



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
REFERENCES COMMITTEE

(SUBCOMMITTEE)

Reference: Education of students with disabilities

WEDNESDAY, 11 SEPTEMBER 2002

CANBERRA

BY AUTHORITY OF THE SENATE

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**

SENATE
EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
REFERENCES COMMITTEE
Wednesday, 11 September 2002

Members: Senator George Campbell (*Chair*), Senator Tierney (*Deputy Chair*), Senators Barnett, Carr, Crossin and Stott Despoja

Substitute members: Senator Allison for Senator Stott Despoja

Participating members: Senators Abetz, Boswell, Buckland, Chapman, Cherry, Jacinta Collins, Coonan, Denman, Eggleston, Chris Evans, Faulkner, Ferguson, Ferris, Forshaw, Harradine, Harris, Hutchins, Johnston, Knowles, Lees, Lightfoot, Ludwig, Mason, McGauran, Murphy, Nettle, Payne, Sherry, Watson and Webber.

Senators in attendance: Senator Carr (*Subcommittee Chair*) and Senators Allison and Tierney

Terms of reference for the inquiry:

To inquire into and report on:

The education of students with disabilities, including learning disabilities, throughout all levels and sectors of education, with particular reference to:

- a) whether current policies and programs for students with disabilities are adequate to meet their education needs, including, but not limited to:
 - i) the criteria used to define disability and to differentiate between levels of handicap,
 - ii) the accuracy with which students' disability related needs are being assessed,
 - iii) the particular needs of students with disabilities from low socio-economic, non-English speaking and Indigenous backgrounds and from rural and remote areas,
 - iv) the effectiveness and availability of early intervention programs,
 - v) access to and adequacy of funding and support in both the public and private sectors,
 - vi) the nature, extent and funding of programs that provide for full or partial learning opportunities with mainstream students,
 - vii) teacher training and professional development, and;
 - viii) the legal implications and resource demands of current Commonwealth and state and territory legislation
- b) what the proper role of the Commonwealth and states and territories should be in supporting the education of students with disabilities.

WITNESSES

BAKER, Dr Ken, Chief Executive, ACROD, National Industry Association for Disability Services.....	586
BUCKLEY, Mr Robert, Vice President, Action for Autism	611
DANIELS, Mr Bill, Executive Director, National Council of Independent Schools Associations	596
GREER, Mr Anthony John, Group Manager, Schools Group, Department of Education, Science and Training	647
HENEKER, Mr John Reginald, Member, TAFE Directors Australia; and Member, Australian Disability Training Advisory Council.....	622
JACKSON, Mrs Audrey, Executive Director, Association of Independent Schools of Western Australia.....	596
LYONS, Ms Sara, Adviser, TAFE Directors Australia	622

MACKENZIE, Mr Bruce, Deputy Chair, TAFE Directors Australia.....	622
McCONCHIE, Mr Robert Victor, Executive Officer, Australian Council of State School Organisations	634
MORGAN, Dr Ian George, President, ACT Council of Parents and Citizens Associations, Australian Council of State School Organisations.....	634
PARMENTER, Professor Trevor Reginald, Director, Centre for Developmental Disability Studies, University of Sydney	572
PEACOCK, Ms Dianne, Director, Participation and Learning Section, Participation and Outcomes Branch, Department of Education, Science and Training	647
SHADDOCK, Professor Anthony John, Professor of Special Education, University of Canberra	572
TCHACOS, Ms Elizabeth, Branch Manager, Quality, Information and Equity Group, Department of Education, Science and Training.....	647
THORN, Mr William, Branch Manager, Performance and Targeted Programs Branch, Schools Group, Department of Education, Science and Training.....	647
TUDOR, Mr Chris, Chairman, National Council of Independent Schools Associations	596
VERICK, Ms Margaret Anne, Policy Officer, ACROD, National Industry Association for Disability Services.....	586
WILTON, Mr Rob, Vice President, ACT Council of Parents and Citizens Associations, Australian Council of State School Organisations.....	634
WRATTEN, Ms Eleanor Margaret, Adviser, TAFE Directors Australia.....	622
YATES, Mrs Robyn, Director, School Consultancy, Association of Independent Schools of New South Wales.....	596

Subcommittee met at 9.13 a.m.

CHAIR—I declare open this public hearing of the Senate Employment, Workplace Relations and Education References Subcommittee. On 13 March 2002, the Senate asked this committee to inquire into the education of students with disabilities. The inquiry will include learning disabilities throughout all levels and sectors of education, with particular reference to whether current policies and programs for students with disabilities are adequate to meet their educational needs.

All witnesses appearing before the committee are protected by parliamentary privilege with respect to their evidence. Parliamentary privilege refers to special rights and immunities attached to the parliament and its members and others necessary for the discharge of parliamentary functions without obstruction or fear of prosecution. Any act by any persons which disadvantage the witness on account of evidence given before the Senate or its committees is a breach of privilege. I welcome all observers to this public hearing.

I will depart from the normal procedure at this point—it is the first opportunity I have had to correct the record of a statement that I made in Adelaide with regard to AGSRC funding. I think I indicated at that hearing that it was my understanding that there was a ratio of AGSCR for the Catholic Education Commission moving from 56 per cent to 70 per cent over the quadrennium. I have since been advised that that is not correct. In terms of parliamentary procedures, this is the first opportunity I have had to correct that.

[9.15 a.m.]

PARMENTER, Professor Trevor Reginald, Director, Centre for Developmental Disability Studies, University of Sydney

SHADDOCK, Professor Anthony John, Professor of Special Education, University of Canberra

CHAIR—Welcome. Do you have any comments to make on the capacity in which you appear?

Prof. Parmenter—I am currently the Director of the Centre for Disability Studies, which is affiliated with the University of Sydney. I hold positions at the University of Sydney in the faculty of medicine and the faculty of education and a visiting professorship at Macquarie University.

CHAIR—The committee has before it submission No. 240. Professor Parmenter, would you like to make any changes or corrections to that written submission?

Prof. Parmenter—Not at this point, no.

CHAIR—I understand you have not made a written submission, Professor Shaddock. Is that correct?

Prof. Shaddock—That is correct.

CHAIR—The committee prefers all evidence to be given in public, although the committee will also consider any request for all or part of your evidence to be given confidentially. I point out that such evidence may subsequently be made public by order of the Senate. I now invite both of you to make a brief opening statement.

Prof. Shaddock—Thank you for this opportunity, and I apologise for being late; as a Canberra person I really have no excuse! The comments I want to make are particularly about the area of the preparation of teachers for working with students with disabilities. That is very much in the context of the increasing move towards the inclusion of students with disabilities and the impact that has on teachers and on school systems. Although teacher training is quite an important area and one that I would like to make a few comments about, I want to make the point that the education of students with disabilities needs to be done in the context of the education of all students. The whole move towards inclusion these days, certainly in Western societies, requires us to have a different mindset about who the students are, and therefore what the schools should be doing. I think we have moved into an era where any discussion of the needs of students with disabilities has to be in relation to the needs of all students. To compartmentalise students with disabilities as a separate entity is probably not an efficient or appropriate way to go. For example, if there are reviews of education in Australia, I think they have to automatically include students with disabilities.

My point is that in the era we seem to be moving into, students with disabilities have to be seen first as students and the way we think about the enrolment has to change, and therefore the way we think about curriculum, training and all that needs to change. Perhaps the easiest way for me to illustrate this is to give an example. A few years ago one of my master's students was a teacher in a New South Wales school. There was a politician visiting her school and the principal announced, 'We have 532 students and 15 in the special class.' I think that is an era that we now have to discard and think of schools as having a total enrolment and, within that enrolment, having students with disabilities. Once we change that mindset, the implications for resourcing, for training, for curriculum and for support change tremendously. It is a very important mindset.

The other point I will make is about the training of staff. There have been some great initiatives in Australia so that all teachers in most jurisdictions require at least one subject in which they learn how to teach students with special needs. That is very important, but it almost is a subject that teaches them how not to be dangerous rather than a subject that teaches them all they need to know. By and large, these children with disabilities are very complex students and, therefore, although it is very good that most teachers now have one subject in which they learn about assessment and curriculum adaptation, monitoring, curriculum delivery and so on, it does mean that the needs of those students with disabilities who have more specialised requirements, for example students with autism or students with dual diagnosis—that is, students with disabilities and severe behaviour difficulties—are only just being touched on very lightly.

I am not suggesting that we try to pour more into the teacher education curriculum, because it is continually being added to as new requirements in society come up, but I do think there is a need for a far more focused and substantial approach to postgraduate education and to professional development. Somehow we have to ensure that there are incentives for teachers to do that. Teachers are very busy. Their workload is escalating and only some of them would have the energy and the resources to come back and undertake the sort of training they need to cater for more complex students.

CHAIR—Thank you very much. We are a bit pressed for time today. Senator Tierney has to go to another function. Before we hear your opening statement, Professor Parmenter, would you mind if we went directly to the questions for Professor Shaddock?

Prof. Parmenter—Not at all.

CHAIR—I have no doubt that you could make many of the points that you want to make in your opening statement, or we can allow you time to make a formal—

Prof. Parmenter—My statement will be very short.

Senator TIERNEY—Do that then.

CHAIR—If it is very short, please go ahead.

Prof. Parmenter—I just want to refer the committee to an emphasis on points 3, 4 and 6 in my submission, which relate to the area of transition from school to further study, employment, adult living and lifelong learning; the need for a more vigorous research agenda right across the

special needs area and right across the lifelong area of students with disabilities, not just school; and an important need for outcome measures of what we are producing out of special education expenditures.

Senator TIERNEY—Professor Shaddock, when you mentioned changing the mindset and the whole approach to curriculum, I could not quite pick up from that whether you were saying that all children with disabilities should be integrated into the mainstream. Do you see a role for special schools?

Prof. Shaddock—I do, but the trend in enrolments is that more and more students with special needs are going to regular schools. That is the trend, for whatever reason. Many parents are requiring or demanding that. Change is needed in the regular curriculum and regular delivery if that trend is to continue, and I suspect it will. We need to recognise that fact and that the curriculum needs to meet their needs as well. Inclusion meets many social needs, but without adaptation of the curriculum it is not going to really meet the educational needs in terms of outcomes—other than social outcomes—for those students.

Senator TIERNEY—So we have to change the curriculum. What about the skill and expertise of the people delivering the education to these children?

Prof. Shaddock—That is a part of it. Leaving aside special schools, because I think there is a role for those and very often those teachers are well trained, in regular schools with more students, teachers do have to have new skills that they have not had to have before; for example, in adapting curriculum, in adapting assessment and even in adapting—and I am thinking of universities as well in this respect, as there are more students with disabilities at universities—the way we deliver what we do. Although we have legislation that says that this must be done, the capacity to do that is not out there yet.

Senator TIERNEY—Can we just focus on that, particularly on the expertise of the teachers in schooling to actually undertake this type of work. You mentioned pre-service development—they do not all get it across the country; that is a bit patchy too. But even where they do—for example, in New South Wales, where it is one semester—you say that they then have enough knowledge not to be dangerous. I presume that also means that they do not have a great deal of knowledge in assessing and in the pedagogy and in handling children with disabilities. If that then falls to in-service training, what is your assessment of what is happening across the country in terms of in-service training of teachers to assist students with a disability who are in schools?

Prof. Shaddock—I cannot talk about the situation across the country; I certainly know the ACT situation pretty well. The in-service training is certainly more substantial than it once was, but it too is patchy. It is neither a rigorous, carefully designed program that will catch all teachers nor designed for the youngest teachers in the system so they at least—those who will be there longer—will be able to provide the appropriate education.

Senator TIERNEY—But the odds are that it would not even catch the majority of teachers.

Prof. Shaddock—No. I do not know the figures these days, but a few years ago over two-thirds of the teachers teaching in special education were not trained for the role.

Senator TIERNEY—So we have a situation where we have increasing integration in schools but we have a teaching work force that is not trained to do that. Doesn't that raise all sorts of questions relating to duty of care and maybe even legal questions?

Prof. Shaddock—The legal questions are there already with the Disability Discrimination Act and our requirement to provide students with substantive equality. Once you take substantive equality seriously, you are really talking about major changes to the way teachers teach and to the resources that they are given and so on.

Senator TIERNEY—So with the philosophy of inclusiveness, where we are requiring teachers to in the one classroom teach gifted children through to children with intellectual disabilities and then we do not train them to do that in a way that makes them effective and skilful in doing that, is this really a workable education model that we have got?

Prof. Shaddock—I do not think it is that black and white. This is subjective, but I think we are doing this far better now than we were five years ago. The sorts of skills that we provide the new teachers with these days are giving them the opportunity—

Senator TIERNEY—Where are they getting that skill from?

Prof. Shaddock—I will talk about the University of Canberra. We offer a major in inclusive education. It is optional, but 50 students a year out of 300 take that major, which is actually six subjects about education of students with special needs. Those students walk out of their course with the capacity to provide a decent education for kids with disabilities in the average classroom.

Senator TIERNEY—But the average age of teachers in this country is 47.

Prof. Shaddock—That is right.

Senator TIERNEY—It is a long time since they were at college, they do very little in-service training—it is virtually nonexistent in this area—so how do the vast majority of teachers pick any of this up?

Prof. Shaddock—That is where I agree that it is very patchy and insubstantial.

Senator TIERNEY—I wonder about the level of awareness of parents of this. You are saying that parents want this, but do they really realise what they are putting their children into?

Prof. Shaddock—Many parents want it, but I would go back one step and say that the legislation requires it.

Senator TIERNEY—Which legislation requires it?

Prof. Shaddock—The Disability Discrimination Act. Parents present their child to a regular school for enrolment and, unless the school can argue that this would place undue burden on the school, more and more children are going to regular schools. That is a certainly a fact.

Senator TIERNEY—So you are saying that the legislation actually enables parents to exercise choice.

Prof. Shaddock—Yes.

Senator TIERNEY—They could send them to a special school or they could send them to—

Prof. Shaddock—They can try. There have been many cases in the courts, which parents do not win every time, but it is very hard for a large organisation like a department of education to argue that it does not have the resources to do this sort of thing.

Senator TIERNEY—Professor Parmenter, you might want to come in on this point. If parents do have that choice and, say, a child moves from a special education school to a mainstream school, state departments of education seem to be broadly telling us that the resources follow them. Either of you might want to comment on this. Do the resources follow them? Particularly in an era of global budgeting in schools, are we confident that those resources that are supposed to be dedicated to disability education actually end up in disability support in the mainstream schools?

Prof. Parmenter—It is patchy. I could refer to some schools particularly where the school leadership is very sympathetic to inclusionary principles and respects the diversity of all children, such as the diversity I had in my one-teacher school with 33 children who ranged from very slow kids to very bright kids. I had little training in that but was able to cope well. There are schools with global budgeting, as you say, where the special resources can get dissipated into other areas. Teachers in some jurisdictions complain that they do not get enough support for the inclusion process.

Coming back to one of Professor Shaddock's points, which I support, if we were to look at special education and special schools as separate we would have to build an immense number of special facilities to cater for upwards of 10 per cent of children who have special needs going right across the spectrum. The special school system as I knew it when I was in that system catered for people with generally fairly high support needs. I cannot see us reverting entirely to a dual system, because we are going to have children on the borderline—children, for instance, with learning disabilities, children who are reasonably intelligent but have special learning needs. Do we build special schools for them? In New South Wales we are starting to build some special schools for children with severe challenging behaviour. I doubt the efficacy of increasing the use of separate systems that often do not have any points of contact.

Senator TIERNEY—But the broad trend we are finding is the reverse. It does vary between different states—30 per cent of children in Victoria are in special schools, but in South Australia it is down to about eight per cent—but the trend across the states is for such schools to slowly close, not the other way around. Some parent groups have argued to us that all children should be included, regardless of their level of disability. We are trying to find out where the limit point is and your view on the adequacy of the resources that are supporting the children in the mainstream. The committee probably broadly agrees with an inclusive philosophy if it is supported by proper resources; what we are seeing around the country is that that is probably not the case.

Prof. Parmenter—I agree. I refer you to one of the attachments in my submission, a paper I delivered on the role of the special school arguing that the small number of special schools could almost be a crucible for the development, maintenance and sustenance of the skills that teachers need and could be really good places for in-service education, supporting the regular schools in their districts. That was my dream when I was principal of such a school. There are some examples of that, like Mater Dei special school at Narellan, which is starting to resource the Wollongong diocese of the Catholic system. I agree with you that the resources are not there to fully support the principle, and I think it would be a wonderful opportunity for this committee to recommend an increase in those resources to meet the needs of those children who are in regular schools.

Senator TIERNEY—It is a trend of deinstitutionalisation that we see across a lot of areas. You see the same thing with mental health—when the institution is closed they are supposed to go to halfway houses and get support, and we find that that does not happen. It seems to be the case in education as well. Professor Parmenter, you have stated:

There is strong evidence, too, that many students are over-medicated for behavioural/emotional/learning disorders.

Could you expand on that statement?

Prof. Parmenter—I took that point from some evidence that I gave to an upper house committee in New South Wales recently. The increasing trend, particularly for children that demonstrate hyperactivity or what is sometimes called challenging behaviours, in some quarters is for some doctors to provide medication alone as the major intervention to help those children become more stable.

Senator TIERNEY—You are talking about Ritalin and things like that?

Prof. Parmenter—Yes. I am not denying that a small number of children do benefit from certain medications, not only Ritalin. In the area that Professor Shaddock talked about, where children have emotional problems as well as intellectual disabilities, there is abundant evidence that certain medications like psychotropics will help them. The point I want to make is that usually the improvements do not happen in isolation with medication. The medication usually has to be accompanied by some very good behavioural programs in concert with teachers or counsellors helping to check whether the medication is becoming effective. There is evidence in the literature of an increase in medication, and we do not know the long-term effects of some of that medication. It is interesting to see the burgeoning numbers of children who are being diagnosed as having attention deficit disorder.

Senator TIERNEY—Maybe it was underdiagnosed before.

Prof. Parmenter—I suspect that it is overdiagnosed because we do not have any accurate diagnostic tools. It is a very rubbery concept and it is a fairly imprecise diagnosis. I am just urging caution. I am not denying the fact that medications can help, but there is evidence that many children, not only in this country, are being overmedicated.

CHAIR—Professor Parmenter, you are a bit unusual for this committee in that you have qualifications and expertise in developmental disabilities in the faculty of medicine as well as in education.

Prof. Parmenter—I hasten to clarify that I am in the faculty of medicine because I am an educational psychologist and because I hold the foundation chair in developmental disabilities, which are disabilities that children tend to acquire very early in life, if not at conception. The faculty of medicine has a small number of non-medical professors, such as psychologists, who work in different areas. The reason I am in that faculty is that there was an emphasis upon not only the education of children and adults with special needs but also the health needs of those people. So my department brings together the health needs, educational needs and lifelong learning needs of this population.

CHAIR—In regard to disabilities specifically, do you think there needs to be greater cooperation between those with expertise in fundamental health and medical issues generally and those in education? It seems to me that for most of the teachers we have come across—in fact, most of our experience as teachers—there is very little interaction specifically at the training levels.

Prof. Parmenter—I agree. I could make a general comment about the way that we deliver services to these children generally, not only in the health and education area. I think we adopt what is commonly called a silo approach, where the education area keeps to itself and talks about education and the health needs area keeps to itself. It is the same with transport, housing and so on, right throughout these people's lives. I would appeal for a greater integration in the way we deliver services and a greater input into teacher training on some of the health needs, particularly when we are getting into areas such as dual diagnosis and attention deficit disorder. The ability of teachers to help those children would be greatly enhanced if teachers had a broader base.

CHAIR—The other observation that has been made to us is that the growth in the number of people who have been identified as having disabilities—some estimates show an increase of as much as 500 per cent—has in part been due to the advances in medical technology, so more people with disabilities are in fact surviving longer.

Prof. Parmenter—That is one—

CHAIR—What else did you put to me? Would you agree with that assessment?

Prof. Parmenter—Yes—to a degree, I would. I think it is internationally recognised. I will give an impression from an American writer, Jane Mercer. She suggests that increasingly, as we move into this century, we will find a growing number of people with very high support needs because of that very fact—that children survive low birth weight because of better medications and better health care at the peri-natal level. It has been shown that many of those children will have some form of learning disability later in life.

The other movement is that those with milder support needs—or lower support needs, as we tend to refer to them now—tend to move more into the general education system, where inclusion probably has a greater chance of working. The suggestion is that that very small core of

children, whose numbers are increasing, might need some extra special provision to support them in the regular school system with very high support needs, with more teacher aides and maybe with nurses, particularly therapists.

I work closely with the Spastic Centre of New South Wales, and I have just been to Perth for the Cerebral Palsy Week. The need for therapy in schools, particularly at the early intervention level, is quite acute. Recognising that big gap, the state government in my own state has just bumped up its contribution, particularly in the area of therapy services. That is the position I would support—that we are going to have this very hard core of children who will need extra special skills from a range of teachers and other professionals—but increasingly I support Professor Shaddock's view that we will have that increasing number because of parent pressure and because of world pressures. We have a conference in Melbourne in a couple of weeks on inclusion for children with intellectual disabilities. They support the standard rules on the equalisation of opportunities for children—the United Nations convention. So it is a tide that we are not going to roll back. The question is: how, in the regular school, can we better help those children who are on the borderline and how do we help that small but growing core of children with very high support needs?

CHAIR—We have had a lot of evidence on the question of the borderline cases. There are some serious questions about funding, particularly with regard to problems that are faced by school authorities—particularly public authorities that will have people trying to extract the highest level of resources for students and perhaps registering students at a higher level than may necessarily be appropriate given the scarcity of resources. There are obviously difficulties with identification. There is a whole series of questions. I think that is where most of the public debate has concentrated.

My observation, based on work through this committee, is that those with high support needs—the highest category of students with disabilities—receive very little attention in the public debate. We were at a special school in Adelaide on Monday and I saw sights I have never seen before in an educational setting—and I have been in the game now for well over 20-odd years—that is, a student essentially at school for palliative care. The student was on a bed, in the final stages of a highly degenerative disease. These are circumstances I do not think we have ever asked teachers to cope with before. How common is that sort of development, do you think—not particularly that case, but people being asked to deal with circumstances that are out of the ordinary for any normal teacher to have to cope with, even a teacher who is highly trained and has worked extensively in a special school?

Prof. Parmenter—I will refer that to Professor Shaddock, because he worked in a situation where some of those children existed.

Prof. Shaddock—I used to be Program Director of Marsden Hospital and Rehabilitation Centre, a 500-bed institution for children with severe disabilities. Possibly two or so children would die each year—the children were very complex medically and educationally. So I do have some experience in that area. I do not have any answers, though, because I know of teachers who were postgraduate students of mine who say, 'This is not the work I trained to do.' They and their aides are changing nappies, turning children during the day and doing a range of tasks that are almost out of touch with their educational function. They are very small numbers proportionally, but those children challenge the whole education system. I have no answer to

that. I realise how resource draining those students are and how troubled the teachers are in, say, local special schools when they are dealing with those students. If what they are doing is education, it is a very broad interpretation of what education actually is. I do not necessarily agree with this, but some of those teachers argue that those students should not be in schools, that they should be somewhere else being looked after by people who can look after them and improve their quality of life. It is very difficult.

CHAIR—Why do you disagree with that view?

Prof. Shaddock—If I were not thinking about resources and just thinking of each individual child as someone who has a capacity to learn—and that would be my starting assumption—then I think they can learn really important things. They can certainly not learn maths and physics but they may learn that if you smile at a particular person that person comes and talks to you more—those are the sorts of children I work with in institutions—and that is an important piece of learning. They can be taught things that improve their life quality, and that is what education is about, but it is so different to our ordinary conceptions of what education is.

CHAIR—That is what struck me.

Prof. Parmenter—We would once have called those children ineducable in different systems. In Britain, America and even here, we would not even provide schooling for those children prior to the seventies and even into the eighties. To give you an analogy, I visited a group home yesterday where the residents had once been in a large institution, and in that house was a lady who was dying. The conventional wisdom was that she should never have moved out of the nursing home, but some of her friends moved out into this house and she expressed the wish to move also. There was some opposition to this but they said, ‘The fact of the matter is that you are not going to live much longer.’ I visited the house yesterday—there are visitors from the community—and I met a man walking into the house who was a postman. He said, ‘I am just going in to sit with Jill.’ Jill was expected to die on Sunday but she is still alive today. I think there is an analogy that it is about respect for human beings.

Going back to the very small child who is almost comatose, I have seen children who learn just through eye contact. They are not able to communicate, but being able to blink sends the message. This is the very basis of human learning, and we see the stages in a very young baby. I do not want to infantilise special education but, if we look at a child’s development and how a child learns naturally, some of these children can be helped to learn where otherwise they would not learn. The other option is to put them into a ward at the back of a hospital where they get very little stimulation and basically are fed and cleaned, and fed and cleaned. Years ago we used to put them into a bathroom and hose them down. So I believe it is from a respect for humanity that these children and adults present a challenge to us as a community. In some countries, indeed in our own country, children like that are being given sensory stimulation—there are sensory programs. I have a video of a child, probably similar to the one you saw, who has learnt to recognise the rattle of a tambourine. That is not maths or physics either, but it is essentially human learning that we are seeing.

CHAIR—I appreciate that. The point that struck us was the extraordinarily heroic nature of many teachers in their struggles to deal with it. In terms of public policy, it poses some very severe challenges—things that most of us would not have appreciated. I am sure most of the pub-

lic would not appreciate the extent of the challenges that are before us. If there is this 500 per cent increase in the numbers of people that are reported to us, if that is anywhere near right, then that presents in a broader sense a dramatic challenge for public policy.

One of the facts that was brought to our attention by the Australian Parents Council is the discrepancy in the enrolment figures at the various levels of the various educational systems. It has been put to us—and I note that the National Council of Independent Schools Association is here today—that the independent schools have 1.5 per cent of enrolments, Catholic schools have 2.2 per cent of enrolments and government schools have 3.9 per cent of enrolments. Those figures do not seem to be challenged, from what I understand, although there are variations from state to state. In South Australia there are 6.1 per cent enrolled in government schools and 2.5 per cent enrolled in Catholic schools with slightly different definitions. In terms of your expertise, can you tell us why you think there is such a discrepancy.

Prof. Parmenter—I have had some association particularly with the Catholic system and the public system, which I worked in. I think we still have a legacy of the non-government schools generally arguing—and they argued the case very much 20 or 30 years ago that they had no resources—that they do not have the same resources to help children with special needs as the state system does. When I was working with the Schools Commission that evidence came before us too and those statements were made. If you go back in history, those figures in the non-government school system would be much lower. The relative gap would be much larger. I cannot speak for those schools—they can speak for themselves—but I suspect that that is still the case.

The argument is that the public school system is better equipped. I know of parents who have moved their children from a non-government school to a state school because the special education facilities were better, but I also know of the reverse. It is very hard to generalise in terms of the quality of the support they will get in whichever system they are in. But we cannot argue with those figures, which I assume are very accurate. The basic reason, I believe, is that the non-government system is, some could say, more selective in some quarters in the children they take into their system. From my experience with the Catholic system in my own state, they have made tremendous strides in providing special support at all age levels, particularly at the transition level, and are following the state system very closely in the way they are providing resources and teachers. They suffer from the same problems the state system does. I will leave it at that. My colleague may have something to add.

CHAIR—Professor Shaddock, do you have any view on the matter?

Prof. Shaddock—I certainly agree with that analysis. The only other point I make is that I suspect the figures will change. I think it may become more equal in terms of the proportions of students attending the various systems—partly referring to what I said earlier about the fact that, increasingly, parents are expecting that their child will go to the school of their choice. As the legislation bites and the court cases are better publicised then, apart from goodwill that the Catholic system has towards kids with disabilities, those figures may change. It is historical and it is a resource issue; the government system had the resources.

CHAIR—But there have been massive increases in resources for the non-government system.

Prof. Parmenter—But they would argue from what base. It is relative to the base they started at. That could be one argument.

Prof. Shaddock—It is about resources in terms of money and knowledge. The state systems have had people with knowledge, but it is obvious that the Catholic system, for example, has not had a tradition of having lots of children with special needs and the system has not got the personnel to do that.

CHAIR—They are clearly doing better.

Prof. Shaddock—They are doing a lot better.

CHAIR—Catholic schools are enrolling 2.2 per cent versus 1.5 per cent, so there is clearly a discrepancy there. We have had evidence that there are very few people with disabilities at so-called grammar schools. Why do you think that is?

Prof. Parmenter—I think that the bar is a lot higher for entry. Some of the non-systemic non-government schools probably have a greater legacy or heritage of concentrating on children who will move on to higher studies. Parents naturally select those schools on that. I argue very vehemently against the disaster we cause every January across the country when we produce the HSC results. Schools are judged solely on the way they produce children who are ready for tertiary education, and no-one talks about the efforts the same schools might put into helping children with special needs. I would be giving them gongs for how they helped the slower children—not just the children with disabilities but the children in the middle range in the school. Some of those schools emphasise their results. You would not find too many children with disabilities at James Ruse public high school in Sydney, because it is a selective high school. It is comparable to some of the grammar type schools in our own jurisdiction and across the country. That is a fact of life. But I can take you to some fairly prestigious schools, such as Barker in Hornsby, which has a long history of supporting children with disabilities. It is a very conscious policy. One of my former students is a special ed teacher there.

Senator ALLISON—I would like to come back to the question of teacher preparation and ask you about the transition from primary to secondary. Professor Parmenter, you referred to the need for an increase in research in that field in particular, so I presume there is a dearth of information available. I am a secondary school teacher myself. I trained not all that long ago—maybe about 15 years ago—and I had no training whatever in teaching children with disabilities. It seems to me that primary teachers do tend to teach to the individual now in a much more specialised way. It has also been evident to this committee that a lot of children with disabilities survive the primary system but not the secondary system. Various reasons have been advanced for that, including the fact that there is a bigger gap between them and the mainstream population. But I wonder just how possible it is for secondary teachers to do what you suggested, Professor Shaddock—that is, to focus on the individual. Class sizes are at least 25 and are more likely to be over 30, the pace of education is picking up and there is very little training for teachers in the system. How realistic is it, with present class sizes and the level of training available to teachers, to have inclusion at the secondary level?

Prof. Parmenter—Some years ago at the secondary level—I do not think this is true today, and some secondary teachers would be quite disgusted with my comment—to put it fairly dra-

matically, teachers tended to teach subjects and not children. They would vehemently deny that and you would too, as a secondary teacher, but that is the fact of the matter. It is far more curriculum focused and far more subject focused. The pace that you mentioned is ever-increasing because of the examination system and the emphasis upon the possible entry into higher education for many of the children. To answer your question, and as I have said in some of my papers, we have to have a mind-set change about the way we organise secondary schools. Some secondary schools are coping with wide diversity—not just children with special needs but children with different ethnic backgrounds and children from the Indigenous population.

Some schools are doing a mighty job and they are very welcoming of children with diverse needs but, by and large, the evidence seems to be that these children fall off the edge when they move from primary to secondary school. In the school that I was principal of, the biggest enrolments happened at the end of year 6. The children were sent to me because it was predicted they would not cope in high school, or I got some children about halfway through their first year. They were misfits in high school, so they came back to the special school. Those children are in the regular school now. Some of the special units in high schools—special units for children with diverse needs at a secondary level—are doing a good job in providing the backup. I think that is where we are seeing some of the best efforts of ‘partial inclusion’, we might say. Holroyd Special School in Merrylands, which has very high support for these children, has a satellite class in the local high school with some partial integration.

We need to experiment and to do research as to how we can help this group. I believe that, in terms of special education in this country, the crisis is occurring at the secondary level. As Professor Shaddock said, parents are expecting their child to go their regular school, be it a non-government or government school. Children seem to cope well through primary school. When we started the Down’s syndrome program at Macquarie University, the children seemed to do well moving from infant to primary school, and then they started to fall apart at the secondary level. We need to do more research into how we can effect that inclusion at the secondary level. As night follows day, that is where the problem is going to be. It is already there. Parents are expecting their child to remain in the regular system. As I said earlier, I do not think it is possible just to build a whole set of new special schools.

Prof. Shaddock—I agree with Professor Parmenter. I will just make a couple of other points. This whole movement that we are experiencing is not being driven by research; it is being driven by values and legislation. It is not as if the answers are there. If the movement is to continue, we have to find the way to do it through research and good evaluations and by supporting innovation. It is not actually being driven by a knowledge of how to do it.

The second point I will make—and it relates to my opening comments—is that we are probably not talking simply about the education of students and the education of students with disabilities; we are actually talking about a very heterogeneous school population, particularly in high school. The lack of capacity, generally—I am speaking very generally—to respond to that diversity in the high school population now is leading to these pressures. We focus today on students with disabilities, but we can also see how high school curricula do not always connect with students from Indigenous populations and from other cultural backgrounds and with students who are going through a bad patch in their lives or who are on drugs or whose parents are on drugs. The diversity in our school population is not actually being connected with by some of the structures in the way we deliver. That is why I made the point earlier that I really think it

is important that the needs of students with disabilities are conceptualised within a total framework about the needs of students. I think the question needs to be asked: are high schools in the way they are organised—and I am not making a judgment; I did teach high school for five years—actually connecting with the real needs of society today?

Once we start to address all those needs, the needs of students with disabilities in high schools would also form part of the rethink of how we deliver. I really think that we are being forced into thinking—even if the focus is on students with disabilities—about the relevance and appropriateness of all that we are doing in education. I agree that in primary schools the teachers are better at it, and they have more capacity to respond to individual differences. It is tougher in high schools because of the pressure on outcomes that Professor Parmenter referred to and also because of the expectations of the bulk of parents, employers, the economy and so on.

Prof. Parmenter—Notwithstanding that they have six or seven teachers a day.

Prof. Shaddock—That is right.

Senator ALLISON—I think this is an important point to make, because a number of submissions have been less than generous to teachers, particularly at secondary level. I invite your response to the suggestion that it is actually going to be quite difficult to address those training needs of teachers. Even if you have an extensive and expansive professional development program in place—even if you have a semester on disability—the evidence would still appear to suggest that the teachers who cope well with diversity form a very small percentage. In fact, it has been suggested to the committee that one semester is useless, when you have not actually been teaching, in knowing what to do. Could you suggest a way to improve the capacity of teachers to cope with this diversity?

Prof. Shaddock—I was not an advocate of the one-semester course but, now that I have been teaching it and involved with it for a number of years, I think it is good and it does make a contribution. It is tough to learn everything you need to know before you are let out, and that is one of the problems with the tertiary education of teacher educated students going into high schools. If they do their substantive studies in physics, sociology, psychology, English, maths or whatever it is they are going to teach, the add-on, one ‘flurried’ quick year to do a Dip. Ed. or an equivalent is not the best model. But I do not think it is simply a matter of what teachers can do. I think teachers are in danger of becoming positioned badly here, because their training is certainly an important element but it is not the whole story. As Professor Parmenter said, he did pretty well with a complex class many years ago without the training.

Training is important, but the way schools organise themselves, the way resources are provided and as simple a matter as the attitude of the principal towards these students have been shown through a range of research to be extraordinarily important. Executive support is important: what flows from executive support is resources, recognition, feedback and all of that. While agreeing that teacher training is really important, I think the package of things to make this work is far more complex—and that is well researched.

CHAIR—Life experience: is that what you are suggesting?

Prof. Shaddock—Of the teacher, certainly. And connections with industry: many people go to university and come out teachers and they have had no connection with the world of work, in any realistic sense, for which they are preparing students. We talked earlier about better links with health and other agencies, but certainly better links with industry are important. You see those occurring, but if the teachers are really to provide a genuine education for students that leads to real outcomes that make a difference, then they need to have that sort of experience as well.

CHAIR—Equally, it is an infinite list, surely.

Prof. Shaddock—It is.

CHAIR—It is experience as parents; it is experience in life.

Prof. Parmenter—I mentioned in my submission the difficulties that parents have. Again, it comes back to teacher experience. Many teachers are not taught the skills of how to collaborate with the parents of children with special needs either, so parents often feel isolated in certain schools—in some schools they are very welcome. Teachers feel very apprehensive if the parent is there checking up on them and so there is a barrier put down. Studies that I have done in schools, particularly in the outer Sydney area, show that parents feel very aggrieved because the schools are not welcoming to them, especially in some of the transition periods such as preschool to school, primary to secondary and then secondary to beyond.

I support Professor Shaddock's analysis: it is a systemic issue and if we can improve the system for all children we will improve the system for these children. You can go to many of the outer western schools in the Sydney area and find enormous drop outs of young students—16-, 17- or 18-year-olds—who find school hopeless; it does not seem to be meeting their needs. If the schools were more receptive to their needs—and I am not blaming the teachers for this one little bit; it is a curriculum issue and a systemic issue—I am sure we would help children with other special needs.

I would be putting a lot of emphasis, I believe, on the postgraduate in-service level—encouraging teachers. I would not be pushing for extending pre-service; I would certainly want to put resources into that in-service area. In my own state, because of the last enterprise agreement, apparently nothing is being spent on the in-service area in the public system. I believe there was a trade-off between the salary agreement and savings that had to be made, so it is very difficult to get experienced teachers to come to in-service courses in New South Wales at the moment—in any area, least of all special education.

CHAIR—Thank you for your evidence today; I much appreciate it.

[10.11 a.m.]

BAKER, Dr Ken, Chief Executive, ACROD, National Industry Association for Disability Services

VERICK, Ms Margaret Anne, Policy Officer, ACROD, National Industry Association for Disability Services

CHAIR—Welcome. Would you tell us what ACROD stands for.

Dr Baker—When it was founded, it stood for the Australian Council for the Rehabilitation of the Disabled, but in the last two decades it has simply stood as an acronym. It refers to ACROD's role as the national association for disability services.

CHAIR—The committee has before it submission No. 159. Are there any changes or corrections you would like to make?

Dr Baker—No.

CHAIR—The committee prefers all evidence to be given in public, although the committee would also consider any request for all or part of your evidence to be given in camera. However, I point out that such evidence may subsequently be made public by order of the Senate. I now invite you to make a brief opening statement.

Dr Baker—Thank you for the opportunity to present evidence to this inquiry. ACROD strongly supports the principle of the integration of children with disabilities into mainstream classrooms, not only for the benefit of those children but also for the benefit of other children within the classroom, who, I think, gain a deeper appreciation of the diversity within humanity by interacting with children with disabilities.

ACROD was founded 60 years ago by organisations which provided services to children with disabilities. Many of those founding organisations ran schools, although that is much less the case today. Although we support the principle of integration, we are also very aware that a child can be physically present in a classroom but not included and not learning at the peak of their capacity. I think the challenge that faces us is how we can ensure that a child with a disability is not just physically present in a classroom but actively engaged, genuinely included and learning at the peak of their potential. This requires that a range of specialist supports tailored to individual needs be provided.

It is a common practice—in fact it is a mandatory practice among most disability service providers—that individual service plans be developed with clients. Our view is that it would be wise for that to occur in education as well, where any child who has a learning disability or other disability would have an individual education plan developed in consultation between the teacher, the parents and the child and this would be regularly reviewed and assessed. We are also conscious of the impediment to good support services presented by the inconsistent definitions of disability and the inconsistent tools of assessment across state boundaries. In

general, assessments of a child's support needs, to enable them to engage productively with education, need to be individualised. They need to be conducted by people with the professional qualifications to assess these things. They need to focus not only on the child's deficits but also on their abilities and capacities. They need to be subject to periodic review as needs change. They also need to have an appropriate application of resources to match the assessment. One particular case where there are not enough supportive materials available is in the area of the provision of educational materials in alternative formats for children with print disability. We would support the Australian Blindness Forum in arguing for a nationally consistent framework of guidelines which would inform people producing materials in alternative formats for children with print disability.

The teacher is really at the heart of education, so teacher selection and training is crucial, as is professional development of teachers within classrooms if complemented by school philosophy and organisation. We certainly believe that all generic classroom teachers should be required to have at least one subject in their pre-service degree that relates to the teaching of children with special needs. We are aware of the Vinson inquiry into public education in New South Wales which has reported in recent days that a huge amount of the money directed toward assisting children with disabilities—in particular, mild disabilities—in classrooms is spent on enabling untrained teacher aides to visit classrooms for as little as one hour per week, with very little money left over for the professional development of teachers. This is a question not just of the level of resources but also of the targeting of resources. It seems to make much more sense to invest that money in educating the teacher who interacts with the student on a daily basis. We are informed that there are only three specialist teacher education units in Australia and that over the years 1987 to 1997 there were five university based specialist teacher training programs that closed.

One other point that I would like to emphasise is that governments are increasingly driven by performance measurement. That which is not measured or subject to measurement is unlikely to be reflected in the allocation of resources or policy priorities. It would seem to us important that the National Goals for Schooling in the 21st Century and the national literacy and numeracy plan should formally acknowledge the needs of students with disabilities and that that should be reflected in performance measures which would then drive state government priorities around the provision of services to these students. As part of that plan there is a national Aboriginal education policy. There needs to be some mechanism of that sort to focus the attention of state and territory education departments on the special needs of children with disabilities. Thank you.

CHAIR—Do you want to add anything, Ms Verick?

Ms Verick—No. That is fine.

CHAIR—I have some questions to start with. I noticed that, on page 2 of your submission, you say that there are examples where the Commonwealth has essentially not effectively addressed the question of outcomes for students with disabilities. Given that this is a Senate inquiry, we are always interested to hear about the performance of the Commonwealth government. For instance, you indicate a number of incidents and you then go on to say that the final report, entitled *Literacy and numeracy acquisition, including the role of braille, for students in Australia who are blind or vision impaired*, was submitted to the department of

education—that is, the Commonwealth department of education or DETYA, as it was at that time. You then say that the report ‘resulted from the only national project to date that assessed the current situation’ and that the Department of Education, Science and Training has so far ‘failed to release the report or to address its recommendations’. We have done a check on the reports that were in fact tabled here in circumstances of particular controversy and along with great attempts by the department to get media attention on this. It is not one of the reports that was actually handed to this committee. Are you sure that that is right; that this report has not been released to the public?

Ms Verick—Absolutely.

CHAIR—So you stand by that?

Ms Verick—Yes, absolutely.

CHAIR—How do you know that to be the case?

Ms Verick—I was involved in developing the background paper that led in some way to the funding by DETYA at that time for that project to be carried out. I was involved in the early stages and I was aware of who the consultants were to be and who was involved. They included colleagues that I worked with in the blindness sector and there were also some from the tertiary education sector. So I was very aware through my own blindness networks of the final report being submitted. Since then there has been no public release or any addressing of the recommendations in the report.

CHAIR—Have you ever been informed as to whether the report was accepted by the government? You say it was a final report. How do you know it was the final report?

Ms Verick—Because the consultants who did it told me that it was the final report and it was delivered at the end of 2001. That is all I can say. I do not know from then what the department did.

CHAIR—As far as the consultants were concerned, it was the final report?

Ms Verick—That is correct.

CHAIR—And you have checked with the department?

Ms Verick—I did check with the department after that to see what would be happening with the report. There was an indication that it could be used internally to provide material for the development of a discussion paper or something to that effect some time this year. That has not happened.

CHAIR—It is just that this committee asked for copies of all consultants’ reports and we have not been provided with that. That is what I was informed.

Ms Verick—I think that the concern in the blindness sector was that this was the first time any work had been done to try to identify all of the issues that affect those students in schools, particularly the issues around braille, which are quite significant for the learning capacity of students. So it was a great disappointment for the consultants to then not know what was to happen with the report. I do not know what the words ‘it could be used as an internal document to inform other research’ actually mean.

CHAIR—No, we often find that difficult to follow ourselves. How much was the consultancy?

Ms Verick—How much?

CHAIR—Yes—do you remember how much that was?

Ms Verick—No, I am not really sure. I do not think I was ever privy to that information. It was put out to select tender. The conditions of the consultancy were not widely advertised or known.

CHAIR—Who received the tender?

Ms Verick—Jolley William and Associates, which is run by William Jolley.

CHAIR—Where are they based?

Ms Verick—They are based in Victoria, but they worked in conjunction with Renwick College in Sydney and the Schonell Centre in Queensland.

CHAIR—When was the tender let, do you know?

Ms Verick—I think it was early in 2001.

CHAIR—When was the report delivered to the department?

Ms Verick—I think a draft was delivered in September.

CHAIR—And the final report?

Ms Verick—I understand that the final report was delivered in December.

CHAIR—That is December 2001?

Ms Verick—That is correct.

CHAIR—You said it was a ‘select tender’?

Ms Verick—Those were the words I was given at the time.

CHAIR—Presumably that was on the basis that Jolley William and Associates have pre-eminent expertise?

Ms Verick—And those he collaborated with were highly qualified: a person who was blind himself and worked with others in education, and so on.

CHAIR—Was the minister involved in that, do you recall?

Ms Verick—The minister at the time, Dr David Kemp?

CHAIR—Yes.

Ms Verick—He may have recommended to the department that this was a worthwhile area to pursue.

CHAIR—Did he recommend the company?

Ms Verick—Not to my knowledge. I have absolutely no knowledge of that.

CHAIR—Obviously, we will need to follow that up with the department. I notice that the departmental representatives are here, and I am sure they will be able to get me some answers on this matter. Mr Shergold no doubt will have a perfectly reasonable explanation of why this has not been given to the committee, and I look forward to hearing it this afternoon.

The second issue I would like to raise with you is the question of the extent to which the move towards inclusion has been based on ideology and the extent to which it has been based on empirical research. You heard the witnesses who appeared before you. Where do you stand on that issue? Do you think the drive towards inclusion is based on ideological commitment or on research?

Dr Baker—I think it is part of a broad drive that has occurred over the last 20 to 30 years which has resulted in the closure of many institutions. It is clearly a philosophical commitment that is driven by an appreciation of the rights of people with disabilities to be, and to be accepted as, full citizens. This is an extension of that. I am not familiar—and certainly not as familiar as the professors who gave evidence to you previously—with the research evidence for this. I am aware of some broad research evidence that does support their contention that including people with disabilities in community settings greatly enhances their life skills and their social skills as well as—and these things are not separate—improving their sense of dignity and self-esteem. I am not aware of the particular studies regarding integration of children in classrooms. Are you, Margaret?

Ms Verick—No; but I am certainly aware that it is ideologically driven. It has been a worldwide movement that has come about through many efforts by the United Nations and documents that have been produced over the last 20 years or more. It was ideologically driven in the beginning, but it was taken on by the Australian government and very strongly supported, and I believe that we are now in the middle of making that work rather than having an argument about whether—

CHAIR—That is right. The use of the term ‘ideological’ is not pejorative; the proper use of that term would cover all sorts of values and aspirations.

Ms Verick—Absolutely.

CHAIR—I am asking to what extent there is research to support the value of inclusion, and where you stand on that issue.

Ms Verick—Some research that I have recently drawn on was done by Inclusion National, and the National Council on Intellectual Disability would probably be able to give you a good deal of information about that. They have done some research, driven by the UNESCO approach to doing a country report—I am not sure if it is every four years—on the standard of inclusion in that country, and they published their results in, I think, early 2001. In fact, they are having quite a large congress in Melbourne later this month for Inclusion International which will be looking at the report cards of countries like Australia and so on.

CHAIR—Where do you think we stand?

Ms Verick—The last report was not very good, but comments were made that efforts were definitely being made in some states. The state they highlighted as seemingly making the greatest effort was Tasmania. Certainly that would be backed by comments from the blindness sector, which I represent, as well as from others, saying that Tasmania is probably one state that is making a real effort to include students.

CHAIR—Could the committee have access to these papers?

Ms Verick—Yes.

CHAIR—Thank you. You have identified the geographical areas of our strength—that is, you think that Tasmania is doing better. What are the areas of weakness in terms of the national profile on integration?

Ms Verick—I hope you will appreciate that my knowledge is at arms length, but we hear from the members and groups that I represent that there is a lot of early intervention, including therapy and other programs, when a child is at home with the family. When that child moves into school, the funding seems to dry up for the resources to really assist that child to integrate into a school setting. That creates a dilemma that is ongoing for some years for many children, particularly in rural and remote areas. For some children to learn, they actually need therapy to help them. One comment was that in the Catholic school system there is no real policy about inclusion. Even though they are doing it very well, there are not necessarily guidelines for including children. Parents are still expected to help their child during the day with things like toileting.

There are gaps in how children are supported at school to learn at the same pace as their peers without a disability. Many blind children are not literacy and numeracy learning ready, because they have not had the pre-braille skills and that sort of thing. They face a much greater dilemma when they are transiting from primary school to secondary school. A case that came to our attention recently was that of two young girls in Sydney. Their parents, in desperation, went to a

specialist school—and in the blindness sector some still exist—terribly worried about them moving into high school, because they had been moved up through the classes without ever really coming to grips with things. In year 6, they were at a six-year-old level of reading and writing in braille.

A plan was worked out between the mainstream school principal teachers, the specialist schools and the families to draw those two children one day a week into a specialist hothouse, if you like, to learn braille skills and also to find out for the first time that there was another child like them. In each of those schools, that child was the only child in that situation, so they did not understand how other blind children were learning. They felt isolated. The parents had tried to do things throughout that time and then they finally got the support. That has been working very well. Within months, the children's command of language increased exponentially. That is only an example. If left alone—and very often this happens—the children are just moved on into high school and they cannot really read and write at the level that they are expected to. That is why a lot of students seem to fall by the wayside.

CHAIR—Which countries do you think are doing a better job than us?

Ms Verick—We have drawn on a lot of information from the United States, because they have put in place legislation which guides people on this. For instance, they have a national agenda for students who are blind and vision impaired. They also have legislation—the acronym for which is IDEA—to say that all children are meant to have an individual education plan. They are monitoring these things. They are still in the early days, but we understand that that is making a difference. There are obviously things happening in the UK, but I am not able to comment on those.

CHAIR—The departmental submission to this inquiry acknowledges that there is a lack of consistency with disabilities definitions across Australia and that this is an impediment to the measuring of performance for the national goals of schooling of students with disabilities. You say here that the national reports on schooling in Australia for 1998 and 1999, published by MCEETYA, totally failed to address the question of outcomes for students with disabilities. MCEETYA also has a performance management reporting task force, which I note has failed to reach agreement in its various guises for five years. In fact, at its last proceedings in New Zealand, it sent the work of the task force back for further consultation. Are you familiar with the project? Are you familiar with the draft standards being proposed by MCEETYA?

Ms Verick—Yes.

CHAIR—Do you think they are adequate and appropriate? To what extent do you think the national report on schooling, in a contemporary sense, still fails to recognise students with disabilities?

Ms Verick—I was able to access the first release by MCEETYA of the report for 2000. In that they said that a subgroup is to develop a common approach to defining and reporting on the achievements of their students and it was due for completion by the end of 2001, but I have not been able to find any more information about it. That is the first time I have been able to find a particular reference like that in the last three national reports on schooling in Australia—that is, my not being able to find it—but I am not sure what has happened since the end of 2001.

CHAIR—The meeting in Auckland in July this year considered these reports and sent them back.

Ms Verick—It sent that one back?

CHAIR—Yes. Further, we are advised that the detail of the report has been archived and it is not on the web site that contains these matters. It would seem that your observations are accurate. How adequate were the draft standards that you saw in 2000?

Ms Verick—I do not feel that I can really comment on those without going back to look at them again, and I apologise for that.

Senator ALLISON—Dr Baker, I wish to ask about your comment that governments were driven by performance measurements. Do I take this to be the focus on literacy and numeracy that has been common to both Commonwealth and state levels? To what extent have those literacy and numeracy programs benefited people with disabilities in schools?

Dr Baker—My concern was that, because of the performance management regime that now operates within governments, that which is not subject to performance measurement will not be done. It does seem to me that there is still no adequate translation of the meaning of numeracy and literacy standards—of what might be meaningful and sensible indicators of performance for those goals when applied to students with disabilities, keeping in mind that students with disabilities cover a very diverse group and it is not an easy task to develop meaningful performance measures. But my view is that, if there are no such measures, knowing that performance management is the regime of the day, nothing will be done. So, at present, my generalised view is that there is not adequate attention to ensuring that children with disabilities reach their potential in areas of numeracy and literacy.

Senator ALLISON—I would like to ask about early assessment. We will be hearing from the Autism Association later today, who talk about the importance of early assessment and intervention and the high level of criticism of that. At the other end of the spectrum, if you like, we have heard from people who have discussed learning disabilities, and there seems to be a mixed bag in each state in terms of whether students are entitled to assessment which would provide strategies for learning and so on. Where do you think is the greatest level of need in terms of early assessment? How should it be funded? Is there a role for the Commonwealth in this assessment process?

Ms Verick—I will draw on the blindness sector again, because that is the one I am more familiar with. There is a very strong view in that sector that the assessment of the condition as soon as a child is born or as soon as the condition is diagnosed should somehow feed into the assessment for early intervention, preschool and schooling. When a child comes to a school what often happens, we hear—particularly in the blindness sector—is that particular weighting is given to the departmental assessment rather than to the very knowledgeable and expert assessment that has already been done about a whole range of things in relation to the child in the family and in various situations. That assessment is not really taken into account.

Senator ALLISON—Is that for cost reasons?

Ms Verick—I would not be able to comment on that, but I would certainly say that one of the agencies that put in a submission to the committee indicated there was a lack of collaboration or a territorial approach. Whether they feel that they are better qualified or that specialist supports are just that, external, and not internal to their processes, I cannot really comment. Overall that is a concern. Specialist agencies that know a child well believe that they are not always listened to when determining the true assessment of a child's abilities and that very often the focus is on the disability, rather than on the ability of the child to learn.

Senator ALLISON—I am not sure I understand the distinction there, although it has been said by a number of people. Is there a real difference between identifying the disability and understanding the ability?

Ms Verick—People tell me that they feel there is a focus on the negative side of the disability—for instance, what you will need and you cannot do this.

Senator ALLISON—Is it just semantics?

Dr Baker—No, I do not think it is.

Ms Verick—No, I do not believe so.

Dr Baker—I think it actually influences educational outcomes. If all you can see is what the person cannot do then your expectations are very low as a consequence. There certainly needs to be a recognition of what a person cannot do, but that needs to be balanced by a recognition that they may have many abilities that need to be developed.

Senator ALLISON—You have said that a huge amount of money is pretty much wasted on teacher aides, and I think it has been the experience of the committee that students in special schools get a much greater level of expertise provided to them. You also suggested that there need to be individual learning plans for every student. I will ask you the same question that I have asked previous witnesses: a teacher at the secondary level may have 300 students; how easy is it to have an individual learning plan? Should we put the money that is currently going to teacher aides towards providing aides who are better educated—maybe they should be teachers, maybe they should be the ones who assist with this kind of individual planning?

Dr Baker—There are always difficult decisions to be made as to where it is most productive to invest resources when those resources are limited, as of course they are. My view is that those resources will be wasted unless there are carefully worked out individualised education plans, because these plans should identify the particular needs of that child, realistic goals for that child and a clear path forward so that resources from that point on can be used more efficiently. By their very nature, because they are individualised plans, they will result in different types of resources and a different allocation of resources.

The point about teacher aides is that there is probably an imbalance in investment at present between employing teacher aides and training classroom teachers. It seems to me that it ought to be part of the core skills of any classroom teacher. If that is not the case then I think the educational experience of children with disabilities will be depleted. The teacher is the key authority figure within the classroom; that is the figure to whom the child relates. A teacher aide who vis-

its for as little as an hour a week, as we heard from the Vincent inquiry, is not going to change the dynamics and culture within that classroom. That really has to fall principally to the teacher.

Ms Verick—There was a call from the blindness sector as well for the introduction of national standards of core competencies for itinerant or visiting teachers, because of this dilemma of untrained teachers, with an inconsistency of support, very often almost ‘childminding’ rather than assisting the child and assisting the teacher as well.

Senator ALLISON—Would you agree that there are no national standards or protocols about the relationship between that aide and the teacher?

Ms Verick—I would agree with that, yes.

Dr Baker—Yes.

Senator ALLISON—Sometimes it is not highly cooperative, from what the committee has heard.

Ms Verick—That is right.

Senator ALLISON—You gave us an example of a child with a hearing impairment who became the target of bullying and was subsequently moved to another school. How common is that, and how can teachers address the bullying of other students with disabilities?

Ms Verick—That came from one of the ACROD members that continues to run a school for hearing impaired and deaf children, and they also provide support to external school systems. My understanding is that that is an example of a lot of the issues that are faced. I could not comment on how common it is. You may hear evidence from Victorian Services for Deaf Children and they may be able to elaborate on that.

Senator ALLISON—MCEETYA agreed at its July meeting to look at a national approach to abuse of students, including abuse by students against students. Would you be interested in having an input into that national plan with regard to the bullying of kids with disabilities?

Dr Baker—Yes, we certainly would.

CHAIR—Thank you very much for your evidence today. It was appreciated.

Proceedings suspended from 10.47 a.m. to 11.06 a.m.

DANIELS, Mr Bill, Executive Director, National Council of Independent Schools Associations

TUDOR, Mr Chris, Chairman, National Council of Independent Schools Associations

JACKSON, Mrs Audrey, Executive Director, Association of Independent Schools of Western Australia

YATES, Mrs Robyn, Director, School Consultancy, Association of Independent Schools of New South Wales

CHAIR—I welcome the representatives from the National Council of Independent Schools Associations, the Association of Independent Schools of New South Wales and the Association of Independent Schools of Western Australia. The committee has before it submission No. 175. Are there any changes or corrections that you would like to make?

Mr Daniels—Yes. There is a minor change we would like to make. In table 5 on page 14, in relation to funding for the Australian Capital Territory, in addition to the targeted funding pool, all students with disabilities receive the territory ERI category 12 funding, rather than the ERI funding level normally applying to their schools.

CHAIR—The committee prefers all evidence to be given in public, although the committee will also consider any requests for all or part of your evidence to be given in camera. However, I point out that such evidence may subsequently be made public by order of the Senate. I now invite you to make a brief opening statement.

Mr Daniels—Thank you for the opportunity to appear before the committee. The issue of the education of students with disabilities is one of considerable importance to the independent schools sector, which has a strong commitment to meeting the educational needs of these students. At the outset, I would like the committee to note that the NCISA submission was developed in close collaboration with each of the eight state and territory associations of independent schools and that six of those associations have actually lodged separate submissions to the inquiry. The team here today actually includes people from three of the associations, so I hope we can handle the full range of questions that you will have for us.

In recent years, the independent schools sector has experienced rapid growth in enrolments of students with disabilities. The sector is clearly one in transition as it responds to expanding enrolments, especially of students in regular school environments. A recent survey on the experience in Western Australian independent schools concluded:

The impression emerges of an education sector undergoing major transition, one that recognizes its shortcomings while continuing to adapt and respond to a significant group of students with special educational needs whose parents seek the educational choice and diversity that is the distinguishing feature of independent schools ...

Copies of that report have been sent to the committee. There are a couple of brief points I would like to make in relation to the submissions and the hearings of the inquiry to date. The first is

that the independent schools sector has a lower share of enrolments of students with disabilities than either the government or the Catholic schools sectors. This has been interpreted by some as indicating that independent schools are not doing their fair share. The reality is that independent schools are bound by the Disability Discrimination Act in the same way as other schools and they take seriously their legal obligation to enrol and to meet the educational needs of students with disabilities. While enrolments of students with disabilities in independent schools have increased rapidly in recent years, parents ultimately make decisions about where to send their children to school and they make these decisions having regard to their own circumstances and the options open to them. I would imagine that the financial implications for families as well as the quality of educational services on offer would greatly influence many of these decisions. A reduced financial capacity to afford school fees is a reality for many families of students with disabilities. Ultimately this impacts on enrolment shares and it has little, if anything, to do with the willingness of independent schools to take a larger proportion of these students.

My second point concerns the claim that non-government schools are more than adequately funded for students with disabilities. I have three comments to make about funding. Firstly, these claims ignore the reality that independent schools receive total general recurrent funding from governments—Commonwealth, state and territory—that amounts to only part of the average cost of educating students in government schools. This can be as low as 25 to 30 per cent of the government school cost. The funding gap has to be made up from other sources, primarily the parental community. Secondly, the general recurrent funding mechanism can never be a sensible method of funding students with disabilities given the very great differences in support needs of individual students, especially in the independent sector where schools operate on an individual school basis. Thirdly, government funding to meet the educational support needs of students with disabilities is too often a function of where the student lives and the school sector they attend.

In conclusion, the committee will have noted that our submission includes a number of recommendations. The bottom line for us is that students with disabilities in Australian schools are never likely to be given a fair and equitable chance unless governments are prepared to move away from existing resourcing models and accept the principle that they should receive the same government expenditure for their school education irrespective of the school sector in which they are educated. Thank you.

CHAIR—Mr Daniels, you know I have been asking questions all over the country so you will not be surprised to hear me say to you that there is very strong evidence that suggests that the number of students with disabilities enrolled in non-government schools is substantially lower than other sectors. While the number enrolled has grown, so has the number of students with disabilities—some 500 per cent. The proportions that are enrolled in non-government school systems have remained way below the rest of the system for quite some time which has been paralleled with a dramatic increase in public funding that has gone to the non-government sector. Can you confirm for me that the states grants act provides \$6-odd billion—maybe \$8 billion? What is the amount of money that the states grants act provides to the non-government sector over the current quadrennium?

Mr Daniels—I do not have that off the top of my head.

CHAIR—We know for the Catholic system it is \$10.4 billion and for the non-government sector—the rest of the independents—it would be a figure less than that, but not vastly less than that; would you agree?

Mr Daniels—I do not know. I have not come prepared to answer questions about the general recurrent grants program or the states grants act.

CHAIR—I appreciate that. It is just that you raised it yourself, and I would have thought since you have raised it that I am entitled to pursue that line of inquiry. You have also indicated that you thought the ratio of public funding that schools you represent receive is substantially less than in the government system. That is well and truly the case. Given the nature of independent schools, you would not be surprised to hear that—we certainly are not. My information is that, if we include state government funding as well as Commonwealth funding and fees, the total expenditure per student that was available for the independent component of the non-government sector in 2000 was 123 per cent of AGSRC for primary schools and 159 per cent of funding on an AGSRC model for secondary schools. Are you familiar with those calculations?

Mr Daniels—I would dispute those figures.

CHAIR—What do you think the figures are?

Mr Daniels—I think the average level of resources available to the bulk of independent schools would be at or slightly below that available to government schools.

CHAIR—That may well be true for the very low fee paying schools. But you do not just represent those, do you? You represent a broad range of schools.

Mr Daniels—We represent the entire independent school sector—957 schools with almost 360,000 students.

CHAIR—So you represent schools that ask for fees of as much as \$20,000 a year as well as schools that ask for fees of \$1,500 a year?

Mr Daniels—I am not aware of any school that has fee levels of \$20,000 a year.

CHAIR—I can suggest to you that the boarding schools in Geelong would be charging those sorts of prices.

Mr Daniels—I think that to be fair you would need to make a distinction between the fees being charged for tuition as opposed to the fees being charged for boarding.

CHAIR—The point I am making is that the income available to some schools is substantially higher than the income available to government schools, yet the ratio of enrolments is as much as almost two-thirds lower. I put it to you that this is not consistent with the DDA and that there appears to be a systemic question here about the underenrolment of students with disabilities in the non-government sector.

Mr Daniels—There are a couple of points I would like to make about that. Firstly, the proportion of students with disabilities in independent schools has grown dramatically over the last 10 years. In fact, if you go to the DEST submission, you will see there has been a 50 per cent increase in actual numbers between 1996 and 2001. The second point is that, in large part, the numbers are determined by choices made by parents, so the sector is hardly in a position to create an artificial market if the market simply is not there. The implication that there is some general sector wide negativity to taking on students with disabilities is simply not backed up by the facts. If it were the case, then that would be suggesting that some, perhaps many, schools are acting contrary to the Disability Discrimination Act. I have seen no evidence whatsoever of that and, if the committee has seen evidence of that, we as an organisation would certainly like to know about it.

CHAIR—We have had evidence that there are in fact a range of practices, often informal, that occur within schools that discourage students from enrolment. On other occasions exemptions are sought from the DDA on the basis of unjustifiable hardship. How many schools are you aware of that have exemptions from discrimination acts on the basis of unjustifiable hardship?

Mr Daniels—There is certainly a provision in the act relating to exemption on the basis of unjustifiable hardship. Indeed, that has been tested in court on a number of occasions. There is not a fixed or general answer to the question of what ‘unjustifiable hardship’ means, because the interpretation will vary in each particular case that a school deals with. I do not have figures on how many schools may have sought exemption under that provision of the act.

CHAIR—We understand that there is in fact a very large number of cases, particularly at the state level, where people have taken complaints to tribunals. This concerns all levels of schools, but you are here representing the independent sector today. Are you aware that there has been a significant number of cases?

Mr Daniels—I would not know how to interpret the word ‘significant’.

CHAIR—We are told that ‘significant’ would mean a large number. A large number of schools has been involved in litigation before various tribunals, both state and national—the Federal Court and state tribunals—on the issue of people’s perceived denial with regard to what the act says. The act says:

... (a) by denying the student access, or limiting the student’s access, to any benefit provided by the educational authority;
... or (c) by subjecting the student to any other detriment.

And there are other forms of discrimination made unlawful by section 22 of the DDA. That is in a submission that we have received. Are you familiar with that evidence?

Mr Daniels—I am not sure which submission that is. We have analysed—

CHAIR—This is a submission that we received in Queensland. In fact, I am actually quoting the provisions of the act from the disability rights page on the Australian Human Rights and Equal Opportunity Commission web site. But we were provided with evidence in Queensland and a number of other places that suggested to us that there were examples of breaches of the

act. Are you saying that, in your experience, there are no breaches of the act in the independent sector?

Mr Daniels—I am not saying that. I am saying that there is no systematic approach by the independent school sector to do anything other than enrol students with disabilities wherever possible and provide them with the best educational services possible within the provisions of the act. We have a school principal here who deals with this on a day-by-day basis and he could give the committee some indication of what actually happens on the ground.

CHAIR—Mr Tudor, are you aware of any of these circumstances? We have had evidence that it is in fact more honest to tell people that a child cannot be catered for in a school setting. Are you familiar with that?

Mr Tudor—No. We follow the act to the letter and we accept children as they come in, even though the nature of the disability that the child might have might be a real challenge. Nevertheless, we take that on and I would say that the vast number of schools would do the same thing. Basically, rather than seeing the child with disabilities as a negative thing in the school, we see it as something positive. School should be a reflection of society. If it is to be a reflection of society then children have to get used to the notion of what real society is like; if schools do not include students with disabilities then they give their children a false understanding of society. The relationships and so on that are developed accordingly are very positive.

Having said that and having listened to the previous speakers here this morning, the whole nature of disabilities is unbelievably complex. Whilst I have said that as a fairly broad statement, I can also quote situations where a school has huge difficulties dealing with somebody with disabilities. Nevertheless, they still have the intention and the obligation under law to do the best they can. It can be a major challenge—it can range from a situation that people might have in their minds now of somebody sitting in a wheelchair with a range of disabilities who might have a fairly passive involvement in the school community to somebody who has behavioural difficulties because of their disabilities. Those might relate to violence or other things that might be difficult for relationships between the sexes at schools. Nevertheless, one has to deal with them as best one can.

CHAIR—Are you familiar with the Hills Grammar case?

Mr Tudor—I know of the Hills Grammar case but I am not familiar with its broad detail.

CHAIR—Mr Daniels, are you familiar with it?

Mr Daniels—No.

CHAIR—Do you think it is possible or reasonable to say to people, ‘This is not an appropriate setting for your child’?

Mr Tudor—I think a school has a responsibility to be honest with the parents. As I have said before, I absolutely agree with the need to have children with disabilities in the school and see it as something which is exciting. However, schools need to be absolutely honest with the parents

and they must make sure that the parents understand what they believe they can achieve as a school and what they cannot. I know that that could be used as the thin edge of the wedge on occasion but hopefully that is not the case. I think that it is the social responsibility of the school not to say to the parents that they can do things which they cannot do.

CHAIR—Mr Daniels, I have been to faith based schools, as I suppose you would describe them, which I will not name. I will give the example of one school which was in frankly an appalling condition, and they had accepted students with profound disabilities without having sufficient resources to educate students without disabilities. The buildings and playgrounds were totally unsuited—the playgrounds were not even surfaced. I recall one example where all the students could not fit in the yard at the one time; they had to roster the breaks to get them on the block. Isn't it reasonable to say to a parent, 'We can't cope with this,' and to say that it would be wrong to take the child simply because of their faith and not be able to provide a reasonable education?

Mr Tudor—Schooling should be as a result of a relationship between the school and the parents. Again, I think a school has to be very open about what it can offer the parents. I am trying to visualise this situation, and I have seen many schools with such a variety of situations—I can see schools that would be problematic as far as students with disabilities are concerned. I think that if the school said, 'Your child is going to be safe,' when clearly the child was not going to be safe, then that would be the school not exercising its correct responsibility.

Mrs Jackson—I would like to add something to that. I think the important thing, as Mr Tudor has said, is the relationship between the parent, the school and the student. Sometimes, parents will make a decision that a particular school is right for their child even though they know that they might be able to access better facilities elsewhere. I am not thinking of the extreme case that you have given. It could be a case, for example, of their not being able to access therapy services if they go to an independent school—the parent will have to pay for them. But the parent makes the decision that that school is right for their child. Presumably, in the case you spoke of, they made the decision that the school was right for their child. If you do that and you create an atmosphere of trust then that is a really good start for education.

Mr Tudor—I would like to add one other thing. I had a young chap with a major learning disability. The parents had the child tested interstate and came back obviously very concerned and said to me, 'Can you teach my child to read and write?' All I could say was, 'We can do our best but I can't guarantee it; however, we will endeavour to make sure your child belongs within the school community.' That was really all I could do. If at that stage I had said to the parent, 'Yes, there are no problems; we can teach your child how to read and write,' I would have been lying. I really had to say what I knew I could achieve and then provide hope with what I hoped I could achieve, and the relationship was built from that.

CHAIR—What I am trying to get to is that unjustifiable hardship, as an exemption, may well be entirely justified in certain circumstances. Where you have a significant departure from the enrolment patterns of other systems, it may be overused, so you would not want to throw the baby out with the bathwater on this issue. I guess that is the point I am trying to get to. I am sure you would represent schools that frankly cannot cope. It would be more honest—in fact, legally, your duty of care, I would have thought—to say no.

Mr Tudor—Sure.

Mr Daniels—Given that there are almost 1,000 schools, you would have a range of circumstances, from what you would regard as very sensible and balanced advice to either end of that spectrum.

CHAIR—I will ask about the definitions of disability. It is another issue that has been given some prominence. Are you familiar with the work of the Commonwealth MCEETYA task force on standards?

Mr Daniels—Yes.

CHAIR—Have you had a look at the standards?

Mr Daniels—Yes, Senator.

CHAIR—Do you support them?

Mr Daniels—We are represented on that task force. We have been an active player in it for some years and certainly will be active in the coming months, given that MCEETYA has given an undertaking to have this matter resolved by the end of the year. I guess our slight reservation is whether we should be talking about ‘standards’, as opposed to a softer word such as ‘guidelines’ or something of that nature, given that the word ‘standards’ creates a sense of something very fixed and concrete that you must not move away from. Our other reservation is that, having set standards, there is actually a cost in providing those standards, in operating to those standards, and the debate that has occurred at MCEETYA has been pretty free of the reality of resourcing standards. There is no doubt that new standards will cause a lot of schools to incur significant additional expenditure. That is not peculiar to the independent sector; it is right across the board. So our position is that we are an active player in it. We support the thrust of it. We have a concern about resources and we have a slight reservation about whether they should be called standards or something else.

CHAIR—I will come back to the reservations. But the cost issue is another matter that has been raised across the country. The Tasmanian government strongly supports our implementation. Other states seem to suggest there are reservations and the question of cost seems to come up pretty quickly in conversations. What is your judgment as to the likely financial impact?

Mr Daniels—I would not put any weight whatsoever on the costings I have seen before the task force. I do not believe the task force has been able to do a professional job on costing. All I could say is that there will be costs.

CHAIR—Do you have any estimates? What is the task force estimate?

Mr Daniels—I think some figures running into hundreds of millions of dollars were floating around some state education departments in the lead-up to the MCEETYA meeting.

CHAIR—I bet that it would not surprise you either, Mr Daniels, with your experience in education, that people make claims about costs that may be a little extravagant.

Mr Daniels—Figures are wonderful things!

CHAIR—We agree upon very few of them! I am told that the Commonwealth is currently spending \$123 million on special learning needs programs for disability elements. If anyone suggested to me that the cost for these standards would double that budget, I think that would be a little unrealistic, wouldn't it?

Mr Daniels—Yes. Certainly we have not committed ourselves to the figures which were tossed about.

CHAIR—What is your best guess, then? Guesses are extremely dangerous.

Mr Daniels—I would not attempt to put a figure on it.

CHAIR—Fair enough.

Mr Daniels—I think the point is that in the coming months, when that task force is asked to bring the issue to a conclusion, we will certainly be very active and positive players. Whatever the outcome is, we will support it.

CHAIR—You are obliged to, aren't you, because it will probably be law?

Mr Daniels—Yes; perhaps.

CHAIR—Do you think that it will not be law?

Mr Daniels—In a way it is a way of amending the Disability Discrimination Act through the back door.

CHAIR—It may be necessary to amend it through the front door. Wouldn't you agree, Mr Daniels?

Mr Daniels—We would certainly prefer that approach.

CHAIR—So you would prefer direct legislative intervention by the Commonwealth?

Mr Daniels—Yes.

CHAIR—Would that strengthen the act?

Mr Daniels—It enables proper parliamentary consideration of the issues in a far more open context than changing the law, if you like, through bureaucratic and other mechanisms.

CHAIR—Would you want to see the definitions in the current act strengthened?

Mr Daniels—I think there is a case for defining better what the act means in terms of the providers of education services.

CHAIR—Does that mean strengthening them?

Mr Daniels—Yes, I think it does—defining them.

CHAIR—Given the level of backsliding on these issues, defining could, in fact, reduce obligations, not increase them, could it not?

Mr Daniels—I think there is a distinction. As others here would say, we are operating in an area of great uncertainty about what the law actually provides. If this is an attempt to clearly define what it means to cash providers on the ground, we would support that. So the argument is almost about semantics and fine detail about what it actually means.

CHAIR—For five years this fine detail—

Mr Daniels—It is a long time.

CHAIR—It is a long time, and I would have thought that for parents it would mean a considerable level of frustration. It could be resolved. People could be assisted dramatically if a consistent definition of disabilities were applied across the entire country. Would you agree?

Mr Daniels—Absolutely. This is a function of dealing with eight jurisdictions, as well as two elements of the non-government sector. It is fairly typical of the way in which often significant issues are dealt with in that sort of forum. Nevertheless, MCEETYA is a forum that does resolve these issues.

CHAIR—When do you expect this matter to be resolved?

Mr Daniels—My recollection is that ministers have asked for it to be resolved by December this year.

CHAIR—You are a former Commonwealth officer. You would have seen that formulation once or twice before, I would have thought. Would you agree?

Mr Daniels—I have fairly faded memories of being a Commonwealth officer.

CHAIR—You are not unfamiliar with that terminology, are you?

Mr Daniels—I have no reason to believe that the task force would not resolve the issues by December this year.

CHAIR—We have had very strong evidence from the executive officer of the committee of the actual task force itself that there is a considerable reason to doubt the black-and-white meaning of that expression you have given. In fact, she was highly doubtful that it would be resolved by December. So we have evidence that there is reason for caution here.

Mr Daniels—I am obviously not close enough to the bureaucracies.

Senator ALLISON—Thank you for providing us with a table of the smorgasbord of state approaches to funding services for students with disabilities in the independent sector. It is hard for us to measure their generosity, because there are so many complexities in the systems. Perhaps you could indicate whether you think one state is better than another. Is it possible to tell the committee what the implications of those differences have been for the involvement of the non-government sector in providing for students with disabilities? Are there any trends? These systems must have been in place for some time; what have been the logical consequences?

Mrs Jackson—It is very hard to answer that question, because the way in which the associations support these schools within the sector through the Commonwealth targeted programs is very much linked to the definition of disabilities within the state. So there is one distinction across each of the jurisdictions, to start with. Secondly, some states are more generous than others in the state support that is provided. For example, in Western Australia independent schools that have enrolled children with the level of disability that would normally allow them to be enrolled in a government special school will access \$19,200, I think, in funding. That means we can redirect funding through the Commonwealth—in other words, we have an extra source of funds for some students that, again, is not available in other states.

Senator ALLISON—I am sorry, Mrs Jackson, I did not quite understand that. Did you say that the funding that comes from the Commonwealth for a student who receives, say, funding of \$19,200 from the Western Australian government is redirected? It is not away from that student?

Mrs Jackson—No. We would say that this student will access funding of \$19,200. If that student then needs a full-time aide, instead of our having to provide \$30,000 from the Commonwealth for that full-time aide, we can provide \$11,000. We do not have a formula that provides funding that is linked to the number of students with disabilities. In Western Australia in the non-government sector, I think there has been an increase of over a thousand per cent in the number of students with disabilities enrolled in schools. But, apart from supplementation every year, there has been no change in the base funding available. So funding provided through targeted programs is not linked. There is one component that is linked specifically—that is, the \$589—but the vast majority of funding is not linked in that way. It is a global amount of money that has no basic formula to allow for numbers of students. So we have the extra ability in that we can add to what the state provides to give that school the ability to support the student properly. If we did not have that money going directly to that student from the state, we would have to use all of our targeted program funds. Perhaps my colleague Mrs Yates, who works in this area more closely even than I do, would be able to comment.

Mrs Yates—I think the issue is around the definition of how that is applied, because there are several issues that come out not only for the independent sector but also for parents and the other sectors.

Senator ALLISON—I would like to look at two comparable rates. South Australia provides \$6,872 per capita for students in special schools; Western Australia provides \$19,200. What is the effect of that huge difference? That is three times the funding at the state level. Does that

mean we have more independent schools in WA that are providing special education services as a result? How are the funds topped up in South Australia?

Mrs Jackson—Not being from South Australia, I could not comment on that, but certainly at least two of the high-fee schools have significant special education support units. That has been historical; it has been of long standing. We have been fortunate in the fact that the state government has enabled parents with children with very high needs to contemplate an independent school, because of the ability to access that \$19,200 from the state.

Senator ALLISON—Are there more students in WA in special schools, or who would qualify for special schools in the government sector, per capita than there are in South Australia?

Mrs Jackson—That is not a statistic I would know, I am afraid.

Senator ALLISON—I think the committee would benefit if you were able to garner those statistics.

Mr Daniels—We would be happy to check that. My recollection is that the numbers vary from state to state, and vary quite significantly. Whether the link is because of definitional issues or funding issues, I do not know. I suspect it is probably more definitional. Since putting in our submission, we have prepared a background paper which gives a far more detailed breakdown of what happens state by state. Because of the nature of our organisation, we are able to do that. Perhaps the committee may find that helpful.

CHAIR—We would be delighted to have that. I want to follow up a question that Senator Allison just asked. Schedule 8 of the states grants act provides Commonwealth assistance for students with a disability. In 2002, it is \$561 per child for primary and \$561 per child for secondary. For the government sector, on the same schedule, it is only \$110 per child. So it is almost five times that rate in the Commonwealth act. Also, if I look at the special learning needs program's disability elements, I am advised by the Commonwealth—I believe these are Commonwealth figures—that the special education support is \$11.7 million. Students with disabilities support is \$7.7 million. There is a total there for independent support of \$19.4 million. There is a further \$23 million for other organisations, so there are very substantial sums of money coming through from Commonwealth sources, which do not seem to be registered, from what Mrs Jackson has just told us. Can you confirm those figures? Is the independent sector receiving \$19.4 million in the special learning needs program's disability elements in the year 2000?

Mr Daniels—There are about three sources of funding from the Commonwealth that feed into the students with disabilities. I am not sure precisely which one you are talking about, but if it is what we call SAISO—that is the acronym; I have forgotten what the name of the program actually is—

CHAIR—We know what it is.

Mr Daniels—In that program for 2002, there is \$327 million provided nationally, of which \$220 million goes to government schools, \$74 million to Catholic schools and \$34 million to

independent schools. That is one element of it. There is also the general recurrent element. I do not have the figures, although they may well be in the DEST submission.

CHAIR—We have been through that before. What I am suggesting to you is that there are Commonwealth moneys paid to the independent sector which do not appear to be showing up in your submission regarding special education school support and other assistance. Is that money paid to you in a block grant authority arrangement? Do the education authorities receive money directly?

Mr Daniels—There are no funding elements which are not included in the submission. I accept that they are complex and they may be scattered through the submission in our attempt to draw a picture of what the funding scene is, but there are no other elements. We have tried to be comprehensive.

Mr Tudor—Senator, I think the issue that you brought up is a really important one, and there is a discrepancy between the states. But looking at it from my own experience, should a child need an aide full time, the gap between the cost of the aide and what the school can provide in income, including the ordinary school fees, is going to be somewhere between \$10,000 and \$15,000. The fundamental problem that schools have in ensuring that they do their duty as far as the act is concerned is that they may be able to withstand the cost of one or maybe two students, depending on the school, but when they hit three the bottom line starts to look a bit shaky. If you are in a school like mine, the bottom line is not necessarily—

CHAIR—That is right; someone has to pay the bills.

Mr Tudor—Exactly. So it depends on the school as to where that line goes. To me the fundamental thing is that schools need that support in order to undertake their duties so that they do not reach that position of difficulty.

Mrs Yates—It really comes down to the fact that the school community in the independent sector bears the cost of the differential between government funding and the cost of that child with a disability. That is quite significantly different from other areas, because it means that that parent body is actually spreading the cost of the children with disabilities who are included, whereas, in the rest of society, society is bearing the cost of that child. So we are actually making a group of parents bear the cost of the child in the community.

Senator ALLISON—In your section on students with learning disabilities, you say that one of the key difficulties arises from the lack of an agreed definition on learning disabilities. The committee has had a fair amount of evidence to suggest that learning disabilities are relatively easy to define as a subset of learning difficulties and that they are a quite different subset in many respects. Can I put that to you, firstly. Secondly, you then go on to describe what has become central to this inquiry: the DDA includes learning disabilities and difficulties but the funding does not. Can I ask you to comment, first of all, on the definition and whether you agree that it is a definition in terms of those two pieces of the picture. Secondly, you say in your submission, ‘A more inclusive definition’—meaning learning disabilities—‘would need to go hand-in-hand with a very substantial increase in targeted government funding.’ Can you inform the committee what you think that funding is needed for to address learning disabilities? We

have had some evidence to suggest that it is just a question of a different teaching style. Why do you think this would be so costly in your sector?

Mrs Jackson—One of the things that you observe across Australia is the great disparity in the identification of students with certain forms of learning difficulty, particularly ADD and ADHD, which is particularly highly diagnosed in Western Australia and New South Wales. It does not seem to be as highly diagnosed in the other states and territories, and I can give no reason for that. That may not be a definitional issue but it is one way of describing why there might be a difference. If we look at the inclusion of students with learning difficulties, we see that there is a whole variety of support needs that they require. Those support needs can be, at some levels, accommodated through additional help with reading and additional assistance with developing skills in comprehension in different forms. As those students get older, particularly if they are going to seek to enter tertiary institutions, there are further supports that often need to be put in place to enable them to meet the needs of the timed assessments that generally occur before—

Senator ALLISON—But these students would already be in the system. These would very often be students who are not identified as being disabled.

Mrs Jackson—That is right.

Senator ALLISON—So they are already there.

Mrs Jackson—Yes.

Senator ALLISON—What more would you do for such students if you had extra government funding?

Mrs Jackson—You could expand the concept of the individual education program that is developed for students with special needs, particularly in the area of a support mechanism that allows the student to continue to develop their comprehension skills, as I have mentioned, their reading skills. They need more support generally, in terms of smaller groupings so that they have the opportunity to get more time attention from a teacher. They are often very good at working out what they want to say—they have very good imaginations and they understand the issues; what they cannot do is say it, either orally or in writing. That is where the time frames are different, and they could be given greater support in that area. That issue certainly has to be addressed when one looks at the provision for timed examinations in Western Australia and also, I understand, in New South Wales. Mrs Yates could probably add to what I have just said.

Mrs Yates—There is certainly a need for assessment and special provisions in relation to exams, but that would be required for all school tasks as well. It is not possible to provide special provisions just for exams if they are not being provided in school and for assignments as well. The planning process that Mrs Jackson referred to is the critical part, because it would direct schools to know how to best use funds and what is really needed. It would look at what support is needed for the classroom teacher, what sorts of curriculum and syllabus changes or adaptations need to be made and what supports need to be put in place for the child. That could be a whole range of things; it could be special provisions, staffing or consultancy support. It could just be access as well, depending on what the child's needs are. We have heard others speak to—

day about the need to look at what the child can do—to look at their abilities—and the planning process would build on that as well. So you would end up with a range of issues: support for the classroom teacher, support for the child and environmental issues as well.

Senator ALLISON—Is there an issue about assessment of learning disability?

Mrs Yates—Assessment is a significant problem.

Senator ALLISON—What does your sector generally offer to parents who suspect that their son or daughter has a learning disability?

Mrs Yates—The difficulty, which I am sure you have heard about all along, is to define what a learning difficulty is and what a learning disability is. There is great debate about the issues. Different states include different things in the definition of learning disabilities—and disabilities, for that matter—and learning difficulties, and that is quite a problem. It means that, depending on where a child is, they may or may not get a service. In the independent sector, children in Indigenous communities with otitis media often do not fall within the funding definitions of learning disabilities or disability. So there are specific issues around what is included as a disability.

Senator ALLISON—Are you referring to students in non-government schools getting access to government assessment services?

Mrs Yates—No, I am talking about not getting access to any funding because they would not meet the definition of disability.

Senator ALLISON—I would like to focus just on assessment.

Mrs Yates—The assessment issues are around the cost of the assessment, in most cases. In many cases, students in independent schools are seeking those assessments from external people. The model is such that there is a definition of disability, and therefore the first gatekeeping approach would be to determine whether the child does or does not have a disability.

Senator ALLISON—Yes, but who pays? Do the parents always pay, throughout the sector? Is it different in some states?

Mrs Yates—It varies dramatically, as do individual arrangements between schools.

Mrs Jackson—In Western Australia the choice is that the parent pays and goes to a private consultant or we have the Non-Government Schools Psychology Service. Schools can access that for the psychological assessment, but that is likely to be a slower process than if the parents have the capacity to pay for the direct approach.

Senator ALLISON—It is a good way of getting them to do so, isn't it, if you delay?

Mrs Jackson—One does not delay it for that reason; it is the ratio of psychologists to students, I am afraid.

Senator ALLISON—On the subject of specialists, you mention in your submission that there is a shortage of special ed teachers. Have you made representation to the government or to the university sector—the vice-chancellors—to suggest that more special ed teachers should be trained? Should we give postgraduate HECS relief for this area which is in such demand?

Mr Daniels—We have not done that in recent times. With the current policy debate about higher education it is probably the appropriate time to make our views known on that. That is something that is under active consideration.

Mrs Jackson—One of the broader issues is one that you alluded to earlier today—that is, with the move to inclusion of students in the classroom there is a need to provide support for all classroom teachers. While there is some worth in pre-service courses if they are well put together, often the best value is from professional development once you have become aware of your lack of skills in an area. In Western Australia we have developed a positive partnership with Curtin University of Technology to assist teachers who are in the classroom who are encountering students with special needs to develop the skills for inclusion.

Senator ALLISON—Thank you.

Mrs Yates—There is research on effective professional development and effective training that specifies that it should be ongoing and involve a theoretical and a practical component. So the one-off in-services that people often do in order to support a child will have very little impact in terms of effectiveness and long-term change for the staff and the children. The idea of giving teachers base skills in effective teaching strategies and then moving on to specific information postgrad and ongoing professional development is essential for the effective inclusion of these students.

CHAIR—Thank you very much for appearing today.

[12.03 p.m.]

BUCKLEY, Mr Robert, Vice President, Action for Autism

CHAIR—Welcome. Do you have any comments to make about the capacity in which you appear today?

Mr Buckley—I am the Vice President of Action for Autism and a parent of a child with autism.

CHAIR—The committee has before it submission No. 147. Are there any changes or corrections that you would like to make?

Mr Buckley—No.

CHAIR—The committee prefers all evidence to be given in public although the committee will also consider any request for all or part of your evidence to be given in camera. I point out that such evidence may subsequently be made public by order of the Senate. I now invite you to make a brief opening statement.

Mr Buckley—Thank you. I just have a few words I would like to say in opening. I will talk briefly about autism and autism spectrum disorders. I point out that the term ‘autism’, or classic autism, which is a formal diagnosis, is defined by a number of sources—for example, the diagnostic and statistical manual from the American Psychiatric Society, which gives a fairly formal definition of autism—but there are a number of other related conditions that do not fit those criteria.

One of the concerns that our group and much of the autism community has is that the recognition of the incidence of autism and of autism spectrum disorders is much lower than is normally recognised. At the moment, the best estimates for the incidence of autism are at least 15 per 10,000. In the UK, the Medical Research Council suggests it is up to 30 per 10,000 for autism. To the extent that autism spectrum disorders cause significant difficulties or disabilities in learning, social situations and behaviour, the evidence suggests that the figure for autism spectrum disorders could be as high as 60 per 10,000 or even up to 100 per 10,000. This means that about one per cent of the population is affected. These numbers are much bigger than has been previously recognised. The number and the rate of diagnosis has grown dramatically in the last 10 years to the point where this represents a significant group of the population.

Autism is a condition that clearly affects students in their learning. By definition, it affects their communication. Typically, both receptive and expressive language are affected, and if students do not have communication skills it is virtually impossible to learn in a normal educational setting. Their social performance is affected and this is also part of the diagnostic criteria. This means that their perceptions of other students and their interactions with students, teachers and their peer groups are significantly affected. The other part of the diagnostic criteria for autism and autism spectrum disorders is the behaviour of the student. This affects conduct in the classroom. It affects the student’s ability to perform the tasks that they are asked to perform

in an educational setting and it affects their attention to learning activities. So this condition affects a wide range of things that influence learning. In many cases, having autism means that students have profound learning disabilities in that particular setting. I would point out that autism of itself is not an intellectual disability. When tested, the students present with an intellectual disability, but that may relate to their communication, social performance, social understanding in particular and behaviour.

The second point I would like to make is that children with autism need treatment. There has not been a lot of research—although we are told that there is more research on autism than on many of the other disability areas—and I might add that there has been very little research in this country, but it basically says that the most effective means we have for treating autism is intensive behavioural intervention. The research results from this are recognised by people such as Ian Dempsey and Phil Foreman at the University of Newcastle as having the best support. Also, reports to the Western Australian disability commission show that this has the strongest evidence base for effective treatment. The important point about effective treatment is that it is most effective when given early—that means prior to school years—and it is the only thing that is really known to be effective in preparing these children for an education setting.

Without effective early intervention for children with autism, they have very little chance of success in the education setting. That sets them up for what can be observed in these people for the rest of their lives—less than a third of them at this stage go on to develop independent living skills or to have any kind of employment. So the prognosis for this group is particularly poor. Other effects of not having had effective early intervention are that these people show very high levels of psychopathology in the areas of anxiety, depression and a full range of mental illnesses. In fact, their whole health is severely affected in many cases. The results for people who have spectrum conditions but maybe not full autism are largely unknown. There is the very little research to show where these people end up, although some evidence suggests that some of them do reasonably well.

The third point I would like to make is that students with autism find it very difficult in a mainstream setting. If they have not had the early intervention that gives them the language skills to be able to function in a group setting, even in a very small group setting, then they have very little chance of making educational gains in those sorts of settings. They are not going to be able to attend to the normal teaching processes, so if they have not had early intervention that prepares them properly for education they will gain no or very little benefit from education settings.

We find that a number of things, like behaviour management practices, actually work very much against these children. If you have a child with autism who prefers to be alone, then being put into time out or being sent to sit outside the principal's office is actually a reward. If they behave that way and are rewarded accordingly, then they are likely to repeat that behaviour and they will repeat it more and more. I know of children who have been in special education classes and have learnt very well and quickly that if you hit somebody over the head with a chair or throw a table out of a window then people will run round using something that you do not understand—like language and all sorts of angry expressions—for some time and then your mother will appear and you will go home and be able to sit down and play the Nintendo. There is very clear lesson for those students.

The consequence of that kind of lesson for the family, as well as for the school, is enormous. Unteaching that kind of behaviour is extremely difficult, and very few people are able to do it. So these children are difficult students to manage if they are not managed very carefully and very professionally. Trying to put them into mainstream settings if they are not properly prepared is very unlikely to be successful.

The other thing is that if they do not receive effective treatment they are going to cost the community an enormous amount of money. Recently, the US Senate looked at the cost and came to the conclusion that around \$US13.3 billion was being spent on people with autism and nobody really knew where it was going. If we take that proportion and look at the Australian situation—the Australian population is about one-thirteenth of the population in the US—and we assume that we get the same amount of value for our dollar in Australia, then that suggests that we are probably spending \$1 billion looking after people with autism in this country today, and we have no idea how it is being spent. Those are my opening remarks. I have prepared a short submission that has most of those points in it.

CHAIR—Is there anything you would like to submit that is additional to the material we have already received from you? That is the same statement, isn't it, that you have there?

Mr Buckley—No, this is an additional statement. This is from me. The one we put in before came from four autism groups around the country; it was not just from Action for Autism.

CHAIR—We will take that as a supplementary submission.

Senator TIERNEY—You mentioned that the percentage of the population with autism spectrum could be up to one per cent—and this is including Asperger's, I assume.

Mr Buckley—Yes.

Senator TIERNEY—Is that now diagnosed percentage due to rising instances of autism or is it just that we have better diagnosis?

Mr Buckley—I am the parent of a child with autism—I am not a professional in this area at any level—and I come to this area with some background in understanding statistics and having worked professionally in those kinds of areas. I asked the ABS what the figures for autism were in the 1998 disability survey—I do not think anybody had ever asked them for this before—and they gave me the numbers, which I asked them to break down. The numbers showed that, in 1998, when they did the disability survey—which is about to be repeated in 2003—they found that there were 50 children per 10,000 in Australia with autism and related disorders in the age range from five to nine. If you go up to the next five years, from 10 to 14, there were 30 children per 10,000. Those numbers conformed to what we expected in the autism community: a ratio of four boys to one girl, so it looked like a reasonable sample. That was in 1998.

We have seen awareness of autism increase dramatically over the last 10 years, particularly in the area of early childhood. I think there was a big increase in the rate of diagnosis. A huge debate is going on about whether this is an increase due to increased incidence, better awareness or a change of diagnostic conditions. I suggest to you that the rate of diagnosis of autism spectrum disorders—that is, the full range, including Asperger's syndrome, high functioning

autism, whatever other groups you want to include in there, and there is enormous debate about that as well—is partly, and I say ‘partly’ very carefully here, due to increased awareness and perhaps due to changing diagnostic conditions. But I think that, for classic autism, it is very hard to argue that it is all due to increased awareness. I do not think that classic autism, which is a particularly disabling condition for most people who experience it, is something that people could have been hugely unaware of before. There is likely to be a component here of a significant increase in the rate of autism, but as well as that I think there is a large component that is due to increased awareness. So I think that both factors are working together.

Senator TIERNEY—You have stressed the importance of early intervention. Could you explain to the committee what effect that has. At what point should intervention occur? What should be the type of intervention, and what effect does that have on the outcomes eventually?

Mr Buckley—The evidence that we have had presented to us—and that is now in a court case in the Discrimination Tribunal in the ACT—is that children who are given early intervention while they are young have a significantly higher probability of developing normal language. A large number of children with autism do not speak or do not speak effectively. Their language may consist of phrases of one or two words and relatively small vocabularies in some instances. Most psychologists will tell you that if they do not develop natural or flowing language by the time they are eight they are unlikely to develop it at all. So you need to get in and make sure that these children develop those kinds of skills early.

What we are talking about is intensive behavioural intervention, which is a psychological treatment. It needs to be given for a significant amount of time. Research suggests that less than 28 hours a week will not produce a significant effect. With over 30 hours a week, nearly half the children are able to function in mainstream classes from then on without additional support. So there is a huge difference, a divide, for the children who get that kind of intervention. This kind of intervention is not available in the public system in Australia and there are virtually no people who know how to do it in Australia. Anybody here who knows how to do it has been trained in America or Norway—or one of the Scandinavian countries.

Senator TIERNEY—Are you saying that this is non-existent anywhere in Australia?

Mr Buckley—It is essentially non-existent in Australia. Its effectiveness and what the research shows are the subjects of major professional disputes, but there is a growing body of evidence. You will find that at least 10 states in America now mandate this as best practice for children with autism.

Senator TIERNEY—If it did start in Australia, what sort of setting would it occur in?

Mr Buckley—A lot of the American stuff is done as home based programs. It is not done by psychologists; it is supervised by psychologists. It can also be done in clinics. It could be done in units attached to preschools. There are a lot of ways of creating an environment in which you could provide this kind of intervention or make it available as an option for children with autism in Australia, although it would be a challenge. There is a huge staff training issue here—that is, to be able to get enough staff to meet the needs of 15 per 10,000 of our children, and maybe only half of that number would choose that option.

Senator TIERNEY—In Australia if a child between 18 months old and two years old is diagnosed as having reasonably severe autism, what happens then?

Mr Buckley—At the moment?

Senator TIERNEY—Yes.

Mr Buckley—In the ACT you go on a waiting list for diagnosis. I believe the waiting list has about 90 people on it at the moment, and that waiting list has basically been growing since 1998.

Senator TIERNEY—So if you are 90th on the list, how long is it going to take you to get a diagnosis?

Mr Buckley—I do not know. I am not sure when they are going to start doing the diagnoses?

Senator TIERNEY—Do you mean they are not doing them at all?

Mr Buckley—I am not aware that they are doing those diagnoses in the public health system at the moment.

Senator TIERNEY—So when you say that these people are on a waiting list, it is a waiting list for what?

Mr Buckley—They are waiting for a diagnosis.

Senator TIERNEY—Presumably somebody will then do a diagnosis.

Mr Buckley—At the moment some of those parents are going to New South Wales to get those diagnoses. Increasingly, we may be able to access private psychologists who can do that, although that is very poorly funded in the health system.

Senator TIERNEY—If you get to the point of getting a diagnosis and confirmation that your child has autism, what avenues are available? If you want any sort of early intervention, is there anything available at all?

Mr Buckley—The ACT says that it has an early intervention service. My son went to an early intervention service, and then he went to special school. He spent two years there and they did not realise that he did not understand ‘yes’ or ‘no’. We had these wonderful reports that said that he loved hearing the *Three Little Pigs*. He has autism. He understands that the number three goes between two and four, and the idea that you could put three before ‘little pigs’, or whatever, is very amusing to him. So he probably did find it very funny, but it was not very educational. They spent those two years trying to toilet-train him. As soon as we started doing behavioural intervention, he was almost immediately toilet-trained. His language shot up enormously, but those services were not available.

The recommended best practice for children with autism, following a diagnosis, is actually to do a full assessment of that child to see if there are other conditions that have not been picked up. It is often necessary to do a full neurological assessment because a significant number of these children may have some form of epilepsy. That is normally not available to these children and it is not normal practice in this country. Then you have to look at what sorts of skills these children have. You need to assess both their receptive and expressive language. Many of them are not talking and do not have functional language at this point. Behavioural intervention can teach these children language and can teach them to use language. It can teach them appropriate behaviours. It can teach them to attend to teachers and to adults and to understand what is going on in their environment. It can help them understand the world. I could give many examples of the sorts of things that these children need to learn, but they are simply not available in the intervention services.

At the moment in many places early intervention consists of perhaps a speech therapy session every two or three weeks and maybe a bit of sensory integration, occupational therapy and physiotherapy. When my son went to special school, he was sent off to the hydrotherapy pool regularly every week. I know of no research that suggests that hydrotherapy has any significant benefit for a child with autism. Yet the cost of the hydrotherapy pool is shared across all the students in that special school. I am sure he quite enjoyed being in the hydrotherapy pool, but the educational benefit, I thought, was negligible. I would suggest that sending him to a public swimming pool to learn to swim would be a far more beneficial thing in that it would give him a social context and the opportunity to swim.

Senator TIERNEY—What about children who are high functioning and autistic? Do a lot of them just sort of slip through undiagnosed into schooling?

Mr Buckley—Absolutely.

Senator TIERNEY—What happens with these children?

Mr Buckley—The high-functioning ones are a very interesting group, and I can probably speak here from long personal experience. I have been told by a number of academics that they believe that a significant number of their PhD candidates have high-functioning autism, and I absolutely believe that. It would be my experience as a university academic that a number of these young adults have poor social skills and the ability to focus intensely on particular areas of interest. These are normal characteristics for people with autism. So we are really talking about a spectrum that for some people is highly disabling and for other people is functionally extremely enabling. In the autism community you hear talk about the very high likelihood that people like Newton, Wittgenstein, Einstein and Bill Gates, to name a few, are almost certainly on the autism spectrum. But these are not people that needed a huge amount of assistance. And there are certainly a lot of people who would probably not have a diagnosis. They probably do not need a diagnosis, because if the purpose of the diagnosis is to guide you into how to help these people—if they do not need a significant amount of help but maybe just a more flexible learning environment—then they do not actually have a lot of needs.

Senator TIERNEY—Going back to the ones that do have high needs, it was put to us in Tasmania by one of the parent groups that all children with disabilities should be graded in mainstream classrooms—including all disabilities. As a committee, we are trying to gauge the

limits to integration and the role of separate education for children with disabilities who have high levels of need.

Mr Buckley—This is a very, very difficult question in some senses. I fully believe that had my son got the early intervention he needed when he needed it he would probably be functioning—and there is a lot of evidence of this—at a level where he could participate in high school, which is the age he is now at. Without that he has no chance of functioning in a high school. At the moment there is no place whatsoever for him in any school. He has been out of school for this year. We have been trying very hard to get the ACT education system to provide a place but that has not happened.

Senator TIERNEY—If there had been early intervention—had he received this assistance of special schools and then eventually moved into the mainstream—what is your view on how he could have functioned with the level of training that teachers have and their awareness and ability to teach, in the mainstream, students with disabilities that are severe?

Mr Buckley—I should point out that my wife is a teacher. She has been teaching in an autism unit in a primary school for the past few years, so I have some reasonable knowledge of the ACT system and how that works. I think it is potentially one of the better models at the moment. Teachers at the moment need a lot more education on the range of techniques that need to be addressed in teaching these children. One of the biggest problems they have is getting professional support in the areas they need for these types of children. At the moment, school counsellors have virtually no possibility of assessing reasonably high-need children with autism. They cannot even do the assessment, let alone help them design plans and work out what sorts of strategies are going to help these children the most.

Senator TIERNEY—Because of their own training?

Mr Buckley—Because of their own training. School counsellors are very rarely trained to that level in psychology and they do not have people that they can refer to. Basically in most professional areas you would expect that if people do not have the expertise then they refer to people who do have the expertise. That is part of the Australian Psychological Society's code of conduct; it is part of the Early Childhood Association's recommended practices. Most true professional organisations have that model, but it is very difficult if your school counsellors cannot refer the child to somebody who has the relevant knowledge—just the same as if GPs and psychiatrists cannot refer these children to people who can provide and advise on the appropriate treatment. That is the current situation: there is simply no-one to refer them to who has the expertise.

Senator TIERNEY—Thank you.

Senator ALLISON—It is an extraordinary situation you describe.

Mr Buckley—Yes.

Senator ALLISON—How is it we are missing this particular group of specialists?

Mr Buckley—I think part of it comes down to the fact that nobody takes responsibility for it. I have written to the health minister and to the Minister for Family and Community Services, and both quite clearly point the finger at each other. Family and Community Services regard autism as being a disability with very low numbers, so it is probably easier to not provide for their needs. But the needs of these children are not that unique; there are children with other conditions that are not on the spectrum who have some similar needs. Quite a number of disabilities share characteristics—things like Angelman syndrome and fragile X, which used to be part of autism until we found out the cause of fragile X and the genetic conditions for it. A number of children with Down syndrome have autistic characteristics and lots of children with epilepsy have autistic symptoms, but generally it is not reported because the epilepsy seems to dominate in the diagnosis. If you get into an educational setting, the thing that is stopping them from learning is probably their autistic characteristics.

One of the other problems is that nobody reports it. If you look through the statistics, the ABS does not report anything on it. Basically, they get bundled up with intellectual disability and the assumption is that you cannot actually do anything to treat intellectual disability—I believe there is emerging evidence to the contrary on that one, although I have not really looked at it in any significant detail. Basically, it has fallen through the gaps because people have believed that it is not that big a number and is not important, and because the families are often so weighed down by looking after a child that they are not politically active and they really do not have a support network that is effective. There is a huge variance in opinion amongst the families and parents about what should be done. Most of the research is relatively new and the older families have not really picked up on that. All of those sorts of issues mean that it is really an emerging area and the services do not really exist at this stage.

Senator ALLISON—Would it be fair to say that 30 years ago a child with classic autism would have been institutionalised almost automatically?

Mr Buckley—The US Senate said that most children with autism today—I think they said 70 per cent but I am not sure of the number off the top of my head—are institutionalised by age 13 in America. Without institutions, who knows where they go?

Senator ALLISON—Is it possible for you to give the committee a bit more by way of a description of the behavioural intervention that you say a child might need for 28 hours a week?

Mr Buckley—There are a number of areas of research in intensive behavioural intervention. One of the best known and most thoroughly researched is from a guy called O. Ivar Lovas, who did some work on this and first published it in *Nature* in the 1960s. The treatment is quite intense. It is based on applied behavioural analysis and it says for every behaviour that people have there is an antecedent, a behaviour and a consequence. This really shapes our behaviour, and the same thing applies to children with autism.

For example, we wanted to teach my son about yes and no. His behaviour prior to that was such that, if you asked him if he wanted an apple, he would say yes; and if you asked him whether he wanted a bath in molten lead, he would say yes. He had learnt that if you asked him a question and he said yes, then something would happen. For a young child, the normal experience is that you give them something and they can decide whether they want it or not. This can be very frustrating: if you ask, ‘Do you want an ice-cream?’ and you give them an ice-

cream and they look at it and say, 'No, I don't want that,' then it is a bit annoying for parents. But that was his behaviour. It gets worse as they get a little bit older. What we did was to teach him yes and no. We cut up an apple and we cut up an onion, and we asked him if he wanted apple. If he said yes, he got a piece of apple. We asked him if he wanted onion and, if he said yes, then he got a piece of onion. It did not take very long before he started saying no to onion.

Then we asked him if he wanted a ball or something else. We asked him a number of questions and did a number of these trials until he got the idea of saying yes and no. Now he is very emphatic about what he wants and what he does not want. He is now able to express a choice. But he had been in special school for two years before anybody realised that he did not understand that. We did not have that kind of expertise as parents. The teachers do not have the training to be able to understand that. School counsellors do not have the time or the resources or the training to be able to pick up that kind of thing.

Consider toilet-training. You ask about mainstream settings. Imagine a 14-year-old in a high-school setting who is not toilet-trained. It is not very practical. It is simply not going to happen. And there are many children with autism who are not toilet-trained. In our case, we realised that, shortly after we would sit him down to play computer games, he would empty his bowels. We simply said, 'This is an opportunity—if he does not get to play on the computer until he has done that.' It took a very short period of time before he was toilet-trained. But he had been receiving specialist treatment and we had been receiving expert advice about how to toilet-train this child for years and it had had no success. Based on the theory of this sort of stuff, he was trained. You can follow his school records through and see that, for years, the communication book coming back from school discussed Kieran's toilet habits in enormous detail—colour, consistency and smell—and then suddenly it stopped because over the Christmas period we toilet-trained him. We did that because we had gone and got the training to be able to do that.

Senator TIERNEY—Could you describe that training? How easy is it to train parents if you follow this ABC approach?

Mr Buckley—It would be very, very difficult.

Senator TIERNEY—Couldn't it be easy to train parents?

Mr Buckley—We are probably not typical parents. I think it is a huge burden to put on parents to expect them to do that, but that is what we are doing at the moment. We expect all parents to be able to do that if we are going to have any success.

Senator ALLISON—This committee has been into school settings—special schools where the majority of students would have classic autism syndrome. The teachers there have master's degrees in special education. Are you saying that those courses neglect what sounds to me to be fairly obvious?

Mr Buckley—It is pretty straightforward teaching. In fact it is standard practice for people with strokes as well. If you have language centres in your brain damaged, the standard practice for helping you develop language is applied behavioural analysis. You teach people to speak and you teach them to develop that language through this technique. This is not unusual.

Senator ALLISON—So why isn't it happening? Is there a school of thought that says that this is all nonsense and rejects it?

Mr Buckley—Yes, there is. What it is about to some extent is that it is perceived—and this is not the reality—to be a fairly robotic sort of process. I described how you give them the apple. If you do that 10 times, then it is not very interesting, especially for the teacher. But, if you have observed young children practising handball or any sporting skill, or learning their times tables, they do a lot of things that most adults would consider incredibly boring. Teaching philosophy is very much that we need to keep this all interesting, but it comes from a different perspective from that of children, who are known to repeatedly line things up—the same thing over and over again. I do not think that people are always stepping back and looking at it from the point of view of the child.

With many of these children, part of the diagnosis is that they engage in repetitive behaviour. If we use that as a strength and push them to repetitive behaviours that promote learning, that promote learning skills, then we can be very effective. It may be boring for the teachers, but you do not have to have a teacher to do this stuff. We have done this mostly using university students, respite workers and those kinds of resources, and it has been particularly effective. It is very cost effective and our boys today cost less than a child who did not receive it. That is before you think about the ongoing cost for supported accommodation, which is where most of these people are going to end up.

Senator ALLISON—You are part of an autism association that is a parent group. How effective are you at building that association to be a lobby group for this—or is there disagreement within the association about this approach?

Mr Buckley—I am a member of a number of things at a number of levels. I am mostly active in Action for Autism, which promotes this kind of intervention. The Autism Association ACT take a broader view; they say it is really parents' choice to do this. I suggest that parents should be vigorously encouraged to do this but, while the association take a broader view, I support their attitude. They see this as an option that should be available.

It is not easy for a parent group to tell parents that they are missing out on opportunities to help their children develop these kinds of skills when you have professionals saying things against the approach. The health department in the ACT recently told an adviser to the Chief Minister that the treatment we were giving was abusive of our children. They said that we punished the children and withheld rewards—which is true to some extent, but the model says that you cannot hold it for more than two trials; they must have success and they must get the reward quickly. I doubt that any other educational model provides as many rewards anywhere near as quickly. You only have to see the boys in these sorts of programs to realise that they want to do it—they love doing it.

If professionals in Australia are not trained in this area they are going to say, 'We think that what we do is the most effective.' Unfortunately they have not published research that shows that to be the case. I would be very interested to see published research that says the alternative models are effective and I would encourage very much the development of research to show that other things can be effective as well. If they are, I would be very happy to consider other things, but the research at the moment categorically supports this model.

CHAIR—Thank you for your evidence today, Mr Buckley.

Proceedings suspended from 12.42 p.m. to 2.07 p.m.

HENEKER, Mr John Reginald, Member, TAFE Directors Australia; and Member, Australian Disability Training Advisory Council

LYONS, Ms Sara, Adviser, TAFE Directors Australia

MACKENZIE, Mr Bruce, Deputy Chair, TAFE Directors Australia

WRATTEN, Ms Eleanor Margaret, Adviser, TAFE Directors Australia

CHAIR—Welcome. The committee has before it submission No. 84. Are there any changes or corrections that you would like to make to it?

Mr Mackenzie—No.

CHAIR—The committee prefers all evidence to be given in public, although the committee will also consider any requests for all or part of your evidence to be given confidentially. I point out that such evidence may subsequently be made public by order of the Senate. I now invite you to make a brief opening statement.

Mr Mackenzie—Thank you for the opportunity to make a submission to the inquiry and to appear before you. TAFE Directors Australia is the national peak body representing TAFE institutes and TAFE components of multisector universities. TDA represents 80 per cent of TAFE institutes throughout Australia and it continues to grow. Currently in the TAFE system there are 1.3 million students, which is one in 10 working age Australians. I point out to the committee that the data used in this report is based on year 2000 data because, at the time of the submission, data for 2001 was not available.

I would like to make some very brief general comments and then highlight some of the key points in our submission. Our focus is primarily on postsecondary education, but clearly there are links between the programs in postsecondary education and secondary education. TAFE institutes play a major role in meeting the needs of equity groups and TAFE is by far the most important postsecondary destination for equity groups. TAFE institutes strive to meet their needs but struggle to do so because of increasing enrolments and a drop in funding. It is indisputable that people with disabilities must have adequate access to postsecondary education if they are to attain a satisfactory lifestyle because they tend to have lower education and higher unemployment than others in our society.

Some of our concerns with the current arrangements for people with disabilities relate to the inconsistent terminology and definitions associated with disabilities. We believe that a national approach to define disability would greatly assist in providing a consistent approach to identifying appropriate assessment of an individual's education needs. The difficulty with definitions is well demonstrated by the NCVET publication *Students with a disability in vocational education and training* where over 30 per cent of students are characterised as 'others' or 'unspecified.' The current assessment of disability is based upon medical definition and it often ignores students with intellectual or hearing difficulties. We propose that in terms of

accurately and consistently reviewing disability there is a need to develop a nationally consistent profile to assess a student's functionality for educational purposes.

Early intervention programs are useful but limited. These programs can be successful only if a student's disability is diagnosed appropriately at an early stage. Generally, early intervention programs on their own are not sufficient to assist students to improve the quality of their lives. However, the increase in vocational education and training students with disabilities enrolling in higher level education courses could indicate that the study of enabling courses has enabled the students to proceed further. We further believe that for a relatively small amount of money vocational education programs that will greatly enhance social and employment prospects for individuals with disabilities can be developed.

We believe that training packages have not served people with disabilities well for three reasons: firstly, they are based upon workplace delivery; secondly, they do not include generic skills as a foundation for learning; and, thirdly, the Commonwealth focus on new apprenticeships discriminates against people with disabilities. Only two per cent of new apprenticeships are taken by people with disabilities. This, however, is in part because the vocational education sector has not developed sufficient programs that can target enabling students to access employment. The national TAFE directors association welcomes the Disability Discrimination Act but draws the Senate's attention to the limited resources available to TAFE and the demands of other students for access to the same funds as students with a disability.

We believe that the state and Commonwealth need to agree on some key programs that will improve vocational outcomes for people with a disability. As the NCVER data shows, new TAFE graduates with a disability were significantly less likely to obtain employment compared with other TAFE graduates; there was less likelihood of new TAFE graduates with a disability to achieve a positive outcome compared with other new TAFE graduates; and students with a disability who were successful in TAFE did not achieve the same level of income as Australians as a whole. Also, the data showed that there were significant differences in the likelihood of securing employment and in the remuneration received by new TAFE graduates depending on the field of study and the course of study that they undertook. That is not entirely surprising, given that students with a disability, in comparison with other TAFE students, tend to be older, less well educated in relation to secondary students and unemployed at the time they undertake their study.

My colleagues would like to comment on some other issues related especially to appropriate educational support for students with disabilities and the development of key strategies that the Commonwealth may wish to support through the traineeship program and other programs which we believe can demonstrate positive personal and vocational outcomes for people with disabilities.

CHAIR—I take it that other comments will come by way of answers to questions. Is that what you had in mind?

Mr Mackenzie—Yes, or we may add them.

CHAIR—Have you had a look at the ANTA submission?

Mr Mackenzie—No, I have not.

CHAIR—I do not suppose it matters much, but you may want to make additional representations to us after you have had a look at it. ANTA's statistics show that the number of students enrolled in VET is 3.6 per cent of the VET population, which is a lower level than at secondary schools. It is better than the Catholic Education Commission schools and it is considerably better than the independent schools but it is still a pretty poor result. I notice that in regard to the new apprenticeships the figure is declining. I know that statistics can be moved around a bit, one year on another, but it seems to have gone from two per cent to 1.8 per cent. Nonetheless, it is a pretty sorry tale. How do you account for that?

Mr Mackenzie—I will ask my colleagues to respond but, in 2000, according to NCVET, 4.5 per cent of students with a disability were enrolled in TAFE. It is a low percentage, I agree.

CHAIR—It is a low percentage. ANTA say that it is only 3.6 per cent.

Mr Mackenzie—Those are probably 2001 figures. We know that 2000 was an aberration in terms of statistics. It is difficult to know why students with a disability are not more readily accessing TAFE institutions. I certainly know that there is a much higher access rate into TAFE than into universities. At the end of the day, it would relate back to the available programs for students to enter into, the suitability of those programs and the interrelationships between the place where they are undertaking their secondary education and TAFE institutions.

With regard to traineeships, they have not served students with a disability well for a number of reasons. One reason is that they tend to favour people who are employed in the workplace. Another reason is that there has been little funding available for TAFE institutes to develop programs which can strengthen people's opportunities of gaining employment through traineeships and apprenticeships. Most of the educational programs that are conducted in vocational education in secondary schools tend not to have clear vocational outcomes and are focused at the certificate I level rather than the certificate II level. I invite my colleagues to comment.

Ms Lyons—Students often have to self-identify that they have a disability and that they therefore would like some support. Many students coming into the TAFE decide at that stage that they do not need that extra support or they feel that they want to enter into a TAFE without being labelled as having a learning disability or other disabilities, so sometimes they do not self-identify.

CHAIR—There is an argument about definitions and it is raging across all the sectors. The figures vary from state to state, but the same problem about self-identification would surely apply in the other sectors. Nonetheless, it highlights a major problem if there is so low a percentage, given that the great strength of TAFE has been its capacity to offer second chance education and its capacity to actually cater for everybody—that is what I find really admirable about TAFE. It has three times the number of students in the country that universities do, for instance, and I would have thought the operative fact that you would draw to our attention is the unit price, which is about half that of universities in terms of funding you receive. I notice that in your submission, though, you say that funding per curriculum hours dropped 10 per cent in

real terms and that when you look at the increased enrolments of seven per cent per annum that has had quite a dramatic impact.

Mr Mackenzie—They are figures from 2000, as I said.

CHAIR—We can go round and round the traps about whether it is 9½ or 10¼ or whatever. The point is that the thrust of the submission that you are putting to us is that you have got fewer resources available to deal with these particular issues. The question arises of whether there are any other sources of funds for students with disabilities that you are able to access. Are there any special programs that cater for students with disabilities within the VET sector that you can call upon?

Mr Mackenzie—There are a variety of different funding sources available for students with disabilities in the VET sector. One of the great difficulties is knowing which agency is offering which sort of funding and how to access that funding. There is a lack of coordination across the funding sources. I know that Sara accesses different sorts of funding to the normal state recurrent funding.

Ms Lyons—There is funding from the Department of Human Services in Victoria, and we have a similar situation in New South Wales where the state government does give funding for students who have been identified as having a disability or being learning disabled, and money is attached to that particular person as they come into the institute. So there is that state funding.

Mr Heneker—The funding models out there, though, tend to be fragmented in the sense that if we are considering a pathway of learning for a student with a disability it is more than just a short fix-it solution in funding. It really is a longer period of time which they need to adapt the skills through which they can gain employment. In answer to your first question, I think you will find that the movement is very much towards meeting the needs of employment and training packages and the like, and inherent in the training is the workplace placement. I think there is possibly some aversion from people who make a judgment themselves that they really are not able to make some of those arrangements. Support for these individuals needs to occur not only while they are within the formal discipline of TAFE but also while they are undertaking the work experience component in the allied areas of industry.

CHAIR—The VET in Schools program is given a lot of attention here. It is said that it may well be one in four students who will be undertaking a VET subject in the school program within the next year or so, according to the figures we have been given by the department. Do you think that the VET in Schools program pays adequate attention to the question of students with disabilities?

Mr Mackenzie—I do not think it has been a primary focus of the VET in Schools program at all. VET in Schools is a highly contentious area because it is so badly funded. Certainly, in some states, it is badly funded.

CHAIR—But, at your TAFE colleges, you work with schools in programs that they run, don't you?

Mr Mackenzie—Yes.

CHAIR—I understand that you have these collaborative arrangements with schools. What is your experience? Do you think that teachers are well trained in terms of their professional development?

Mr Mackenzie—In terms of professional development of teachers, there has not been a great emphasis at all in teachers dealing with people with a disability. That has been changed. As I understand it, the workplace assessor program is now being changed to include a module on dealing with students with a disability. Our experience generally, however, is that TAFE sector teachers teach students with a disability with compassion and understanding. However, what scientific rigour is applied to that compassion and understanding could not be supported by an analysis of teacher training programs.

CHAIR—In other inquiries, we have argued—or I have certainly put the view—that professional development for mainstream teaching is somewhat lacking in the TAFE sector and that the train the trainer program is hardly a rigorous method of developing the necessary pedagogical skills. How many hours is that program these days? Do you remember?

Mr Mackenzie—I have not done the train the trainer program myself, but it used to be 10 days. I am not sure how long it is now, but it is now the workplace assessor program that they do. It is longer.

CHAIR—I understand that you could do it—workplace assessor, or whatever it is called in the new jargon—in about 40 hours all up.

Mr Mackenzie—No, it is a bit longer than that.

CHAIR—That is the practical; the 40 hours is the rest. It is not a very extensive process of preparation, is it?

Mr Mackenzie—It is not as intellectually demanding as perhaps the courses were some years ago.

CHAIR—That is right. There was a time when the teachers college at Hawthorn in Victoria, for instance, actually trained VET teachers in three-year courses.

Mr Mackenzie—In the old days, if you had a degree, it was one year; if you did not have a degree, it was two years.

CHAIR—How many of your tradies would have degrees these days?

Mr Mackenzie—Very few. Are you talking about trade teachers?

CHAIR—I am not talking about them being bad teachers. I am making the point that, in terms of professional development, one of the areas that has suffered with the recent reduction in funding to vocational education has been that of professional development.

Mr Mackenzie—Yes, that is perhaps correct. But, also, the universities have turned their backs on vocational education training as a teaching discipline.

CHAIR—So, when we come to training or preparing teachers for teaching students with disabilities, what support is there?

Ms Lyons—Most of our teachers will have had a degree, and they may have had special education as one of the modules in their degree. But you are right; a lot of them have not got any background—even if they are fully trained teachers—in teaching students with disabilities.

Mr Heneker—To comment on that, there is a critical issue there regarding the amount of training and professional development that is required. Primarily, I understand that the workplace assessor program is being reviewed and will be looked at as having a component in it on dealing with students with disability. It is a little late but, nevertheless, it will be effected. The critical part is that there is a major amount of professional development required, because the lecturers that we have are also part-time people from industry. We do have a large number of those people coming in, and they need access to dealing with students with disability, which is somewhat foreign from their normal, day-to-day employment.

CHAIR—How many teachers in your TAFE college would have teaching qualifications?

Mr Heneker—I have to say that the majority would have teaching qualifications.

CHAIR—That is the older ones. What about the newer ones you have employed?

Mr Heneker—The newer ones are progressing through those awards somewhat slowly, but the majority are encouraged because there are financial reasons of wishing to get qualifications as well because of certain barriers of salary.

CHAIR—But you do not have to have a Dip. Ed. to work in a TAFE?

Mr Heneker—No.

CHAIR—You may have one of these other qualifications that Mr Mackenzie has spoken of which, I must say to you, are not regarded highly amongst most teachers as a form of teacher training, are they?

Mr Heneker—No, and we require all lecturers, whether they be part time or full time, to have completed the workplace assessment.

CHAIR—In the national priorities for 2003 there is said to be increasing emphasis on students with disabilities. Are you familiar with that argument?

Mr Heneker—Yes.

CHAIR—Do you think that will make a difference?

Mr Heneker—I would like to think so, having been a member of the Bridging Pathways foundation group and also an executive member of ADTAC. I speak with a little bit of passion about that particular project and—

CHAIR—Here is your chance to tell us all about it.

Mr Heneker—its acceptance across the TAFE network has been excellent. I think the issues in it are paramount to improvement. It is a business case that has been put together. I think it needs a business solution, but the critical elements in there would have to be picked up through the states and at federal level as well. Our goal, of course, is to increase that participation and I think, as was indicated, the ownership is quite broad. We are currently undertaking a mid-term review of this particular document, Bridging Pathways. I would look with anticipation to the completion of the time line in 2005 to see if there are any major changes in the data.

CHAIR—It is, in fact, up for review this year, isn't it?

Mr Heneker—It is having a mid-term review at the moment, which will be completed by the end of this year.

CHAIR—You are obviously very confident that it will do very well in that review.

Mr Heneker—The mid-term review may not do as well as we anticipated because it is more of a mid-term implementation. It is too early in the piece to see major changes because behind it is a range of projects, which are still in implementation. One of those is a project that is being undertaken regarding the purchasing and funding arrangements for students with a disability. In VET, that report will not be finished until the end of this year. There are other aspects in there—the professional development allocation of funds to VET will not occur until the end of this year, so it will take a while for those to impact.

CHAIR—Sure. If the review is going as well as I think you are suggesting to us, why have the employment outcomes declined?

Mr Heneker—That is a very interesting question.

Mr Mackenzie—I believe that the reason why employment outcomes have declined for students with a disability is the programs that we currently offer, that are funded, do not focus strongly on employment outcomes. That is an area that needs as much attention as any other part of dealing with students with a disability.

CHAIR—Do you think Bridging Pathways is therefore inadequate?

Mr Heneker—No, I do not think Bridging Pathways is inadequate. I expect what will come out of the funding project will identify what would happen if we were to segment, say, traineeships. Traineeships require implementation support by the employment group and of course they need to be acceptant of those issues pertaining to students with disability. I think we can work with them to provide that support.

CHAIR—I have asked the other witnesses here today. Mr Mackenzie, you run an extensive new apprenticeship program at Holmesglen. Do you think that they are really suited for students with disabilities? Aren't they about skill development?

Mr Mackenzie—Perhaps, Sara, you might like to run through one of the programs that I am talking about. It is at certificate II level, which is targeted towards students with a disability. It is in the traineeship area. We think it has had remarkably successful outcomes. It is a program that could well be picked up by the Commonwealth and give far better outcomes for students in terms of employment than the current suite of programs.

Ms Lyons—We have a certificate 1 in horticulture that our students do as part of their certificate in work education. Then, after they have completed two years in TAFE, we generally put them into open employment. They look for jobs. We were finding that there were not enough long-term consistent work outcomes for these people in open employment, so we started our own gardening service. Students go around to different properties, whether it is TAFE properties, those belonging to the elderly or community houses and do the gardens with an instructor. It is quite an extensive service with the pruning and the instruction that goes along with it. They are also trainees so they have off-the-job and on-the-job training. They have become employees of the institute, and the institute pays them a wage. We found that through actually working and doing work experience—we target various other industries and jobs and they do work placements there—at the end of the traineeship last year, five of them got employment. This year, through this targeted work experience as well, we will be able to find employment for these people. That is an example.

CHAIR—Basically the TAFE college becomes an RTO. It employs the students and you get an employment outcome.

Ms Lyons—A long-term employment outcome is that they move into open employment.

CHAIR—Ms Scollay told us in Brisbane that she thought that with the AQF1s there was increasing evidence—I hope I am not misquoting her here—that they were of lesser value and there was talk of their abolition. How do you think that would affect you?

Ms Lyons—For students with a disability, certificate 1 and certificate 2 are important for them. That is an outcome. When they have a certificate 2 they generally can find employment. The training, whether it be a traineeship or at an institute, is significant.

CHAIR—If you would not mind having a look at the evidence—that is, the transcript—perhaps the secretary can provide a copy of the *Hansard* from Brisbane. There appears to be a discrepancy between what you and ANTA are saying. Given that you are running TAFE colleges it is important that we get some practical advice on what we are being told.

Mr Mackenzie—I would be concerned about that because most students with a disability, especially an intellectual disability, if they cannot access certificate 1 education at a TAFE institution they will not access anything.

CHAIR—We had better have a look at that to make sure that I have understood the nature of the evidence that has been given to us and so that you have an opportunity to comment on it. It has a direct bearing on what you are doing at the moment.

Senator ALLISON—With respect to the assessment of students with disabilities, the universities have a system where their DLOs provide some level of assistance. How does it work in the TAFE sector?

Ms Wratten—Most TAFEs have a disability liaison officer, and the assessment is done by that person in conjunction with the student. The student may bring any evidence from past assessments, any history known about the student and that which is provided by their advocates and their parents. It is a very broad and general assessment. It is very much person based. It would vary. The same student may well be assessed differently from one TAFE to another because there is no uniform standard assessment tool.

Senator ALLISON—Do you only talk on a one-to-one basis with those who have identified as having a disability?

Ms Wratten—Initially, yes. The students who identify on enrolment all meet with the disability liaison officer. What happens with some of the other students who do not identify is that their situation is sometimes picked up by the classroom teacher or by the workshop instructor. At that point the student is invited to speak with somebody who can provide them with what is perceived to be the appropriate form of support. If the student agrees that they need some assistance, they are then introduced to the DLO whether or not they regard themselves as having a disability.

Senator ALLISON—Typically what happens with a student who may or may not self-identify as having a learning disability—dyslexia or something like that?

Ms Wratten—As an example, nearly half of the students that Holmesglen is assisting this year with disability support are now identified as having a learning disability. Most of those did not identify on enrolment and most of them have gone—

Senator ALLISON—Is that because they were not identified in school?

Ms Wratten—I am talking about mainstream students. Sara's students—some of whom would also be identified as having learning disabilities—would come with a different history. The students whom I tend to deal with are often students returning to study who have perhaps been early school leavers who have worked or not worked and who are then encouraged to come back and enter at certificate 1 or certificate 2 level.

Senator ALLISON—What about those who are not returning to study but come straight through from school?

Ms Lyons—We usually have a transition officer from the schools who will do a report on their transition into the TAFE sector. It is usually a fairly smooth transition for them.

Senator ALLISON—So in your experience, all of those who have a learning disability have been picked up in their school?

Ms Lyons—If they are identified at school, yes.

Senator ALLISON—No, I am asking whether they typically have been identified already. This committee has heard evidence from a range of people who have said that students can go right through the system and nobody identifies the cause of their learning problem.

Ms Wratten—That would be my experience too. Students who have been early school leavers have left at year 8 or 9—whenever they could.

Senator ALLISON—I understand that, but I am trying to get at whether we have improved the system now so that we actually know when students are coming through from secondary school or not.

Ms Lyons—For most of the students who have come directly from the school into a TAFE and had a learning difficulty identified at school, that document comes over with them. If they were not picked up while they were at school, usually they are picked up in their assessments at TAFE and then they can be given support.

Senator ALLISON—How does that work? What is the assessment that takes place?

Ms Lyons—For all discrete access courses, students do an application form. They also do an entrance test and have an individual interview with the teacher. During that process we can usually pick up whether there is a learning difficulty or whether they need some support.

Senator ALLISON—Is the teacher who does this interview skilled in this business of identifying learning disabilities? What are their qualifications to do so?

Ms Lyons—It depends which area they are in. If they were in the general education area, they would be a qualified teacher with either a special education or a literacy and numeracy background.

Senator ALLISON—They might be a qualified teacher but without that qualification?

Ms Lyons—No; for the discrete access courses they have to have those qualifications.

Mr Mackenzie—There are not many students who had learning difficulties who would go straight from school and apply to do a diploma course. They would most likely attempt to get into one of the access type programs. In the main, students with a disability in TAFE institutions tend to be older, not younger students. It is important to understand that.

Mr Heneker—To clarify that, when you use the term ‘assessment’, there are occasions when students do come into a certificate level 1 or 2 course, for instance in hospitality, and through the process of assessing their skills—not preassessing them for a disability but assessing their skills as they move through—certain disabilities can come to the surface and be identified. At

that time, when a lecturer identifies that, on most occasions you will find they will draw in a person from the support services unit to work out a range of strategies to assist that student to complete the course.

Senator ALLISON—Is that conveyed to the teachers in each of the subjects they might be doing or is it up to the student to sort it out?

Mr Heneker—In my experience it becomes a whole team approach to address that matter.

Senator ALLISON—So you are confident this is a successful system?

Mr Heneker—I feel confident, yes. I think that the people who are dealing with these situations are extremely committed to those particular client groups. The concern I have is with those areas of support, which are quite expansive. To use an example, some students may come in with a hearing deficiency and the like and need signage. A different scenario is required there compared to some who may have learning difficulties, so the level of support can vary from close monitoring or care and attention through to requiring a whole lot of adaptive technologies.

Senator ALLISON—Is it the same situation for vision impaired and hearing impaired students in the TAFE sector in terms of getting access to appropriate materials and interpreters? Is this also an issue at the TAFE level? To what degree do you fulfil the needs of students in this respect?

Mr Heneker—Eleanor deals with that specifically, but the methodology used varies from state to state. In some states the institutes identify learning supports required for people with a disability. They then make a submission to their state bureaucracy, which may provide funding to the level that is required. That has been reasonable in some states. It is very unusual for a student who has a genuine need for specialist support to be unable to get that specialist support at a TAFE institution.

Ms Wratten—That is correct. We have students with a variety of disabilities. As has been pointed out, those disabilities require varying levels of support, and the support can vary from something which is quite simple, easy and relatively non-costly to extensive person power with regard to interpreters and notetakers for hearing impaired students. But my experience is that those students' needs are met.

Mr Mackenzie—At times students may choose a course or a program which requires some type of support which, if it is a vocationally related course, may not normally be available on the job. A decision then has to be made as whether or not it is appropriate to provide them with support to complete their educational program, with the knowledge that that support will not be on the job. I will give you an example. We had a rope access course which was basically a program for people who climb up great heights. They clean windows and so forth. The way in which they move their cradle around is by blowing whistles. A hearing impaired person wanted to undertake that course. At the time we thought it was not appropriate because he could not hear the whistles, but after some discussion and debate it was decided he would do the course. We used sign language for him during that program, but we were not able to give him a certificate of competency because we were not certain that he could demonstrate that he could, in fact, work on the job without that signage support.

Senator ALLISON—It sounds like a pointless exercise.

Mr Mackenzie—Not for the individual. The individual had a chance to actually do something that was hands-on and occupationally specific. In my view, it was worth while. The rope access course is pretty inexpensive; it runs for only 10 days.

Senator ALLISON—In relation to the courses you provide for teacher aides in schools with students with disabilities, what is essentially in those courses? Are there full enrolments in those courses? How many do you train each year?

Ms Lyons—At the particular college I am at, we are just in the process of getting organised to teach that. Most TAFE colleges would run a certificate 3 course in community services disability work, which is an integration aid course. It is about 450 hours. It can be run over one semester or a year. It has components of advocacy, literacy, numeracy, teaching and personal care, so it covers quite a range. Also, it looks at the legislation. I have not been involved in that program at this stage, but it is a very important program.

Senator ALLISON—The training of teacher aides has been fairly central to our inquiry. As you would be aware, a lot of teacher aides do not have any training at all. It is a fairly lowly paid profession, so it is unlikely to attract people who are prepared to do lengthy courses. What is your sense of the need for this course? Are people expressing a desire to do it? How many will you train each year?

Ms Lyons—It is hard to estimate, but there certainly has been a great demand for it and we are responding to that demand.

Senator ALLISON—And the demand comes from people who are currently working in that field?

Ms Lyons—It comes from people who are either working in the area or wanting to move into that area. Even though it is lowly paid, there are a lot of people who have the commitment to work with students with disabilities in either a school or a TAFE setting. Therefore, the commitment is there, and the numbers certainly are there to go ahead with those programs.

Mr Mackenzie—Just in relation to actual pay rates, teacher aides have better part-time prospects than, for example, people working in a cafe. So a lot of young people are becoming quite attracted to doing this type of program in order to get part-time employment. It is an interesting trend that is occurring, but they do not have a commitment to ongoing employment in the field of people with disability.

CHAIR—Thank you very much for providing your evidence today. We will get a copy of that *Hansard* for you. I trust that you will be able to make time to give us some supplementary comments.

Mr Mackenzie—We will do that.

[2.46 p.m.]

McCONCHIE, Mr Robert Victor, Executive Officer, Australian Council of State School Organisations

MORGAN, Dr Ian George, President, ACT Council of Parents and Citizens Associations, Australian Council of State School Organisations

WILTON, Mr Rob, Vice President, ACT Council of Parents and Citizens Associations, Australian Council of State School Organisations

CHAIR—Welcome. The committee has before it your submission numbered 223. Are there any changes or corrections that you would like to make?

Mr Wilton—Not at all.

CHAIR—The committee prefers all evidence to be given in public, although it will also consider any request for all or part of your evidence to be given in camera. However, I point out that such evidence may subsequently be made public by order of the Senate. We invite you to make a brief opening statement to tell us what you think we should hear.

Mr Wilton—We welcome the chance to talk to our submission. As you probably know, ACSSO is the peak parents body in the country for government schools, so we represent the parents of the 2.2 million students in government schools throughout the country. We try to cover a fairly huge brief—when you consider all the developments that are going on in education today, which of course you are aware of—with reasonably limited resources. We take a national approach from our 11 affiliates throughout the country and try to distil that into what we see as the important national priorities for education generally. That is our approach in the disability submission.

Our submission is essentially a set of principles that we think the committee could well bear in mind in formulating its final report, but these principles are based on a lot of detailed work that goes on at the state level. Ian Morgan, in particular, is here to talk about one aspect of that. We see the essential role of the Commonwealth in all of this as setting national priorities in education and showing leadership. There is a problem of lack of coordination between the states; that is why you are having your inquiry, which we strongly support. Rob McConchie is our administrative officer but he has had a long and distinguished career in education, and Ian Morgan is past president of ACSSO.

CHAIR—Whom we know very well.

Mr McConchie—I would like to highlight five points which come out of the submission. One is around definitions and objectivity. ACSSO would support moves to establish a way of identifying students with a disability and describe the disability in a more objective way than sometimes happens. There is always a place for the label that is placed on a particular person, but from an educational point of view we would like to think that the real issue is what students

can do rather than the label that they might carry with them. With any disability that you look at, there will be the same range of skills and abilities as in the mainstream population. We think there should be a level of objectivity in this whole scene and we support moves towards that.

Secondly, there are probably never enough resources available. We understand that and we understand that parents' choices cannot always be met. We would like to think that there are plans in place through which you can start to meet as many possibilities as possible. We do not come down on the side of mainstreaming, special schools or those kinds of things. They are choices which should exist, which suit some families quite well; other families might make different choices. We understand that in rural and remote areas there may be a lack of choice. That is something I am sure you have been told from time to time. Parents of students with disabilities often suffer a huge amount of stress and they certainly do not need aggravation from schools or school systems. We support advocacy groups and lobby groups and the funding of those to provide support for parents who have a child with a disability. Notwithstanding that, we do not support the squeaky-wheel approach that seems to exist in some places.

The third point is about teacher training and professional development. As an assumption, we think that every teacher may be required to teach a child with a disability at some time. If that assumption is correct, we think there must be support for teachers in teacher training organisations to make that happen, not just on the input side. Perhaps the committee might want to think about requirements for teacher registration—for teachers to have some affinity with and some training in their background in relation to students with disabilities.

The fourth point is about support staff. We certainly support moves that are happening in some states now, where TAFE is supporting the support staff by providing certificate 4 courses in special education and those kinds of things. We are trying to ensure that there is a good level of support for the student with a disability in whatever school they might go to. Teachers and support staff are very important. The last point that I will make before handing over to Ian is in relation to therapy services. We are told that there is a lack of therapy services across the country. We do not support moves which in a very superficial way try to train teachers as therapists. We think that therapy is a specialist science in itself. There is a shortage and we would like to see that addressed.

Dr Morgan—My role here is to talk a bit about funding figures. We have looked closely at the funding figures on students with disabilities in the various sectors, because of the constant claims from the non-government sector in general, both Catholic and independent, that they are underfunded for students with disabilities. That does not correspond to our perception, which is much more that students with disabilities are under-represented in the non-government sector.

We have looked at the figures and I will very briefly take you through the analysis we have done. We have looked at a whole range of average expenditure figures in government schools. I stress that they include funding for students with disabilities averaged out across all students. For example, if we look at average government school recurrent costs, it is not the cost of educating an average student in a government school, it is the cost of educating all students, including the funding for students with disabilities which is averaged out.

I will give you the ACT figures because they are the ones with which I am most familiar. The Productivity Commission figures suggest that in 1999-2000 the average expenditure on ACT

government school students was \$7,424. The corresponding figure for the non-government sector in terms of funding received from government was \$3,886. That is a ratio of 0.52. We make only one assumption in the rest of the calculations and that is that a non-government school should be enrolling students, because it is receiving the money through that averaging process, in terms of the per cent of government school expenditure that it in fact receives from government. If we take those two figures and do a ratio, 3,886 divided by 7,424 gives us a result of 0.52.

We would expect that non-government schools, on their basic core government funding mechanisms from the Commonwealth and the ACT, should have roughly half the enrolment percentage of students with disabilities that government schools have—that is what they are funded for. The actual ratio in the ACT is about 0.32; in other words, they are under-enrolling relative to the government funding they are receiving. That means that in the ACT they could significantly increase the number of students with disabilities that they have enrolled and call on the government funding that they currently receive. That particular calculation varies from state to state. It is sometimes higher than in the ACT. In a state like New South Wales, it is roughly on par: the non-government sector is pulling its weight to the extent that would be dictated by the government funding that it receives.

This is just a first-cut analysis. We stress that we need to look at the Catholic and independent sectors separately. We do not have available to us the figures to do that nationally. We have done it for the ACT and it shows in the ACT that at least both the Catholic and the non-government sectors are under-enrolling by roughly a factor of two. Once again, that means that they could enrol a lot more students before they hit a financial crisis because they are getting their share of what government schools get through that core funding mechanism. It makes no call on the contributions that parents make to the funding of a non-government school.

We are very sceptical about whether the claims from the non-government sector that they are underfunded for students with disabilities is correct. We think that they are under-enrolling those students and in fact are spending some of the money, that as a social target ought to be spent on students with disabilities, on mainstream students.

CHAIR—I can save you a lot of work. The Australian Parents Council has put a submission to us which gives us the enrolment figures nationwide for the various sectors—they do not appear to be disputed.

Dr Morgan—Is that broken down into Catholic and independent sectors?

CHAIR—Yes. Across Australia it is 1.5 per cent for independents, 2.2 per cent for the Catholic commission schools and 3.9 per cent for government schools. That will vary from state to state. Those figures are known. With regard to your argument about the AGSRC, there is a whole range of figures available on that score. If we include, as you have done, the Productivity Commission model of expenditure then I think you will find that the figures for the independent sector are 123 per cent of AGSRC for primary and 159 per cent for secondary. For the Catholic education system for primary schools it was 96 per cent for AGSRC and 117 per cent for secondary. So I think that work may well already have been done in some quarters.

Dr Morgan—Some of it has been done. I would stress once again that I suspect the figures are available if we could delve into state archives for the Catholic and independent sectors. It is clear that in the independent sector you need to do a school-by-school analysis as I think you will find marked differences in overall funding levels and resource levels.

CHAIR—I do not think the argument is disputed that there is a discrepancy in the enrolment figures. An explanation for that is what this committee is inquiring into, and a range of options is available to us on that score. Turning specifically to your submission, you say:

There is some evidence that the range of disability represented in non-government schools is much more limited than in government schools. It would appear that higher functioning students are more likely to be enrolled in non-government schools, yet these schools or systems are able to claim Commonwealth funding equal to the public systems for these children.

How do you know that? What is your evidence for that statement?

Mr McConchie—The way we collected evidence was through our network. We do not have hard evidence but certainly a perception has been picked up by parents around the country—parents in our organisation. I think it is something that should be investigated. It is an assertion that we have made—

CHAIR—It is an assertion. You said there is ‘some evidence’.

Mr McConchie—The evidence is anecdotal type evidence, Senator.

CHAIR—So I guess the evidence is that you have asserted it.

Mr McConchie—You could say that.

CHAIR—It is a bit of a circular argument, I would have thought, as I am sure Senator Tierney will be only too happy to point out to you in due course. In terms of your particular submission the other area that I want to turn to is on page 4 where you say:

Perhaps this paucity of formal training explains the lack of empathy exhibited by the AEU in at least one Australian state to make student disability an occupational health and safety issue for teachers in its log of claims ...

Can you explain to us what that is all about?

Mr McConchie—There is something that really grated there in that particular case, and it happens not only with students with disabilities. We think it is fair enough that leaking roofs and burst hot water services and peeling paint and asbestos and those kinds of things are genuine occupational health and safety issues. We really react rather badly to children being put in the same category as those physical things. We believe that governments and teacher unions should make provision to sort that out rather than through the OH&S type legislation. We thought it was fairly poor form on the part of this particular AEU branch.

CHAIR—You cannot go that far without telling us which branch this is. They have a right to—

Mr McConchie—We are told it was the New South Wales branch.

CHAIR—The NSW Teachers Federation. We are also advised that there was a trade-off in the last enterprise agreement between in-service on disabilities and the pay rates. Again, that is an assertion that has yet to be demonstrated, and I am sure in the nature of adverse evidence people will get the right to respond to that matter. Are you familiar with the argument whereby governments are using in-service training as a trade-off?

Mr McConchie—I guess we are being a bit on the heart rather than the head side here. Put yourself into the individual position of a parent with a child with a disability and this kind of stuff is happening in the press and happening publicly about OH&S. We would like to think there might be a more sensitive way to deal with that. That is for behind the scenes. People can negotiate behind the scenes rather than in public on these sorts of issues.

CHAIR—The point is that you are representing parents here today and so we are interested to hear the views of parents as you put them to us. Do parents come to you expressing frustrations in dealing with school administrations when it comes to the enrolment of their students with disabilities?

Mr Wilton—Yes. If I could come back to your earlier question about how we know about what we call the cherry picking attitude of non-government schools, I would appreciate a chance to do that. We have cases, for example, from our submission from Victoria where parents simply were not given the state government protocols on their rights to enrol children. In a particular case, the parents perceived that it was just an inexplicable breakdown because the information was there and it should have been given to them. So you get a situation where some parents would be more aware of their rights to a certain kind of placement than others. That is just one case that springs to mind.

CHAIR—Do you have examples where parents who seek to have their students enrolled in the non-government sector have been refused?

Mr Wilton—Only what we read in the press, Senator.

CHAIR—You have no direct evidence of that?

Mr Wilton—No, that does not come up. But if I could just return to your earlier question in relation to how we know and what evidence we have, the short answer is: we do not have much. But you would probably be aware that there is some evidence that came out of the Vincent inquiry that was reported to Vincent from the perspective of teachers. Generally speaking, principals and people who are in the enrolment process are in a better position to know what the overall picture is than parents are. Our problem really is that there are levels of disability—or as we prefer to say, levels of functionality—irrespective of what the disability might be. One of our main thrusts is really to say that, until we get an objective measure of what the level of functionality is and hence what the level of resourcing and support is within a particular disability, there is really no objective way of saying that, yes, student A has been advised to enrol at their government school and is a more needy student than someone who is accepted. There simply is no objective national benchmark even though various states are developing assessment tools.

CHAIR—I want to come to the issue of the MCEETYA task force. I take it you have representation on that?

Mr Wilton—No. MCEETYA is purely—

CHAIR—The task force itself.

Mr Wilton—No, we do not have representation on the task force. The question of representation is something we were talking to DEST about earlier this week. MCEETYA is just seen as a provider—

CHAIR—We have evidence that there is a range of groups on the task force—I am surprised you are not there. You have mentioned a report which was handed down earlier this month—if I have got that right—at the beginning of September.

Mr Wilton—Considerably earlier. I could not give you a month—I was thinking about July. It is still incomplete as far as I am aware.

CHAIR—So it is an interim report. I have before me a report from the *Sydney Morning Herald* on 4 September which says:

The state's high schools face an explosion of students with disabilities moving through from primary classes over the next three or four years, according to a major inquiry into public education.

The number of students with varying degrees of disability has risen sharply in primary schools to reach more than 1600 in each year of primary school this year.

Just three years ago, there were typically 300 to 400 fewer such students enrolled in mainstream classes in primary schools.

It says here that there are likely to be 16,600 students enrolling in government primary and high schools, just in New South Wales, and that this is likely to cost \$17 million by 2004. First of all, there is clearly concern amongst teachers about having to deal with a situation such as this. What are parents saying about that growth in the number of students with disabilities in schools? We mentioned that parents of children with disabilities are frustrated about the way in which they have been treated. What do other parents say? Do you ever have a situation where parents whose children do not have a disability claim to be disadvantaged by integration?

Mr Wilton—I think we can all give an answer to that and maybe we should all have an opportunity. It is completely reasonable to say that there is some disquiet amongst parents, but I would say there is also a lot of welcoming and understanding; you get a range. Our position would generally be that it completely depends on how the inclusion or integration program is managed. In one particular school that I have had an experience with, when there was a unit set up in the school which came across from the local special school there was a lot of disquiet and anxiety about it. Once it was established and the students began functioning in the classrooms with support—this was a very good program—it was well accepted. The parents that I spoke to talked about how their kids had gained understanding of people with disabilities from those experiences, and their own individual educational progress—which really seems to be the main

concern—had not suffered at all. It came down to proper provision of resources and proper curriculum design. I am sure Rob and Ian would like to respond to that one.

Mr McConchie—I think parents would have to be as one with teachers in wanting to see the teachers get as much support as possible in dealing with some of the difficulties associated with some particular disabilities. I am not sure if it was stated in the same article that you mentioned there, but there is an increasing identification of autism, for example, for whatever reason. That is a particularly difficult field for a teacher who does not understand it to deal with, but it certainly can be dealt with and professional development programs and support programs can be put in place. So I think, yes, especially where a particular disability sometimes has a behavioural element, parents will worry about whether their child is getting the kind of attention that they need at the same time.

CHAIR—What about violence? Some behavioural disabilities lead to students being violent. Surely there are concerns expressed about that.

Mr McConchie—Of course. We would agree with that—schools have to be safe places.

CHAIR—We are all being very general about this but some of these issues have to be fronted up to as well, don't they?

Mr Wilton—Sure. Some normal kids get violent from time to time, too.

Dr Morgan—I think the point that has already been made is that, yes, there are certainly tensions in schools about integration; there is no doubt about that. Most of those arise from underresourcing and incorrect programs. If you ask parents—and it is certainly the case in all of the interactions I have had—they are supportive of the general principle of taking integration as far as is realistically possible. But when that is done in a way which is underresourced and that poses pressures on the teachers and obviously on some of the other students, then it inevitably creates tensions. I think that is true not only in the government sector but in the non-government sector as well.

Senator TIERNEY—This is just a structural thing: what is the relationship between your organisation and the state P&Cs?

Mr Wilton—There are eight states but, in three states, there are two parent organisations. Parent organisations tend to be of two kinds. There are parent only organisations, which are simply the parents. But, because of the increasing move to self-managing schools or the devolution of school responsibility, most systems in Australia also have school councils or school boards.

Senator TIERNEY—But are you the peak organisation for all of those?

Mr Wilton—We are the peak organisation for all of the parents; that is exactly right.

Senator TIERNEY—Including all the P&Cs?

Mr Wilton—Including all the P&Cs; that is right.

Senator TIERNEY—In your submission you seem to be arguing that the integration model is more expensive to deliver than separate special schools. What did you base that on?

Mr Wilton—I am not sure if we are saying that directly; I would need to have a look at the—

Senator TIERNEY—You seem to be saying that there is a danger that the number of special schools will increase because that is the cheaper model. I find that very curious.

Mr Wilton—Yes.

Mr McConchie—I think we were saying that an integration model could be more expensive, but not necessarily. Sometimes an integration model may be a little more efficient where a number of students are integrated in a particular school or class than where individual students are integrated in individual schools in a dispersed way. Sometimes there might be some advantage in having a few students in order to get some—

Senator TIERNEY—I could not work out the logic of the argument. Evidence we received on the ground was that less resources were going into the integration model and that there was a long-term tendency to shut down special schools. I want to clarify that point.

Mr Wilton—Do you want to comment, Ian?

Dr Morgan—I agree with the analysis you put: that there is less, per capita, going into the integration programs than into special schools. I think most of the figures I have seen demonstrate that. So they are not a cheaper option. Whether it is a cheaper option for the group of students who have been integrated into schools to have special schools as well I do not know, but I think there is pressure. The underresourcing of the integration programs does have a tendency to create some anti-integration pressure because of all the factors we have talked about previously with Senator Carr. So I think it underlines the importance of getting the funding for integration programs correct.

Senator TIERNEY—Two days ago state bureaucrats were arguing that, regardless of where the student is—in a special school or in a comprehensive school—the dollars follow the student; it does not make any difference. Is that your experience? What are parents telling you about that? Do the dollars pop up in the school to back the student who needs the integration support?

Mr Wilton—I do not know. I do not think we have a great deal of detailed knowledge on that. But we do think that, because it is so expensive in this area, you are going to get greater efficiency with a concentration of resources in particular schools. That is my feeling.

Senator TIERNEY—Greater efficiency of what kind?

Mr Wilton—Say you have 10 students with disabilities and 10 schools in a district. Instead of having one student in each school, if you can put all 10 students—so long as they are in the same broad disability area or have similar needs—into one school you will be able to have a

unit in that school that looks after those needs in an efficient way, rather than dispersing the effort.

Senator TIERNEY—They do not have any in the state of Tasmania. They say they are not opposed to them; they just do not have any special units within schools.

Mr Wilton—That is right; but, on general principle, that is what I would argue for.

Senator TIERNEY—Doesn't that go against this philosophy of integration, where it is argued that the child should be in the normal classroom with appropriate support?

Mr Wilton—Yes, that is right. There is a tension. To me, there is a kind of halfway house between saying, 'You can always go to the local school,' which could be very costly, and saying, 'Let's say the most efficient thing is to put everyone in special schools,' which is the most efficient but you get the least good social result from it and the least good educational benefit for those students. So there is a tension. What we are trying to say is that we recognise that the demands are almost endless so there has to be some sort of rationalisation of resources.

Senator TIERNEY—When those dollars move to the integrating school, parents worry about whether those dollars, under global budgeting, actually get through to where they should be. Are disabilities dollars actually being spent on disabilities at that school or does the global budgeting process dissipate that money in other ways? Is that a concern? Do people bring that up?

Mr McConchie—Parents have told us that with the self-management devolution process that is going on—and you cannot really say that it would not happen under a totally different system—they feel that some schools can be very supportive and accommodating of students with disabilities and will ensure that resources are directed towards them, yet they feel that some other schools are not as accommodating. Some of them label that as a devolution problem—I am not sure that it is, but they certainly did tell us that.

Senator TIERNEY—Are you aware of whether the states are trying to track that or do they say, 'We don't know; we'll give them a global budget and that's it.'

Mr McConchie—I am not personally aware of a state attempting to come to grips with that, so I am not sure. I would imagine that in Victoria they might be quite interested in that, given that it is something that is very dear to the particular director of schools that they have.

Dr Morgan—Once again, you commonly hear that sort of allegation—that money that is intended for students with disabilities is not in fact spent on them within schools. You also sometimes hear the other side. The claim is that, because of the underfunding of integration programs, students with disabilities consume more resources than are allocated to the school for the student. I think it would be a really useful tracking exercise, if it were possible, to find out what the reality of the situation is.

Senator TIERNEY—My punt is that it probably goes more the former way than the latter. It is something that the state authorities certainly should be tracking. Mr Wilton, you said that the integration model provided proper design of curriculum and that sort of thing—that it could

work. I am curious as to how that actually occurs in the real world, because we have had huge evidence right around the country that teachers in preservice courses get very little training in this area and that in-service it is virtually non-existent or minuscule. I am wondering whether parents have concerns about the fact that you have a teaching force trying to apply an integration model when teachers are not properly trained and when there is very little in-service training.

Mr Wilton—We have those concerns, so we would like to see more. In the instance that I was talking about, teachers who were working in the mainstream of the school and in the special education unit shared their skills. There was a lot of learning on the job, and you always had a special education teacher or a teacher's aide in there with the mainstream classroom teacher. That is just ad hoc but I think it was a pretty good model of how it can work. I would agree with you that more formal training is needed.

Senator TIERNEY—But that sort of model is also becoming less able to be applied because there are fewer people around who are specifically special education trained than there were under the old pre-integration structure. I just wonder where all the expertise and advice comes from. If teachers are not properly trained to do this, what does that say about duty of care by the education departments around the states and what does that say about possible legal action?

Mr Wilton—We can only say that it is a cause for great concern. It just comes back to our argument that we want to see the resources and we want to see the training.

Senator TIERNEY—When you, as an organisation, put this to the state education departments, what do they say about it?

Mr Wilton—We do not. In our structure, it is the affiliates who talk directly. Ian is a state president.

Senator TIERNEY—Which state, by the way?

Dr Morgan—The ACT. I can assure you that this is put constantly to the ACT Department of Education and Community Services, and I am sure the same thing takes place in every state and territory around Australia. I think everybody recognises that there are unmet needs in this area, but the usual thing you come across when you are talking about funding is the budget bottom line. I think people try to make little gains and to exert constant pressure through the general parent body and also specifically through parents who have children with disabilities. It is always a matter of where to find the money and what to take it away from so that you can spend more on students with disabilities, and we generally hit that wall.

Senator TIERNEY—We have received a fair bit of comment in the inquiry that integration, or the moving of more students into integration situations, is driven largely by the parents, that they are the main push for wanting their children in a mainstream situation. Is that your view of how parents wish the education of children with disabilities to be conducted?

Dr Morgan—Certainly the feedback we get from parents of students with disabilities in the ACT is very strongly in that direction. They certainly see the general social advantages of being in the mainstream school environment. Integration is seen as very desirable, but from the same

parents we get the constant—and, I think, justified—complaint that there is just not enough resourcing to make the integration models work as well as they could. So it is certainly what they aim for. I have not encountered any parent who has taken the option of a special school because of funding pressures. They are so supportive of integration, as a model, that they will put their children into the mainstream school environment even though they are aware that it is under-resourced.

Senator TIERNEY—Underresourced and the teachers are not trained to do it.

Dr Morgan—Yes.

Senator TIERNEY—So why aren't the parents marching in the streets about this; why aren't they really up in arms about this? If they want that model and the state or territory education departments are not providing the resources or the training for it, why don't we hear more complaints from parents about this?

Dr Morgan—Because there are not enough of them.

CHAIR—It would be a rare day if Senator Tierney is advocating direct action; take particular notice!

Senator TIERNEY—I am all for direct action when it is appropriate.

Dr Morgan—I think the appropriate answer is that we can only agree with you, Senator Tierney, that this is an issue that needs to be taken up very actively, not only by parents of children with disabilities but by the general parent organisations.

Senator TIERNEY—How do parents of children without disabilities feel when children with disabilities are in the classroom and teachers are not trained to handle them? This must obviously disrupt learning for everyone else.

Mr Wilton—That is right.

Senator TIERNEY—If it is not resourced properly, the teachers are going to be spending more time with the children with disabilities and not with the others. Do the parents have some reaction to this?

Mr Wilton—Most parents do not, because it actually does not impact on most parents. There are complaints from some individual parents, but perhaps they are disfranchised because they do not fit in with our view. Generally speaking, when their concerns are addressed I think they are a lot happier. I think Rob also wanted to respond to your comments.

Senator TIERNEY—Just on that point, you are the parent organisation—for all parents, I assume. And the vast majority of parents are the ones you are talking about. Surely you are their advocate as well.

Mr Wilton—Absolutely, and we think that this mainstream inclusion tendency is in the best interests of all parents and all children. I have been around parent organisations and maybe I have been insulated but personally I have not had this kind of complaint. I have read about it in the press and I am aware of it as an issue. We take it seriously. We are not just ignoring the interests of all other children. We really want to make Australia's public schools places where everyone can succeed and this is a part of it.

Senator TIERNEY—You mentioned that it is in the interests of all children. Socially it may be but is it educationally in the interests of all children if it is done in such a way that it is under-resourced and people are not trained to do it properly? Is that in the interests of all children?

Mr Wilton—No, but if it is done with proper curriculum design then yes, it is.

Senator TIERNEY—We are not seeing much evidence of that around the country.

Senator ALLISON—Can I ask about the part of your submission that talks about some schools misusing extra resources for special needs students and that it is not appropriate for special teachers' assistants to be redeployed in roles that do not support the children. The question of teacher assistants or integration aides has come up time and time again with this committee. It is said that they are undertrained or untrained for the task and it has even been suggested that they are little more than babysitters in some cases and probably do more harm than good in terms of allowing students with disabilities to be independent. Would you not see an argument for those teacher aides assisting the teacher, perhaps with a higher level of training, to cope with individual learning plans for the whole class including the student that receives the funding? What is your view about the success or otherwise of teacher aides?

Mr McConchie—I think there is a tension in there and you could make that argument. I think the parents will sometimes look at what the teacher aide and the integration aide are doing and they cannot necessarily see that it is helping their individual child. They might know that for half of the time during the week it is because of their child being in the class that the aide is there. Sometimes they might find it difficult to understand if the aide is doing other things. Perhaps that is a communication issue between the school and the parents to make it a little more transparent. We were just told—this is anecdotal so I don't know if it counts as evidence—that in some schools there were children with disabilities and it did not seem that those integration aides were being terribly effectively used, for whatever reason. We have not gone into that in depth.

Senator ALLISON—You also say there is pressure on medical practitioners by education resource providers to not reach a diagnosis of autism spectrum disorder. Is that just anecdotal or are you able to give the committee some evidence on it?

Mr McConchie—That came to us from a particular state. I am not sure I can remember which one. What the parents from that area were saying was that there seemed to be some kind of pressure exerted on medical practitioners knowing that if there was a diagnosis of autism that would automatically mean another whatever it is in resources that would have to be provided. Again, I think it is something that needs to be investigated further. It was something that was passed on to us. They are simply worried about the bottom line and the budget. But we can probably get around that kind of thing if we come back to some more objectivity in the identi-

cation process. If we are looking genuinely at what students can do, the spectre of autism does not take on such significance. If they are genuinely in need, so be it; it has to be funded.

Senator ALLISON—As an organisation, are you concerned about the lack of research in the field of disabilities? We have no longitudinal studies of various disabilities—the transition from primary school to secondary school and how successful that is and the transition to work. There seems to be dearth of real information, even about techniques for dealing with some disabilities. Representatives of the autism group said earlier today that a lot practices for classic autism do not appear to be effective at all and that very little is known about how to further the educational aims of these children. Do you have a view?

Mr Wilton—Senator, if you are concerned, we are. We are very concerned about our lack of resources to do the meta-research to get an overview of all this research, or the lack of it.

CHAIR—Thank you for attending and providing us with advice today.

Proceedings suspended from 3.36 p.m. to 3.46 p.m.

GREER, Mr Anthony John, Group Manager, Schools Group, Department of Education, Science and Training

PEACOCK, Ms Dianne, Director, Participation and Learning Section, Participation and Outcomes Branch, Department of Education, Science and Training

TCHACOS, Ms Elizabeth, Branch Manager, Quality, Information and Equity Group, Department of Education, Science and Training

THORN, Mr William, Branch Manager, Performance and Targeted Programs Branch, Schools Group, Department of Education, Science and Training

CHAIR—I welcome representatives from the Department of Education, Science and Training. The committee has before it submission No. 178. Are there any changes or corrections that you wish to make?

Mr Greer—Yes. There are minor amendments to pages 21 and 22 of our submission. Specifically, the numbers of students with disabilities in higher education shown in table 2 have been revised. Also, the second sentence in the first paragraph after table 3 refers to 40 per cent of all students with disability in this age group. The figure should read 47 per cent. I table two replacement pages.

CHAIR—Thank you. The committee prefers all evidence to be given in public, although the committee will also consider any request for all or part of your evidence to be given in camera. I point out that such evidence may subsequently be made public by order of the Senate. I now invite you to make a brief opening statement.

Mr Greer—Thank you. The Department of Education, Science and Training welcomed the opportunity to present a submission to the Senate committee inquiry into education of students with disabilities. The purpose of the department's submission was to describe current Commonwealth policies and programs related to children and students with disabilities across all levels and sectors of education. In doing so, it was DEST's intention to provide the committee with concise factual background information, including the latest available data relevant to the terms of reference. You will note that the submission essentially is comprised of five parts. Section 1 provides information on key aspects of the legislative framework that underpins Commonwealth policy, and several sections following on then deal in seriatim with schools, vocational education and higher education. Then there is a final section on the emerging issue of online education.

CHAIR—First of all, can I thank the department for their submission. I think it is a very good submission and I agree with your assessment. Obviously, the purpose of the document is that it be very useful in providing us with an overview from the department's point of view. We have had evidence today concerning a consultancy that was issued to Jolley William and Associates. It was a select tender regarding students with disabilities—the blind—and was particularly to do with braille. What happened to that report?

Mr Greer—I was given a quick briefing just before we left to come here—obviously we had been monitoring events earlier in the day. My understanding is that the research was commissioned from Jolley William and Associates in November 2000—as you say, through a select tender process. The report was submitted to the department by the consultants as a draft on 31 August 2001. The department did have some issues of quality that it repeatedly took up with the consultant who produced the report so that the report would be sufficiently ready for publication. Those quality concerns went to issues of the conceptual framework and structural, grammatical and syntax concerns. We also had some concerns that the data analysis contained some inaccuracies and that there was an apparent absence of validation.

Agreement was reached with the consultants that the department would not publish the report. Notwithstanding that, the minister subsequently agreed to transfer the copyright in the report from the Commonwealth to the consultants through a deed of copyright transfer and licence. Mr William Jolley signed the deed and it was executed on 2 September this year, I understand. That deed allows Mr Jolley to publish the report, should he wish to do so. The deed carries a caveat acknowledging that the work was undertaken with funding support from the Commonwealth acting through the Department of Education, Science and Training and noting that the Commonwealth cannot verify the accuracy of the information in the report. That is my understanding of it.

CHAIR—Thank you. We were told by a witness today—who I understood was a principal to the report—that the report was submitted to the department in its final version in December 2001. The witness who told us this was Ms Margaret Verick, a policy officer with ACROD. Her evidence, as you would be aware, was quite explicit on this point. I asked her several times if it was a final report and she said that it was. I got the impression—I do not think it was an unreasonable impression—that she was intimately involved in the production of the document. She said that it was a final report in December 2001. You are disputing that, are you?

Mr Greer—My briefing, as I mentioned earlier, suggests that the report was submitted as a draft by the consultants on 31 August. There had been repeated efforts by the department to facilitate a publication of quality that would enable the department to stand by that publication. In the event, that was not achieved and subsequently agreement was reached with the consultants—that is, Jolley William and Associates—that the department would not publish the report. Subsequent to that, the minister has agreed to the transfer of copyright et cetera.

CHAIR—Thank you. We got that bit from your first presentation.

Mr Greer—What I do not have is a level of specificity below this briefing, but I am happy to take some of this on notice.

CHAIR—I will put it to you very bluntly. This committee has been told that a final report was given to the department in December 2001. You say that it was not up to standard; that is why you have not published it.

Mr Greer—That is correct.

CHAIR—Did you pay the consultants the full amount of money?

Mr Greer—That is not in the briefing I have but I am happy to take that on notice for you.

CHAIR—Do you recall how much the consultancy was worth?

Mr Greer—Personally I do not because it was not a project that was initiated in my particular group, but we could certainly check it out.

CHAIR—Could you find out the value?

Mr Greer—Absolutely.

CHAIR—More importantly, if a consultant undertakes work that is not up to standard, do you pay them?

Mr Greer—One would need to look at the particular contract and the arrangements under the contract to see whether, on balance, there was finalisation of that contract. I do not know what the specific—

CHAIR—I just think you should—

Mr Greer—In general, you would pay for a finalised deliverable.

CHAIR—Yes, you would.

Mr Greer—However, I cannot give you the specificity around this project.

CHAIR—We have been advised that the contract was paid out. I understood that to be your submission to us today. You paid the full amount.

Mr Greer—I do not have that—

CHAIR—Can any of the officers here help us on this matter—the reserve army, coming in a bit earlier than expected?

Mr Greer—I understand that the contract was paid out in the sum of around \$78,000.

CHAIR—Ms Peacock, are you familiar with the contract?

Ms Peacock—Yes, it was administered from my area.

CHAIR—Were you the administering officer?

Ms Peacock—Yes.

CHAIR—So you were the one who had consultations with Jolley William and Associates?

Ms Peacock—Yes, I did.

CHAIR—What was wrong with the report?

Ms Peacock—The report was not up to standard in a number of areas. The conceptual framework for the report was not as we had requested it to be. However, there is a lot of useful information in the report, but it does not cover some critical areas that we asked for it to cover. Also, we had concerns about the data analysis, that there may have been double counting and that it had not been validated. There were a number of issues. The consultants involved were William Jolley, Mike Steer from Renwick College which is attached to the University of Newcastle, Gillian Gale and Frances Gentle. Margaret Verick was not included. It is not to say that the consultants did not do a lot of good work and worked very hard on the project.

CHAIR—Yes, people work very hard on all sorts of things but if they do not deliver on a contract, they do not normally get paid. You are saying that they have not delivered on the contract. I would like to know why you did not stop their money.

Mr Greer—We would like to have the opportunity to review the documentation.

CHAIR—Thank you, Mr Greer. I take it that you will take that on notice.

Mr Greer—Certainly.

CHAIR—The reason I asked that was because it was put to us today that the report might well have been suppressed. Would that be a fair description of what has happened here rather than it being a question of an inappropriate response to a tender specification?

Mr Greer—I do not think that that is a fair description. If that were the intent, the transfer of licence and copyright would not have been affected. As we said earlier, the deed of transfer allows the consultant to publish the report should he wish to or, in fact, to make the report available to whomever and whenever they wish. That is my understanding.

CHAIR—Why was this report not provided to the committee along with all the other reports that caused such a fuss at the last round of Senate estimates?

Mr Greer—You are assuming that it was not?

CHAIR—I know it was not. My checking of the records, my office's checking and the committee's checking tell me that it was not provided and I would like to know why not.

Mr Greer—We will certainly take that on notice for you.

CHAIR—Furthermore, can I have a copy of the report since you have not provided it to date?

Mr Greer—I would have thought that that was appropriate.

CHAIR—Thank you very much. I appreciate that. Can I now turn to the question of the DDA working group. The evidence that we have received before the committee—

Mr Greer—Which one is this?

CHAIR—To be quite clear, this is the MCEETYA Performance Measurement and Reporting Taskforce.

Mr Greer—The PMRT.

CHAIR—It reported from a MCEETYA meeting in Auckland in July. It has been working for five years.

Mr Greer—No, that may be a different working group.

CHAIR—Let us get this straight. The group reported to MCEETYA in Auckland in July?

Mr Greer—That is correct.

CHAIR—No doubt you have been briefed on the evidence that we have received. The MCEETYA meeting said that by December the matter would finally be resolved in terms of the establishment of the new standards. That is correct, isn't it?

Mr Greer—I perchance happen to have a copy of the resolution here. Item 1.4.2 states:

Council expressed concern over the delay in finalising the draft Standards but agreed that outstanding legal and financial issues be further addressed by December 2002 prior to the introduction of legislative amendments to the Disability Discrimination Act if necessary, and to the implementation of the Standards, and urged all jurisdictions to work co-operatively on this matter.

CHAIR—Do you know a Ms Susan Egan, Executive Officer, Physical Disabilities Council of Australia? Are you familiar with her work?

Mr Greer—No, I personally am not.

CHAIR—The *Hansard* of September 6 states that she is also the convener of that Commonwealth working group. I will go through the *Hansard* so it is clear. I asked her whether she thought the matter would be resolved in December, given that there has been a five-year delay. She said:

As the convener ... I can say that the project team is not satisfied.

She also said that she has been involved in the project for four of the five years. She was deputy convener prior to her present position. I asked her:

Do you think that it is possible the matter will be signed off in December?

She said, 'No,' and continued:

There is too much resistance. It is a very similar process to that which has happened in the past with the transport standard. There are a lot of blockages along the way and reasons are found along the way to stall the whole process because it is deemed that inclusive education is too expensive.

On the question of whether it was the legal reasons, as you have cited in the resolution, I asked her:

Do you see it as a question of cost rather than legal interpretation?

She said:

Yes, I do. That is what is actually being tabled. It is too costly.

She went on to say—and I will just summarise the evidence—that this matter of disability standards was, in fact, a baby by comparison to the standards arrangements for transport, which took eight years to develop. In her opinion as the convener it was unlikely that this matter would be resolved in December. Can you respond to that? Do you have any confidence that this matter will be resolved in December?

Mr Greer—I go back to the resolution. The resolution that was agreed by council does not include the necessity for resolution. As I say:

Council expressed concern over the delay in finalising the draft Standards but agreed that outstanding legal and financial issues be further addressed by December 2002 prior to the introduction of legislative amendments to the Disability Discrimination Act if necessary, and to the implementation of the Standards, and urged all jurisdictions to work cooperatively on this matter.

CHAIR—It is very good to hear that they are working cooperatively on it.

Mr Greer—What I am saying is that the resolution as it stands provides an opportunity to revisit the standards.

CHAIR—Yes. I appreciate your answer. I think that is a very astute observation; I think that in the Sir Humphrey school that will go down pretty well.

Mr Greer—That is not in that sense. All I am saying is that there were words struck from alternate blues.

CHAIR—I am not being derogatory: I think Sir Humphrey performed admirable service. But we should be under no illusion that this matter is going to be fixed by December. That is the point.

Mr Greer—The will of ministers was as reflected in the standards. As a consequence of that, draft standards addressing some of the further concerns that some jurisdictions, not all jurisdictions, had have been or are about to be sent to jurisdictions. AESOC, the director-generals of education, met by teleconference on Friday and one of several issues discussed there was the formal agreement on a timeline that would have these outstanding issues addressed consistent with this resolution.

CHAIR—These things have been addressed for five years. I think parents, teachers and education administrators want to know when these matters are going to be finalised, not addressed. What is your judgment? What is the finalisation timetable?

Mr Greer—The resolution positions the government, if there is a will, to move to implementation of standards with or without state concurrence if that were the—

CHAIR—That is what I wanted to hear, thank you very much, Mr Greer. Let us assume it is without state agreement. Are you proposing that the Commonwealth is now considering legislation?

Mr Greer—That is what the resolution says. One would hope that if you went down this route you would go down this route on a collaborative basis. I think the spirit at the MCEETYA meeting in New Zealand was of many, if not most, jurisdictions wanting to use this time-out to try to get some finalisation for what outstanding issues there are.

CHAIR—I take it though that the Commonwealth's position is that there is a willingness to introduce legislation without the support of the states if necessary.

Mr Greer—That would be one option in the context of this. Whether it is an option the government would take is another matter; I cannot speak for the government.

CHAIR—You cannot speak for the government, but I just wanted to be clear on this. I thought that is what you were saying.

Mr Greer—What I am saying is that the resolution coming out of MCEETYA provides the avenue for that. My understanding is that other ministers in New Zealand perhaps shared that understanding.

CHAIR—That is right, and that is the position of the Tasmanian government, as I understand it. That is the inference that we were given in Hobart. Are there any other jurisdictions that are likely to support that course of action?

Mr Greer—We may get a better sense in the course of next week as a result of the discussions that were held by director-generals last Friday. There is a meeting of jurisdictions to address some of these outstanding issues here in Canberra early next week.

CHAIR—This is an issue that this committee will consider in its report. I do not know what we are going to recommend yet, but I can say to you now that I am inclined to think there is a need for action to have this matter resolved. That is my private view.

Mr Greer—Resolved or addressed?

CHAIR—Resolved, not addressed.

Mr Greer—You may never get resolution—that is the problem.

CHAIR—Well, let us have a different word: finalised. I think that is what I mean.

Mr Greer—Yes.

CHAIR—Is the Commonwealth prepared to talk about money?

Mr Greer—Certainly the resolution allows outstanding financial issues to be brought forward; no doubt they will be brought forward. On the other hand, the act has been in place since 1992 and my understanding is that all jurisdictions have indicated they are compliant with the act. What the DDA standards essentially do is provide more detailed guidance and interpretation of the provisions—

CHAIR—What is the extra cost involved in the broader standards that you are proposing be adopted?

Mr Greer—I understand some work was done in preparation of a RIS—a regulatory impact statement—for this. It costed this at around \$335 million for the schools and the VET sector in five jurisdictions.

CHAIR—Over what period of time?

Mr Greer—My understanding is that that was the cost of doing this.

Senator ALLISON—A year?

Mr Greer—We would have to unpack that. My understanding is that some of those costings were one-off and some were recurrent.

CHAIR—The committee is running out of time—it is not quite like estimates here today and I need to try and speed this up a bit. Could you take that on notice and give us an indication of what proportion of that the Commonwealth thinks it should be meeting. I take it that is the total cost?

Mr Greer—That was at a stage in April this year when I understood most jurisdictions and the working group had in a sense reached agreement to go forward with the standards as requested by a previous MCEETYA requirement. Then there were some concerns around some jurisdictions which saw the extrapolation of these costs at the eleventh hour. As I say, those costs were extrapolated with assumptions that somehow suggested that implementing the standards would have the effect of increasing the numbers who are caught under the act from about three per cent to something in the vicinity of 20 per cent. From the Commonwealth's position, we did not think some of that estimating was overly robust.

CHAIR—Can I have copies of the MCEETYA papers relating to this agenda item, the letter from New South Wales, which I understood was the catalyst—the one delivered 24 hours before the meeting was to commence—and details of any other matters which relate to getting a fix on the implications for the broader standards. I think it is a critical issue.

Mr Greer—I think I understand.

CHAIR—I would like to see the Commonwealth department's thinking on how broad this goes—the financial impact and the impact in terms of the numbers of students. If you have material on that I would appreciate your assistance.

Mr Greer—We will see what we can do on that. Certainly, we have some of that other documentation there.

CHAIR—Could I go to the issue of finances. I note that your submission lists Commonwealth spending of \$1.4 billion over the quadrennium on the SAISO program. You also suggest that the recurrent funding is 37.7 per cent to 70 per cent of AGSRC for students. What is the Catholic Education Commission funded on at the moment?

Mr Greer—Do you mean general recurrent?

CHAIR—Yes, general recurrent.

Mr Greer—I think it is 56.2 for all jurisdictions other than the ACT, where it is 51 or some such.

CHAIR—Do any of those move to the 70 per cent mark? How many schools are at the 70 per cent mark?

Mr Greer—No Catholic schools—unless there are non-systemic Catholic schools or non-systemic Catholic special schools. All special schools had an entitlement to be funded at 70 per cent of AGSRC, which was to be phased in over a four-year period at 25 per cent each year.

CHAIR—The issue has been raised with this committee about the demand for extra money for non-government schools to meet their obligations under the DDA. Can you confirm what the breakdown in aggregate terms is under the states grants act—for the current quadrennium—for moneys paid to the Catholic Education Commission? I am told it is \$10.4 billion. Is that right?

Mr Greer—I do not have the specifics with me, but I think we have confirmed in other places—through Senate estimates committees—that funding for the Catholic system over the quadrennium 2001-04 was about \$9.2 billion.

CHAIR—Recurrent?

Mr Greer—Recurrent. Funding for other systems was 938 and for the non-systemic schools was 4.182, so there was a total when we last appeared before you of about \$14.32 billion going to the non-government sector.

CHAIR—That is recurrent only?

Mr Greer—That is recurrent only.

CHAIR—If we included capital, SAISO, disabilities moneys, what would be the figure then?

Mr Greer—I do not have that, but I am happy to take that on notice.

CHAIR—I have had some work done on this. Given that there is such a strong push upon this committee to recommend higher amounts of moneys go to the non-government sector, it would be useful for us to have an authoritative figure on what the Commonwealth pays for each of the sectors—including all of the components of the states grants act—for the government, Catholic and independent schools for the current quadrennium with the level of detail which would pick up support for special education schools, for students with disabilities and for special education non-government schools, other than SAISO moneys.

Mr Greer—That would be a subset of the regular report we give you at Senate estimates, and we can do that for you.

CHAIR—If it were in a table form and we could use it directly in the report, it would be appreciated. In your understanding, what percentage of the moneys spent on disabilities in each of the jurisdictions comes from Commonwealth sources? Can you tell me that?

Mr Thorn—No, we do not have a fix on that.

Mr Greer—We can tell you where the students are but not—

CHAIR—Can you give us an indication of, jurisdiction by jurisdiction, what the Commonwealth payments are for students with disabilities?

Mr Greer—We can give you jurisdiction by jurisdiction what the Commonwealth payments are in general recurrent and in the broad SAISO program and in some of the subsets of that program.

CHAIR—What I am trying to do—and I am going to talk to the secretary about this—is produce a table that tells us how much is being spent on students with disabilities by each jurisdiction. The states would tell us that they are spending a fortune. I would like to know what the Commonwealth is spending as a component of that, if it is possible. It may be that we have to reconstruct the figures based on what you tell us and on what they tell us.

Mr Greer—It is important to understand what our SAISO program is about. Our SAISO program is about providing funds for students with disadvantages. It provides the flexibility for individual jurisdictions, schools or systems to draw on any or all of that and not necessarily on some small input bucket that might be labelled ‘students with this’. That flexibility is there for all systems.

CHAIR—I understand that. One of the arguments is that the broadbanding has undermined the capacity to identify how much money is spent on students with disabilities.

Mr Thorn—How much is allocated according to the allocation formula which takes into account the numbers of students with disabilities and how much is spent on students with disabilities are two different things. Under the SAISO program, some amounts under the strategic assistance per capita allocation, for example, are allocated on the basis of student numbers as part of the general SAISO bucket. Jurisdictions—education authorities—have the

flexibility to allocate the moneys within the SAISO program according to their assessments of need. They may well allocate more of that money than the number of kids with disabilities multiplied by particular strategic amounts to the teaching of students with disabilities. We can certainly identify the allocations and provide that to the committee.

Mr Greer—Perhaps we could do a draft of that and show it to the secretariat.

CHAIR—Thank you. It would help us with our report.

Senator TIERNEY—Following on from that, the money moves down through the system and eventually gets to the schools. Many states have now moved to global budgeting within the school systems. Are you aware of what tracking devices states have put on where the money allocated to students with disabilities is actually spent within schools? Are you aware of any tracking of that occurring in the states and territories?

Mr Greer—Personally, no. We will take that on notice and see what we can find. A similar issue was raised at the MCEETYA conference. The Commonwealth took a particular interest in professional development, and the Commonwealth minister pushed forward a resolution asking all jurisdictions to identify the effort that they were putting into professional development across states and territories. To the extent that the information you are looking for is not readily available, I would have thought that there is a precedent there for it to be made available.

Senator TIERNEY—Professional development has come up as an issue right through the inquiry as well. States have had great difficulty in telling us what is happening in schools in terms of professional development and how much money is being spent. Again, it comes back to this global budgeting matter, so we have all got the same situation. Is there a definite plan within MCEETYA to set up mechanisms to identify, or audit in some way, what is happening within global budgeting with moneys that have been sent down specifically for particular tasks, whether it be professional development or assisting students with disabilities?

Mr Thorn—One probably needs to differentiate a bit between the Commonwealth and what goes on in the states.

Senator TIERNEY—I am talking about the mechanism of MCEETYA now. I understand the difficulty of controlling it from this distance.

Mr Thorn—From the Commonwealth's point of view, the point of broadbanding within the SAISO program, for example, was to move away from rigid control of the inputs and provide an amount of money which jurisdictions could use flexibly, focusing ultimately on the educational outcomes being achieved. So I suspect there is a bit of a trade-off here between tracking individual amounts through systems and the kind of flexibility that one may believe is necessary to get sensible decisions and good outcomes at the school level.

Senator TIERNEY—But, given that jurisdictions have that flexibility, I assume that they would come to a decision within their own jurisdiction about spending so much on disabilities and that sort of thing, which could be tracked.

Mr Greer—That is not an unreasonable assumption. Whether or not there is a nationally consistent handle on that, I have not seen that. The resolution from MCEETYA says that it—and I quote:

... noted the critical importance of teacher professional development to the educational outcomes of students.

In doing that, it—and I quote:

... agreed that to the extent possible, each jurisdiction will document and report back through the Schools Resourcing Taskforce to the next MCEETYA meeting on the level of resources allocated annually to teacher professional development across government and non-government sectors.

We assume that all jurisdictions would be getting on with that job through the Schools Resourcing Task Force. One catalyst for that was the recent Vinson report in New South Wales, which identified a sum purported to be the per capita contribution in that state.

Senator TIERNEY—If they were to report that back in an accurate way, they would have to actually audit what is happening within a global budget in schools, wouldn't they?

Mr Greer—You would think so, but I am not sure what methodology the Schools Resourcing Taskforce will use to do that. It has been given the remit by ministers to do that and to report back at the next MCEETYA meeting.

Senator TIERNEY—Whether a child is in a special school or a mainstream school—or, say, they move between them, from a special education school to a comprehensive school—the claim has been made by a number of states that the disabilities money follows the student; if \$4,000 is spent in the school, that would move over and would be spent in the other school. What rather intrigued us was how they would know that through global budgeting mechanisms. In terms of what you are looking at there, we would probably need some suggestions for MCEETYA on that sort of tracking as well.

Mr Greer—Yes. What we are saying is, 'Look, here is a functional area that ministers have agreed they will try and unpack and identify on a per teacher basis.' If that methodology is successful and sufficiently robust and the Schools Resourcing Taskforce does report to MCEETYA with that next year, it would probably provide a template to extend that, if ministers wished, to track other inputs.

Senator TIERNEY—What time frame is set for that MCEETYA work?

Mr Greer—As I mentioned, the resolution requires the Schools Resourcing Taskforce to report back to the next MCEETYA, and the next MCEETYA normally would be mid next year, in 2003—probably around June or July, I would have thought.

Senator TIERNEY—A different issue that has come up in the university and TAFE sector relates to the skill of lecturers in handling curriculum and teaching methodologies for students with disabilities. Given that universities historically have never been very keen on preparation of their teaching force in any formal way—there is no formal qualification, for example, for a university lecturer or in any course that you do in pedagogy—are there any discussions on improving this situation to better assist students with disabilities in universities and TAFES? Is

there a role perhaps for the Commonwealth's regional and disability liaison officers to work more in that area?

Ms Tchacos—Yes, I think there is scope for that. I think disability liaison officers do have a major responsibility to look at the needs and assessments of people with disabilities in universities. There has been an extension of that program to fund regional disability liaison officers in the VET sector as well. Part of their responsibility is to work with lecturers to assist them if they are not sufficiently qualified to cope with people with disabilities, and that would be seen as a major role. But, taking that into account, there is not a course particularly designed to meet the needs of lecturers.

Senator TIERNEY—So this is a situation-specific thing. If you have a student with this sort of disability, advice can be provided on curriculum modification and pedagogy?

Ms Tchacos—Yes, and support.

Senator TIERNEY—What about where it requires perhaps further work that would be beyond the scope of a lecturer? I am thinking here particularly of people who are sight or hearing impaired. Do the officers have a role in that?

Mr Greer—Ms Tchacos might want to add to this, but my understanding is that the department anticipates that the new additional support for the students with disability program will go a considerable way to meeting the costs of providing the types of supports that you are talking about. This issue was raised by the Human Rights and Equal Opportunity Commission at a forum earlier this year—I think, in May. As a result of that, HREOC has commissioned a process to form a steering committee to progress key recommendations from the forum. HREOC has also approached the department with a research proposal to identify current and projected demand for transcriptions services—for instance, for higher education students with visual and print impairments—and to assess the cost impact on universities. That proposal is going to be considered—I am not sure whether it has been received—in the context of the department's research priorities. The program I talked about, the additional support for students with disabilities program, commences this year. It is funded to about \$1.8 million. My understanding is that the first applications are due in the middle of this month.

Senator ALLISON—Does the department see a need for there to be a national research agenda to prioritise research in the disability field?

Mr Thorn—It is a very big field, as you would know. You may be aware that the minister recently announced \$4.5 million for research into the literacy and numeracy needs of students with disabilities. Money has been allocated, and \$3 million has gone—

Senator ALLISON—Is this research money?

Mr Thorn—Yes, this is research money under the—

Senator ALLISON—Does that have the highest priority nationally at present?

Mr Thorn—No, I am not saying that it has the highest priority; I am saying that the department has seen the need for some research into the development of essential literacy and numeracy skills for students with disabilities.

Senator ALLISON—How has it reached the decision that that is a priority, as opposed to other—

Mr Thorn—My understanding is that there was a range of consultations with states and territories last year to talk through some of the issues to do with students with disabilities and that was one of the outcomes of that set of consultations.

Senator ALLISON—Did you consult with the higher ed sector and those academics in special education?

Mr Thorn—This is research in relation to school-age children. Not being in this position at the time last year, I cannot really tell you whether there was consultation with any particular academics. My understanding is that there was wide consultation, particularly with the disability sector, with disability officers in state education departments.

Senator ALLISON—The committee was told this morning that there is that an urgent need for research in policy development around inclusion, the transition process at the three major transitional periods in a student's school life and strategies for assisting students with behavioural and emotional problems, especially those with dual diagnoses. Could you take that on notice and advise the committee about whether these matters are being considered by the department?

Mr Greer—Certainly. I have found some reference to that in my briefing, if you would like me to elaborate on it now.

Senator ALLISON—Could we put that on notice?

Mr Greer—Certainly.

Senator ALLISON—I want to raise the issue of assessment tools, which is one of the issues within this field that many submissions and witnesses suggested might contain a role for the Commonwealth in analysing and reviewing the various assessment tools that are currently in use, to look at best practice and a nationally consistent approach. Has that matter been raised in your department? Have you taken it to the various MCEETYA forums?

Mr Greer—That, in some sense, is a subset of the last issue. Mr Thorn mentioned an initiative for which the minister, Dr Nelson, approved funding of \$4.5 million in April this year for the effective teaching and learning practices for students with learning disabilities.

Senator ALLISON—Does this \$4.5 million include an analysis of assessment tools?

Mr Greer—The \$4.5 million was for project and research activity under the National Literacy and Numeracy Strategies and Projects Program. The initiatives will assist in the

equipping of teachers to better meet the needs of students with disabilities and learning difficulties. The projects are going to be supported at both the national level and the state level. They will focus on more effective teaching and learning practices for students with disabilities and learning difficulties in the early and middle years. An amount of \$1.5 million of that funding will be used to fund national research and development projects to report on effective programs and strategies that could be applied nationally.

Senator ALLISON—But you are talking about programs and strategies. I am specifically asking about assessment tools—it is quite a different matter. You have got to assess a student's needs before you can—

Mr Thorn—The issues of assessment instruments have been around, and I understand they have been raised a number of times in the course of this inquiry. Those are primarily matters for the states, for the jurisdictions concerned, as they relate to their decisions about their allocation of resources for students with disabilities. I do not think it is necessarily an issue that the Commonwealth could take forward unilaterally.

Senator ALLISON—I am not suggesting that. I am asking you whether it has been raised at MCEETYA, not whether you would go it alone, as it were.

Mr Greer—That is not the case in our understanding, but we could double-check on the agenda of the Performance Measurement and Reporting Taskforce and see if that is on its work program.

CHAIR—In terms of the research budget, \$4.5 million was spent on disabilities. What is the total research budget for the department?

Mr Greer—I do not have that, but we can certainly take that on notice for you.

CHAIR—That would be good. But can you not even have a guess at the moment? I know it is a dangerous concept. What sort of figure are we talking about for research in the department these days?

Mr Greer—I really would need to take that on notice, because the research is—

CHAIR—This includes all those great consultancies—we talking about here about something like \$200 million in consultancies.

Mr Greer—It includes some consultancies and other projects. There is work going on—

CHAIR—That is the one where there was about a 157 per cent increase in consultancies, wasn't it? Is that the same research budget?

Mr Greer—I think we would need to unpack some of that, but I am sure we could get a response to you on it.

CHAIR—Thank you.

Senator ALLISON—ACROD pointed out earlier today that the national reports on schooling in Australia for 1998 and 1999 published by MCEETYA totally failed to address the question of outcomes for students with disabilities. Can you explain why this was the case?

Mr Thorn—I presume that there was no way at the time of relating the data regarding an individual disability to the outcomes of the literacy and numeracy assessment test that occurred in 1999 and 2000.

Senator ALLISON—So a national report on schooling does not address the outcomes for what is at least 10 per cent of the school-age population.

Mr Thorn—I think you will find that in 2001 the figure for the proportion of funded school students who had a disability was in the order of 3.4 per cent.

Senator ALLISON—You are not suggesting that 3.4 per cent is an accurate reflection of the number of students with disabilities in our school system?

Mr Thorn—I will come to that in a minute. There are a number of ways in which one can define ‘students with disabilities’ and ‘disabilities’, as I am sure you are aware from the submissions to this inquiry. In respect of the outcomes for students with disabilities, there is work going on at the moment through the Performance Measurement and Reporting Taskforce to look at a definition of students with disabilities, for the purposes of reporting outcomes. This follows on from the national goals of schooling and the work the ministers requested in the 2000 MCEETYA relating to special groups that they were interested in reporting against in terms of student outcomes.

Senator ALLISON—Will the 2000 report on schooling in Australia reflect outcomes for students with disabilities, however defined?

Mr Thorn—No.

Senator ALLISON—When is that report due to be released?

Mr Thorn—My understanding is that the 2000 ANR is just about complete.

Senator ALLISON—It is already two years overdue.

CHAIR—We have been asking this question for years and years, and every year you tell us it will be more rapidly produced.

Mr Thorn—And I will tell you again: it is becoming more rapidly produced.

Senator ALLISON—Will the 2001 report come together with it?

Mr Greer—My understanding is that it will not. My understanding is the 2000 report should be published by MCEETYA probably within the next month or so. The 2001 report will probably be published within the first half of 2003.

Senator ALLISON—Will the 2001 report, at least, report on outcomes for students with disabilities?

Mr Thorn—No. At the moment work is going on to look at the definition of students with disabilities for the purposes of reporting. Until that work is complete and a decision is made on what that definition will be and how it will be operationalised within the school sector, we will not be in a position to report on the outcomes—

Mr Greer—in an nationally consistent way.

Senator ALLISON—When will we be ready—2003, 2004?

Mr Thorn—I would not like to hazard a guess, because it is dependant on the outcomes of the project. As you would understand, the issues are not insignificant. One would hope that the process will be completed in as timely a fashion as possible.

Senator ALLISON—Okay, we are just relying on hope here. Did you want to add anything?

CHAIR—Yes, I do, because these comments coming from the officers about this matter struck me as extraordinary. Senator Tierney was asking you questions before and you were telling us what a great new system there is out there with the resources working group, which can identify where all this money is going and how it is being spent.

Mr Greer—It has been asked to identify that—it has not; it has been asked to.

CHAIR—I see: we have got another case where we have got the difference between consideration and finalisation.

Mr Greer—No, different concepts.

CHAIR—Do we have a date anywhere in the 21st century when we will be likely to see in the national goals for schooling an ability to actually identify where the money goes and how it is being used? Is there any proposal on the table?

Mr Greer—I think Mr Thorn was saying that there is nationally collaborative work underway that has been approved by ministers through the Performance Measurement and Reporting Taskforce. That task force is not driven by the Commonwealth but chaired by Queensland. It has a work program, and my understanding is that included in that work program is a major job of work about settling on an agreement on definitions for students with disability that can be picked up across school systems and reported on through the vehicle of the ANR. That work has not been completed yet.

CHAIR—So when will we see in a national report for schooling a table that identifies how this country is educating students with disabilities?

Mr Greer—If the question is when will we see that in the ANR reported in a nationally consistent fashion across all jurisdictions, government and non-government, then I do not see

that in the next couple of years. I would hope that that would be a feature as we moved into the next quadrennium. I think that may well be the reality.

Mr Thorn—I think one needs to draw a distinction between information on the outcomes of students with disabilities as opposed to a range of other information on the education of students with disabilities. I think you will find in our submission, for example, quite good figures on the numbers of funded students with disabilities by state and by sector.

CHAIR—This is where the committee is having difficulties, because we appreciate that you fund on a per capita basis—state grants suggest to me that SAISO moneys are per capita—

Mr Thorn—There is a component of the SAISO funding that is allocated on the basis of numbers of students with disabilities.

CHAIR—Right across this committee—it is bipartisan on this issue—there is a concern that this money is not being spent to assist students with disabilities to the full extent possible. That is our worry. We want to actually see where the money goes, and we cannot find a mechanism by which to do it. We are worried about inputs. With outputs, we cannot find a mechanism where it actually says, ‘This is what the people of this country got for their money.’ Can you show me where I could find that?

Mr Thorn—No, and that is one of the reasons why we are going through the effort at the moment through the performance monitoring task force to develop a definition of a student with a disability. I emphasise that this is not a trivial task.

CHAIR—It is not a trivial question either.

Mr Thorn—No. It is not a trivial question, which is why the task is being undertaken; nor is it a trivial task, which is why it is taking time.

Mr Greer—Would it be appropriate for us to put the question to the task force or to the MCEETYA secretariat so that you could get some greater specificity of time line? We are happy to do that.

CHAIR—That would be really helpful, and I look forward to a definitive answer. I just hope I can live long enough to receive it.

Mr Thorn—One piece of information is that the performance monitoring task force has recently let a consultancy for a group at the University of Newcastle to undertake a project relating to the definitions of a student with disability. This is a two-stage process. The first stage is basically looking at the range of definitions that are used within different jurisdictions and also looking at the range of issues that need to be considered to develop a useable definition of students with disability within the school sector. Considerations there go to things such as how that relates to definitions which are used in other areas of social policy—for example, by the ABS—how that relates to international standards such as the international classification functioning through the World Health Organisation et cetera.

We expect the first stage of the project to be completed by the end of the year. Depending on the results of that first stage, there will be a second stage of the consultancy undertaken which would be to develop options for a definition of students with disabilities. The process has been deliberately designed as a two-stage process because the issues here are complex in terms of not only definition but also how one operationalises the definition within a school sector. The issues go to things such as: do you collect information on the enrolment form? Do students fill it in? Do parents fill it in? Do teachers fill it in? How do they fill it in? How do you construct a question which is simple enough to give you all the information?

The other issue obviously goes to the fact that disability is something that may emerge over time in the sense that it can be an illness. How is that reflected in statistics? That is not to cover the difficulties of the definition itself. What I am trying to say is that there is no lack of will here; it is just that the issues are, as I have said, complex and they are getting a serious looking at through the work that is being done by the task force.

Senator ALLISON—This is a simple enough question to ask but it is central to our inquiry: why is it that the Commonwealth's funding arrangement in terms of the definition of 'disability' is at odds with the DDA?

Mr Thorn—My response with respect to the definition of 'disability'—and I assume that you are referring to the definition of 'disability' which is in the states grants act—is that the definitions are not at odds with one another. The definition of 'disability'—

Senator ALLISON—They are at odds to the tune of \$335 million.

Mr Thorn—Sorry, Senator, but I beg to differ there. The definition of 'disability' in the Disability Discrimination Act is a definition within the terms of an act which is designed to cover protection against discrimination on the grounds of disability across a whole range of areas of social life—not only employment but also access to goods and services et cetera. As such, it is a very broad definition of 'disability'. If you look at the definition of 'disability' within the act, it covers a disability that:

(h) presently exists; or

(i) previously existed but no longer exists; or

(j) may exist in the future—

Senator ALLISON—But it does not cover a learning disability which may affect up to 10 per cent of the Australian population of students.

Mr Thorn—I will come to that in a minute, Senator. It is a very broad definition of 'disability' largely because of the purpose of the act. In terms of the definition of 'disability' which is included within the states grants act, the purpose of this particular definition must be remembered. Fundamentally, it is designed as an allocative mechanism as part of the SAISO program. It is designed as a way of distributing money; it is not designed as a way of defining who gets a service or not. That is a matter for the states and territories. It is also designed as a definition which covers the most severe impairments.

Senator ALLISON—I note that you have taken on notice and will get back to the committee regarding the breakdown of the \$335 million, but what is the bulk of that \$335 million likely to be spent on?

Mr Thorn—As Mr Greer pointed out, in terms of the estimates of the costs related to the implementation of the standards fundamentally, in a number of instances, those costs are based on assumptions that the implementation of the standards implies that more kids would necessarily be entitled to additional assistance. That is an assumption which probably can be disputed in the sense that the actual intent of the disability standards is to give clarity to the act.

Senator ALLISON—Does this mean the Commonwealth will resist this funding?

Mr Thorn—No, these figures have been provided by state and territory education authorities.

Senator ALLISON—So the Commonwealth does not necessarily agree with these figures?

Mr Thorn—No.

Mr Greer—We indicated earlier that we did not think that some of this was all that robust. We said that the DDA has been in place since 1992—as I understand it—and repeatedly through this process jurisdictions have informed the process that they are compliant with the DDA.

Senator ALLISON—Are they compliant with the proposed standard?

Mr Greer—If the purpose of the standard is to clarify the—

CHAIR—I am sorry, Mr Greer, we are running out of time again.

Mr Greer—We have undertaken to get back to the committee.

CHAIR—Yes, you have. There is an important matter I must raise. The evidence we have collected indicates that if there is to be a resolution of this matter then quite clearly the stumbling block is the question of finance. I think that is what the evidence has indicated; the legal issues seem to me to be of secondary consideration. We would like to know from you whether the Commonwealth is prepared to discuss the question of financing these definitions.

Mr Greer—That is a matter for government to consider.

CHAIR—I understand that and I would like you to take it on notice. It seems to me that there is quite a clear correlation regarding the states' reluctance on this point. We have asked questions directly on these issues and on a number of occasions we have been left with the bald statement, 'If there is money there, then I think you will find the resistance will be overcome.' In Commonwealth-state relations there is always an argument about how much money and we are not trying to get into that. Ultimately, won't the situation arise where the Commonwealth will say, 'Here is a sum of money'?

Mr Greer—That might be one scenario; it may not be, I do not know. The legal and financial issues that we are addressing may quantify what the roles and responsibilities of the jurisdictions are if they are to be compliant.

CHAIR—I want to be clear about this: are you saying that the Commonwealth department's view is that these standards can be implemented without any additional Commonwealth expenditure?

Mr Greer—I am saying that I quoted the resolution of ministers and within that resolution that is one avenue.

CHAIR—I am not asking you about that. Is it the Commonwealth's view that these standards bear no additional cost impositions? Did you say that a regulatory statement had been produced?

Mr Greer—Yes.

CHAIR—Was that a Commonwealth document?

Mr Greer—A draft regulatory impact statement has been prepared.

CHAIR—Is that regulatory impact statement a Commonwealth document?

Mr Greer—That would be a Commonwealth document.

CHAIR—So the Commonwealth's assessment of the regulatory financial impact statement, which is in draft form, suggests a figure of \$335 million?

Mr Greer—That is what the draft regulatory statement suggests.

CHAIR—I am getting a conflict in the evidence today. Mr Greer, if the Commonwealth at some point produced a draft regulatory impact statement to say that the cost was \$335 million, is the Commonwealth still of that view?

Mr Greer—That is what some jurisdictions are claiming the cost to be. They are claiming the cost to be that on the basis that there is going to be an exponential increase in the numbers of people who are caught, from currently three per cent who are caught to up to 20 per cent. If those assumptions are not robust and what have you, they—

CHAIR—We are not here to argue the toss about that; that is not my point. In what year did the Commonwealth produce the draft regulatory impact statement?

Mr Greer—That was produced last year.

CHAIR—In 2001, the Commonwealth produced a draft regulatory impact statement claiming that the cost of the standards was \$335 million. Is that statement true?

Mr Thorn—There are figures cited there which are based on assumptions provided by certain jurisdictions which are in the regulatory impact statement.

CHAIR—In the answer to the question you have taken on notice you will explain to us why you have come to that figure. My point is this: in 2001, was a Commonwealth draft regulatory impact statement produced indicating a figure of \$335 million?

Mr Greer—Yes, as a composition of a draft statement produced with the states, territories and the Commonwealth. That was an initial figure that was put there. In draft, the Commonwealth certainly had some difficulty with that in the sense that, if jurisdictions are compliant—as they tell us they are—with the act, it is difficult to conceptualise why there would be such a significant increase, if what we are trying to do under the standards is to clarify what the act is.

CHAIR—Can I assume from what you have said that, if in 2002 another draft regulatory impact statement is produced by the Commonwealth, there would be a figure less than \$335 million?

Mr Greer—That is not necessarily the case. It could be more or it could be less. It comes down to an issue of who pays.

CHAIR—That is a separate question. I ask you to take this on notice: could you please advise this committee in 2002 dollars what is the Commonwealth's expectation of the cost of the introduction of the standards as they were presented to the MCEETYA task force in July this year.

Mr Greer—We will do that as best we can.

CHAIR—A supplementary question would be this: in the Commonwealth's view, what is the Commonwealth's responsibility as a percentage share of whatever the cost is? I cannot speak for Senator Allison but I would be surprised if Senator Tierney or I would put a view to you that the Commonwealth is responsible for all of the costs.

Mr Greer—We will take that on notice.

Senator ALLISON—Teaching and teachers of the disabled have come in for a fair amount of attention during this inquiry. There has been a lot of criticism of the skill base, if you like, of teachers and their work with students with disabilities. Do you share that criticism and do you think there is a need for some sort of audit of those skills? What measures has the Commonwealth considered taking up to increase that skill base, particularly in terms of postgraduate studies in disabilities?

Ms Tchacos—Could you repeat the last part of that question about postgraduate studies?

Senator ALLISON—It is a subset of the first question: what does the Commonwealth think is necessary in regard to improving the skills of teachers who are teaching disabled students?

Ms Tchacos—I think we have provided some additional information from deans of education, who were reporting on what they were doing in their coursework to address the training needs of teachers on issues of disability.

Senator ALLISON—So you have asked the vice-chancellors to tell you what they are doing?

Ms Tchacos—Yes. We took a stock take recently and got some feedback from the universities in terms of what they were doing. I thought that was provided as additional information to this report.

Senator ALLISON—But have you done some sort of audit so you can match what the universities say they are doing with the needs? How do the universities know what the needs are if there is not some sort of Commonwealth audit or appraisal?

Ms Tchacos—At this point we have a review of teacher education under way. We have asked deans of education to tell us how they are addressing the needs of students with disabilities, both in the school sector and in the tertiary sector, and they have provided us with information which—

Senator ALLISON—This is pre-service teacher training?

Ms Tchacos—This is undergraduate coursework.

Mr Thorn—Adding to Ms Tchacos's response, the deans of education did respond to the letter. I think we would be in a position to table the summary of the responses.

Senator ALLISON—My question was about the current teaching work force and how well prepared they are for increasing numbers of students in their classes and for integration generally.

Mr Thorn—Again, teacher education is fundamentally a matter for the states and the universities. Obviously, there is some information here. Certainly, New South Wales institutions appear to include a core unit on special education in their pre-service training.

Senator ALLISON—So the Commonwealth is not concerned about this issue.

Mr Thorn—No, I did not say that. I said this matter is fundamentally an issue for the states, which is not to say that we do not have an interest in it. We have a strong interest in achieving outcomes for kids with disabilities in the school sector.

Mr Greer—As Ms Tchacos mentioned earlier, the Commonwealth's interest is in all children's outcomes. In that context there is currently a review—

Senator ALLISON—My question is: what is the Commonwealth doing, not whether or not—

Mr Greer—The Commonwealth has currently commissioned a review of teaching and teacher education. In the context of that review, which is looking at suitable outcomes for the teaching of all children, it would be an appropriate forum to also look at aspects of—

Senator ALLISON—In-service teaching.

Mr Greer—Yes.

CHAIR—Is it possible to get those answers back by 26 September? Is that sufficient time?

Mr Greer—Yes.

CHAIR—Is that all right, Mr Thorn?

Mr Thorn—Yes.

CHAIR—That is a fortnight. We have to write a report.

Mr Greer—That is understood.

Mr Thorn—We should be able to do that.

CHAIR—You should be able to do that?

Mr Thorn—We will do that.

Mr Greer—I assume we will have the transcript.

CHAIR—I think it will be ready fairly soon. I will leave that matter with the secretary. Thank you very much for giving evidence today; I appreciate it. That closes the proceedings for today.

Subcommittee adjourned at 5.09 p.m.