



Education, Employment and Workplace Relations Committee

Inquiry into the Australian Education Bill 2012

**Submission by
Christian Schools Australia Ltd**

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1. Introduction

Christian Schools Australia (CSA) is a peak group representing 137 member schools nationally with approximately 53,000 students and more than 5,000 staff. CSA provides leadership in policy, services and resources for its members, and generally works to advance the cause of Christian schooling.

CSA member schools are geographically, culturally and educationally diverse, while serving predominantly middle to lower socio-economic communities. They operate as locally governed, community-based, not for profit religious organisations.

CSA member schools are closely aligned with one or more Christian churches in their communities. As faith-based schools, our members are overt and particular about the beliefs and values that underpin the schools' culture and practice.

As a direct expression of Christian faith, our member schools have a strong culture of mission and service both at home and overseas. They educate students to be locally and globally active citizens, concerned about the welfare of others and about using their gifts to serve.

CSA member schools have attracted very strong community support as evidenced by their enrolment growth, which has averaged almost 10 percent over the past decade.

Many CSA members were commenced by and remain affiliated with a local church, and draw their enrolments from church families. Others are associated with and supported by members from a number of churches in their local area. In addition, most CSA schools also attract significant enrolments from families who, while not currently attending a Christian church, nonetheless deliberately choose the school because they desire for their children an education that is based upon Christian beliefs and values. This can be expected when the position is accepted that every parent has an inalienable right to choose the type of education they desire for their children.

We have set out below our submission to the Education, Employment and Workplace Relations Committee's *Inquiry into the Australian Education Bill 2012*. In doing so we reserve the right to provide further analysis and comment either in response to other submissions or more generally.

2. The nature of Christian Schools

As indicated above CSA member schools are geographically, culturally and educationally diverse, while serving predominantly middle to lower socio-economic communities.

This is reflected in a number of indicators such as the average socio-economic status (SES) score of 96.7 which is lower than other non-government school groups such as the Catholic systemic schools and well-below the average for independent schools. A similar picture is painted by the average Index of Community Socio-Educational Advantage (ICSEA) score which, when initially calculated in 2009 using

a constant data set and methodology, showed CSA members with an average score well below Catholic schools and approaching that of Government schools.

Resource levels within CSA member schools reflect the nature of the school communities as shown in the table of average Net Recurrent Income Per Student (NRIPS) below taken from data available on the *MySchool* website:

Sector	National Average NRIPS 2010 data	National Average NRIPS 2009 data
CSA member schools	\$10,328	\$10,036
Catholic	\$10,340	\$10,008
Independent (<i>which includes CSA members</i>)	\$14,460	\$13,700
Government	\$11,520	\$11,170

Subject to the limitations outlined on the *MySchool* website the average NRIPS figure provides a broadly indicative comparison of relative resources levels across sectors. As can be seen from the most recently published (2010) data CSA member schools have the lowest national average resources levels.

3. General Comments

The Bill must be read and understood in relation to its genesis. It arises from a reform process which commenced on 15 April 2010 when the then Minister for Education, the Hon Julia Gillard MP, announced a *Review of Funding of Schooling*, the Gonkski Review. The report from the Review was released in February 2012 and the Prime Minister outlined the Government's response in September 2012.

CSA has made submissions at each stage of the Review process and is strongly supportive of the principles that underpinned the Review's recommendations as well as the majority of the recommendations themselves. We warmly welcome the inclusive nature of the Government's policies both across sectors within the education community and across the wider community with a special focus on those with the greatest need.

The complex nature of the task being undertaken is understood and appreciated. Nevertheless the lack of detail in relation to the future funding of non-government schools is disappointing and frustrating. In less than a year non-government schools would be expecting to receive their first tranche of 2014 funding. At this time there is no legislation in place nor tabled that would allow that payment to occur. There is no way for schools to estimate what that payment might be and consequently plan for staffing or school development for 2014 or beyond.

While the Government's promise that all schools will receive increased funding is welcome, the time has come for this promise to be supported by concrete proposals. The lack of certainty around future funding is adversely impacting Christian schools **now** as they seek to make plans for future growth to accommodate the enormous projected need for non-government schools over the next decade.

Widespread consultation with key stakeholder groups such as CSA is also essential to ensure that the needs of all schools are reflected in the funding model. CSA member schools educate more students than either Territory yet do not receive a direct input into the consultative processes. We urge the Committee to ensure that the Government extends the existing consultative arrangements to encompass a more representative range of stakeholder groups.

4. The Australian Education Bill 2012

Against the background and context outlined above the following specific points are made in relation to the Bill.

Preamble

The philosophical heart of the Bill is to establish 'quality' education as an entitlement of citizenship. We applaud this approach. However CSA believes the Bill does not go far enough in recognising the full rights of citizens in relation to education, especially compared to some very significant international covenants on human rights to which Australia is a signatory.

Australia is a multi-faith society in which the free exercise of religion is regarded as a very important human right: indeed a right of citizenship. This Bill must not neglect to recognise the link between these human rights, education and free exercise of religion – indeed; Australia is a signatory to international covenants that do exactly that.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

International Covenant on Civil and Political Rights (Article 18)

Not only should "quality education" be enshrined by the Bill as a right of citizenship, the right of parents must also be recognised and respected in relation to the freedom to choose the religious and moral context in which their children are educated.

This should be reflected in the Preamble to the Bill, and reference made in the statement of compatibility with Human Rights in the Explanatory Memorandum (tabled with the Bill).

RECOMMENDATION: That the Preamble be amended to include an acknowledgement that it is an entitlement of citizenship that each child receives a quality education and that that state will protect and respect the right of parents and legal guardians in relation to the *religious and moral education of their children in conformity with their own convictions.*

Consistent with the principles of parental choice and religious freedom, are the right to choose an education setting that reflects particular religious or moral beliefs. This is consistent with Article 13 of the *International Covenant on Economic, Social and Cultural Rights*, especially:

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

International Covenant on Economic, Social and Cultural Rights (article 13)

There is widespread support across the political spectrum for the rights enshrined in these covenants to which Australia is a long-term signatory. The Bill will be strengthened by including appropriate references to them.

RECOMMENDATION: That the Preamble of the Bill be amended to recognise the right to establish and operate schools whose purpose includes religious formation or the integration of religious and moral principles as a purpose of the school, providing the school complies with the standards laid down for education by the state.

Section 2 - Commencement

The Bill is intended to commence on 1 January 2014. Indeed as noted above if legislation is not in place before the expiration this year of funding under the *Schools Assistance Act 2008* there will be no Australian Government funding for non-government schools in 2014.

The timetable to enact a new funding arrangement to commence on 1 January 2014 is, however, problematic. Non-government schools have not been provided with any details of proposed funding arrangements. As noted below details are also lacking in other key features of the Bill.

We understand and appreciate the Government's commitment to education reform and the foundational nature and importance of the reform being proposed. However it is this importance and the root and branch nature of the reform that demands that time be given to achieving the best outcomes from the process. Put simply, we have grave concerns that effective consultation with the relevant stakeholders, including Christian schools, can occur to allow this to be finalised and all legislative measures introduced in the first half of the year; the only reasonable target for 1 January 2014 commencement.

RECOMMENDATION: That the Government commit to bringing forward exposure of a second bill, and full details of the modelling of the Gonski Reforms, during the first quarter of 2013.

Section 3 - Objects

The important agreements, commitments and understanding captured in the *Melbourne Declaration (Melbourne Declaration on Educational Goals for Young Australians*, Ministerial Council on Education, Employment, Training and Youth Affairs, 2008) are absent from the Objects, Preamble or elsewhere in the Bill. The interaction between the *Melbourne Declaration*, with agreed goals for education over the decade from 2008 to 2018 and the Bill's objects are unclear.

The Melbourne Declaration identifies two Goals for this period as follows:

Goal 1: Australian schooling promotes equity and excellence

Goal 2: All young Australians become:

- *successful learners*
- *confident and creative individuals*
- *active and informed citizens*

While Goal 1 would seem to reflect the objects outlined in s3(b)(i) and (ii) Goal 2 encompasses a far broader objective than the very specific target outlined in s3(b)(iii) which, arguably, reflects a very narrow, reductionist view of education.

Given the potentially controversial nature of the specific target in s3(b)(iii) and the short time frame discussed above it may be more appropriate to build on the already agreed goals contained in the *Melbourne Declaration* as the basis of the Bill.

RECOMMENDATION: That the Objects of the Bill be amended to reflect the achievement of the Melbourne Declaration Goals.

Section 4 - Definitions

The definitions within the Bill are broad and few in number, reflecting the high level and aspirational nature of the Bill. It is therefore somewhat unfair to make comparisons to the extensive definitions and interpretative provisions within the *Schools Assistance Act 2008* which deal with a wider range of procedural issues. Nonetheless this comparison clearly demonstrates the quantum of work that is required before the Bill could provide a replacement funding mechanism.

Of greater concern is the absence of a definition or any reference to capital funding in the Bill. Capital funding was largely ignored in the Review and this has continued in the Government's subsequent response. 'Excellent' and 'highly equitable' educational outcomes will not, however, occur when there are significant disparities in capital resources and facilities. Government enrolment projections also suggest the need for around 1,500 new schools by 2020, these schools will require capital funding and a significant proportion of those will be in the non-government sector. While the Bill rightly focussed on reforms such as Quality teaching and learning the basics of capital support and infrastructure cannot be left unaddressed.

RECOMMENDATION: That capital funding for both government and non-government schools be recognised in the definitions and a commitment to capital funding added to the Bill.

Section 6 – Developing a national plan

The National Plan identified in this section will assume great significance in the years to come and is the legislative heart of the Bill.

The Plan is not defined in the Bill, yet implementation of the Plan is a pre-requisite for school funding. States, Territories, systems and other non-government schools will have to agree to the Plan to receive Commonwealth funding. The Bill provides for the Plan to be developed cooperatively between the States and non-government education authorities. It will be crucial that the input from a wide range of stakeholders, including Christian schools, is sought through this process and again the challenges of an extremely tight timetable must be noted.

RECOMMENDATION: That the National Plan be released as a discussion draft at the earliest opportunity.

Section 7 – Reform directions for the National Plan

The themes here are familiar, reflecting and building upon the direction taken by the Government since taking office. CSA is generally supportive of these directions.

We do note in passing however that the language used in this section is more suited to a policy statement than a piece of legislation and somewhat detracts from what seems to be the intent here. In particular, the lack of detail and definition and use of comparative language (see particularly sub-section (5)) is unhelpful.

Quality teaching

These provisions we understand to reflect a continuation of the national approach to standards developed under the AITSL framework. CSA supports this framework. We have developed Christian teaching standards that will sit alongside those identified in the AITSL process, to describe the unique capabilities of teachers in Christian schools.

Quality learning

Christian schools have provided for many years a high quality educational experience, reflected in their increasing popularity within the community.

The inclusive nature of the application of this provision to 'all school students' is welcomed. CSA has for many years emphasised the need for additional support for disabled and socio-educationally disadvantaged students and we trust that the inclusive nature of this reform direction will be reflected in the subsequent national plan.

The reference to learning that supports students to reach their 'full potential' alludes to a broader range of educational outcomes than the narrow focus of section 3(b)(iii) of the Bill. This is another positive aspect of this provision.

Empowered school leadership

CSA member schools have long understood and reflected the value of local autonomy where a school is an integrated part of a local community. Integration and linkages with the local community are an important part of effective local autonomy and improvement in educational outcomes. This should be captured within this provision if the best outcomes for schools and their students are to be achieved.

As part of the non-systemic non-government school sector Christian schools have a depth of experience with decision making at the local school level. Improvements can still, however, be made and support for further development in this area would be welcomed. While we understand that the greatest change to achieve this objective needs to occur in Government schools the involvement of other stakeholders remains important.

Transparency and accountability

CSA has always supported accountability, and we are not opposed to public reporting through *MySchool*, but we are not sure that a case has been established

for even more data reporting than is presently available as is suggested in these provisions.

Sub-section 7(5) is (as mentioned above) incongruous and arguably not required. The lack of concrete meaning here is alarming and, to the extent that this Bill effectively forms the basis of a contract for funding, might even be seen as patronising in its lack of precision. This clause is of little value and detracts from the broad aspirational tone of the rest of the Bill.

RECOMMENDATION: That sub-section 7 (5) be deleted.

Meeting student need

Reflecting the inclusive nature of the phrase ‘all students’ in sub-section (2) this provision contains a welcome commitment, without qualification based on the school or sector involved, to the identification and support of student needs.

We assume that this provision is aimed at establishing a basis for the educational disadvantage loadings referred to in section 9 regarding school funding. CSA strongly supports the principle that underpins this commitment but, like many, we feel the pressing need to see the detail that will support this reform direction.

Section 8 – Developing benchmarks and supporting improvement

Given the explicit linkage between school performance, implementation of the national plan and school funding the development of appropriate, comprehensive and widely accepted benchmarks for assessing performance is of fundamental importance. The complexity of this task cannot be underestimated and the diversity of schools must be recognised and accommodated.

Benchmarks for well-resourced metropolitan schools may not be appropriate for distant remote or very remote schools. Academically selective government or non-government schools may not be easily comparable with a government or non-government school having a vocational focus. Schools with a significant distance education component, those with large concentration of students from an indigenous or recent immigrant background will all need to be accommodated in benchmarks. Presumably special schools or those providing alternative pathways will also be subject to customised treatment.

RECOMMENDATION: that wide ranging consultation with a broad cross section of stakeholders, including Christian schools, commence as soon as possible.

Section 9 – School funding

While this Bill does enshrine the principles on which a post-Gonski reform will be based it does not provide the detail that schools are waiting for.

On the one hand the Government and Prime Minister in particular, are to be commended for establishing the framework and Terms of Reference for the Gonski Review, and for following it through to this Bill. CSA has been supportive of the directions chartered by the Gonski Review Panel for reasons outlined by the Prime Minister in her second reading speech:

The Review found that current arrangements for funding, accountability and transparency of our schools are not supporting quality outcomes for all our students. Some schools do not get the resources they need to educate Australian children to the best of their ability. Barriers remain to educational achievement for too many students.

This is why the Government has adopted the broad architecture of a benchmark account per student, with extra needs to be met through a system of loadings: a dramatic simplification of the way we fund schools.

We support the Government's aims of removing those barriers. We agree with the 'architecture' for funding established by the Bill. Christian schools seek to educate all students with excellence, and the additional resources that should flow through to disadvantaged students will particularly enhance our mission to these students and communities.

As we indicated above however, it remains to be seen whether the Government can make this work in practice, especially in the timeframe required. Substantial agreement will be required across a broad range of stakeholders including the State and Territory governments. Significant investment in education will be required at a Federal and State/Territory level.

There is some way to go before this is settled yet the time to achieve the necessary agreement and secure the required funding commitments is short. The Government needs to urgently release far more detail in relation to school funding to allow consideration and consultation. Modelling of the impact on individual schools and school communities is critical at the impact at the individual school level is the most important aspect of any funding proposal.

CSA on behalf of member Christian schools is committed to involvement in ongoing consultations in relation to school funding and the Bill as a whole. We would welcome any invitation from the Committee or the Government to participate further.

Qualified support

CSA supports the general principles of a Gonski-style approach. We cannot however give our full support to any proposal that has not fully been modelled and released for consultation. As a general principle then, we cautiously support the Bill as presented (noting the recommendations in this submission). However our ongoing support for the funding reform process is conditional upon seeing hard data about its outcomes.

The structural reform represented by the current Bill is a necessary, significant, step. On balance, we believe it is valuable to enshrine these principles in law at the present time, while urging states and the commonwealth to urgently conclude their discussions about implementing Gonski in a way that fulfils the commitments given in the Prime Minister's speeches to the National Press club and elsewhere that:

'our funding model will recognise the diversity and uniqueness of Australian schools and will support the choices parents make about the best school for their child.'

'All students, regardless of school, will be funded on a consistent basis for the first time.'

'Every independent school in Australia will see their funding increase under our plan.'

The funding model will incorporate ' "needs loadings" – extra funding, per student, to help students from low SES backgrounds, indigenous students, students with disability and students with limited English skills, as well as to help with extra costs for small and remote schools.'

Funding will incorporate 'a new way of doing indexation that's got more certainty for schools and is less volatile because of the conduct of the state government.'

We must express however our serious concern at the lack of detail about the achievement of this promise.

Should data modelling, and funding commitments not be provided to fulfil this undertaking our support would immediately be withdrawn.

RECOMMENDATION: CSA urges support for the Bill, in particular as it relates to the structural basis of a new approach to funding (especially sections 8 and 9).