



### **The Schools Assistance Amendment Bill 2011**

Section 22 of the Schools Assistance Act 2008 ('the Act') provides that a funding agreement for a non-systemic school, or an approved school system, must implement the national curriculum prescribed by regulations for primary or secondary education, or both, as applicable and this requirement must be satisfied on or before 31 January 2012.

This provision is no longer applicable given the phased approach to developing the national curriculum, the extent of consultations undertaken in its development, and the need for flexibility in implementation. Furthermore, the amendments will allow the Act to more efficiently accommodate the need for future additions and revisions to the national curriculum, which are an accepted part of curriculum development processes.

The proposed Schools Assistance Amendment Bill 2011 ('the Bill') will amend the Act to repeal the current implementation date of 31 January 2012 and substitute a new provision enabling a standing regulation to prescribe the national curriculum and associated implementation timeframes as agreed by the Council of Australian Governments' Standing Council for School Education and Early Childhood ('the COAG Standing Council'), formerly known as MCEECDYA.

The amendment will provide a more certain legal framework for the non-government sector in which to implement the national curriculum and provide greater administrative efficiency for prescribing the phased introduction of the national curriculum.

Implementation of the national curriculum in government schools is facilitated separately through the National Education Agreement and is undertaken in line with decisions by the COAG Standing Council.

### **The Development of the Australian Curriculum**

Development of the national curriculum (known as the Australian Curriculum) is being overseen by the Australian Curriculum, Assessment and Reporting Authority (ACARA). ACARA is a statutory authority established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008*. ACARA is directed by and accountable to all Australian education ministers via the COAG Standing Council.

Among the functions set out in its Charter, ACARA is responsible for the development and administration of a national curriculum, including curriculum content and achievement standards.

Through the Act and the National Education Agreement, all governments/sectors have agreed to participate in ACARA's development of the Australian Curriculum. State and territory government and non-government education authorities and schools are responsible for its implementation.

As agreed by the COAG Standing Council, ACARA have taken a staged approach to the development and implementation of the Australian Curriculum, with work being carried out in a number of phases.



Phase one of ACARA's work involved development of the Australian Curriculum in the initial learning areas of English, mathematics, science and history covering Foundation<sup>1</sup> to Year 10 (F–10). Following substantial public consultation for this first phase, the Australian Curriculum was endorsed by the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA – now the COAG Standing Council) at its meeting of 8 December 2010. ACARA's development of the phase one curriculum for the senior secondary years (Years 11–12) is continuing.

Phase two of the Australian Curriculum, covering the learning areas of languages, geography and the arts is currently under development.

Phase three focuses on the remaining learning areas identified in the *Melbourne Declaration on Educational Goals for Young Australians* that were agreed by MCEECDYA in 2008. These learning areas include health and physical education, information and communications technology and design and technology, economics, business and civics and citizenship.

The staged approach allows for extensive consultation in the curriculum development process. ACARA has sought and continues to seek feedback from a range of people and organisations, including education authorities, parent bodies, professional education associations, academics and business, industry and community groups. Consultation opportunities include:

- public consultation through the Australian Curriculum website with web surveys and written submissions
- state/territory consultation forums involving teachers, academics, authorities and associations
- national panel meetings involving a range of 'experts' – teachers, academics, authorities and associations
- meetings with state and territory authorities and major professional associations
- participation of trial schools and teachers in using and commenting on the usefulness of the curriculum
- critical readers and reviewers around the country.

### **Flexibility in Implementation**

Section 22(2) of the Act as it currently stands, prescribes a single date for implementation of the national curriculum in non-government schools. Given the phased approach to development of the Australian Curriculum and the implementation timeline agreed by education ministers for the government sector, this provision dealing with the implementation timeframe of the national curriculum is no longer applicable.

Each phase of the Australian Curriculum will have its own implementation timeframe, agreed by all education ministers via the COAG Standing Council.

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<sup>1</sup> Foundation refers to the year before Year 1, known variously as Kindergarten (NSW/ACT), Preparatory (QLD/VIC/TAS), Pre-primary (WA), Transition (NT) and Reception (SA).

For example, a three-year implementation window has been agreed for the phase one F–10 Australian Curriculum, commencing in 2011 with substantial implementation by the end of 2013. This recognises that flexibility in implementation will be needed to give state and territory education authorities time to address the particular issues that may arise in each jurisdiction.

Given the iterative nature of curriculum development, updates to the Australian Curriculum will also be required from time to time. Updates to the Australian Curriculum may be either minor (involving simple editing or formatting changes) or major (the introduction of a new learning area or changes to curriculum content) and the amendments will allow the Act to more efficiently accommodate these. The first major update to the Australian Curriculum is expected late in 2011, following validation of achievement standards and any associated adjustments to the phase one F-10 Australian Curriculum in the four initial learning areas. All major changes to the Australian Curriculum will require the authorisation of the COAG Standing Council, prior to being accepted as part of the Australian Curriculum.

### **Continued Scrutiny of the Australian Curriculum**

The Bill will amend the Act to repeal the current implementation date of 31 January 2012 and substitute a new provision enabling the regulations to prescribe the national curriculum and associated implementation timeframes by incorporation of an external document as that document exists from time to time. The new provision is required to displace the operation of subsection 14(2) of the *Legislative Instruments Act 2003*.

After passage of the Bill, the regulations can then prescribe the national curriculum (for the purposes of subsection 22(1) of the Act) as the Australian Curriculum document that is approved by the COAG Standing Council, from time to time, and is then to be published on ACARA's website. Similarly, the implementation time frame for that particular iteration of the national curriculum shall be prescribed as the timeframe agreed by the COAG Standing Council. Therefore each new and successive iteration of the Australian Curriculum approved by the COAG Standing Council will become incorporated into the regulations.

The regulations, once made, shall effectively provide that approval or authorisation by the COAG Standing Council is the mechanism through which new phases of the national curriculum and their associated implementation timeframes are prescribed for implementation by schools.

Under this arrangement, the regulation prescribing the national curriculum shall be, as a legislative instrument, subject to Parliamentary scrutiny and disallowance. Accordingly, the first iteration of the Australian Curriculum incorporated into the regulations will also be subject to Parliamentary scrutiny. The ongoing incorporation of the Australian Curriculum will mean that once the disallowance period has expired, any future iteration of the Australian Curriculum will be subject to approval by the COAG Standing Council.

This will provide greater flexibility in the implementation of each new phase of the national curriculum by allowing the regulations to prescribe the curriculum implementation timeframes authorised by the COAG Standing Council and allow curriculum implementation timeframes for non-government schools to be efficiently and effectively aligned with those for government schools.

The Australian Curriculum approved by the COAG Standing Council represents the culmination of ACARA's extensive curriculum development process, which draws upon the curriculum expertise of the states and territories, examples of good practice from a range of educationally high-performing countries, as well as the knowledge of subject matter experts and those with expertise in stages of schooling and equity and diversity. Prior to approval by the COAG Standing Council, the curriculum is also subject to broad public consultation. For the first time, all Australians have been given the opportunity to comment on the curriculum that is taught in schools.

Approval from the Standing Council will be a necessary precondition to prescribing any new version of the national curriculum and its associated implementation timeframe, given the responsibility of states and territories for the curriculum that is taught in schools.

As each new version of the national curriculum is approved by the COAG Standing Council, it will be made publicly available on a website dedicated to the publication of the national curriculum. Publishing the curriculum online means the curriculum will be dynamic, and easily updated, in contrast with the static, hard-copy format. The Australian Curriculum will be among the world's first curriculum delivered online.

### **Certainty for non-government schools**

The Australian Government recognises and respects the role of the non-government sector as equal and active partners in the process to develop the Australian Curriculum. The curriculum development process has been highly effective to date and characterised by its open and collaborative consultation.

Through its representation on the ACARA Board and its participation in consultation processes, the non-government sector will continue to play a critical role in the development of the Australian Curriculum.

The Government will maintain and facilitate the ability for non-government schools to implement the Australian Curriculum through legislative requirements of the Schools Assistance Act.

The amendments will allow the Government to align implementation timeframes for future phases of the Australian Curriculum in non-government schools with those for government schools agreed by Ministers. This will not only provide a more certain legal framework for the non-government sector in which to implement the national curriculum but will provide greater administrative efficiency for prescribing the phased introduction of the Australia Curriculum.

The Australian Government will continue to work in partnership with non-government school communities, parents and families to build on the partnerships that are critical to improving educational outcomes for all Australian primary and secondary students.