister has only been in charge since March, I think that is a vote of confidence in her taking over this portfolio and getting this bill to this place in such a short time.

Mr M. Hughes interjected.

Ms S.E. WINTON: Glass half full.

I am absolutely confident that the consultation required has been undertaken and we have confidence to proceed with this bill. I listened to the debate earlier tonight. The member for Scarborough, who was the lead speaker for the opposition, went on a fair bit about why this bill should not be urgent. As I sat there, I could not help but be

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a little bit surprised. She had 60 minutes to debate this bill that she did not want rushed. She did not use her 60 minutes, but she spent 20 minutes telling us why it should not be urgent. She also continually highlighted that 41 other bills had been introduced in this place that we somehow prioritised over this one. The fact of the matter is that we need this school bill done this year. We are confident that we can get it done this year and for it to be in place for 2018. It is up to the government to decide which order we bring bills to this house.

Mr R.S. Love: Bring them in in a fashion whereby they can be dealt with properly instead of being dealt with as urgent motions. That's what was being asked.

Ms S.E. WINTON: I would agree with them being done properly. That is why I am surprised, member for Moore. The government has offered for us not to speak so that more members of the opposition could speak. I do not think a member of the National Party has made a contribution, despite having had this legislation for three weeks. I do not know whether the complaint is that members of the National Party are not getting enough time; maybe they are just not doing enough work to prepare to be in this place and debate properly.

There has been a lot of talk about this bill being urgent so we do not have time to debate it but if we add up the time of the opposition's contribution to the debate, we will see that it has been lacking tonight. It is not because this bill is urgent; it is because the opposition has not done the work. It has had three weeks, as we have, to prepare.

[Member's time extended.]

Ms S.E. WINTON: I do not mind if people say that they have not had enough time or that we are rushing this through. But if people do not contribute to the debate —

Mrs L.M. Harvey: The minister was actually overseas and couldn't respond to our requests for information and the legislation's been brought forward urgently.

Several members interjected.

The ACTING SPEAKER: Thank you, members!

Ms S.E. WINTON: The minister is overseas but all members of the government, including all the newbie backbenchers, have been able to put together a contribution to this debate. I know that the opposition's numbers are a bit depleted, but it might just need to work a little harder. Nothing beats a bit of hard work. I will go back to the 41 bills that the member for Scarborough keeps referring to as if somehow we have prioritised other things. I want to highlight a few of the 41 bills that have gone through this place, which I am proud of as a first-year member of Parliament. I will highlight some of my favourite bills that have been brought in by this government. The Animal Welfare Amendment Bill is a very important bill. The Domestic Violence Orders (National Recognition) Bill is also a very important bill. The Historical Homosexual Convictions Expungement Bill is really important business. The Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill is very important. The Western Australian Jobs Bill is really, really important.

Several members interjected.

The ACTING SPEAKER: Thank you, members!

Ms S.E. WINTON: I am trying to point out that despite 41 bills being introduced by this government to date, the opposition has had all the time in the world to debate this bill and has chosen not to. I really look forward to the contributions that opposition members will make to this debate. They can ask about their concerns and the government's amendment to deal, hopefully, with their concerns about the data.

Finally, the member for Dawesville is not here, but I want to acknowledge him and thank him for his contribution, which highlighted Aboriginal education and the Primary Extension and Challenge program. I am delighted every time those subjects are mentioned in this place, but I was trying to work out the connection that he was trying to make to this bill. Although PEAC and gifted and talented education programs and Aboriginal students are important, they have no relevance to the School Curriculum and Standards Authority. The identification of students for gifted and talented and PEAC programs is done by the Department of Education. It has no relevance to this bill. I wanted to know how his contribution to the debate was connected to the bill. I could not work it out, although I thank him for highlighting PEAC and gifted and talented education, because every time they are brought up in this house, it is a good day.

I conclude by going back to why an important part of this bill is that it allows us to undertake research with data. It goes to this —

The current wording of the act prevents the authority from releasing student data for the purpose of participation in NAPLAN online.

Mr Paul Papalia; Mrs Liza Harvey; Mr Colin Barnett; Mr Matthew Hughes; Mr Terry Healy; Mr Zak Kirkup; Mr Chris Tallentire; Ms Libby Mettam; Ms Sabine Winton; Mr Reece Whitby; Mr Ian Blayney; Mr Bill Marmion; Dr Mike Nahan

In summary, doing research with education data is really important and is consistent with this government's approach to open and transparent government. We seek to remove bureaucratic red tape whenever possible. It also supports Data Linkage, which is really important for cross-sectoral research by high-profile researchers such as Telethon Kids Institute, state health agencies and WA universities. Further, the amendment is consistent with the principles outlined in the Western Australian "Whole of Government: Open Data Policy".

I will be delighted to see this bill pass this house so that we can not only confidently participate in National Assessment Program — Literacy and Numeracy online in 2018, but also encourage more research in the education sector.

MR C.J. BARNETT (Cottesloe) [7.52 pm]: I want to make a few comments about the School Curriculum and Standards Authority Amendment Bill 2017 and education in general. If we walked down Hay Street Mall and asked people who runs school education in Western Australia, I wonder what the answer would be. I suspect that we would find that half or more would think it is the federal government. It would be a surprising result, but I think that would be the case. When I was Minister for Education, I remember a long-serving teacher saying to me—I cannot remember what the issue was—that they knew that the commonwealth funds education. I said, "Actually, I'm surprised at that. The commonwealth doesn't." These numbers may not be quite accurate today, but I think in broad terms they are. In Australia, 70 per cent of boys and girls go to a government primary or secondary school and 30 per cent go to non-government independent or Catholic schools. It used to be 90 per cent, but now probably around 85 to 90 per cent of government schools are state government funded. The commonwealth is a small participant in the majority of schools that most kids go to, and most of those kids are probably from low socioeconomic areas.

In the private school system, obviously for the so-called prestige private colleges, parents contribute a large amount. In some of the lower income private schools, particularly in Catholic education, which I think do a great job, there is more public funding. But for the 30 per cent of kids that go to non-government school, basically across the board, if it is averaged out, it is about 40 per cent parent funded, about 40 per cent commonwealth funded and about 20 per cent state funded. Wash that all together and state schools are the constitutional responsibility of the state. They are state funded. But in the debate, particularly the media debate about education today—it has been the case for several years—we have had the debate about Gonski. I think the principles of Gonski are good, and most educationalists would agree, but the debate over the last few years has been principally about how much money the commonwealth puts into schools. Most of us, particularly those of us in this chamber who have a social conscience, would be focused on government schools and on children from lower socioeconomic or disadvantaged backgrounds. The commonwealth is not a big player at all in that field. That has been one of the issues that I describe as the smothering of the states. It has been happening in a range of areas, including in education, because the national debate is all about commonwealth funding where the commonwealth is the small player. It is the kids that matter, and we the public, as taxpayers, invest the most in their education.

As to the urgency of this bill, yes, we have been aware for a year or so that NAPLAN would go online. I accept, as the Deputy Leader of the Opposition said, that kids feel very comfortable responding online. Yes, there is some urgency for that. That is fine, but it does not come into place until May. There is bipartisan support for the introduction of those changes for online NAPLAN, so there is no issue. If you like, education public servants in the non-government sector can work on that basis with confidence. That is not the concern members on this side of the house have raised. That is the easy part of that bill. There is no real controversy about that. I trust the federal bureaucracy to look after the confidentiality of that information. I do not think there is any risk there.

However, the part of the bill that has been largely ignored in this debate is the release of personal identification data for research purposes. That is the part that is of issue to this Parliament and that is the part that I do not accept at all is urgent. I think that this Parliament would happily pass those parts of the bill that allow for online NAPLAN. There would be no controversy and it would probably go straight through on a whisker. But do we as a Parliament really want to be allowing for the release of students' and their parents' personal information to various research organisations? The member who just spoke quite properly said, as others have, that there has been widespread consultation—I accept and acknowledge that—to universities, parents associations, Catholic schools and independent schools. But do they bear the responsibility? No, they do not. If someone hacks in or if that information is leaked or it is somehow misused and personal identification or information is released, they are not responsible. You and I are responsible. We are the people who make the decision. Why would we rush a decision about releasing the personal information of over 100 000 students on a regular basis? As we will see in consideration in detail, that information will include names, addresses, age, sex—I do not have a problem with that particularly—and parental information. That is a serious issue. If the Pentagon can be hacked, do members reckon that the education system cannot be? Do they reckon there is not a danger —

Ms S.E. Winton: How?

Mr Paul Papalia; Mrs Liza Harvey; Mr Colin Barnett; Mr Matthew Hughes; Mr Terry Healy; Mr Zak Kirkup; Mr Chris Tallentire; Ms Libby Mettam; Ms Sabine Winton; Mr Reece Whitby; Mr Ian Blayney; Mr Bill Marmion; Dr Mike Nahan

Mr C.J. BARNETT: The member for Wanneroo may be comfortable, but I am not comfortable rushing a decision of the Parliament, which bears the responsibility for releasing the details of tens of thousands of children, families and parents. I am not. Support for research is a good thing; there is no doubt about that, but we do not quite know what information is to be released. Maybe that will come out; maybe there will be an ethics committee and all the rest of it, but has this Parliament even considered it? The research will be sociological in nature; that is the only reason we would want that sort of information. So, for example, if young children grow up in a family in which there is domestic violence, will that affect their educational outcomes? I would think it would, adversely. What about restraining orders? What about family court matters? What about that information being released to so-called researchers? Has anyone thought about the risks in that? We now have a Minister for Prevention of Family and Domestic Violence. Has anyone considered that?

That is why I object to the so-called urgency of this bill. I do not have an issue with NAPLAN testing; I trust the federal bureaucracy, but I have an issue with this Parliament just rubberstamping the release of confidential, personal information about students, their addresses and their parents. I used domestic violence only as an example, but we are all aware of that and we are aware of custody disputes through the Family Court and all those complications, and the government is about to rubberstamp and release that information without any absolute surety that it will not place children and families at risk. It has no guarantee about how that information might be used.

Ms S.E. Winton: Doesn't it have that information now?

Mr C.J. BARNETT: Look, I am not interested in you. I do not —

Mr W.J. Johnston interjected.

Mr C.J. BARNETT: You laugh at the issue of confidentiality over domestic violence and child safety; what a disgrace. You laugh at it.

Mr W.J. Johnston: You are an embarrassment. Resign.

Mr C.J. BARNETT: You think this is an embarrassment?

The ACTING SPEAKER (Mr T.J. Healy): Members! Minister! Please allow the member to be heard in silence.

Mr C.J. BARNETT: I, like every other member in this house, agree with these changes to the legislation, these amendments, which will allow NAPLAN testing to go online. I do not think anyone objects to that; people on both sides support that, and I support that. But I am concerned when this Parliament, without any proper discussion, is prepared to release details of little girls and boys and their parents into an arena over which it has no strict control. We do not have the details. The research is not going to be broad statistical research; believe it or not, I know a little bit about that. If we want to produce information on educational outcomes and trends over time, we deal with aggregate statistics and data. A child can be identified by a number; that is all we need. We can know the school, which identifies the location, and we can know the age and sex of the child. We can do all sorts of broad-ranging education statistical analysis; that is fine, but the government is not talking about that. It is talking also about releasing personal identification details. I would have thought that this Parliament should at least take some time to consider that. By declaring this an urgent bill, the government is proposing that that does not matter, because it consulted. It did consult, as it should; that is a good thing, but not one of the groups with which it consulted bears the responsibility. Each and every government member, as members of Parliament, bears that responsibility, and they should exercise that responsibility by looking at what they are doing.

What are they going to do if the worst happens and somehow information about an individual child or family gets out, and they are members' constituents? What are they going to do? They will not have an answer, because they have not considered it. That is the point we are raising. It may be okay, and the government may have an ethics committee, but ultimately it is the responsibility of a minister and the Parliament, and members should not neglect that responsibility. It is fine to say, "We have consulted and everyone agrees", but the people with whom the government has consulted do not bear that responsibility. It is not their decision; it is the government's decision.

The government is going to go ahead and do this, and I hope nothing goes wrong. I hope no harm comes to a family, a child or a mother or whomever it might be.

Ms S.E. Winton interjected.

Mr C.J. BARNETT: You snigger, but I have been in this place a long time and I have seen things go wrong. I have seen things in this Parliament that have led to suicides because of Parliament failing to do its job.

Ms S.E. Winton interjected.

Mr C.J. BARNETT: I have seen it; you have not. You have been here for a few months. I have seen, when Parliament neglects its responsibility, how the unbelievable case occurs. The stochastic high-risk thing will happen

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and that is the danger. The government should not be rushing this component of the bill. However, I will come back to the bill.

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: That is the problem; when there is cynicism like that, members let down their constituents—the vulnerable children from poor, dysfunctional backgrounds and the mothers who have been subject to domestic violence. Members opposite are prepared to just throw it out there and hope it works.

Several members interjected.

The ACTING SPEAKER: Members!

Mr W.J. Johnston interjected.

Mr C.J. BARNETT: That is the member for Cannington's problem; he is all about politics instead of his social responsibility to his constituents.

Several members interjected.

The ACTING SPEAKER: Members!

Mr W.J. Johnston interjected.

Mr C.J. BARNETT: Why does the member for Cannington get so excited when I stand up? He needs to get a life. Do not get so excited.

Several members interjected.

The ACTING SPEAKER: Minister!

Mr C.J. BARNETT: Mr Acting Speaker, I will address the Chair. I will go back to the bill and the origins of NAPLAN. Some members opposite have taken this opportunity to try to criticise the previous government and previous Liberal governments over education. I will not argue that point but I will make a few observations, particularly for newer members. It was a Liberal government that introduced universal kindergarten and preprimary programs for every four-year-old and five-year-old in Western Australia in the government school system, the independent school system and the Catholic school system. That was done in the late 1990s. The program led Australia and it leads Australia today. That is what we did. It was a Liberal government that introduced inclusion in mainstream education for children with a disability. That was also done in the 1990s. It was a Liberal government that introduced middle schooling and senior colleges. It was a Liberal government that started the program of revamping and rebuilding old secondary schools in the western suburbs, Belmont, the south-east corridor and elsewhere. Frankly, the project should have continued but it lost some momentum. In the last 10 years or so, a Liberal government introduced independent public schools and, in the last year or so, a Liberal government recognised that educational opportunities in the Armadale and Fremantle areas were not up to standard. It was a Liberal government that cancelled projects in education and other areas in higher income suburbs to reinvest in and redevelop schools in Armadale and Fremantle. If members opposite want to talk about social conscience, I am happy to have that debate, but respect history and look at what has been done. Under the previous Liberal government, for the first time and in the only state in Australia, the proportion of students in government schools increased. It had been in serial decline around Australia, but only in Western Australia —

Ms S. Winton interjected.

The ACTING SPEAKER: Member!

Mr C.J. BARNETT: The proportion increased largely because of independent public schools and investment in —

Ms S. Winton interjected.

Mr C.J. BARNETT: I heard the member for Wanneroo's speech. It was also —

Ms S. Winton interjected.

The ACTING SPEAKER: Member! The member for Cottesloe is not taking your interjections. Please listen to him.

Mr C.J. BARNETT: The facts are there. It was because independent public schools gave parents and communities a say in the education provided by their schools and those schools thrived. The system is not perfect; no-one would suggest that, but it turned around a long-term decline in numbers of students going to government schools.

Extract from Hansard

[ASSEMBLY — Tuesday, 21 November 2017]

p5809d-5850a

Mr Paul Papalia; Mrs Liza Harvey; Mr Colin Barnett; Mr Matthew Hughes; Mr Terry Healy; Mr Zak Kirkup; Mr Chris Tallentire; Ms Libby Mettam; Ms Sabine Winton; Mr Reece Whitby; Mr Ian Blayney; Mr Bill Marmion;
Dr Mike Nahan

I will go to NAPLAN testing and its predecessors. I was the Minister for Education for five years during the second half of the 1990s. There was quite a historic meeting of federal and state education ministers in Hobart in about 1999 or 2000. The federal government brought forward a proposal for uniform national testing. It was not well received. David Kemp was the federal minister for education. It was directed primarily at early childhood education because there was a justified view, which is true today, that when many young children start school, they do not start at the same starting line. Some kids have good, functional families with parents who have been interested in education and started to teach them reading, speak to them and read them stories. Other kids, sadly, often from poor backgrounds and dysfunctional families, start well behind. There are teachers in this chamber who would know far better than I what I am talking about. The argument was that we needed some consistency, we needed to do it across the nation and, in particular, we needed to monitor every little boy and girl so that when they came into the school system we knew where they were at and we needed to monitor them in years 3 and 5 initially as it was set. The argument, which I supported, was that the teachers and the school would therefore pick up at an early age those kids who came into the school system but were not up to the average, if you like, and they could get extra support and help. That was the reason for it. There was a lot of objection and probably a majority of the states then had Labor governments. The points they raised, which I think were valid, were that, if we did that and information was released about schools, we would almost demonise in parents' minds so-called poor performing schools. That was not because of the quality of the teaching programs but because more children would go into their school who did not have a good family background that other kids might enjoy. The fear was that that would be the outcome—if we did this and data was released about schools, the schools dealing with tough communities, if you like, would be seen to be second rate and that was not giving kids a fair go.

[Member's time extended.]

Mr C.J. BARNETT: David Kemp made that argument. A lot of states, both Liberal and Labor, did not agree. I helped David get it through because I thought it had merit. I thought we should be checking kids' ability when they first went to school and checking them through those early childhood years, particularly as we had just done the kindergarten and preprimary program. The other states eventually agreed, but there were some provisos: there were to be no school-by-school comparisons to avoid demonising and creating a bad impression for schools in low socioeconomic areas, for want of a better term. It was accepted there would be state comparisons. We wanted to know whether every state was advancing education. That was accepted but school-by-school comparisons were not. I think that came into play around 2001 or 2002. It was nothing like the NAPLAN of today; it was about every little girl and boy, with a little bit of testing at school level, done by their teacher, to make sure every child was monitored through early childhood so that kids with difficulties could be picked up and helped. I have a child who had some learning difficulties. The first couple of years at school are horrendous for the child, the parents and the teachers. We welcomed the fact that a child could be picked up and helped and, in our case, when the child got halfway through primary school, they were one of the bunch and had been helped through, but we all know that does not happen with every kid.

NAPLAN was in place and, for what it was, it was fine. Unfortunately, during the early years of this century, the commonwealth pushed and we saw NAPLAN come in with comparisons between schools, the My School site and all the rest of it. A number of members with educational backgrounds have pointed out the weaknesses of that and I agree with them. That was never what this system of testing was about; it was about individual girls and boys and helping them, not about comparing schools. I think that has been a big failure of the system. We have heard accounts, including from the member for Wanneroo—not my best friend at the moment—who described how teachers in year 1 are spending time preparing little kids for NAPLAN testing. That is not what it was meant to be about. I despair a little bit that that is where it has got to. As I say, there is no disagreement from me, nor, I think, from anyone in this chamber, about facilitating online NAPLAN. The system is in place, but I am dubious about its value and merit. If it goes online, as other members have said, kids will relate and find it easier. I despair a little bit about the compulsory aspect of NAPLAN. I do not think, particularly, in the early childhood years, children should be compelled to do that testing. In our case, we refused to have one of our children tested. It was traumatic. The trauma was not worth the testing, so we chose not to do so and the school supported us in that.

As I said, it is a pity the School Curriculum and Standards Authority Amendment Bill did not come in two parts. There is no problem with online NAPLAN, but I think this Parliament is not giving the attention it should be to releasing to researchers, whoever they might be, individual data on young girls and boys and individual data relating to their school, their parents and goodness knows what. To be honest, I would not be prepared to leave it to a so-called ethics committee. I would be happy if it lay with the minister, and for the minister, whoever that might be, to bring it to Parliament. To me, to allow an outside ethics committee to take responsibility for checking the standards and security of data is not an acceptable position for a member of Parliament who is here to represent the whole community and particularly our constituents. I know some members opposite think I am being dramatic. In the past, I have seen things like this go horribly wrong. The most unlikely scenario invariably happens. I ask

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members to think about their responsibility to troubled families and troubled children, and to researchers. I question what type of research would require that level of individual identification. It would most likely be sociological research, which will not be mass data but is more likely to be data on a number or cohort of children in special and unique circumstances. Therefore, this is not a decision that we should be making on the run.

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [8.15 pm]: I rise to speak on the School Curriculum and Standards Authority Amendment Bill 2017. We have heard some interesting contributions from both sides of the chamber. We have heard from former educators who have offered us an insight into this issue. I am not a former teacher. My contribution will be based on being the parent of no fewer than four school-age children. For me, there does not seem to be a year past when at least one of my children has not been facing a NAPLAN challenge. I did say four school-age children. I need to correct the record. Yesterday, my oldest child completed her last ATAR exam, so as of today I am the parent of three school-age children.

Mr J.N. Carey: And a school leaver!

Mr R.R. WHITBY: I am not prepared to contemplate what might be going on in Busselton or Dunsborough this evening!

Mrs L.M. Harvey: Hopefully they're in the mosh pit with my daughter, without inviting anything illegal!

Mr R.R. WHITBY: Okay!

As has been clearly said tonight, the National Assessment Program — Literacy and Numeracy is an annual assessment for students in years 3, 5, 7 and 9. It is a test of the skills that are essential to enable every child to progress through school and life, such as reading, writing, spelling, grammar, punctuation and numeracy. The assessments are undertaken every year, in the second full week of May.

This bill will permit the disclosure of identified student data held by the School Curriculum and Standards Authority. There are sound reasons for this disclosure. During the debate, some concern was expressed about the security and privacy issues around the use of this data. As a parent, naturally I am concerned about those issues in relation to my children. I will get to those issues in due course. The reasons for the disclosure are to promote student achievement and wellbeing and to improve educational outcomes. The bill includes safeguards to ensure the protection of any data disclosed. Some of the comments that were made this evening would have us believe that this data will simply be dumped on the internet for any Joe Blow to read. That is not the case. This data will not be publicly accessible. The data can be disclosed only if it meets a number of tests. It must be deemed reasonably necessary to disclose the data. If the disclosure requires personal information, the data can be disclosed only if it is impracticable to obtain consent from the individual. Non-compliance with these provisions may incur a fine of \$10 000 or imprisonment for 12 months. Disclosure is permitted only in order to provide relevant information to governing bodies and research institutes such as universities. The governing bodies in education include the Department of Education, Catholic Education Western Australia and the Association of Independent Schools. All these organisations have a valid and justified reason to access this information. When we think about it, these organisations are likely to have this very data already on file in their computers. In fact, they probably have a lot more personal data on students and their families. The point about this legislation is being able to match that information on students with their performance in NAPLAN.

This legislation also supports research by institutions such as the Telethon Kids Institute. As a former employee of Channel Seven, I cannot think of a more worthy, dignified, capable and responsible organisation to take information for research on behalf of children. We know that health has a big influence on the ability of students to learn. To deny an organisation like the Telethon Kids Institute the ability to properly research this information would be a shame. Sharing this data with research institutions will enable them to undertake approved research that better supports educational outcomes. Disclosure requires that the board of the test administration authority be satisfied that disclosure is necessary, and it imposes strict conditions on recipients of the data. The advent of online NAPLAN requires linkages to student identifiers to make sense of the results, so that we can do the research to ensure that future resources are better allocated where they are needed.

As I said earlier, our schools already hold a big repository of information on students that is, believe it or not, not protected to the same extent as the safeguards that exist in this bill. I will say that again: our schools already have a wealth of information on file about students and their families that does not have the protection that this bill has for that information. This bill will help identify gaps between boys and girls, geographical regions, ethnic backgrounds, demographics, and even between the states. It is good information to have to improve our education system.

There are various views about NAPLAN. As a parent, I see the advantages of transparency and accountability for our schools, in order to properly educate our children. I respect the view that it is not perfect, and that NAPLAN also occupies a great amount of time and effort in schools, with teachers gearing kids up to sit an exam rather than

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teaching them things. I get those concerns, as expressed by the member for Cottesloe, many of which I share. This is why it is important to do all that we can to research and study this information to improve the entire system. How can we better respond to these tests to improve outcomes for all students, especially those who are struggling? On the Labor side, nothing is more fundamental to improving the lot of individuals than education. It is the key to ensuring that our kids, no matter their background, get a fair go at life and reach their full potential. It is a quintessential Labor value, which I believe is also shared by some, and hopefully all members opposite. The more we can learn and interpret the results of NAPLAN testing, the better we can improve education and target where resources need to go, and the better we can lift up those kids who need our help the most.

I know, as I said before, that many parents always have concerns about data on their kids. What information is out there about my children and my family? There are often very real concerns about the data that exists on the internet and elsewhere in public records. Some in this chamber would be very keen for personal information to be kept that is relevant to protecting the interests of family and loved ones. However, I dare say there is more risk to our children from 30 minutes of unsupervised screen time on their iPad or iPhone than years of NAPLAN data passed to school organisations or universities in a controlled and administered way, with codified safeguards. I will say it again: there is probably more risk to our kids in releasing personal data than spending 30 minutes of unsupervised screen time on their iPad or iPhone.

Mr C.J. Barnett: Do you think the parents should be asked?

Mr R.R. WHITBY: Parents need to know —

Mr C.J. Barnett: They don't know; that is the point.

Mr R.R. WHITBY: The member for Cottesloe was great in not letting members to speak when he was speaking so perhaps he will extend the same courtesy to me.

Parents who are really concerned that information about their children and family circumstances will be released to who knows who would be better off getting their kids off Facebook and Snapchat rather than worrying about the School Curriculum and Standards Authority Amendment Bill 2017 because it contains codified safeguards and the process will be controlled. From my examination of the bill, the safeguards it provides do not exist in many other places where they should exist. I commend the bill to the house.

MR I.C. BLAYNEY (Geraldton) [8.25 pm]: I will speak briefly about the School Curriculum and Standards Authority Amendment Bill 2017. NAPLAN has, of course, been around for a while and I have followed it with a considerable amount of interest because I am quite interested in the subject of education. I am obviously not a former teacher, but I am married to a retired teacher and I have had a fair bit to do with schools. There is a theory in management that “if you can't measure it, you can't manage it”. I think the beauty of NAPLAN is that it was an attempt to provide objective data on how students and schools were doing and, as such, was a very good idea. Of course, most of the money comes from the state government, but I have noticed that the money for specific programs to address particular issues in schools generally comes from the federal government.

Being on the board of a school, it was interesting to look at the website to see results on comparative schools in other parts of Australia. The school at which I sit on the board is compared with schools in Gunnedah, Avondale, Northam, Port Augusta, Mornington Island and Coonamble and includes Carnarvon Community College, Bayulu Remote Community School and Wyndham District High School. The common features of those schools are similar Index of Community Socio-Educational Advantage values of around 70, which is a very low socioeconomic figure; between 75 per cent and 80 per cent of students are in the bottom quartile; and between 60 per cent and 70 per cent of students are Aboriginal. As much as anything, NAPLAN seems to be an index of social advantage. A school at which between 80 per cent and 85 per cent of students are in the bottom quartile tells us a hell of a lot about the family or household background of those students.

I sit on the board of Rangeway Primary School. The previous government built a family and child centre at Rangeway to address the educational needs of students at a much earlier stage. The average student who starts at Rangeway is 18 months behind. If we can get parents into the centre to read to their kids from the age of two and a half or three, that will make a huge difference when they go to school. I point out that I tried quite hard to get another family and child centre built at Bluff Point Primary School in Geraldton, which has a similar demographic to that of Rangeway. My wife has made the point that teachers teach to the NAPLAN test, but I look at it in another way and say that surely they are just focusing on teaching to correct the deficiencies, because I think that is what shows up in NAPLAN. It is a clear indication of student performance but, of course, we can go into arguments about how accurately tests and exams measure performance because obviously some students do not do that well in exams. I would have thought that more than anything, the early years are about establishing a baseline.

A problem brought to me earlier, and the member for Vasse raised the subject, is inadequate bandwidth at schools for the online tests. A number of schools have raised this with me. They have not mentioned it since. It was

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mentioned by the local high schools. They have obviously come up with the same solution as others; that is, when students are doing the NAPLAN test, all the other computers in the school be shut down so that NAPLAN testing has priority over everything else. That is probably not a long-term solution, but maybe schools now have a better service than they had before. It may also be more of a regional issue than a city issue.

Since I have been on a school board, I have noticed the way that specific programs are brought in to address an issue—it might be mathematics or English. That is good. They run for about three years, from experience, and then they cease. I wonder about that. The feds are particularly good at doing this. The problem is that the circumstances that caused the issue in the first place are still there, so I do not know whether it is a long-term solution. The NAPLAN results in the following years drop away again.

I share concerns about data being linked to individual names. I would have thought that comparative group information on a school basis would be reasonable for giving extra resourcing. I understand that researchers might want to burrow into the data a bit deeper, but I share the concern about individual families' and children's information being available to people who are outside, if you like, the education bureaucracy. We have to keep working on this, because—it is just an observation and some might not agree with me—I have heard it commented reasonably often that Australia is increasing its spending on education, but comparatively our results with our neighbours are sliding.

There was an interesting issue a few years ago. There is a high school in my electorate that was a computer school, so every student was given a laptop when they started at the school. It was a government high school. When the arguments were going on about replacing the computers, the previous lot of computers were replaced under the program put in place by the Rudd government, so that was fantastic. The education department did not have to find the money for the computers. When those computers were due to be replaced four years later, of course, it was a much more difficult circumstance because the money for them had to be found in the education budget. As part of my lobbying to try to get those computers replaced, I asked the education bureaucracy whether it could give me some hard data to prove that in a school where every student has a laptop, they were getting better educational outcomes. I was told there is not really any data that supports that case; it is weak. I worry about this in schooling. One of the primary schools in Geraldton was very excited about getting an iPad program. It was going to get every kid to have an iPad. I felt like saying that that was all good, but not to expect better educational outcomes, because the school probably would not get them. Once again, if someone knows of some comparative data, I would like to have a look at it, because all the data I can find tells me that there is no advantage to having access to more computers. Of course, the other issue is that every three or four years those computers have to be replaced, and that becomes a huge financial drag on the education system and individual schools.

To turn all my arguments on their head, in the midwest the student turnover is 50 per cent. Those kids move right through the midwest quite regularly. If those students could be tracked so that as soon as they start at another school—be it in Mt Magnet, Meekatharra, Carnarvon or wherever—their personal information could be sent straight to the new school they turned up to and the school could access via computer any information about the student from the previous school, it would make the education process a lot better. I understand that is not possible. Others in the education field might be able to tell me that it is possible, but I do not think it is possible, because, once again, the education department computer systems are not good enough to do that, and there are also concerns about privacy.

I enjoyed listening to the member for Thornlie talking about languages. The problem in the regions is getting the teachers to go there. I think the most commonly taught language in Geraldton is Indonesian. Unfortunately, I cannot get the high schools interested in teaching it. In quite a few of the primary schools, the kids learn Indonesian up to year 6 level, but then it unfortunately ceases. Our high schools are about to split and become two separate high schools again. I have said to the principals that I think it would be fantastic if one offers Bahasa Indonesia, but they said, "No, we can't find the resources." As someone who has learnt bits and pieces of about half a dozen languages, I think languages are a fantastic thing to keep your brain active. The member for Thornlie was talking about its positive role in preventing people from getting dementia. If the government is keen for languages to be taught in schools, they really have to be offered all the way through. We really have to focus on teaching Asian languages, particularly Bahasa Indonesia because it is a relatively simple language.

The Keating government had a program to encourage trainee teachers. I think they got a bursary or something like that to study an Asian language. It would be a very good thing if governments brought back a scheme like that. Any teacher in that case, especially teaching Indonesian, would be able to learn the basics so they could at least keep a class going in the primary years, but when they go into the secondary schools, they would need to be of a higher standard.

Coming back to it, if someone asked me what was the most useful thing I could do in my region for the education of kids, I would ask for one thing: bring back truancy officers. I have tried to get this for eight and a half or nine

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years, or as long as I have been here. If we want to make one difference to the kids who are doing really badly at school, it would be that. When driving around a few suburbs in my electorate when school is in, I see kids who should be at school but are not. People come into my office and say that a family has moved in next door and the kids have not been to school for a month. If I ring up the district education office, someone will go around and find out what the story is, but if we wanted to do one thing to lift educational standards for these kids, especially the ones in the bottom quartile, give us a few truancy officers. I will need only a couple. I mentioned this to a couple of principals the other day. They said that would be the best thing that could happen for education in that area. That is my message out of all this. Computers and all the other things are wonderful, but I can tell members that if we want to lift the educational standards of the kids who are doing really poorly, the best thing we could do is put truancy officers back into district education offices.

MR P. PAPALIA (Warnbro — Minister for Tourism) [8.37 pm] — in reply: I thank all members for their very considered and substantial contributions to debate on the School Curriculum and Standards Authority Amendment Bill 2017. I will briefly try to reference a little from each of them and give an answer if possible; otherwise, I am hopeful that we will address any concerns members have during consideration in detail.

Firstly, the member for Scarborough expressed concern at the outset about the bill's urgency and, as a consequence of the bill being declared urgent, she said that we might be somehow rushing the deliberations. I can assure the member that declaring the bill urgent is really to ensure that it passes through the upper house as an urgent matter. It removes the time frame that it would otherwise be required to sit before it was received in the upper house. That is the urgency. With respect to the debate, as members have heard there has been no truncation of the discussion during the second reading. I certainly will not seek to impede any questioning by the opposition on any part of the bill during consideration in detail. We have advisers here from the minister's office and from the agency. I am happy to take on notice anything that I may not be able to answer, although I suggest we will be able to answer everyone's concerns. I am certain that if anything has not been addressed during tonight's proceedings, the Minister for Education and Training will certainly provide a response in the other place.

With respect to the nature of the process, I will skip ahead a little to the member for Cottesloe's contribution, while he is here. Contrary to the contributions of the shadow minister and the member for Scarborough, the member for Cottesloe is concerned that responsibility for decisions made under the bill should be retained by the minister. The amendment I will move at the consideration in detail stage is at the request of the shadow minister. The Liberal Party, having been the recipient of a thorough briefing by the minister's office and the department, chose to suggest and request that the bill be amended to change the line attributing responsibility to the minister to the wording in the amendment that we will move. There is a little confusion between the member for Cottesloe's opinion and that of the member for Scarborough and the shadow minister. I assume that the shadow minister's view is the one that is prevailing within the Liberal Party. That is the only reason it is not the minister. I understand the member for Cottesloe's concerns and it is a legitimate belief that the responsibility should reside with the minister. That was the original version and it will be changed as a consequence of a request from the opposition.

With respect to the information and concerns around data being linked, it is essential that that information be linked for the purpose of allowing online NAPLAN testing to be completed next year. That was the intent under the previous government. The process had been established in 2016 to enable online NAPLAN testing to be rolled out in 2017. Unfortunately, the process was not completed. Queensland withdrew initially and then all the states withdrew and they entered into bilateral agreements with the federal government to get to the point at which we are now with the intention to rollout online NAPLAN testing next year. But it was a process. This is a continuum. This is not something that was initiated by Labor in government; it was something that we inherited with the process needing to be completed for next year's NAPLAN. That is exactly what has to happen. As I said, there is no intention to inhibit the opposition in any way from requesting information or pursuing questioning at the consideration in detail stage.

Mrs L.M. Harvey: Do you agree that, as an opposition, we have had only 13 days to consider this legislation? It was read in on 8 November and today is the twenty-first. We have had only 13 days to consider it.

Mr P. PAPALIA: With regard to that particular suggestion, I am not sure that the shadow minister had been briefed earlier.

Mrs L.M. Harvey: I can tell you she hasn't.

Mr P. PAPALIA: My understanding is that the shadow minister is comfortable with it. It is an eight-clause bill; it is not enormous. The only controversies about the nature of the bill are the two things that people's concerns have ended up landing on—that is, firstly, the data being linked to individual's identities; and, secondly, the data then being shared with other agencies for the purposes of research. I think 13 days is enough time to consider those things, noting of course that, as has been referred to on a number of occasions by many people, particularly on this

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side of the house and even on the other side, there has been widespread consultation. The people most directly impacted by the amendment have been consulted with. A list of who was consulted has been read in several times by members. It includes Western Australia's five universities, the Department of Education, Catholic Education WA, the Association of Independent Schools of WA, the Department of Health, the Government Chief Information Officer, the Information Commissioner, the Western Australian Council of State School Organisations, the Parents and Friends Federation of Western Australia—both those organisations represent significant numbers of people—the Australian Curriculum, Assessment and Reporting Authority, the State Solicitor's Office and the Telethon Kids Institute. All those organisations, agencies and departments were consulted. I understand the member for Scarborough's observation about 13 days but, as I said, it is an eight-clause bill with two potentially controversial components. I am sure that we will have adequate time to address them here or, indeed, in the upper house, where the Minister for Education and Training and the shadow minister are located. When it gets there, they can spend as much time as they like—as they are wont to do in the upper house—dealing with any issues or concerns that are still retained by any members of the opposition or the crossbench. I am sure that it will be an entertaining and enlivening discussion. As I said before, there is no intention on our behalf to abbreviate the debate in any way. The member for Scarborough discussed her concerns and this debate elicited contributions from just about everyone and observations about their concerns with the National Assessment Program — Literacy and Numeracy. I share some of those concerns, but that is not the focus of the debate tonight. Plenty of people shared the member for Scarborough's concerns about league tables and whether NAPLAN is the best process and contributing in the best possible way because of the way it has evolved over time. Just about everyone shared those observations, although a couple of people defended the practice because of the benefit accrued through getting information and being able to respond to that.

I think the main issue the member for Scarborough was concerned with was the urgency motion and I think that I have dealt with that. It is not about trying to abbreviate the debate or prevent anyone asking questions. It is just about pursuing the legislation to get it through in time for NAPLAN to be rolled out online. The member for Kalamunda made an absolutely reasoned and reasonable contribution. Again, he raised his very informed concerns over NAPLAN—about how NAPLAN has become a focus on testing and teaching to testing. I think everyone shares concerns about those issues and whether that has a negative impact. I will not go through members' entire speeches, but I will respond individually a little bit. All these very well informed and experienced educators seem to share a common view of NAPLAN, at least to some extent. The member for Southern River addressed the same concerns. He had a few suggestions to improve the performance and usefulness of the My School website. A couple of suggestions were made. Like so many other educators, he raised the need for addressing inequity and a focus on disadvantage as a possible better means of responding to education outcomes than testing. Nevertheless, we push on.

I was most impressed with the member for Dawesville's contribution. Like so many others, it did not relate too much to the bill but everyone cares about education. That is a wonderful thing that was confirmed by today's debate. The member for Dawesville gave me a wonderful insight into his concerns about disadvantage amongst Aboriginal students as a consequence of their potential exclusion —

Several members interjected.

Mr P. PAPALIA: Why is it that the member for Dawesville elicits so many interjections? I only mentioned his name.

The member for Dawesville made a very valid and interesting observation regarding the potential for unconscious bias to be present in our system in much the same way as it is in the US for black communities. I am sure the minister will be reading *Hansard*, if not watching. I expect that she will take note of the member's observations because those were interesting responses. She obviously would, because she signed off on the question on notice. The member elicited some very interesting information, which I think is worth pursuing, but it is not necessarily related to this bill tonight.

The member for Thornlie made a wonderful contribution. As always, he is a tremendous advocate for the value of language instruction in not only schools, but also society. He also endorsed the value of big data analysis. That is the other side of this. I will come to the contribution by the member for Geraldton in a bit, but his speech contained both sides of the argument, which I found very interesting. He highlighted the concern that data being linked to identity creates vulnerability, but the flip side of that is the benefits of being able to access the data and know where kids are. That is a pretty good outcome of having good data analysis. All the observations that the member for Thornlie made were absolutely valid and interesting. He also supported the value of data being shared with research organisations such as the Telethon Kids Institute. It must be noted that as a consequence of the amendments not being pursued, the institute has not had new information since 2012. I liked the member for Thornlie's reference to the possibility of language learning being an antidote to dementia. I need every bit of assistance I can possibly get!

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Mr C.J. Tallentire: Antidote is perhaps too strong, but a means of moderating dementia.

Mr P. PAPALIA: I was going to say that my likelihood of benefiting from moderating the impact of dementia through learning a language is probably pretty low because I am not the greatest language learner.

The member for Vasse indicated that she supports online testing in light of her own experiences. She drew attention to the potential for problems with internet access, and some other members shared that concern. Clearly, I assume that we will get the information on that matter, if necessary. During consideration in detail members can ask about the capacity for all schools in the state to have the necessary access to online services to exploit the bill once it is passed. I hope that our advisers might be able to provide assistance by explaining how schools are going and our capacity across the state to access the online system.

The member for Wanneroo, the glass half full member, perhaps moderated her concerns regarding the National Assessment Program — Literacy and Numeracy online system and how it will be enacted. She looked at the positives of this bill and referred to the benefits to be acquired through research. Clearly, notwithstanding any concerns about data security, this bill will allow us to provide a multi-agency response to the challenges associated with early childhood learning and health, and that is a massive potential benefit of this bill. The Department of Health already provides linked data to researchers and has a process to enable that. This process will enable not only the Department of Health, but also the Department of Education to participate in those studies and ensure a holistic analysis of what might be done to get better outcomes for young children—and that is a good thing.

The member for Cottesloe made his concerns known. He gave some insight into the challenges confronting parents of children with learning difficulties. That was an absolutely valid observation. The member identified the benefits of gathering data and the value in identifying early when a child is struggling and then implementing the appropriate responses to get good outcomes. He also raised concerns and fears about the release of data. Interestingly, the member was comfortable with the information and linked data going to federal agencies, but he was concerned that if researchers at the state level or under the auspices of a state agency were given access to the information, it would be vulnerable to security breaches and being leaked or hacked in some way. The truth is, though, that once data is gathered, as others later observed, it is vulnerable, and it does not matter which agency has the information. The federal defence department, the Bureau of Meteorology and many government agencies at all tiers and all levels have been vulnerable. Vulnerability is not solely the province of state government agencies or, for that matter, researchers. All we can do is mitigate the risks. However, I think overwhelmingly, the state Department of Education and education departments around the country consider the provision of access to this type of information to researchers far outweighs the potential downside of the vulnerability that is associated with sharing information.

The member for Baldy gave another considered response. He pretty much did my response to the second reading debate. He acknowledged very much the value to be had from data accrual and analysis. I share his view, and I think that both the minister and the shadow minister do as well. He made good observations.

The member for Geraldton again raised concerns about access to the internet. I found it interesting that he referred to trouble with access in the electorate of Geraldton, because, as I understand it, Geraldton was the first site for the rollout of the NBN in Western Australia in response to the need to facilitate the Square Kilometre Array.

Mr I.C. Blayney: No—now I haven't had any issues with it.

Mr P. PAPALIA: Geraldton got the NBN before anywhere else in WA because it was needed for the Square Kilometre Array to link to universities in Perth. I am pretty certain Geraldton will be okay. It is probably less likely to be a problem unless it is in a remote area. Again, hopefully, we will seek out information from the advisers in the event that there are still concerns.

Finally, the member for Geraldton referred to truancy towards the end of his contribution, and I think that that links to some observations made by others. I think it was the member for Wanneroo who said that being in school is probably more important than just about anything—no doubt others said that. That is an interesting observation. I wonder how truancy officers will benefit from data sharing and data gathering. I think that is what I was talking about when the member for Geraldton covered two sides of the argument. He said he was concerned on the one hand about the vulnerability of the data and, on the other hand, saw the value in sharing information and being able to track kids. By passing this bill, I expect kids will be tracked much more accurately and effectively because information will be shared across agencies. I suspect that will probably be one outcome. I am not sure, but we will check that.

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That is about it. As I said at the outset, when education is discussed in this place, it is undeniable that every single member of Parliament values it and considers that it is a critical role of state government to provide high quality, accessible education for all children. It is undeniable that everyone cares about the matter. I am very comfortable that we are not going to try to truncate, reduce or restrict the opportunity of the opposition to question either me or, probably more likely, the minister in the other place. I thank members for their contributions and look forward to consideration in detail.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1: Short title —

Mrs L.M. HARVEY: With regard to the short title of the bill, I have noticed a trend over the seven months of this government that there is often quite specific direction with the legislation that is considered by Parliament. For example, we have had “Debt and Deficit Remediation”, and all sorts of other things, entered into the short titles of bills. Given that this amending legislation will allow for the release of identifiable student data for research and other purposes, why was that specific function of this legislation not included in the short title?

Mr P. PAPALIA: The nomenclature of the bill was inherited from the previous government. As I indicated earlier, these processes commenced much earlier than when we took office. It was aimed for the legislation to be implemented this year; the intention was for this bill or a version of it to be passed in 2016 for a 2017 rollout. That was not achieved, but I do not think there is any hidden agenda or anything. It is just the name we inherited.

The ACTING SPEAKER (Mr R.S. Love): Before you speak, member for Scarborough, I should advise the house that there is actually an amendment to clause 8, which is being circulated.

Mrs L.M. HARVEY: That prompts me to query the urgency of this legislation. If it had been prepared and was ready for introduction last year, why has it taken until the second last week of Parliament for it to be brought forward? It had already been constructed when the government took office in March.

Mr P. PAPALIA: The bill had not been completed, but the preparation and lead-up work in advance of the bill had been done. The intention was for that process to have concluded. The School Curriculum and Standards Authority had commenced work on the bill when the previous government was in office, but the actual content of the bill had not been completed before we took office.

Clause put and passed.

Clause 2: Commencement —

Mrs L.M. HARVEY: This clause obviously relates to the commencement of the legislation. With regard to clause 2(b), can the minister please advise of any other provisions that might be proclaimed separately from proposed sections 1 and 2, and what circumstances he might envisage in which the entire legislation will not be proclaimed in one instance?

The ACTING SPEAKER: Minister.

Mr P. Papalia: Thank you, Mr Acting Speaker.

Point of Order

Mr W.R. MARMION: I know it is late in the evening but I recall that when I was doing these bills, I had to stand up.

Mr P. PAPALIA: Sorry.

Debate Resumed

Mr P. PAPALIA: Yes. The wording of clause 2 is standard practice, as the member is aware. There is no intention to delay the rollout of any component of the bill. It is just there because it is standard.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended —

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Mrs L.M. HARVEY: Clause 4 deals with the definitions and terms used in the legislation. We are inserting a definition of “research involving students”. The following definition is inserted —

... research conducted by any person or body in relation to either or both of the following purposes —

- (a) promoting student achievement or student wellbeing;
- (b) understanding outcomes connected with student achievement or wellbeing;

What body or person is expected to conduct the research involving student data? Who will the data be released to, for example? Will it be organisations, other government agencies, commonwealth agencies or other states? Who does the minister think is likely to conduct this research?

Mr P. PAPALIA: At the outset anyway, the expectation is that it will be universities or institutes such as the Telethon Kids Institute. Each application, however, will be considered in accordance with the regulations. As requested by the shadow Minister for Education and Training, that responsibility has been shifted from the minister to the regulations. In accordance with the regulations, the process will be conducted and each application will be considered as a standalone effort.

Mrs L.M. HARVEY: Obviously, a broad range of people in universities conduct research. Is it likely, for instance, that the identified student data will be made available to PhD students, university professors and institutes associated with universities? I am trying to get an idea of the remit and range of research bodies and institutions that will have access to the information about our children.

Mr P. PAPALIA: Any application from a university would already have been subject to that institution’s integrity and assessment processes in the same way as any normal research is subject to that sort of analysis. Once it gets to the authority, in accordance with the regulations, it will then be subject to further assessment under the three criteria that have been identified: the disclosure is reasonably necessary; the disclosure requires personal information; and it is impracticable to obtain consent from individuals about whom the information relates. There will be, effectively, a more secure or more thorough process than would normally be the case at the university. However, they will already have been subject to their own process.

Mrs L.M. HARVEY: The minister is saying new parameters, if you like, and restrictions are being placed around the management of this student data. Would an officer, for example, of the Department of Education conducting internal research into the Department of Education have to go through this process if they had to use identifiable data for research of the department?

Mr P. PAPALIA: The information to which the member referred will be retained by the School Curriculum and Standards Authority. It is separate from the education database and information available on that database. Any individual conducting research, for whatever reason, who is hoping to acquire access to it would be subject to the same sort of application process or rigorous assessment. They would have to demonstrate all the criteria to which we referred.

Mrs L.M. HARVEY: The Department of Education has our own records and the School Curriculum and Standards Authority has its records, so both agencies hold identifiable data about our students. What processes does SCSA have in place to protect the data of individual students who might be protected by a family violence restraining order, for example? If an individual made an application to SCSA for the release of identifiable data that might contain a child’s name, date of birth and address for the purpose of research, how will SCSA remove the names of children whose whereabouts should not be disclosed because of Family Court protections?

Mr P. PAPALIA: Member, I have sought advice. Essentially, information of that nature is already protected. Nothing will change for that type of data; it is not accessible by anyone as a consequence of this School Curriculum and Standards Authority Amendment Bill. In the event some other agency wants to access that information, it would have to pursue the same process as they do now. Nothing will change regarding the protection of those individuals; they will still be protected under the act.

Mrs L.M. HARVEY: I understand it is not the minister’s portfolio, but his advisers can probably help. There is a procedure in place for individual children protected under witness protection or a family violence restraining order. Their names, addresses and dates of birth are already suppressed in the system. Is the minister saying that in NAPLAN testing and other testing mechanisms, SCSA can suppress that information and guarantee that it cannot be released?

Mr P. PAPALIA: I have sought advice again. With respect to the information that is passed via NAPLAN to the federal authority, the individuals are identified for registration purposes, and their information is linked. If the information is accessed for any other purpose, such as research or whatever, the identity of the individuals must

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be suppressed. It is true that the identifier is available to NAPLAN, but not for any other purpose and not to any other agency.

Mrs L.M. HARVEY: I am seeking an assurance on a couple of fronts. Is the minister saying that if a child or children are protected by a family violence restraining order and their identity is required to be 100 per cent suppressed and unavailable for release, SCSA currently has a mechanism whereby when it pushes the button to release a certain subset of data, those individuals do not form part of that data release?

Mr P. PAPALIA: Apparently what happens is that Education Services Australia and ACARA have developed the capacity to de-identify individuals, if necessary, prior to the release of any dataset. Identification is necessarily provided to those authorities initially. However, prior to releasing any dataset, they have the capacity to de-identify individuals.

Mrs L.M. HARVEY: Is the minister saying that before SCSA releases the data —

Mr P. Papalia: It is the federal body—ACARA.

Mrs L.M. HARVEY: Is the minister saying that ACARA has the ability to ensure that children whose data should be absolutely de-identifiable will remain de-identifiable in the transfer of information?

Mr P. PAPALIA: Before those authorities would release any dataset or information that links to names, locations and things of that nature, they have the capacity to de-identify those individuals. SCSA has the ability to de-identify individuals prior to the release of information to researchers or whatever; however, as I have indicated, it would not release that information for any other purposes, because it is suppressed and protected.

Dr M.D. NAHAN: The minister mentioned that the Australian Curriculum, Assessment and Reporting Authority—the national organisation—has the capacity. Does it have a policy of not providing names when it provides data for researchers? The School Curriculum and Standards Authority has a policy of not releasing the names; does the national body have the same policy?

Mr P. PAPALIA: My adviser's understanding is that it does, but I think that is one question that we might get the Minister for Education and Training to respond to in the upper house, to ensure more fulsome information.

Dr M.D. NAHAN: I have been reliably informed, although I cannot verify it, that earlier on in the NAPLAN process there was an agreement that this information would not be passed on, and there have been some concerns over time that the commonwealth has not necessarily adhered to that. That is why we express this concern. SCSA has a policy of not passing names on, but ACARA might not have such a policy. I ask the minister to check into that.

Mr P. PAPALIA: Thank you, member; we will definitely get that answer, either during the third reading stage or in the other place, but the member will certainly get the answer.

Mrs L.M. HARVEY: It is quite important that Parliament receives the information about the treatment of this data, because when we go to NAPLAN Online, if the student data is entered and the commonwealth owns the data, we need to be absolutely reassured that we have control and the ability to protect individuals whose identifiable data should not be made available. In the context of family violence restraining orders, for example, we do not even have a national registration system that works. If a student moves from Western Australia to Victoria, they might have the same student identifier, but we do not even have a system at present that will enable that violence restraining order to skip borders to provide protection for that family. Family violence infiltrates every level of society. It is not beyond the pale for a researcher in this field to use this system to find a spouse or a family member for whom a protection order exists. It is pretty important that we get that information and I implore the minister to ensure that the Minister for Education and Training provides that.

Further to the SCSA-controlled data that could be released through this mechanism, how does SCSA inform parents when data is being released?

Mr P. PAPALIA: The actual process will be developed and listed in the regulations.

Mr C.J. Barnett interjected.

Mr P. PAPALIA: I understand that the member for Cottesloe would have preferred the minister to retain authority and responsibility, but his own party requested that it be transferred to regulations, and that is the process that we are pursuing.

Mrs L.M. HARVEY: It would be good if we could have some indication, and the minister's advisers might be able to help with this. For example, over the period of my children's schooling, from time to time I have received a letter from Curtin University or the University of Western Australia saying that it is conducting research into X, Y and Z. It might be speech and hearing difficulties, or occupational therapy-related areas. A letter comes to me,

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as the parent, saying that Curtin University is conducting this research and wants to access my child's data to form part of this research project, and asking whether I will consent to the release of the data. Sometimes it wants de-identified data and sometimes it wants the name of the child and for the parent to be personally involved in the questionnaire related to the research project. As parents, we are informed; I make an informed decision about the release of that data. For other data projects—for example, broader population assessments—it may be that the University of Western Australia or Telethon Kids Institute makes an application for the release of a broad range of data about children of a particular age or demographic. When the School Curriculum and Standards Authority releases that data, how will it inform the parents that a suite of data has been released to Telethon Kids Institute so that it can conduct research into a particular field? Will that happen? If we free up the opportunity for the release of data, can parents expect notification through their school newsletter or Facebook page that SCSA has released a bunch of data about every year 3 student in the state and that, as parents, they should know that it is conducting research into X, Y and Z and that it needs our kids' data for that research? Is that what we can expect?

Mr P. PAPALIA: As I said before, the process by which individuals, parents and families will be notified of the release of data will be incorporated into regulations. That is not an unheard-of practice. The Department of Health already shares information of a sensitive nature with researchers and it notifies people. I am sure that models can be sought to provide the basis for the regulations. I do not have the regulations now. The notification process will be incorporated in regulations and people will be notified in accordance with the regulations.

The ACTING SPEAKER: Members in the corner, please keep your voices down.

Mr C.J. BARNETT: I do not think that it is acceptable to say that it will be a matter for the regulations. We are talking about the release of confidential and personal information about girls and boys, students and young children, and their parents' information, including addresses potentially. The minister cannot answer the question and it is not good enough to simply say in this Parliament that it is a matter for the regulations. This is a matter of privacy and of the rights of the individual and the rights of parents to protect their children. What is the policy of the department, the agency, and how will the public be informed? Given that in any one year, 100 000 students will do a NAPLAN test, I am not suggesting that every single parent be contacted. But will there be some public advertisements? Will the public at large be informed or will it be up to Parliament to inform them?

Mr P. PAPALIA: The procedure, the detail and the nature of the notification to which the member for Cottesloe referred will be detailed in the regulations. It is normal practice for regulations to not be available. I can recall the many occasions on which I sat on the other side of the chamber when legislation was passed in advance of regulations being prepared—it is normal practice. The notification will take place.

Mr C.J. Barnett: Have you got an example?

Mr P. PAPALIA: The Department of Health already releases family information of this exact nature. Researchers already conduct research using individual identifying data from databases.

Mr C.J. Barnett: Give me an example.

Mr P. PAPALIA: The Department of Health. The member for Cottesloe asked me for an example and I said the Department of Health. It passes information to researchers, such as those at Telethon Kids Institute.

Mr C.J. Barnett interjected.

The ACTING SPEAKER: Member for Cottesloe, you can have another go later.

Mr P. PAPALIA: The member for Cottesloe asked for an example and I said the Telethon Kids Institute, which receives data from the Department of Health to conduct studies and research—and people are notified. It is not an unheard-of practice.

Mr Z.R.F. KIRKUP: The answer provided in that circumstance, the Telethon Kids Institute, does not include names and addresses, whereas in this case the identifying information that will be handed over to researchers will disclose the address at which children live.

Mr P. PAPALIA: I have a son who is a type 1 diabetic. Telethon Kids Institute conducts research on type 1 diabetics. It gathers data and accesses databases. It needs to know where individuals reside, their age, their sex and their demographics—all that sort of thing is identified for the purposes of conducting studies to try to identify what might be causing the clustering, or whatever the nature of the study is. It is not an unheard-of practice and the way it is conducted would be detailed in regulation.

Mr Z.R.F. KIRKUP: I seek to clarify the process by which the house is giving concurrence to this bill. In the process by which the information might be handed over, are parents informed about the information being provided

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to researchers? Do they have the ability to opt out? Is there any other mechanism by which they can stop the information being released?

Mr P. PAPALIA: The detail that the member is seeking will be in the regulations. There is an option to opt out for datasets that will be released to the Australian Curriculum, Assessment and Reporting Authority. There is the capacity to allow that. I cannot say that that will definitely be the practice, but the detail will be in the regulations and subject to assessment by Parliament.

Mr C.J. BARNETT: If the minister cannot say what the procedure will be for literally thousands of schoolchildren and their families in this state, why are we progressing this bill? I suggest that the minister adjourn the debate, find out the answer—it is not his portfolio—and come back to this Parliament to answer the question. The minister and the government are asking for this Parliament to approve the release of personal and confidential information ahead of knowing what the system is going to be. I am not suggesting it is easy, but the minister cannot answer it—I do not blame him for that; it is not his portfolio. The minister wants this Parliament to approve something without him being able to answer the question. To me, that is unacceptable.

Mr P. PAPALIA: I am aware of the member's concerns about the potential for the security of data to somehow be breached. That vulnerability applies just as equally to the NAPLAN process as to the release of data via state agencies to researchers. That is the truth of the matter. The member for Cottesloe did not seem concerned at all about data being transferred via NAPLAN Online to ACARA and Education Services Australia; he seemed to be comfortable with that. The truth of the matter is that that data is just as vulnerable to compromise as the data that will be released to researchers at state level.

Mr C.J. Barnett: No, it is not.

Mr P. PAPALIA: It is.

Mr C.J. Barnett: It is totally different. These will be PhD students.

Mr P. PAPALIA: Whoever it is will be subject to the same process that the regulations will define. This authority will be responsible for determining whether that information will be released, and it will be in accordance with a process. What we are asking to be passed here is the structure, the framework, that enables the whole process to go ahead; it is not the actual detail that is in regulations. That is often the case. The member knows full well that that is frequently the case. The detail of the nuts and bolts of how the process will be undertaken is frequently in regulations that are not available at the time of the legislation passing. That is a normal practice.

Mr Z.R.F. KIRKUP: Further to this point, does the minister consider that it might be necessary to perhaps incorporate an amendment to allow for an opt-out procedure for parents who do not give consent for their children's information to be transferred?

Mr P. PAPALIA: No, I do not think that is something that I would be willing to consider. Perhaps the minister in the upper house might consider it. I perhaps have some more information that we could provide about what we envisage the procedure might entail. We envisage that researchers will need to provide clear evidence of the necessity of personal information being included with data for the purposes of their analysis. We envisage researchers will include details of how data cannot be linked back to individual students, schools or sectors through the communication of research results. We envisage researchers will be required to provide a clear plan of how data will be stored, used and disposed of when the research has concluded, including strategies to protect the identity of students and their results from unintentional identification. We envisage applicants will be required to sign a legally binding acknowledgement of the conditions applicable to the disclosure and the consequence of contravening these. We envisage that applications for identified data may be submitted to an ethics-type committee, which may be referred to as the special research committee or something like that. It is envisaged that such a committee would include representatives from the board of the authority, a university-based ethics professional, system and sector representatives, parent association representatives and other co-opted members. But all of that detail, including the actual nature of the process, will be determined and put into regulations that will be accessible by the Parliament and subject to assessment once it is developed.

Mr Z.R.F. KIRKUP: For all these things that are being "envisaged", has any work been done on the retention of the data and for how long that might be kept? I appreciate that it will be done via regulation, but are there any data retention expiry dates that might be enshrined as part of this? Will researchers be able to hold onto the information for 18 years and things like that? I realise it might be dealt with in the regulations.

Mr P. PAPALIA: The challenge with that particular question is that it would depend upon the nature and intent of the research. Some of these studies are longitudinal studies, particularly with the Telethon Kids Institute and other agencies of that nature, whereby they will be wanting the data for a long period so they can make exact

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comparisons and extract information about the progress, or the lack of progress or whatever, or the nature of the challenges confronted by individual children over time and try to seek out causes and potential solutions. In those cases, data would have to be retained for a long period. Conversely, if it were something much shorter and a far shorter period were required, then clearly I would envisage that the data would not be retained for longer. That sort of detail will be in the regulations.

Mrs L.M. HARVEY: I want to go back a few paces to how the School Curriculum and Standards Authority will inform parents about the release of information for these research projects. The minister said that we could expect that that could be detailed at the regulation stage. Can the minister inform us whether it is intended that there will be some requirement in these regulations? I will use my previous example: if the data for every year 3 student in the state were provided to a research institute for a project, can we expect that the parents and guardians of every year 3 student in the state will be informed that the identified or de-identified data of their children has been released for use in a research project?

Mr P. PAPALIA: Yes, member. I am advised that the intention is to develop that process; that is, to develop the capacity to notify.

I will also refer back to the member for Dawesville's question. Other authorities currently have procedures for data retention or erasure. That would give some guide to the agency as it develops regulations. Organisations such as the National Health and Medical Research Council collect that sort of information and have procedures for the retention or removal of data. Other institutions or agencies would potentially be able to provide a blueprint.

Mr Z.R.F. KIRKUP: The concern I have is that the National Health and Medical Research Council has a \$900 million annual budget. It is an agency that is very well versed, I suppose, in the provision of that information. Clearly, in this case, Parliament has been asked to provide consent to legislation without knowing what we are agreeing to with the transfer and the retention of that information. I am concerned that we might be allowing, for example, a longitudinal study that might be over the life cycle of a student and then the regulation changes. The regulation might go back to only three years or something like that. What happens to those studies and what happens to that data? How is that disposed of? Researchers would be provided with 18 years' worth of data and then the regulation might be changed because the upper house has some contempt for data being held for a particularly long time. What happens to that 18 years' worth of data that has been handed over to a researcher? The minister is absolutely right to raise the research council. My concern is that its whole body and mechanism is to provide that sort of data versus this case, in which the authority is doing a particularly different service.

Mr P. PAPALIA: I am not sure I am getting the point of the member's question. Conceding that the National Health and Medical Research Council is a body that does this sort of thing on a regular basis, I suggest that that is potentially a blueprint for the regulation that it will employ. Is the member suggesting that we would be vulnerable to the upper house disallowing a regulation or something of that nature, thereby changing the process for the data retention?

Mr Z.R.F. KIRKUP: Because it is being dealt with via regulation, it is subject to disallowance in the upper house rather than being enshrined in legislation that both houses would have to agree to change. For example, if the regulation allows for the retention of data for 21 years or something like that—over the life cycle of a student—then an upper house changes composition that might then say that it is uncomfortable with the data being released for three years, what happens to the retention of that data that has already been given to a researcher for a 21-year period? That is 21 years' worth of data. What happens to that data? How is it treated and is the authority in a position to make sure that it claws that back?

Mr P. PAPALIA: As is identified in the legislation, each application for conduct of research is an individual case. The rules attributed to, signed or put to that particular case at the time of the application will be the ones they will be subject to. That will not change. With respect to what the member is talking about, subsequent to the commencement of that study or whatever, the regulation change would not impact them because they have been assessed at the time of the original application.

Mrs L.M. HARVEY: Coming back to some of this data that will be released, one of the issues that was raised in the briefing that we had a week ago was that names, addresses and dates of birth of individual students could be released as part of this process. I am curious to know what research projects might require the residential address of a student and their parents, as opposed to, for example, a suburb?

Mr P. PAPALIA: I am being advised that there has not been any suggestion that that specific data would be released, but data is held as part of the dataset that is available. Again, each application for conduct of research would be subject to an individual process. I cannot envisage it myself, but I am not the one that would be conducting the process. Were there ever a procedure or a research application that required that sort of information to be released, it would be subject to the process in which it would have to be confirmed that the disclosure is reasonably necessary, requires personal information and that it is impracticable to obtain consent from individuals

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about any of the information that relates. If the member is talking about specific addresses, I would suggest that it would not be impracticable to obtain approval from those individuals. It might not comply with that last criterion, in which case it would not necessarily be released.

Mr C.J. BARNETT: If such research were undertaken, it would not be a massive statistical one; it would be more a cohort, looking at, for example, case studies and the like. Perhaps the minister cannot answer it, but I would want to know whether there will be a preclusion preventing the release of any information such as parental details and addresses. I think we need to know that. I think the Parliament needs to know that. Clearly, the regulations have not been drafted. I can accept that, but I think Parliament should at least know clearly what the policy proposed in the regulations will be. If that cannot happen here, it should happen before the bill gets to the upper house. You are asking for something quite extraordinary—not you personally, but the government; that is, it is asking for the release of information relating to thousands of schoolchildren, some of whom may be vulnerable in other aspects of their life. That is an onerous decision for this Parliament to make, although most members here seem to be completely oblivious to that.

Several members interjected.

Mr P. PAPALIA: The member for Cottesloe is being provocative.

I am advised that it is envisaged that the regulations would have a process for enabling suppression of parental information.

Mrs L.M. HARVEY: Further to that, can we expect that the regulations will have been drafted prior to the legislation being proclaimed and may be available for the opposition to be briefed on prior to the legislation being enacted?

Mr P. PAPALIA: I cannot categorically say that that will be the case, but the truth is that the data cannot be released until the regulations have been developed. Proclaiming the legislation will not enable the release of information until the regulations have been developed. Whether it is or not will not necessarily impact on data being vulnerable to release or anything of that nature. There will be a process. I understand that people would like to know exactly what the process will be, but it has yet to be developed. The criteria that I have articulated will be driving the process and the development of the process. No data will be released until the regulations are in place.

Mrs L.M. HARVEY: I also notice that the legislation is lacking a requirement for the minister, for example, to inform Parliament of the tranches of data that have been released for these research projects through this mechanism. I think that might be an amendment that I would suggest to our learned friends in the other place in the interest of understanding how this legislation is being used, the types of data that have been requested for research projects, the outcomes of those research projects and the benefit of those projects being conducted, to ensure that we find whether that research and the release of the data has helped us understand outcomes connected with student achievement or wellbeing. There is no requirement for the minister, for example, to table in the Parliament the tranches of datasets that have been released under this legislation, who they have been released to, for what purpose and to what outcome. I think that is sadly lacking in the legislation. Perhaps the minister could advise me whether that might be prescribed in the regulations. I suspect that our learned friends in the other place may well wish to have that amendment included in the legislation.

Mr P. PAPALIA: I think that is something that the minister might consider in the other place. In the event that the member determines that is something the opposition wants to pursue, that is the appropriate place to do so. Once this is in place, there is an opportunity for Parliament to explore what data is released and when. But I am advised that were that to be an amendment, that would not be a show stopper. The member has to acknowledge that there will be estimates hearings and annual reports. I do not know whether that sort of document would incorporate the release of datasets as a matter of course, but it might. If the member chooses to pursue that in the upper house, the minister will now be aware of it and the advisers will probably be prepared.

Clause put and passed.

Clause 5: Section 9 amended —

Ms L. METTAM: As I outlined in my contribution to the second reading debate, there would be some challenges with the transition to the National Assessment Program — Literacy and Numeracy Online testing because of issues with bandwidth in regional WA. In the Vasse electorate, some schools have bandwidth of between 10 and 20 megabytes. There is a great interest in these schools purchasing additional bandwidth, but, as I understand it, at the moment they are unable to do so. I am wondering what progress can be made in that area.

Mr P. PAPALIA: That is a legitimate observation. I am advised that in 2018, 200 schools will be using NAPLAN Online. Systems and sectors have been advised of the need to prepare for all schools being online in 2019. In that interim period, some of the schools to which the member referred may not be prepared yet, although the system

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has been advised that they need to prepare. That is not this authority's responsibility. The School Curriculum and Standards Authority is not responsible for that process; the Department of Education is responsible, and it has been advised that all schools must be ready by 2019. That includes non-government schools. Catholic Education of WA and independent schools have been advised too.

Ms L. METTAM: To clarify, the School Curriculum and Standards Authority will put some pressure on the Department of Education to ensure that it can go through this process in a timely manner.

Mr P. PAPALIA: I think that the Minister for Education and Training might be putting on a bit of pressure. She is responsible for both agencies and she is fully aware of the requirement for the Department of Education to prepare. Beyond that, sectors and systems have been advised. They know and are obligated to prepare. There are all sorts of implications for not participating in NAPLAN Online, so they will participate.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 32 amended —

Mrs L.M. HARVEY: Clause 7 seeks to delete a provision and insert a nearly identical provision. I note that the penalty for inappropriate and illegal disclosure of information and the release of data is \$10 000 and imprisonment for 12 months. Could the minister advise when that penalty was last revisited with relevancy in the current environment?

Mr P. PAPALIA: I am advised that the wording and the nature of that penalty was composed in 2012 as part of the original process. The advice is that the penalty is not limited to \$10 000. The legal advice is that that does not constrain the agency from seeking a greater penalty. The advice was that greater consistency should be retained within the drafting and that the wording originally devised in 2012 should be retained.

Mrs L.M. HARVEY: The legislation does not say that. It is quite specific. It states —

Penalty for this subsection: \$10 000 and imprisonment for 12 months.

Can the minister advise where in the act there is some sort of caveat that allows for a penalty? It does not state "at least \$10 000", for example, or prescribe circumstances under which a higher penalty would apply.

Mr P. PAPALIA: The member is right. The wording does not state that, but the advice from Parliamentary Counsel's Office is that that does not inhibit the agency from seeking a greater penalty.

Mrs L.M. HARVEY: Can the minister give some examples of when a greater penalty might be sought? Would that be linked to the size of the dataset that is released unlawfully or to whom the dataset was released? It is a bit unusual. I need to understand how a penalty that is prescribed by legislation could actually be increased when the legislation clearly does not directly say that.

Mr P. PAPALIA: The nature of the breach and the consequent impact on the people whose information is revealed would be the primary dictator of the penalty that would be sought.

Mrs L.M. HARVEY: Under the penalties for the misuse of information, it also states —

must not ... collect, use or disclose any information obtained by the person because of —

(a) the person's office, position, employment or engagement under or for the purposes of this Act;

Will these penalties apply to officers of the School Curriculum and Standards Authority, research officers requesting the information or other government agencies? To whom would this penalty apply for the inappropriate use, collection and distribution of data?

Mr P. PAPALIA: I am advised it would apply to all the individuals to whom the member referred.

Mrs L.M. HARVEY: I just wanted to be certain that this actually captures the people receiving the data and any transfer of that data to third parties. It does? I thank the minister.

Mr Z.R.F. KIRKUP: I am just keen to understand a scenario. If a researcher has this data and is effectively the custodian of it for a period, and is inadvertently hacked because they have poor retention security, could they possibly be liable in the circumstance of an inadvertent breach? They may not have distributed the data themselves, but it has been illegally accessed.

Mr P. PAPALIA: They will be liable, but that does not necessarily mean that the prosecuting authority or the agency would seek the full extent of the penalty. Like any case, it would be subject to analysis at the time. As I indicated earlier, the impact on individuals would be a consideration, but the nature of the breach by the individual might also be a consideration.

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Mr Z.R.F. KIRKUP: I suppose the concern I have is that in other circumstances we rely on regulations to dictate how information is stored, I suspect. In this case, we are being asked to agree to imprisonment and a fine for something that could also be put in regulations, once we know the context in which something like that might occur. I am just concerned that we are being asked to agree to this fine and imprisonment process without actually understanding any other parameters around the security of the data and things like that. We have covered that already in previous points raised, but that is my concern again.

Mrs L.M. HARVEY: I am moving further along in this clause to proposed section 32A, under which we are looking at the authorised collection, use or disclosure of information. Does this —

The ACTING SPEAKER (Mr R.S. Love): Just before we go on, member for Scarborough, I think proposed section 32A might be under clause 8.

Mrs L.M. HARVEY: Is it? Excuse me; I am getting ahead of myself.

The ACTING SPEAKER: Do you have anything else you would like to ask about clause 7?

Mrs L.M. HARVEY: No.

Clause put and passed.

Clause 8: Section 32A and 32B inserted —

Mr P. PAPALIA: I move —

Page 7, lines 19 to 21 — To delete the lines and substitute —

- (6) The regulations may prescribe procedures relating to the disclosure of information under this section that the Board must comply with.

Mrs L.M. HARVEY: Just to be clear about what this amendment does, it allows by regulation the ability to prescribe procedures relating to the disclosure of information under the relevant proposed section that the board must comply with. This is not about the decision-making capacity of the minister to release information; it is about prescribing regulations with respect to the policies and procedures around the disclosure of information, which will be a decision of the board. Am I correct in summarising what this amendment does?

Mr P. PAPALIA: This amendment was arrived at at the request of the shadow Minister for Education and Training. Initially, the draft legislation contained a reference to procedures for the disclosure of information to be approved by the Minister for Education and Training. At the request of the shadow minister, the legislation will be changed to state, as I indicated —

- (6) The regulations may prescribe procedures relating to the disclosure of information under this section that the Board must comply with.

The shadow minister was more comfortable with that procedure, rather than the minister having the authority to approve the disclosure.

Mrs L.M. HARVEY: The shadow minister, Hon Donna Faragher, requested this amendment so that we could have some certainty around the policies and procedures that set in place the parameters within which the board must work before making a decision to release student data—data about our children. Can I get some idea about what we think will be in those parameters? For example, will the regulations cover the type of data that can be released? Will the parameters be specific about circumstances in which a child's address, date of birth, first name or surname might be released? Under what circumstances might data about parents be released? Will circumstances be prescribed by regulation in which information can be released about individual siblings as part of some kind of sibling research project? Would the parameters be prescribed by regulation that the board would need to consider before releasing the data to a PhD student or a research organisation?

Mr P. PAPALIA: I seek a bit more clarification from the member; I am not entirely sure what she is getting at. The board will make a decision based on the regulations that are yet to be composed. That process was at the request of the shadow minister. The current wording of the amendment was arrived at in consultation with the shadow minister, who is comfortable with it. I am not entirely sure what the member was getting at in her last question. The board will make a decision in compliance with the regulations.

Mrs L.M. HARVEY: I understand this is not the minister's portfolio. I am going back to try to understand the intention. That was the difficulty we had in the briefing; the legislation stated that the minister would put in place policies and procedures that the board would need to consider prior to the release of data. All that has changed is that instead of the minister having a policy and procedure that the board needs to consider, it will be drafted with the minister's concurrence and be tabled as a regulation in Parliament. What sorts of things can we expect to be

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included in those policies and parameters for the release of data? For example, will the regs ensure that no particular schooling sector can be identified or singled out as a result of data release?

Mr P. PAPALIA: Member, as I indicated earlier, it is envisaged that researchers will need to provide clear evidence of the necessity for personal information to be included with data for researchers' analysis. I can go on with what else is envisaged that the regulations will encompass, but I read that in earlier.

Mrs L.M. HARVEY: There's no need to repeat that.

Mr P. PAPALIA: That is what is envisaged at this stage. The specifics will be determined and placed into regulations, which will be subject to review by the Parliament.

Mrs L.M. HARVEY: The legislation contains the words "reasonably necessary". Is there any precedence for what might be reasonably necessary or some examples of how that determination might be made?

Mr P. PAPALIA: Member, I am informed that an example might be Edith Cowan University conducting research on stress levels in children undertaking NAPLAN, for which, clearly, the researchers need to know information about individuals. That is an example of what would be considered reasonable.

Amendment put and passed.

Mrs L.M. HARVEY: Further to the explanatory memorandum that comes with these amendments—proposed sections 32A and 32B—reference is made to governing bodies, Catholic schools and the Association of Independent Schools of Western Australia. Are those schools compelled to release all the information about students and all the information to SCSA currently?

Mr P. PAPALIA: I am informed that those bodies are required to release that information.

Mrs L.M. HARVEY: When data from those Catholic or independent schools is being released via SCSA for research projects, for example, are the school sectors informed of data that is being requested and data that is being released for research purposes?

Mr P. PAPALIA: I understand that as a consequence of this amendment bill not having passed, they have not been able to release any data. This bill is a prerequisite for doing what the member is asking about.

Mrs L.M. HARVEY: Further to that, once this legislation is enabled, will there be a mechanism by which independent and Catholic schools can be notified about the release of data about their students for research purposes?

Mr P. PAPALIA: I am advised that SCSA would consider that. I suggest that could be pursued in the upper house, at which time the Minister for Education and Training might be able to provide a definitive answer.

Mrs L.M. HARVEY: Proposed section 32B(4)(c) provides that the board may specify the maximum period for which the information may be retained, and conditions relating to the copying, return or disposal of the information. What processes will be put in place to manage the retention and copying of information and to ensure that the data is destroyed upon completion of the project, consistent with these requirements?

Mr P. PAPALIA: I am informed that procedures of that nature are in place currently as a result of the requirement to retain data for historic information on things such as the tertiary entrance examination and the Western Australian Certificate of Education. The details of the process will be contained in regulations. As we have indicated, researchers will be required to sign a legally-binding agreement with regard to access and retention of the data.

Mrs L.M. HARVEY: Proposed section 32A(2) states —

If the collection, use or disclosure of information is authorised under subsection (1) —

(a) no civil or criminal liability is incurred in respect of the collection, use or disclosure; and ...

Will an individual whose information has been used illegally in a research project or has been transferred to a third party have the opportunity to seek a civil remedy, or is the only penalty available to them the penalty that is provided for in this legislation?

Mr P. PAPALIA: I am advised that, as we indicated earlier, the penalty provided for in this bill will not impede or restrict the ability of an individual to seek further remedy. Nevertheless, what the member has asked is probably worth pursuing in the upper house with the Minister for Education and Training, who should be able to give the member a specific answer with regard to a civil penalty. I could also possibly provide that information at the third reading stage.

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Mrs L.M. HARVEY: I would be happy with either. A research project may take place with a particular intent, and the researcher receives the data, but the data then takes the project in a different direction. Does an individual who finds themselves in that situation have to reapply for use of that data, or do they need to apply to amend the conditions of the use of that data, should they find that the dataset is actually taking them down a completely different foxhole, and it is likely that the research project will uncover a completely different outcome from what was initially envisaged?

Mr P. PAPALIA: For the specific nature of the answer required by the member, I think we should seek further advice. We do not know the answer to that right now. I could speculate, but that would not be a good thing to do. Again, I can get the answer to the member in the near term, in the third reading, or potentially in the other place.

Mrs L.M. HARVEY: I think it is important that we do that, because I would not like to see somebody obtain data with an intention and purpose for a research project, and then find that they need to reposition their project because in actual fact their hypothesis was completely off base. It could well be that the policies and procedures put in place by regulations might be able to iron out some of those nuances, but we will definitely put that to the minister in the other place.

Clause, as amended, put and passed.

Title put and passed.

House adjourned at 10.22 pm
