

Submission

to

Senate Employment, Workplace Relations and Education
References Committee

Inquiry into Commonwealth Funding for Schools

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24 June 2004

SUBMISSION

To

**Senate Employment, Workplace Relations and
Education References Committee**

Inquiry into Commonwealth funding for schools

Submitter : Ray Nilsen, President

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**Authorised by the Australian Council for the Defence of
Government Schools**

SUBMISSION TO THE INQUIRY INTO COMMONWEALTH FUNDING FOR SCHOOLS (established 13 May 2004)

Public Hearing Request:

We request the opportunity to present our submission and give evidence in person at a Public Hearing wherever it is held.

We believe this request should be granted as we have been making submissions to the Press, Federal politicians and Federal administrative bodies since the 1960s on the Commonwealth Funding of private church schools.

We particularly wish to discuss in person with the Committee the principles that should underpin Commonwealth funding for schools and the basic principles of public accountability that should apply to public funding. In particular we wish to discuss public funding of the private sector.

Statement of Hope

Once again, the Australian Council for the Defence of Government Schools makes a submission to elected representatives and/or a body set up by Parliament.

We do so in hope rather than faith. And here we refer to our belief in the basic democratic processes which demand proper accountability for public money through parliamentary responsibility, and parliamentary representation.

These are basic principles hammered out in the nineteenth century in Australia and inherited before that time from hard British experience – let alone bloodletting of kings and commoners alike.

DOGS Experience: Erosion of Fundamental Democratic Processes:

DOGS experience indicates that these principles have been severely eroded by a fundamental breakdown of separation of Church and State. This has led to an erosion of the three arms of government and democratic processes. The Churches have established, through the funding of their educational and other enterprises, a special relationship with politicians, the bureaucrats, and the public Treasury. Powerful and wealthy churches

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now have special access to the public Treasury and the plain, hard, facts of the matter indicate that there is virtually no public accountability for increasing billions of taxpayers money.

Public accountability is not the same as accountability to bureaucrats and politicians. It is open, transparent accountability and information available directly to citizens.

Abdication and Abnegation of Parliamentary and Ministerial Responsibility in Relation to Expenditure of Public Money on Church Schools

Parliamentary Accountability and Ministerial Responsibility does not mean

1. misinformation
2. dissembling
3. lies
4. manipulative use of intervention of ministerial advisers
5. rubbery statistics (if and when they are produced),
6. spin doctoring
7. deflection of responsibility onto bureaucrats when exposure threatens,
8. blaming of victims by passing the buck down the line to teachers and parents or
9. payment by benchmark results
10. provision of flagpoles for the Australian flag

It means what it says –

1. parliamentary responsibility and accountability
Through
2. Ministerial responsibility for expenditure of public moneys.

This is what it means today and what it meant for honest men in days gone by. It meant this to politicians who realised that they could not trust churchmen with public money and withdrew State Aid to religion and their enterprises in the second half of the nineteenth century.

The Mother of all Scandals

The handling of funding to private schools is far worse than “The Children Overboard”, the “Abuse of Prisoners” Scandals as well as Wilkie’s account of the routinely skewed and outright fabricated intelligence (*Axis of Deceit*) which led to the involvement of Australia in

The ALP, the minor parties, the Press and the priests of various churches have trumpeted from the roof tops and moralised about breakdown of democratic processes through lies and deception in relation to the above scandals. In particular they have highlighted the breakdown of the basic principles that should apply to the behaviour of the Executive and various arms of government.

Yet the only scandal, the harbinger of all these scandals, the State Aid scandal meets with a deafening silence and unspoken immunity from them all.

The DOGS have been proved right in predictions since the 1960s.

But they lament the tragedy of our public education systems, together with the breakdown of the democratic processes through entanglement of church and state.

The history of the funding of Church Schools in the last 40 years is a history of scandalous behaviour by both commission and omission of all major participants:

1. The ALP
2. The Coalition
3. The Minor Parties (with a few notable exceptional politicians)
4. The Press
5. The Priests
6. The Bureaucrats
7. The Professors

The State Aid scandal is far worse than the above, although the fact that the above scandals are possible, is linked to and is symptomatic of the erosion of our democratic processes and institutions which have been practiced in the area of private school funding.

The State Aid scandal is also worse than the above scandals because none of the above groups can plead ignorance or lack of knowledge. In fact, they are complicit.

There can be no "holier than thou" and "special pleadings" by any of above groups. They have all been active participants in the State Aid "cover up" and bad public policy.

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Why the Concern Now for the Creation of the Two Nations: the Rich and Poor?

Current crocodile tears shed for the "poor" left in the State School systems and concern over gross disparities in funding between the private and public sector are touching. But why the surprise? The current plight of the public education sector was inevitable – once the State Aid flood gates were opened.

Forty years ago, citizens were expected to shed tears for the "poor parish schools". They are still expected to do so, even though show piece instances of this peculiar institution are increasingly difficult to find. Church institutions by their very nature are selective – of those who can pay for the first class ticket to heaven or the good job.

The DOGS have been attempting for forty years to expose disparities, lies and misrepresentations of the private sector in relation to expenditure of taxpayer's money is paid into a public treasury for the common, rather than the sectarian "good". And they will continue to do so.

The DOGS have made numerous submissions, and published many public advertisements in an attempt to expose the "State Aid" scandal and the fraud practised upon the taxpayer citizens by the so called "Needs" policy in its various guises. The Coalition's SES version is but the latest in a series of policies guaranteed to reward greed rather than need.

Will this Senate Committee be Any Different?

Will this Committee be "managed" like other bodies set up on this issue before it?

On this issue we refer you to a statement made by Brother Kelvin Canavan FMS Director of Catholic Education, Archdiocese of Sydney in the Catholic Weekly 2000 (Issue No. 1)

"There is a realisation that the arrangements in Australia are better than those existing in most, if not all, other countries. In order to maintain widespread community support for non-government school funding the leadership of Catholic education has to manage skilfully the occasional debate in the press on the funding of non-government schools."

This policy has been a successful one. On the success in the "management" of the accountability for public moneys we refer you to a statement from Professor Tannock an erstwhile Chairman of the Schools Commission who has gone on to higher things in the Church Educational bureaucracy

"By world standards (it) is amazing. Eighty per cent of the public funding is received with virtually no conditions" (A. O'Brien: *Blazing a Trail*, p. 121)

The DOGS submission will concentrate on two aspects:

1. The principles of Commonwealth funding for schools, with particular emphasis on how these principles apply in meeting current and future "needs" of government and non-government schools.
2. "Needs" Policy
3. Accountability arrangements with respect to private /church (non-government) schools.

1. The Principles of Commonwealth Funding

The principles behind Commonwealth Funding should be based on what is best for Australia in both the short and the long term, not what is required for the current and future "needs" (demands) of non-government schools in particular.

The terms of reference are flawed because for the last 40 -50 years the politicians and bureaucrats and academics have avoided the basic requirements for the survival of a democratic, pluralistic, heterogeneous society.

The first question for funding from a common public treasury should be:

Is it for the public good?

This Committee's term of reference is also basically flawed because the hidden assumption that the purpose and outcome of government and non-government schools are virtually identical.

There has been and still is a refusal of politicians and Committees of enquiry set up by them to admit that public and private schools are different.

Public schools are public in

- Purpose
- Outcome

- Access (to children, parents, teachers, administrators, cleaners etc. etc.) regardless of culture, creed, class or colour
- Geographical accessibility (town , rural and outback)
- Ownership
- Control
- Accountability
- Funding

Private church institutions are based on private purposes. There is no other reason why they exist. Disastrously for the public sector and the public good, the only factor above which private church institutions have in common with the public sector is public funding.

The private sector and promoters of integrated systems wish to muddy the waters and claim that private institutions are public, but to get involved in this rhetoric is in the end to say that public is private, white is black.

i. Principles Espoused by Founding Fathers

Principles espoused by the major draftsman of the Australian Constitution, Andrew Inglis Clarke , the Father of Federation, Henry Parkes, and the first Prime Minister, Barton, apply even more in the new millennium than in the early days of the Commonwealth.

i. "States within a State"

Both Henry Parkes and Inglis Clark agreed on the concern that private church school education leads to a State within a State or States with a State. For instance, Andrew Inglis Clark, in an essay on Denominational Education in 1885, said:

" The justification for demand for Denominational Education should be refused on the first principle of political science because the concession of it would be a recognition of the propriety of an imperium in imperio, and a divided sovereignty is simply political emasculation and asthenia. "

The failure of the last two generations of politicians, their courtiers and their committees to recognise this basic principle have led to current destruction of democratic processes.

The principles articulated by Andrew Inglis Clark were recognised in the opinion of the Full Court of the United States Supreme Court in *Engel v Vitale* and *Abington v Schempp*

Similarly, Lionel Murphy in his dissenting judgement in the DOGS case also used the argument of "*States within a State*"

On this basis alone, this Committee should not recommend one cent of public money for Church Schools.

If this Committee wants to encourage further erosion of our democratic processes then they will ignore the above and wander off into the dustbin of historical mistakes.

Australian citizens and their children will suffer accordingly.

ii. No Funding of Private Schools

Sir Edmund Barton, later Prime Minister of Australia, on 3 December 1880 in a debate on the Public Instruction Bill said:

*"...Our system of education should be unsectarian. I cannot support for a moment any system of education which in the name of denominationalism or under any other name draws funds from the coffers of the State manifestly for the propagation of creeds and dogmas widely divergent. Tax-payers ought not to be called upon to support a system of that kind. It ought not to be compulsory upon any man to support that which he believes to be untrue. But that is inevitable under a system which subsidises what to different minds must appear as truth and error in the various and discordant dogmas and beliefs. What we want is a system which, while tolerating all religious beliefs, places them on a footing of perfect equality. **The difference between the denominational system and the public school system is all the difference between bolstering them upon the one hand and letting them alone on the other.** Denominational education supported by the State bolsters them up, while the policy of the country as affirmed in the abolition of State aid to religion is to let all religions alone, neither to 'discourage nor support any of them.'*"

At an earlier time, in Queensland, this position was also supported by the first Chief Justice, Samuel Griffiths.

DOGS make no apology for reminding the Committee of their No State Aid position. This position is not out of date. Nor is the debate dead. It will always arise while Church and State exist. And the Committee cannot stand outside history.

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Nor do the DOGS apologise for reminding the Committee that in taking the No State Aid position they are fortunate to be in the company of the most illustrious of the founding fathers of the Commonwealth.

The DOGS continue to hope however, that like the potato, the best part of our nation is not under the soil.

On the above basis, the Committee should refuse to recommend the funding of non-government schools.

They should recommend that they be taken over and rationalised (for they duplicate, triplicate and quadruplicate etc. public facilities) and become genuinely public institutions.

This procedure would save the Treasury money for private sector schools not only duplicates public institutions. Private institutions duplicate each other.

State Aid to prop up and expand the private sector is now costing the taxpayer a great deal more than if only one system was supported and the other was truly independent.

State Aid is now a ridiculous drain on the taxpayer (Commonwealth, State capital and per capita grants, fringe benefits like interest payments and indirect funding and taxations exemptions as "charitable institutions")

iii. Divisive

State Aid to Church Schools is divisive in both its immediate and future effect. As our forefathers again noted as early as 1844, the principle of the denominational system is to educate the minority in sectarian principles while leaving the majority without access to any education at all.

It was only because of the determination of enlightened men and women in the nineteenth century that we have inherited a public education system at all. And our inheritance has also been a largely cohesive, and to date, quiet and civilised nation. We attempted to leave the wars and troubles of the Old World behind.

But we are now being forced back into the troubled mainstream problems of Europe, Asia and the Middle East by politicians seeking to divide and rule.

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As in the nineteenth century we have returned to a funding a denominational system which stratifies, fragments and creates ghettos along the lines of class, creed, colour and culture.

Australia, through its funding of educational institutions which select and divide our nation's children will create further problems of the pillaring of our society.

On this basis no funding should be recommended for private church schools.

2. The "Needs" Policy

Both the ALP and the Liberal Coalition Parties have their versions of a "Needs" Policy. The midwife of these policies was the desire to "bury" the State Aid Debate under a cry for funding for "Poor Parish Schools".

In 1977 (The Age, December 2, 1977) the DOGS exposed the Labor party "Needs" Policy, quoting a number of Labour Senators in that year. For example, Senator Susan Ryan said:

"The whole purpose of the Needs based approach to funding in Australia instituted under the Labor Government was to remove that sectarian division"

The administrators from the Schools Commission themselves later exposed the charade and the lessons of their ignominious history and problems with the Church bureaucracies.

" It (The Needs Policy) is not illegal, just slippery....it expected everybody to play the game. By the declared rules...It's like income tax- everybody manoeuvres themselves to benefit in the best possible way."

Dr. K. McKinnon, *National Times* 29 August-4 September 1982.

Similarly Joan Kirner, later Premier of Victoria stated:

" It isn't sufficient to say that we will give aid according to need. We know the Needs policy can be bastardised by even a group as honest as the Schools Commission" (Victorian Teacher, 2 April 1983, p. 13.)

The taxpayers were well and truly taken for a ride under the Labor Party's "Needs" Policy.

The major beneficiary of the State Aid, then as now, the Roman Catholic Church bureaucracies woke up to the lamentable weakness of those supposed to protect the public interest and recognised the financial benefit of keeping "needy" school "needy" at the same time creating further "needy" schools. They tailored their bureaucracy to maximise the benefits of the Needs policy. (See DOGS Advertisement, The Age, December 2, 1977).

The fraudulent nature of the current Coalition "Needs" policy and the political manoeuvrings of highly centralised and powerful Roman Catholic Church hierarchy and its educational bureaucracies have been well exposed in recent times by the Australian Education Union, the Labor Party, the Democrats and the Greens.

But the fraud started long ago and has mushroomed.

The "Needs" policy was established to bury the State Aid debate, and not to assist children from the poorer sector of society. As early as 1973 the Labor Party caved in on the funding of wealthy schools. The wealthy schools have always had to be paid off as "needy" before their crumbs could filter down to the children from low income families in the church schools. And now, it is becoming very apparent that even Roman Catholic children from low income families are more likely to be found in the public than in the private sector.

Surprise! Surprise!.

The DOGS have been trying to expose the "Needy" as the "Greedy" since the beginning.

Any Committee of Enquiry into Educational Funding in Australia looking at the "Needs" Policy should investigate the complete history of the Schools Commission and later the Commonwealth Department of Education's administration of that policy.

In particular they should examine the official reports and documents since 1974 and trace what has gone to each school per pupil from Federal State Aid. They should also investigate whether the DOGS assertion that money given for Roman Catholic "needy" primary school pupils has been transferred to secondary school pupils.

3. **Accountability**

This Committee has to come to terms with the fact that either

1. Accountability for State Aid to private Church schools is a sick joke or
2. Senate Select Committees set up to enquire into it are a sick joke.

DOGS have been asking for a proper accounting for the billions of dollars spent on private church schools for forty years. In more recent times they have made numerous submissions on this vital issue to politicians, and bodies setup by politicians. We have also inserted Paid Advertisements in Newspapers from the 1970s on.

We discuss the issue on our weekly radio program every Saturday afternoon on 3CR. And in Press Releases on our website at Latest News: www.adogs.info/news.htm. In particular we refer you to Press Releases, 41,69,76 and 84.

There is now, thirty years on, less and lessening accountability for billions of dollars of public money given with few strings attached to private church schools.

There was more information available on the funding of private church schools in the first four years (1970-1973) after its inception than at any time since.

We still await a proper accounting for public money to private church schools.

Concluding Comments:

In conclusion we request a public Hearing on the matters raised above. In a submission of this size we are unable to present all the material available to us. We therefore refer you to our website and in particular the following Press Releases and Submission.

In particular we refer you to

1. **1. Press Release 86 : On the Ten Million Dollar a Year Church Schools (this figure is a conservative one based on**

rubbery figures on federal per capita funding alone)
www.adogs.inf/pr86.htm

2. Press Release 84: Letter to Commonwealth Auditor General on Accountability (please note we have had no acknowledgement or reply!) www.adogs.info/pr84.htm
3. Press Release 76 Call to Senators to Ask Questions at Senate Estimates Committee November 5, 2003 (We had some response from Kerry Nettle on this one) www.adogs.info/pr76.htm
4. Press Release 71: The "Ethics in State Aid to Religious Schools" (please note that the Jewish tax schemes surfaced in the NSW Supreme Court when the schemes went awry) www.adogs.info/pr71.htm
5. Press Release 69: Accountability for Church Schools Worse than a Joke; It is now a Travesty! (Please note that taxpayers cannot access hard copies of Government reports through a Government Bookshop in Melbourne) www.adogs.info/pr69.htm
6. Press Release 68: Sexual Abuse in Church Schools: The Sexual Abuse cover up is not surprising given the lack of public accountability at all levels for public money in private church institutions. www.adogs.info/pr68.htm
7. Press Release 43: Non-Catholic Church Schools Working the Federal State Aid Funding: Copying Roman Catholic Bottom of the School Yard Schemes of Twenty Years Before. www.adogs.info/pr48.htm
8. Press Release 42: Report of the Inquiry into the Definition of Charities and Related Organisations www.adogs.info/pr42.htm
9. Press Release 41: Church Organisation Lays Down Rules of Accountability for Federal Taxpayers' Money www.adogs.info/pr41.htm

10. Press Release 37: Priest More Powerful than the Professor and Poor Man in the Corridors of Power
www.adogs.info/pr37.htm

11. Press Release 30: DOGS Submission to the Enquiry into the Definition of Charity. (Please note that the categorisation of wealthy churches and their schools as "charities" is both outrageous and absurd) www.adogs.info/pr30.htm

12. Press Release 27: DOGS Open Letter to Political Journalists on State Aid Funding and its Effects on the Political Process
www.adogs.info/pr27.htm

13. Press Release 26: DOGS Open Letter to Press and Politicians on Lack of Accountability for State Aid to Church Schools
www.adogs.info/pr26.htm

14. Press Release 19: Submission to Senate Committee : State Aid to Private Schools www.adogs.info/pr19.htm

15. Press Release 16: Massive Grants in State Aid to Church Schools in Australia are the Result of Private Dealings Between Clerics and members or Agents of Executive Governments. www.adogs.info/pr16.htm

16. Press Release 13: State Aid Increased while State Aid Information is Cut Back: Entanglement of Church with State = Reduced Accountability. www.adogs.info/pr13.htm

The only response DOGS have had to the above from Parliamentary representatives has been a lone letter of acknowledgment from a Greens Senator and chit chat from a Democrat senator.

The silence from the Labor and Coalition parties has been deafening.

Yet DOGS receive many phone calls from listeners to our 3CR weekly radio program and emails from student and academic researchers on this issue.

There is widespread concern among supporters of public education and concerned citizens in this country on this issue. The lid on the

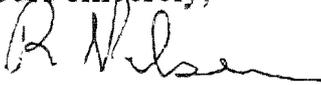
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accountability garbage tin is starting to rise as the billions of State Aid spin out of control.

A perusal of the above, together with other News Releases and Advertisements which DOGS have inserted in newspapers over the years indicates that problems created by the State Aid issue is far more basic than the police corruptions and organised crime corruption in this country, not to mention the other breakdown in the democratic process mentioned earlier in this submission.

DOGS have been attempting to break through the conspiracy of silence for forty years.

Has this Committee got the courage to address the State Aid issue and its implications for the public good ?

Yours sincerely,



RAY NILSEN
PRESIDENT DOGS