

electorate of Swan, which is an independent school. We visited with the shadow minister recently to show how the school would be developing a specialist in languages as a result of being granted independent school status.

In my electorate of Swan, 10 schools have become independent public schools since 2010, with six more electing to become independent in 2013. These schools assume greater responsibility for their own affairs and have greater flexibility to respond to their communities. The Western Australian government has recognised the great importance of government funded schools in our community by allowing very diverse schools to respond to the individual needs of the communities they service. By giving more power to the individual schools, programs can be tailored to meet the student needs of a particular enrolment area. School funding can be more wisely spent in line with the needs of the individual school, avoiding the rampant waste we have seen with the school halls program, Building the Education Revolution.

The standards for schools to become independent public schools are understandably rigorous. Every public school in Western Australia will be given the opportunity to be selected once they meet the high standards required to become an independent public school. This approach recognises that schools perform better, and achieve higher outcomes when granted flexibility to adapt to community and student needs in education. The approach also acknowledges some schools need more support than others when transitioning and provides guidance and expertise to ensure that schools and students around Western Australia are reaching their potential. Importantly as well, the IPS initiative provides parents, students, communities and schools with choice. Choice is incredibly important for schools as no two schools are the same in terms of funding needs, infrastructure needs, and student and staff needs.

The bill before the House today is unclear as to whether or not additional administrative burdens would be placed on schools with regard to funding, creating more red tape and a less efficient school system. While independent public schools are funded on the same basis as all Western Australian public schools, the ongoing funding uncertainty and the lack of a proposed funding model could inhibit some schools in their transition to become independent. All in all, this bill does little or nothing to improve education outcomes, but it has afforded many coalition members the opportunity to expose the hollowness of the government's budget and the hollowness of their commitments to the Gonski report. The focus needs to shift. Differences need to be made in the classroom rather than the bureaucracy. Our schools and children deserve better.

Debate adjourned.

## **Asbestos Safety and Eradication Agency Bill 2013**

### **Report from Federation Chamber**

Bill returned from Federation Chamber with amendments; certified copy of bill presented.

Ordered that this bill be considered immediately.

*Federation Chamber's amendments—*

(1) Page 2 (after line 12), after clause 2, insert:

#### **2A Object of this Act**

The object of this Act is to establish the Asbestos Safety and Eradication Agency to administer the National Strategic Plan, which aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia.

(2) Clause 3, page 2 (line 18), after "asbestos awareness", insert ", education and information sharing,".

(3) Clause 3, page 3 (lines 8 and 9), omit the definition of *National Strategic Plan*, substitute:

*National Strategic Plan* has the meaning given by section 5A.

(4) Page 3 (after line 16), after Part 1, insert:

#### **Part 1A—National Strategic Plan**

##### **5A National Strategic Plan**

The *National Strategic Plan* means the plan that:

(a) is known as the National Strategic Plan for Asbestos Management and Awareness; and

(b) aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia; and

(c) addresses the following priority areas:

(i) the systematic identification of material containing asbestos in the built environment and of asbestos dump sites;

(ii) systems, timelines and processes for the prioritised safe removal of material containing asbestos from public and commercial buildings and the safe disposal of such material;

(iii) measures to assist the residential sector to minimise the risks of asbestos, including raising awareness, education and mechanisms for identifying and classifying risks associated with asbestos;

(iv) improving education and information about asbestos;

(v) improving asbestos safety;

(vi) improving the sharing of information about asbestos and asbestos safety; and

(d) deals with any other relevant matters.

(5) Clause 12, page 7 (lines 13 and 14), omit "advice, makes recommendations or issues guidelines", substitute "advice or makes recommendations".

(6) Clause 12, page 7 (line 16), omit "or guidelines".

(7) Clause 12, page 7 (after line 16), after subclause (1), insert:

(1A) The CEO must comply with any guidelines issued by the Asbestos Safety and Eradication Council under section 29.

(1B) Subsection (1A) does not apply to the extent that:

(a) compliance with the guidelines would be inconsistent with the CEO's performance of functions or exercise of powers under the *Financial Management and Accountability Act 1997* in relation to the Agency; or

(b) the guidelines relate to the CEO's performance of functions or exercise of powers under the *Public Service Act 1999* in relation to the Agency.

(8) Page 11 (after line 31), at the end of Division 3, add:

### 23A Delegation

(1) The CEO may, in writing, delegate all or any of the CEO's functions or powers to a person who is a member of the staff of the Agency.

(2) In exercising any powers or performing any functions under the delegation, the delegate must comply with any directions of the CEO.

(9) Clause 29, page 14 (lines 12 and 13), omit "asbestos safety, if requested to do so by the Minister.", substitute "asbestos safety; and".

(10) Clause 29, page 14 (after line 13), at the end of subclause (1), add:

(c) to monitor the implementation of the National Strategic Plan by Commonwealth, State, Territory and local governments; and

(d) to provide advice, and make recommendations, about the National Strategic Plan and annual operational plans.

(11) Clause 29, page 14 (after line 16), after subclause (2), insert:

(2A) The Asbestos Safety and Eradication Council must not issue guidelines that are inconsistent with any directions given under section 14 (Minister's directions to CEO).

(2B) Any guidelines that are inconsistent with a direction of the kind referred to in subsection (2A) have no effect to the extent of the inconsistency.

(12) Clause 29, page 14 (lines 20 and 21), omit subclause (4).

(13) Page 15 (after line 5), at the end of Division 1, add:

### 30A Committees

(1) The Asbestos Safety and Eradication Council may, by writing, establish committees to assist the Council in the performance of its functions.

(2) A committee is to consist of such persons as the Asbestos Safety and Eradication Council determines.

(3) If the Asbestos Safety and Eradication Council establishes a committee under subsection (1), the Council must, in writing, determine:

(a) the committee's terms of reference; and

(b) the terms and conditions of appointment of the members of the committee; and

(c) the procedures to be followed by the committee.

(4) An instrument made under subsection (1) or (3) is not a legislative instrument.

(14) Clause 31, page 16 (lines 7 to 9), omit paragraphs (c) and (d), substitute:

(c) 4 members representing State, Territory and local governments; and

(d) 1 member representing the interests of workers in Australia; and

(e) 1 member representing the interests of employers in Australia; and

(f) 2 other members.

(15) Clause 32, page 16 (after line 18), after paragraph (2)(c), insert:

(ca) the member representing the interests of workers in Australia; or

(cb) the member representing the interests of employers in Australia; or

(16) Clause 32, page 16 (line 21), omit "31(a) or (d)", substitute "31(a), (d), (e) or (f)".

(17) Clause 32, page 16 (after line 30), at the end of the clause, add:

(4) A person is eligible for appointment as a Council member under paragraph 31(d) only if:

(a) the person has been nominated for the appointment by an authorised worker body; and

(b) the Minister agrees to the person being appointed.

(5) If an authorised worker body nominates a person but the Minister does not agree to the person being appointed, an authorised worker body (which may be the same or a different body) may nominate another person for the appointment.

(6) The Minister may authorise a body for the purposes of subsections (4) and (5) if the Minister considers that the body represents the interests of workers in Australia. If the Minister does so, the body is an **authorised worker body**.

(7) A person is eligible for appointment as a Council member under paragraph 31(e) only if:

(a) the person has been nominated for the appointment by an authorised employer body; and

(b) the Minister agrees to the person being appointed.

(8) If an authorised employer body nominates a person but the Minister does not agree to the person being appointed, an authorised employer body (which may be the same or a different body) may nominate another person for the appointment.

(9) The Minister may authorise a body for the purposes of subsections (7) and (8) if the Minister considers that the body represents the interests of employers in Australia. If the Minister does so, the body is an **authorised employer body**.

(18) Clause 37, page 20 (after line 17), at the end of the clause, add:

(4) The Council member:

(a) must not be present during any deliberation by the Council on the matter; and

(b) must not take part in any decision of the Council with respect to the matter.

(19) Heading to Division 4, page 22 (line 1), omit "**Meetings of**", substitute "**Procedures of**".

(20) Page 22 (after line 10), at the end of Division 4, add:

### 41A Quorum

(1) At a meeting of the Asbestos Safety and Eradication Council, a quorum is constituted by:

(a) 2 members appointed under paragraph 31(c) (members representing State, Territory and local governments); and

(b) any 4 other Council members.

(2) However, if:

(a) a member is required by section 37 not to be present during the deliberations or to take part in any decision of the Asbestos Safety and Eradication Council with respect to a particular matter; and

(b) when the member leaves the meeting concerned, there is no longer a quorum present;

the remaining Council members at the meeting constitute a quorum for the purposes of any deliberation or decision at that meeting with respect to that matter.

(21) Page 22, at the end of Division 4 (after proposed section 41A), add:

#### **41B Voting at meetings**

(1) A question arising at a meeting of the Asbestos Safety and Eradication Council is to be determined by a majority of the votes of the Council members present and voting.

(2) The person presiding at a meeting has:

(a) a deliberative vote; and

(b) if necessary, also a casting vote.

(22) Page 22, at the end of Division 4 (after proposed section 41B), add:

#### **41C Minutes**

The Asbestos Safety and Eradication Council must keep minutes of its meetings.

(23) Page 22, at the end of Division 4 (after proposed section 41C), add:

#### **41D Conduct of meetings**

The Asbestos Safety and Eradication Council may regulate proceedings at its meetings as it considers appropriate.

Note: Section 33B of the *Acts Interpretation Act 1901* contains further information about the ways in which Council members may participate in meetings.

(24) Page 22, at the end of Division 4 (after proposed section 41D), add:

#### **41E Decisions without meetings**

(1) The Asbestos Safety and Eradication Council is taken to have made a decision at a meeting if:

(a) without meeting, a majority of the Council members entitled to vote on the proposed decision indicate agreement with the decision; and

(b) that agreement is indicated in accordance with the method determined by the Council under subsection (2); and

(c) all the Council members were informed of the proposed decision, or reasonable efforts were made to inform all the members of the proposed decision.

(2) Subsection (1) applies only if the Asbestos Safety and Eradication Council:

(a) has determined that it may make decisions of that kind without meeting; and

(b) has determined the method by which Council members are to indicate agreement with proposed decisions.

(3) For the purposes of paragraph (1)(a), a Council member is not entitled to vote on a proposed decision if the member would not have been entitled to vote on that proposal if the matter had been considered at a meeting of the Council.

(4) The Asbestos Safety and Eradication Council must keep a record of decisions made in accordance with this section.

**The DEPUTY SPEAKER (Ms O'Neill) (13:06):**  
The question is that the amendments made by the Federation Chamber be agreed to.

Question agreed to.

Bill, as amended, agreed to.

#### **Third Reading**

**Mr BURKE (Watson—Minister for the Arts, Minister for Sustainability, Environment, Water and Population and Communities) (13:06):** by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

#### **Australian Education Bill 2012**

#### **Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

That all words after "That" be omitted with a view to substituting the following words:

"whilst not declining to give the bill a second reading, the House is of the view that:

(1) the Objects of the bill should be amended to read:

(a) families must have the right to choose a school that meets their needs, values and beliefs;

(b) all children must have the opportunity to secure a quality education;

(c) student funding needs to be based on fair, objective, and transparent criteria distributed according to socio-economic need;

(d) students with similar needs must be treated comparably throughout the course of their schooling;

(e) as many decisions as possible should be made locally by parents, communities, principals, teachers, schools and school systems;

(f) schools, school sectors and school systems must be accountable to their community, families and students;

(g) every Australian student must be entitled to a basic grant from the Commonwealth government;

(h) schools and parents must have a high degree of certainty about school funding so they can effectively plan for the future;

(i) parents who wish to make a private contribution toward the cost of their child's education should not be penalised, nor should schools in their efforts to fundraise and encourage private investment; and