

Bills Digest
No. 14 2004–05

Schools Assistance (Learning Together– Achievement Through Choice and Opportunity) Bill 2004

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Schools Assistance (Learning Together– Achievement Through Choice and Opportunity) Bill 2004

Date Introduced: 23 June 2004

House: House of Representatives

Portfolio: Education, Science and Training

Commencement: 1 January 2005

Purpose

The purpose of the bill is to provide Commonwealth specific purpose funding for government and non-government schools for the 2005 to 2008 quadrennium. It succeeds the *States Grants (Primary and Secondary Education Assistance) Act 2004* (the current Act) which provided funding for the 2001 to 2004 quadrennium.¹

Background

Commonwealth funding for schools

The parliamentary consideration of the bill takes place against the backdrop of continuing debate about Commonwealth funding for schools.² It is also occurring at the same time as the [Senate Employment, Workplace Relations and Education References Committee](#) is conducting an inquiry into Commonwealth funding for schools. The Committee is examining the principles of Commonwealth funding for schools with particular reference to efficiency, effectiveness and accountability.³

The Minister for Education, Science and Training in his Budget media release announced that the Australian Government will provide \$31.3 billion in funding for Australian schools from 2005 to 2008, representing an \$8 billion increase over the current quadrennium of Commonwealth funding for schools, 2001 to 2004.⁴ The bill gives effect to the Budget's provisions.

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Over two thirds of the \$31.3 billion will be allocated to non-government schools continuing a trend that has seen the non-government schools share of Commonwealth specific purpose funding for schools grow from 55.6 per cent in 1995–96 to an estimated 68.9 per cent by 2007–08. This allocation takes place in the context that the Australian Government considers its school funding role as a supplementary one and that under the Australian Constitution government schools are the responsibility of state and territory governments.⁵

Most of the \$8 billion funding increase will be due to indexation and supplementation.⁶ From the various ministerial announcements regarding the funding arrangements for the next quadrennium, approximately \$404.6 million (5 per cent) of this increase can be readily identified as new money. This increase will be allocated as follows:

- Catholic systemic schools move into the socioeconomic status (SES) system of Commonwealth general recurrent funding for non-government schools \$362 million
- Capital funding for non-government schools in the Northern Territory \$17 million
- Students with Disabilities \$25.6 million.⁷

Major changes

There are two significant areas of change initiated by the bill. The first relates to changes to the structure of Commonwealth funding for schools, particularly for general recurrent funding for non-government schools and targeted programs, announced in the 2004–05 Budget.⁸ The second major area of change is the introduction of a raft of new conditions for Commonwealth funding for schools, announced jointly by the Prime Minister and the Minister for Education, Science and Training, on 22 June 2004.⁹

Commonwealth general recurrent funding for non-government schools

The principal effect of the changes to Commonwealth general recurrent funding for non-government schools introduced by the bill is that all non-government schools will now be covered by the SES system which was introduced in 2001.¹⁰ Catholic systemic schools which previously had separate general recurrent funding arrangements will now be covered by the SES system and will receive as a consequence additional funding of \$362 million above indexation.¹¹

The other effect of the changes to Commonwealth general recurrent funding for non-government schools, and stemming from the Government's commitment that there will be no 'losers' under the SES system, is that there will be four categories of funding under the SES system. In 2005 half of non-government schools will be funded according to their SES score. The remaining half, which because their SES score would entitle them to less funding than is currently received, will either have their funding maintained at their

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2000 level with indexation (a continuation of arrangements under the current Act) or at their 2004 level with indexation (for Catholic systemic schools). Those independent schools moving onto a higher SES score in 2005 which would entitle them to less funding, will have their funding held at their 2004 level without indexation (termed ‘funding guaranteed’) until the value of the school's SES score (which will be indexed) will eventually be equal to or greater than their 2004 level. At this point the school will move onto its SES score funding level. In 2005 there will be 100 independent schools in this position, diminishing to only four schools by 2008.¹²

These different arrangements mean that in 2005 just under half of non-government schools (1,300) will be funded according to their SES score. The remainder of non-government schools (1,302) which should be receiving less funding because of their SES score will have their funding held at previous levels, either with or without indexation. These arrangements may lead to inequities given that four schools with the same SES score could potentially have four different levels of funding.¹³

Targeted programs

The bill initiates a major change to the structure of Commonwealth targeted schools programs by replacing the Strategic Assistance for Improving Student Outcomes (SAISO) Programme with a new Literacy, Numeracy and Special Learning Needs (LNSLN) Programme. The Programme will be the major means through which the Commonwealth will provide funding to improve the educational outcomes of disadvantaged school students.

The LNSLN will have three elements – School Grants (formerly known as SAISO); Non-Government Centres Support; and National Projects. The School Grants element will constitute the majority of the Programme’s funding for programs. It will provide funding for programs such as early intervention programs; literacy and numeracy, including student assessment and student achievement reports; students with disabilities (SWD); teacher professional development; and resource materials.

The Schools Grants element will be distributed to education authorities in the following way:

- 38 per cent will continue to be distributed using a Socio-Economic Disadvantage allocative mechanism
- 28 per cent will continue to be distributed using a Language Background Other Than English (LBOTE) allocative mechanism
- 8 per cent will be on a per capita element basis (i.e., on the reported numbers of SWD), calculated by multiplying a ‘strategic assistance amount’ by the number of SWD. The strategic assistance amount for non-government school students in 2005 will be \$654 per student compared to \$129 for government school students, and

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- 26 per cent will be allocated to SWD using a new allocative mechanism which will allocate funding to government and non-government sectors on the basis of enrolment share while retaining current total real funding levels.

There is also a funding guarantee that no sector will receive less funding than it will receive in 2004. The funding guarantee accounts for the additional funding announced for SWD (\$21 million over four years for SWD under the School Grants element and \$4.5 million for SWD under the Non-Government Centres Support element). Of the \$21 million, \$12 million will be provided to the Catholic sector, \$5 million to the independent sector, and \$4 million to the government sector.

The reason for the apparent disproportionate increase for the Catholic sector relates to the reform of historic allocative mechanisms which underpin the current allocative mechanisms for SWD. These mechanisms were not necessarily related to need or SWD enrolment share. The new funding mechanism will ensure that funding for each government jurisdiction is related to their share of government SWD enrolments and, in the non-government sector, each non-government sector's funding is related to their share of non-government enrolments.

The additional money for SWD which the bill provides is a reflection of the findings of the Senate committee inquiry into the education of students with disabilities and widespread calls from all education sectors about the need for more resources for SWD.¹⁴ The National Catholic Education Commission in its submission to the Senate inquiry reported that SWD increased ten-fold from 1985 to 2000.¹⁵ According to figures provided by the Department of Education, Science and Training (DEST), there were 123,985 SWD in Australian schools in 2003, of which 101,217 (82 per cent) were in the government sector, 15,971 (12.6 per cent) were in the Catholic sector, and 6,797 (5.4 per cent) were in the independent sector. Reported SWD increased by 5 per cent between 2002 and 2003. The problems created by these growing numbers of SWD are compounded by the various state and territory government funding arrangements for SWD.¹⁶

Capital grants for schools

The bill provides an additional \$17 million over four years in capital grants funding for non-government schools in isolated areas and communities in the Northern Territory. This additional funding is recognition of the greater costs that are encountered for capital works in these areas compared to metropolitan and regional schools. It also reflects the results of a survey of non-government schools infrastructure conducted in 2000 and 2001.¹⁷

From 2005 to 2008 an estimated \$1.5 billion will be provided for Commonwealth capital grants of which the majority will be allocated to government schools which will receive an estimated \$1.1 billion compared to an estimated \$438 million for non-government schools.¹⁸

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There are a number of issues concerning the quality of schools infrastructure. According to various reports, both government and non-government schools are experiencing problems relating to the state of existing infrastructure.¹⁹ There are also pressures on infrastructure provision arising from new directions in curriculum and teaching methods.²⁰ Another reported problem is the pressure on school communities to fundraise and support capital investment.²¹ These issues are made more significant by research findings which suggest that there is a correlation between the quality of school infrastructure and educational outcomes.²²

New conditions for funding

The bill introduces a number of new conditions that government and non-government school authorities must comply with to be eligible for Commonwealth funding.²³ Conditions for funding are not new and specific conditions for funding exist in the current Act. What is new is the underlying rationale and scope of some of the new conditions. Of potential concern is the effect of these conditions and their implications for existing practice and processes.

The conditions for funding reflect a number of the Australian Government's national priorities for schooling, including greater national consistency, better reporting to parents, transparency of school performance, greater autonomy to school principals, creating safer schools, a common commitment to physical activity, and making values a core part of schooling.²⁴ The new conditions reflect not only parental and community concerns about the environment in which schooling takes place and its outcomes, but also broader concerns about the current and future health and well-being of children.

For instance, in a recent government survey of parents and community members' attitudes to schooling parents considered the following factors as the most important factors in choosing a school:

- quality of teachers (79.3 per cent of respondents)
- secure environment (70.7 per cent)
- academic reputation (52.1 per cent)
- school facilities (44.9 per cent)
- school location (36.3 per cent)
- social factors (28.1 per cent)
- cost (25.8 per cent), and
- the availability of extra-curricular activities (19.8 per cent).²⁵

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Both government and non-government school parents ranked discipline and values as the most important social factors.²⁶ Parents also saw national consistency issues as important with the majority ranking the following issues as important or very important:

- national standards for teachers and school leaders (91.5 per cent of respondents)
- national school qualifications (88.4 per cent)
- standard tertiary entrance requirements across Australia (85.9 per cent)
- standard national curriculum (83.3 per cent)
- standard school starting age across Australia (66.5 per cent), and
- standard leaving age across Australia (61.0 per cent).²⁷

In research about the reporting of student and school achievement conducted for the then Department of Education, Training and Youth Affairs in 2000, parents identified their preferences for school reports. They included:

- a 'fair and honest' assessment, in plain language, of the progress of their children
- objective standards that they can use to determine their children's attainment and rate of progress. Many parents specifically asked for information that would enable them to compare their children's progress with other students or with agreed state/ territory-wide or national standards
- interpretative and constructive reporting and not just simple statements of achievement levels
- more comprehensible reports
- more appropriate timing of reports
- reports that are tailored to their individual children, and
- the detection and prompt reporting of learning and behavioural problems.²⁸

With regard to broader issues, concern about the increasing rates of childhood obesity and lack of physical activity, and their implications for the future health and well-being of the population, are well documented. According to one report obesity and overweight affect about 23 per cent of Australian children and adolescents with 6 per cent being obese. There are also indications that these prevalence rates doubled from 1985 to 1997. Obese children are not only at greater risk of a range of medical conditions, including Type 2 diabetes, but also their social and psychological well-being are affected. The decline in

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physical activity is a contributory factor.²⁹ The condition that schools must have two hours of physical activity for students each week is a direct response to these concerns. It is part of the Government's *Building a Healthy, Active Australia* initiative.³⁰

While there is clear justification for these new conditions, there is no indication how these conditions will impact on such matters as state and territory autonomy in schooling; current curriculum and administrative practice; and the practical and resource implications of implementing these decisions.³¹ A number of the new conditions, such as those relating to increased autonomy and responsibility for school principals, could be viewed as the Commonwealth engaging in a level of micromanagement of schooling which is reminiscent of the conditions attached to grants for universities under the *Higher Education Support Act 2003*.³² Small and isolated schools may be particularly pressured given their resource disadvantages. With regard to the practicality of monitoring the implementation of some of the conditions, the Senate committee inquiry into school funding has already been told by DEST officials that schools will not be routinely checked for flagpoles.³³

A number of the new conditions relate to decisions and processes already agreed to and in place by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA).³⁴ For instance, at its July 2003 meeting MCEETYA members endorsed the development of the Statements of Learning and approved as the first step the development of a Statement of Learning for English. The same meeting also agreed to explore the development of a common starting age with a 2010 target commencement date.³⁵ By mandating conditions of funding related to these and similar matters it could be argued that the Bill is pre-empting the outcomes of MCEETYA agreements and its investigative processes.

The new conditions have also raised concerns about the ambit of the minister's discretion to include whatever conditions are deemed appropriate in relation to Commonwealth financial assistance for schooling (per **subclause 14(2)** and **clause 23** of the Bill). The requirement that all schools have a flagpole is one condition for funding that will be authorised in this way.³⁶ This issue was discussed in recent hearings with DEST before the Senate committee inquiry into schools funding.³⁷

These new conditions for funding may also need to be considered in the context of reports that attest to the pressures that schools face, including problems of a crowded curriculum in the face of growing administrative demands. Typical of these reports is the government's own recent report about primary school resources:³⁸

It is difficult for schools to teach all of the learning areas in the *National Goals* statement within a regular school week. (p. v)

The outcomes approach and associated demands for increased assessment and reporting have put pressure on school staff. (p. vi)

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... many teachers in the study reported feeling under intense pressure because there is not enough time in the school day to accomplish the myriad of outcomes. (p. 59)

A major source of the pressure felt by principals and teachers is the mandatory curriculum and assessment framework. These frameworks, which were meant to ease the pressures on teachers by clarifying the outcomes that all students should achieve, have had the reverse effect. Teachers in most states report that they have amplified the amount of work expected of them in ways that actually undermine quality teaching and learning. Over-specification of the outcomes leads to a fragmentation of the curriculum and recording and reporting requirements are thought by many teachers to be excessive. (p. 64)

Australian Labor Party Policy Position

Prior to the introduction of the bill the federal Labor Party announced, subject to the final detail of the bill, that it would pass the bill to ensure funding certainty for 2005. It also signalled that should the Australian Labor Party (ALP) win the next election it will introduce a 'fairer needs-based funding policy' which will include:

- establishing a National Schools Resource Standard
- funding all schools on the basis of need
- negotiating a National Schools Agreement with State and Territory Governments and non-government school authorities
- significantly increasing the funding for government schools
- guaranteeing the overall funding level for the non-government sector but redistributing funding from high-fee wealthy schools to low-fee needy Catholic and independent schools
- providing incentives to make sure that the best teachers and school leaders are available to assist struggling schools, and
- providing extra resources to improve school discipline.³⁹

Until the ALP releases its final schools policy it will remain a matter of conjecture as to how the funding for individual non-government schools will be affected.

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Main Provisions

These main provisions relate to the Bill's major changes to Commonwealth funding for schools as discussed in this Bills Digest.

Clauses 12 to 19 include the new conditions that the state and territory governments have to meet to receive Commonwealth funding for schools. **Clause 17** lists the reports which the state and territory governments have to provide to the Minister to demonstrate that they have met these and other pre-existing conditions for funding.

Clauses 21 to 28 include the new conditions that the non-government school authorities have to meet to receive Commonwealth funding for schools. **Clause 26** lists the reports which the state and territory governments have to provide to the Minister to demonstrate that they have met these and other pre-existing conditions for funding.

Subclause 14(2) and Clause 23 provide that the agreements for funding with government and non-government school authorities may include any other conditions or provisions that the Minister thinks appropriate.

Clauses 62, 63, 64 and 65 provide rules for identifying whether non-government schools will receive general recurrent funding in accordance with their current SES score, maintained year 2000 funding, year 2004 funding maintenance arrangements (for Catholic systemic schools) or guaranteed year 2004 SES funding.

Clauses 67 to 70 authorise payments for general recurrent expenditure for non-government schools that are funded according to their current SES score and provide the formulae for calculating funding for a school's primary and secondary students for a program year.

Clauses 71 to 74 authorise payments for general recurrent expenditure for non-government schools that are funded according to maintained year 2000 funding and provide the formulae for calculating funding for a school's primary and secondary students for a program year.

Clauses 75 to 77 authorise payments for general recurrent expenditure for Catholic systemic schools that are funded according to maintained year 2004 funding and provide the formulae for calculating funding for a school's primary and secondary students for a program year.

Clauses 78 to 81 authorises payment for general recurrent expenditure for non-government schools that are funded according to guaranteed year 2004 SES funding and provide the formulae for calculating funding for a school's primary and secondary students for a program year.

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Clauses 103 to 108 provide for the LNSLN Programme, empower the Minister to authorise payments under each of the Programme’s elements and provide details of the funding arrangements for each of the elements.

Parts 1 and 2 of Schedule 4 provide the primary and secondary per student funding rates for each of the program years 2005 to 2008 for those non-government schools funded according to their current SES score.

Parts 3 and 4 of Schedule 4 provide the primary and secondary per student funding rates for each of the program years 2005 to 2008 for those non-government schools funded according to maintained year 2000 funding.⁴⁰

Parts 1 and 2 of Schedule 8 provide the funding amounts for each of the elements of the LNSLN Programme for the program years 2005 to 2008.

Endnotes

- 1 The current Act will not be repealed by the Bill because it refers to provisions in the current Act.
- 2 For an overview of Commonwealth funding for schools see M. Harrington, ‘[Commonwealth funding for schools since 1996: an update](#)’, *Research Note*, no. 41, Parliamentary Library, Canberra, 2003–04. (Note that this Research Note is based on 2003–04 Budget figures.)
- 3 The submissions to the Senate committee inquiry reflect the diversity of the debate about Commonwealth funding for schools. See, for example, the submissions from the [NSW Public Education Council](#), [Dr Louise Watson](#), the [Independent Schools Council of Australia](#), and the [Association of Heads of Independent Schools](#). Other submissions can be viewed at http://www.aph.gov.au/Senate/committee/eet_ctte/schoolfunding/submissions/sublist.htm.
- 4 B. Nelson (Minister for Education, Science and Training), ‘[Learning together: achievement through choice and opportunity](#)’, *Media Release*, 11 May 2004.
- 5 See, for example, B. Nelson (Minister for Education, Science and Training), ‘[Learning together: achievement through choice and opportunity](#)’, *Media Release*, 11 March 2004.
- 6 According to information provided through Senate estimates hearings, the Government estimated that the funding increase over the 2001 to 2004 quadrennium would comprise 78 per cent indexation and supplementation, 13 per cent enrolment and beneficiary growth and 9 per cent new money. See answer to DETYA Question No. E434, Senate Employment, Workplace Relations, Small Business, and Education Legislation Committee, 2000–2001 Additional Estimates Hearing.
- 7 See, for instance, Nelson, op. cit., [11 March 2004](#).
- 8 Nelson, op. cit., [11 May 2004](#).

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- 9 J. Howard (Prime Minister) and B. Nelson (Minister for Education, Science and Training), [The Australian Government's agenda for schools: achievement through choice and opportunity](#), media release, Parliament House, Canberra, 22 June 2004.
- 10 For an explanation of the Australian Government's system of general recurrent funding for schools see M. Harrington, [Commonwealth General Recurrent Grants for Schools – A Brief Explanation](#), Parliamentary Library, Canberra, [2004].
- 11 From 2001 to 2004 Catholic school systems are funded at 56.2 per cent of Average Government School Recurrent Costs (AGSRC), except for the ACT Catholic system which is funded at 51.2 per cent.
- 12 According to the answer to DEST Question No. E13205, Senate Employment, Workplace Relations, and Education Legislation Committee, 2004–2005 Budget Estimates Hearing, in 2005 the number of non-government schools funded according to the various categories will be:
 - SES funded schools Independent 665; Catholic systemic 635
 - Funding maintained schools Independent 226 (Year 2000 base level); Catholic systemic 976 (Year 2004 base level)
 - Funding guaranteed Independent 100
- 13 The [submission from the Blue Gum Community School](#) to the Senate committee inquiry into schools funding reflects the inequities that can result from the mix of arrangements for non-government schools funding.
- 14 Senate Employment, Workplace Relations and Education References Committee, [Education of Students with Disabilities](#), the Committee, Canberra, 2002.
- 15 T. M. Doyle, [\[Submission to the Senate Employment, Workplace Relations and Education References Committee Inquiry into the Education of Students with Disabilities\]](#), National Catholic Education Commission, Canberra, 2002.
- 16 See, for example, J. Buckingham, [‘Independents get short shrift on disability funding’](#), *Australian*, 28 June 2004.
- 17 Department of Education, Science and Training, [Taking Stock: Report of the Survey of Non-Government Schools Infrastructure in Australia 2000/2001](#), DEST, Canberra, 2002.
- 18 B. Nelson (Minister for Education, Science and Training), [‘\\$1.5 billion boost to help build and upgrade our children’s schools’](#), *Media Release*, 11 May 2004.
- 19 See, for instance, op. cit., [Department of Education, Science and Training](#); J. Calvert, [‘School rot’](#), *Herald Sun*, 19 April 2004; and G. Noonan, [‘Students and teachers work in sub-standard rooms: report’](#), *Sydney Morning Herald*, 24 July 2002, (for more detail see [Chapter 6 of the Second Final Report of the Vinson Inquiry into the Provision of Education in New South Wales](#)).
- 20 See K. Fisher, [‘Design for learning in the knowledge age’](#), *Educare News*, no. 137, 2003, pp. 15–17 and S. Holden, [‘Schools by design’](#), *Educare News*, no. 137, 2003, pp. 6–8, 10–14.
- 21 J. Baird and B. Delaney, [‘Parents prop up schools with millions’](#), *Sydney Morning Herald*, 30 July 2001.

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- 22 For example, see [‘School architecture can make a difference’](#), *The Practising Administrator*, vol. 25, no. 1, 2003, p. 2, and PricewaterhouseCoopers, [‘Building performance: an empirical assessment of the relationship between schools capital investment and pupil performance’](#), *Research Report (Great Britain. Department for Education and Employment)*, no. 407, 2003.
- 23 For further detail about the conditions see [Howard and Nelson](#), op. cit.
- 24 [ibid.](#)
- 25 Department of Education, Science and Training, [‘Parents’ and Community Members’ Attitudes to Schooling](#), DEST, Canberra, 2003, p. 9.
- 26 [ibid.](#), p. 10.
- 27 [ibid.](#), p. v.
- 28 P. Cuttance and S. Stokes, [‘Reporting on Student and School Achievement’](#), Department of Education, Training and Youth Affairs, Canberra, 2000.
- 29 E. B. Waters and L. A. Baur, [‘Childhood obesity: modernity’s scourge’](#), *Medical Journal of Australia*, vol. 178, no. 9, 5 May 2003, pp. 422 – 432. see also P. Zimmet, [‘From fat and flabby to fit and fabulous’](#), *Australian*, 30 June 2004.
- 30 J. Howard, (Prime Minister), [‘Building a healthy, active Australia’](#), *Media Release*, 29 June 2004.
- 31 For instance, South Australia does not have mandatory times for physical education preferring instead to encourage schools to incorporate the [Active for Life program](#) in the curriculum in ways appropriate to local school needs.
- 32 See, for example, the [Guidelines for Commonwealth Grant Scheme](#).
- 33 A. Contractor, [‘Few schools in pole position’](#), *Sydney Morning Herald*, 28 July 2004.
- 34 MCEETYA’s membership comprises State, Territory, Australian Government and New Zealand Ministers with responsibility for the portfolios of education, employment, training and youth affairs. Its functions include coordination of strategic policy at the national level, negotiation and development of national agreements on shared objectives and interests (including principles for Australian Government/State relations), negotiations on scope and format of national reporting on areas of responsibility, sharing of information and collaborative use of resources towards agreed objectives and priorities, and coordination of communication with, and collaboration between, related national structures.
- 35 Ministerial Council on Education, Employment, Training and Youth Affairs, [Joint Communique](#), 15th MCEETYA Meeting, 10–11 July 2003.
- 36 The requirement for every school to have a flagpole is not specifically mentioned in the Bill. It will appear in the agreements that each school authority must sign to receive Commonwealth funding.
- 37 These hearings were held on 27 July 2004. The transcript of the hearings was not available at the time of the preparation of this Bills Digest.

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- 38 M. Angus and others, [*The Sufficiency of Resources for Australian Primary Schools*](#), DEST, Canberra, 2004.
- 39 J. Macklin (Shadow Minister for Employment, Education & Training), '[Labor delivers funding certainty for schools and paves the way for fairer needs-based decisions from 2006](#)', *Media Release*, 22 June 2004 and M. Latham, (Leader of the Opposition), [*Working Together for a Better Australia*](#), ALP, Canberra, 15 July 2004.
- 40 For funding levels for non-government schools funded either according to maintained year 2004 funding arrangements or guaranteed year 2004 funding arrangements refer to column 6 in each of the tables in Parts 1 and 2 of Schedule 4 of the current Act.

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