



REPORT OF THE  
STANDING COMMITTEE ON PUBLIC ADMINISTRATION  
IN RELATION TO THE  
**SCHOOL EDUCATION BILL 1997:  
INTERIM REPORT**

Presented by the Hon Kim Chance MLC (Chairman)

## **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

### **Date first appointed:**

7 November 1996

### **Members of the Committee**

Hon Kim Chance MLC (Chair)  
Hon Barbara Scott MLC (Deputy Chair)  
Hon Christine Sharp MLC  
Hon Helen Hodgson MLC  
Hon Barry House MLC

### **Staff of the Committee**

Mia Betjeman (Advisory/Research Officer)  
Jason Agar (Committee Clerk)

### **Terms of Reference**

See Appendix 1

### **Address:**

Parliament House, Perth, WA 6000, Telephone (08) 9222 7222

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**Report of the Legislative Council  
Standing Committee on Public Administration**

**in relation to the**

**School Education Bill 1997:  
Interim Report**

**1 Introduction**

- 1.1 On Tuesday 30 June 1998 the School Education Bill 1997 (“Bill”) was referred by the Legislative Council to the Standing Committee on Public Administration (“Committee”) in the following terms: *“That the order of the day for the School Education Bill be discharged and that the Bill be referred to the Standing Committee on Public Administration and that the Committee report to the House not later than 8 September 1998”*<sup>1</sup>.
- 1.2 The Committee notes the practical effects of prorogation on the referral of the Bill and has resolved to provide this interim report to the Legislative Council on the status of its enquiries.

**2 Scope of Enquiry**

- 2.1 On 6 July 1998 the Committee issued a circular letter to Members of the Legislative Council seeking written responses from each member as to any concerns that they had with the Bill. A copy of this circular is attached as Appendix 2.
- 2.2 As at the date of this report the Committee has received 3 responses. Two of those were substantive responses from each of the Hon Helen Hodgson MLC and the Hon Kim Chance MLC (“Submissions”).
- 2.3 The Committee has reviewed the Submissions in order to determine the scope of concern surrounding the provisions of the Bill. At this stage issues of concern can be related to 56 clauses of the 240 clauses in the Bill although the Committee notes that as its enquiries progress further issues may arise, and therefore further clauses may be subject to deliberation.
- 2.4 By way of preliminary observation the Committee notes that some issues may fall outside the Committee’s terms of reference. A copy of the Committee’s terms of reference are attached as Appendix 1.

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<sup>1</sup> Hansard, 1998, Volume 12, pp 4935 - 4945.

- 2.5 In essence the Committee seeks to ensure that agencies are efficient, effective and accountable in view of the context of public administration, public interest, policy and administrative law.
- 2.6 It is axiomatic that the Committee is constrained in any inquiry to remain within the Standing Orders and in this instance that will mean that the scope of the inquiry will be contained primarily, if not exclusively, by the effect of the Bill on issues administered by the relevant public agencies.
- 2.7 By way of example the Standing Orders which apply to this Committee do not enable the Committee to enquire into the principle or policy behind the Bill. Whilst the scope of the issues are yet to be determined the Committee notes that some of the preliminary comments made during the Legislative Council debate on the referral motion of the Bill to this Committee<sup>2</sup> and in the Submissions specifically allege a need to introduce changes to the policy and principle of the Bill.
- 2.8 Accordingly the Committee notes that there are issues which may more appropriately be dealt with by another committee of the House.

### **3 Consultative Process**

- 3.1 As stated the Committee has considered the Bill in light of the Submissions and, on a preliminary basis, narrowed the scope of its enquiry. The Committee now intends to canvass primary stakeholders by seeking written submissions on whether the Bill, as passed by the Assembly, has satisfied their concerns with the Green Bill<sup>3</sup> and if not, to indicate their reasons.
- 3.2 Once that process has been concluded the Committee intends to assess those concerns and may invite some or all of the stakeholders to appear before the Committee. The Committee does not intend to reopen the extensive consultation process that occurred with the Green Bill and proposes to confine its enquiry to those clauses and issues in dispute and within its terms of reference.

**HON KIM CHANCE MLC  
CHAIRMAN**

**5 August 1998**

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<sup>2</sup> Hansard, 1998, Volume 12, pp 4935 - 4945.

<sup>3</sup> In June of 1997 a draft of the *School Education Bill 1997* was tabled in the Legislative Assembly in the form of a "Green Bill" for a period of 12 weeks of public consideration and feedback.

## APPENDIX I

### Terms of Reference for the Standing Committee on Public Administration:

Schedule 1 of the Standing Orders establishes the Standing Committee on Public Administration. The Terms of Reference for the Standing Committee are:

- "1. A Standing Committee on Public Administration is established.
2. The Committee consists of 6 members.
3. The functions of the Committee are:
  - (1) to inquire into and report to the House on the means of establishing agencies, the roles, functions, efficiency, effectiveness, and accountability of agencies and, generally, the conduct of public administration by or through agencies, including the relevance and effectiveness of applicable law and administrative practises;
  - (2) to consider and report on any bill referred to it by the House providing for the creation, alteration or abolition of an agency, including abolition or alteration by reason of privatization; and
  - (3) except as provided in Standing Order 339(c), the Committee shall not proceed to an inquiry whose sole or principal object would involve consideration of matters that fall within the purview, or are a function, of another Committee.

4. In this order:

"Agency" means-

- (a) an agent or instrumentality of the State Government, established for the purpose of developing, implementing or administering any program or policy with a public purpose or any such program or policy that relies substantially for its development, implementation or administration on public monies or revenue;
- (b) any person empowered by a written law to make a decision enforceable at law whether by that person or otherwise,

and, where appropriate, includes any agency officer or employee acting, or having ostensible authority to act, as the agent or delegate of the agency, but does not include:

- (c) a House of the Parliament, or any Committee or member of either House, or any officer or employee of a department of the Parliament;

- (d) a court of law or a court of record, or a judge or other member of either court;
- (e) any person whose functions are solely of an advisory nature and the failure to obtain or act in accordance with advice given by that person does not invalidate or make voidable a decision made by another person;
- (f) a police officer or other person in the course of exercising a power conferred by a written law to arrest or charge a person with the commission of an offence, or to enter premises and seize or detain any object or thing;
- (g) a local government within the meaning of the Local Government Act 1995;"

**APPENDIX 2****Committee's circular letter to Members of the Legislative Council**

6 July 1998

Members of the Legislative Council  
Parliament House  
PERTH WA 6000

Dear Member

**School Education Bill 1997**

Members will be aware that on 30 June 1998 the School Education Bill 1997 ("Bill") was referred by the House to the Standing Committee on Public Administration.

If you have an interest or concern in relation to any aspects of the Bill, please indicate this to the Committee by providing an outline of that concern with specific reference to the clause number/s in the Bill.

Written responses are requested by **Friday 17 July 1998**, addressed to:

Ms Mia Betjeman  
Advisory/Research Officer  
Standing Committee on Public Administration  
Legislative Council Committee Office  
Ground floor  
1110 Hay Street  
PERTH WA 6000

If you have any queries please contact, Mia Betjeman, on 9222 7472.

Yours sincerely

Hon Kim Chance  
Chairman