
The Parliament of the Commonwealth of Australia

Advisory Report

Australian Education Bill 2012

House of Representatives
Standing Committee on Education and Employment

May 2013
Canberra

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Contents

Membership of the Committee	v
Terms of reference	vii
List of abbreviations	ix
List of recommendations	xiii

THE REPORT

1 Overview of the Australian Education Bill 2012.....	1
Referral and conduct of the inquiry.....	1
Context of the Bill	2
Intent of the Bill.....	3
Goals and directions for education reform.....	4
Improving performance of schools and students.....	5
School Funding	6
Commencement and transition period to new arrangements	12
Amendments foreshadowed	13
Procedural questions arising during inquiry.....	15
2 Feedback from school communities.....	17
Future of education reform and objectives of the Bill	18
Preamble.....	18
Objectives of Bill.....	22
The National Plan for School Improvement.....	26

Quality teaching and quality learning	27
Empowering school leaders	28
Transparency and accountability.....	30
Meeting student need.....	31
Consultation in the development of the National Plan.....	31
Balancing national consistency with schools' diversity.....	32
Committee comment	33
School funding.....	33
Loadings to address educational disadvantage	35
Broader funding concerns.....	40
Committee comment	42
Concluding comments	42

APPENDICES

Appendix A – Submissions	45
Appendix B – Witnesses and hearings.....	47
Appendix C – Federal funding arrangements	51

DISSENTING REPORT

Dissenting Report.....	53
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Terms of reference

On 29 November 2012, the House of Representatives Selection Committee referred the Australian Education Bill 2012 for inquiry and report.



List of abbreviations

AACS	Australian Association of Christian Schools
ACE	Australian College of Educators
ACSSO	Australian Council of State School Organisations
AEU	Australian Education Union
AFDO	Australian Federation of Disability Organisations
AGSRC	Average Government School Recurrent Costs
AHISA	Association of Heads of Independent Schools Australia
APC	Australian Parents Council
APPA	Australian Primary Principals Association
APTA	Australian Professional Teachers Association
ASEPA	Australian Special Education Principals Association
ASPA	Australian Secondary Principals Association
Bill	Australian Education Bill 2012
COAG	Council of Australian Governments
CSA	Christian Schools Australia
DEEWR	Department of Education, Employment and Workplace Relations

FYA	Foundation for Young Australians
Gonski Review	Review of funding for schooling
GRGs	General resource grants
ICPA	Isolated Children's Parents' Association
ICPA-NSW	Isolated Children's Parents' Association of New South Wales
ICPA-Qld	Isolated Children's Parents' Association of Queensland
IEU	Independent Education Union
ISCA	Independent Schools Council of Australia
ISQ	Independent Schools Queensland
ISV	Independent Schools Victoria
MCEECDYA	Ministerial Council for Education, Early Childhood Development and Youth Affairs
Melbourne Declaration	Melbourne Declaration on Educational Goals for Young Australians
National Plan	National Plan for School Improvement
NCEC	National Catholic Education Commission
NDSIRG	National Disability Strategy Implementation Reference Group
NERA	National Education Reform Agreement
NISSA	National Independent Special Schools Association
NPs	National Partnerships
NSSPP	National Schools Specific Purpose Payment
OECD	Organisation for Economic Cooperation and Development
P&C NSW	Parents and Citizens' Federation of New South Wales
PPI	Public Policy Institute

SA-ASPC	South Australian Association of School Parents Clubs
SEA	Steiner Education Australia
SES	Socioeconomic status
SRS	Schooling Resource Standard



List of recommendations

2 Feedback from school communities

Recommendation 1

The Committee recommends that the Preamble of the Australian Education Bill 2012 be amended to include the educational outcomes as agreed in the Melbourne Declaration on Educational Goals for Young Australians 2008.

Recommendation 2

The Committee recommends that the Australian Education Bill be amended to give specific reference to parents in the Preamble of the Bill in recognition of the integral role parents play in the attainment of excellent educational outcomes for all Australian students.

Recommendation 3

The Committee recommends the following definition of 'highly equitable' be inserted into clause 4 of the Australian Education Bill:

Recommendation 4

The Committee recommends in order to meet professional, parent and community concerns that in addition to vital numeracy and literacy skill development, testing and reporting that there be a range of evidence seeking instruments located or developed to ensure that the broader, holistic Melbourne Declaration on Educational Goals for Young Australians 2008 are also assessed and reported on in transparent and easily accessible forms that contain meaningful data.

Recommendation 5

The Committee recommends that the House of Representatives pass the Australian Education Bill 2012 with the amendments outlined in this advisory report.

Overview of the Australian Education Bill 2012

Referral and conduct of the inquiry

- 1.1 On 29 November 2012, the House of Representatives Selection Committee referred the Australian Education Bill 2012 (the Bill) to the Standing Committee on Education and Employment for inquiry.
- 1.2 The Selection Committee's reason for the referral was:

To enable the committee to consult with school communities regarding the development and implementation of the National Plan for School Improvement.¹
- 1.3 The inquiry was advertised by media release, as well as directly inviting submissions from stakeholders. The Committee received 53 submissions and undertook public hearings in Canberra, Sydney, Brisbane and Melbourne throughout February and March. A list of submissions is included at Appendix A and a list of witnesses at Appendix B.
- 1.4 The Senate Standing Committee on Education, Employment and Workplace Relations also inquired into the Bill during this period. The Senate Committee presented its report on 13 March 2013, recommending the Bill be passed.
- 1.5 The focus of the Senate inquiry was different to that of this Committee. The Senate inquiry examined the provisions of the Bill 'against [the]

1 House of Representatives Selection Committee, *Report No. 73, Consideration of Bills*, 29 November 2012, p. 4.

national reform agenda and Council of Australian Government objectives'.²

Context of the Bill

- 1.6 The Bill forms part of the early legislative framework of the Government's response to the findings of the *Review of Funding for Schooling* chaired by Mr David Gonski AC (the Gonski Review).
- 1.7 The Gonski Review was undertaken as a response to the Australian schooling system's decline in international ranking over the last decade. In 2000, Australia was outperformed by only one country in reading and scientific literacy skills and by only two countries in mathematical literacy. In 2009 Australia was outperformed by six countries in reading and scientific literacy and by twelve countries in mathematical literacy.³
- 1.8 The Gonski Review was established to:
- develop a funding system for Australian schooling which is transparent, fair, financially sustainable and effective in promoting excellent outcomes for all Australian students.⁴
- 1.9 The Review found that current arrangements for the funding, accountability and transparency for schools did not support quality outcomes for all students. It also reported a growing disparity in educational outcomes for students from backgrounds associated with disadvantage, specifically:
- students with disability;
 - Aboriginal and Torres Strait Islander students;
 - students with limited English proficiency due to ethnic background or immigration circumstances;
 - students of low socioeconomic status; and
 - students in small or remote schools.⁵
- 1.10 To address these concerns, the Review presented a blueprint for a significant overhaul of schools funding. It recommended a realignment of the historic funding roles of the Commonwealth, state and territory

2 Senate Selection of Bills Committee, *Report No 16 of 2012*, 29 November 2012.

3 Review of Funding for Schooling Expert Panel (Expert Panel), *Review of funding for schooling: final report*, Department of Education, Employment and Workplace Relations (DEEWR), Canberra, December 2011, p. xiii.

4 Expert Panel, *Review of funding for schooling: final report*, DEEWR, December 2011, p. xiii.

5 Expert Panel, *Review of funding for schooling: final report*, DEEWR, December 2011, p. xiii.

governments whereby there would be a 'more balanced alignment of public funding responsibilities for government and non-government schools',⁶ with a strong focus on improving educational outcomes of disadvantaged students.

- 1.11 The Review also recommended a dollar per student resource standard and various dollar loadings for disadvantage, regardless of the type of school a student attends (government or non-government).
- 1.12 The Review acknowledged that additional funding alone would not be sufficient to improve educational outcomes. It therefore called for 'continued and renewed efforts to strengthen and reform Australia's schooling system'.⁷
- 1.13 The Bill forms the first phase of the Government's legislative response to recommendations made by the Gonski Review, and, in the Prime Minister's words, 'is the government's plan for the future of Australian education'.⁸

Intent of the Bill

- 1.14 The Bill articulates the Government's aspirations for school education in Australia. It also provides the foundation for a legislative framework that seeks to put 'an excellent education for every child at the heart of how Australia delivers and funds schooling'.⁹
- 1.15 The purpose of the Bill is to:
- articulate and acknowledge the Government's aspirations for schooling;
 - set goals for Australian school education that address those aspirations;
 - commit to a national plan for improving school performance and student outcomes;
 - itemise the reform directions for a national plan that will achieve the Government's aspirations and goals; and
 - make agreement to implement a national plan by education authorities a prerequisite for receiving Commonwealth Government funding for schools with grants based on outlined principles.¹⁰

6 Expert Panel, *Review of funding for schooling: final report*, DEEWR, December 2011, p. xvii.

7 Expert Panel, *Review of funding for schooling: final report*, DEEWR, December 2011, p. xix.

8 The Hon Julia Gillard, Prime Minister, *House of Representatives Hansard*, Wednesday 28 November 2012, p. 13639.

9 Australian Education Bill 2012 Explanatory Memorandum, p. 1.

10 Marilyn Harrington, 'Australian Education Bill', *Bills Digest No 73 (2012-2013)*, 11 February 2013, p. 2.

- 1.16 In so doing, the Bill incorporates core recommendations made by the Gonski Review to implement:
- a dollar per student resource standard and various dollar loadings for disadvantage, regardless of the type of school a student attends; and
 - a National Plan for School Improvement.

Goals and directions for education reform

- 1.17 The Preamble to the Bill establishes a set of principles and goals for the future of education in Australia. The Preamble provides:

All students in all schools are entitled to an excellent education, allowing each student to reach his or her full potential so that he or she can succeed and contribute fully to his or her community, now and in the future.

The quality of a student's education should not be limited by where the student lives, the income of his or her family, the school he or she attends, or his or her personal circumstances.

- 1.18 The Bill provides a legislative framework for education reform to implement these overarching principles for Australia's education system into the future. Clause 3(b) establishes three key goals for Australian schooling:
- to provide an excellent education for all students;
 - to be highly equitable; and
 - for Australia to be placed in the top five countries in reading, science and mathematics, quality and equity in recognised international testing by 2025.
- 1.19 In 2008, all education ministers agreed to similar goals in the Melbourne Declaration on Educational Goals for Young Australians.¹¹ The Declaration has framed the formulation of Commonwealth and state and territory government school education policies and programs.¹²

11 Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA), 'Melbourne declaration on educational goals for young Australians', MCEECDYA, Melbourne, December 2008, viewed 28 February 2013, http://www.mceecdya.edu.au/mceecdya/melbourne_declaration,25979.html

12 MCEECDYA, 'Melbourne declaration on educational goals for young Australians', MCEECDYA, Melbourne, December 2008, viewed 28 February 2013, http://www.mceecdya.edu.au/mceecdya/melbourne_declaration,25979.html

Improving performance of schools and students

- 1.20 In order to achieve the goals proposed in clause 3(b), the Bill allows for the development of a National Plan for School Improvement coupled with a needs-based funding arrangement for all schools in Australia.

The National Plan for School Improvement

- 1.21 A National Plan for School Improvement (the National Plan) will be developed in consultation with the states and territories as well as non-government education authorities. Broadly, the National Plan will:
- improve school performance and the educational outcomes of school students;
 - drive continuous school improvement; and
 - provide opportunities for school students to develop capabilities to engage with Asia.¹³
- 1.22 The Explanatory Memorandum outlines that the National Plan will:
- recognise the commitment of all parties to undertake further work in five reform directions that are proven to make a difference in schools and to our students.¹⁴
- 1.23 Clause 7 specifies the five reform directions which will be examined in the National Plan:
- quality teaching;
 - quality learning;
 - empowered school leadership;
 - transparency and accountability; and
 - meeting student need.
- 1.24 The Bill specifies the goals for each of these five reform directions and the standards that will be sought.
- 1.25 The Bill does not provide detail on how and when the National Plan will be implemented, nor how its impact might be tracked in the future. However, clause 9 makes clear that agreement to implement the final National Plan will be a prerequisite to receiving funding under a new funding arrangement that is foreshadowed in the Bill.

13 Australian Education Bill 2012, clause 6.

14 Australian Education Bill, Explanatory Memorandum, p. 1.

Benchmarks and mapping progress

- 1.26 Under clause 8, the Commonwealth will consult with state and territory governments as well as non-government educational authorities to develop benchmarks to measure the performance and progress of schools and students towards meeting the objectives provided at clause 3(b).
- 1.27 The Bill also permits the Commonwealth to ‘implement arrangements’ to support:
- increased transparency in schools;
 - assessing and improving school performance; and
 - timely exchange of information about effective methods in school- and student-improvement.¹⁵
- 1.28 At a recent meeting of the Ministerial Council on School Education and Early Childhood, education ministers agreed to collaboratively develop progress targets to track progress and schools’ improvement. Associate Secretary of the Department of Education, Employment and Workplace Relations (DEEWR), Mr Tony Cook, explained:
- All education ministers have agreed to do this together. The decision that the ministerial council made two weeks ago was that we as a standing council would develop targets together. We would then progress or chart progress in relation to those targets. So a paper will be going back to the ministerial council about how we actually do that.¹⁶

School Funding

- 1.29 The Bill foreshadows changes to the system of schools funding in Australia. Importantly, the Bill provides the architecture, or conceptual framework, of the future funding system.
- 1.30 Many witnesses suggested the system of schools funding in Australia is incredibly complex, and expressed hope that a new system of funding will be more transparent and more easily understood by the community.¹⁷ DEEWR stated:

15 Australian Education Bill 2012, subclause 8(b).

16 Mr Tony Cook, Associate Secretary, Department of Education, Employment and Workplace Relations (DEEWR), *Committee Hansard*, Canberra, 15 February 2013, p. 8.

17 Australian Primary Principals Association (APPA), *Submission 3*, p. 7; Australian College of Educators (ACE), *Submission 21*, p. 9; Ms Jane Caro, *Committee Hansard*, Sydney, 18 February 2013, p. 11.

funding is not logical, consistent or publicly transparent and needs to be linked to educational outcomes, and public funding should reflect school and student characteristics, regardless of sector.¹⁸

The current system of Commonwealth funding of schools

- 1.31 A general overview of the current system of schools funding is valuable to understand the different approach taken in the Bill.¹⁹
- 1.32 The Commonwealth Government has contributed to the funding of government and non-government schools since 1964, and is the major provider of public funds for non-government schools.²⁰ State and territory governments are the major provider of public funds for government schools and also contribute funds to non-government schools.²¹
- 1.33 In 2009, following an agreement with the states and territories, the Commonwealth restructured its funding for schools. Most Commonwealth funding for schools is provided under the National Schools Specific Purpose Payment (NSSPP). The NSSPP has two components: one for government schools and one for non-government schools provided through the Intergovernmental Agreement on Federal Financial Relations and the *Schools Assistance Act 2008* respectively.
- 1.34 The Commonwealth's contribution to both government and non-government schools is a percentage of the resource standard known as Average Government School Recurrent Costs (AGSRC).
- 1.35 The AGSRC amounts are based on state and territory government recurrent expense data which includes both Commonwealth Government and state and territory government funds, maintained by the Ministerial Standing Council on School Education and Early Childhood.
- 1.36 Recurrent expense data used to calculate the AGSRC include:
- employee-related expenses;
 - out-of-school expenses;

18 Department of Education, Employment and Workplace Relations (DEEWR), *Submission 15*, p. 5.

19 For more information on the federal funding of schools, see Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, available at http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/366868/upload_binary/366868.pdf;fileType=application/pdf#search=%22Australian%20government%20funding%20for%20schools%20explained%22 >

20 Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, p. 2.

21 Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, p. 2.

- redundancies;
 - other operating expenses; and
 - grants or subsidies paid directly to schools of any school education purpose.²²
- 1.37 Other federal funding for school education is provided through the National Partnerships (NPs) and the Government's own education programs, Commonwealth Own-Purpose Expenses.²³ Appendix C includes a diagram detailing these current arrangements.
- 1.38 Both government and non-government components of the NSSPP, as well as NP payments, are paid by the Commonwealth to state and territory governments under section 96 of the Australian Constitution.

Government schools' Commonwealth funding since 2009

- 1.39 The government schools component of the NSSPP for both primary and secondary school students is 10 per cent of the AGSRC. State and territory governments provide the remaining 90 per cent.
- 1.40 The amount paid by the Commonwealth is indexed annually according to increases in the AGSRC and growth in full-time equivalent enrolments.
- 1.41 The 2012 AGSRC amounts are \$10,057 (for each primary school student) and \$12,445 (for each secondary school student). These amounts are used as the initial 2013 amounts until indexation occurs later this year.²⁴
- 1.42 A lump sum is then provided to state and territory governments based on this formula once the state or territory government has agreed to achieve specific educational outcomes. Each state and territory government then allocates funds from this total pool to schools based on its particular distribution mechanism.²⁵

Non-government schools' Commonwealth funding since 2009

- 1.43 The non-government schools component of the NSSPP, under the *Schools Assistance Act 2008*, originally provided funding from 2009 to 2012. The

22 Expert Panel, *Review of funding for schooling: final report*, DEEWR, December 2011, p. 56. For more information see Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, p. 18.

23 The National Partnerships currently funded mirror many of those areas addressed in the Bill, particularly those to be incorporated into the National Plan. A list of the school-related National Partnerships is included in Appendix C.

24 Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, p. 18.

25 Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, p. 22.

Act was amended to extend recurrent funding until 2013 and capital funding until 2014.²⁶

- 1.44 Commonwealth general recurrent per student funding for non-government schools is based on a system of means testing. Since 2001, the rate at which non-government schools receive general resource grants (GRGs) is determined by a measure of the estimated capacity of a school's community to support its school, that is, its Socioeconomic Status (SES).²⁷ A non-government school's SES score determines its per student general recurrent funding rate, as a percentage of AGSRC. Currently these funding rates range from 13.7 per cent to 70 per cent of AGSRC.²⁸
- 1.45 The distribution arrangement for Commonwealth funding to non-government schools varies. State and territory governments distribute GRGs direct to independent schools. Non-government schools that are part of non-government school system are paid through their system authorities, which have the flexibility to distribute these funds according to their methods.²⁹
- 1.46 Importantly, this funding calculation is not uniformly applied to all non-government schools in Australia. When the system was introduced in 2001, a commitment from the Commonwealth that no schools would be financially worse off under the new system, meant some non-government schools are not funded according to their SES score.³⁰

The new system of general funding under the Bill

- 1.47 Both the Bill and the Government's formal response to the Gonski Review indicate the Commonwealth's intent to move to a new funding system: a dollar per student resource standard coupled with various dollar loadings for disadvantage, regardless of the type of school a student attends.
- 1.48 Clause 9 of the Bill states that an agreement of state and territory governments or non-government educational authorities with the

26 *Schools Assistance Amendment (Financial Assistance) Act 2011 (Cth)*.

27 A school's SES is calculated by the Australian Bureau of Statistics using census data including three dimensions: income, education and occupation. The SES scores are recalculated every four years according to the latest census data.

28 DEEWR, *Submission 15.1*, Answer to Question on Notice, p. 1; Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, p. 8.

29 Expert Panel, *Review of funding for schooling: final report*, DEEWR, December 2011, pp. 45-47.

30 Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, p. 8.

Commonwealth on the implementation of the National Plan is a prerequisite for receiving Commonwealth funding for schools.³¹

- 1.49 Whilst the Bill does not detail the funding model, it explains the architecture of the future funding model. The Explanatory Memorandum indicates that the Government plans to populate and refine this framework throughout 2013 in negotiation with the states, territories and the non-government school sector.³²
- 1.50 National schools' reform was an agenda item at the 19 April 2013 meeting of the Council of Australian Governments (COAG). Negotiations between the federal government and state and territory governments have continued, subsequent to that meeting. The communique issued that day indicated that states will have until 30 June 2013 to sign the National Education Reform Agreement (NERA) and bilateral agreements, to ensure that schools and students receive the proposed additional funding in time for the 2014 school year.³³

Base funding: the Schooling Resource Standard

- 1.51 The Bill arises from the system of schools funding proposed by the Gonski Review and provides for a base recurrent funding model known as the Schooling Resource Standard (SRS). Recurrent funding will be allocated according to a formula which calculates an amount 'for every school in recognition of the costs of providing a high quality education'.³⁴
- 1.52 The Explanatory Memorandum explains:
- This funding will be ... based on school characteristics known to effect need for funding.³⁵
- ...
- This will mean that Commonwealth funding takes into account a student's given circumstances, in order to provide a similar level of educational opportunity for all Australian students. Having access to adequate funding to support the needs of their students is the first step to ensuring schools can achieve the objectives of quality and equity.³⁶

31 The current conditions for Commonwealth funding are prescribed by the National Education Agreement for government schools and by the *Schools Assistance Act 2008* for non-government schools.

32 Australian Education Bill 2012, Explanatory Memorandum, p. 3.

33 35th COAG meeting, COAG Communique, 19 April 2013, p. 2.

34 Australian Education Bill 2012, clause 9(b).

35 Australian Education Bill 2012, Explanatory Memorandum, pp. 2-3.

36 Australian Education Bill 2012, Explanatory Memorandum, p. 3.

- 1.53 The Commonwealth is currently negotiating with state and territory governments and the non-government education sector on models and settings for the SRS. The models and settings currently under negotiation are not publicly available.

Capacity-to-contribute and non-government schools

- 1.54 Accepting the original recommendation made by the Gonski Review, Commonwealth funding to non-government schools will be assessed on a 'capacity to contribute' calculation.³⁷
- 1.55 Under this calculation, which uses SES data from the Australian Bureau of Statistics,³⁸ Commonwealth funding will range from 10 to 90 per cent of the SRS.³⁹ DEEWR emphasised that the fees any individual school charges is an individual matter to be decided by the school itself.⁴⁰
- 1.56 DEEWR reported that based on its current negotiations with the states and territories and with the non-government education authorities:
- we do not see a significant change in relation to the current [distribution] arrangements in place. The current arrangements in place particularly talk about Commonwealth funding going to state treasuries which pass it on to the non-government sector. We do not see a significant shift in that in the work we are doing at the moment. That will be settled in the final phase.⁴¹
- 1.57 Importantly, the Government has made a commitment that 'no school will lose a dollar as a result of the review'.⁴²
- 1.58 DEEWR stated that where a school's current funding is above the proposed SRS, the Government's commitment that no school will face reduced funding will be upheld:
- If you have a school that is [receiving an amount] above the model... the government will consider a range of options that [the Department] will make available to them as to how that school's funding continues to ensure that they meet the commitment that no school loses a dollar.⁴³
- 1.59 A similar commitment was upheld in 2001 when the Commonwealth altered its funding structures to non-government schools.

37 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 4.

38 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 3.

39 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 10.

40 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 10.

41 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 11.

42 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 4.

43 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 5.

- 1.60 As noted above, the Bill requires a commitment by schools to implement the National Plan as a prerequisite for Commonwealth funding. Given Commonwealth Government schools funding is provided via the state treasuries, some stakeholders have speculated that 'it is unclear as to what the position of independent schools would be if their State/Territory Government did not commit to the National Plan'.⁴⁴

Loadings to address educational disadvantage

- 1.61 The Bill also establishes an additional funding stream in the form of loadings to address the following educational disadvantages:
- having a disability;
 - being Aboriginal or Torres Strait Islander;
 - having a low socioeconomic status;
 - not being proficient in English as a result of the ethnic background or immigration status of a student or students family;
 - the size of a student's school; and
 - the location of a student's school.⁴⁵
- 1.62 This system of loadings implements the recommendation of the Gonski Review that Commonwealth funding be provided on the basis of a SRS which will provide a base amount for all students according to a formula, and additional loadings that addresses educational disadvantage.⁴⁶
- 1.63 The loadings system is sector-blind, and will be available to government and non-government schools alike.

Commencement and transition period to new arrangements

- 1.64 Some stakeholders sought clarification of the transition period from current funding arrangements to the new system.⁴⁷
- 1.65 If passed, the Act will commence on 1 January 2014. DEEWR indicated a six-year transition period, with schools progressively migrating to the new funding and school improvement system from 2014 and full completion in 2019.⁴⁸

44 Independent Schools Queensland, *Submission 6*, p. 8.

45 Australian Education Bill 2012, subclause 9(c).

46 Australian Education Bill 2012, Explanatory Memorandum, p. 3.

47 Australian Association of Christian Schools, *Submission 23*, p. 14; Catholic Schools Office Diocese of Broken Bay, *Submission 26*, p. 13; Independent Schools Victoria, *Submission 41*, p. 4; Independent Schools Council of Australia, *Submission 17*, p. 28;

48 DEEWR, *Submission 15.1*, p. 1 and Mr Cook, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 9.

Amendments foreshadowed

- 1.66 The Explanatory Memorandum states the Government's intent is that amendments to the Bill 'will be moved following the conclusion of negotiations with States, Territories and the non-government school sector'.⁴⁹
- 1.67 DEEWR advised:
- The initial bill certainly outlines the aspirations and sets the framework for funding, but the bill would be amended once negotiations are finalised with states and territories and non-government authorities.⁵⁰
- 1.68 Two specific amendments were discussed by DEEWR during the inquiry: introducing a funding formula and addressing the legal enforceability of the final Act. First, an amendment is likely to be introduced to give effect to any funding model agreed to.⁵¹
- 1.69 The possible content of the funding model and its corresponding amendment was discussed at length by stakeholders. The Committee has not been tasked with reporting on proposed amendments to the Bill. To enter a course of speculation about what Government ought to agree is beyond the terms of this inquiry and possibly deleterious to confidential negotiations between the Commonwealth and state and territory governments, and non-government education authorities.
- 1.70 The second amendment discussed during the inquiry will affect clause 10 of the Bill. Clause 10 provides that the Act will not create legally enforceable rights or duties. The Explanatory Memorandum's 'Notes on Clauses' states that this clause (as currently drafted) is:
- intended to protect the integrity of current school funding and management arrangements in the period before agreement on the details of schooling reform is reached between the Commonwealth, State and Territory Governments, and non-government education authorities.⁵²
- 1.71 Some stakeholders expressed concern regarding the legal unenforceability of the Bill. Many found this clause to be confusing, contradictory or unnecessary.⁵³

49 Australian Education Bill 2012, Explanatory Memorandum, p. 3.

50 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 7.

51 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 7.

52 Australian Education Bill 2012, Explanatory Memorandum, p. 10.

53 For example: Public Policy Institute, *Submission 4*, p. 4; ACE, *Submission 21*, p. 2; Catholic Schools Office (Diocese of Broken Bay), *Submission 26*, p. 5.

- 1.72 While uncommon, this type of provision is not without precedent and there are examples of similar provisions in other Commonwealth statutes. For example, section 10 of the *Carer Recognition Act 2010* and section 3 of the *Charter of Budget Honesty Act 1998*.⁵⁴
- 1.73 DEEWR Chief Lawyer, Mr George Kriz, indicated that clause 10 will be amended once funding agreements with state and territory governments and the non-government education authorities is reached:
- it will be amended and it will need to be amended in order for it to be able to be actually put in place the compact that is arrived at with the states.⁵⁵
- 1.74 Similarly, Mr Cook stated:
- I would imagine that we would be looking very closely at that clause when we have the amendments going forward to see what the final bill would look like in the end.⁵⁶
- 1.75 The Committee appreciates that it is rare for Bills to include clauses which render the final Act unenforceable in a court of law. On the basis that such clauses are included in Bills is so infrequent, community concern or confusion at their role is understandable.
- 1.76 However, DEEWR provided reassurance that the clause, at some point in the future, will require some form of amendment or removal.⁵⁷ On the advice of DEEWR, this will occur once funding agreements have been finalised and agreed to.⁵⁸
- 1.77 Further, Mr Kriz stated that both these amendments (funding agreements and the amendment or removal of clause 10) are likely to occur before the final passage of the Bill (that is in the consideration-in-detail stage):
- It [is] very clear that the government's intent is that subsequent amendments to this bill will be moved following the conclusion of negotiations ... with the states, territories and non-government school sectors, ensuring reform directions are agreed, of a collaborative nature, able to be implemented. The Commonwealth funding will obviously be dependent on the agreement being

54 Mr George Kriz, Chief Lawyer, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 11.

55 Mr Kriz, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 11.

56 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 7.

57 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 7; Mr Kriz, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 11; Mr Kriz, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 10.

58 Mr Kriz, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 10.

reached, and as I understand it this bill will be amended before its final passage.⁵⁹

Procedural questions arising during inquiry

- 1.78 The debate on the second reading of the Bill resumed in the House on 12 February 2013, whilst the Committee was conducting its inquiry. The resumption of a second reading debate while a bill is under consideration by a committee, though not without precedence, is highly unusual.
- 1.79 The resumption of debate on the second reading while the Bill was under consideration was queried by some Members of the House. Among other matters raised, Members suggested that Standing Order 143 prohibited the resumption of debate. Standing Order 143 provides that:
- After the first reading but before the resumption of debate on the motion for the second reading:
- ...
- (b) a determination may be made by the Selection Committee as provided by standing order 222 to refer a bill to a committee for an advisory report.
- 1.80 Standing Order 143 specifies the timing for the referral of a bill by the Selection Committee, as occurring prior to the resumption of debate on the motion for the second reading. It does not limit the resumption of a second reading debate in the House once such a referral has been made.
- 1.81 Standing Order 148 prevents the House from progressing to consideration in detail stage of the Bill before the Committee reports. However, the standing orders do not preclude the House from resuming a second reading debate on a bill which is the subject of an ongoing committee inquiry.⁶⁰

59 Mr Kriz, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 10.

60 Standing Order 148.

Feedback from school communities

- 2.1 Stakeholders from government schools, advocates for educationally disadvantaged students and their families, unions, parents groups, young people and teacher-educators expressed strong support for the principles underlying the Bill. However, concerns were expressed, primarily by the non-government school sector, about future funding arrangements and the retention of school autonomy.¹
- 2.2 The Bill is broad in its scope and is a preliminary legislative step in bringing about reform to Australia's system of education. A recurring theme in feedback from a broad range of school communities was that the Bill lacked detail.² Much of the feedback from school communities raised issues beyond the current contents of the Bill and thus beyond the scope of this inquiry.
- 2.3 This chapter focuses on feedback from school communities that specifically relates to the text of the Bill and not the broader issues surrounding education. The specific concerns raised refer to three distinct areas of the Bill.
- 2.4 The first area of concern related to the goals of education reform as provided in the objectives of the Bill at clause 3. Second, school communities raised concerns about the content and method of developing

1 Independent Schools Queensland (ISQ), *Submission 6*, p. 2; Independent Schools Council of Australia (ISCA), *Submission 17*, p. 12; Australian Parents Council (APC), *Submission 22*, p. 2; Independent Schools Victoria (ISV), *Submission 41*, p. 4; Australian Special Education Principals Association (ASEPA), *Submission 48*, p. 4.

2 Public Policy Institute (PPI), *Submission 4*; ISQ, *Submission 6*, p. 2; ISCA, *Submission 17*, p. 12; Australian Education Union (AEU), *Submission 20*, p. 13; Australian College of Educators, (ACE) *Submission 21*, p. 2; APC, *Submission 22*, p. 2; ISV, *Submission 41*, p. 4; ASEPA, *Submission 48*, p. 4; Mr Peter Levett, Chief Executive Officer, P&Cs Qld, *Committee Hansard*, Brisbane, 19 February 2013, p. 1.

the National Plan for School Improvement (the National Plan). Third, school communities expressed opinions about the system of funding foreshadowed under the Bill. The three areas are addressed below.

Future of education reform and objectives of the Bill

2.5 Professor Richard Teese, Director at the Centre for Research on Education Systems, reflected the position of many stakeholders:

I see the bill as a big opportunity for us to go forward. The chief virtues of the bill are the flexible nature of the funding model and its adaptability to local circumstances, because we must ensure that wherever a school is found in Australia it is operating at the highest possible standard and is well provided for in terms of its physical stock, its staffing, its curriculum and its accessibility. I think the model does that. It is not a one size fits all. In fact, it is actually the opposite. It is actually an approach to funding that says, 'We know you are different, so here is the way we adjust for that difference' It is not going to solve everything, but it is a very significant move. ... [It] is fundamental that we pass this bill, because there are other very serious tasks that lie in front of us...³

2.6 School communities offered feedback on the proposed future direction of education reform specifically in relation to the preamble, as well as the objectives of the Bill.

Preamble

2.7 Some stakeholders called for minor amendments to the preamble of the Bill. Proposed amendments included:

- reference to the Melbourne Declaration;
- specific reference to a variety of international convention;, and
- recognising the role of parents.

Melbourne Declaration of 2008

2.8 Some stakeholders called for the Bill to be amended to better reflect, or directly incorporate the educational outcomes captured by the Melbourne Declaration on Educational Goals for Young Australians (the Melbourne Declaration). In 2008, the Ministerial Council on Education, Employment, Training and Youth Affairs agreed to the Melbourne Declaration which set

3 Professor Richard Teese, Director, Centre for Research on Education Systems at the University of Melbourne, *Committee Hansard*, Melbourne, 6 March 2013, pp. 20-22.

out a range of skills, knowledge and capabilities considered a priority for the development of Australian students, including:

- becoming successful learners: literacy and numeracy, technology skills, logical thinking, problem solving skills, collaboration and communication;
- becoming confident and creative individuals: innovation, optimism, entrepreneurship and creativity; and
- becoming active and informed citizens: ethical integrity, civics and citizenship.⁴

2.9 Organisations supporting greater inclusion of the Declaration in the Preamble argued that the Melbourne Declaration provides a much broader and more holistic perspective on the goal of education. These stakeholders included:

- Australian Secondary Principals Association (ASPA);⁵
- The Smith Family;⁶
- Steiner Education Australia;⁷
- Foundation for Young Australians;⁸ and
- Independent Education Union;⁹

2.10 An alternative recommendation made by other stakeholders suggested the inclusion of the Melbourne Declaration in the text of the Bill at clause 3.¹⁰

Committee comment

2.11 Reference to the Melbourne Declaration could alleviate some of the concerns in school communities. As considered below, some stakeholders expressed concern about the Bill's stated goal of Australia becoming one of the top five countries by 2025, noting that the focus on literacy, numeracy and science within these international testing arrangements could forsake other important areas of the curriculum.¹¹

4 Ministerial Council on Education, Employment, Training and Youth Affairs, *Melbourne Declaration on Educational Goals for Young Australians*, 2008.

5 Australian Secondary Principals Association (ASPA), *Submission 11*, p. 1; Mr Michael Hall, Board Director, ASPA, *Committee Hansard*, Canberra, 14 March 2013, p. 1.

6 The Smith Family, *Submission 25*, p. 2;

7 Steiner Education Australia (SEA), *Submission 34*, p. 4.

8 FYA, *Submission 36*, p. 9.

9 Independent Education Union (IEU), *Submission 49*, p. 2.

10 Christian Schools Australia (CSA), *Submission 19*, p. 7; National Catholic Education Commission (NCEC), *Submission 30*, p. 2; ASPEA, *Submission 48*, p. 2.

11 APPA, *Submission 3*, p. 2; ISQ, *Submission 6*, p. 5; Dr Greg Thompson, *Submission 16*, p. 5; ACE, *Submission 21*, pp. 4-5; P&Cs Qld, *Submission 31*, p. 1; FYA, *Submission 36*, p. 6; P&Cs NSW, *Submission 37*, p. 2.

- 2.12 The breadth of these goals for education reflects the expanding understanding internationally of what students require in the 21st century.
- 2.13 Specific reference to the Melbourne Declaration, and its recognition of the importance of a broader range of skills, knowledge and capabilities, may alleviate some of these community concerns.

Recommendation 1

The Committee recommends that the Preamble of the Australian Education Bill 2012 be amended to include the educational outcomes as agreed in the Melbourne Declaration on Educational Goals for Young Australians 2008.

International conventions

- 2.14 Some stakeholders suggested that the Preamble be amended to make specific reference to relevant international conventions, for example:
- International Covenant on Economic, Social and Cultural Rights;¹²
 - Convention on the Rights of the Child;¹³ and
 - Convention on the Rights of Persons with Disability.¹⁴
- 2.15 In accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*, the Bill's Explanatory Memorandum included a statement of compatibility with human rights. In this statement, the following international agreements are specifically referred to:
- International Covenant on Economic, Social and Cultural Rights;
 - Convention on the Rights of the Child;
 - Convention on the Rights of Persons with Disabilities;
 - International Covenant on Civil and Political Rights;
 - Convention on the Elimination of All Forms of Racial Discrimination; and
 - Convention on the Elimination of All Forms of Discrimination Against Women.

12 CSA, *Submission 19*, p. 6.

13 The Smith Family, *Submission 25*, p. 2.

14 Australian Federation of Disability Organisations (AFDO), *Submission 5*, p. 3, 6.

Committee comment

- 2.16 The legal status of a Preamble, is similar to that of Explanatory Memorandum: no legal rights are created, and both documents are used in the interpretation of the legislation in an Australian court.¹⁵
- 2.17 Calls for reference to certain international conventions within the Preamble of the Bill would add no additional force to the rights and obligations specified in the multilateral conventions referred to in the Bill's Explanatory Memorandum.
- 2.18 The Statement of Compatibility with Human Rights attached to the Bill, and as required under the *Human Rights (Parliamentary Scrutiny) Act 2011*, is sufficient in this regard.

Role of parents

- 2.19 A number of organisations raised concerns that the role of parents was not specifically acknowledged in the Bill.¹⁶ For example, the Australian Parents Council (APC) stated:

The lack of acknowledgement of the parent engagement imperative for school reform in the Australian Education Bill is therefore very disappointing. Simply lumping parents in with the 'broader community' (Preamble, Section 1, Lines 23-25) and absorbing parents into the category of 'other partners' (Preamble, Section 1, Line 28) is grossly insufficient.¹⁷

- 2.20 Mrs Caz Bosh, President of the APC elaborated on the central role of parents:

parents are different from the community in that they have a much more central role; they have a partnership role. There is no wording in that bill as it stands that recognises the special place of parents. The way I think about it is as a concentric circle. When we talk about having students at the centre – this bill purports to put students' needs at the centre – you would have students at the centre, parents in the next layer, schools in the one after that, and community in the one after that.¹⁸

- 2.21 APC therefore recommended the following amendment to the Preamble (proposed amended text underlined):

15 *Acts Interpretation Act 1901*, s 15AB.

16 ISQ, *Submission 6*, p. 3; APC, *Submission 22*, p. 3; P&Cs Qld, *Submission 31*, p. 2; South Australian Association of School Parents Clubs, (SA-ASPC), *Submission 33*, p. 3;

17 APC, *Submission 22*, p. 3.

18 Mrs Caz Bosch, President, APC, *Committee Hansard*, Melbourne, 6 March 2013, p. 1.

It is essential that Australian schooling be of a high quality, be highly equitable and work in partnership with families and communities in order to create a highly skilled and successful workforce, strengthen the economy and increase productivity, leading to greater prosperity for all.

... the Australian Government will recognise the role of the Governments of the States and Territories, non-government education authorities, parents, other partners and schools in delivering school education, and work with them to support and lift the performance of schools and school students.¹⁹

Committee comment

- 2.22 Parents play a vital role in achieving educational outcomes, and are important partners in Australian schools. The Preamble should be amended to acknowledge this partnership.

Recommendation 2

The Committee recommends that the Australian Education Bill be amended to give specific reference to parents in the Preamble of the Bill in recognition of the integral role parents play in the attainment of excellent educational outcomes for all Australian students.

Objectives of Bill

- 2.23 School communities provided significant feedback on the goals of high quality and high equity in Australian education as well as becoming one of the top five countries in reading, mathematics and science by 2025.

A 'highly equitable' education system

- 2.24 The Bill states a key goal for reform is to make Australian schooling 'highly equitable'. The Australian Council of State School Organisations, the peak national body for the parents of children at government schools commented:

The Australian Education Bill will be the test of Australia's resolve on equity. ... We have a unique opportunity this year to make a difference, particularly to the futures of low-income and other disadvantaged students, to set a path to a fairer society and to boost economic prosperity.

¹⁹ APC, *Submission 22*, p. 3.

Regardless of whether you are a parent of a public school student or a private school student, the inequities of the Australian education system are now clearly visible, not only in the outcomes of the students but in the resourcing provided to their respective systems. An individual need only drive through their own neighbourhood in order to observe the differences in physical resources such as ground maintenance, age and condition of buildings, sporting fields, libraries, technologies and so on.²⁰

- 2.25 Some stakeholders called for the inclusion of a definition of ‘highly equitable’ within the Bill²¹ and recommended the definition as provided by the Gonski Review.²² The Gonski Review’s definition stated:

equity in education [is] ensuring that differences in educational outcomes are not the result of differences in wealth, income, power or possession.²³

- 2.26 The Australian College of Educators argued that addressing inequity is ‘so vital that it deserves a section of the Bill to itself’.²⁴

Committee comment

- 2.27 Clause 3(b) sets the first objective of Australian schooling to provide an excellent education for school students and then provides that this standard be available on a highly equitable basis. The Bill provides for a satisfactory presentation of the objectives of Australian schooling in its current form.
- 2.28 The term ‘highly equitable’ should be defined in the Bill with reference to the definition used by the Gonski Review, namely:
- equity in education [is] ensuring that differences in educational outcomes are not the result of differences in wealth, income, power or possession.²⁵

20 Mr Peter Garrigan, President, ACSSO, *Committee Hansard*, Melbourne, 6 March 2013, p. 27.

21 ASPA, *Submission 11*, p. 1; ACE, *Submission 21*, p. 2; P&Cs Qld, *Submission 31*, p. 2; FYA, *Submission 36*, p. 4; P&Cs NSW, *Submission 37*, p. 6; NDSIRG, *Submission 43*, p. 7; ASEPA, *Submission 48*, p. 1.

22 FYA, *Submission 36*, p. 11; ASEPA, *Submission 48*, p. 1; Mr Levett, P&Cs Qld, *Committee Hansard*, Brisbane, 19 February 2013, p. 2; ACE, *Submission 21*, p. 2.

23 Review of Funding for Schooling Expert Panel (Expert Panel), *Review of funding for schooling: final report*, Department of Education, Employment and Workplace Relations (DEEWR), Canberra, December 2011, p. 105.

24 ACE, *Submission 21*, p. 2.

25 Expert Panel, *Review of funding for schooling: final report*, DEEWR, Canberra, December 2011, p. 105.

Recommendation 3

The Committee recommends the following definition of 'highly equitable' be inserted into clause 4 of the Australian Education Bill:

highly equitable means differences in educational outcomes are not the result of differences in wealth, income, power or possession.

An 'excellent education' and the top five by 2025 goal

- 2.29 Some stakeholders expressed concerns about the Bill's stated goal of Australia becoming one of the top five countries by 2025, commenting that this goal might constrict achievement in other areas of the curriculum.²⁶ For example, the Australian Primary Principals Association (APPA) was concerned that the goal privileges reading, mathematics and science over other subjects that it argues are equally important such as those that develop a student's creativity such as the visual arts, music and drama.²⁷
- 2.30 APPA also cautioned about pursuing the 2025 goal:
- This goal will focus Australia's attention on aspects of curriculum which may well not be viewed as important by international testing authorities in 2025.²⁸
- 2.31 In recent years the Organisation for Economic Co-operation and Development (OECD) has considered the merits of a broader knowledge base and the importance of skills such as creativity, critical thinking, communication and collaboration; and character related traits in both moral and performance domains.²⁹
- 2.32 This concern also exists among many young Australians. The Foundation of Young Australians (FYA) recently conducted a study of students aged 13 to 18 and found that students believed their education is not preparing them for their future.³⁰ The study found that students also believe that education is too focussed on exam results, without demonstrating the relevance of what they learn.³¹

26 APPA, *Submission 3*, p. 2; ISQ, *Submission 6*, p. 5; Dr Thompson, *Submission 16*, p. 5; ACE, *Submission 21*, pp. 4-5; P&Cs Qld, *Submission 31*, p. 1; FYA, *Submission 36*, p. 6; P&Cs NSW, *Submission 37*, p. 2.

27 APPA, *Submission 3*, p. 2.

28 APPA, *Submission 3*, p. 2.

29 APPA, *Submission 3*, p. 2.

30 FYA, *Submission 36*, p. 6.

31 FYA, *Submission 36*, p. 6.

- 2.33 Consequently, FYA is concerned that the focus on reading, mathematics and science would not prepare students for the 21st century environment:

Given the broad range of skills recognised elsewhere in education policy, this goal provides a remarkably narrow concept of an ‘excellent’ education. It also ignores the global movement towards the use of a broader range of indicators to measure educational success.³²

- 2.34 The Australian College of Educators also commented on the 2025 goal:

A goal for education reform should not be based on some form of international ranking but on what constitutes a quality education for all Australians if we are to continue to be an open, democratic and informed society and to earn our living in a competitive world.³³

- 2.35 P&C Federation NSW noted:

Whilst a government has a right to be global in their vision the prescriptive ambition identified in this objective seems contrary to the broad language in the rest of the Bill. The subjective nature of “excellence” means that Australian schooling may indeed realise object 3(b)(i&ii) [equity and excellence] without ever realising object 3(b)(iii) [the 2025 goal].³⁴

- 2.36 DEEWR responded to these concerns:

There is no way around the fact that literacy and numeracy are the fundamental basics for any student in a school so, while I can appreciate feedback that says there is more to education than just reading and writing ... reading, mathematics and science are fundamental building blocks for all children ...

We know you can learn reading and writing and science through things like art. We know you can learn it through things like civics and citizenship, or citizenship education, and so we will still be encouraging that through the national curriculum. But, to give us a benchmark or give us milestones in terms of improving our literacy and numeracy, we think this is fundamentally, as I said, the building block for what all students need to be successful.³⁵

32 FYA, *Submission 36*, p. 10.

33 ACE, *Submission 21*, p. 10.

34 P&Cs NSW, *Submission 37*, p. 6.

35 Mr Tony Cook, Associate Secretary, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, pp. 9-10.

Committee comment

- 2.37 The Committee acknowledges and supports the 2025 goals focus on reading, science and mathematics. However, it is important to note the significant degree of community concern regarding the need to retain broader understandings of the goals of education.
- 2.38 The Recommendation to incorporate the holistic goals articulated in the Melbourne Declaration into the Bill is a response to this concern. This action impels us to the view that, in addition to vital numeracy and literacy skill development and testing, there be a range of evidence seeking instruments, located or developed to ensure that the broader and holistic Education Goals for Young Australians 2008, are also assessed and responded on in transparent and an easily accessible forms that contain meaningful data.
- 2.39 This meets parent, community and professional expectations and concerns raised in the course of the inquiry.

Recommendation 4

The Committee recommends in order to meet professional, parent and community concerns that in addition to vital numeracy and literacy skill development, testing and reporting that there be a range of evidence seeking instruments located or developed to ensure that the broader, holistic Melbourne Declaration on Educational Goals for Young Australians 2008 are also assessed and reported on in transparent and easily accessible forms that contain meaningful data.

The National Plan for School Improvement

- 2.40 The Gonski Review recommended the development of a national plan with five reform directions as being the greatest priorities for reform.³⁶ The five reform directions to be included in the National Plan are:
- quality teaching;
 - quality learning;

36 APPA, *Submission 3*; AFDO, *Submission 5*; Montessori Australia, *Submission 10*, p. 3; Association of Heads of Independents Schools of Australia (AHISA), *Submission 14*, p. 6; The Smith Family, *Submission 25*, p. 11; Catholic Schools Office (Diocese of Broken Bay), *Submission 26*, p. 5; P&Cs Qld, *Submission 31*, p. 1; Australian Professional Teachers Association (APTA), *Submission 42*, p. 4; Department of Education and Child Development of South Australia, *Submission 45*, p. 3; Mr Hall, ASPA, *Committee Hansard*, Canberra, 14 March 2013, p. 1;

- empowered school leadership;
- transparency and accountability; and
- meeting student need.³⁷

2.41 The South Australian Department for Education and Child Development endorsed the top five reform priorities as specified in the Bill:

These reform directions are consistent with the requirements for quality education that our own experience backed by international evidence shows us are essential for the success of our children and young people as individuals, citizens and contributors to the economy.³⁸

2.42 DEEWR advised of the support of these reform directions in the Council of Australian Governments (COAG):

Those five reform elements have not been disagreed or argued against by anyone. They were noted by COAG. And so there really is no disagreement anywhere that those five areas are areas that are not important.³⁹

Quality teaching and quality learning

2.43 ‘Quality teaching’ and ‘quality learning’ are two distinct reform directions under the Bill. Stakeholders considered these reform directions as complementary measures – there is a clear nexus between teaching and learning.

2.44 Reaching the goal of quality learning relies on teachers who have well-grounded confidence and sound professional judgement in order to make well-informed decisions about how to tailor teaching to their students on an individual and collective level.

2.45 Dr Nicole Mockler, a teacher educator, commented on what ‘quality teaching’ should look like:

The provision of teaching of a high quality to all students is not merely a question of skill acquisition for teachers. Good teaching is highly contextual and responsive to local needs, and based upon the exercise of well-honed and finely tuned professional judgement on the part of teachers. The development of teacher professional judgement and of teachers who are confident in their

37 Australian Education Bill 2012, clause 7.

38 Department of Education and Child Development of South Australia, *Submission 45*, p. 8.

39 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 13.

own judgement needs to be at the centre of professional learning endeavours.⁴⁰

Quality teaching is at least as much about teachers' dispositions and the quality of their relationships with their students as it is about a bundle of skills and competencies that might be expressed in 'rigorous professional standards' and packaged as 'best practice'.⁴¹

- 2.46 Valuing teacher professional judgement and professional autonomy make it possible for teachers to design appropriate learning experiences for their students. Stakeholders commented that creating an education system to which Australia aspires relies upon an approach that understands the complexity of teaching, values professional judgement and extends the level of trust and professional autonomy to teachers.⁴²

Empowering school leaders

- 2.47 AHISA noted the commitment to empowering school leaders was an on-going and increasing trend throughout the states and territories.⁴³

- 2.48 DEEWR explained the anticipated detail of this reform direction:

The bill will not necessarily list every single item of what [empowered school leadership] may be, but again it picks up on ... quite [a] differential across states and territories, we would work with states and territories – as we have through the National Partnership Agreement on Empowering Local Schools – to identify exactly what they will be doing to support that. ... But certainly it is about selection of staff, greater management of budget, moving away from having tied budget lines – which sometimes happen in states and territories, which tell schools, 'You must spend your money on this' – and giving that autonomy back to the principal to make a decision as to how to best spend that money. They are the sorts of things that this would be addressing.⁴⁴

- 2.49 School communities endorsed the need for empowered school leaders and advocated that the focus when driving this reform should remain on

40 Dr Nicole Mockler, *Submission 13*, p. 1.

41 Dr Mockler, *Submission 13*, p. 2.

42 Dr Mockler, *Submission 13*, p. 2; Dr Nicole Mocker, *Committee Hansard*, Sydney, 18 February 2013, p. 26.

43 AHISA, *Submission 14*, p. 2.

44 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 15 February 2013, p. 7.

improving student learning outcomes such as curriculum implementation, pedagogy, assessment, staffing and school improvement planning.⁴⁵

2.50 ASPA commented:

Empowered leadership is about more than a set of skills ... School leaders will be empowered when they have had access to high quality training, ongoing professional learning and appropriate support.⁴⁶

2.51 AHISA commented on what 'empowered leadership' in independent schools includes:

Empowered leadership in the independent sector embraces a wider understanding of school autonomy than the freedom to select staff or manage budgets, and includes the operational autonomy to positively shape and lead the educational, pastoral, community, financial, spiritual, cultural and managerial practices in schools.⁴⁷

2.52 Some stakeholders questioned the effectiveness of increased school autonomy in achieving better educational outcomes. The Australian Education Union stated that there is a:

... lack of clear-cut evidence that local management/greater 'autonomy' over issues such as school governance, workforce, infrastructure and funding leads to direct or predictable improvements in student learning and outcomes. [While] overall there is no clear relationship between the degree of autonomy in allocating resources and a school system's overall performance, ... school autonomy over design of curricula and assessment is a key characteristic of successful school systems.⁴⁸

2.53 Professor Teese cautioned that the issue of autonomy can be 'overplayed':

autonomy is useless without resource flexibility. Whether we are talking government or non-government is irrelevant. The issue is: what is the margin of freedom of action in a school? It is for that reason that [financial] resources are absolutely critical.⁴⁹

2.54 And APPA suggested that:

45 APPA, *Submission 3*, p. 4.

46 ASPA, *Submission 11*, p. 2.

47 AHISA, *Submission 14*, p. 4.

48 AEU, *Submission 20*, p. 11.

49 Professor Teese, Centre for Research on Education Systems, University of Melbourne, *Committee Hansard*, Melbourne, 6 March 2013, pp. 20-21.

It is becoming increasingly apparent that a significant element of school leadership is 'community leadership' ... the principal must not lead a school in isolation.⁵⁰

Transparency and accountability

- 2.55 Stakeholder consideration of the proposed transparency and accountability reform direction, focused on the efficacy of current accountability and transparency measures: matters which are to one side of the current Bill.
- 2.56 APPA reflected a common sentiment:
- there is a national challenge to use the school and system data on student performance far more effectively than is currently the case. Using NAPLAN results in ways for which they are not designed and thereby raising the status of NAPLAN to high stakes testing does not benefit students, schools or school communities and will do little to improve student achievement.⁵¹
- 2.57 However, APPA also noted:
- the use of local data in context on individual school websites and other school community media provide real transparency in regard to school operations.⁵²
- 2.58 Dr Mockler commented that a balance needs to be struck here:
- which satisfies reasonable accountability desires while not undermining the social trust required for teachers and schools to educate young Australians to the best of their abilities.⁵³
- 2.59 Finding a balance was central to the discussion, as was the developing more 'meaningful' data for parents and the broader community.⁵⁴

50 APPA, *Submission 3*, p. 2 - 4.

51 APPA, *Submission 3*, p. 4.

52 APPA, *Submission 3*, p. 6.

53 Dr Mockler, *Submission 13*, p. 3.

54 Mrs Sharon Roni, General Manager, P&Cs NSW, *Committee Hansard*, Sydney, 18 February 2013, pp. 23-24; Professor Robert Tierney, Dean, Faculty of Education and Social Work, University of Sydney, *Committee Hansard*, Sydney, 18 February 2013, p. 33; Mr Daniel Smith, President, P&C's QLD, *Committee Hansard*, Brisbane, 19 February 2013, pp. 2-3; Mr Levett, P&Cs QLD, *Committee Hansard*, Brisbane, 19 February 2013, p. 3; Ms Li Tan, Manager, Centre for New Public Education, FYA, *Committee Hansard*, Melbourne, 6 March 2013, p. 10; Professor Teese, Centre for Educational Systems, Melbourne University, *Committee Hansard*, Melbourne, 6 March 2013, p. 24; Dr Greg Thompson, *Committee Hansard*, Melbourne, 6 March 2013, pp. 36-37; Associate Professor Deborah Joy Corrigan, Deputy Dean, Faculty of Education, Monash University, *Committee Hansard*, Melbourne, 6 March 2013, pp.38-39; Mr Hall, ASPA, *Committee Hansard*, Canberra, 14 March 2013, pp. 4-5.

Meeting student need

- 2.60 Children with Disability Australia commented on the complexity of meeting student need in schools:

To achieve in this reform direction, schools will need a fundamental capacity to identify and plan for individual student need, as well as to deliver high quality education. This reform direction needs to better describe the elements required to identify and meet student needs at the system, school and student levels. One such element here is the identification and use of good practice in inclusive education. Another is the development of pathways for students from early intervention programs into school, the transition from primary to secondary school, and from school to further education or vocational options.⁵⁵

- 2.61 APPA stated that ‘student need’ should be broadly defined in the Bill to include both wellbeing and learning, whilst also acknowledging the challenges that primary schools currently face in delivering mental health services or social welfare to its student body.⁵⁶
- 2.62 Some stakeholders urged an amendment to the order by which the reform directions are listed in the Bill, arguing that ‘meeting student need’ should be prioritised ahead of the other four reform directions.⁵⁷

Consultation in the development of the National Plan

- 2.63 Stakeholders maintained the importance of appropriate consultation in the development of the National Plan.⁵⁸ The Bill provides for consultation with state and territory governments as well as non-government education authorities in the development of the National Plan. However, the Independent Schools Council of Australia noted that any agreement to implement the National Plan will have to be agreed by individual schools, and not the representative bodies that are involved in current negotiations.⁵⁹
- 2.64 Other stakeholder organisations advocated that the Bill require broader consultation in the development of the National Plan, particularly with young Australians.⁶⁰

55 Children with Disability Australia, *Submission 28*, p. 5.

56 APPA, *Submission 3*, p. 5.

57 Not-For-Profit Organisations Alliance, *Submission 12*, p. 2; AEU, *Submission 20*, p. 8; The Smith Family, *Submission 25*, p. 3;

58 APPA, *Submission 3*, p. 3; CSA, *Submission 19*, p. 10; APTA, *Submission 42*, p. 4;

59 ISCA, *Submission 16*, p. 14.

60 Australian Youth Affairs Coalition, *Submission 32*, pp. 1-2; FYA, *Submission 36*, p. 5.

- 2.65 As stakeholder consultation is a prerequisite to successful reform, it is anticipated that the Government will continue to consult and be receptive to stakeholder feedback.

Balancing national consistency with schools' diversity

- 2.66 While there was broad, overall support for the development of a nationally consistent plan to improve schooling,⁶¹ school communities expressed concern that the plan must be sufficiently flexible to allow for diversity.⁶² Though supporting the development of a National Plan, Independent Schools Queensland argued:

it is imperative that any such Plan must reflect the diversity of schooling provision and the different approaches taken by individual independent schools in response to community demands. There must not be a systemic approach or a "one-size-fits-all" model for school improvement plans. Any such approaches would have a significant negative impact on the provision of choice and diversity in schooling.⁶³

- 2.67 Similarly, Independent Schools Council of Australia commented:

Independent schools would advocate for greater flexibility around school improvement strategies in order to recognise the unique characteristics of each school and the needs of their school community.⁶⁴

- 2.68 Australian Heads of Independent Schools Australia (AHISA) echoed these sentiments:

AHISA regards it as important that the desirability of the adoption of any nationally imposed strategy or target does not outweigh the consideration that schools will have differentiated capacity to meet any such targets, including the level of resources. It is important that means are put in place to assist schools with less resource capacity, and that a punitive approach is not adopted where schools have less capacity to address policy priorities.⁶⁵

61 APPA, *Submission 3*; AFDO, *Submission 5*; Montessori Australia, *Submission 10*, p. 3; AHISA, *Submission 14*, p. 6; The Smith Family, *Submission 25*, p. 11; Catholic Schools Office (Diocese of Broken Bay), *Submission 26*, p. 5; P&Cs Qld, *Submission 31*, p. 1; APTA, *Submission 42*, p. 4; Department of Education and Child Development of South Australia, *Submission 45*, p. 3; Mr Hall, ASPA, *Committee Hansard*, Canberra, 14 March 2013, p. 1;

62 ISCA, *Submission 17*, p. 15; ISQ, *Submission 6*, p. 6; AHISA, *Submission 14*, p. 3.

63 ISQ, *Submission 6*, p. 6.

64 ISCA, *Submission 17*, p. 19.

65 AHISA, *Submission 14*, p. 3.

Committee comment

- 2.69 The Committee received much evidence that went to the detail of the reform directions that will be detailed in the National Plan.⁶⁶ It is important to note that the clauses in the Bill enable the Commonwealth Government to develop a Plan, but the text of these clauses does not form the National Plan; the Bill, if passed, merely provides for the development of such a Plan. At the time of writing, the National Plan is still being negotiated with state and territory governments and non-government education authorities.
- 2.70 The five stated reform directions are the top priorities of education reform for Australian schooling. These directions are widely supported by governments, public and non-government education authorities and their representatives, parents, and the broader community.

School funding

- 2.71 The Gonski Review proposed a change to the structure of school funding as well as increased investment in education.
- 2.72 The Australian Education Union commented:
- if we want to ensure that every child achieves his or her full potential, we need a new funding system – not a funding system that is blind to the real needs of students but a funding system that delivers funding in a way that addresses disadvantage. The current funding arrangements we believe are inadequate and indeed the research shows is broken and failing our kids. We need a new funding system that better targets our resources.⁶⁷
- 2.73 DEEWR commented on the link between increased investment and improved educational outcomes:
- The question about additional investment is always a question about how you actually spend the investment that you get. ... We have evidence that across a range of countries where they have additional investment targeted in to particular areas, that has made a difference [to educational outcomes].⁶⁸

66 Professor Richard Teese, Director, Centre for Research on Education Systems at the University of Melbourne, *Committee Hansard*, Melbourne, 6 March 2013, pp. 20-22.

67 Mr Angelo Gavrielatos, Federal President, Australian Education Union, *Committee Hansard*, Sydney, 13 February 2013, p. 2.

68 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 6.

- 2.74 Ms Jane Caro, an author and public commentator, also strongly supported increased investment in education:
- Australia, of all countries, is at a point where it has got to make a decision. Are we going to invest in, improve and really put energy, effort and commitment into our public education system or are we going to become the first democracy to allow it to become a residualised welfare system of last resort for the poor? This feels like the point at which we are making that decision.⁶⁹
- 2.75 Ms Therese Temby, Chair of the National Catholic Education Commission commented:
- Section 9, the section on school funding, from our point of view needs to be strengthened to ensure that a national approach to school funding is legislated. The bill should specify the legislative arrangements, including the funding formula that will generate Commonwealth funding for Catholic and other non-government schools in school systems. We also think section 9 should be amended to include a new subsection – that systems will allocate funding based on system-defined criteria that are better able to recognise and respond to school and student needs. While we have been assured in discussions that systems will be able to distribute funding on the basis of a local school based need, section 9 is the place to ensure that system distribution of government funding is protected into the future. In our last recommendation, we suggest that section 9 has a statement that the state and territory governments will contribute funding to government schools and to non-government systems in schools.⁷⁰
- 2.76 Ms Caro described the current complexity of schools funding and how a new, clearer system would benefit public accountability:
- the way we fund public and private education in this country is really a dark art. It is so obscure, obtuse and hard to understand, and so not transparent, and so complicated. ... The public are left confused, because they cannot understand it. ... [The Gonksi funding model] makes it understandable. It makes it easy to understand why the money is going where it is going, how much money is going where, and why it is going there. It makes sense, you can make an argument, you can understand it. To my mind, that is what good policy is. It ought to be understandable by

69 Ms Caro, *Committee Hansard*, Sydney, 18 February 2013, p. 11.

70 Ms Therese Temby, Chair, National Catholic Education Commission, *Committee Hansard*, Canberra, 15 February 2013, p. 22.

someone like me, who is just an ordinary citizen, without too much trouble. If it is not, then we need to work at it to make it more understandable – particularly about something as important as the future of our children.⁷¹

- 2.77 Professor Teese also commented on the benefits of a simplified, national funding system:

What we expect to do with the bill is to create a framework for wherever you go to school in this country and whatever the conditions that you are faced with. We need a national approach to funding which says: 'From now on, we're not worried about who you are or where you live. This is what you're going to get, and that's going to free your teacher to relate well to you.'⁷²

- 2.78 The new funding system, as outlined in the Bill and foreshadowed in the Government's response to the Gonski Review, would add much needed clarity to the public funding of Australian schools.

Loadings to address educational disadvantage

- 2.79 The Australian Education Union strongly supported the proposed system of loadings to address educational disadvantage funding system foreshadowed in the Bill. The Union commented on the responsibility carried by public schools to address educational disadvantage:

public schools which educate two thirds of our students and the majority of children from disadvantaged and high-needs backgrounds. Public schools educate 80% of students in lowest quartile of socio-economic disadvantage; 85% of Indigenous students; 78% of students with a funded disability; 83% of students in remote/very remote areas; and the majority of students with English language difficulties, for example over 90% of students in the ESL New Arrivals Program.⁷³

- 2.80 ASPA commented on the effect that a loadings system will have on schools' ability to address education disadvantage:

there is no doubt that being provided extra dollars – in terms of resource together with the empowered notion of leadership, to bring in some of those services that in the past have been difficult to access because you are looking at either a user-pays service or you are looking at an intergovernment-agency agreement

71 Ms Caro, *Committee Hansard*, Sydney, 18 February 2013, p. 11.

72 Professor Teese, Centre for Research on Education Systems, University of Melbourne, *Committee Hansard*, Melbourne, 6 March 2013, pp. 23-24.

73 AEU, *Submission 20*, p. 4. See also ACSSO, *Submission 38*, p. 1

approach; certainly the flexibility that will [be] provided to engage different models of solving local problems – will be a huge advantage. We would certainly support that notion.⁷⁴

- 2.81 Addressing areas of educational disadvantage as well as improving overall achievement across the board, requires appropriate levels of resourcing in Australian schools and targeting resources to where they are most needed. Stakeholders focused on two of the educational disadvantages specified under the Bill: disability and school location.

Students living with a disability

- 2.82 The Australian Federation for Disability Organisations (AFDO) stated that students with disability and their families are ‘not welcomed routinely into schools in the public, independent or religious school systems’.⁷⁵

- 2.83 Achieving equity and excellence in education was passionately argued by organisations who engage with students living with a disability. For example, the Australian Special Education Principals Association advocated:

that through support with targeted resources aligned to individual need, Australian students with disability can achieve high educational outcomes, which enable their participation in a diverse, skilled workforce.⁷⁶

- 2.84 AFDO advocated for a schooling system where:

All schools receiving Government funding should be education ready for the inclusion of children with disability. This includes full accessibility of all infrastructure, teacher training to ensure teachers teach for all children and creating a school environment that welcomes children with disability, including participation in extra-curricula activities and school community social events.⁷⁷

- 2.85 AFDO argued that when calculating the loading, resourcing be directed but not limited to physical, technological, digital and social support mechanisms.⁷⁸ Consequently, AFDO argued that government funding should be extended to infrastructure costs in addition to a loading.⁷⁹

74 Mr Hall, ASPA, *Committee Hansard*, Canberra, 14 March 2013, p. 2.

75 AFDO, *Submission 5*, p. 5. See also, Children with Disability Australia, *Submission 28*, p. 4.

76 ASEPA, *Submission 48*, p. 2.

77 AFDO, *Submission 5*, p. 3.

78 AFDO, *Submission 5*, p. 4.

79 AFDO, *Submission 5*, p. 4

2.86 The National Policy Officer for AFDO, Mr Stephen Gianni, commented that educational outcomes achieved by students with disabilities are directly linked to levels of funding.⁸⁰

2.87 The Deputy Chair of the National Independent Special Schools Association, Ms Kerrie Nelson, discussed how a loadings system will affect the current special-schools landscape:

I would hope that out of this bill, given that there might be an increase – particularly in some states, where the level of funding for students with disabilities in independent schools is very, very low – we would grow some more choice in schooling for kids with disabilities and perhaps see that there are opportunities for independent special schools to become more viable in other states, as well as to support the viability of schools here in New South Wales. I know that in my school, for example, my waiting list is well over 400 students. There is an enormous demand because it is a disability-specific school with a transition focus. There is an enormous demand for choice in schooling.⁸¹

2.88 Ms Nelson also described the benefits of a transitional-focus (between special schools and mainstream schools) to education for students with a disability, commenting that the flexibility and transferability of the disability loading will foster greater educational achievement by these students.⁸²

Committee comment

2.89 Every child with disability should be provided with an excellent education where they have the opportunity to realise their full potential. The concerns raised by representative organisations are significant.

2.90 DEEWR released its Review of Disability Standards for Education in June 2012.⁸³

Location and size of schools

2.91 Proposed loadings to address the educational disadvantages associated with the location and size of a student's school were generally applauded

80 Mr Stephen Gianni, National Policy Officer, Australian Federation of Disability Organisations, *Committee Hansard*, Melbourne, 6 March 2013, p. 15.

81 Ms Kerrie Nelson, Deputy Chairperson, National Independent Special Schools Association, (NISSA) *Committee Hansard*, Sydney, 18 February 2013, p. 45.

82 Ms Nelson, NISSA, *Committee Hansard*, Sydney, 18 February 2013, p. 45.

83 DEEWR, Report of the Review of the Disability of Standards for Education, Canberra, June 2012, available at:

http://foi.deewr.gov.au/system/files/doc/other/report_on_the_review_of_disability_standards_for_education_2005.pdf.

by school communities.⁸⁴ The Isolated Children's Parents' Association NSW, supported reforming the loadings system to address educational disadvantage caused by distance and remoteness:

It is therefore extremely important to the future of rural and remote communities that the funding models for rural schools and boarding schools are structured and quantified so as to allow rural and remote students to achieve their potential in learning. In order to do so, funding will need to be sufficiently targeted so as not just to maintain the status quo, but to actively reduce the currently entrenched disparity in educational outcomes due to location of school which remain despite the considerable efforts of school teachers and administrators.⁸⁵

2.92 However, the applicability of the loading to students attending schools providing distance education was queried by some stakeholders.⁸⁶ For example, the Isolated Children's Parents' Association Qld commented on the nature of distance education and its unique challenges:

the cost of educating a child studying via a School of Distance Education is greater than that required to educate a student in a mainstream school due to the method of delivery of the curriculum and the unique needs of geographically isolated children. It is therefore imperative that distance education is seen as a specialised service and financed accordingly.

Due to the geographic isolation of many of their students, it is a requirement that Schools of Distance Education in Queensland offer face to face contact through mini-schools, activity days, field services and an annual camp. The cost of schools delivering these services in isolated locations is significant and requires extensive staffing and resourcing.⁸⁷

2.93 The national Isolated Children's Parents' Association (ICPA) also commented on the costs of distance education:

While provision has been made for disadvantage associated with distance through the location loading, our concerns remain around the lack of equity being granted by government to distance

84 Isolated Children's Parents' Association Qld (ICPA-Qld), *Submission 18*, pp. 1-2; Isolated Children's Parents' Association NSW (ICPA-NSW), *Submission 39*, p. 2; Mrs Judy Newton, Federal President, Isolated Children's Parents' Association (ICPA), *Committee Hansard*, Canberra, 15 February 2013, p. 31.

85 ICPA-NSW, *Submission 39*, p. 2.

86 ICPA-Qld, *Submission 18*, pp. 1-2; ICPA-NSW, *Submission 39*, p. 2; Mrs Newton, ICPA, *Committee Hansard*, Canberra, 15 February 2013, p. 31.

87 ICPA-Qld, *Submission 18*, pp. 1-2.

education families and students. The delivery costs of distance education must be comprehensively accounted for in all facets of this mode of education, including greater individual financial support for families who play a significant role in the delivery of distance education to their children.⁸⁸

2.94 The ICPA explained that the additional costs of educating students via distance, commenting that unique costs are borne both by the school and by parents. The school faces additional expenses when providing schooling via distance including

- basic costs such as printing and mailing out materials and resources to students;
- the need for physical equipment and resources at the school of distance education site so that appropriate facilities are in place for when the students come together at the school; and
- the ability to provide free daily contact with the school via internet and/or phone.⁸⁹

2.95 The parents of students of distance education are also bearing greater costs according to the ICPA. The Federal President of the ICPA, Mrs Judy Newton commented:

With greater demands being placed on families and the need for the home tutor to be present to supervise, assist and ensure that daily schoolwork is completed, it is vital that the role of the distance education home tutor is recognised. This role takes a tutor – often the mother – out of paid employment and away from other commitments to business and family and may necessitate employment of additional staff to fill the created void.⁹⁰

2.96 The Bill does provide for a loading for the location of a school, however as stated above, there is ambiguity about the applicability of this loading to distance education schools. Ms Newton commented on this ambiguity:

Where we usually run into a problem is that the administrative hub of the distance education centre may be in a large regional centre, whereas these children are beyond that. Our understanding is that the loading factor would not actually come into play there.⁹¹

88 Mrs Newton, ICPA, *Committee Hansard*, Canberra, 15 February 2013, p. 31.

89 Mrs Newton, ICPA, *Committee Hansard*, Canberra, 15 February 2013, p. 31.

90 Mrs Newton, ICPA, *Committee Hansard*, Canberra, 15 February 2013, p. 31.

91 Mrs Newton, ICPA, *Committee Hansard*, Canberra, 15 February 2013, p. 32.

Committee comment

- 2.97 As noted earlier in this Report, parents play a vital partnership role in the achievement of excellence in schooling. The contributions of parents are all the more important for students of distance schooling given their unique role in facilitating much of their child's learning, and absorbing many of these costs personally.
- 2.98 The Bill outlines a shift in focus from funding the costs of schooling to the costs of educating school students. This shift was a core recommendation of the Gonski Review. The Prime Minister noted that, 'The bill provides for a new funding standard, based on what it costs to educate a student at schools.'⁹²
- 2.99 The Committee notes the concerns raised by distance education providers and the parents of students attending these schools. Though the educational disadvantage presented by distance education may be reduced through investments in better telecommunications such as the National Broadband Network, these types of investments will not solely address the disadvantage.
- 2.100 Additional funding to schools providing distance education could allow them to provide greater support to students' families.
- 2.101 **The proposed system of loadings to address education disadvantage is a key element in this shift and the new funding model envisioned by the Bill should acknowledge that the specific factors of distance education are taken into account.**

Broader funding concerns

- 2.102 A repeated concern among stakeholders was the uncertainty of proposed the system of school funding.⁹³ At the time of writing, the funding formula for schools is still under negotiation through COAG processes.
- 2.103 The Bill operates in a broader context of school funding agreements and the future direction of education in Australia. The Explanatory Memorandum states that the Bill will be subject to future amendments once funding agreements are reached with stakeholders. This was confirmed in the DEEWR's submission,⁹⁴ as well as at its appearance

92 The Hon Julia Gillard MP, Prime Minister, *House of Representatives Hansard*, Wednesday 28 November 2012, p. 13639.

93 PPI, *Submission 4*, p. 6; AEU, *Submission 20*, p. 13; ACE, *Submission 21*, p. 3; Catholic Schools Office (Diocese of Broken Bay), *Submission 26*, p. 5; SEA, *Submission 34*, p. 4; ISV, *Submission 41*, p. 5;

94 DEEWR, *Submission 15*, p. 6.

before the Committee on two separate occasions.⁹⁵ DEEWR noted that this process:

allows the Government to set the broad framework, while continuing to negotiate on the detail of the funding model and associated reform.⁹⁶

2.104 It is understandable that stakeholders held concerns about the content and timing of these amendments and these broader concerns have formed part of the inquiry's public record. DEEWR indicated that these broader concerns were informing current negotiations and future proposed amendments.⁹⁷

2.105 Another concern was the uncertainty for schools regarding the expiration of current funding agreements (expiring at the end of the current calendar year) and the amount of funding these schools can expect in 2014.⁹⁸

2.106 The Prime Minister has committed that no school will be worse off under the new funding system. This commitment provides schools with the certainty that they can budget for the 2014 academic year with the knowledge that they will receive an equal or higher amount of funding from the Commonwealth Government in the 2014 academic year as what they received in the 2013 academic year.⁹⁹

2.107 Despite some stakeholders describing the proximity to funding agreements' expiry as 'unprecedented',¹⁰⁰ DEEWR clarified that the Commonwealth has previously reached funding agreements with other jurisdictions in the preceding months prior to the commencement of the unfunded academic year:

we have to remember that in some of the past quadrenniums legislation has been passed by the parliament in December for the following year. [If] you look at past quadrenniums, particularly over the last 12 years, most legislation has been passed by the parliament late in the year before it is actually introduced.¹⁰¹

95 Mr Cook, DEEWR, *Committee Hansard*, Canberra 15 February 2013, p. 6; Mr Cook, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 7.

96 DEEWR, *Submission 15*, p. 6.

97 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 7.

98 ISCA, *Submission 17*, p. 12; CSA, *Submission 19*, p. 7; AACS, *Submission 23*, p. 7; Catholic Schools Office (Diocese of Broken Bay), *Submission 26*, p. 5;

99 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 7.

100 ISQ, *Submission 6*, p. 3.

101 Mr Cook, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 8.

Committee comment

- 2.108 Australia is unique in the OECD in having an education system where all schools receive government funding, whether government, Catholic or independent. Australia is also distinct in having high levels of choice between schools and between sectors.
- 2.109 For our nation to prosper, Australia needs a population of well-educated young people. Education must be seen as a long term investment – one that will provide dividends by higher economic growth and a more equitable society.
- 2.110 Whilst the broad concerns about funding have been raised throughout this inquiry, this Advisory Report details the concerns which specifically address the terms of the Bill in the form that it has been referred. The Bill constitutes the Committee’s terms of reference, and therefore examining matters external to the Bill would exceed this reference.
- 2.111 The extent of community concern and uncertainty around the funding model is significant. However, the evidence received by the Committee gives every indication that the Government is aware of the extent of these community concerns, and is progressing funding negotiations with the relevant stakeholders.

Concluding comments

- 2.112 The key to Australia’s social and economic wellbeing, now and into the future, is a highly educated population. Education is the foundation for ensuring Australia is able to meet the challenges and opportunities of an increasingly connected global economy. Education is also the key to social cohesion and a vehicle to drive greater social capital.
- 2.113 Meeting the reform challenge posed by recent drops in Australia’s international standing, must take account of multiple and complex factors involved in driving education reform. Moreover, in the 21st century, all students need to be provided with a broader set of skills, knowledge and capabilities necessary for their future lives and careers.
- 2.114 In making these comments, the Committee supports the statement made by Professor Teese:
- The point of why this bill is so important... is to get past that obstacle in the road – the financial obstacle. It is not going to end the issues of quality or accountability. These are issues that the parliament – the law-makers – will have to continue to work on. But [Parliament] will not be saddled with the problem of an

incoherent and divisive funding system. [Parliament] will be able to focus on the issues that really matter.¹⁰²

- 2.115 As noted in chapter 1 (para 1.70-1.77), DEEWR has stated that the Government intends to introduce amendments to the Bill 'prior to its final passage'.¹⁰³ These amendments will seek to give greater clarity to a recalibrated system of schools funding which, according to many stakeholders, is long overdue and has widespread support. However, no further information was received about the nature, timing or content of these amendments.
- 2.116 The Committee can only make recommendations regarding the passage and suggested amendments to the Bill currently before it.
- 2.117 Consequently, the Committee recommends that the Bill, as referred, be passed with the amendments outlined in this advisory report.

Recommendation 5

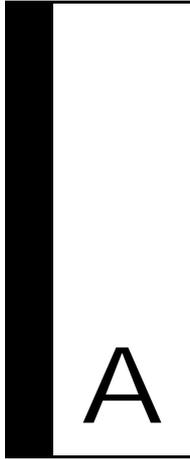
The Committee recommends that the House of Representatives pass the Australian Education Bill 2012 with the amendments outlined in this advisory report.

Mr Mike Symon MP

Chair

102 Professor Teese, Centre for Education Systems, University of Melbourne, *Committee Hansard*, Melbourne, 6 March 2013, p. 26.

103 Mr Kriz, DEEWR, *Committee Hansard*, Canberra, 14 March 2013, p. 10.



Appendix A – Submissions

- 1 Mr Jim Tsoukalas
- 2 Atheist Foundation of Australia Inc
- 3 Australian Primary Principals Association
- 4 Public Policy Institute - Australian Catholic University
- 5 Australian Federation of Disability Organisations
- 6 Independent Schools Queensland
- 7 Ms Ursula Smith
- 8 Dr Kate Tree
- 9 Ms Celine Ogg
- 10 Montessori Australia Foundation
- 11 Australian Secondary Principals Association Ltd
- 12 The Smith Family
- 13 Dr Nicole Mockler
- 14 Association of Heads of Independent Schools of Australia
- 15 Department of Education, Employment and Workplace Relations
- 15.1 Department of Education, Employment and Workplace Relations
- 16 Dr Greg Thompson
- 17 Independent Schools Council of Australia
- 18 Isolated Children's Parents' Association Qld Inc
- 19 Christian Schools Australia Ltd
- 20 Australian Education Union
- 21 Australian College of Educators
- 22 Australian Parents Council
- 23 Australian Association of Christian Schools

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- 24 Mr Matthew Campbell
25 The Smith Family
26 Catholic Schools Office, Diocese of Broken Bay
27 Novita Children's Services
28 Children with Disability Australia
29 Catholic Education Diocese of Parramatta
30 National Catholic Education Commission
31 P&C's Qld
32 Australian Youth Affairs Coalition
33 South Australian Association of School Parents Clubs Inc
34 Steiner Education Australia
35 Association of Independent Schools of SA
36 Foundation for Young Australians
37 Federation of Parents and Citizens' Associations of NSW
38 Australian Council of State School Organisations
39 Isolated Children's Parents' Association of New South Wales Inc
40 Miss Tracy Cook
41 Independent Schools Victoria
42 Australian Professional Teachers Association
43 National Disability Strategy Implementation Reference Group
44 Mr Philip Henseleit
45 Department for Education and Child Development South Australia
46 Mr Chris Curtis
47 Mr Luke Beck
48 Australian Special Education Principals Association Ltd
49 Independent Education Union of Australia
50 Victorian Department of Education and Early Childhood Development
51 Christian Education Ministries
52 Isolated Children's Parents' Association
53 Dr David Zyngier



Appendix B – Witnesses and hearings

Friday, 15 February 2013 - Canberra

Department of Education, Employment and Workplace Relations

Mr Tony Cook, Associate Secretary

Mr George Kriz, Chief Lawyer

Public Policy Institute - Australian Catholic University

Prof Scott Prasser, Executive Director

National Catholic Education Commission

Mr Stephen Elder, Commissioner

Dr William Griffiths, Chief Executive Officer

Mrs Therese Temby, Chair

Isolated Children's Parents' Association

Mrs Judy Newton, Federal President

Association of Heads of Independent Schools of Australia

Mr Andrew Barr, National Chair

Ms Kim Cull, Chief Executive Officer

Monday, 18 February 2013 - Sydney

Australian Education Union

Ms Jennifer Devereaux, Federal Research Officer

Mr Angelo Gavrielatos, Federal President

Ms Jane Catherine Caro**Federation of Parents and Citizens' Associations of NSW**

Mrs Sharon Johnson, General Manager

Mrs Kelly Macdonald, Research and Policy Officer

Mr Lyall Wilkinson, President

Ms Cheryl Saunders, Treasurer

Professional development panel**Australian Professional Teachers Association**

Mr Phil Callen, Secretary

Ms Janet Cochrane, Representative

Ms Susan Gazis, President

The University of Sydney

Professor Robert Tierney, Dean, Faculty of Education and Social Work

Dr Nicole Mockler**The Smith Family**

Ms Anne Hampshire, Head of Research and Advocacy

Dr Lisa O'Brien, Chief Executive Officer

National Independent Special Schools Association

Ms Kerrie Nelson, Deputy Chairperson

Tuesday, 19 February 2013 - Brisbane**P&C's Qld**

Mr Peter Levett, Chief Executive Officer

Mr Daniel Smith, President

Australian Primary Principals Association

Mrs Hilary Backus, National Executive Council

Mr Norm Hart, President

Mrs Sharon Lollback, Head of Primary, Lakes College

Mr Michael Kelleher, Principal, St Martin's Catholic School

Australian College of Educators

Mr Ian Keese, Policy Co-ordinator

Independent Schools Council of Australia

Mr William Daniels, Executive Director

Mr Barry Wallett, Deputy Executive Director

Association of Independent Schools NSW

Dr Geoff Newcombe, Executive Director

Wednesday, 6 March 2013 - Melbourne**Australian Parents Council**

Mrs Caz Bosch, President

Mr Ian Dalton, Executive Director

Mr Dale Harrington, Member of National Executive

Foundation for Young Australians

Mr Ghazi Ahamat, Junior Policy Fellow, Centre for New Public Education

Ms Li Tan, Manager, Centre for New Public Education

Australian Youth Affairs Coalition

Mr Andrew Cummings, Executive Director

Australian Federation of Disability Organisations

Mr Stephen Gianni, National Policy Officer

Centre for Research on Education Systems, The University of Melbourne

Professor Richard Teese, Director

Australian Council of State School Organisations

Mr Peter Garrigan, President

Mrs Dianne Giblin, Chief Executive Officer

Academic panel

Dr Greg Thompson

Education Standards Institute

Dr Kevin Donnelly, Director

Monash University

A/Prof Deborah Corrigan, Deputy Dean, Faculty of Education

Dr David Zyngier, Senior Lecturer, Education Faculty

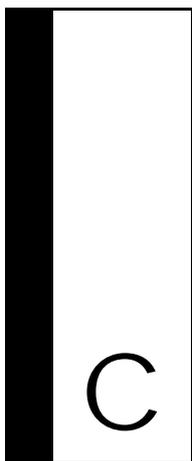
Thursday, 14 March 2013 - Canberra**Australian Secondary Principals Association Ltd**

Mr Michael Hall, President of ACT Principals Association, Director on the Board of ASPA, Principal of Erindale College

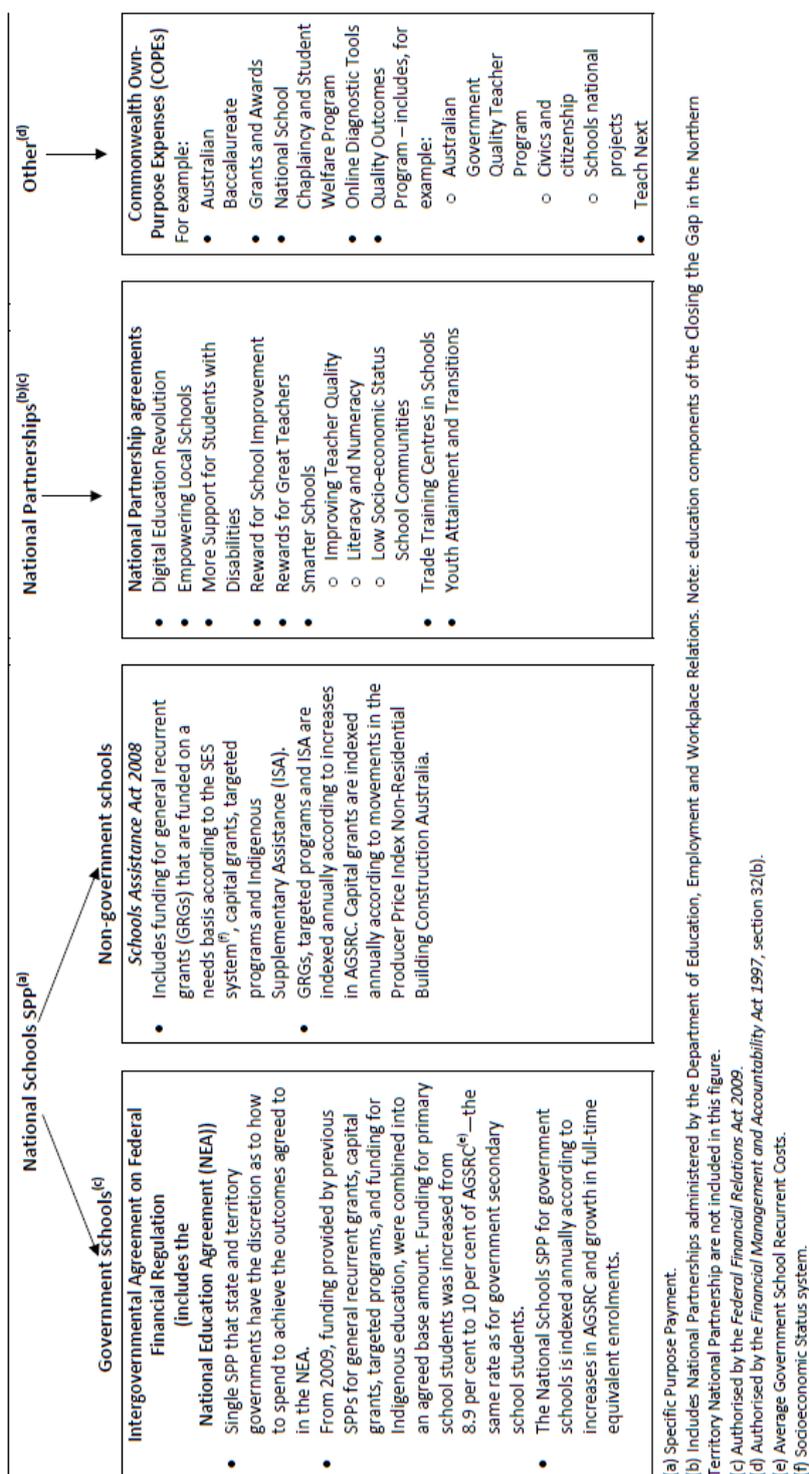
Department of Education, Employment and Workplace Relations

Mr Tony Cook, Associate Secretary

Mr George Kriz, Chief Lawyer

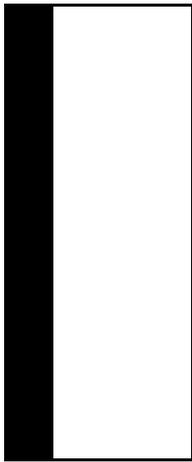


Appendix C – Federal funding arrangements



Source Marilyn Harrington, *Background Note: Australian Government funding for schools explained*, Australian Parliamentary Library, 8 March 2013, available at

http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/366868/upload_binary/366868.pdf;fileType=application/pdf#search=22Australian%20government%20funding%20for%20schools%20explained%22



Dissenting Report

Mr Rowan Ramsey MP, Mrs Karen Andrews MP, Mr Alex Hawke MP, Mr Alan Tudge MP

Introduction

The Coalition Members are in broad support of the aspirational goals of the Australian Education Bill but are of the opinion it is not good process to recommend the House of Representatives pass a bill when the committee has not been able to ascertain what will be in the final bill and what implications it will have for education in Australia.

It was apparent throughout the inquiry that no-one had sufficient detail to understand what impacts the eventual legislation would have on their schools. Schools communities are being asked to take a huge leap of faith and simply trust the government, despite receiving no assurances that they would not be worse off in real terms.

Accordingly, Coalition Members cannot determine whether there is potential for schools and school systems to be damaged by the legislation which must be amended before it can be activated. We believe it is unsafe to recommend the bill be passed until sufficient details are provided to make an informed judgement.

Lack of Detail

While it was apparent that while there was broad support for the aspirations of the bill – quality education, better data, higher teaching quality and the promise of

more generous funding – there is an absence of detail and certainty surrounding how these reforms are to work.

Not one stakeholder was aware of the details of how the proposed new school funding model would work. This was not just the lack of detail around some very small matters, but was lack of detail around the fundamentals: the indexation rate for school funding, the transition time, the size of the loadings, particularly for students with disabilities.

During the inquiry, peak bodies were still assessing up to 30 different funding models. Even as this report is written (only four weeks before the School Agreements are to be made) there is still uncertainty about what the funding will look like.

Mr Elder, Commissioner, National Catholic Education Commission (Oral presentation, Feb 15th) stated:

“There are probably 16 scenarios that we are currently looking at in the negotiations and discussions with DEEWR. The reality is we go from scenarios that would be highly detrimental to Catholic education to scenarios that might be more alright”.

Mr Daniels OE, Independent Schools Council of Australia (Oral presentation Feb 19th) said:

“I did see the reference by the National Catholic Education Commission to 16 models. We have not been counting, but this process has been an iterative process that has been going on for 12 months. It could be 30, for all I know, and I do not see them as proposals; they are simply alternative settings that are put on the table and discussed. To this day, not a single setting has been agreed on for any of the loadings or any of the 'capacity to contribute' settings”.

This was further complicated by the highly problematical timeline which designates a 2013 commencement date for the new arrangements.

For instance the Christian Schools Australia (Submission Pg 5) said:

“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”.

Concern that schools will lose funding

Despite the assurances of the Prime Minister and the Education Minister that no school would lose a dollar of funding under the proposed model, the Coalition Members remain concerned that this will not be delivered.

Indeed, evidence was provided to the Committee that schools would lose money under some of the scenarios that they were modeling, based on government data. For example, Dr Newcombe, EO, Association of Independent Schools, NSW (Oral presentation Feb 19th) stated:

“There are around 440 independent schools in New South Wales, and so what we are saying is that 40 per cent of that number will be worse off. Some of those are large schools and they are not necessarily the high SES schools. Some of the large schools are in the south-west of Sydney and Western Sydney. If you look at enrolments as opposed to the number of schools, about 60 per cent of children in independent schools in New South Wales will lose funding under the current settings of the Gonski model”.

The Catholic Education Commission said that some scenarios that they were modeling would be “highly detrimental.”

The Department Officials who presented to the Committee were not able to give assurances that schools would not be worse off in real terms.

This kind of confusion and the lack of any guarantee in the legislation, has left the committee in the invidious position of having to pass judgment on the bill when it cannot provide advice to the Parliament as to whether the Prime Minister’s guarantee will be delivered.

The Coalition Members would not support a funding model that saw some schools worse off.

No Legal Standing

Clause 10 (**Act does not create legally enforceable obligations etc.**) in the bill has caused an amount of consternation for the Coalition Members of the committee.

Effectively, it can have no impact on government in its current form and it is clear the bill is incomplete and must be altered significantly before it can be activated.

The chief lawyer from the DEEWR (Mr George Kris from DEEWR (Fri 15 pg 13) told the committee that the reason for the clause was because it would be “legally problematical” without it.

“This bill, if it is passed as it is, (without clause 10), would be legally problematical in terms of protecting the Commonwealth”.

The Australian College of Educators asked the question:

*“**Legally enforceable?** ACE is concerned about Clause 10, which states that the Act does not create legally enforceable obligations. What is the point of an Act where there is no requirement for compliance? Clause 10*

appears to say that this Act is not meant to have any effect whatsoever in practice”.

Summary

The Coalition Members are concerned that the committee has been asked to advise the House as to whether to pass the bill when clearly it will need to be altered significantly before it is a usable piece of legislation.

The committee has no idea what the bill may look like at that time and does not know if it will be asked to examine the detail.

The following conversation with Mr Kriz (DEEWR Oral presentation 14th March Pg 10):

Mr Kriz: “As I understand it this bill will be amended before its final passage, to enshrine the funding mechanism in order for it to get that practical, operational overlay on top of the aspirational nature that is contained within it now.

Mr Ramsey: So you are saying this bill will be amended before we vote on it?

Mr Kriz: That is my understanding.

Mr RAMSEY: So after we have all made our speeches on it and our public positions, and then we will be voting on it after it is changed?

Mr Kriz: That is my understanding, but obviously I do not call the shots on it.

The Coalition Members make the point that should the heavily amended legislation be passed at some stage in the future and it be ‘problematical for the Commonwealth’ (Mr Kris), some may well ask why the Education and Employment Committee chose to recommend its passage when it did not understand what would be in the final bill.

Consequentially the Coalition Members are unable to support the majority of the committee’s recommendation that the bill be passed at this time.

Instead because the Coalition Members support the aspirational goals of the bill they recommend:

That the Australian Education Bill be returned to the House of Representatives to enable the government to move its enabling amendments and then it be returned to the Education and Employment Committee for further consideration.

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Deputy Chair

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