



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

**Reference: Sex Discrimination Amendment (Teaching Profession) Bill 2004**

FRIDAY, 30 APRIL 2004

SYDNEY

BY AUTHORITY OF THE SENATE



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**SENATE****LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE****Friday, 30 April 2004**

**Members:** Senator Payne (*Chair*), Senator Bolkus (*Deputy Chair*), Senators Greig, Ludwig, Mason and Scullion

**Participating members:** Senators Abetz, Bishop, Brandis, Brown, Carr, Chapman, Eggleston, Chris Evans, Faulkner, Ferguson, Ferris, Harradine, Harris, Humphries, Kirk, Knowles, Lees, Lightfoot, Mackay, McGauran, McLucas, Murphy, Nettle, Robert Ray, Sherry, Stephens, Stott Despoja, Tchen, Tierney and Watson

**Senators in attendance:** Senators Bolkus, Greig, Kirk, Mason, Ludwig and Payne

**Terms of reference for the inquiry:**

Sex Discrimination Amendment (Teaching Profession) Bill 2004.

**Committee met at 8.59 a.m.**

**CHAIR**—Good morning and welcome to the hearing for the Senate Legal and Constitutional Legislation Committee's inquiry into the provisions of the Sex Discrimination Amendment (Teaching Profession) Bill 2004. The inquiry was referred to the committee by the Senate on 23 March 2004 for report by 11 May 2004. The bill amends the Sex Discrimination Act 1984 to permit the provision of scholarships to persons of one gender in relation to school teaching courses. The purpose of the bill is to address gender imbalance in the teaching profession, in particular the shortage of males in preschool and primary teaching.

The committee has received 16 submissions for this inquiry, all of which have been authorised for publication and are available on the committee's web site. Witnesses are reminded of the notes they have received relating to parliamentary privilege and the protection of official witnesses. Further copies of those notes are available from the secretariat. Witnesses are also reminded that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. The committee prefers all evidence to be given in public but under the Senate's resolutions witnesses have the right to request to be heard in private session. It is important that witnesses give the committee notice if they intend to ask to give evidence in camera. I now welcome our first witnesses.

[9.00 a.m.]

**SMITH, Ms Pamela Mary, Member of the Independent Education Union of Australia Council and Women's Committee, Independent Education Union of Australia**

**CHAIR**—The IEUA has lodged a submission with the committee, which we have numbered 13. Do you wish to make any amendments or alterations to that submission?

**Ms Smith**—No. I am happy to speak to the submission as presented. In the submission we referred to some other documents and submissions that we have made previously. They are available on our web site, for the committee's interest.

**CHAIR**—Thank you. I invite you to make an opening statement at the conclusion of which I will ask members of the committee to direct questions to you.

**Ms Smith**—Thank you. On behalf of the IEUA I thank the committee for giving me the opportunity to speak to the IEUA submission to the inquiry into the provisions of the Sex Discrimination Amendment (Teaching Profession) Bill 2004. The IEUA opposes the bill. In our submission we have outlined in significant detail our reasons for that. We have also referred to the union's very long history of support for antidiscrimination legislation. We have also referred to our previous submission made when the Sydney Catholic Education Office sought a temporary exemption from the Sex Discrimination Act. We also referred to our long record of involvement in boys education issues, including our submission in 2000 to the House of Representatives committee inquiry into the education of boys.

There are several reasons for our opposition to the bill and to the original proposal by the Sydney Catholic Education Office. The union, which represents teachers and support staff in the nongovernment education sector in Australia, believes that the initial proposal and, indeed, the bill represent a simplistic approach to what is essentially a very complex issue. There is a significant disparity in young men and older men in teaching. That is historical; it is perhaps more significant in recent times. Various Catholic employers with which I am familiar submit reports to the Equal Opportunity for Women in the Workplace Agency, EOWA. If you look at some of those statistics you will see that there are significant disparities in the numbers of men entering the teaching profession. However, there have always been issues in primary school teaching and in preschool education. If we look at the figures now there is less of a disparity in the secondary school sector. It is not something that has happened in the very recent past; it has been a historical continuum. However, the union believes that to amend significant sex discrimination legislation in order to address what is a complex social issue with significant historical basis—attitudes and the way the community values teaching—is a simplistic and quick-fix solution to what is an issue which relates to how society values teachers and how men value working with small children.

As we outlined in our submission, we believe there is no evidence of discrimination at point of entry into teaching. The IEU is a very strong supporter of antidiscrimination legislation at federal and state levels. The aim of that legislation is to look at areas of discrimination which actively prevent members of the community and professions from accessing goods and services. There is no evidence that men are prevented at point of entry from going into teaching. The challenge is to get them to see teaching, particularly working

with small children in early childhood and primary school sectors, as a valuable profession. If they see that society does not value teaching and if they see it as having relatively low levels of remuneration, that is an attitudinal issue rather than structural discrimination and we need to look at other ways to address that problem.

If we look at the union's submission, we can see that the disparity between males and females, particularly in primary school teaching, is a labour market issue that requires longer term strategic and labour market planning to look at the reasons why males in particular do not go into teaching or do not stay in the teaching profession. The union supports the solution of the Sydney Catholic Education Office and HREOC in terms of equal numbers of male and female scholarships. As an aside, the IEU in New South Wales has an annual council meeting in October each year and about 120 of our members, teachers and principals from across New South Wales, attend. There was significant discussion on this issue at last year's October council meeting. A resolution endorsed by those practising classroom teachers, principals and others involved in leadership roles is that we need to look at what attracts people to teaching. We need to look at what attracts young men and women and mature age entrants into the profession and how we can get good teachers in there and keep them there. According to our council meeting, we do not need quick-fix measures that purport to address part of the issue.

I have been an organiser with the Independent Education Union for 10 years now. Before that I worked in the Catholic sector, in Catholic schools and in two Catholic education offices, in the Armidale diocese and in Parramatta diocese in Western Sydney, for almost 20 years. In my experience the difficulty we often faced was that young men would come into teaching with great enthusiasm and, for a range of reasons probably the most important of which is that society does not always value working with young children—we can see, for example, the salaries that preschool teachers and teachers in child-care centres in the early childhood sector receive, and perhaps that is one indication of it—they would often very quickly go into administrative or leadership positions and would be out of the classroom, or they would decide that teaching was not necessarily for them.

One experience of mine since working for the union was in the early childhood sector and related to two male preschool teachers. They were excellent young men who were working in early childhood education with children under five years of age. They had unfounded allegations made against them about inappropriate sexual conduct with children, allegations which were totally false. Both of those fine young male teachers left within 12 months of those unfounded allegations being made. There are issues to do with community perceptions and remuneration in the profession, and the child protection issues make male teachers generally feel that they are more vulnerable to those sorts of allegations, which are often ill-founded. My experience in working for the union is that if there is an allegation, particularly in the early childhood or primary sectors, where teachers have more contact with children then quite often male teachers will leave the profession or seek to have a role in it where they will have less direct contact with children.

The issue of remuneration has been addressed in our submission. It is a significant one that relates to the teaching profession overall but, within this context, there is disparity between males and females. There are smaller numbers of males in primary and early childhood teaching. The salary levels are certainly the same in our sector in primary and secondary

teaching, yet more males go into secondary teaching and stay there. We need to look at the reasons for that. One of the reasons is that secondary teaching, being more subject focused, is more highly valued in our society. To be a secondary teacher, a specialist science teacher, art teacher, music teacher or languages teacher, is generally seen to have a higher value than working with little kids. That is sad but that is the reality at the moment. Also, in secondary schools there is less direct physical contact with children than there is in early childhood and primary schools, and male teachers generally feel they are safer in many ways in secondary schools.

The IEU is a very strong supporter of effective child protection legislation. We strongly support anything that cares for kids and makes kids safe in schools or in the community. On the other hand, we are aware that the impact of unfounded allegations can have a devastating effect, people can leave the profession as a result and certainly in my experience that is more marked in the early childhood and primary sector.

More generally, the union has made submissions over the years in relation to boys education. We believe there is a great need for programs and strategies to support boys in schools. We have seen the research and the submissions, and we have seen the *Boys: getting it right* report of the House of Representatives Standing Committee on Education and Training inquiry into boys education, which the union supported. It is interesting that that report did not recommend any amendment to the Sex Discrimination Act to say that we needed male-only scholarships. It talked about a range of strategies to support boys in schools, but it did not say that we needed to change legislation to try to get more male teachers.

We all know the figures on learning difficulties, depression, suicide—all of those sorts of factors—in young males, particularly in some cultural groups and in Indigenous communities. There are a range of very important issues in boys education, and having male teachers to deal with that is one strategy. The research that is out there shows that there are a range of ways in which male and female teachers can be good role models for boys. We need to look at how boys learn—and, again, there is a wealth of research in evidence given to the federal parliament about how boys learn and how we can assist boys in a range of learning styles and strategies. Having male teachers is but one approach to that. Kids need good and effective male and female teachers. They need safe and stimulating classrooms where they are valued and can get on with learning.

In summary, the IEU's position is that we do need a range of strategies to look at labour market issues generally in Australia. There is a looming teacher shortage. A shortage already exists in some geographic areas in Australia and in some subject areas. We need to look at the disparity issue of males, particularly in early childhood and primary teaching, but we believe that amending our sex discrimination legislation is a short-term, quick-fix strategy to a complex and longstanding problem. We should value our sex discrimination legislation in its 20th year. We need to protect that. There is no evidence of structural discrimination against males entering or remaining in the teaching profession. We need to look at other reasons for why they are not there and not remaining there.

We do not believe that the bill should be passed. We support the sex discrimination legislation as it currently stands. We believe that there is a need to address a range of issues in regard to recruitment into the teaching profession in Australia, including attitudes towards

teaching, remuneration and ways of ensuring that teachers are protected. There is also the workload issue, particularly paperwork. One of the things that male primary teachers do tell us is that they go into teaching to teach—to be with kids, to engage in teaching and learning—and that the issue of paperwork in schools really does need to be looked at. The union supports a range of ways to analyse the issues that have caused this situation, but amending the federal sex discrimination legislation should not be one of them.

**CHAIR**—Thank you very much, Ms Smith, for that very comprehensive presentation. The committee is constrained for time to day—it is trying to do a great deal in a very short amount of time—but I have two quick questions. First of all, specifically, what does the union do to encourage men to take up teaching at the early childhood and primary school level?

**Ms Smith**—The union, fortunately, has the opportunity to speak to students across Australia. We speak to students in schools. We go into schools all the time, primarily to speak to staff. As part of that, we always indicate we value teaching. All of us come from a teaching background. I worked in education for almost 20 years before coming to the union. When we are in schools we ensure that we promote teaching as an honourable profession. We also have the opportunity to go into universities and speak to students. For example, on Wednesday of next week, I am going to the University of Wollongong to speak to teacher education students about the role of the union, but I will also be saying that teaching is a valuable profession and that we need the brightest and best in teaching. We need to get them in there—male and female—and keep them there. As I said, I worked in teaching before I came to the union. I am married to a secondary teacher. There are some wonderful people in the profession and they love what they do. They are the best people to promote it. The union does anything it can to support our own members to enhance the status of the teaching profession.

**CHAIR**—I do not think there is any question about any of the remarks you made at the conclusion and I certainly have no dispute with them, but what proportion of the union's membership is male and what proportion of the union's advocates who do the work you have just been talking about is male?

**Ms Smith**—The union's membership reflects the nature of the teaching profession. Our membership is 70 per cent female and 30 per cent male.

**CHAIR**—And your advocates?

**Ms Smith**—Certainly in New South Wales—I am based in Sydney—it is approximately fifty-fifty in terms of male and female officers and organisers who do the work of the union.

**Senator LUDWIG**—In your role in the union and in preparing the submission for the inquiry, did you come across any research or arguments that support the purpose of this bill?

**Ms Smith**—To be honest, no. There are certainly arguments out there. The Sydney Catholic Education Office, when it put forward its original proposal to HREOC, wanted a temporary exemption. They put forward a range of arguments to do that. But in terms of detailed academic research to support an amendment to the sex discrimination legislation to allow gender specific scholarships, I am not aware of any academic research or anything of that nature that would support it. Most of the research about teaching, learning and gender issues focuses on a more long-term strategic approach.

**Senator LUDWIG**—Are you aware of any other government or federal government policy initiatives directed at trying to redress the balance, other than this one?

**Ms Smith**—Not specifically.

**Senator GREIG**—Thank you for raising the issue of child sexual abuse and inappropriate behaviour towards children. That is an element of this debate that really has not been properly explored. I studied teaching at university. I did not graduate in teaching. I studied both primary and secondary teaching but moved on from that to do other things. I still have male friends in the profession, but some have left partly because of the fear of the ‘people looking over the shoulder’ element of keeping an eye on men who are working with kids. As with you, I strongly advocate the strongest protection we can have for children, but how do we have a better balance, a better understanding and less fear in encouraging men to work with children in a way which provides both them and the children with the security that they need?

**Ms Smith**—We need to look at the nature of teaching and learning in the early childhood sector and to look at how we can make the school or early childhood workplaces as safe as possible for children and staff. We need to focus on men as carers. At the moment, there is a real dichotomy in thinking out there. We want men to be involved in teaching in early childhood and in primary school but on the other hand there is a suspicion that any male who wants to work with young children either has not got anything better to do as a career, and that is very sad, or is a potential paedophile. I really think that we have to look at some of those issues. Again, it gets back to the cultural values that we put on working with children.

Working with young children is not valued much anyway. If we look at the pay rates, as I have said before, we see in the early childhood sector that remuneration for male or female child-care workers is very low anyway. The IEU covers qualified teachers, and their remuneration for working in early childhood is quite low. So we need to look at how we value working with little kids. If males want to work with young children, we need to look at that as a noble thing to do. We also have to look at work practices to be safe—for children to be safe and for staff to be safe. We need to make sure, particularly for those working with young children, that strategies are in place that all workplaces have appropriate occupational, health and safety standards and a duty of care and that male teachers feel confident and safe in working with little kids. But I think it comes back, first and foremost, to a societal and attitudinal issue about males and young children. It is particularly a problem in the early childhood sector, even before we get to primary schools.

**Senator GREIG**—Has the union tracked data on this? What is the linear illustration of males entering the profession? Are we seeing the status quo, a decline or a slight increase? Where might the energies be best focused?

**Ms Smith**—One of the hats that I wear—and I am very fortunate in this—is a member of the Sydney Catholic Education Office’s Equal Employment Opportunity Committee. I have been on that committee for almost 10 years, since I have worked for the union. It was the Sydney Catholic Education Office who put in this original application for the temporary exemption. In tracking the males going into primary classroom teaching, the figures show that there has been a decline, but not a huge decline. Males not being there has always been an issue.

There is one area in which I see a decline—and this is from my own experience. When I go to universities to speak to teacher education students I see fewer males. I can remember when I first started with the union that I spoke to early childhood education students at Macquarie uni. In a room of about 80 people, there might have been 10 males. When I last did it, there were two males. When I last spoke at Wollongong University to the early childhood education students—these are the ones even before school—there were no males in that group. Ten years ago there might have been a few males.

Certainly this has happened for a whole range of reasons—and I think it has to do with the child protection agenda in particular. There are professions out there—I suppose they would include IT and some of the business sector areas—which can appear very attractive. For a lot of young men weighing up going into early childhood or primary teaching, with perhaps a career in IT or something else, who have heard stories or know about the workload, then perhaps the choice is clearer for them. There has been a decline. I do not think it as escalated dramatically, but it has been a steady decline, and I think we need to look at the social, attitudinal and cultural issues behind that.

**Senator GREIG**—Thank you.

**Senator MASON**—To continue that train of thought, do you think that ideally it would be good to have more male teachers, let us say, in early childhood?

**Ms Smith**—The union has a view that the teaching profession should reflect the nature of our society. When children go into classrooms they should see the sorts of people who are in the community in which they work, and that of course includes males and females, that includes cultural diversity, including Indigenous culture, and that includes a whole range of areas of the community. So the answer is obviously yes, we want males and females in classrooms.

**Senator MASON**—If you say yes—and I tend to agree with you—what is wrong with using a scholarship scheme as part of broader strategy to encourage male teachers?

**Ms Smith**—Unfortunately I think it is a bit of a token, quick-fix solution to a longer-term problem. There is not a structural barrier to getting them in there. I cannot identify the discrimination at the moment—

**Senator MASON**—There is no discrimination against male teachers or men wanting to be teachers.

**Ms Smith**—What is the discrimination? There are attitudes and there are values out there, but there is no active discrimination to say, ‘Sorry, we won’t let you into the course.’ If anything, they want and would welcome men into teaching courses. At the moment it is my experience in Catholic primary schools in particular that male applicants are welcomed with open arms. They take them. They probably take them ahead of more qualified females.

I cannot identify the discrimination that stops them getting in there. A lot of them are not attracted in the first place—it is getting them into teacher training in the first place. There is no discrimination; there is something else that is stopping them. There is no barrier to them getting into the schools. Once they are in and if they stay they are probably on a fast track to leadership. If you have a look at the statistics—and again I am familiar with those of the

Sydney Catholic Education Office—there is a real disparity. Something like seven per cent of primary classroom teachers are males but, if you look at leadership, it would probably be—and I have no figures in front of me—be much more like 20 per cent. Once they are in there, they are likely to do very well, but it is getting them into teacher training and keeping them in. The Teachers Federation, the other education union, will say that it is the first five years—if something happens that alienates them in the first five years, they will go.

**Senator MASON**—But, Ms Smith, don't you see though that there is a slight tension in your answer? You say on the one hand that, ideally, we should have more male teachers to reflect the diversity in the community—and I accept that.

**Ms Smith**—Our submission says that.

**Senator MASON**—Sure, I accept that. But on the other hand, this may only be a small measure, but it is just one small measure that may assist in having more male teachers, so why shouldn't we do it? There is a tension in your answer.

**Ms Smith**—The union's view in regard to the Sex Discrimination Act is that the purpose of the Sex Discrimination Act is to deal with discrimination, particularly structural discrimination—barriers to accessing something. This is not an example of discrimination. There is no discrimination that our union can identify that is stopping males going into teacher training courses or getting jobs in schools. It is something else. It is not discrimination. Therefore, why should we amend antidiscrimination legislation which has served us well for 20 years and which plays an important role in our society to support and protect people who are vulnerable who do suffer genuine disadvantage.

**Senator MASON**—I accept that, Ms Smith, but antidiscrimination legislation is not holy writ; it serves a social purpose, as does this legislation, which attempts to redress—I accept, in only a very small way—the imbalance regarding diversity of the community. There is nothing holy writ about any legislation is there? Surely we are all about encouraging the best public policy and the best community.

**Ms Smith**—We are, but I think we should value good legislation when it does exist.

**Senator MASON**—What happens if it inhibits diversity?

**Ms Smith**—I do not see any evidence of that. Could I just go back to the Sydney Catholic Education Office example, which got us here in the first place. The Sydney Catholic Education Office reached an agreement with HREOC to provide equal numbers of male and female scholarships. The union supports that. I think we should be looking at a range of strategies, including scholarships and including also the issues that Senator Payne very appropriately pointed out at the beginning. We need to look at getting into the schools and getting into the universities. When I say 'we', I do not just necessarily mean our union; I mean governments and Catholic and other independent school employers.

A lot of this starts with the students themselves in primary and secondary schools. If you ask a lot of students what they are going to be, probably not a lot these days say they are going into teaching. We need to look at the reasons for that. The *Sydney Morning Herald* often interviews the high-achieving, HSC students each year. I am saddened when I read what they are going into, because few of them with very good marks are going into teaching. Those

sorts of attitudes are shaped in their primary schools and in their secondary schools. Unions can help to address that, but so can governments through government education systems and Catholic and other employers. The union supports Sydney CEO in the very sensible settlement which they have reached, and we would hope that other Catholic and government employers would seek to go along those lines. That also includes strategies to recruit teachers from culturally diverse backgrounds and also Indigenous teachers.

One of the practical initiatives that the IEU is involved in is working with the Australian Catholic University to encourage Indigenous men and women into teaching. In particular, this goes to getting Indigenous teacher assistants, who are often in rural and remote schools, into teacher training programs. We are involved with the Australian Catholic University in getting them in as teachers and supporting them in their early years of teaching. That also raises the issues of induction and support. The first five years of teaching are the most difficult, and one challenge is to support teachers while they are having difficulties. Everyone faces challenges, but they are particularly faced by teachers in their first five years. Programs to target students for entry are important—and I have mentioned the one with Indigenous students—but induction and support for teachers once they are in there, particularly in the crucial first five years, are also important.

**CHAIR**—Thank you very much, Ms Smith, for assisting the committee. Your submission and your remarks this morning have been very helpful.

**Ms Smith**—Thank you very much.

[9.31 a.m.]

**GOWARD, Ms Pru, Commonwealth Sex Discrimination Commissioner, Human Rights and Equal Opportunity Commission**

**LENEHAN, Mr Craig, Acting Director, Legal Section, Human Rights and Equal Opportunity Commission**

**MOYLE, Ms Sally, Director, Sex Discrimination Unit, Human Rights and Equal Opportunity Commission**

**CHAIR**—Welcome. HREOC has lodged a submission with the committee, which we have numbered 16. Do you need to make any amendments or alterations to that submission?

**Ms Goward**—No, but I would like to make an opening statement.

**CHAIR**—I invite you to do that, Ms Goward, and then I will seek questions from my colleagues.

**Ms Goward**—Thank you. The commission would like to thank the committee for the opportunity to appear before it in its inquiry into the Sex Discrimination Amendment (Teaching Profession) Bill 2004. It will be apparent from the commission's submission that the commission does not support the introduction of this bill for three principal reasons. The first reason the commission opposes the bill is that it is unlikely to achieve its stated purposes and is for that reason unnecessary. It is a serious step to depart from the important protections from discrimination conferred by the Sex Discrimination Act, which celebrates its 20th anniversary this year. Such steps should be taken on the basis of clearly established need and supported by available evidence. In that regard, the commission considers that the purposes said to be achieved by this bill are not supported by the available evidence. For that reason the commission considers the bill unnecessary.

The second reason the commission opposes the bill is that it is inconsistent with the objects and purpose of the Sex Discrimination Act. In relation to this issue, the commission has made the following points in its written submission. Particular care is required in the introduction of further exemptions to the protective provisions of the Sex Discrimination Act. In that regard, the commission has noted that the bill introduces an exemption of uncertain breadth, which is not carefully tailored to the perceived need. This is perhaps most graphically illustrated by the fact that the exemption would potentially apply where there is an odd number of teachers in a particular school.

Second, it appears to have been suggested that the bill allows a form of positive discrimination, which is said to be consistent with the objects of the Sex Discrimination Act. As the commission has noted in its submission, the Sex Discrimination Act adopts a very careful and confined approach to positive measures. Such measures are permissible only for the purpose of addressing some form of substantive inequality. In contrast, the bill seems to focus on gender numerical imbalance. Moreover, if in a particular case it could be shown that a sex-specific scholarship scheme were truly a measure directed at overcoming substantive inequality, the existing provisions of the Sex Discrimination Act would already give those wishing to provide those scholarships ample room to do so.

The third reason the commission opposes the bill is that it stands to put Australia at risk of breaching the important international obligations it assumed under the Convention on the Elimination of All Forms of Discrimination against Women. The commission has suggested that the aims of the bill can be achieved in other, non-discriminatory ways, such as by sending young male teachers to schools to encourage other young men to consider becoming a teacher. The commission has also suggested that programs be developed to stop the exodus of men from the teaching profession mid-career.

The commission considers that it is important to bear in mind that women as a group have historically been disadvantaged in their participation in public life. In many areas this disadvantage continues. It presents continuing barriers to women's participation in paid employment and leads to the ongoing undervaluation of work performed by women in female dominated professions such as teaching. That undervaluation is often a major disincentive for men to enter and remain in such professions. The central aim of the convention and the Sex Discrimination Act is to redress that historical and continuing disadvantage and remove discriminatory barriers to women's equal participation in certain areas of public life. Regrettably, the bill is likely to reinforce and compound such disadvantage.

**CHAIR**—Thank you very much. I am sure there are a number of questions from committee members. As I indicated earlier, we are constrained in terms of time available. I was wondering whether HREOC would still be opposed to the bill if it were crafted in a way that pursued temporary exemptions rather than permanent exemptions.

**Ms Goward**—It would still have to be established that the reason for the numerical imbalance was the result of disadvantage or discrimination in order to be consistent with the bill. I have seen nothing that would establish that.

**CHAIR**—The pressing question that the committee is wrestling with is whether an amendment like this is actually going to lead to an increase in the number of male teachers and whether, in turn, that will lead to improved educational outcomes for boys. From reading your submission, is it the case that your research finds no evidence that that would be the case?

**Ms Goward**—It is the case that the parliament's research does not make that case. There are a couple of things to bear in mind when you look at that question. The first is: what are the reasons that men do not become teachers? It is a bit of a pity that that question was not asked before this bill was introduced. Whatever evidence we have suggests that there are a number of reasons. One reason is the lack of financial compensation, particularly at the higher levels of teaching. It is apparently not the issue at the beginning of the teaching profession—\$35,000 is a pretty good graduate salary—but in five, six or 10 years, when they are still not earning much more than that, young men leave the profession because they cannot see it as a profession that advances them if they are going to be the sole breadwinners. A scholarship scheme does not fix that problem. If you wanted to fix that problem you would pay male teachers more mid-career—but why would you worry at the beginning? That is not identified by the research that I have seen as being an issue.

There are other reasons, and special measures in the act are very carefully tailored to other reasons. If the dominant reason is that they see it as a wussy, girly, effeminate profession and

they are frightened they are going to be called paedophiles then, in the case of male dominated careers where there has been an attempt to increase the number of females, that is what has been addressed.

**CHAIR**—Like blokey engineers?

**Ms Goward**—Yes, so they run women engineering courses—they go to girls' schools and they encourage them to see engineering as an attractive profession for females. I would have thought that the first thing you would do in this case would be to try to persuade young men that it is not a wussy or feminine career that is of no attraction to them and that they will not be called paedophiles if they do it. To run a public awareness campaign to make teaching more attractive to young men would be a special measure, but because it addresses the reason and the disadvantage young men face when considering teaching as a career, it falls absolutely within the scope of the act.

**Senator BOLKUS**—Was the commission consulted in the preparation of this bill?

**Ms Goward**—No.

**Senator BOLKUS**—Moving on to another part of your submission, on page 15 you note that the implementation of quotas or targets to address gender imbalance requires particular scrutiny. Can you explain to us what the concerns are there?

**Ms Goward**—As I have just described, there are a number of special measures that you could adopt, for example, the marketing of teaching to men in the same way that engineering and science in the past have been marketed to young girls. Quotas, which is what this is, with a financial inducement is a very significant measure. It is a pretty serious measure, much more serious than advertising it to boys. It does give them advantage and it certainly gives them a place that they might not have had on merit. So it is a serious measure and for that reason you have to be absolutely satisfied that nothing else can do it. That is why it is so disappointing that, as far as I can see, nobody has attempted to do any of the other things.

Girls did not start going to university in large numbers until the 1970s. They were not allowed into a university until 1876, but they did not start going in large numbers. They did not start moving into teaching and the sciences and engineering until the 1970s and 1980s. Nobody needed to give special quotas in medicine to get more women to do medicine. They just needed to go to girls at school and say, 'Instead of doing history and geography and double English, have you thought about doing science, physics, chemistry and maths?' It is very disappointing that that has not been considered as the first thing you would do in this case.

**Mr Lenehan**—I will add to that and answer from a strictly legal perspective. In the context of 7D under the SDA and special measures as permitted under CEDAW, there is a need not simply to look towards the purpose that is to be achieved, which is that of achieving substantive equality, but also a need to look at the means which are adopted to achieve that end. Quotas are generally seen as a particularly blunt instrument of achieving that particular end. It is for that reason that the commissioner has suggested that a closer degree of scrutiny is probably required in that regard.

**Ms Goward**—This is a view broadly shared, I think. The Prime Minister was asked a couple of years ago about affirmative action and quotas and he said:

I think quotas are patronising to women and most women I know who are interested in politics don't want the patronising existence of quotas.

I think we could be fairly certain that 17-year-old boys do not want the patronising existence of being in a quota where they did not have to have merit to get in.

**Senator BOLKUS**—That is if you accept the Prime Minister's position as a premise for your debate. Putting that aside for a moment, in paragraph 49 of your submission—and I think this flows from the answer that you have just given—you say:

... to the extent that some form of affirmative action is permitted under the Act, the Act has been quite deliberately drafted so that such measures will only be able to be taken for the purposes of achieving substantive equality between the groups ...

Can you elaborate on the first point that only 'some form of affirmative action is permitted'? Secondly, can you tell us how the final outcome and the final deal between HREOC and the commission achieves that objective in the second half of that sentence, that is, of achieving 'substantive equality'?

**Ms Goward**—We mean that affirmative action needs to be based on an identification of prior disadvantage or discrimination. You cannot just willy-nilly give one group preference over another. It has to be established that it has been necessary based on at least historical disadvantage.

**Senator BOLKUS**—That is a legal argument not a principal objective. That is defined by the act, is it?

**Mr Lenehan**—Yes, it is, Senator. In 7D of the Sex Discrimination Act it says that a 'person may take special measures for the purpose of achieving substantive equality' between certain groups.

**Senator BOLKUS**—No, that is 'special measures', but in the first part of that sentence you say that only 'some form of affirmative action is permitted under the Act'.

**Mr Lenehan**—It is probably our fault for perhaps adopting a degree of looseness in our terminology. Affirmative action is sometimes discussed so as to include special measures. That seems to be where the debate has gone. As we understand it, what has been said in parliamentary debates and elsewhere is that this measure is similar to the kinds of measures that are permitted under, say, section 7D. In our view, that is incorrect. Section 7D has a particular approach. It requires, as I have mentioned, a purpose of achieving substantive equality. It also requires attention to the means that are said to achieve that substantive equality. If you look at 7D(4), you will see that it is also limited. It says:

This section does not authorise the taking, or further taking, of special measures ...

That is, it does not authorise the taking of special measures once that purpose has been achieved. It is a quite carefully limited and deliberately temporary approach to those kinds of measures, which is consistent with CEDAW.

**Senator BOLKUS**—I will not ask you to define 'substantive equality'. Thank you.

**Senator GREIG**—The federal industrial relations act has a provision allowing religious organisations, including church schools, not to hire people on the grounds of sexuality. As a consequence, we see that many gay men are refused employment in church based schools. Does HREOC endorse that provision? If not, would HREOC advocate removing it as one way of allowing more men into schools?

**Ms Goward**—As I understand it, religious institutions are in some ways exempt from the provisions of the Sex Discrimination Act. I am not clear on whether religious schools enjoy the same exemptions.

**Mr Lenehan**—Your question relates to sexuality and, as you would know, sexuality is not a prescribed ground of discrimination at the federal level.

**Ms Goward**—Under the Sex Discrimination Act or any act.

**Mr Lenehan**—It is a matter in which the commission can receive complaints under its human rights complaints power. However, as you would know, at the end of that process all it leads to is a report that goes to parliament containing recommendations which may or may not be followed.

**Senator GREIG**—My question went more to the heart of industrial relations rather than HREOC jurisdiction. My understanding is that the Workplace Relations Act provides an exemption so that religious organisations can refuse to hire people on the grounds of sexual orientation. My question was more around whether that could be one of the factors which, in a small number of cases, prevents gay men going into the teaching profession.

**Ms Goward**—On the facts, yes. It would, wouldn't it? If there are some gay men who would like to do teaching and they are not able to, that will be a limiting factor.

**Senator GREIG**—Does HREOC have a view on the existence of that provision?

**Ms Moyle**—I do not know that the commission has a considered view on the industrial relations legislation, but in the past we have made recommendations under HREOCA that would lead us to suggest that, as a commission, we would not like to see discrimination on the basis of sexuality.

**Senator KIRK**—Ms Goward, you mentioned the possibility that the bill may be in breach of Australia's international obligations. In particular you mentioned CEDAW. I wonder if you or one of your officers could elaborate on where these possible breaches may have occurred in the bill.

**Ms Goward**—I suppose it is a breach because it gives an advantage to males which is not based on evidence of prior disadvantage. In that sense, it is just an advantage—some might call it an unfair advantage—and it further limits the capacity of women to reach substantive equality.

**Senator KIRK**—Is it actually provided for in CEDAW that there is not to be any advantage given to males if it cannot be shown that there is some disadvantage already in place? Sorry, I am not familiar with the full text of the convention.



found that the gender gap between boys and girls, for example, was greatest for kids from low socioeconomic backgrounds. You are going to get the biggest gap with kids from poor families. Boys that go to the Scots College do just as well—they will still be prime ministers. I think it identify that class, if you like, the socioeconomic status of parents, was an overwhelming factor. I think you will find that most of the private boys schools have a lot of males in them, but I do not know how getting more males into schools alone could change education outcomes for boys, and the report does not say that.

**Senator MASON**—Exactly. I suppose that is why I asked. It is a strangely drafted second reading speech because it makes a series of assumptions and then links other assumptions. There are other issues bound up in this. There is this debate at the moment throughout the country about the crisis with masculinity and that is rolled into this debate about education outcomes for boys at school.

**Ms Goward**—They're linked.

**Senator MASON**—I do not know that there is any evidence to suggest that if there were more male teachers in preschools and primary schools it would lead to better educational outcomes, better scholastic outcomes, for boys. Where is the evidence for that?

**CHAIR**—I am sure we can rely on the departments who are appearing later to present that to us, Senator Mason.

**Ms Goward**—Boys in that report said what they actually value is good teaching. That would have to be the overwhelming criteria for a teacher—to be a good teacher. They are not there to bring them up; they are there to teach them.

**Senator MASON**—The reason I ask is that, if you had said there was evidence that suggested a strong correlation between having more male teachers and better scholastic outcomes for boys, my next question would be: why can't we do something small, like this bill, to help? But if you do not even get to first base—

**Ms Goward**—It is a bit hard.

**Senator MASON**—it is much harder to make the case, I would have thought.

**Ms Goward**—I agree with you.

**Senator LUDWIG**—I am trying to understand the difference between the first decision in relation to HREOC and the CEO and the later one. What circumstances were different which allowed HREOC to say that the later one was okay?

**Ms Goward**—Reasonable.

**Senator LUDWIG**—Reasonable then.

**Ms Goward**—In a sense the second one was also discriminatory because the boys would be pulled, at least initially, from a smaller group of male applicants. They would still be advantaged because they would be given the same number of scholarships despite the fact that only 17 per cent of applicants are boys. So it was still recognised as discriminatory, but much less discriminatory than having scholarships for boys only. We considered that, in the circumstances, it got over the line. One of the recommendations of the parliamentary committee's report was actually to raise the merit of teachers by offering more scholarships to

make it a relatively more attractive profession for young people, so it fell in with that. But there is no doubt that it was still discriminatory; it was just less discriminatory and we felt that, on balance, it got over the line.

**Senator LUDWIG**—Where is the line? You say it got over the line but it is still discriminatory. At what point would you say it would not get over the line? If there were only 10 male and eight female scholarships offered, would that get over the line—in other words, if the number of scholarships being offered was not equal?

**Ms Goward**—That is a very difficult question. I think 10 and eight would not have got over the line. It has to resonate, there has to be a certain commonsense about it and there has to be a *prima facie* sense of fairness about it. Fifty-fifty *prima facie* is fair because, in the end, if we do all this marketing to boys and all the other things that we should be doing, we might have 50 per cent of applicants being male; and in those circumstances it would definitely be fair. The commission is supposed to be based on reasonableness, a certain commonsense and a certain capacity to take on board the community's concerns, and I think they were all reflected in how we came to that decision. It is not an ivory tower, much as some people might like to think it is. That decision was reached fairly carefully. I was amazed that we were not accused of backing down.

**Senator LUDWIG**—Were there any other factors—other than the fifty-fifty point in getting over the line—that weighed in forming the commission's view? Were there any other issues that persuaded the commission that this was reasonable?

**Ms Goward**—I certainly think the commission was conscious that the real issue of why boys are not being teachers is not one of scholarships. We did not think—and I still do not think—it will make any difference to the number of men who take up teaching, because quite clearly the reasons lie elsewhere. But it seemed in the circumstances that if the CEO wanted to have a go at this—and the CEO in the meantime has agreed, I think, and acknowledged that these other factors are about and that it needs to do more in marketing this as a profession to young men it wants to attract—you might expect now to see the CEO doing more than just offering male-only scholarships. It has to go and market them, which means it has to go into schools and encourage boys to see this as a profession. That is where the real difference will lie—not in the existence of scholarships for boys only *per se*. As I have suggested, a 17-year-old bloke might see it as something he would rather not do because he does not want to see it as a special measure for him, but he might if he is persuaded that it is a wonderful career, that you make a difference to people's lives in a way very few of us can and that it is an attractive professional option.

**Senator LUDWIG**—Did HREOC obtain any concessions or measures from the CEO other than to address the factors that have been mentioned here today? In other words, what other issues did HREOC then explore with the CEO by way of obtaining an undertaking to deal with the broader issues as well?

**Ms Goward**—I think that Craig will probably explain this better technically, but it is not the commission's role or even its authority in an administrative issue like this to force an applicant before it to accept other undertakings.

**Mr Lenehan**—We need to be quite clear about what we are talking about. You are talking about temporary exemptions granted under section 44 of the act. The commission is an administrative decision maker in that regard, as you would understand. We have to consider each application on its merits. Talking in that context about differing numbers of scholarships is probably a little unhelpful because the commission will necessarily have to have regard to all the circumstances that are before it. The question that Commissioner Goward has alluded to in terms of the central issue in relation to the second decision is: is it reasonable in terms of the discriminatory effect outweighed by the purpose said to be achieved by doing whatever is sought to be done? Given that there were an equal number of scholarships, the commission was able to be more comfortable on that question, and that is made clear in the decision. The commission also had regard to a number of other points, and they are reflected in the conditions that appear at the end of the grant of the exemption. One of those conditions is that the granting of the sex-specific scholarships will not in any way negatively impact upon the existing scholarship schemes which are offered by the Catholic Education Office, which was possibly less than clear at the time of the initial application.

**Senator LUDWIG**—Thank you.

**Senator BOLKUS**—Commissioner, you mentioned earlier on in response to Senator Ludwig that the final outcome was, in your words, ‘discriminatory’ because there had been less of a pool to choose from. Is that not what often happens in this area, when knowledge of a certain degree of discrimination/affirmative action is allowable?

**Ms Goward**—Absolutely. I think our submission takes pains to point out that numerical equality does not mean equality and that to focus on a numerical outcome does not mean that you achieve substantive equality. So I agree that by then discussing this in terms of numbers and arithmetic I am going to that issue. But it is certainly an indicator. It could be argued, in the absence of any evidence of prior discrimination, that boys are getting an unfair advantage because of the pool from which they would be drawn. I think the idea of numerical equality is something that we bear in mind. You trade it off against other things. As I say, if there were evidence of prior disadvantage then the fact that there was numerical inequality would be taken into account. That would just be one of the things you would consider.

**CHAIR**—Commissioner, thank you very much for attending this morning and assisting the committee with your very comprehensive submission. I also thank your colleagues for their attendance at today’s hearing. We appreciate that.

[10.10 a.m.]

**BYRNE, Ms Patricia Ann, Federal President, Australian Education Union**

**DAVIS, Ms Catherine Elise, Federal Women's Officer, Australian Education Union**

**CHAIR**—Before I call witnesses from the Australian Education Union, I want to note for the record that I was advised yesterday of the death on Monday of the former President of the Human Rights and Equal Opportunity Commission Professor Alice Tay. I want to place on record the committee's condolences to Professor Tay's family and many friends and also the committee's great appreciation of the support and work that Professor Tay gave to this committee over many years in her period as president. Many of us who were educated in law in Sydney, in particular—although she was never a lecturer of mine—had some experience with her in that regard.

I welcome Ms Patricia Byrne and Ms Catherine Davis from the Australian Education Union via teleconference. The AEU has lodged a submission with the committee which we have numbered No. 4. Do you need to make any amendments or alterations to that submission?

**Ms Byrne**—No, we do not.

**CHAIR**—I invite you to make a short opening statement. At the conclusion of that, I will ask members of the committee whether they have questions for you.

**Ms Byrne**—Thank you for the opportunity to address this inquiry. The points we would like to make are that we think there are three distinct issues that are trying to be dealt with but we think the issues are not necessarily being linked in the way that they should be. The first one is the shortage of teachers but in particular, as it relates to this inquiry, the shortage of male teachers. The second issue is the literacy rates of some boys. The third issue that seems to be often referred to or even implicitly referred to is the notion of absent fathers and single-parent families.

First of all, with respect to the so-called shortage of male teachers, we say that scholarships for men will not redress the teacher shortage. There has always been a predominance of female teachers in the primary teaching division. That has certainly declined somewhat over the last 10 or 15 years. The reasons for that decline are related to fundamental issues about salary and conditions and the status of the job. There are many young men who simply do not see primary teaching, in particular, as having sufficient status for them to be interested in taking it up. We argue that, while a scholarship might be a very short-term solution for getting people into teacher training, there is simply no guarantee that those people will be retained in the profession unless there is significant improvement to teacher salaries and conditions and the status of the profession in general.

The second question relates to the literacy rates of boys and the assumption that there is a crisis. Again, we would say that there might have been a slight increase in what has already been the case; the literacy rates of boys have always been slightly lower than those of girls. I think the research is quite clear about that. The records show that for as long as we have been keeping data in Australia boys do not achieve as well in areas of literacy as girls—in general;

not all boys and all girls—and that that is not just applicable to Australia. That is applicable everywhere. So what we are saying is that this notion that there is suddenly a crisis is an exaggerated notion and that there is not necessarily a crisis. What we have seen is significant improvements in girls' achievements as a result of a lot of programs and efforts around that over the last 20 years. Boys have also improved but simply not at the same rate.

We would also draw your attention to the fact that the numeracy achievement of boys has remained, on average, higher than that of girls; yet, again, there seems to be this notion that that is all right, that boys should be better than girls. I am interested that there is no concern about girls' numeracy rates in all of this debate. We only seem to be concerned about boys' literacy rates. Certainly some boys have difficulty and some girls have difficulty—there is no doubt about that—but we would say that socioeconomic status has a greater impact than gender in terms of educational outcomes of both boys and girls. It is wrong for us to be focusing solely on this issue of gender; we should be focusing on much broader questions.

The last point is in relation to the notion of role models. People are not being clear about what sort of role model we are talking about, whether we are talking about a role model as a professional or a role model as a father. Certainly teachers provide essential development, learning and guidance and inspiration for their students—there is no doubt about that. But what we are saying is that teachers are not employed to be substitute parents. They are not there to be the father. If that is a problem in our society, then that problem has to be addressed in other ways, not by simply expecting teachers to be all things to boys—for example, for those who do not have a male role model at home. The question also is not just of the mere presence of a male; the question is about the quality of the relationship and the quality of teaching that is happening in the school. We are concerned that the focus on men is going to be at the expense of the focus on quality teaching and quality relationships.

No-one has actually talked about what is about masculinity that we want to preserve. Where is the research that says it is evident these boys are not getting masculine role models? What is it precisely that we are asking men to provide, that women cannot provide, that can be done in a teaching situation, if you understand what I mean? No-one is arguing that it is not a positive thing for students to have role models of both genders; that is absolutely important. What we are saying is that it is unreasonable to expect teachers to do it in this way, when in fact what seems to be missing is that broader father figure. That seems to be what people are saying. We do not think that this is the way to address that problem. That is essentially all we want you to take away from our submission but we are happy to answer any questions.

**CHAIR**—Thank you very much, Ms Byrne. I think your submission says that the AEU represents 155,000 teachers. What is the gender breakdown of that membership?

**Ms Byrne**—Approximately 70 per cent are women.

**CHAIR**—What does the AEU specifically do to encourage young men to enter the teaching profession?

**Ms Byrne**—Basically, we would argue that our campaigning for quality public education and improved teaching and learning conditions is what will attract more young men into the profession. We understand, from interviews and surveys that are done on young people and people leaving the profession, that questions of salary and conditions are fundamental. We

would say that the first thing that should be done is to improve the conditions and salaries. Once you do that, it makes it a lot easier to persuade young men in particular to enter teaching.

**CHAIR**—I understand that, but the reality of the circumstances that face your organisation and Australia in the broad is that we currently have an acknowledged disparity between the number of young men and young women entering the teaching profession. Are you telling me that it is the case that the AEU does not have any specific programs, strategies or activities to encourage young men to join the teaching profession?

**Ms Byrne**—I would say that most of the professions work in conjunction with their state and territory departments to look at programs that encourage people into the teaching profession. I know, for example, that in Western Australia they work closely with the union branch on a program and they operate in that way.

**CHAIR**—I am just trying to get an idea of what is happening in the sector. As a union broadly, you do not take a leadership role by saying that, as a union which represents 155,000 teachers currently, 30 per cent of whom are male, you have strategies to get more young men into teaching professions?

**Ms Byrne**—We do not have a strategy of getting anybody into teaching. Our focus tends to be on students once they go into the colleges or the universities and once they become teachers.

**CHAIR**—Do you think there is a role for you to have a strategy?

**Ms Davis**—Our role is not necessarily to recruit into the profession; that is one of the departmental roles. What we are more concerned about is not where the recruitment happens but the retention. Most of our branches and associated bodies over the past 10 years or so have been significantly concerned about the looming teacher crisis and the current teacher shortage crisis.

**CHAIR**—Do you have a gender focus in that?

**Ms Davis**—We talk about why they are leaving the profession within five years.

**CHAIR**—I understand that. Do you have a gender focus in that?

**Ms Davis**—Yes, we do. We have a gender focus in trying to combat the notion that a feminine teaching profession is necessarily a bad thing. We are trying to encourage all teachers to try and increase the standing of the profession so that they maintain their link with the teaching profession rather than going after the pay packets that might be available in male dominated industries—for example, the engineering industry or the legal profession.

**CHAIR**—I think I may have missed that, but do you have any focus on preventing or encouraging young men not to leave the teaching profession?

**Ms Byrne**—We encourage everybody to stay in the teaching profession. We do not have a specific focus. We do not have a focus to encourage young women to stay in the profession either. We are out there specifically trying to deal with all teachers to make sure that we can retain them in the profession. We have no gender specific strategy about retaining teachers.

**CHAIR**—Thank you; that answers my questions. I appreciate that. We do not have a great deal of time, but I will now invite questions from my colleagues.

**Senator LUDWIG**—My question is about strategies to ensure or assist the broader issue of obtaining equity and gender balance in schools. The Victorian government has a number of strategies. Are you aware of those strategies?

**Ms Byrne**—No, I am not specifically. I have to apologise because I have just arrived in Victoria from Western Australia. I am better acquainted with what is happening in WA rather than in Victoria. I am sure that a lot of them would be similar.

**Senator LUDWIG**—What strategies are there in WA?

**Ms Byrne**—There are departmental officials who visit schools and promote the issue of education: why people should be teachers and what is great about it. They also have a scholarship program which applies when all other circumstances are equal. It makes sure that a guaranteed number of scholarship holders —it is not an exclusive scholarship—are male. There are other activities. In WA there is also an overlapping issue with the question of teachers in country locations. They have strategies for getting teachers out into the country, which apply equally to male and female applicants. They work through scholarships. As well as scholarships for ensuring the numbers of males, they also have scholarships to ensure that people experience country teaching so that they come back to it. There are several initiatives that work together. Again, everybody works within the equal opportunity act. While they are cognisant of the issues, they do it in a way that not only sits with the act but also makes sure that they get a minimum number of male teaching students.

**Senator LUDWIG**—Do you accept that scholarship programs are one way firstly, to increase the number of teachers and secondly, to deal with the retention issue or is it more directed, at least at the start, to increasing the numbers of teachers that might be suitable to enter the profession?

**Ms Byrne**—Scholarship programs have a role in increasing the number of teachers in training. That can be done in a way that is not discriminatory. We have no problem with the HREOC solution in relation to scholarships for men and women. But we see that it does not necessarily have any ongoing benefit, in that there are quite high numbers of people who leave the profession within the first four or five years. If we do not do both, we do not end up solving the problem. It would be interesting, for example in looking at the numbers that leave, to see whether more men leave than women. I do not know that specifically.

**Ms Davis**—To add to that answer, the notion of scholarships is based on the fact that the costs of university education are prohibitive. Although there have been quite a few studies that show that debt is a deterrent for students when they are contemplating their university study, the HECS band for teaching has been and is now at the lowest rate. It has not encouraged students or men specifically into the profession on the basis of that HECS band whereas, as I have said before, they are choosing to go into professions and take on larger HECS debts in areas of science, medicine and law, for example, that do attract higher HECS but also attract a higher salary at the end of their working day. The scholarships are loaded, based on the fact that the cost is prohibitive. I would argue that is not the major prohibitive factor preventing men from going into the teaching profession.

**Senator LUDWIG**—Thank you.

**CHAIR**—That covers most of the questions that the committee needed to ask. The only other question I might pursue with you is whether in your view there is some possibility that this initiative could form part of a broader strategy—that is, whether this initiative could be a component of a strategy that addresses the issues that you have raised about perceptions of the profession, salary and remuneration levels generally and so on?

**Ms Byrne**—It could be a component but I will qualify that by saying that we do not believe that there needs to be an amendment to the Sex Discrimination Act for this to happen. It is quite possible to work within the context of the act, as has been indicated, by having scholarships that are not exclusively for men, because there are a whole lot of would-be teachers, male or female, who would benefit from this. If we are talking about the profession in general then we should be encouraging that. So the answer is yes, with the qualification that you do not need an amendment to do it. It is absolutely important to have scholarships as one strategy amongst several others, which we mentioned earlier in terms of salaries, conditions and things like that. We do not have a problem with that.

**Senator LUDWIG**—Has the union done any studies in relation to wage industries within the teaching profession to ascertain where the majority of higher income earners are by gender?

**Ms Byrne**—In teaching?

**Senator LUDWIG**—Yes.

**Ms Byrne**—The highest earners in the teaching area obviously are people in promotional positions. There is no doubt whatsoever that the majority of those positions are held by men, notwithstanding that men are the minority in the profession. That, obviously, is a concern for us. I think that 60 per cent of leadership positions are filled by men, notwithstanding that 70 per cent of the profession is female. There is no doubt that the majority of high earners in education are men.

**Senator LUDWIG**—I was just curious whether any statistical analysis has been done.

**Ms Byrne**—Absolutely; yes.

**Senator LUDWIG**—It seems anecdotal. A number of people have raised it during the morning.

**Ms Byrne**—We have statistical evidence. In fact, most education departments keep that sort of research themselves. They have annual reports. They would also have a record of promotional positions gained every year. I have got some Victorian figures in front of me for preschool and kindergarten to year 6. If you look at gender by state and the level of full-time, non-casual teachers on payroll, it is quite clear—the majority of promoted people are male.

**CHAIR**—What is the gender breakdown of your union's advocates who go into, I assume, schools and universities to talk about teaching?

**Ms Byrne**—You mean organisers?

**CHAIR**—Yes. Perhaps I do not have my union terminology down pat but I am doing my best.

**Ms Byrne**—You are forgiven! I just needed to be clear about what you meant. That is a good question. My greatest knowledge is of Western Australia, where at least half of our organisers would be women. Most of our branches have policy around conference representation and union representatives and about the need for that make-up to reflect the membership as far as possible. Most of us have requirements that at least 50 per cent of our conference delegates, union representatives and certainly our organisers in our branches need to be women.

**CHAIR**—We are really talking about whether they need to be men, though. What is the breakdown of your industrial officers?

**Ms Byrne**—I am sorry?

**CHAIR**—I understand, and I am advised by one of my more learned colleagues in this area that I should also ask you about the gender breakdown of your employed industrial officers.

**Ms Byrne**—Around the country it is probably about 50 per cent.

**CHAIR**—Thank you very much. That is a helpful clarification. Can I thank you both for appearing by teleconference. As I alluded to at the beginning, it is not the easiest way to participate in the committee process, but hopefully it has made it easier for you. It has assisted us in receiving your evidence.

[10.35 a.m.]

**ROWE, Dr Kenneth John, Research Director, Learning Processes and Contexts Research Program, Australian Council for Educational Research**

**CHAIR**—Welcome. You have lodged a submission with the committee, which we have numbered 1. Do you need to make any amendments or alterations to that submission?

**Dr Rowe**—I did send an amendment, and all it was was that I had left out of the reference list towards the end of the submission some of the references which had been cited in the body of it. There are no other substantial amendments.

**CHAIR**—Thank you. I now invite you to make an opening statement, and at the conclusion of that I will seek questions for you from my colleagues.

**Dr Rowe**—Thanks for the opportunity of appearing before you. I think this is an important issue in a number of ways. The bottom line of my submission was that in spite of the recurrent debate and media hype that is surrounding this, we do not know enough about middle-to-senior secondary school students' perceptions of and attitudes towards teaching as a career. There is a lot of anecdotal evidence, and some I have cited in there comes from George Bernard Shaw from back in 1901. Unfortunately his remark seems to be embedded on the cerebral cortex of teachers, and is almost part of the occupational ethos of teachers—that is, 'He who can, does. He who cannot, teaches'—to the extent that there is quite a good deal of evidence, as Professor Lee Shulman of Stanford University has identified, that teachers themselves even say that.

I am suggesting that, before any amendment is made to a bill, for good or bad reasons, we need to know more about this and about the factors that might encourage more able people—regardless of their gender—to enter the teaching profession. It is all very well for people like Rupert Murdoch to tell us, as he did at the National Press Club in October 2001, that if Australia does not get its educational infrastructure right, particularly with respect to teacher quality, we will be not only behind the international economic eight ball but also fulfilling what he referred to as Paul Keating's prognostications about Australia becoming a banana republic.

I heard in the previous session people making comparisons between teaching and law or medicine. Let me assure you that in quite a number of Scandinavian countries, where teachers are paid on a dollar for dollar basis up to about 2½ times what they are paid here, it is actually harder to get into education than it is to get into law or medicine. In other words, they have taken the educational infrastructure very seriously because they realise that their economic and social futures depend on the quality of the educational infrastructure. That means you get the highest quality people, then you make sure they get very high-quality teacher education and training and then you maintain them with strategic professional development. In this country unfortunately we are still operating way behind that sort of model, and I think that is very sad. We need to know more about the perceptions and attitudes of senior secondary school students towards teaching as a career. In a sense, that is the bottom line of my submission.

**CHAIR**—I want to ask about the point you were making about Scandinavia, which is a very interesting one. Remuneration is one issue. You said they ensure that they get high-quality teacher education and training. I do not think there is any argument in this debate that the teacher education and training provided in Australia is not of a high quality.

**Dr Rowe**—I am not even suggesting it.

**CHAIR**—No, I just wanted to clarify that.

**Dr Rowe**—The real concern is that both the local and the international research based evidence indicates that the effect sizes for which gender teachers are are not significantly different from zero. In plain language, what that means is that it does not matter a hoot whether or not the teacher is male or female; it depends on the quality of the teaching and learning provision in the classroom. In a sense, providing teacher training scholarships for persons of one gender is missing the whole point. We want high-quality people regardless of their gender. What we need to do is build capacity in them to ensure that we do have high-quality teaching and learning provided by very competent and able people.

**CHAIR**—I actually do not disagree with what you have just said about having high-quality teacher candidates regardless of gender. But what happens to the role model argument in that context?

**Dr Rowe**—I think that is another issue.

**CHAIR**—There is some confusion of the issues in this single piece of legislation—

**Dr Rowe**—I think so, yes. Again, that is still very anecdotal. I am sure my colleague Dr Peter West, who is sitting behind me, is very concerned about this, as I am, and I have contributed to the boys' education debate as much as he has, if not more. But, when it comes to making sure that Australia's economic and social future is enhanced, we should ensure that we have the highest calibre of persons regardless of their gender. As I have indicated in my submission, it seems to me that in one sense this is opening up a Pandora's box. The Pandora's box is that advantaging people of certain backgrounds in one occupational group because of a perceived gender imbalance which might change over time opens the door for all kinds of subsequent changes to section 38 of the Sex Discrimination Act 1984. That is something which I am sure not just the Senate but the Australian parliament in general, regardless of which government happens to be in power at any one time, wants to avoid like the plague.

**CHAIR**—You make an observation at point 3 of your submission about the 10-point agenda. You state:

... the recently released '10-point agenda' discussion document from DEST, titled: *Taking schools to the next level* ... constitutes a sound basis for ensuring that Australia builds capacity towards **quality teaching and learning provision** that is unequalled by ANY previous Australian federal or state government in memory.

The challenge is implementation, of course.

**Dr Rowe**—Of course.

**CHAIR**—But why couldn't this bill or this step not be a component of that agenda as opposed to a red herring, as you suggest?

**Dr Rowe**—While the 10-point agenda does talk about the need to attract more males into the teaching profession—and I very much support that for a whole range of reasons; I think there needs to be more gender equity—the society in which we live is not dominated by males or females. Let us hope not, anyway. But, as my dear colleague Professor Jean Russell at the University of Melbourne says to me, from her understanding of being a regional director of education for a number of years, the sad thing about it is that teaching is seen as a low-paid, low-status, predominantly female occupation. That is bad in anyone's books. It is not a positive agenda. It provides all kinds of other expectations that surround what Jean Russell says here.

The other problem, particularly with young children, is that most of the education acts around the country prohibit males from touching children. That poses all kinds of problems. I was speaking with a group of boys on Tuesday and they had a concern that they might be labelled as paedophiles. That does not encourage them, in spite of them being a partner school with Macquarie University for example, to take on teaching as a profession.

**CHAIR**—Were these secondary students to whom you were speaking?

**Dr Rowe**—Yes, year 10 and year 11 students. That is a concern.

**Senator LUDWIG**—I notice that you have undertaken some statistical analysis of the trends in declining male to female teacher ratios in Australian schools. You also make some prediction on page 3 of the likelihood of that reaching zero and the likely time that would take. From the analyses that you have done for this or for other work, I was wondering whether you think that trend is continuing to decline, whether there is a point at which it will level out or whether it has already levelled out.

**Dr Rowe**—There is a possibility that it will level out, and one hopes that it will. But while we look at that differentiation in terms of the gender imbalance, sadly we do not know enough about middle-to-senior secondary school students' perception of teaching and attitudes towards teaching as a career. There is a suggestion that we need a national baseline sample to get some sort of evidence based handle on this to suggest the reasons why more competent people are not choosing teaching. Sadly, several years ago the only way people could get into university was via teacher education and training, so we had students entering some of our universities with scores as low as 40. That has improved in recent years in a number of areas but it means that we have teachers in our schools, who are teaching your children and mine, with very poor grounding for what they are eventually required to do. That is not good enough for any nation; we cannot sustain that. We need to make sure that we get those high-calibre people, but we do need to know more.

We are alerting students to this through the program for international student assessment in respect of the civics and citizenship study. Australia is one of the 28 OECD countries and nine non-OECD countries participating in that. That has been very useful because it has given us a deep insight into how sceptical our middle and senior secondary school students are of politicians and bureaucrats. To some extent, that needs to change. It seems to me that we do have baseline data on that, both internationally and for Australia, but we do not have anything other than anecdotal 'one swallow makes a summer' kind of material in relation to students' perceptions of teaching and attitudes towards teaching as a career.

**Senator LUDWIG**—That would only affect the point of entry figures rather than the continuing retention rate. Do you think that examining that issue would also give us some insight into why teachers leave the profession after five to 10 years?

**Dr Rowe**—Exactly, and this is why this kind of study needs to be done occasionally, albeit in a cross-sectional kind of way. But some of that could be followed up in a longitudinal way so that we could determine those factors. For example, many teachers say there is no career structure in teaching: ‘Why do we want to go into a profession that has no career structure?’ It is a good question, but to what extent is that widely held? We do not know that. That is anecdotal again from bits of information that we gain from interviews with students. We need that kind of information so that any legislative changes that are made or indeed any policy strategies that are implemented by governments and government departments can also be examined or evaluated as to their impact on reversing these kinds of trends. To get back to your original question, Senator, so while they may flatten out we have no idea whether that is going to be the case.

**Senator LUDWIG**—Do you have a view about the decision or the final position arrived at between the CEO and HREOC?

**Dr Rowe**—Could you elaborate a little further?

**Senator LUDWIG**—Do you have a view whether it will in fact encourage or at least provide a gender balance or assist in retaining teachers, either male or female, in both the short term and the long term?

**Dr Rowe**—I think it is a very poor short-term and long-term strategy. The reason is that we need to provide teacher education and training scholarships and make them available to all. Whether they are male or female is irrelevant. On the basis of almost 30 years now of longitudinal research in education, one thing that staggers me is not only is the gender of the teacher irrelevant but a bad male teacher or a bad female teacher is equally deleterious. What we should be doing is providing for the highest calibre. I remember Barry Jones when he was President of the Labor Party on one occasion sharing a flight from Melbourne to Canberra where I was presenting to the ACT government Department of Education and Community Services. He shared with me at the time that one of his biggest disappointments when he was in cabinet was not regenerating the teacher education and training scholarships and what was known as teacher studentships. Unless Australia does get the highest calibre of persons in, makes sure that they are provided with high-quality training and then maintains them by professional development, we will end up, in his view, fulfilling Paul Keating’s prognostication of Australia becoming a banana republic.

**Senator GREIG**—I was not quite sure in your illustration of Scandinavia where they have given much stronger emphasis on education—and you were talking in terms of points entrance into studying—whether that was also matched by salaries. Is it the case also that those jobs are much more highly paid?

**Dr Rowe**—Yes, it is.

**Senator GREIG**—If we were to transfer that to Australia, my instinct is—and it is only instinct—that that would not necessarily be the answer or be the entire answer. I do not think that increasing salaries is necessarily going to increase the number of males in the profession.

I think it is much more cultural. If it is that what do you think is the starting point to try to address that?

**Dr Rowe**—There are several starting points. About 30 years ago in Finland, Norway, Denmark and Sweden there was a realisation that, because of their geographical location apart from anything else and the tyrannies of weather, and their ability to compete on the economic stage both as part of the EC and as part of the world economy, they needed to build a very strong educational infrastructure to service that. Several decisions were made to ensure that first of all by some public policy advertising, if you wish, it was really said how much their future as a nation depends on that quality of the educational infrastructure. There were several things that happened—it was not just salaries. It was also said just how much they value the quality of teaching and learning provision by quality people in their schools.

Not everybody receives very high salaries; for example, they have this scale a la very highly accomplished teachers. What happened then is that, rather than promoting them from levels of competence to incompetence—namely, to administrative tasks and, ultimately, the ultimate form of promotion to probably the principal of a school. You are taking those competent people out of the classroom and putting them into those positions where, to replace them, is costly not only financially but also in human terms, and also the ultimate effect—what they did was to have an administrative structure that was not necessarily promoting people to higher and higher levels of incompetence a la the Peter principle, what they did was to have a scale of salaries for highly accomplished teachers who met agreed certified standards.

My colleague at the Australian Council for Educational Research Dr Lawrence Ingvarson has been very much a part of this discussion with MCEETYA and with the states and territories in relation to teaching standards and why we need to get serious about it so that we know what to expect. In many ways it has been influenced by that Scandinavian model. There were several strategies implemented by the Scandinavians to ensure that they moved the status of teachers in the eyes of the community to where it should have been a long time before, because they were having difficulty competing with some of the surrounding countries at the time and they realised they had to do something about it. The result is not just because of that, but that was certainly one of the factors that has given them a very viable and vigorous economy and a place in world affairs. We are finding, again with the program of international student assessment, that the Scandinavians are leaving just about everybody else for dead, and these are 15-year-olds, in reading literacy, mathematical literacy and scientific literacy. We need to be concerned about that. I certainly am, and we at ACER are very concerned about it.

**Senator GREIG**—Measuring the quality of education could be open to interpretation, couldn't it? It is something that could be very difficult to define.

**Dr Rowe**—Indeed.

**Senator GREIG**—Do we have an adequate national uniformity for how we would approach such measures? Are we as a nation working towards that?

**Dr Rowe**—Indeed. In fact in the last two days in Melbourne the current Minister for Education, Science and Training, Dr Brendan Nelson, launched the national values in

education forum, and there was a great deal of support right across the board from unions and others, and I am sure there are several of my colleagues in the audience who were at that conference. I think there is overwhelming support that, while we do value the cognitive outcomes of schooling, we also very much value the social, spiritual and behavioural outcomes of schooling as well. There is support that we need; instead of this crazy system of eight education systems that we have, we need to go national on this. The amount of national support at that conference yesterday for 'we are moving in this direction and we must never be deterred from it' was quite strong. I think my colleagues who were there would agree.

**Senator GREIG**—I hear you, thank you.

**Senator MASON**—Dr Rowe, the ostensible public policy reason for this bill is that a shortage of male teachers has led to poor academic outcomes for boys in preschool and primary education in particular, just to summarise. From all the longitudinal studies you have conducted over 30 years—and you are an expert in this field, sir—is that assumption correct?

**Dr Rowe**—No, that is an incorrect assumption. In fact, the reasons for the change and the increasing gap, particularly since the early 1990s, which I have documented in my published research, is that there was a fundamental change in curriculum—in the design, in the content and in the way it is assessed. This came about because of influences occurring in the Northern Hemisphere—initially what led up to the 1988 Education Reform Act in the United Kingdom by the TGAT group at the time. There was concern that the only compulsory subject on British schools' curriculum, for example, was religion. That was not good enough. The TGAT group reviewed a lot of curricula and found that they were mostly decontextualised. For example, at senior math levels it was a matter of differentiate the following function, solve the following simultaneous equation or resolve the following forces. It was totally decontextualised and had no meaning in any context. So there was a great deal of emphasis placed on developing a national curriculum—and, subsequently, its assessment at key stages 1 right through 4 and A levels—on contextualising. That required increasingly sophisticated levels of verbal reasoning and written communication skills.

Here in New South Wales, for example, to do the basic skills test in numeracy for year 3 you need a grade 5 level of literacy. Because of the developmental and socialisation experiences of girls, who are far more verbally facile, they have essentially benefited from this a great deal. So this increasing gap we are seeing has nothing to do with male or female teachers, let me assure you—and all of the meta-analytic stuff internationally is saying the same thing. It has more to do with the content of the curriculum and the way it is assessed. Those teachers, for example, who are teaching four-unit maths, specialist maths or physics to year 12 say the same thing: not only do students have to read the problem that is in context but they have to translate that into, for example, a mathematical algorithm, provide a solution, explicate it and then justify it. That requires very sophisticated levels of verbal reasoning and written communication skills.

My wife, who is a consultant paediatrician at the Royal Children's Hospital, keeps telling me that by the age of 15 a girl is anything up to two years older socially, cognitively and also physically than her male counterpart of the same age. So the kind of curriculum and assessment used is way beyond the developmental capacity of many boys to cope with. I am not suggesting for a moment that we dumb down the curriculum—no way. What we should

do is intervene as early as possible with literacy skills because that is the foundation of the whole curriculum. If you do not have literacy, you cannot survive.

**Senator MASON**—I want to tie this down. Is there any evidence that the shortage of male teachers has any impact on the scholastic outcomes of boys in preschool and primary school?

**Dr Rowe**—No.

**Senator MASON**—If there is no scholastic or academic reason to justify this legislation, is there some social or other reason to justify it?

**Dr Rowe**—That seems to me to be a value choice. If you want to put value on that sort of thing—and talking about gender stereotypes and so forth—it is important that all of our children are exposed to both genders. But in fact it is not an either/or situation. There is maleness and femaleness which, in a sense, is on a continuum. The fact that you have either internal or external genitalia is irrelevant.

**Senator MASON**—I only asked the question because you know as well as I do that there is a big debate about masculinity at the moment in this country. It strikes me that this legislation is directed to the issue. What you are really saying is that it is irrelevant with respect to young boys' education and that, on the issue of the so-called crisis of masculinity, the jury is still out.

**Dr Rowe**—Yes, I think so. My colleague Peter West, for example, might disagree with that because he has a very committed view, which I respect enormously, of the almost demasculation of our society that has occurred, particularly since the mid-eighties. I will get him to comment on that. But I think that that is another issue. If we are talking about the academic and cognitive as well as the social and behavioural outcomes of schooling, the gender of the teacher does not matter a hoot.

**Senator MASON**—Thank you.

**CHAIR**—Thank you very much, Dr Rowe. We will now in fact move on to talk to Dr West. Thank you for your submission and for coming to meet with the committee today. We do appreciate that. We have found your comments and your written material of great assistance.

**Dr Rowe**—You are welcome.

[11.05 a.m.]

**WEST, Dr Peter Michael, Head, Research Group on Men and Families, University of Western Sydney**

**CHAIR**—Welcome. It is always a pleasure to welcome a witness from UWS. We have received your submission, which we have numbered 9. Do you need to make any amendments or alterations to that submission?

**Dr West**—Yes, if you do not mind. I think I mentioned ‘fathers’ at one point instead of ‘families’. Also, on page 3 I quote my friend talking about his sons. He says:

I have a daughter and then I had three sons ... if they only hear male voices all day ...

I am not sure what your copy of that says. He wishes his name not to be publicised, if that is possible.

**CHAIR**—That is on the bottom of my page 2.

**Dr West**—He meant to say, ‘If they only hear female voices all day, that is unbalanced.’ He wishes his name to be taken off the record.

**CHAIR**—Dr West, it is already on the record because your submission has been published.

**Dr West**—That is what he said to me today. Perhaps I will talk to you further about that.

**CHAIR**—If you would talk to the secretariat that would be helpful. Thank you.

**Dr West**—Just before the heading ‘Boys becoming men in a climate hostile to males’ I meant to say, ‘if we want boys to understand the complex interplay’.

**CHAIR**—Yes, I see.

**Dr West**—I think that is the bulk of it.

**CHAIR**—Thank you very much. I invite you to make an opening statement, and then the committee will go to questions.

**Dr West**—Most of what I want to say concerns boys. I think boys are bodies in perpetual commotion. The culture says: ‘Be tough. Have big muscles. Don’t do anything girly. Don’t cry.’ As my friend says:

My three sons are loud, physical, push each other around, climb trees and fences, jump on their bikes and race off in all directions making a racket.

The energy that boys have was once channelled. In an earlier book I wrote about Penrith—Chair, you may know the place I am talking about—I talked about what happened to boys growing up in a country town: how fathers, schools, sport, policemen and churches kept an eye on boys and channelled that energy. All those boys grew up in Penrith wanting to become fathers. That has been commented on by people around the world. People said that that was generally true, and perhaps it is still true in country towns.

Today’s society struggles in vain to contain boys’ restless energy. School has become a virtual no-man’s-land, particularly in primary and state schools. As a former principal said to

me, 'there is too much emphasis on pens and paper in schools. It is good to get a boy working with concrete materials, pulling machines apart and working with farm animals, up to his elbows in dirt'. This is the active engagement in learning that I am concerned about, and that is where the male teachers come in. As Sebastian Kraemer says in the *British Medical Journal*, males seem to forgive boys' misbehaviour and all their behaviour because they have been boys themselves. As a principal says to a friend of mine: 'Oh, you boys! Run down to the end of the playground and kick a football for 10 minutes and get rid of all that energy!' But listen to the sense of what he is saying: there is nothing wrong with being male. Of course you have energy, and this is what we are going to do with it.

It seems to me that we need males in schools who can deal with this energy and not condemn it. I would like to agree with my colleague Dr Rowe, but I will not. I think that in a very important sense relationships are the key part of it. The OECD reports I have cited talk about relationships being the No. 1 factor in what makes good schools. Dr Andrew Martin, in his ACT report on boys, also talked about values being caught, not taught—that boys needed to see these masculine values in boys around them. In my book *What is the Matter with Boys?*, which I foolishly forgot to quote in my own submission—

**CHAIR**—But you have it on the record now.

**Dr West**—I quote a conversation with a schoolboy in Melbourne. The boy said, 'Teachers prefer girls. They're not as active.' I said, 'Maybe girls work harder, look nicer and smell better.' The boy said, 'Yes, that's it.' This jokey and blokey banter between males and boys is part of this pattern of good relationships, which keep boys feeling that school is a place where they belong, not 'Sit down, shut up, write this down. We're not interested in your maleness. Fit into this place.' Boys like to have a joke. Forgive me, if I make another one. I said to a boy, 'Do you play rugby league, Andrew?' 'No, sir, I'm straight.' Too often, boys' jokes and offbeat humour land them in trouble in schools where their wild, noisy, ratbag maleness is seen as dangerous to order and to the nice, sensible people who run schools. Schools should not be a no-man's-land. They need to have the best energetic and young people who can challenge and meet boys' interests and if private schools can attract male teachers then other schools can too.

**CHAIR**—Thank you, Dr West. Do you think the bill will make more young men go into teaching?

**Dr West**—I cannot guarantee a 'yes' answer to that. I think we have to think much harder about the range of things that we are giving to boys. There has to be a much better inducement for boys to go into teaching. I was watching the advertisements for going into the Navy on television this week. Look at the atmosphere—it is one of excitement and they get a university degree, by the way. The Navy is being sold to boys in a very powerful and effective way and it reeks of good, strong, exciting stuff. No doubt there would be many girls who would feel the same message too and that is fine, but boys are not getting that message.

**CHAIR**—About teaching?

**Dr West**—About teaching. Ed Lewis's research, I think, talks about this. Ed Lewis and Jude Butcher at the Australian Catholic University have been interviewing boys and they find that teaching does not get onto the radar very much.

**CHAIR**—So really your answer to that question is that you do not know.

**Dr West**—I am not sure, but there has to be an inducement to get males into teaching. At the moment, there is none.

**CHAIR**—I have the perception—which you may wish to confirm or reject—from your submission that in fact you do not support equal pay for equal work in this context. On page 10, under the title ‘The Education Critique of Male Teachers’, you say:

... teachers work in a job market. As the job market for males pays better than that for females, employers will have to treat the two types of teachers differently if they want to give parents male teachers for their children.

Are you saying that you believe male teachers should be paid more than female teachers?

**Dr West**—If people do the same work, they should be paid the same—I am struggling to find the correct answer to your question—because that is the nub of the question, isn’t it? When I go to private schools and I see the men around, I find that they are in fact being given inducements—whether you call it more pay, whether they are being given a car or cheap rent or whatever. In New South Wales we used to have vested residences for schools, particularly in one-teacher schools and the males would be given accommodation as part of the inducement. All of those were rationalised as part of, I am sure, a well-meant strategy for saving money, but it did mean that teachers were competing with other people to put a roof over their head and support a wife and a family. I think you will find if you read the report into male teacher numbers in New South Wales that young males in their early 30s are the people leaving teaching the fastest. You would know that report.

**CHAIR**—Through this process I have come to know it, yes. In your submission you say: The teacher education curriculum is deliberately girl-friendly.

You also say:

Education is increasingly feminised ...

We were talking to the Australian Education Union before, and I am not sure whether you were in the room at the time. I recall their federal president, Ms Byrne, saying, ‘We’re in the business of saying that there is nothing wrong with education being feminised’—I am paraphrasing her words and I stand to be corrected if I have that wrong. You are clearly saying that there is a problem. What is it in your view?

**Dr West**—We have not found a way of encouraging girls and at the same time encouraging boys. I found when I was in Denmark that progressive thinking is being pro-feminist—the people who were taking up the arguments against feminism were the most dreadful troglodytes and dinosaurs and those arguments were not respectable. All the intelligent people were taking up feminist arguments and this has been tied, as the American Hoff Sommers points out, with arguments about encouraging girls. Boys kind of fall through the cracks. Teacher education programs look to encourage certain kinds of people, and boys have not been one of them. The male students feel they are a bit neglected and they wander around a bit dejected. That is part of what I am trying to get at. If we want to retain males in teaching, we have to find ways of nourishing males right through. This includes staffrooms of schools, which males tend to avoid, particularly in primary schools.

**Senator KIRK**—What is your view on the issue that prompted this legislation—in the first instance, HREOC not granting an exemption to the Catholic Education Office to be able to offer male scholarships? Then, of course, the decision was remade and is now that, provided they offer equal numbers of male and female scholarships, that would be sufficient for the exemption to be granted. What is your view in relation to both of the decisions that were made by HREOC?

**Dr West**—I think it is an acceptable compromise to say that there will be male scholarships and female scholarships; I do not see anything wrong with that. I come at this because of the work I have done in boys education, in reading the OECD reports and in coming time and time again to the point about engagement and disengagement of kids at school. Why are schools not engaging kids? Why do boys come up time and time again? In the OECD's PISA report you will find a whole chapter on gender differences and that mentions boys repeatedly. There is a lot of work going on in the UK to do with this. That is why I have been searching for ways and what we can do to solve the issue of why are boys not being engaged. Why are boys being suspended? Why are boys being expelled? Why, when I go into schools to talk with people about boys, do I see a line of kids in trouble for misbehaviour, and they are all boys? It seems to me that there is a connection between constructions of violence. What do people mean when they say, 'This boy was violent'—for pushing another boy in a queue? I lean on the *British Medical Journal* and other medical sources which state categorically that male and females are different, particularly in adolescence.

**Senator KIRK**—I accept that, but is the problem you identify to be solved by offering scholarships to males to enter the profession? Is it a question of there not being sufficient male teachers or is the problem more endemic in the way that you describe?

**Dr West**—It is a very deep-seated problem. First, you would have to catch male teachers and then you would have to keep them there. They are issues, dare I say, you are going to have to think about. Grae Morgan's report in New South Wales into male teacher numbers certainly talked about this. I heard the discussion earlier about inducements—pay for good teachers and so on. I am inclined to think scholarships might work and I think it is worth a try. Unless we do something, we are going to keep seeing the number of male teachers, particularly in primary schools and particularly in state schools, go down. My concern is not for the wealthy schools and the wealthy kids; it is for the state schools and the poorer kids.

**Senator BOLKUS**—You say that scholarships might work, but it seems from your submission that you are actually talking about something more fundamentally askew in the system. You say, for instance, that the teacher education curriculum is deliberately girl friendly, and you previously gave evidence about the profession not being attractive to males. Twelve scholarships really will not go a long way in that context, will they?

**Dr West**—Indeed, but people who know about change talk about starting small and thinking big. Small changes might show the way.

**Senator BOLKUS**—I am trying to work out whether it is the culture or the pay that you say is the deterrent or whether it is a combination of both. You talk about the curriculum being girl friendly. What sorts of things have dropped out of the curriculum over recent years? Phys ed is something that has been put to us as a program that was much more popular and much

more current in schools 10 years ago, say, and may have attracted males. The phys ed program has now been dropped in a whole range of schools across the country. Is it something like that that you are referring to? It is not that girls do not participate in sport, but I suspect that in the past that part of teaching was more attractive to males—or was it not?

**Dr West**—Yes. In years gone by we used to teach boys woodwork, metalwork and lots of other things. Society has changed—we have gone past those years—but I think boys are getting lost in the curriculum changes. I agree with some of what Ken was saying about—

**Senator BOLKUS**—Is it the boys or is it their parents who are getting lost? We were talking about changing economies and structures of industries and so on. Is it that that has not permeated into the school system? You might have knocked off woodwork and metalwork, but what have you replaced it with? Is it the responsibility of parents to get the boys seriously thinking about new technologies and sectors in education where the girls might be doing a lot better?

**Dr West**—Yes. As those changes Ken was talking about are going on, we do have a very verbal curriculum. You have to go into schools week by week, as I used to do, to see how verbal school is and how kids are being sat down at desks. Sometimes I would like to blow up all the desks or stop teachers from using desks as the major way of learning things. I think kids do learn things. I learn things but, like many males, when I get a new piece of equipment or buy something from the store I do not read the instructions and follow them word by word; I turn it all out. This is a very typically male thing to do, my colleagues inform me. We learn by doing things—putting bits together—and if we do it wrong then we take it apart and do it again. It is not that this kind of learning is not intellectual. It can be very intellectual. You can learn history and all sorts of things with archaeological bits and pieces. You can learn literature by using hand and eye and the whole body. But the kind of learning that is going on now, particularly in secondary schools, is very—the boys are correct—‘sit down, shut up, write this down’. That is what they are getting all day.

**Senator BOLKUS**—I am not so sure about that. I have two younger children at school, in the public school system, and that is far removed from what they are doing.

**Dr West**—Dare I suggest that they are at a better quality school than some of the schools I see?

**Senator BOLKUS**—Not really; I put it to you that it is really not. What strikes me is that you take the view that a long march starts with a small step, in essence, but that with these scholarships we may really be talking about a sop, a smokescreen and an excuse to bowl over the Sex Discrimination Act rather than seize the problem. Is this just going to be a way to flick the issue for a little while and claim that overriding the Sex Discrimination Act would be the answer to the problem, whereas in fact you will not get the answer to the problem because what you are talking about is much more cultural than something that can be fixed up with 12 scholarships across the country?

**Dr West**—In my view, anything that is going to get boys more engaged with school is worth trying.

**Senator BOLKUS**—But how is bringing 12 males into the culture that you rail against going to change it?

**Dr West**—I was not aware that the number we are talking about is 12.

**Senator BOLKUS**—You are talking about a very small number. What we are talking about in the final package is a package of 24, 12 of which will go to males. How many were you thinking it was?

**CHAIR**—But this is providing permanent exemptions.

**Senator BOLKUS**—Yes.

**Dr West**—I was not given a number in anything I saw.

**Senator BOLKUS**—The exemption was broader but, at the end of the day, the package we have got is only a small number. But you are saying the broader override of the act will work towards changing the culture?

**Dr West**—The other thing is that a public debate may help to change the culture, and culture is something that, as you know, changes very slowly.

**Senator GREIG**—I am still intrigued by the notion that we need more males in schools. It strikes me that, if we were to go down this path and theoretically to facilitate a greater number of males in schools, you could still have male teachers who were like Julian Clary and you could have male teachers who were like Arnold Schwarzenegger. So are we really saying that we need more males or that we need greater masculinity? If it is the latter, how do we define that and for what reasons?

**Dr West**—In a sense, these questions are answered by the mothers I teach at university. The mothers come to me and say, ‘Peter, you’ll never guess what happened. My son came home yesterday and said, “Guess what, we’ve got a man in our class!”’ Just listen to the language the boy is using: ‘He is like this and he is really big and I’m going to go to school tomorrow and I am going to talk to him in the playground.’ They do want to talk to these guys. I have got males who go into kindergartens and I say, ‘Joel, what is happening in kindergarten?’ and the guys will say, ‘They are crawling all over me. I can hardly keep them off.’ The kids want to engage with males, and that goes back to the point I made at the beginning. That is why the question of relationships in schools is so important. I talked about engagement and disengagement. These boys want to engage with a male. Perhaps they would not care if it was Julian Clary; perhaps they would not mind if it was Arnold Schwarzenegger. Andrew Martin talks about a range of masculinities in the school.

I have talked about particular kinds of boys in my submission; I talked about Aboriginal boys and Arabic boys. I would not want to suggest that they are the same or even similar but my students who come from Middle Eastern cultures—and that is not very often—do talk about engaging with that masculinity. ‘It is a very masculine culture. I walk down the corridor and they want to walk next to me. If I walk around the playground, I have half-a-dozen boys hanging off me’, so there is a sense in which boys do want to find that man in the playground and talk to him. But in most schools, particularly primary and state schools, the only man in the playground is either me or the guy taking out the garbage.

**Senator GREIG**—Does that suggest that the attraction to that particular teacher by the children is not because of their maleness but because of their difference and that it is unusual that there is someone different there?

**Dr West**—That is part of it. It is part of the novelty; kids want to engage with the fullest range of human life. That is what parents are saying, that is what the Catholic Education Office is saying: we want our kids to engage with all sorts of people.

**Senator GREIG**—You said something earlier about being enthusiastic about wanting boys to engage more with education, and you spoke of woodwork and metalwork in a disparaging way earlier. I was reminded of my own experiences, where I was forced to do woodwork and metalwork and hated it. That caused me to disengage with education.

**Dr West**—That would be unfortunate. Some people have that experience with sport also, but we have to find ways of engaging kids. If perhaps woodwork is not the most appropriate—it was 30, 50 or 80 years ago—the active learning principle still applies. We still need kids to learn with their hands and not just their head. I regret to disagree with you but in the schools I visit—and especially in western Sydney, dare I say—the method of learning that I see routinely, especially in secondary schools, is pen and paper, ‘Sit down, write this down, we’ve had a little discussion, now here’s the stencil.’ I am sorry to say that, but it is too common. That is my point about engagement, about boys and connecting with other people and active learning.

**CHAIR**—But you wouldn’t restrict that to boys, surely?

**Dr West**—No. It is just that, if we accept the medical evidence, boys do have bigger bodies and bigger muscles and have more need to express their physicality.

**Senator MASON**—Dr West, you are not really disagreeing with what Dr Rowe said before. In his evidence he was speaking about what may have made a difference between the educational outcomes for boys and girls, and it was about the curriculum—and in your case it might be pedagogical techniques. That makes sense and it is intuitively sustainable, and I understand that. But that is not the same thing—and this was Senator Greig’s point—as saying that we have to have more male teachers. You have quoted, on page 3 of your submission, the OECD and how very important student-teacher relationships are. Again, I accept that. But that is not the same thing as having to have more male teachers, is it? Does that actually mean that more male teachers will lead to better educational outcomes for preschool and primary school boys? They are not actually the same question.

**Dr West**—Perhaps not yet. Because males—I am leaning again on the *British Medical Journal*—have been boys themselves they are more inclined to lean towards an active learning style.

**Senator MASON**—Perhaps that is right, but female teachers could adopt those techniques that are required to teach boys actively and perhaps, as Dr Rowe said, the curriculum is skewed towards women. Maybe it is. I think Senator Greig’s point was that that might all be correct but does that mean we have to have more male teachers and, if we do, that will assist educational outcomes for young boys? The evidence does not seem to be there to jump that far. Do you agree?

**Dr West**—Yes, I can see what you are baulking at. Perhaps I have been a bit inclined to run those things together. I come at this by the work I have done talking to boys, working out what is not working for boys and trying to find the bit that is missing. One of the bits that seems to be missing is more male teachers. It may not be the only bit missing.

**Senator MASON**—There is nothing wrong with anecdotal evidence and what your perceptions are—that is legitimate of course. Can you point to any longitudinal surveys, any evidence published in reputable journals that states that educational outcomes for young boys improve where they are taught by males?

**Dr West**—I am on the advisory committee for the Boys Education Lighthouse Schools program. We now have 10 principles that we are talking about and one of those 10 principles is having men working with boys. We are now funding schools around Australia with programs that have got men working with boys. The New Zealand report written by Aitken talks about the same things. Finding the link to those learning outcomes is the difficulty. But look at the other end and the problems of suspension, disengagement and expulsion from school.

**Senator MASON**—I appreciate that and I suppose that is where I was going next. If you cannot make the link between superior educational outcomes for young boys because of male teachers, my next question was going to be—and let us assume that we cannot make the link—are there other ways that you can justify it? Are there social reasons?

**Dr West**—Indeed.

**Senator MASON**—What are they?

**Dr West**—As I said, to stop boys from being suspended, to have more sense of this violence that boys are being accused of in schools. What is it in making jokes? And boys will make sexist jokes, of course—sexual jokes or anything else if you are an adolescent boy. No-one would be surprised at that.

**CHAIR**—I do not know that it stops at adolescence!

**Dr West**—I think I will pass on that one! I am inclined to think that it is not strictly to do with academic outcomes, but the behavioural side of things—the pattern that boys run into of getting in trouble in schools and finding people who will understand the male level of energy, or forgive it, as Sebastian Kraemer says in the *British Medical Journal*.

**CHAIR**—Thank you for helping the committee and attending today. We are grateful both for your submission and for your contributions this morning.

[11.36 a.m.]

**ALDERSON, Dr Karl, Acting Assistant Secretary, Human Rights Branch, Attorney-General's Department**

**LING, Ms Alice, Senior Legal Officer, Human Rights Branch, Attorney-General's Department**

**MERCER, Dr Trish, Quality Schooling Branch Manager, Quality Schooling Branch, Department of Education, Science and Training**

**PAUL, Ms Lisa, Deputy Secretary, Department of Education, Science and Training**

**CHAIR**—The Department of Education, Science and Training has lodged a submission with the committee which we have numbered 8. Do you wish to make any amendments or alterations to that submission, Ms Paul?

**Ms Paul**—Regrettably, Senator, I do. There are four numbers which I need to correct. Fortunately, none of them go to an analysis of gender. At the bottom of page 1 we had two typos and it should now read:

Between 1993 and 2003, there has been an increase in FTE teaching staff of 27,664, a proportional increase of 13.7% on 1993, or an average annual increase of 1.4%.

Over the page, the first dot point should read:

However, the expansion of the Australian teaching workforce over this period has, in net terms, been provided by female teaching staff only, with an increase of 28,471 ...

Down the page the paragraph commencing 'The overall trend' should read:

The overall trend of the non-government sector is similar to that for the government sector, although there are some differences ... The increase in FTE teaching staff since 1993 has been proportionally much greater (35.2%) ...

I apologise for that. We will email the changes to the secretariat.

**CHAIR**—Before we begin to discuss the bill with the departmental representatives I remind senators that, under the Senate's procedures for the protection of witnesses, departmental representatives should not be asked for opinions on matters of policy. If necessary, they must also be given the opportunity to refer those matters to the appropriate minister. Would either of the departments like to make an opening statement?

**Ms Paul**—I will range through a number of matters, if I may, although you might prefer to move straight into questions. I just want to set out a couple of the arguments because it is a complex area and the arguments tend to be brought together. Firstly, it is definitely the case that there is more to be concerned about in the performance of boys than just academic outcomes, although of course those are very important. I would be happy to go into some of those aspects.

Secondly, there is some research which would suggest that role modelling is very important. There is a general view that having male teachers and more male teachers, particularly in primary school, is important, and I would be happy to deal with that. Thirdly, if one accepts that having more male teachers is probably a good idea, there is the question of

this amendment: is this the right way to go about it? I would be happy to have a discussion about that.

To set the scene, the issue here is not inequality of access to teaching positions on the basis of gender but a policy attempt to respond to concerns about how boys are faring in schools and a recognition of the importance of having a balanced representation of genders in teaching, particularly in primary school. Would you like me to briefly run through some of the evidence about the concerns about boys not just being about academic outcomes?

**CHAIR**—Do you mean in relation to evidence given today or just generally speaking?

**Ms Paul**—Generally speaking, just to set the scene.

**CHAIR**—In light of the limited time, we might go to questions and then come back to that at the end or perhaps ask you to provide it as a supplementary submission. I want senators to be able to get across the issues that have arisen in today's discussion. Dr Alderson, did you need to add anything at this stage?

**Dr Alderson**—No, I did not.

**CHAIR**—Ms Paul, you just said a moment ago that the legislation is not about inequality of access for men.

**Ms Paul**—Yes.

**CHAIR**—Then why use the Sex Discrimination Act as the tool for this approach?

**Ms Paul**—It is merely one tool. If you accept the argument that having more male teachers is desirable then this is one of many ways of trying to increase male representation in teaching, particularly in primary schools. Dr Rowe went into some of the other ways. This is a direct and active way. Most of the other ways, as we have heard this morning—and we agree with the approaches that people suggest of raising the status in terms of promotion, campaigning and so on to encourage males into teaching—are less active in a way or perhaps more long term. One of the unions said that it is a long-term issue and this could be a quick fix. The other side of that coin is that this is a positive and active way of attempting to redress the balance of gender representation in teaching.

But this is not the only way. There are many other mechanisms to try to attract males into teaching. From the Commonwealth's point of view there is the Quality Teacher Program, where about \$159 million goes directly to trying to enhance the status and the professionalism of teachers through professional development and so on. There is \$10 million for the new National Institute for Quality Teaching and School Leadership, which is directly aimed at raising the status of the profession. But this measure, which offers teacher employing authorities, whether they be a state government, an independent system or indeed an independent school, the flexibility to offer gender based scholarships is one mechanism, like those other ones, which hopefully is targeted at increasing the status of the profession.

**CHAIR**—What was the last program you referred to?

**Ms Paul**—The National Institute for Quality Teaching and School Leadership.

**CHAIR**—What about the legal argument that the basis upon which one would use the Sex Discrimination Act in this way would be evidence of prior disadvantage or discrimination, which you have just said does not exist?

**Dr Alderson**—There is a distinction between the mechanism for special measures in section 7D of the act, the provision for exemptions in the act to be granted by HREOC temporarily and the adding of legislative exemptions into the act. I suppose each of those have different—

**CHAIR**—You could not get it in under section 7D, so you added a special provision?

**Dr Alderson**—In the same way that there are a number of exemptions—

**CHAIR**—Could you just tell me if that is right—that you could not get this provision under section 7D, so you added a new legislative provision?

**Dr Alderson**—It is certainly not clear that you could rely on the special measures mechanism. That was the view that the human rights commission took when the Catholic Education Office made their application to it. Therefore, you could not say to people wanting to offer scholarships, ‘Simply rely on the special measures provision in the act.’ If you want to achieve the policy outcome of allowing scholarships to be offered to encourage more men into teaching then you need a legislated exemption in the act to go along with the existing exemptions in other areas that are already contained within the act.

**CHAIR**—What specifically do both the Quality Teacher Program and the national institute for quality teaching do to encourage men to take up teaching?

**Ms Paul**—They do what Dr Rowe was talking about, which is that they attempt to improve the attractiveness of the profession. It is not just targeting men, although you are asking me specifically about men; it is targeting anyone who wants to become a teacher. Both initiatives are basically about making sure that teachers are of the highest quality. One of the arguments that Dr Rowe puts, for example, is that some of the research suggests to us that it is not necessarily just the gender of the teacher but the quality of the teaching, and that would be agreed with.

**CHAIR**—That is overwhelmingly the evidence the committee has received.

**Ms Paul**—Yes. It makes sense that if we can improve the status and quality of teaching it will be more attractive across the board, including for men. The problem with all of those approaches, which are what most of the witnesses here advocate and which are similar to what has been done in Scandinavia et cetera, is that they are not as direct as this amendment, which is a very targeted way of offering an employing authority the ability to offer scholarships on a gender basis.

**CHAIR**—You just said that it makes sense to be talking about quality teaching, not about gender, yet in the context of the second reading speech, the EM and the bill this is all about having more men in teaching, which you have said is a desirable outcome.

**Ms Paul**—Yes.

**CHAIR**—What other specifically targeted initiatives, other than this bill, is the Department of Education, Science and Training pursuing to encourage more men into teaching?

**Ms Paul**—We are working through the Ministerial Council on Education, Employment, Training and Youth Affairs on the gender equity framework. That was a recommendation arising from the House of Representatives inquiry. We are working with some of the states and territories on particular initiatives—mentoring and so on—for men. In particular, the recent review of teaching and teacher education by Professor Kwong Lee Dow observed that it is important to try to attract more men into the profession. His review goes to making the profession more attractive, for example, to graduates of science and maths et cetera, who are much more likely to be men. There are a range of initiatives. There are some initiatives which are aimed at—

**CHAIR**—What is the department doing in response to that review?

**Ms Paul**—Their response to the review is being developed now and is being considered by government in the context of the budget. The review came down several months ago—in November.

**CHAIR**—So we may find some initiatives in that response in relation to encouraging men to enter the profession?

**Ms Paul**—I might also mention some things in the area of boys' education that are beyond this amendment. Fundamentally, this amendment is about improving the outcomes for boys in schools, and the major initiative in the boys' education area from the Australian government's perspective is the Boys' Education Lighthouse Schools Program, which I think some of the witnesses have mentioned. This initiative is focusing on looking for champion schools that are doing innovative work that is making a difference to boys. We are just into stage 2 of the initiative; that was just announced this week. As I was going through the descriptions of each of the projects in preparation for this hearing today, I found it really interesting to discover that, not too surprisingly, among other things the majority of them are focusing on the importance of role modelling and on bringing male role models into schools. So it is not just about male teachers, although many of them have that element—for example, in trying to connect with the community more broadly et cetera—but it is also about bringing dads into schools and so on. But all of those things are aimed either at boys, and therefore at promoting male role models and therefore at male teachers, or directly at male teachers.

**CHAIR**—I have two more questions before I go to my colleagues. When the *Boys: getting it right* report was released, a recommendation was incorporated in that which I think effectively said that equal numbers of scholarships for both male and female students should be funded. I understand the government rejected that recommendation at the time, stating that the quality of the teacher is more important than their gender, which is the discussion we have just had. What is the basis of the reversal of that position?

**Ms Paul**—It was a proposal to alter the approach to HECS; it was about the HECS based scholarships. The view in the government's response talks about it not making a difference. That was about the number, whereas this amendment is quite different. It is, as you know, about allowing all of the employing authorities to offer potentially as many scholarships as

they like. It is an enabling provision. It is quite a different approach to scholarships, and that is the difference.

**CHAIR**—Can you tell me which employing authorities are seeking this amendment?

**Ms Paul**—As we know, it was originally the Catholic Education Office. The other employing authorities that have indicated an interest in using such flexibility or at least in having mechanisms to increase the number of male teachers include Western Australia. They have used a needs based scholarship approach, which has brought in a disproportionately high number of men in that scholarship system. Queensland have also said that they are interested in a scholarship approach but they had previously chosen not to pursue it because of the constraints of the Sex Discrimination Act. The independent schools associations say that, in canvassing their schools, some would like the flexibility that would be afforded if this amendment were enacted. Basically, some would use it and some would not.

**CHAIR**—We have not been able to get the Catholic Education Office to make a submission to this inquiry. All the Catholic Education Office have been prepared to provide us with is a copy of the front page of the *Catholic Weekly* of 21 March 2004, which says:

Br Kelvin—

That is a reference to Brother Kelvin Canavan, the Executive Director of Schools for the Archdiocese of Sydney—

emphasised that, contrary to recent media reports, the Catholic Education Office had not requested a change to the Sex Discrimination Act.

You are not suggesting that they requested it, are you?

**Ms Paul**—No, I am not suggesting that.

**CHAIR**—Finally, how will the amendment ensure that it translates into more men in the teaching profession?

**Ms Paul**—We have already had indications, as I said a minute ago, that the flexibility will be taken up by several employing authorities, and in doing so their intake will be progressively more balanced. I am sure that they will be focusing on the primary school area and possibly even on early childhood education. You would expect that, as the teaching staff turned over, the representation would reasonably quickly become more balanced if this flexibility were used.

**Senator BOLKUS**—I am just going to follow up one of the chair's questions. I am not so sure you answered the question adequately. The recommendation of the *Boys: getting it right* report was to introduce the concept of scholarships, putting aside who was going to pay for it. It was that concept that the government rejected. Having rejected the concept of scholarships in response to that report, what makes scholarships attractive now?

**Ms Paul**—I still stand by the view that this amendment is considered to offer more flexibility and greater numbers—

**Senator BOLKUS**—No, it is not the question of numbers or flexibility; it is the concept of scholarships, and that is what you rejected a few months ago.

**Ms Paul**—Yes, that is a fair point. There have been quite a few—

**Senator BOLKUS**—It is a right point, not just a fair point. That is what I want you to answer.

**Ms Paul**—Certainly. There have been several developments since the report came out several years ago which have suggested that the role modelling aspect is even more important than perhaps was thought at that time. Some examples are Professor Kwong Lee Dow's report on teaching and teacher education. The reports back from the boys' education lighthouse projects show quite clearly that male role modelling is important for boys.

**Senator BOLKUS**—So you got it wrong in response to that report?

**Ms Paul**—There is a New South Wales report which came out a couple of years after that report that talks about 250 schools being without any male teaching staff and so on. So I think there is an increasing body of interest in the notion that it is important for boys to have the male role modelling.

**Senator BOLKUS**—But all those stats were available at the time of that report. Two hundred and fifty schools without male teachers did not happen yesterday. That report documented a lot of those problems. Did you get it wrong then?

**Ms Paul**—The reports that I have just mentioned are all things which have come out since. Secondly, I would still say that the recommendation in the report was quite specific and quite different to the current amendment.

**Senator BOLKUS**—The recommendation is as to scholarships and the response was that the quality of the teacher is more important than his or her gender. I believe you still support that assertion. The other aspect was that in the response to the report the government said:

... a scholarship mechanism is likely to have little impact on the gender imbalance amongst teachers in schools.

Are you saying that you were wrong there?

**Ms Paul**—No, I am saying that the mechanism was different and therefore the numerical impact would be less extensive than the current amendment would allow.

**Senator BOLKUS**—When did you have this conversion? When did you take the road to Damascus?

**Ms Paul**—The decision for this amendment is a policy decision, so it has been a matter for government. I am trying to set out some of the things which have happened since.

**Senator BOLKUS**—As a policy decision, was it part of a discussion paper or a minute that the department developed or was it something that came from government?

**Ms Paul**—It is a government decision.

**Senator BOLKUS**—I know it is a government decision. That does not answer the question.

**Ms Paul**—The department has provided advice about boys' education and about role modelling and its importance over a long period of time, particularly in the context of the Boys' Education Lighthouse Schools Program and so on.

**Senator BOLKUS**—Did the proposal to amend the Sex Discrimination Act come from your department?

**Ms Paul**—It came from government.

**Senator BOLKUS**—Did it come from a ministerial office?

**Ms Paul**—No, I did not say that.

**Senator BOLKUS**—That is what I am trying to elicit.

**Ms Paul**—It was a decision of government.

**Senator BOLKUS**—But it was not in a minute proposed by your department—it was not a department initiative?

**Ms Paul**—We have advised on the proposal in a range of ways over a period of time.

**Senator BOLKUS**—You may have advised on the proposal—

**Ms Paul**—Ultimately it is a decision of government.

**Senator BOLKUS**—Where did the idea come from?

**Ms Paul**—It was clearly a decision of government. The idea came from a range of sources including the department.

**Senator BOLKUS**—So the department and the government rejected the concept of scholarships. What I am trying to find out is: when it came up in this context, did it come from a minute from your department? Was the initiative for this proposal from your department?

**Ms Paul**—Our department has a policy lead on the proposal, yes, because we—

**Senator BOLKUS**—But did the initiative come from your department? Did the proposal come from your department?

**Ms Paul**—It is a government decision but certainly we have advised on matters like—

**Senator BOLKUS**—You are refusing to answer the question, Ms Paul.

**Ms Paul**—I do not think so, Senator.

**Senator BOLKUS**—The question is very specific. Did this idea for this initiative to amend the SDA come from your department or did it come from the other end of the policy spectrum—from ministers?

**Ms Paul**—The decision was the minister's.

**Senator BOLKUS**—Where did the initiative, not the decision, come from?

**Ms Paul**—I think it would be fair to say that the initiative was the minister's but it would have been informed by a range of advice from us including, for example, the Catholic Education Office seeking the exemption et cetera.

**Senator BOLKUS**—We all know how governments work. People come up with ideas and then those ideas are canvassed by those who are asked to do so. That is what happened here. The minister has come up with the idea and you have provided advice on implementation.

**Ms Paul**—I am sorry to sound equivocal. I do not mean to. It was a ministerial decision, but the ministerial decision would have been informed by our policy advice on things like the Catholic Education Office and we have, in addition, advised on implementation.

**Senator BOLKUS**—We both know there is a difference between an initiative and a decision. The decision comes later. What you have said is that the initiative came from the minister. The decision was made later on, after some advice from your department. If it is such a good idea why are we not doing it in the public school system?

**Ms Paul**—This would be applicable to the public school system and, indeed, reflects to some extent what Western Australia has tried to do already.

**Senator BOLKUS**—What about the Commonwealth government? You have embraced the idea and introduced legislation.

**Ms Paul**—It is the Commonwealth's act, so it is one of the things which the Commonwealth government can do to try to improve the representation of men in teaching. The implementation of this amendment, however, would solely be the province of either the state governments for the public school system or the other employing authorities: the National Catholic Education Commission and the independent schools systems or independent schools.

**Senator BOLKUS**—We are asked to believe that this could go a long way towards fixing up some of the problem, but you are telling us that there is no plan for the federal government to introduce scholarships in this area.

**Ms Paul**—Yes, that is right. I am saying that this amendment goes to what the schools and employing authorities can do and, of course, the Commonwealth is not responsible for employing teachers.

**Senator BOLKUS**—Given the fact that we are being told that we should anticipate some discussion initiatives in this area in the budget and even though it is taking the time of the parliament to amend the legislation and have these processes, there is no intention federally to introduce any such scholarships?

**Ms Paul**—I have nothing before me which would suggest that, no. That is not the purpose of this amendment.

**Senator LUDWIG**—In your view, the amendment is designed to provide an environment where other people can implement scholarships.

**Ms Paul**—Yes.

**Senator LUDWIG**—Have you done any analysis as to how many would do it? Have you consulted anybody?

**Ms Paul**—Yes, we believe that a range of independent schools would take up the flexibility offered. We see that Western Australia has already offered scholarships on a needs basis, which resulted in a relatively high proportion of men receiving scholarships, and we note that the state of Queensland has said it considered scholarships and did not go down that path in the end because of the Sex Discrimination Act. As we know, the Catholic Education Office is taking its own approach to achieve a 50-50 ratio with some of its scholarships. So,

yes, we think that at least at the beginning that is the range of employing authorities that would adopt this flexibility.

**Senator LUDWIG**—Have you done any analysis on how many would be required to make a discernible difference to benefit the policy initiative that is being suggested here?

**Ms Paul**—No, we have not. We could certainly do it in terms of achieving 50 per cent—

**Senator LUDWIG**—Why wouldn't you have already done it? Perhaps I can explain what I am grappling with so that we can stop the toing-and-froing. If you were going to initiate a policy that was to make a discernible difference, you would have to understand what target you had to achieve to at least be able to monitor whether the process had been effective in achieving the end product. At least some statistical analysis would be helpful. Has any been done?

**Ms Paul**—I do not know that I agree with your analysis that you would need to have a target. Basically, if you are introducing flexibility to your recruitment process, as this would be, then clearly over time you are going to build up more balanced representation. How long that time is will obviously be affected, as you are suggesting, both by the extent to which the employing authorities adopt the flexibility and by how fast your teacher work force turns over. One of the things that Professor Kwong Lee Dow's study on teacher education found was that the teacher work force is ageing to an extent where there will be a significant turnover or a loss of teachers from the profession, which we will particularly start to see over the next five years. One of the recommendations in that review is for more sophisticated work force analysis. It is hard for me to predict, because I cannot predict the rate at which employing authorities will take up the flexibility. We are pretty good, and we hope to get better, at predicting the general turnover in the teacher work force.

**Senator LUDWIG**—So, other than asking for an expression of interest from employing authorities, you have no idea?

**Ms Paul**—No, we do not know exact numbers. We know the number of scholarships that Western Australia has offered and that it is continuing to offer. I think it is around 100 at the moment. We know that the Catholic Education Office has 24 gender based scholarships but also offers a range of other scholarships. We know that Queensland wants to do it, and we have some impression from the independent sector but we do not know the exact numbers.

**Senator MASON**—Ms Paul, did you hear me questioning Dr Rowe and Dr West before about educational outcomes for young boys?

**Ms Paul**—Yes.

**Senator MASON**—The evidence thus far—and I do not think I am verballing Dr Rowe or Dr West—is that there is no evidence to suggest that having more male teachers will increase or enhance educational outcomes for young boys in preschool and primary school. Do you agree with that?

**Ms Paul**—No.

**Senator MASON**—You don't agree with that?

**Ms Paul**—Perhaps yes and no. Let me try to explain. First of all, it depends what sort of outcomes you are talking about. That is what I said in my opening statement. For example, some of the studies that Dr Rowe is referring to, which we are well familiar with, correlate academic achievement with a whole range of factors. They are incredibly important studies. They find that it is the quality of teaching overall. The studies are very interesting in other ways. They show that it is not even so much differences between schools—differences between schools count for as much as differences within schools. It all, in a major way, comes down to quality. But what they are correlating with is academic outcomes, whereas there are a whole lot of indicators which relate to what boys are experiencing at schools which go beyond academic indicators.

**Senator MASON**—Let me stop you. The Attorney-General, in his second reading speech, rolls the issues together. He says—and I have quoted this before:

The imbalance in the number of male and female teachers in schools, in particular in preschools and primary schools, means that boys and schools are without enough male role models in schools.

That is about role models. The next sentence reads:

This has a detrimental impact on education outcomes for boys.

What is the evidence for that?

**Ms Paul**—Perhaps I could go through some of it. There are some studies. This morning so far we have only focused on some of these academic studies. A range of studies indicate the relationship that is mentioned there. There was a study in 1992 that found that female teachers respond more negatively—and I am happy to table something for the committee if you would like me to—to boys' social behaviour and male teachers more positively to boys' academic behaviour. A study in 2000 talked about males and females having different language styles and that having an impact in learning. There was one in 1966—it is probably too old. I might not deal with that one.

**Senator MASON**—It might be an oldie, but it might be a goodie.

**Ms Paul**—It could be a goodie. It indicated that the sex of the teacher had a bearing on interactions and on learning outcomes. Other research suggests that dealing with gender across the curriculum requires a mixture of teaching methods. There is a study called *Boys literacy and schooling—Expanding the repertoire of practice*, and this is an important one because it is literacy often that is seen to be where boys are performing less well academically.

**CHAIR**—What does that study say?

**Ms Paul**—It was done by the Curriculum Corporation and James Cook, and it says teachers find that the lack of male role models does have an impact on the engagement of and outcomes for boys. There is the Peter West work, some of which you have heard this morning.

**Senator MASON**—Dr West was questioned directly about this. He conceded that there was a distinction between, on the one hand, scholastic outcomes and, on the other hand, social and potentially behavioural outcomes. The committee has not received any evidence that scholastic outcomes will be enhanced by having more male teachers. There is some evidence—not a lot—that female teachers engage with boys differently from male teachers,

and this may have some impact on some behavioural aspects. The only possible link would be to link potential behavioural issues with potential educational outcomes. But it is not looking hot.

**Ms Paul**—I have a couple of comments to make on that. Firstly, I believe there is some research that links the importance of male role models to literacy in particular, which is the key academic area, and we would love to have more research on this. Secondly, it is not just academic outcomes—

**Senator MASON**—But he says that there is a link—not that there may be but that there is.

**Ms Paul**—That is right. It is not just about academic outcomes, which are important, of course—

**Senator MASON**—I accept that.

**Ms Paul**—In terms of the statistics on suicide, disaffection, disengagement, employment outcomes, school retention, behaviour et cetera. School retention is worse. Entry into university statistics are worse et cetera. There are a whole range of areas in which boys are not achieving.

**Senator MASON**—I accept that and I accept that there are problems with boys' education. I do not have any problem with that. But the Attorney-General has specifically said that a lack of male teachers has a detrimental impact on educational outcomes for boys. The evidence for that is not great, as we have heard today.

**Ms Paul**—I guess I beg to differ.

**Senator MASON**—You are the first person to say—and I include Dr West in this—that educational outcomes are different.

**Ms Paul**—It depends what you are looking at as educational outcomes.

**CHAIR**—What the normal person on the street thinks of as educational outcomes.

**Ms Paul**—Things like retention rates, university attendance—

**Senator MASON**—Grades.

**Ms Paul**—Yes, of course. I think you are absolutely right: most people think that educational outcomes are the full suite. That is what I would argue too.

**Senator MASON**—I do not know about that. I think when people think about educational outcomes they think about grades.

**CHAIR**—Your submission did not supply us with any of this. Your submission is just a submission on numbers.

**Ms Paul**—That is right. We just offered a background fact sheet, I suppose.

**Senator MASON**—The Attorney-General spoke on two occasions about educational outcomes but that was glossed over with references to role models as some sort of more general particular problem. Role models are being used as the fig leaf here. There is not a lot of evidence about educational outcomes, not about grades, to be really precise. It seems to be a case of: 'Let's talk about the crisis of masculinity, in particular role models.'

**Ms Paul**—I want to take us back for a minute. This amendment is about offering flexibility to get an outcome, which is to get more male teachers. Most people agree, including most of the commentators this morning, that it would be good to have a more balanced representation of the genders.

**Senator MASON**—Everyone agrees with that.

**Ms Paul**—That is what the amendment goes to.

**Senator MASON**—But that is not what the Attorney-General is saying here.

**Ms Paul**—One of the reasons why people tend to agree that having more male teachers is desirable is the importance of role modelling.

**Senator MASON**—You are falling back on role modelling and everyone thinking there should be more male teachers.

**Ms Paul**—That is right.

**Senator MASON**—There is no problem with that, but we have not heard any strong evidence about educational outcomes, grades, being improved by having more male teachers. That is the problem.

**Ms Paul**—And I am saying that that is not the only problem—that in fact the problem is a broader problem.

**CHAIR**—But the problem for you, Ms Paul, is that that is the problem articulated in the second reading speech.

**Senator MASON**—That is what the second reading speech says.

**Ms Paul**—The issue there is a link to educational outcomes. Perhaps I am not saying this clearly enough. I am saying that educational outcomes are broader than grades and that a key thing in educational outcomes is role modelling.

**Senator MASON**—Next time someone drafts a second reading speech for the Attorney-General or someone else they should make it rather more comprehensive than that, because that is hopeless.

**Senator BOLKUS**—Was it drafted by the department?

**Ms Paul**—I am not sure who drafted it. Once again, though, I would say that ‘educational outcomes’ as a phrase is quite broad.

**Senator MASON**—That is the only fallback you have. If you are talking about grades, there is no evidence that it affects grades at all.

**Ms Paul**—I think there is probably a bit, but what I am saying is that—

**Senator MASON**—Not much!

**Ms Paul**—the concept of role modelling is broader and of broader importance.

**Dr Mercer**—Senator Mason, it might be helpful if I added something there. You also heard this morning about the lighthouse schools work that is being undertaken by the department. As Ms Paul mentioned, there is quite a deal of evidence about the importance of male role models that these schools in stage 1 discovered. It was included as part of the

guiding principles for the next stage. In the next stage—again, as Ms Paul has indicated—21 of the 39 schools which will be these lighthouse schools and which will work with up to another 220 schools have gone very heavily for the importance of male role models as their point of engaging male students so that they will be able to demonstrate that learning outcomes can flow from that engagement. You cannot get boys to achieve educational outcomes if they are still so high in the expulsion figures and they are leaving year 10 rather than being retained in years 11 and 12. Certainly, in that stage 2 we are building a much stronger evidence base that will be able to demonstrate what the current research is pointing to.

**Senator MASON**—That is right: you have to find evidence now in this lighthouse project to justify that statement. That is fine. I do not have a problem with that. What I am saying is that there is no evidence to justify that statement.

**Dr Mercer**—I will just reinforce there that the lighthouse schools project stage 1 preceded that. All of that evidence is on the record, and we can provide that in accordance.

**Senator MASON**—Dr West agreed with me. He said that the issue was not about educational outcomes and grades. He said that in his evidence. You heard it.

**Senator KIRK**—My question is directed to the people from the Attorney-General's Department. I am wondering why this amendment is necessary, given that there are provisions in the Sex Discrimination Act—I think they are in division 4—that permit exemptions and given that there is also the special measures provision under section 7D. Perhaps you could inform the committee why those two existing provisions of the act could not be used to achieve the same outcome that this amendment proposes to achieve.

**Dr Alderson**—Certainly, Senator Kirk. Let me start by stating the outcome sought. It is that educational authorities that wish to offer scholarships to men to encourage more men into the teaching profession should have that flexibility. So if we say that that is the objective then how does that fit with the two existing mechanisms that you have mentioned? The special measures provision is directed at circumstances where there is an existing inequality, where there is an existing disadvantage or unfairness to one gender. For example, if there were a system where men were being barred from entering university then the result might be that you would use the special measures mechanism to overcome that and perhaps address that past disadvantage.

Where the issue is not one of advantage or disadvantage between men and women or fairness between men and women but some other policy outcome that you are seeking to achieve then the special measures provision is not the answer. That is because the exemptions that are written into the act—I have mentioned that there are 11 pages of exemptions in there now, to which this would add—are for cases where the issue is not overcoming some existing disadvantage or unfairness but allowing for some policy outcome that is sought—in this case, the flexibility to offer scholarships. So that is the special measures provision directed to a different circumstance. I might say that it would certainly be open to a lawyer to mount an argument as to why scholarships in some cases could come within special measures, so I am not saying that that debate is closed. But, because there is doubt and it depends on the

circumstances, putting it in the act provides that clear flexibility. That is the first point on the face of the legislation.

The temporary exemptions that can be granted by the human rights commission were specifically the subject of the Catholic Education Office case, which is what drew attention to this specific issue with the act. The Human Rights and Equal Opportunity Commission was not prepared to grant a temporary exemption to allow scholarships only for men. It was later prepared to grant an exemption where there were equal numbers of scholarships for males and females. What this amendment does, as opposed to what the human rights commission appears prepared to accept, is allow you to offer scholarships purely to males without coupling them with an equal number of scholarships to females. That is the difference. One other difference this will make is that through the process by which the Catholic Education Office was able to get the 12 plus 12 scholarships, which took 18 months from the initial application to the ultimate outcome, by legislating a targeted clear exemption in the act the position of education authorities is made clear on the face of the legislation.

**Senator KIRK**—As you say, it is arguable whether or not this could be seen as a special measure. It depends on how you define ‘existing inequality’, doesn’t it, and whether or not it is regarded as a substantive inequality or a formal inequality? The argument that is being made is that there is in effect a substantive inequality in the system which is disadvantaging young men and that that is the reason why a special measure could be taken to address that inequality under the special measures provision.

**Dr Alderson**—And I suppose that depending on the specific facts of a case you can argue it either way. One key consideration is that that was one issue the human rights commission looked at when the Catholic Education Office made its initial application. One of the things they look at when a temporary exemption is sought is whether it is simply a special measure. They were not prepared to conclude that they were confident that it was, which is why they went on to the other parts of their decision.

**Senator KIRK**—So if this legislation is not passed then it is going to fall to the exemption division in future—if individuals or groups wish to seek an exemption then they will need to go through the existing process?

**Dr Alderson**—Yes.

**Senator KIRK**—It appears from the amendment that there is no time limit at all on the exemption that is being sought and also no review provision. How will the effectiveness of this amendment be monitored? How will there be any kind of measure of whether or not the amendment has achieved its purported aims?

**Dr Alderson**—Because this is going into the Sex Discrimination Act, the Human Rights and Equal Opportunity Commission has broad review functions. Although the government has not tasked or requested the commission to review the effectiveness of this provision—in particular because it has not been enacted into law, so the issue does not arise yet—it has broad powers both for the government to refer matters to it and for it to initiate review. So it would have the capacity to look at how effective this provision had been, whether it had made a difference and whether any unexpected problems of illegitimate discrimination had arisen in the use of the provision.

**Ms Paul**—Of course, we would be interested in tracking the take-up and the impact if it were enacted.

**CHAIR**—One of the suggestions put forward by the Sex Discrimination Commissioner, both in discussion of this and in an excellent submission, is that one of the problems with retaining numbers of front-of-class male teachers is that relatively early in their careers they end up going into senior administrative positions in schools and taking up leadership roles in that way. Would it be possible to contemplate applying these new provisions to cover awarding scholarships to women for them to achieve appointments as deputy principals or principals of schools to, firstly, assist the number of women represented at that level and, secondly, encourage more men to stay in front of classes?

**Dr Alderson**—As the provision is drafted it allows discrimination in relation to schools generally, categories of schools or particular schools. For example, if you had a school that had all male teachers, perhaps in a remote area, and there was a desire to redress that or if in future perhaps Catholic schools, public schools or some category of schools had an overwhelming preponderance of males, this provision could be used to allow scholarships for females.

But, because it is directed at schools and categories of schools, this provision is not directed at positions within a school or categories of employment within a school. So this provision is not directed at that, although I would think that if the evidence supported an argument that historically women had been disadvantaged in their opportunity to advance to senior leadership roles within schools—to principal or deputy principal—then of course the special measures provision within the act would come into play, as would the capacity to seek an exemption from the commission.

**CHAIR**—How long have declining numbers of male teachers been a problem?

**Ms Paul**—It has been a slow decline that has been noticed for quite a long time, but in education policy terms the real focus on it as a major problem or issue has probably been highlighted in the last five years, and that is partly because of international work. The OECD work on outcomes for boys and some work in other countries on their work forces are probably what brought it to our attention, too, in the last five years, which I must admit is immediately before my time in the education area. Certainly Dr Rowe talked about some of the initiatives in Scandinavia. Some other countries are at more critical points, for example the United States. While in Australia only 20 per cent of primary school teachers are male, in the US only six per cent of elementary school teachers are male, so some countries are unfortunately ahead of us, as it were, in facing this problem.

**CHAIR**—In the United States are they taking similar initiatives to amend, for example, their antidiscrimination law to deal with this issue?

**Ms Paul**—I am not sure what range of things are happening in the United States. Some are quite local, I think, because of their school districts. The federal approach to education is quite different. But we know there are a whole range of things being tried, often in a school.

**CHAIR**—But we do not know if this is one of them?

**Ms Paul**—No, I do not think so but I think their legislation works differently, so it is not immediately comparable.

**CHAIR**—I think their discrimination laws are pretty clear, though.

**Dr Alderson**—I would like to add that we have looked at comparative laws in different jurisdictions and certainly the Commonwealth has gone first in terms of a provision like this in Australia. If it is useful to the committee, we have a piece of paper with a UK provision. It is not directed specifically at teaching but in their antidiscrimination law it allows gender discrimination to redress imbalance in the numbers in professions generally. We could provide a copy of that to the committee secretariat if that would be helpful.

**CHAIR**—Is it permanent, open-ended and without review?

**Dr Alderson**—It is written into the legislation, so it is not a temporary exemption.

**CHAIR**—Is it without review?

**Dr Alderson**—I am not aware of there being a review provision on that question.

**CHAIR**—Perhaps you could add that to your piece of paper. It seems to me it has been a compelling problem for some time, and I wondered why it took the Catholic Education Office's efforts to award these scholarships to produce a change in policy.

**Ms Paul**—I think it was a range of things. As I said before, the Catholic Education Office approach started about 18 months ago and over that time several other things happened as well, such as the Western Australian approach to offering scholarships, which has been interesting, some of the moves in Queensland on male teachers and, of course, the things I have mentioned like Professor Kwong's review and so on.

**CHAIR**—You might think you have answered this question before and I apologise if you think that is the case but I am going to ask it again because I am not persuaded by anything I have heard in this discussion. If there is no substantive evidence of disadvantage or discrimination in relation to men in this area—I acknowledge completely that we are talking about a gap and a lack of men, but there is no evidence I can see of disadvantage or discrimination—why are we using the Sex Discrimination Act as a vehicle?

**Dr Alderson**—Because the Catholic Education Office had initially indicated a desire to have 12 scholarships. There are others. In its submission to this committee, the Association of Independent Schools of Victoria suggests that offering scholarships to males might be a useful mechanism. For that to be open, to have the option of offering male scholarships to get them into teaching and to give legal certainty about the capacity to do that in appropriate cases, you need an amendment to the Sex Discrimination Act.

**CHAIR**—But not even the CEO wants the Sex Discrimination Act amended, Doctor.

**Dr Alderson**—But the Catholic Education Office's initial desire to offer scholarships to 12 males would have been available under this amendment without an 18-month lead-up process. The legal position would have been clear. For those others who wish for that flexibility, for those education authorities who have indicated that they view this as a useful contribution to their strategies, their option becomes legally clear on the face of the legislation.

**CHAIR**—But, in all of the evidence that we have received and in the currently active efforts of the Commonwealth in relation to the Quality Teacher Program and the National Institute for Quality Teaching and School Leadership, ultimately isn't it about enhancing the reputation of the profession of teaching and providing quality teachers regardless of gender?

**Ms Paul**—It is about both things. The quality of teaching is absolutely paramount. But it is broadly accepted that it would be desirable for there to be more male teachers, particularly in primary schools. This is one of the ways of achieving that result.

**CHAIR**—What is wrong with simultaneously offering scholarships to women of high calibre to take up teaching?

**Ms Paul**—Nothing. There are a wide range of—

**CHAIR**—So what was wrong with HREOC's decision?

**Ms Paul**—HREOC'S decision basically—and my colleague might help out—does not offer employing authorities the flexibility that they might seek to try to redress that imbalance in gender representation.

**CHAIR**—I stand to be corrected, Ms Paul, but my reading of the state governments' submissions to the inquiry does not indicate to me that they are proposing to take up or are actively engaged in contemplation of taking up this opportunity. We will clarify that with state governments.

**Ms Paul**—Certainly there is a broad desire to redress the imbalance of gender.

**CHAIR**—We are talking about this bill.

**Ms Paul**—Sure. It is particularly the Queensland one that you might have a look at. They considered this but had concerns because of the constraints in the act et cetera. You might want to clarify it particularly in that area.

**CHAIR**—As there are no further questions, I thank the witnesses very much for assisting the committee. It is a good opportunity for the committee to have another department here associated with the legislation because more often than not other departments decline to attend. We are very grateful to the Department of Education, Science and Training. Our recent experience has not been so fortunate. In closing this hearing, I want to thank all of the witnesses who have given evidence to the committee today. I particularly want to thank our committee secretariat, who is working under a great deal of pressure at the moment, for the excellent preparation of documents that they have supplied to the committee to assist us in our deliberations.

**Committee adjourned at 12.33 p.m.**