

**Victorian Department of Education & Training Submission to the  
Australian Senate Legal and Constitutional Legislation Committee**

***Inquiry into the Sex Discrimination Amendment (Teaching Profession) Bill 2004***

The Department of Education and Training supports the principles and ideals of equal employment opportunities which ensure that the highest quality teachers are employed in our schools. It is the Department's view that the proposed amendment to the Sex Discrimination Bill will compromise these principles.

Declining participation rates of males in the teaching workforce are of concern and the Department supports measures designed to arrest the decline. However, there are more appropriate and effective measures which can be taken to achieve this end without the need to amend the Sex Discrimination Act. The Department considers that amending the Act is regressive, simplistic and unnecessary.

A range of initiatives are being actively pursued by the Department to increase male interest in pursuing teaching as a career which are increasing the depth, talent and diversity of the teaching workforce.

**Areas of Concern**

The Sex Discrimination (SD) Act makes discrimination on the grounds of sex unlawful in certain areas including education, employment, goods and services and the administration of federal government programs.

The Sex Discrimination Amendment (Teaching Profession) Bill 2004 subverts one of the primary objects of sex discrimination legislation, which is to promote equitable opportunities and economic equality between the sexes. The Bill would have a discriminatory effect against women, who would be treated less favourably than men by being denied access to the benefit of teacher training scholarships.

In the unsuccessful application for exemption under the SD Act by the Catholic Education Office (CEO) to offer teacher training scholarships to persons of one sex, the Human Rights and Equal Opportunity Commission (Commission) held that there is an arguable case that the activities and circumstances, that were the subject of the application, would constitute unlawful discrimination. The Commission considered it arguable that the scholarship scheme might contravene sections 21(2) and 22(1) of the SD Act.

Furthermore, that in the House of Representatives' Standing Committee on Employment, Education and Workplace Relations report into the education of boys, entitled "Boys: Getting it Right"(2002), the Committee stated:

*"In supporting the presence of more men in schools, the Committee is not suggesting that female teachers should be displaced in favour of men or that*

*women are not equally good teachers. The Committee agrees that the quality of the teacher is more important than the gender of the teacher.”*

Further, there is a disproportionate number of males in principal class positions in primary schools compared to females who occupy the majority of the teacher class positions. It should be noted that the Federal Government has not proposed a Bill to address the gender imbalance in leadership positions in primary schools.

The Bill appears to be an attempt to circumvent the objects of the SD Act and the decision of the Commission to refuse to grant to the CEO an exemption under the SD Act to offer scholarships to persons of one sex. The reasons of the Commission in refusing to grant the exemption are sound and consistent with the purpose and objects of the SD Act.

It is the view of the Department, that the gender imbalance in primary schools is best addressed through a range of strategies and programs to encourage more men into primary teaching – programs that are not discriminatory under the SD Act, as outlined below.

### **Impact of Federal Higher Education Policy**

The Victorian Government is constrained in the extent to which it can influence teacher recruitment and training enrolment levels because of Federal higher education policy.

Universities are federally funded and have some scope to make independent decisions on the allocation of places across faculties. However, Victoria has been particularly hard hit by the drastic cuts to university funding by the Federal Government.

In 1996, the Federal Government cut funding to Victorian universities' operating grants by 6 per cent and, as a result, in 2004 there are nearly 6000 fully funded places fewer than in 1996. In addition, in 2003 and 2004 over 60 per cent of eligible applicants for teacher training missed out on a tertiary education place.

The Federal Government's response has been to announce a marginal increase in national places from 2005. However, these places will only be available to private providers and cover all national priority areas – nursing, indigenous education and pre-service teacher training. There will be no additional places in 2004 and only 272 extra places nationally in 2005. As none of the private higher education institutions operating in Victoria deliver teacher training, Victoria will again miss out on much-needed teaching places.

The reduction in university places overall has exacerbated the teacher shortfall in particular subject areas, especially mathematics.

The Federal Government has further increased disincentives to study hard-to-staff teaching-related disciplines by increasing HECS rates. For example, in 1997 HECS fees for mathematics rose by 89 per cent, and from 2005 universities will be allowed to further increase those fees by another 25 per cent. Such increases have the potential to

increase the fee for the average three-year mathematics degree to over \$20,000, and will act as a disincentive for those undergraduates who may have considered moving from specific disciplines to teaching.

It is the view of the Department that an increase in Federal funding for teacher education in Victoria is a necessary response to current high levels of unmet demand, will assist in the recruitment of more male teachers specifically, and achieve increased recruitment of more teachers generally.

### **Alternative Policies and Strategies**

The Department has adopted a number of successful strategies which offer viable options to recruit the highest quality applicants to fill vacancies in Victorian government schools without the need to compromise the principles of equal employment opportunity. These strategies, outlined below, offer real and effective alternatives.

#### ***Positive Promotion***

The Department considers increased male participation in teaching can best be achieved by the active promotion of teaching as a rewarding and fulfilling career amongst males, especially secondary students and undergraduates still considering their career options.

The Department has been pro-active in this area and most recently implemented the 2002 Teacher Recruitment Advertising Campaign which promoted teaching as an excellent career opportunity particularly for young males. Effective scheduling of campaigns provide the opportunity for students to alter their Victorian Tertiary Admissions Centre preferences to place a higher priority for university placements in education. Positive promotion campaigns also target later-year secondary students and those who advise them, and include the distribution of facts sheets to school careers teachers and the positive promotion of teaching as a worthwhile career by regional personnel and school principals. These activities are ongoing.

The Department has continued to promote teaching as a potential career option, particularly for young males, through the on-going development of the Department's website at [www.teaching.vic.gov.au](http://www.teaching.vic.gov.au) and participation in University and Career expos throughout the year. This ongoing commitment continues to raise the profile of teaching by providing current and relevant information to potential graduates.

This position is also supported by the teaching professional body in Victoria, the Victorian Institute of Teaching.

#### ***Current Teacher Supply Initiatives***

The Department has already established a number of programs aimed at ensuring and adequate supply of high quality teachers to meet its current and future workforce needs. A central focus of these programs has been the promotion of teaching as a career amongst

secondary students, undergraduates and graduates holding subject qualifications in the fields of curriculum areas of need. A key component of future promotion activity will be to increase male interest in teaching as a career.

In 2000, the Department established the Teaching Scholarship Scheme which was designed to assist schools with difficult-to-fill vacancies by matching the vacancies with a pool of student teacher applicants with the requisite curriculum qualifications and geographic preferences. Between 2001 and 2003, males comprised 25.7% of scholarship appointments in government primary schools. This is greater than the proportion of male teaching staff currently employed in government primary schools.

As recent as January 2004, the Department introduced a number of new initiatives which will provide additional opportunities for males who wish to enter the teaching profession. They include opportunities for non-teaching professionals to undertake teacher education courses while being employed as a trainee teacher under the supervision of an experienced teacher, and refresher courses for returning teachers seeking to re-enter the teaching service. More information on these initiatives is available online at <http://www.teaching.vic.gov.au/teachingvic/teachdemand.htm>

### ***Programs to Encourage Participation***

The Department has consistently shown its commitment to working within the legislation and providing equal employment opportunities by developing strategies that enable groups to achieve their full potential.

One such strategy is to increase female representation in school leadership positions to more accurately reflect women's numbers in the school workforce. The highly successful Eleanor Davis program for example has been specifically designed to encourage and equip women of leadership potential to access principal class positions.

The Department's strategy to provide opportunities within the spirit of the law, rather than providing exemptions, promotes a more positive environment for equal employment opportunities for all.

### **Conclusion**

The Department is of the view that the Senate Legal and Constitutional Legislation Committee should recommend that the proposed Sex Discrimination Amendment (Teaching Profession) Bill 2004 be rejected, and support the principles behind equal employment opportunity legislation which ensure that highest quality merit-based selection occurs for teacher recruitment.

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Chair  
Senate Legal and Constitutional Committee  
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Dear Senator

I am please to provide the attached submission from the Victorian Department of Education and Training to the Senate Legal and Constitutional Legislation Committee's inquiry into the Sex Discrimination (Teaching Profession) Bill 2004.

Yours sincerely

**Steve Bracks, MP**  
PREMIER