



Legislative Council
Legislation Committee

Report on the consideration in detail of the Education and
Training Reform Bill

April 2006

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**EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS
OF THE LEGISLATIVE COUNCIL**

Wednesday, 29 March 2006

- 8 LEGISLATION COMMITTEE** — Mr Gavin Jennings (for Mr John Lenders) moved, That the Honourables Philip Davis, Damian Drum and Bill Forwood, Ms Carolyn Hirsh, Ms Jenny Mikakos and Mr Matt Viney be members of the Legislation Committee.

Debate ensued.

Question — put and resolved in the affirmative.

Tuesday, 4 April 2006

- 12 EDUCATION AND TRAINING REFORM BILL — REFERRAL TO LEGISLATION COMMITTEE** — Mr Gavin Jennings moved, That at the conclusion of the second reading debate, this Bill be referred to the Legislation Committee.

Question — put and resolved in the affirmative.

MEMBERS OF THE COMMITTEE

Mr M.S. Viney, MLC (Chair)

The Hon. A.R. Brideson, MLC (substitute for The Hon. P.R. Davis, MLC)

The Hon. P.R. Hall (substitute for The Hon. D.K. Drum, MLC)

Ms C.D. Hirsh, MLC

The Hon. W.A. Lovell (substitute for The Hon. W. Forwood, MLC)

Ms J. Mikakos, MLC

REPORT

The Legislation Committee of the Legislative Council, appointed pursuant to the Resolution of the Council on 29 March 2006, has the honour to report as follows:

1. This is the second report of the Legislation Committee, established by trial Sessional Orders adopted by the Legislative Council on 8 February 2006.
2. The function of the Committee, prescribed by Sessional Order 43, is to consider in detail a Bill or series of related Bills referred to the Committee by the Council and to report to the Council on the Committee's consideration of the Bill, which may include any recommendations for amendments to the Bill(s).
3. On Tuesday, 4 April 2006, on the motion of Mr Gavin Jennings, the House resolved that at the conclusion of the second reading debate, this Bill be referred to the Legislation Committee.
4. Following the second reading of the Education and Training Reform Bill in the Legislative Council on Thursday, 6 April 2006, the Bill was referred to the Committee by the House. The Committee met publicly to consider the Bill in detail on 21 April 2006 in the Legislative Council Committee Room, Parliament House.
5. The Honourable Lynne Kosky, Minister for Education and Training, attended and gave evidence along with Mr John Livi, Chief Legal Officer and Mr Michael Kane, General Manager, Strategic Initiatives from the Department of Education and Training. The Committee notes that this is the first time that a Minister from the Legislative Assembly has attended the Legislation Committee to give evidence in relation to the detail of a Bill.
6. Under Sessional Orders the Committee is required to consider the Bill in the same order and generally the same manner that Bills are considered in Committee of the whole Council. While remaining cognisant of these requirements, the Committee found it useful to once again adopt a flexible approach, particularly in allowing Debate across a range of clauses and circulated amendments in relation to the question on a single clause or amendment.
7. Amendments were moved by the Honourable Peter Hall, which are found in the Minutes of the Proceedings which follow.
8. The trial Sessional Orders governing the operation of this Committee require the Committee to report back to the Council no later than the first sitting day that occurs after two sitting weeks or four calendar weeks following the referral of the Bill, whichever is the shorter period.

9. This time line along with the prescribed function of the Committee, which is to consider the Bill in the same manner as Committee of the whole Council, do not envisage a lengthy narrative of the many issues raised during the consideration of the Bill. However, the Committee notes that the final part of this report, which is the Hansard transcript of the proceedings, included, pursuant to Sessional Order 56, serves to inform the reader of the various points of view on the Bill's contents.
10. The Committee's detailed consideration of the Bill is found in the Minutes of the Proceedings attached to this Report. Following this consideration, the Committee recommends that the Bill be passed by the Legislative Council without amendment.

Committee Room,
27 April 2006

MINUTES OF THE PROCEEDINGS

The Minutes of the public proceedings of the Legislation Committee in relation to consideration in detail of the Education and Training Reform Bill were as follows:

FRIDAY, 21 APRIL 2006

The Committee met in the Legislative Council Committee Room to consider the Education and Training Reform Bill.

Present: Mr M.S. Viney, MLC (Chair)
The Hon. A.R. Brideson, MLC (substitute for The Hon. P.R. Davis, MLC)
The Hon. P.R. Hall (substitute for The Hon. D.K. Drum, MLC)
Ms C.D. Hirsh, MLC
The Hon. W.A. Lovell (substitute for The Hon. W. Forwood, MLC)
Ms J. Mikakos, MLC

Witnesses: The Hon. Lynne Kosky, MP, Minister for Education and Training
Mr John Livi, Chief Legal Officer, Department of Education and Training
Mr Michael Kane, General Manager, Strategic Initiatives, Department of Education and Training

Also in Attendance: Ms G.D. Romanes, MLC
Mr Andrew Young
Assistant Clerk – Committees
Ms Felicity Murphy
Manager – Papers Office

Meeting Opened

The Chair declared the meeting open at 1.37 p.m.

Consideration in detail

Clause 1.1.1.

The Honourable Peter Hall moved Amendment no. 1,
Clause 1.1.1, page 2, lines 12 and 13, omit "and the regulation of non-Government schools and" and insert ", the regulation of non-Government schools and the registration of students for".

Question — That the amendment be agreed to — put.

The Committee divided.

AYES: 1

NOES: 3

Mr Hall

Ms Hirsh
Ms Mikakos
Mr Viney

Amendment thus negatived.

Question — That Clause 1.1.1 stand part of the Bill — put.

The Committee divided.

AYES: 3

NOES:1

Ms Hirsh
Ms Mikakos
Mr Viney

Mr Hall

Clause thus agreed to.

Clauses 1.1.2 to 2.1.9 — agreed to.

Clause 2.1.10.

The Honourable Peter Hall moved Amendment no. 3,
Clause 2.1.10, after line 8 insert—

"() If a child is asked for his or her name and address under sub-section (1), a parent of the child may provide that name and address instead of the child."

Mr Hall withdrew Amendment no. 3.

Question — That clause 2.1.10 stand part of the Bill — agreed to.

Clauses 2.1.11 to 4.2.4 — agreed to.

(The Hon. Lynne Kosky, Mr Kane and Mr Livi left the meeting at 4.16 p.m.)

Proceedings suspended from 4.16 p.m to 4.21 p.m.

Clauses 4.2.5 to 4.3.8 — agreed to.

Clause 4.3.9.

Question — That clause 4.3.9 stand part of the Bill — put.

The Committee divided.

AYES: 5

NOES: 1

Mr Brideson
Ms Hirsh
Ms Lovell
Ms Mikakos
Mr Viney

Mr Hall

Clause thus agreed to.

Clauses 4.3.10 to 5.8.4 — agreed to.

Clause 5.8.5.

Question — That clause 5.8.5 stand part of the Bill — put.

The Committee divided.

AYES: 3

NOES: 3

Ms Hirsh
Ms Mikakos
Mr Viney

Mr Brideson
Mr Hall
Ms Lovell

There being an equality of votes, the Chair gave his casting vote for the Ayes.

Clause thus agreed to.

Clauses 5.8.6 to 6.1.3 — agreed to.

Schedules 1 to 8 — agreed to.

Consideration of the Bill concluded.

Adjournment

The Committee adjourned its deliberations at 4.31 p.m.

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Thursday, 27 April 2006

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Adoption of paragraph 10 —
Moved Ms Mikakos, seconded Ms Hirsh.

Question — That paragraph 10 be agreed to — put.

The Committee divided.

AYES: 3	NOES: 2
Ms Hirsh	Mr Brideson
Ms Mikakos	Mr Forwood
Mr Viney	

Paragraph thus agreed to.

Hansard Transcript of Proceedings

21 April 2006

