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EMPLOYMENT, EDUCATION AND
TRAINING LEGISLATION COMMITTEE

**Reference: Employment, Education and Training Amendment
Bill 1996**

MONDAY, 5 AUGUST 1996

CORRECTIONS TO PROOF ISSUE

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SENATE**Monday, 5 August 1996****EMPLOYMENT, EDUCATION AND TRAINING LEGISLATION COMMITTEE****Portfolio:** Employment, Education, Training and Youth AffairsMembers: Senator Tierney (*Chair*), Senators Carr (*Deputy Chair*), Senators Bell, Campbell*, Crowley and Troeth**Senator Campbell appointed to 30 June 1996; Senator Ferris appointed from 1 July 1996. Senator Stott Despoja appointed from 1 July 1996.***Participating members:** Senators Abetz, Bolkus, Chamarette, Bob Collins, Harradine, Mackay and Margetts*Senator Brown from 1 July 1996***Substitute member:** Senator Sandy Macdonald to replace Senator Troeth from 12 July to 12 August 1996**The committee met at 11.05 a.m.**

Matter referred by the Senate:

Employment, Education and Training Amendment Bill 1996

CHAIR—I declare open and welcome you to this public hearing of the Senate Employment, Education and Training Legislation Committee. Today's hearing in Canberra is the first of the committee's inquiry into the Employment, Education and Training Amendment Bill 1996.**LAVER, Mr Peter John, Chair, National Board of Employment, Education and Training, GPO Box 9880, Canberra City, Australian Capital Territory 2601****CHAIR**—Welcome. The committee prefers evidence to be given in public but if at any time you wish to give any evidence, part of evidence or answers to any questions in camera you may make the request and the committee will consider the request. Is there any additional material you wish to table at this stage?**Mr Laver**—I have nothing to table but I would like the opportunity to make a brief statement.**CHAIR**—You are welcome to make that statement and then we will go to questions.**Mr Laver**—Thank you for the opportunity to appear before you. I should say at the outset that I have been chair of the national board for five years now. My second third-year term is due to expire in the middle of next year. From where I sit, I have to say that I accept the policy decision of the present government to wind up the national board and, therefore, support the legislation that this committee is considering. The government can choose its own advisory mechanisms, and this is strongly accepted and supported. I want to speak about some concerns expressed about some of the things that have been happening in recent months and the need to move towards an alternative very quickly.

The situation we face at present is that the minister—informally when I met her in April, and then informally in a letter dated 16 May—requested that steps be taken to wind down the

activities of the board. That has been done; in fact, it started to be done before the minister's letter was received. The secretariat is now about half the size that it was previously. A number of senior and critical people have departed or have been transferred and, consequently, the position is now irreversible.

Unfortunately, the delay in amending the legislation and instituting some sort of replacement advisory mechanism is causing significant inefficiencies at present. The board still has to go through its statutory obligations, but it is not meeting, so various pieces of advice have to be signed off by mail. There are various difficulties in terms of levels of approvals and authorities. We have lost our single SES officer. It is not a particularly satisfactory way of operating at present.

I wanted to speak briefly about the national board's record. Having been there for five years, I am proud of the record that we have. We have significant achievements in terms of high quality policy advice. It has not always been listened to, but at least high quality advice has been provided. We have provided high quality analysis, which has actually informed the education debate in terms of general awareness raising. One of the main functions of the national board is to ensure that the issues that are confronting the system are fully understood amongst the constituencies.

During the time I have been associated with the organisation, it has been used highly effectively by, in my case, three Labor ministers. It has been used in a number of different ways. Firstly, it is clearly a source of alternative advice to the minister—alternative to that provided by the department and that provided by lobbyists. As a consequence, it has been seen as an independent voice in the education debate.

Secondly, one of the benefits of the national board's structure has been the confederation style, where six councils basically report through a board to the minister. This means that the implications of various pieces of advice are fully considered by putting it through the board so that the cross-sectoral aspects are accommodated prior to the advice being forwarded to the minister and tabled in parliament. The vernacular we use is 'run the gauntlet' of the board, but it has actually proved a very useful mechanism where the minister can be confident that when he or she receives advice, the implications that that advice has on other sectors of education has been adequately accommodated. The board has been seen to be quite effective in that area.

The third area is the cross-sectoral area and the alternative sources of advice. The board and its councils have acted as a very useful buffer between the minister and the very large number of interest groups that exist in various education sectors. It is very convenient for a minister to be able to refer these interest groups to the board or its constituent councils, to be able to make submissions to attend meetings and to be able to consult with the boards so that they feel confident that their views have been accommodated in any advice that reaches the minister. It is certainly a lot easier than the minister receiving all these independent views and then trying to make something of it. There is really no mechanism by which the department can handle it. In the future any advisory mechanism needs to be able to accommodate the voices of those interest groups.

We can be proud of our achievement. We have seen some independent testimony to that in terms of the review that was done by Professor Wiltshire of the board a couple of years ago. It recommended that even more work be done on cross-sectoral issues, which the board is uniquely placed to do. In fact, I believe it is the only body that is in a situation to be able to do that. We have also forwarded a copy of a summary document, called *For the record*,

which is basically a history of the board, the issues that it has tackled and the way it has gone about it, basically pointing to the areas where it has some major influence.

I just came back from Europe yesterday. I had a meeting at Oxford on Thursday morning and I was quite amazed to find that the Vice-chancellor at Oxford University, plus a couple of people in their international department, were well aware of our activities. One of the international people had actually read a couple of our reports. As you might know, the debate on higher education in the UK is proceeding in a very similar direction to ours and they are looking to us for some advice. Very clearly, it was seen as a valuable contribution to the discussion that is going on there.

The other thing that I would have to say about the board is that in terms of providing advice—I have been associated with other government advisory bodies in the manufacturing industry and in science and technology, and in rural areas—it is quite a cost-effective way of doing it. The cost of running the national board compared to its output is a pretty good investment. It would be difficult to find where you could actually run something like that in a more efficient sort of manner with the same resource being shared across basically six councils and the board itself.

That is our proud record. While accepting what is happening and actively managing it in a most effective way, I would have to say there have been a few disappointments that I would like to express. Firstly, I would have liked to have seen a clear vision of what the alternative would have been. There is going to be a loss of momentum and a loss of expertise from very highly experienced people within the system who are leaving us, basically. I think that they still had a further contribution to make. It would have been nice to have been able to move from one mechanism to another rather than to have some sort of hiatus period.

I am also a little bit mystified—I have had discussions with different ministers at various times—as to exactly what the problems with the existing NBEET structure were. I think a document said that it had become cumbersome. I am not sure quite what that means. The Employment, Education and Training Act was amended only last December as a result of the Wiltshire recommendations. Most of the cumbersome bits—the inefficiencies and the problems we had with appointments and various other things—were taken out at that time. So I believe that the operation had the capability of becoming even more efficient.

There is also a concern from the announced policy that there does not appear to be an intention to address the linkage questions which affect the efficiency of the total system. As I say, the Wiltshire report made great play of the necessity for some understanding of the cross-sectoral implications of a lot of things. Increasingly, the boundaries between education sectors are getting fuzzier and fuzzier, and it is not possible to put them into little boxes and hope that they can exist independently. It would be nice to think that a new advisory mechanism would be able to in some way accommodate that, even if it were just for the efficiency of the system.

With another hat on, working in private enterprise, I support very strongly the necessity to reduce the budget deficit. It would be nice to think that we could save money in education by making the whole system more efficient, by using resources more efficiently, and by getting the right people into the right sorts of programs to understand the interface between the various education sectors in employment. I believe the board has made, and any future advisory structure should make, contributions in these sorts of areas.

It is also a bit disappointing to see that the expertise that has already left could actually have been employed for some of the things that have come on to the new government's agendas.

Particularly, I believe that a study on the options and implications of budget cuts across the education sectors would be something that a national board could have handled in such a way as to be able to provide government with well researched advice on what its options would have been and what the implications of those options would have been. It could have been done in such a way that the constituencies would have had some involvement in it and perhaps would have been able to have felt a bit more comfortable rather than having it imposed on them.

There is also a concern—you will hear more from Mr Mayer, the Chair of the Australian International Education Foundation Council—that last year the perception of the delay to the changes in the act that only went through in December, even though they had been sitting around in parliament for some considerable time before then, was due to a concern about the International Education Foundation Council. That was certainly the perception that I think came through at a Senate inquiry that was held in about June last year. But now it seems as though that body is to be retained, along with the HEC and the ARC. At least it has not been completely discarded. Mr Mayer can speak for himself, but I am concerned that this uncertainty as to what the government plans to do in regard to that council does not help it at all in its sometimes very complex relationship with its various constituencies. Again, the lack of certainty and the mixed signals that have been sent is a disappointment in terms of the way in which the matter has been handled.

While it is not something I feel strongly about, I know some people feel strongly about the 16 May letter from the minister that went to all the chairs of the various councils and so on. It was basically a directive to wind-up, but it did not contain any acknowledgment of any past achievements, any sense of gratitude for anything that had been done. It was not the most gracious letter we had received. We also saw some of the submissions made to the minister's office by the department, who tackled the task of disbanding NBEET with alacrity—which I was in fact very proud of. If they had been sorry to see it go, we would not have been doing our job. The fact that the department seemed very anxious to see us go showed that we were achieving exactly the purpose we had set out to achieve.

Just to conclude, I think there are some challenges. It would be a pity to see independent advice to the minister disappear with the passage of this amendment to the act. I think that we do need a high level independent body or bodies to provide advice to ministers on education policy matters. I believe there is certainly a need for someone to have some responsibility for cross-sectoral matters, someone to listen to the various constituencies and to attempt to accommodate their views, and someone to basically interpret those in the way that policy can be formulated. It needs to be able to attract the best people.

One of the problems with the national board, which I could talk about if necessary, was that perhaps the structure of it did mean that various constituencies in some of the councils had to be accommodated by their constituency rather than by the ability of the person concerned. That was something that was not really intrinsic in the system, and I believe it could have been addressed. There are a lot of willing helpers out there for the government to try to achieve its ends in this area.

Senator CARR—Would you please provide the committee with a copy of that letter from the minister dated 16 May?

Mr Laver—Yes.

Senator CARR—Mr Laver, you have indicated your sense of achievement and your sense of the value of NBEET to the Australian parliament. You have indicated a sense of support

to the electorate in terms of, broadly speaking, the advice you have given, the leading edge that you have taken in public debate which, as I understand it, was part of the NBEET charter. I saw in the paper this morning that the minister was proposing that independent inquiries should be established. Did you notice that report in the *Australian*?

Mr Laver—Yes, I did.

Senator CARR—Would you like to give us your advice on that option?

Mr Laver—In many respects, it is consistent with the way the national board operated. The national board in fact oversaw a number of independent studies. They commissioned, through what we call the innovative grants system, various consultants and various expert groups to do specialist studies. No standing committee can ever have all the expertise that are necessary for something like that. So the basic principle of using independent experts is strongly supported.

The concern is over who writes the rules and the terms of reference for those independent experts and who manages the direction they go in. I believe that NBEET officers have been able to manage those things a bit better than officers in the department. They know the right questions to ask and the right directions to go. I think it could be made to work.

I do not believe it would be as efficient to have some modest standing committee structure where there is a learning process. In a series of independent inquiries, there is no learning retained in the system. So you start with a clean sheet of paper each time and you are not sure what has gone on before. To have some sort of structure—as is proposed with the Higher Education Council or the ARC that basically oversees those—would mean that at least some of the experience is retained so that the right questions are asked next time around. I guess in a convoluted way I am saying that the system could work, provided it is managed in the right sort of way and the deficiencies of not having retained learning is fully understood.

Senator CARR—There has been great emphasis put on the need to have pathways between the various sectors of education, and I am sure most people coming to the education debate are puzzled by the extraordinary complexities of the debate between various sectors. There is seen to be a need to have a seamless and flexible education and training system. People talk of the need for a cradle to grave approach in our educational institutions across the country.

I wonder whether or not the option of individual inquiries would allow that to occur. Would there be adequate attention to the need for cross-sectoral advice? Could it be possible to get people together with institutional memory to know the right questions and to understand the implications for policy advice? Isn't that essentially the role of the board at the moment—to filter, to challenge and to try to balance out the competing interests that occur with conflicting advice?

Mr Laver—I believe it could be done. I do not believe it would be done as efficiently as we can do it with a standing committee system. If you wanted, for instance, to look at a new type of vocational education certificate, presumably the main people you would talk to were the people involved in vocational education and perhaps, hopefully, the people who employ people who receive vocational qualifications. It does not necessarily mean that you will understand the implications that might have on graduate diplomas in universities, what it might mean to school curricula or what it might mean in other areas.

The national board has the intrinsic advantage that the experts in those areas will look at these reports and look at them through those sorts of eyes. So you have that sort of system basically in place. I think it can be done. I believe that, in some areas, it probably could be

done at least as efficiently. But for a lot of the routine things that the national board looks at, it probably would not be as efficient.

The other thing is that you get into a question of size with independent studies. You do not set up an independent study unless it is a fairly massive exercise. One of the advantages of having a standing committee is that it is a cheap and dirty study, as we used to call them. It is something that is relatively short term. For people who want to understand the implications of a particular thing that has happened, it is possible to use an existing structure, rather than going through the problem of finding a secretariat, appointing members, finding a budget and all the sorts of things that would be necessary with an independent study.

Senator CARR—Last year you spent about \$6 million on the operation of the board all-up—\$3 million on salaries and \$3 million on non-salary items. Do you think you would be able to provide advice of high quality—which I think everyone can see that you have done—at a price cheaper than can be done on the basis of a series of independent inquiries?

Mr Laver—It is a bit of a leading question because it really depends on the nature of them and various other things. Our experience when we have commissioned independent inquiries ourselves using consultants and so on is that typically a major study might cost \$100,000 or \$150,000 and a minor study about \$40,000, but that does require some considerable input from a standing secretariat. I really cannot answer your question with confidence.

I should point out that there is another \$1 million on top of the \$6 million in terms of commissioned projects and the like. About half of that would be ongoing expenditure. The ARC is the most expensive part of the national board because of the number of panels and so on it has to operate and the amount of travel it needs to do. There is a smaller figure for the Higher Education Council. Probably something over \$3 million of that will, as part of the policy, stay there. The actual saving is a smaller amount.

Senator CARR—The last annual report of yours I have available is for 1994-95. I take it there is no later one than that.

Mr Laver—The next one will be out in a month or so.

Senator CARR—In the latest report available to the parliament, you indicated that you provided 12 pieces of advice to the minister and produced 11 commissioned reports, with a total of 30 publications being produced in 1994-95. I have had a look at some of these publications, and I must say that I find them to be of extremely high quality. I support the views you indicated that internationally they have been recognised.

They provide advice to the parliament of this country, not just to the minister. What role do you think there is for an independent body that would provide cross-sectoral advice to the parliament, given that the budget in DEETYA is about \$14 billion? It is about 11 per cent of the total Commonwealth outlay. Do you think there is a role there for advice to the parliament?

Mr Laver—I think there well could be. Certainly since I have been chair one of the things I always ask when the advice is sent to the board is: what are the implications of this in terms of the broader scene—oncosts and so on? I believe that, given a bit of encouragement, we could have done a lot more work in that, as I mentioned in my opening remarks. For the parliament certainly and the broader community, I believe there is a role both in our charter and in what we call our business plan to ensure that the issues that exist within the education system are understood as widely as possible, but particularly in parliament where decisions need to be made that have implications on budget outlays and the like.

Senator CARR—It is said that advice could be provided through Mike Cheater on the secretariat. Do you think that would be sufficient to provide advice to the parliament as well as to the minister?

Mr Laver—If you set your mind to it, it could be. I would need to understand exactly how it was going to be managed. The concern I have—again, it relates to the problems we have with managing independent sources of advice through the board—is that the sorts of people who can do the work are quite often wayward academics who will go off and pursue things that they like doing rather than things you want them to do. Those types of things need to be managed. Otherwise, you will have to write terms of reference that really almost pre-empt the outcomes or you will end up with a piece of advice that will go off in the direction that the people who are doing the work wanted it to. It is a fact of life. It is not only in education.

Senator CARR—Offices have been said to be a suitable source of advice as a counterweight to the departments. Would you like to comment in terms of your experience about the capacity to shift, synthesise and create priorities in complex areas, as Professor Chubb has highlighted in his submissions? Would you like to comment on how well that advice can be done through a ministerial office?

Mr Laver—I think no advice can be done in the absence of research and information gathering and an understanding of the details. I think ministerial offices can provide very useful advice, but it really does need a level of input of an operation like the national board can provide. I think to conjure that out of a vacuum is a little unrealistic.

Senator CARR—Wiltshire in his review highlights tension that existed between NBEET and DEETYA at various points. Could you enlarge on the nature of that tension? To what extent was there a creative tension? To what extent were you frustrated in the work you were undertaking in terms of providing a counterweight to DEETYA?

Mr Laver—I think it is all of the above. Different councils had different relationships with the department. Sometimes it was personalities. Sometimes it was issues. I felt quite comfortable with the relationship that we had in terms of there being a degree of mutual respect.

By and large, it became a professional disagreement if there was a disagreement. There were occasions on which we felt that the line we were running was so severely contrary to the direction the department wanted to go that we just had to agree to differ. Other times we would listen to what the department's views might be. It was my policy always to have had a draft report passed through the department because sometimes they could pick up things that we didn't.

There was a professional relationship established. I think if we always were in complete agreement with the department we would not be needed. Basically you would just say, 'You are rubber stamping the department.' On the other hand, if you were always at loggerheads with them, someone must be right and someone must be wrong. I guess the philosophy I have taken over the years is basically to understand the direction the government wants to go in and know that there are some areas where it will just be impossible to move, either for budgetary reasons or basic philosophical reasons.

No matter what our beliefs might be, I guess I would not be writing to the minister saying that we should charge everyone full fees for all higher education. We know that is not government policy, so why waste our time with that sort of advice. Quite often with the department, they could pull us up on those types of things where they have said, 'Basically, the government has made a decision, or it is an act of parliament or something so don't waste

your time banging your head against a brick wall. Take that as a given and try within that framework to provide some constructive ways of doing things.'

Senator CARR—How adequate is it to have the department comment upon its own programs and administration of its own programs?

Mr Laver—That certainly is a concern. The department I respect as being highly professional, but they are career public servants who are not education experts. They can be in Social Security one week, Defence the next and employment, education and training the week after. Clearly, they do not and cannot muster the same sort of expertise that the national board and its councils have, where people are there through their basic experience and qualifications, the networks of people that they have and the like.

I believe it is a good, complementary function. I think you need both. I really do. I don't think you have one or the other. The two should work in parallel with an independent advisory body prepared to be sufficiently independent to audit and criticise the department's advice, although the independent advisory body must know at the end of the day that it is the government that makes the decisions.

Senator CARR—Given the letter you received from the minister on 16 May advising you to wind up operations, did you ever consider that this was in breach of the law?

Mr Laver—I guess I did not see any point in trying to insist on our rights. As the minister says, we are quite entitled to undertake work of our own undertaking; we can give ourselves references, basically. There is no point in that. Basically, I understood and accepted that the government policy was that the national board would be abolished and, as there had been a change of government, I embarked on a program to acknowledge that and wind down our activities in the most orderly and sensible way possible.

Senator CARR—Yes, I can see the line of argument you are pursuing there. But to achieve this end, the minister has to get parliamentary approval.

Mr Laver—Indeed.

Senator CARR—And she has not got parliamentary approval.

Mr Laver—That is right. That is the annoying part at the present time. We are in this sort of never-never land where we still have the statutory obligations, yet the board is not meeting. Various appointments will start to finish and we will not be reappointing people. There is a whole range of things that happen that make the whole thing pretty messy at the present time. That is the reason for my opening statement that, as there is a determination to do this, let us get on and do it, but at the same time think of what you are going to replace it with as quickly as possible.

Senator CARR—But your advice to us is that there should be a body such as this.

Mr Laver—Indeed, yes. There is a need for an independent advisory body in this area, preferably one with some cross-sectoral responsibilities.

Senator CARR—There is no capacity under the present law to remove board members, unless they have shown misbehaviour, physical or mental incapacity, bankruptcy, failure to disclose conflict of interest, unapproved outside employment. None of the board members have done any of those things, have they?

Mr Laver—If they have, they have not told me.

Senator CARR—As I understand, there are 12 current members of the board, eight of whose terms expire at the end of this year, 1996. Is that right?

Mr Laver—Yes.

Senator CARR—Three expire in 1997 and one in 1998. In terms of the council members, 29 terms expire in 1996, 12 terms in 1997 and 13 terms in 1998. Would that be right?

Mr Laver—I do not have the figures, but that sounds about right, yes.

Senator CARR—If the government cannot shut down the board without parliamentary approval, is it not possible for you to function at all?

Mr Laver—It would be extraordinarily difficult; certainly to work at the level and provide the quality of work that we have done it would be impossible.

Senator CARR—I am just wondering about the options before the parliament. One of our options is to say, 'We will not pass this bill without getting advice from the government as to what they intend to replace NBEET with, since we have had no advice to that effect.' Is that the case?

Mr Laver—My understanding—and it may not be entirely comprehensive—is that the policy statement said that an ARC and an HEC would be preserved. There has been an options or discussion paper prepared by the department that basically envisages an ARC as a stand-alone body that would be a lot more independent than the existing ARC. It would have its own funding mechanism which I think the current ARC would be very comfortable with. They have been a bit like Ian Smith in Rhodesia in trying to declare independence for sometime.

The HEC would probably, if anything, be slightly more constrained than it is now. It would certainly be purely an advisory body. My reading of it is that the department would probably exercise as much, if not more, control than it does at the present time. But I may be misjudging it because I really have not absorbed it sufficiently.

CHAIR—We are way over time now, Senator Carr. I have given you 20 minutes.

Senator CARR—Yes, 20 minutes. But this bill has a committee stage and, if you do not want to spend the time here now, you are going to spend it in the parliament.

CHAIR—Senator Carr, you know the rules on this. You have sat with me through Telstra.

Senator CARR—I know the rules all right.

CHAIR—On the rules you have five minutes. I have been very generous and given you 20. I have a few questions I would like to ask as well.

Senator CARR—Mr Chairman, we will argue about this in the parliament. That is all I can suggest to you.

CHAIR—You go and do that. Mr Laver, you are probably aware of the history of advice over many years, and people have taken me through this. I believe that in earlier times, if we turn to the area of something like higher education, there was advice from the department and there was advice from a commission. We now have MCEETYA which can also give advice. With any reference to inefficiencies the minister probably has to make a final decision—and you yourself indicated that you did not always agree with the department. So with conflicting lines of advice coming in, the minister in the end has to make the decision. Can you see some rationale for this sort of rationalisation because of those conflicting lines of advice or too many conflicting lines of advice coming into the decision point?

Mr Laver—Yes. In fact, I sense that a structure like NBEET—I am not saying NBEET; we are not here to preserve NBEET—can simplify that from the viewpoint that at the present time there are other sources of advice the minister gets, say, in higher education from the AVCC, the NTEU, the big eight, the other universities and whoever. It can get a little bit

complicated because all those constituencies have the right to be heard and feel that they have the right to be heard and, in fact, are sufficiently large to be quite influential.

The advantage of a national board type arrangement or a higher education council type arrangement is that they are the people who can listen to those and try to synthesise all those views into one piece of advice that basically tries to accommodate the conflicting views. If anything, I would hope that it can reduce the number of pieces of gratuitous advice the minister gets, and perhaps evaluate some of the advice that the minister gets in such a way as it puts it fairly to him or her so that they can more readily make a sensible decision. I would hope at the end of the day the major sources of advice could remain being an independent advisory body and the department, perhaps with some input from the minister's office based on those two pieces.

CHAIR—One of the other public administration criticisms of the arrangement was that unlike, say, the previous bodies such as the universities commission, which actually had the administrative power to do things as well as give advice, the NBEET structure did not have that, that it was just rather floating off there sort of providing advice and the department was providing advice. There were no powers of implementation. Wouldn't you see it being better to have a structure where people can provide advice and then, with modification from the minister, implement that?

Mr Laver—I think in the case of research there is a good case to be made for that. The ARC certainly has a finite budget. I believe that to be able to deliver and live with the consequences of its decisions seems to have some merits. I have some reservations about higher education, that such a large body becomes a fairly complex organisation in its own right. While I was not around in this field when CTEC existed, most people say, 'You are not going to reinvent CTEC, are you?' It gets down to a level of detail that sometimes you lose the broad picture.

I think one of the advantages of something like a higher education council and NBEET is that they can take a broader view. I would like to see them perhaps get a little more involved than at the present time, but they would have to get a secretariat so there was someone there to answer the phone. If Edith Cowan University's cheque is two days late they have to track down when it was mailed. I am not comfortable that that sits well in an advisory body.

I think it would be nice to think that maybe they could have their say in terms of the macro allocation to Western Australia or to Edith Cowan or to something but not necessarily get down to the nitty-gritty detail of chasing the last dollar. I think that is probably better handled in a departmental structure where the financial accountabilities and audit and so on is already in place.

CHAIR—Each council by its nature must have a limited membership. The question arises how representative that is of the sector, taking something like Skills Formation Council. Obviously a very wide range of bodies and people would probably like to have some input into that sort of area that is so vastly diverse. So how do you respond to the criticism that such bodies can sometimes represent particular interests and not be sufficiently representative of the whole sector?

Mr Laver—I have not heard that criticism in those terms. In fact the problem I have had is the reverse. The Schools Council would be the classic case. There were people there to represent various constituencies. You had so-called experts who would sit around and say, 'I cannot make a decision on this until I go back to my parent body.' We have tried in all the other councils to move away from that and to try to have people who are accepted within the

various communities appointed. There is widespread consultation before appointments are made with various constituent bodies. But they come there as individuals with expertise.

It has not been alleged to me at this stage anyway, other than this problem we have had with the constituency representatives in the Schools Council, that it has been a major problem. As soon as you have some constituents represented all the others feel they should be. If you say there are no constituencies here, that you are here because you have the best experts—and if they are not the best experts, get rid of them and get whoever are the best experts who are accepted by the community—I think that works. I have not heard that criticism on the other councils.

CHAIR—Thank you for appearing today. I welcome the witness from the National Tertiary Education Union and the witness from the Australian Education Union.

O'BRIEN, Dr John Michael, Member of National Executive, National Tertiary Education Industry Union, 22 Lyndon Street, Kaleen, ACT 2615

BURROW, Ms Sharon, Executive Officer, Australian Education Union, PO Box 1158, City Road, South Melbourne, Victoria 3025

CHAIR—The committee prefers all evidence to be given in public, but if at any time you wish to give your evidence, part of your evidence or answers to any questions in camera you may make that request and the committee will consider the request. You are welcome to make some introduction remarks to the committee and then we will proceed to questions.

Ms Burrow—The points I will make in introduction are really quite brief. We believe that education is a public good which is funded in the main by public money. Consequently, a publicly accountable set of advisory structures about the major issues facing the industry are clearly desirable. There has been an advisory council in the schools era for more than 20 year—some 23 years, I believe—since the days when Malcolm Fraser was Prime Minister.

From our point of view, in terms of the schools sector, we would probably say that the schools commission was the most successful framework because it not only had an independent charter but also had some program responsibilities which in part provided a balance to the all too common experience we have where systems often fail to recognise that they do not actually own public schooling—they are just responsible for administering it—and that it is owned by the public more generally.

However, having said that, the schools council did, under the framework of the NBEET charter, provide very valuable support in the form of research and advice about current debates on educational industry issues to both the school community generally and more broadly in the form of public reports to government. That level of advice cannot be underestimated by any minister or indeed any political party that wants to make sure that it is governing the education industry in a serious way.

The advantage of NBEET was that it had a number of councils to deal with sectoral issues. The NBEET structure dealt with powerful cross-sectoral issues. In terms of the agenda for the education industry today that is critical as we see the blurring of the lines between sectors.

NBEET and its councils also allowed some new perspectives to be brought into the broader advice structures and to education industry research. Areas such as the perspective provided by the National Language and Literacy Council and ESFC allowed us to genuinely get a cross-sectoral perspective. It certainly would not be said by us that it was a perfect structure, nevertheless it was certainly effective at responding to the legislation which established its charter.

We find the rhetoric about non-representation a little difficult to deal with because when it is a public industry we believe that stakeholders ought to be represented. That is one form of public accountability. Nevertheless, the schools council in particular maintained a broadly representative structure. That allowed the school sector to actually be involved in the debate, the discussion and the formulation of advice around major issues and provided a broad base of support for educational change which emerged from that. The best of public consensus was actually modelled by the schools council when it came to dealing with critical issues either at a research or policy advice level or implementation level.

For any minister governing the education industry when dealing with one sector, a multiplicity of sectors or the industry as a whole it is critical, in terms of public accountability, that there be such an advice structure. We do not believe that the advice structure is there purely for the minister of the day. It also has a public accountability function. We would impress on the Senate committee the importance of the legislation which requires all reports to be tabled in the parliament and thus become public documents. The government of the day, through its responsible minister, would have to respond to those documents. That level of accountability is critical and we believe should underpin the governance of the industry by any current political party in residence in parliament.

Were this body to be reviewed in any way, we believe that the deficiency is that it still has no responsibility in the school sector, unlike the higher education sector and the ARC, for research and advice to be linked directly to issues such as funding. We can no longer continue to accept that schools are able to be funded in the current manner. The Australian Education Union, in its publication *Creating an education nation*, recommends that a schools advisory council be established to support the MCEETYA structure inherent in the Council of Australian Government structure.

Consequently, I would be happy to answer questions about that. We believe that the whole nature of the public base of the education industry needs to have stringent accountability. The policy base of the industry that is generated by government needs to be based on research. We do not believe that you can do that without an adequate advisory structure that is independent and subject to parliamentary legislation.

Dr O'Brien—I should say on behalf of the National Tertiary Education Industry Union that our prime constituency is the higher education sector, but we do have some members in TAFE. I think it is probably useful to have an argument about the usefulness of particular structures and, obviously, the government has made a decision about a particular structure. But the necessity for certain functions to be formed remains, and that is really the issue that I want to address.

Firstly, it seems to me that the NBEET structure played a very useful role in national coordination. In fact, in some ways it is quite remarkable to bring such a diverse education sector into a forum like that. It is not that there are not arguments and tensions, and sometimes disagreements, but there is the fact that the national board was able to bring forward material that made sense of the various arguments and various tensions within the education sector and play a useful role in the coordination of those various sectors. So there is a continuing need, it seems to us, for a mechanism that provides national coordination among the various parts of the education sector.

Secondly, the NBEET structure—although I must say that we were somewhat sceptical about it at the beginning—has actually played a very useful role in furthering understanding of the enormous changes that have taken place in the last 10 or so years in this area. Again, it is a

body that can provide information, argument and research so that people who are involved in the sector and clients of the sector can better understand what is going on. That is a function that needs to be maintained.

More particularly, the national board structure has been useful in promoting the issue of credit transfer. Earlier reference was made to the sort of seamless nature of education and, particularly in the higher education sector, the issue of credit transfer and the recognition of prior learning can be a fairly controversial area. It seems to me the board has played a useful role in bringing together those issues—credit transfer and recognition of prior learning—and the pathways between schools, the vocational education sector and the higher education sector and its relationship with research. That function remains. Of course, it is also a function that provides an opportunity for people who either have a particular constituency or, in many cases, do not have a particular constituency to come together and set out the arguments and set out the advice about various issues.

I must say, from my own experience on the Higher Education Council, for three years we often had very vigorous debates. But, usually, in the end the kinds of documents that were produced were very useful and, indeed, the council itself often had arguments with the board structure. It seems to me that, once it had gone through that, the credibility of what the Higher Education Council had to say was probably greater, although sometimes less convenient, because it had gone through that filtering process through the board.

So one can bring together both people who come from constituencies and people who do not come from particular constituencies to provide that. That obviously includes unions, employer bodies, parents bodies—in the case of the Schools Council—in private and public sector areas. All of those people can be brought together. As you probably know, those areas do not always agree, but both the council structure and the board structure provide an opportunity of at least, on many important issues, some sort of sensible and coherent consensus to be reached to advise the minister.

One final point is that the issue of international education—which came somewhat later to the NBEET council structures—seems to be an area which is hanging a bit. This is obviously a very important area in terms of export income and, certainly, the particular functions by the Australian International Education Foundation need to continue in some ways.

We are certainly very happy that the Higher Education Council and the Australian Research Council are continuing but, from the point of view of those two councils, it probably on the whole would be better that its advice and its functions are filtered through a board or a structure which incorporates all the other parts of the sector. Indeed—and this is the final point—perhaps having that coordinated process would make easier what could be an enormously difficult task for any minister for employment, education and training. So the functions are needed. There, of course, is always a legitimate argument about the best structure to have those functions performed.

CHAIR—Thank you very much. We are now five minutes past the appointed time for finishing. I propose to give Senator Carr 10 minutes and I will take five minutes.

Senator CARR—Senator, I just make it very clear that, if the opposition does not have an opportunity to inquire into these matters in an adequate fashion, we will take that opportunity out through the forums of the parliament. I am sure the minister would be only too well aware of the proceedings that are occurring here, and I would suggest, Senator Tierney, that you take further advice on these matters.

CHAIR—I suggest to you, Senator Carr, that you look to the program you agreed to. It is a series of times that have been agreed to before, and that is what I am trying to stick to. I have been more than generous in letting you go over time.

Senator CARR—This question is addressed to both of the witnesses. Have you been advised of any alternatives that have been proposed in terms of replacement of NBEET that would provide independent cross-sectoral advice of high quality?

Ms Burrow—We have been informally advised—with no direct letter stipulating the detail—that there will continue to be a higher education authority or council of some kind. Of course, the ARC will continue to manage its research function. I understand that the ARC deals with a sizeable amount of money. Nevertheless, it seems to me that, while I do not dispute the need for a higher education council, we cannot see why there is the need for one sector to be coordinated such that research and advice can continue to be provided to the ministers while there has been no advice in regard to alternative production for any of the other sectors. There has been, to my understanding, no consideration or proposals in regard to cross-sectoral issues, which we believe to be critical in the current education context.

Dr O'Brien—The National Tertiary Education Union has been advised that the Higher Education Council and the Australian Research Council will continue. As far as I am aware, we have not been advised about how the coordination functions will continue.

Senator CARR—Have either of the witnesses been advised of the reasons why NBEET should be abolished?

Ms Burrow—No. In fact, we got a curt and fairly dismissive letter which simply thanked us for our participation as members of a council and NBEET. No further advice was forthcoming.

Dr O'Brien—The NTEU has not been given any reasons, either formally or informally, why the NBEET structure would be abolished.

Senator CARR—Ms Burrow, I am wondering whether or not your organisation is concerned that the move to abolish the Schools Council without any replacement being proposed foreshadows decreasing—

Ms Burrow—Yes, we are horrified to understand that the Schools Council—and, indeed, NBEET, in terms of being able to feed in issues for our union across the sectors to a body responsible for those issues—will not be replaced with some structure that has similar responsibilities. The education industry consumes in the order of \$23 billion of public money. In this context alone we think that it is critical that there be such a structure.

More importantly, in the schools sector right now with decisions being taken about Commonwealth-state responsibility, the funding of various programs, the administrative responsibility and the accountability structures in regard to Commonwealth and state roles, plus the decisions around the funding of private and state schooling, there is an absolute need for an independent body to be able to advise government about the impact of those decisions. There are many others I could touch on.

In addition to that, can I just say that a whole lot of agendas have been established that now have no continuity base—for example, the whole issue in regard to early childhood, primary schooling, middle schooling, vocational education, credentialing and certification. Without these kinds of publicly recognised bodies monitoring, researching and providing policy advice, then we have basically returned to an environment where government departments become benevolent dictators in terms of the policy agenda. We do not believe that that is appropriate.

Senator CARR—I am wondering whether there has been any concern expressed about the loss of the Employment and Skills Formation Council by your members?

Ms Burrow—We have some huge concern about the loss of the Employment and Skills Formation Council because, essentially, the whole question of the training agenda, lifelong learning across industry and across those responsible for delivery for other industries—that is, the educators in TAFE—and those types of issues are now not being promoted or examined by anybody outside government structures.

In addition to that and in relation to the issues associated with standards both for industry and for the education industry, there is no voice in an independent sense other than the voices of stakeholders like ourselves individually who are now able to carry forward some of the calls for appropriate structures around the questions of not only entry level standards but induction, post-initial standards and standards with respect to delivery of education and training across industries.

So the ESFC is a serious loss but all of the councils represent an area of the education industry that is critical to maintain ongoing monitoring based on serious research.

Dr O'Brien—My organisation, the NTEU—and its predecessor organisations—has been a strong supporter of credit transfer in the recognition of prior learning. This is a matter of often some controversy in the higher education sector. The kinds of formal relationships that we were able to develop with the VET and—indeed, in a somewhat different area—in the schools area through the NBEET structure and the various councils certainly enabled us to argue with our membership the legitimacy of good processes for credit transfer in the recognition of prior learning.

I have one additional point in relation to schools. The relationship between higher education and schools is a difficult area. If the higher education sector is not quite a mass education sector, it has been significantly expanded. The number of people who are finishing six years of secondary school has vastly increased in the last 10 years.

The issue of the movement from schools and the issue of movement from and between vocational education and training and the higher education sector are matters of continuing concern. From our point of view, it is useful to have a structure where at least the arguments—and they are real arguments—can be had instead of all the constituency pushing their own barrows without any structure to try to develop consensus and coordination in the area.

Senator CARR—What, in the opinion of both witnesses, would the consequences be of the parliament saying that they refuse to grant approval to the abolition of NBEET until such time as the government comes up with an alternative that would provide independent cross-sectoral advice of high quality?

Ms Burrow—From our perspective, the AEU would believe that that would be a moral stance. I do not accept that any government in the 1990s should see itself in a responsible environment, such as the minister of education is, without a publicly accountable advisory body—a body that can in fact, as I have indicated, monitor developments, undertake research in regard to the impact of educational change and provide serious evaluation and policy advice to the minister.

It is also essential that some independent body be able to generate the kind of public debate that will allow for support of ministerial policy directions. But, in terms of the parliamentary stand, I would imagine that such a stand would force the government to consider its decision and to explain to the community and to the stakeholders why they have decided to do away

with an advisory body, why they consider the only sector of the education industry where such a body is necessary is the higher education sector and how they will deal not only with sectoral issues but also with cross-sectoral issues in regard to reporting to the public about the developments in education and the impact of such.

Alternatively, Senator Carr, I would suggest that should there be a defeat of the legislation entirely then that would leave a void that would have a similar impact and generate the same kind of outcry from the education community. I understand that that would leave the Australian Research Council without a brief to deal with a large amount of money, but my understanding is that that would revert to some sort of responsibility of the department.

I am not advocating that, but it seems to me that the government believes that for all the other sectors the department is a suitable function restructure which can deal with the interest issues, necessary research, et cetera, across the education industry. So we cannot have it both ways. I am not advocating we do not have the Higher Education Council or the Australian Research Council. I am advocating that we have those bodies, suitable sectoral bodies, and a cross-sectoral body that has as large a charter and as independent a charter as is possible.

Dr O'Brien—Far be it for the NTEU to give gratuitous advice to the parliament about what it might do—

Senator CARR—You are being asked for it, so it is not gratuitous.

Dr O'Brien—I think probably what my organisation would prefer is if the parliament and the minister were persuaded that these functions are important and that these functions should continue. If the parliament was to say, 'Well, we may not deal with this piece of legislation until such time as the government and the minister have come up with some way of dealing with these functions,' that may be a useful tactic. But, certainly, from our point of view, we have enough issues to disagree with the minister about. We would hope that both the parliament and the minister would be persuaded of the importance of these functions and that she might actually look again at this matter and see how it can be dealt with. Again I make the point that the structure is not the issue, the function is the issue. Why do away with the structure if there is not an appropriate way of dealing with the functions?

CHAIR—One of the bodies you referred to earlier was the Skills and Training Council. Since this was formed, we have created another body called the Australian National Training Authority, which also has a council. I concede that its council is perhaps not as representative as it could be—and, indeed, this committee has criticised that and suggested that ANTA create a more representative council. Wouldn't it be better to put this together and just have one body advising in the areas of skill formation and that that be ANTA, which has been set up albeit with perhaps a more representative council? Wouldn't that be a better way to go?

Ms Burrow—ANTA, to my mind, was already established, and we see it as pretty much an amalgam of previous departmental functions around the country with regard to the vocational education and training area.

CHAIR—It wasn't established before NBEET. NBEET was established first.

Ms Burrow—Yes, but I thought you were indicating that the Australian National Training Authority was recently formed.

CHAIR—In 1992.

Ms Burrow—But its council has nobody at all from the education industry represented on it or an employer. I think that is correct, but it certainly does not have education practitioners or their unions providing representation on that council.

CHAIR—I conceded that point. I am just asking whether a reformed council could do the job.

Ms Burrow—There are other industries, where large amounts of money have been spent, with no representation. I think they would be suitably insulted at the suggestion that a council totally outside of the industry itself should drive the providers as well as the clients who gain from an industry. I think there is some measure of debate to be had if you are serious about the suggestion that the ANTA council be restructured. In fact, I would welcome that.

CHAIR—Well, we have a report to that effect.

Ms Burrow—But, nevertheless, I am not sure that it does have an independent role when it is responsible for the outlay of government money. In fact, its policy base is very much one sided in that it comes largely from an industry view. We believe in industry partnerships. I do not want to be misquoted here. We believe that in the area of education and, in particular, in the area vocational education and training, partnerships between the education industry and the business and industry community are vital. But we do not believe that one side can dominate the environment and pretend that we will have quality educational training provisions into the next century. I welcome the debate, but it does not deal with current broad representation, nor does it deal with the cross-sectoral issues.

CHAIR—You must have missed my original question and obviously did not hear me repeating it. The question related to a reformed ANTA council that was representative. Wouldn't it be better to do it through that new advice that was created in 1992 rather than have two sources of community advice, which may be conflicting, coming into the minister. That was the question.

Ms Burrow—I said that I would welcome the debate on that. Clearly, we would welcome a reform of the ANTA council. I do not believe it would deal with the cross-sectoral issues and I would need to see the brief and the nature of its independence in terms of the legislation very clearly before I would suggest that it is also a research, advisory, evaluative council as well as an administrative one.

CHAIR—Focussing on cross-sectoral advice, which has been raised quite a bit this morning, one alternative to the current structure is to give more of this function back to the Department of Employment, Education, Training and Youth Affairs which, in a sense, is mirrored by NBEET in that it has divisions but covers all this area. Surely, within NBEET they could form structures that dealt with cross-sectoral matters in a way that is totally supported by full-time professional staff. Would that, perhaps backed by advice from DEETYA be a way of providing a clear line of advice to the minister?

Ms Burrow—I think that there is some difficulty in public scrutiny, openness and accountability, all of those things that are vital to underpin a public industry which uses so much of public funds when the department responsible and, indeed, with a self-interest in the nature of educational policy direction is responsible for both functions. There is no doubt that the strength of NBEET and, in the schools sector, the strength of the Schools Commission—the legislation that gave it independence, required that its reports be tabled and that required a response from the government of the day—will ever get that from departmental structures. Again, before we could even discuss this, we would need to see the legislative base that would underpin what are essentially very new roles for the Department of Employment, Education, Training and Youth Affairs.

Yes, there was some overlap in functions in the sense that the department was responsible for some advice, certainly, and implementation and liaison with state

departments around the very issues that NBEET was dealing with. Yes, there is an overlap. In terms of independence, capacity to be open and report to the public generally with some sensitivity to research and public opinion, I do not believe it is inherent in current departmental structures simply by the nature of their function.

Dr O'Brien—One of the many functions of the department is to provide advice to the minister. Of course, the NBEET and the council structure did that too. I think the difference lies in the public accountability that lay in the board structure and the council structure, and the obligation under the act to give advice in a very public way to parliament. It seems to me there is no difficulty about the department going on and doing what it has always done. From my perspective on the Higher Education Council, certainly the higher education division did that task very well. There is a question, in a very diverse sector, of having a structure whereby that diversity can be brought together and advice can be given via the parliamentary processes about how very complicated and diverse issues may be best dealt with. So it is a question of public accountability versus private advice to the minister.

[12.29 p.m.]

DONOVAN, Dr Bill, ACT Representative, Lobbyist, Australian Secondary Principals Association, Unit 2, 13-21 Vale Street, North Melbourne, Victoria 3051

HODGKINSON, Mr John, Secretary, Australian Secondary Principals Association, Unit 2, 13-21 Vale Street, North Melbourne, Victoria 3051

MARTIN, Mr Peter, Executive Officer, Australian Secondary Principals Association, 13-21 Vale Street, North Melbourne, Victoria 3051

STAPLES, Mr Keith, President, Australian Council of State School Organisations, Hughes Primary School, Kent Street, Hughes, ACT

MORRIS, Ms Wendy, Member of Executive, Australian Council of State Schools Organisations, 14 Bond Street, Mount Waverley, Victoria 3149

Ms Morris—I am a past President of the Australian Council of State School Organisations and I represented ACSSO on the Schools Council for the last two years of its existence.

CHAIR—The committee prefers evidence to be given in public but if at any time you wish to give any evidence, part of evidence or answers to any questions in camera you may make the request and the committee will consider the request. The committee has before it two documents, submissions No. 6 and No. 7, which you may assume we have read. Is there any other material you wish to table at this stage?

Mr Hodgkinson—No, not at this stage.

CHAIR—You may wish to send further material to the committee at any time, and that would be welcomed. You are welcome to make some brief introductory remarks. As we have two organisations before us—the Australian Secondary Principals Association and the Australian Council of State School Organisations—could we have a spokesman from each organisation to make an opening statement and other people can come in as they feel they need to during the questioning session.

Mr Hodgkinson—Thank you, Mr Chairman. Our association represents most principals, deputy principals and associate principals in government secondary schools throughout Australia. We are an independent organisation with affiliates in each state and territory. Our members are leaders of schools in which over 75 per cent of the nation's children receive their secondary education. Our comments today will be limited to some general observations so the

successors to the previously existing structures for providing advice to the minister and to parliament are as effective as they possibly can be.

We agree that there is a need for some structure to provide that advice. We believe that a lot of valuable work was done by the bodies which are abolished under this bill, particularly the Schools Council, which was seen as an attempt to provide a structure which involved a wide range of interests in the education policy debate. Our main criticism is that representation on that council appears to be very limited and also not direct. Under that representation, leaders of our government schools do not appear to be in a position to contribute to the debate. In practical terms for government secondary schools the profiles of those councils have been non-existent. Thus, the opportunity for schools to provide them with feedback on issues and initiatives has been very limited.

It is also our belief that another consequence of this is that the advice given to those bodies, and through them to the government, will therefore be drawn from a narrower range of sources than it could be. We would contend that the advice could not be seen to represent the views of the full range of schools. We would hope that the new structures put in place would ensure that the advice given to government represents the full range of schools.

Our members are by their very position in the school some of the best to provide this advice to government because of our whole school and whole student perspective on issues relating to and impacting on secondary schools and their students. Our association is therefore uniquely placed to be able to provide the holistic perspective needed to ensure that advice to government is based on the fullest information possible.

The constituents of our national association are also uniquely placed to handle the dissemination and implementation of the government's agenda and initiative in schools. Unless principals are informed and committed, it is not likely the change will be rapid or successful. We also believe that the funds would be most efficiently used if schools acted as the distribution agency for the national government. Indeed, with the rapid expansion of the self-management concept into schools, any other approach appears to be potentially wasteful.

For those reasons, we as an association believe that we should be involved in any new structures designed to provide advice to the government. It is counterproductive to talk of consultation and effectiveness if principals who are the main change agents in schools in practice are locked out of the policy process. As far as government secondary schools are concerned, we believe that we must be involved at a high level.

Mr Staples—The Australian Council of State School Organisations is in its 50th year of existence. It represents the parents of students attending government schools through its 11 affiliated organisations in each state and territory. We would agree with the first two points that the secondary principals have made—that is, there is an absolute need for a structure to exist and much valuable work was done in the past. We have some criticism of the Schools Council, as we suggested in our submission. Its positioning under the national board does not necessarily allow an unfiltered voice of the education community to come through.

We would also wish to be represented on any future structure. We would like to remind the members of your committee that it is impossible to effectively improve the education for students without the active participation of parents. Overwhelmingly, research is turning to that conclusion.

We would be particularly concerned that ad hoc arrangements do not predominate. As one of the least powerful and least resourced groups within the education community, we would

not want to see a situation where it is only those who can afford to put time and effort into lobbying either the bureaucracy or the governments who have a chance to be heard.

Apart from that, we think it is also necessary for there to be a body which actively takes a view of the nation as a whole. We think that too much of the recent past has seen what has been described by some as a tribalisation of the education effort at the time when the nation as a whole faces extreme difficulties and the future of the nation is to some extent tied up with providing improved and more effective outcomes for kids.

Senator CARR—Have any of the witnesses been advised as to why NBEET is being disbanded?

Ms Morris—ACSSO certainly has not been advised that there is any reason why the schools council, for instance, is being extinguished. I noticed that the regulatory impact statement that went to the parliament mentioned that the structures had apparently become cumbersome and no longer fulfilling their role as described in the legislation. I would dispute that. The schools council in particular was a fairly mean operation. It costs around \$300,000 a year to run. In recent years quite a lot of that was put into consultation so that large numbers of schools could respond to its papers through public advertisement. Certainly we have had no explanation other than what we read in that impact statement.

Mr Hodgkinson—We have not received any indication of reasons for abolition of those bodies. We are very interested to know of structures that might be foreshadowed to replace them.

Senator CARR—You have not been advised of any alternative structures, apart from the ministerial discussion paper for the Higher Education Council and the research council?

Mr Hodgkinson—No.

Senator CARR—How adequate do you believe DEETYA is in providing independent cross-sectoral advice to this government and this parliament? I would ask all the witnesses this question.

Mr Staples—There is a conflict of interest there, isn't there? The essential role of the bureaucracy is to deliver on government policy. It seems to me that you cannot have the bureaucracy being the only person that fulfils the policy advice role. Their hands are tied.

Mr Hodgkinson—As I said in my introductory remarks, we have some concerns about the sources of the information used to develop the advice given to government. From our experience, we believe it needs to be wider than it has been in the past.

Senator CARR—In terms of the administration of programs, such as the national equity programs and the interface between the Commonwealth and the states, how adequate has DEETYA's monitoring of Commonwealth funding for specific programs been in your opinion? I ask all the witnesses that question.

Ms Morris—I am aware that there was an advisory committee on national equity programs, but I am also aware that the ACSSO representative on that committee reported to us at a conference last weekend that it has not met this year and it is over a year since that committee has met. Clearly, the role of involving parents as one of the stakeholders in that whole exercise has been most unsuccessful in recent times.

Mr Staples—I would go even further and say that under those relationships many of the accountability mechanisms which existed in the states ceased to function, certainly if you think of accountability in public terms. They were replaced by system to system reporting only.

Mr Hodgkinson—From our experience, DEET gets its information that it uses to monitor the implementation of its policies and initiatives through government departments. Our discussions with DEET have shown that sometimes they have trouble getting the cooperation from a full range of those. Once again, we would say that any monitoring is probably not as representative as it should be.

Senator CARR—Therefore, how adequate do you think DEETYA could assess the policy implications and policy options of Commonwealth-State relations, given the experience that this committee has seen in terms of reports it has presented to the parliament and your own experience in regard to the administration of those programs? I would ask all the witnesses that question.

Mr Martin—From our discussions with them, particularly in recent days, they are going to have extreme difficulty. They do not always get what they think is good information from the various state administrations. If they are going to be reduced in size, as we understand they are, we think that monitoring will be even more difficult than it has been up to now. We still think that there is a need for some form of oversight and some form of public accountability, as a number of the other presenters have pointed out.

Mr Staples—I concur with Peter Martin completely.

Senator CARR—How adequate is DEETYA as an alternative mechanism for assuring national coherence, cross-sectoral advice and independent advice to the government as well as the parliament?

Ms Morris—Departments are inevitably structured according to particular functions. It is very rare that cross-coordination occurs in issuing of advice. Certainly, while ACSSO had some reservations about the capacity of the schools council to get its message through on all matters, given that the national board was concerned with a much broader range of very powerful interests at a time of unemployment—obviously, the employment function of that council took a very high priority—there were still some useful roles performed in being able to look at the advice coming from a number of councils and to make sure that those could mesh into an overall agenda that made sense administratively and, hopefully, for schools, as one of the players in those games.

Mr Hodgkinson—We would be concerned, if the projected cutback in funds goes ahead with the best will in the world, in particular we would worry whether they would have the resources to monitor it across sector and full Australia-wide.

Senator CARR—That raises the next issue. To what extent are you concerned that the winding back of the school councils and other boards relating to the Commonwealth's role in education in fact foreshadows a decreasing Commonwealth involvement in schools education at a program level?

Mr Staples—I think we are concerned, if you put that together with the advice from the National Commission of Audit, that there may be an attempt for the Commonwealth to almost withdraw from the field. The Commission of Audit has recommended that all grants be handed over in untied terms. There is clearly some crisis in the leadership role at the national level which is emerging, I think.

Mr Hodgkinson—We have some concerns. We believe the current situation is that federal funds, by the time they get to school level, are diluted because of the various levels of bureaucracy in between. We would stress the need to continue some sort of independent body to monitor the effects of federal initiatives in government secondary schools.

Ms Morris—Our preferred model for a national advisory body for schools was the Schools Commission. The Schools Commission itself had some responsibility for program funding, and that was certainly a much more powerful leverage role in terms of policy development as well.

Mr Martin—I think, too, we would express concern that education in Australia should not be seen as eight completely independent fiefdoms, particularly in light of the increasing internationalisation of the whole education industry and the requirements of industry and all that goes with that. We think a lot of misdirected effort could be involved and some wastage, and Australia could lose a great deal of international competitiveness if it ends up particularly with eight competing fiefdoms who are bankrolled to some extent from the Commonwealth without any accountability.

Senator CARR—I hope you all would be aware that the application of NBEET actually requires parliamentary approval.

Mr Staples—Yes.

Senator CARR—What then do you see as the consequences of the parliament choosing not to support this amendment?

Mr Martin—Off the top of my head, I would make the comment that it appears that it is going to be emasculated anyway, and what we would be left with, presumably, is an empty shell which does not effectively have a huge amount of power, but it is an interesting tactic which I must confess we had not thought of before we arrived this morning.

Senator CARR—I am talking about in terms of encouraging the government to actually acknowledge the need for an independent, cross-sectional, high quality advisory body.

Mr Staples—During the election campaign the then opposition and now government made it clear that there would be changes made, and our understanding was that they were concerned about the way in which the schooling issues had been submerged to some extent in a wider agenda and that they were keen to do something about it. There was nothing that we were aware of in discussions with Senator Hill that no structure would emerge, and we had specifically raised it with him, but he said at that stage—and that would be as late as a fortnight before the actual election—that nothing definitive had been determined. We were most surprised to learn that there is no plan to replace it with anything.

Ms Morris—In fact, it might be a useful thing for the parliament to do to not assent to the legislation until some alternative structure has been proposed.

Senator CARR—I understand the coalition introduced some 47 policies in 23 days during the election campaign, and the schools policy does not actually refer to the abolition of NBEET. I am just wondering how widely you think it was understood within the education community that NBEET would be abolished without there being any alternatives proposed.

Mr Hodgkinson—I do not believe it was understood by our members in government secondary schools at all.

CHAIR—Anyone can come in on this question. In terms of any replacement structure, what criteria would you hope would guide the minister in forming any future advisory structure?

Ms Morris—Our ACSSO submission, which I hope you have received this morning, does actually set out a set of criteria for any national schools policy body. I will go through those points very briefly—there are about six of them. One, that it is established by legislation to ensure that there is some stability in the body; two, that the legislation requires public reports and requires consultation with the broader community; three, that the work program can be

developed in consultation with the education community in addition to references given by the minister; four, that the council has core provision of its own research staff so there is no confusion between the staff's allegiance to the council or the department; five, that the council have the capacity to commission research grants to be taken by external consultants as well, or to second additional staff to projects as necessary, and six, that the membership is broadly representative of the schools community, including obviously representatives of government school parents.

CHAIR—Any other comments?

Mr Hodgkinson—We believe that such a body should be independent. We believe that it should be properly representative, made up of a combination of people or groups with expertise, and constituent groups who are directly affected by decisions made by such a body or by decisions made as a result of advice from such a body. We believe, if the representatives of the constituents are well chosen, there is absolutely no need for delay to go back to the constituency; they can represent their people adequately sitting on the council or whatever structure is set up.

We believe that if the mechanisms by which the members get there are known and transparent, then their representativeness will be accepted and understood. We also believe that such a group or such a body should be adequately funded in order to carry out research, in order to get feedback from as wide a group as possible.

CHAIR—Are there any other comments on that question? Thank you very much for appearing today.

Sitting suspended from 12.52 p.m. to 1.01 p.m.

[1.01 p.m.]

CAVALIER, Mr Rodney Mark, Private Citizen, 142 Merrigang Street, Bowral, New South Wales 2576

CHAIR—Welcome. The committee prefers evidence to be given in public, but any time you wish to give any evidence, part of evidence or answers to any question in camera, you may make the request and the committee will consider the request. You are welcome to make some brief introductory statements and then we will go to questions.

Mr Cavalier—I am the chairman of the Australian Language and Literacy Council, but the views I am expressing are not necessarily made on behalf of the council. As I have not sought their consent in what I am about to say. I accept readily that there is little point in having an advisory council if the minister does not intend to take any notice of the advice. This is why the board and its constituent councils have been receptive to requests from the minister to wind up without any protest, either publicly or privately, and without rancour or any attempt to embarrass anyone. It is regrettable that the requests came in such a graceless fashion; that reflected very poorly on the author.

Having said that, I do believe that the Commonwealth is served very well by statutory boards and councils. I have written about this in publications. In our federation with such vast distances, so many different regions, so many different cultures and so many different points of view, the Commonwealth—in the education portfolio in particular, and in recent years in employment and training—has tended since the Menzies' era to seek the advice of the people through statutory bodies.

I believe that one of the indications of the intellectual strength of a minister is the willingness to be subjected to advice that he or she does not want to hear and advice that he

or she does not follow, because ministers in the end must make a decision subject to the cabinet and the parliament. But it is generally a good thing—particularly in education, which I know well—for ministers to be confronted with ideas that they may not welcome.

Senator CARR—In relation to the minister's letter of 16 May advising you to wind up proceedings, did you ever consider that letter to be illegal?

Mr Cavalier—With my background, if I thought that insurrection had a value, I may have gone down that road. The coalition having won the election, we did not see the point of fighting on the point of law. I did not think there was any value in questioning the legality of that letter or the unlawfulness of that course of action. The view of the council was that, if the minister did not wish to have our advice, we did not wish to proffer it.

Senator CARR—Were you advised at any point why NBEET should be wound up?

Mr Cavalier—No. I read of course the manifestos of all the major parties before the election and have followed with interest events since, and I have not been able to find out in any forum the actual reasons for the winding up of the national board or the apparent downgrading of the importance of language and literacy.

Senator CARR—Has your council been critical of state government cutbacks in LOTE and ESL?

Mr Cavalier—We have never been critical in a public sense of the decisions of any government in Australia. We have never seen it as our role to act as a lobby group or as a participant in that sort of public disputation. Several of us have been involved in one capacity or another with governments. We understand that resources are finite, so we have not entered into those things.

We did not enter into debates about what priority languages there should be or whether there should be priority languages. We did not enter into debates—as we were enjoined to—about the amount of hours that the Australian migrant education service was offering to new arrivals. Anything we have done in that regard, we have done by way of correspondence to the Commonwealth minister. We regard ourselves as wholly and solely responsible to the Commonwealth minister and have not sought to influence state governments in their administration.

Senator CARR—As a result of your reports—such as *Putting it plainly*, *Teacher education in English language and literacy*, *Literacy at work* and other such documents—has there been any criticism of the intellectual standing, the quality of the research undertaken or the quality of the advice tendered to the minister and the parliament?

Mr Cavalier—No, there has not. In fact we have been very pleased at the receptions to those reports—*Speaking of business* in particular. When our special adviser travelled to Britain, he received very high praise about it, both when he visited university colleagues and at some international conferences.

Our most recent report—I mention this because it is clear in my mind—*Putting it plainly*, about plain English, has received a very good reaction throughout Australia and, for a Sydneysider, almost the highest possible encomium: a praising editorial in the *Sydney Morning Herald*. The council has been very rigorous in its approach to writing reports.

At our very first meeting, one of our original members, Julian Disney, made the point that if you hire consultants to write reports, the intellectual enrichment goes to the consultants. If you do it yourself, the intellectual enrichment stays in-house. Virtually every word we have written has been written by members of the council, with some assistance from the secretariat.

Obviously we consult widely and rely upon information from the Department of Employment, Education, Training and Youth Affairs, but the principal intellectual burden has been carried by members of the council. Most of that is in their own time as a result of their dedication to their respective fields.

Senator CARR—Surely, as the minister is suggesting in the paper this morning, the tasks you have performed could have been undertaken by specially designated committees of inquiry or consultants such as the National Language and Literacy Institute of Australia.

Mr Cavalier—I don't believe consultants can do this sort of work, especially purpose-built work. Firstly, the intellectual enrichment goes to them. Secondly, there is no ongoing body of knowledge which is at the service of the Commonwealth, nor, as we achieved by about our fourth year, a remarkable esprit de corps. You would have had to know that to have felt how valuable it was.

We had no interest in our advice in the sense of any payment or any reward from our findings. We could be truly disinterested, in the best sense of that word, in what we were putting forward. Consultants—you name the National Language and Literacy Institute of Australia—do have an interest in their advice being adopted. I think they would be much less likely, if not wholly unlikely, to ever be heterodox or unorthodox or to challenge the perceived wisdom of the contract or the terms of reference that came to them.

I have been highly critical in the national board and in other places of what I see as one of the real dangers of Westminster government; that is, the terms of reference, by their very drafting, cause the people who are preparing the report in response to them not to challenge the terms of reference.

I could cite many instances of that leading to what I believe were very bad outcomes. The first is the Council of Australian Governments' strategy on Asian languages. They deliberately did not inquire into whether there was a need for Asian languages in school because that was a given by the terms of reference. Similarly, the report about enterprise education did not seriously question whether anything would result from enterprise education because that was a given by the terms of reference. Our committee, as you will see, adopts a 'radical' approach, in the dictionary definition of that, and takes the terms back to their root and analyses their efficacy and their merits. I believe only a statutory body can do that. You need to have that level of distance and disinterest in order to achieve it.

Senator CARR—Why could the states not do it? Why couldn't MCEETYA or some state based organisation do it?

Mr Cavalier—I believe the states can do it and in many instances do it with great distinction. The states have several advantages. In the states, the executive government is usually not placed in the parliament house. Many of the state ministers for education have something called the ministry of education or the office of the minister for education. Those overarching bodies, always answerable to the minister—public servants certainly—oversight what comes up to them from the various stands of the portfolio, most obviously education and TAFE, as well as the other wings.

In Canberra, that is simply impossible physically because of the disastrous decision made some time in the 1920s or 1930s to move into this building. It is not possible for ministers to have an extra staff of 30 public servants oversighting what is happening in the education portfolio. Therefore more than in any state you need that parallel statutory structure to do that sort of work. That is, they must be observing what is happening in the field and also providing

advice on what is happening in the department, which at all times, I accept, is the primary advisory body to the minister.

The other point I make is that if the Commonwealth is to take an interest in any field, then hopefully it takes an interest which brings to it a national point of view. In education, I believe the national point of view is not necessarily the Commonwealth view. It is the view, obviously, of the nation. Some Commonwealth ministers have had some difficulty grasping that the Commonwealth view is not the national view. A Commonwealth view is a perfectly legitimate point of view to have and I think it helps the Commonwealth minister to have that alternative source of advice within the portfolio beyond that of the department.

Senator CARR—Why can the department itself, though, not comment upon its own programs and its own policy initiatives? It has been said to us that they have all the resources that are available. Why is that not an appropriate mechanism?

Mr Cavalier—I think it is an appropriate mechanism. The department seems to be forever subjecting its own work to task forces and audits and performance indicators. I don't think you would accuse the Department of Employment, Education, Training and Youth Affairs of lacking rigour in checking on its own performance. That is a different thing again, I would suggest, to having a body external but critically loyal to the government that has on it experts and non-experts in the particular field.

The great strength of the national board and the language and literacy council, the two I know about—it would be different, most obviously, with higher education—is that we have people on our council who have national and international reputations in their fields. There are others on it whose expertise is not in the fields but they understand how government works or how society works. They understand what is necessary to get something up and running. That meshing of both enthusiasts and non-experts, the fact that true beliefs are challenged at their roots, has led to real rigour.

I believe we have caused a number of the linguists on our council to move in quantum terms about the way in which, for example, foreign languages can be taught in Australian schools, even questioning whether it is possible or practical on a mass basis. That simply would have been an untenable heresy when we started in February 1992.

Senator CARR—To what extent do you think NBEET—and by NBEET, I include the relevant councils—has been successful in encouraging reform in vocational education and training and in building the links between the different sectors, particularly between education as an industry and industry itself: the world of work, if you like?

Mr Cavalier—I think it has been quite successful, but there are others who would know more about it. One of the strengths of the board and of the Language and Literacy Council is that they are both inherently cross-sectoral, that people have to confront their prejudices. I found, notwithstanding the reputations they might bring to the board, that people like Laurie Carmichael or Ian Spicer worked very well together, as did the other members of the board, in trying to reach agreement. That did not necessarily mean consensus, nor did it mean anything other than a majority decision sometimes. But people were forced to face their outlooks.

One of the strengths, particularly of the Language and Literacy Council, was that people did not act as spokesmen for groups. On our council we had both trade unionists and an employer of some standing, David Edwards of VECCI—and this is one of the problems with acronyms: I cannot tell you what the initials stand for. David Edwards was one of our most

committed and dedicated members whom you could always count on to go above and beyond the call of duty in putting his shoulder to the wheel.

One of the strengths of that was that you might have what you thought of as a terrific idea in embryo, and David Edwards or a person from the ACTU, like Alan Matheson, could shoot it down, or someone like me who has some experience of schools could say, 'This won't work for the following reasons. We could do this, that or the other.' I think that type of practical knowledge and career-long experience serve our council and the board extremely well.

Senator CARR—Have you been advised of any alternative to replace the Australian Language and Literacy Council? Also, what do you believe the implications would be if the Australian parliament, the Senate in particular, chose not to accept this amendment to the bill until such time as the minister outlined specific proposals for independent, high quality cross-sectoral advice?

Mr Cavalier—I have not been given any indication at all about an alternative. You are in a better position to judge the implications than me, Senator. It strikes me as being very odd that the parliament should be considering the destruction of one model without a clear indication of what, if anything, might be put in its place.

CHAIR—Mr Cavalier, could you perhaps just go through the success rate of the advice that you gave to the government in your area? What things did they accept through to implementation stage?

Mr Cavalier—Here you touch on one of my favourite topics. I have very grave doubts about the measuring of outcomes in anything to do with education—and I will come to your question in detail in a moment. I seriously doubt that one can measure the success of anyone's school or university education, for example, until such time as they are put in the grave. Someone might make \$1 million or \$10 million if they are grossly unethical and wipe out a lot of people's livelihoods in the course of behaviour beyond the law and they might ultimately lose the lot; was their university education a success or not?

In the case of our advice our hit rate, to use a baseball term, would not be impressive. For example, we virtually have been a lone voice on Asian languages in pointing out that the COAG strategy adopted by all the Australian governments—by Senator Carr's party and your party—has been and will continue to be a monumental disaster. Our advice is on the table, and in the fullness of time we will be justified in our point of view.

Similarly, with our advice in speaking to business, after a lot of intensive work and research with Australian business and industry, we suggested that business people themselves needed foreign languages. They did not dispute that businesses needed them, for example; they just disputed that they themselves, the executives, needed to know those languages prior to a posting. They had other strategies in place, beyond schools and beyond universities, to achieve their proficiency. Our advice, you could say, was essentially not welcome. It went against a number of the instrumentalist imperatives that affect both sides of Australian politics. But we were fearless in dissenting from them.

I believe that several parts of *Putting it plainly* will come to be adopted. I do hope that our advice on community and adult education will be of material assistance to you and your committee as you look at *Come in Cinderella* mark 2. If it came down to a simple strike rate in education, very few reports this century had much success. In New South Wales I can name them. There is a 1902 royal commission that travelled to Germany; and the Wyndham report which was written in the 1950s, not adopted until 1961, put into place in 1962 and started to produce graduates in 1967.

Almost everything that any of us do in education is traceable to much of the work that was done in the early part of this century and a hell of a lot of revisiting and rejigging on the sides. If you look at outcomes, very few reports have materially altered the field. But I believe that, finally, there is nothing so powerful as an idea whose time has arrived and our reports, if they have merit, over time will have influence.

CHAIR—Given that the structure has now changed, what would you recommend to replace it so that the interests of language and literacy are still heard at a federal level?

Mr Cavalier—Given we are a federation, I believe that a statutory model, for the reasons I have outlined, has much to recommend it. There were times when I thought the national board did not exercise properly its oversight functions. If it was to be a rubber stamp only, it had no purpose. It was never that with our reports; we always stimulated a good and vigorous debate.

I think there is merit in, and I think it indisputable that you need, a statutory body now with language and literacy and a statutory body in a number of other areas that were covered by the national board. I would leave it to your judgment as to whether you continue to need a national board. On balance, I think you do: an overarching structure that looks at cross-sectoral matters. I certainly refute, for all the valuable work they do, that the department, individual consultants or institutes in the field could do anything like a statutory body in terms of disinterest or critically loyal advice.

CHAIR—Thank you for appearing today.

LO BIANCO, Professor Joseph, Chief Executive, Language Australia: National Languages and Literacy Institute of Australia, Level 1, Northpoint Plaza, 8 Chandler Street, Belconnen, Australian Capital Territory, 2614

CHAIR—The committee prefers evidence to be given in public but if at any time you wish to give any evidence, part of evidence or answers to questions in camera you may make the request and the committee will consider the request. The committee has before it a document which is No. 5, which you may assume we have read. You are welcome to make a brief opening statement and then we will go to questions.

Prof. Lo Bianco—I just want to reiterate some of the points that are set out in the submission which are essentially to describe the functions of Language Australia: National Languages and Literacy Institute for the information of the committee and to set out our structure, our operating arrangements and the role and mandate that the institute takes forward.

I wanted to point out that the institute is a not for profit company owned by the states and territories and the Commonwealth government. I believe that its strengths are its federal structure. It is not just a Commonwealth body, given that the language and literacy domain is primarily one of state jurisdiction. I think it gives the institute a significant advantage in the field.

In our work we provide a direct connection between research and educational practice connecting researchers in 22 centres around Australia with teachers directly providing assistance to them in improving their teaching. We have a national network and grassroots connection. We have centres in rural Australia, in small towns and in the large cities as well. This is demonstrated in our biennial language expo that attracts, as the recent one in Brisbane in mid July did, 8,000 participants.

Two further points: the organisation decides its future work program in a cooperative way. We consult extensively with the education and training systems and the professional

associations in all areas of language and literacy before assigning priority to our work. This gives a certain ownership to the research program that the institute takes forward. Finally, we are a completely independent voice and make our views known on the basis of researched evidence rather than positions that are brought to our governing body by any of the people who constitute it.

Senator CARR—Whereabouts are you a professor?

Prof. Lo Bianco—At the University of Wollongong. I am a visiting professorial fellow.

Senator CARR—Minister Kemp announced on 21 June 1996 that your institute will be undertaking a study preparing a national literacy policy paper.

Prof. Lo Bianco—That's correct.

Senator CARR—Could you outline to the committee what that involves?

Prof. Lo Bianco—The remit we have from the minister is to prepare a draft policy statement that contains two elements. The first part is a philosophical statement about the importance of literacy justifying both the Commonwealth intervention and a nationally cooperative approach. The second part is a detailed critique of existing Commonwealth activity and some recommendations for change. That is to be prepared and made available to the minister by the end of September under the current arrangement.

Senator CARR—How much of the resources of the Australian Language and Literacy Council would be going to your institute to conduct that work?

Prof. Lo Bianco—None.

Senator CARR—None at all.

Prof. Lo Bianco—No. The financing for the national literacy policy is from the department's projects of national significance and our own internal resources.

Senator CARR—It has been put to us today that consultants such as yourself are not as likely to be critical as those who are paying for the consultancy. How do you respond to such a proposition?

Prof. Lo Bianco—The institute is not a consultancy organisation. We are a research institute. We were founded by the Australian Research Council. We have been twice reviewed by that council. I think I have supplied to the committee the conclusions of the research evaluations. On both those occasions the Australian Research Council found extremely favourably of the work that the institute had done. We are not a consultancy organisation; we are a research institute funded primarily by the Commonwealth government.

Senator CARR—You feel that you are capable of being willingly critical of government initiatives.

Prof. Lo Bianco—All our research conclusions derive from the evidence that goes into the process of producing the research. That is critically important to our work and it has been the conclusion that has been reached by the three evaluations that have been conducted on the institute—the two I mentioned and a further one by the Coopers and Lybrand firm.

Senator CARR—Were you ever made aware of any reasons why NBEET should be abolished?

Prof. Lo Bianco—I was a councillor in a previous capacity on the national board and I was a member of the Schools Council for some years and a member of the Australian Language and Literacy Council. Since my membership of that council finished, I have not had any direct

involvement in its work apart from continuing to support one of its projects as a committee member.

Senator CARR—So you have no knowledge as to why NBEET is being abolished?

Prof. Lo Bianco—No. It is not in my province to be concerned about that particularity. I am concerned with the research and policy advisory work that needs to be done in languages and literacy.

Senator CARR—Have you been made aware of any alternatives to the work that NBEET does, particularly in a cross-sectoral, independent, high quality mode that it has conducted its affairs in recent times?

Prof. Lo Bianco—My view is that the board and its councils provided a valuable function to government in that respect. I believe that the language and literacy field requires a structure rather more like our institute which involves the key participants, who are fundamentally the state and territory governments and the professional associations. We represent those corporately, but we distance ourselves from their interests in the research that we do. We have within our organisation a structure that permits independent research plus ownership by those bodies. That is described in the submission.

Senator CARR—How important do you think it is to have a national advisory body, given that you referred to state bodies, for language and literacy, particularly with regard to international education?

Prof. Lo Bianco—Language Australia is a national body. I take the word ‘national’ to mean the Commonwealth and the states and territories in partnership. I do not believe that all the councils of the national board were national. They were fundamentally advisory bodies to the Commonwealth government. That may well be an extremely valuable function to continue. I do not wish to comment on that. I am commenting on the role of our organisation as an advisory body whose advice is based on independent research.

Senator CARR—I spoke specifically of the international implications. What do you think the implications would be with the abolition of NBEET and its respective councils?

Prof. Lo Bianco—I do not wish to comment on the international body. Do you mean the Australian International Education Foundation.

Senator CARR—Yes.

Prof. Lo Bianco—I am not closely familiar with its work.

Senator CARR—Do you see the need for an independent cross-sectoral statutory authority to provide some counterweight to the advice provided by DEETYA, given that it is spending some \$14 billion per annum of public money, which is about 11 per cent of Commonwealth outlays?

Prof. Lo Bianco—I think it is incumbent on governments to receive independent critiques of their work. It is necessary and I think governments are wise to do it. It is always likely to improve practice and action. I believe that our organisation does precisely that.

Senator CARR—What do you see as the criteria on which such a body should be founded? If you assume for a moment that the parliament was going to accept this bill, what do you think should be the replacement?

Prof. Lo Bianco—I believe that the minister has demonstrated his confidence that Language Australia can fulfil that role. I believe we can. We have done it in the past. We do it for many bodies as is described in my submission. The Aboriginal and Torres Strait Islander Commission

requested us to review and critique its programs. We did that. We made an honest critique of those programs and the recommendations that we brought forward, some of which were difficult to propose and quite stringent in their expression, were adopted by the commission and are now being taken forward. I think that is an instance of the sort of work that we can do.

We did the same thing for the Department of Foreign Affairs and Trade. Our advice was accepted by that department. It has restructured its foreign language training effort accordingly. I believe that that function persists and we are able to bring it forward.

Senator CARR—Given the response you have just given to the committee, could you give us the names of the staff and the qualifications they hold?

Prof. Lo Bianco—The institute organises the work of 22 research centres located in that many universities around the country. It is our requirement that these are set up under the direction of a professor or a head of department. They are the highest qualified and most well known academics in the applied linguistics field in the country.

Senator CARR—Would you mind giving us the names of those people and their qualifications.

CHAIR—You can take that on notice and provide us with the information.

Prof. Lo Bianco—I am happy to do that.

CHAIR—Mr Cavalier put the view to us, as head of the Language and Literacy Council, that they would do their research to enrich their members through consultants. They actually did it themselves in order to provide advice for the government. You obviously have a different model if you organise 22 universities with professional linguists at a highly trained and qualified level. What do you think of the approach that Mr Cavalier suggested in terms of a mechanism for forming advice to government?

Prof. Lo Bianco—I was a member of that council and I thought it worked well. I think some of the council's advice was extremely good and I supported it. I did not agree with everything. It would be unusual to have a situation where everyone did. However, I believe our approach provides a significant additional plus which is that it directly builds in the interests of the states and the territories and the professional associations. I think that has the additional plus of providing advice that is beyond the Commonwealth remit specifically.

CHAIR—Apart from your membership of that council, what was the relationship between your institute and the council?

Prof. Lo Bianco—When I was a member of the council I was keen to make sure that there was not a duplication of our work and the council's work. I believe that that rarely occurred. I believe the potential for that to occur is very great when we do not have cross-membership, which there is not at the moment. In some areas there was clear duplication of work. I do not imagine that that was intentional. I think it is inevitable when you do have overlapping mandates, as I believe was the case.

CHAIR—When the Language and Literacy Council was originally formed, did your organisation put the view to government that your organisation, because of its research base and comprehensive nature, should be the source of advice on language and literacy matters?

Prof. Lo Bianco—I put that view to the minister at the time, Mr Dawkins, yes.

CHAIR—Can you give us any indication as to why that advice was rejected?

Prof. Lo Bianco—I do not know. He did not tell me, but he certainly did not accept it.

CHAIR—In danger of asking a dorothy dixer, given that we have now changed the arrangement, do you think it would be appropriate for your body to be the source of advice on language and literacy from this point on?

Prof. Lo Bianco—I believe that it is. I think the institute was set up precisely for this function; that is, to apply researched advice to government but not to do it in such a way that it says yes to whatever the government wishes to do at any one point. It is our role to provide researched advice.

I believe that the teaching of languages in Australia will continue to need enormously detailed guidance for it to be successful. I believe that some of the advice of the council in relation to Asian language teaching, in fact, goes too far. I think it takes a rather extreme position on it. Nevertheless, I think the council did identify an extremely serious over-enthusiasm for rapid change and insufficient attention to detail. We would have said the same sort of thing, since that has always been my view. I believe our research centres would have said the same thing.

So I think that is the case. I think the state governments draw on our work. The South Australian Minister for Education and Children's Services, who invited us to do a critical evaluation of the 10 years of implementation of his language policy, in fact, got exactly that advice because that is what we told Mr Lucas. We told him that some of the enthusiasm that lay behind his language policies was commendable but naive and ought to be modified in a new and more hard-headed policy. I think that is the sort of thing that the council quite properly said, and that is what we would say.

CHAIR—How long ago did you give that advice?

Prof. Lo Bianco—In August of 1995.

CHAIR—Have they started implementing the advice?

Prof. Lo Bianco—The minister has said that he intends to. They have not yet. There was no funding in the state budget for it, but our belief is that they will.

CHAIR—Thank you for appearing today.

[1.40 p.m.]

MAYER, Mr Erich Anton, Chair, Australian International Education Foundation Council, Level 4, 10 Mort Street, Canberra, ACT 2600

CHAIR—I welcome the witness from the Australian International Education Foundation Council. The committee prefers evidence to be given in public, but if at any time you wish to give any evidence, part of evidence or answers to any questions in camera, you may make the request and the committee will consider the request. The committee has before it your document, submission No. 2, which you may assume we have read. You are welcome to make some brief introductory remarks, and then we will go to questions.

Mr Mayer—I would like to point out that the Australian International Education Foundation now has very strong support from the Australian Vice-Chancellors Committee. It has strong support from most, but not all, vice-chancellors individually. It has strong support from the vocational education and training sectors, from secondary schools, from business schools and from English language schools.

Professor Alan Gilbert, the Vice-Chancellor of the University of Melbourne, recently said this at a town-gown dinner in Melbourne:

Unless some massive global catastrophe intervenes, our children's children will live in a world where the only intractable poverty is ignorance; a world where advanced knowledge and skills are the most precious of commodities, where an ability to obtain, comprehend and utilise data of almost unimaginable complexity will be the touchstone of international business success. Accessing what Matthew Arnold once called 'the best that is known and thought in the world' will, in such circumstances, be the modern equivalent of striking the mother lode in the greatest of all the goldrushes.

The export earnings from Australian education and training services are currently probably in excess of \$2 billion per annum. They have the potential to double over the next few years. These earnings contribute materially to the improvement of education and training facilities and opportunities for Australians, as well as for the overseas students that come here.

The Australian International Education Foundation is a key facilitator in this process and is itself a cross-sectoral body. It consults a great deal with a very wide range of organisations. I have a list of the bodies it consults with, and I will perhaps just table the list for inclusion rather than read it out.

CHAIR—Is it the wish of the committee that the document be tabled? There being no objection, it is so ordered.

Mr Mayer—The foundation—with the advice, help and support of its council—has adopted the collaborative and consultative philosophy and the mechanisms that go with that. It is accountable back to its members and to the public; it is accountable to the minister; and it is accountable to the parliament. Given the importance of international education and training, it takes the role of its consultancy very seriously, indeed.

My council believes that the foundation is a key facilitator in Australia—being a foremost country in international education and training—and that the foundation has greatly benefited, and will benefit in the future, from the value of an independent advisory council. It is a council which can continue to bring with it very cost-effective advice from a cross-section of able and informed people who are selected to be on the council; a council that can continue to advise the foundation on how to be efficient and effective in servicing the various education and training sectors; a council that can give advice to the minister and that can prepare advice for tabling in the parliament.

Senator CARR—Mr Mayer, have you been given any reasons to as why NBEET or its councils should be abolished?

Mr Mayer—The information that has been given to me is that the minister has wished the foundation—which, as you know, is currently part of DEETYA—to continue with its work and has requested my council to continue with its work. I am here to point out that I strongly support the work of the council and hope to see its work continue into the future.

Senator CARR—But you have no knowledge as to why the government has proposed the abolition of NBEET?

Mr Mayer—I do not think that is my role.

Senator CARR—What do you think the alternatives are to the provision of cross-sectoral independent advice?

Mr Mayer—Before the last election my council had a look at its own activities. It differs in nature from some of the other councils—maybe, from all of the other councils—because the Australian International Education Foundation Council was set up to give advice to the foundation as well as advice to the minister. It is itself a cross-sectoral body. Therefore, our council felt that it was best that it should be acting more like a board of the foundation than an outside body that looked at the foundation externally.

We have really acted and seen our function more as the way a board of an organisation would interact on the one hand with its owners—the minister, the public and the government—and on the other hand with its people, its chief executive and its operational people. That is really the method we recommend. As we are cross-sectoral in nature that also seems a good model to cover those issues.

Senator CARR—Why could not DEETYA's international division perform the functions that you have been performing?

Mr Mayer—Our council gives independent advice to the international division of DEETYA—I am labelling the foundation; part of DEETYA's international division is the foundation—and gives independent advice to the minister, but it does it more in the mould in which a board acts than in which an outside body acts. That is really our recommendation for the future.

Senator CARR—We are at a bit of a loss. I am sorry if I have misunderstood the evidence that you are giving. As I understand it the government is not proposing that your council be continued, is that correct?

Mr Mayer—At this stage my understanding is that the minister has asked us to continue for the time being and that is what we are doing. I guess in due course we will find out in what process we are to continue beyond a certain point. But at the moment we are going flat out with our work in the mould which I have described.

Senator CARR—What has been the level of cooperation between your council, Austrade and AusAID?

Mr Mayer—It has been very good and, I believe, increasingly good. A senior member of Austrade is an appointed member to our council. It is not only because of that that relationships have increasingly improved. There has been much better coordination between AusAID, Austrade and the International Education Foundation Council on a number of issues.

Senator CARR—Your submission speaks of eight overseas offices being associated with the foundation. What do you think their role will be in the future?

Mr Mayer—These are Australian education centres overseas. The council's advice to the foundation, which I believe we will be taking, is to review these offices to see whether they are needed in the locations they are in. If they are not needed—and there may be one or two locations where such an office may no longer be needed—then they should be closed down. If they need to be modified because things change, then they will be modified. Equally, it is necessary to look to see whether there are new locations internationally where there may be a benefit for such an office to be opened. We see this not as a static situation but as a situation that should come under pretty tough review.

CHAIR—Mr Mayer, you are aware that this committee undertook a study of your foundation and council in a brief Senate review last year. There were concerns at that stage that what was happening with the council and the foundation was just the addition of another level of bureaucracy and that a lot of people felt that our success in overseas student markets was working okay already. Given that, since that inquiry you have moved a bit further down the track, how do you respond to those comments that what you have done has added just another layer of bureaucracy into the system?

Mr Mayer—One of the best responses is the attitude of the organisations that I have mentioned. That list of organisations that I mentioned in my opening remarks could not have been listed 12 months ago as supporting us in the way they now are. I think they have come

to realise that we are actually adding value in a way in which individual institutions cannot necessarily do.

Secondly, I think the very extensive consultative process, including a process where we consult with our members on what we should be doing in each country—we are calling that the business planning process, because it is akin to that—means that the support services that we give to our members in particular countries are the services that the members actually want. So I think they are seeing us now not as an extra level of bureaucracy but as a facilitator to help them be more successful, particularly, but not only, where new markets are concerned.

Thirdly, I would like to give an illustration of where misunderstandings sometimes come about. You get the sort of situation in which a vice-chancellor, who is very well equipped to work internationally, goes overseas and gets strong support from the local head of mission in relation to the particular visit. That vice-chancellor may well come back and say, 'Well, the foundation is just an extra level of bureaucracy, it doesn't do anything,' without realising that maybe two weeks of hard work has gone on by various foundation members within that embassy to enable the ambassador to give that vice-chancellor the sorts of services, introductions and help in the education area of that country. So there is still a lot of that happening where we have not well enough communicated the services we provide. But, broadly, I do not believe we are now perceived as another level of bureaucracy.

CHAIR—You mentioned value adding—and comments I have heard show that people do not seem to have a great problem with things like generic advertising, trying to improve Australia's image to encourage more students to come here from various countries. But there was a criticism that in the extent to which the foundation gets into the nitty gritty of the arrangements, they are perhaps overlapping and getting in the way of arrangements that were working fairly well before. So it is a multi-levelled situation and they are critical of some parts and not of others. How do you respond to that?

Mr Mayer—Firstly by reiterating that I believe that those criticisms, in the main, have greatly diminished. I think, to the extent that I am aware of where they are still coming from, they relate mainly to problems, in some countries, between the Australian education centres, which are currently administered by IDP but which serve a generic role, and some of the IDP staff and officers in those areas. So there is still a bit of history and a bit of confusion between the roles of those organisations. I am confident that that is in the process of being sorted out and that the foundation will not be doing anything other than facilitating what its members require it to do.

CHAIR—With IDP in so many countries now—I believe it is over 30, and from what I picked up they are expanding even further—do you see that in some centres, it may not be everywhere, there may be an overlap between what they are doing and what you are doing which might confuse clients in various countries?

Mr Mayer—I have a very high respect for what IDP does, but what IDP does is a very useful function which includes recruiting students for Australian organisations and earning commission for the purpose of doing that. The foundation is not in the business of recruiting individual students nor in the business of earning commission for recruiting students.

So it is not possible, therefore, for IDP to represent all Australian education and training to other organisations that also recruit students. So in countries where there are agents that recruit students for Australian universities and IDP who recruits students for Australian universities, there is competition between IDP and those other agents. The Australian National

Education Foundation has to stand aloof from those issues, but it is sometimes those issues that give rise to differences of opinion.

CHAIR—Thank you, Mr Mayer, for appearing today.

[2.03 p.m.]

PHILLIPS, Mr David, First Assistant Secretary, Higher Education Division, Department of Employment, Education, Training and Youth Affairs, GPO Box 9880, Canberra, Australian Capital Territory

RUBY, Mr Alan Raymond, Deputy Secretary, Department of Employment, Education, Training and Youth Affairs, 16-18 Mort Street, Canberra, Australian Capital Territory

VANSTONE, Senator Amanda, Minister for Employment, Education, Training and Youth Affairs, Parliament House, Canberra, Australian Capital Territory

CHAIR—Welcome. The committee prefers evidence to be given in public but if, at any time, you wish to give any evidence, part of evidence or answers to questions in camera, you may make the request and the committee will consider that request. You are welcome to make some brief opening remarks and then we will go to questions.

Senator Vanstone—There are just a few things that I think it is appropriate to put on record in the beginning. The decision to abolish NBEET whilst retaining but improving HEC and ARC was a policy commitment of the government prior to the election and it is a commitment that it intends to continue with. In keeping with that, a bill has been introduced to meet that goal and a discussion paper has been released to canvass, as widely as possible, the views of interested parties as to the best way to restructure the Higher Education Council and the Australian Research Council. The closing date for submissions to that discussion paper has not arrived at this point but, when it does, we will be putting those views together, taking them into account and finalising what to do with the ARC and the HEC.

As to any work that may otherwise have been done by the other councils, that is work that the government can, at any time that it feels it needs independent advice, get advice on from any number of people and put together such configurations of experts to advise on matters as are appropriate to the particular matter at hand. That is, of course, what the government will do. I should say if there are any questions on schools, Mr Ruby will be of assistance and, on higher education, Mr Phillips will be of assistance.

Senator CARR—Minister, your letter to the board on 16 May 1996 was unlawful, was it not?

Senator Vanstone—That is not my view.

Senator CARR—Why is that, minister? Did you not require the agreement of the parliament to repeal section 6 of the act to abolish NBEET?

Senator Vanstone—All I can tell you is that it is not my view. The advice I have been given is that it is perfectly appropriate for a minister to request completion of any particular work, that a minister is not required to give any particular references and that the board can agree, consistent with its statutory discretion, not to take up new matters.

Senator CARR—Is it not a fact that the abolition of NBEET will require the repeal of section 6 of the Employment, Education and Training Act 1988?

Senator Vanstone—Can we just finish on the point that we are dealing with? Do you accept what I have just put to you?

Senator CARR—No, I do not.

Senator Vanstone—Why not?

Senator CARR—Minister, I have asked the question: do you agree that it requires repealing the act?

Senator Vanstone—Perhaps I can be of assistance to you this way: do you think the abolition of the board pertains to those letters? In other words, the letter cannot stand alone. Is that the assertion you are putting to me by putting the next question?

Senator CARR—I made my position perfectly clear, Minister. I am asking you a direct question. Does the abolition of NBEET require repealing section 6 of the 1988 act?

Senator Vanstone—The abolition of NBEET does but that does not necessarily pertain to the letters.

Senator CARR—So you are saying that these letters were not in contravention of that section, therefore the parliament does not require a repeal of that act?

Senator Vanstone—I am saying to you that it is perfectly lawful for a minister to request completion of work on references already made and to withdraw references.

Senator CARR—What is the basis for the minister's advice on that?

Senator Vanstone—Advice provided to me by the department. Perhaps I will repeat it: it is not only that, a minister is not required to pass on any particular references and the board can agree not to take up new matters. That situation could stay whether NBEET existed as a board or not.

Senator CARR—Is it not the case that under section 61 of the act the board has the right to seek information from the department and provide information as required? In fact, the department is required to provide information to the board.

Mr Phillips—It is true.

Senator CARR—Is it not the case that where a department should refuse that advice the minister is required to place before the parliament copies of such a report within 15 sitting days of the receipt of such a report?

Senator Vanstone—Where which advice is refused?

Senator CARR—Where advice from the department is refused as a result of requests by NBEET under the law. Is that not the case?

Senator Vanstone—Is what not the case then?

Senator CARR—That the minister is required to place such a report before the parliament.

Senator Vanstone—I was trying to elicit from you which report you were talking about. If I understand you correctly, you are talking about a report to parliament that the department has refused to give the advice.

Senator CARR—That is the case.

Senator Vanstone—Yes, that is right.

Senator CARR—Is it not the case that various sections of the act have the premise that the reports of the board go to the parliament?

Senator Vanstone—Yes.

Senator CARR—That all actions of the board are in fact reportable to the parliament?

Senator Vanstone—'All actions' might be stretching it there. I would need to check that.

Senator CARR—Yes, I would appreciate that if you could. Is it not the case that underlying the principle of this act is parliamentary accountability?

Senator Vanstone—I would not so describe it, no.

Senator CARR—You would not describe it that way?

Senator Vanstone—No.

Senator CARR—How would you describe it? How would you describe the functions of this body, NBEET?

Senator Vanstone—I would describe it as an advisory body.

Senator CARR—To whom?

Senator Vanstone—To the minister.

Senator CARR—Only the minister, not the parliament?

Senator Vanstone—I would add that one part of the act is for the advice to be made available to parliament.

Senator CARR—Therefore, is it not advice to the parliament?

Senator Vanstone—It is when it goes to parliament, yes.

Senator CARR—And you already concede it requires parliamentary approval to abolish NBEET?

Senator Vanstone—It is just part of the act, yes.

Senator CARR—Therefore, I ask: on what basis is it legal for you to say you will wind up your business without parliamentary approval?

Senator Vanstone—I think that is perfectly clear.

Senator CARR—What is the basis? That is the question I have asked you.

Senator Vanstone—Parliamentary approval to abolish the board is being sought.

Senator CARR—But you sought on 16 May the abolition of NBEET without parliamentary approval.

Senator Vanstone—No, that is not right. That is the difference that you have not managed to grasp.

Senator CARR—Perhaps you could explain that to me, Minister.

Senator Vanstone—If you wanted to abolish NBEET you would need to put an act before parliament. That is what we are doing. Parliament will decide what it thinks of that. Separate from that, it is still within a minister's capacity to request completion of any particular work that might be under way. It is within the capacity of a minister to withdraw a reference. A minister is not required to give further references and the board can decide not to take up new matters.

Senator CARR—The board can decide but you sought to wind up NBEET without parliamentary approval.

Senator Vanstone—I have a different view, as I have indicated to you. It is perfectly acceptable to write to indicate what the government's policy is, to indicate that there will be no new references and to ask for existing work to be wound up.

CHAIR—Senator Carr, we have now been around this matter twice, unless you intend going around a third time.

Senator CARR—There are plenty of ways to pursue this.

CHAIR—Would you like to pursue another matter? I think you have got your answer from the minister.

Senator CARR—I have got a ministerial answer.

CHAIR—You have got the answer. Could you move onto the next matter?

Senator CARR—The point is this: why is the government abolishing NBEET and, in particular, the three councils that are part of that?

Senator Vanstone—We are not just abolishing NBEET. I think that is the truth but not the whole truth of the policy with respect to NBEET. It is to abolish NBEET but to maintain the Higher Education Council and the Australian Research Council and to strengthen them and make them more independent. The function of the discussion paper is to get a wide range of views from the community that might be interested in the best way to do that.

With respect to the other aspects of NBEET, the government believes that at any time appropriate advice is needed it can put together a group tailored specifically for the advice that is required, a group of specialists in that area, and get that advice. It does not need a formalised structure there.

Senator CARR—So are you rejecting the finding of the 1994 Wiltshire review that NBEET is a concept worth retaining?

Senator Vanstone—If that is what the finding says, I suppose we are.

Senator CARR—So you are rejecting that view. Under your proposals, Minister, will there be an opportunity for an independent cross-sectoral source of advice to be provided to government in the parliament on a regular basis?

Senator Vanstone—I think the government will put together such advice as it needs when it needs. The regularity of that depends on the need for it, as it is seen. As for cross-sectoral advice, the portfolio stretches across a wide range of areas, as you well know. It is up to the government to assess what advice, and how it is put together across that portfolio, it requires. Equally, as you know, Senator, it is in parliament's province to have an inquiry into any matter it chooses as regularly as it wants, such as this committee, for example.

Senator CARR—Do you think it would be cheaper and more effective for us to have, say, select committee on education issues on a regular basis?

Senator Vanstone—I am just indicating to you that there are a range of ways in which the government can approach it. We have made a broad policy decision that we think it is better to put together such groups as one feels one needs at the time one needs them. Not to have formalised structures gives a greater flexibility. That is our view; you may have a different one.

Senator CARR—How will the parliament, and the government for that matter, receive strategic advice if you are approaching these issues on an issue by issue basis? How will we be able to see the cross-sectoral, seamless, flexible delivery that we speak of in terms of NBEET's successors?

Senator Vanstone—Perhaps I can put it to you this way. NBEET has a range of subsidiary councils and bodies, to which the government makes appointments. All you really need to do is shut your eyes and imagine that those formalised structures are not there and say, 'Well, similarly, a new government is going to do a similar sort of thing but in a different way.' Instead of having the formalised structures there and the appointments made in advance and

just sitting there waiting for the advice to be sought, the government, if it feels it needs particular advice, will set up a body to give it that advice.

Senator CARR—How will the various constituencies be represented in that process?

Senator Vanstone—We will have to wait and see what advice the government feels it needs.

Senator CARR—Do you see a need to stimulate and encourage public and private interest in education and training matters?

Senator Vanstone—It is very important.

Senator CARR—Will that be part of the process?

Senator Vanstone—It might not be part of the process in terms of seeking advice, but it is a very important aspect to advancing the debate on education and training.

Senator CARR—That is part of NBEET's role. Who will undertake that role?

Senator Vanstone—There are a range of ways it could be done.

Senator CARR—What is the government's proposal?

Senator Vanstone—The government is intending, as it requires advice in particular areas, to seek that advice. That advice can be made public. It can be made available to parliament. We will do it on a case by case basis. As those issues come up, no doubt, there would be a great range of bodies who would seek to have an input or comment. In that way you would have the debate on education and training issues advanced.

Senator CARR—Section 7M of the act currently requires the board to promote informed public debate. How will that be done under your proposal?

Senator Vanstone—I think I have just indicated that to you. As issues come up that need some resolution or advancement, the government can choose to seek advice. That process in itself does that. We are simply talking about changing the way you do things here. Your government had a very formalised structure. We think it would be better to have a more flexible structure. The job being done is not necessarily going to be that different.

Senator CARR—In the *Australian* this morning you are quoted as saying that you do not have to keep a board and those councils just sitting there. I am wondering whether you think Mr Laver and Mr Mayer and all those other people who have been chairs of the relevant councils have just been sitting there over the last few years.

Senator Vanstone—No, I think it is a very inappropriate use of that quote to imply that those people have been doing nothing. The quote was made in response to a question as to whether you need a board. I personally do not think you do. The government does not. You do not need the structure there. You can get the work that is done within that existing structure done by other people. It is important to make this clear. That remark relates to the structure, not the persons currently occupying that structure, nor the work that they are doing.

Senator CARR—The current cost of the board is about \$7 million. I am sure you would be aware of that. What do you anticipate will be the cost of your suggestions?

Senator Vanstone—That is difficult, if not impossible, to put a figure on until we have all the responses to the discussion paper and have decided exactly what to do.

Senator CARR—Is it not the case that, in terms of that discussion paper, attention has been drawn to the higher education sector? What does it say about your view in terms of the challenges faced by the schools sector or the vocational education sector?

Senator Vanstone—The discussion paper relates to the Higher Education Council and the Australian Research Council. That point is clear.

Senator CARR—So you say nothing about the schools sector or the VET sector?

Senator Vanstone—We have not sought advice on those matters. The discussion paper does not relate to them. It is seeking advice on the Higher Education Council and the Australian Research Council.

Senator CARR—Where will independent cross-sectoral advice come from in the schools sector and the VET sector?

Mr Ruby—There are a range of bodies in both the schools sector and the vocational education and training sector that already exist that are able to offer advice to both state and federal governments on a range of policy issues. There are a set of task forces under the Ministerial Council on Employment, Education, Training and Youth Affairs that are able to perform this function.

The government is also able to turn to the Australian Council for Educational Research, which it has done from time to time, which has a representative board and is a highly prestigious independent organisation able to offer advice based upon on current practice, both domestically and internationally and informed by research. Similarly, it can convene or seek advice, as you discussed with Professor Lo Bianco earlier this afternoon, on a range of policy issues relating to language issues from his institute or institutes like his. Similarly, there are structures in Aboriginal education and structures under vocational education through the ANTA structures where there are quite a wide range of bodies that are able to take up and offer this advice to government.

Senator CARR—In one of the submissions we have received Professor Ian Chubb says that there is a need for the minister to have some structure to integrate the often conflicting advice that comes from the various interest groups in this portfolio. Given the size of this portfolio and the enormous importance of this portfolio, how do you see that your proposal of an issue based committee by committee approach will allow for the appropriate integration of advice to government and the parliament?

Senator Vanstone—I think it is fair to say that each of the different bodies that put forward reports did not, by and large, have those reports smoothed over and synthesised into cross-sectoral reports by the board. If you have that notion, it is an illusory one.

Senator CARR—Which report did you find inadequate, Minister?

Senator Vanstone—Senator, you can save yourself some time because—

Senator CARR—Of the 30 publications, which do you find inadequate?

CHAIR—Order, Senator Carr! Let the Minister answer.

Senator Vanstone—Senator, you can save yourself some time. I do not have a view that any particular report was inadequate and that is not the assertion that I put to you. I simply indicated to you that is it not my view. You may have a different one and you are entitled to it if you do. But it is not my view that the board took reports that came up to it and synthesised them into cross-sectoral advice. Is that your view that that is what happened?

Senator CARR—Minister, that is quite clearly contrary to all the evidence that has been presented to this committee and in terms of Wiltshire on. That is just not the case.

Senator Vanstone—Okay, you disagree. I understand there have been occasions when the board has tried to—using my words—knock heads together and smooth things out. But, by

and large, that has not been as effective as it could be because you still have under the board these separate bodies putting forward separate advice with their specialist interests. You are highlighting a problem you see the government is going to have. I am just indicating to you it is a problem whichever way you set it up. Putting a board on top of them does not resolve that.

CHAIR—Thank you, Senator Carr.

Senator CARR—I have not finished my questions.

CHAIR—I know you have not. You have had 18 minutes, which is more than generous. I would like to ask some questions and the minister has limited time.

Senator CARR—That is fine, Mr Chairman. Minister, you will be aware that your time will be taken up in the parliament answering the questions. It is up to you; I don't mind in the slightest. We are more than happy to pursue these issues.

CHAIR—I am sure the minister is happy for that to happen, and I would like the last six minutes, Senator Carr.

Senator CARR—More than just six minutes—

CHAIR—Minister, I just return to that last point on cross-sectoral advice to correct the impression left by Senator Carr. The evidence this morning was for a need for cross-sectoral advice. I cannot recall anyone saying that that was—

Senator CARR—Mr Lalor.

CHAIR—actually happening in the NBEET Schools Council. Interestingly, Senator Carr, we have the minister now revealing the fact that that was not happening. I just return—

Senator Vanstone—Not to what you would say is an extent that merits having a board on top of the bodies.

CHAIR—I mention a comment by Professor Chubb. He said there was a need to sift, synthesise and create priorities in a complex area, which of course education is. Minister, would it not really be the role of the permanent secretary of your department, based on the advice stream that he receives, to provide you with that sort of synthesis?

Senator Vanstone—It is important to recognise a couple of things. The breadth in the department means that you can get cross-sectoral advice from the department. I will not say that I have agreed with every piece of paper that has come up. There have been so many of them that have come up to me since 2 March. But I have no quibble at all with the quality of the advice that is coming from the department.

CHAIR—Thank you. We received a comment this morning that these councils were needed to perform a certain advice function. You have said you want a more flexible arrangement. We have had evidence from the Language and Literacy Institute, which represents professional research organisations in 22 universities in language and literacy across the country. Wouldn't that surely form part of your independent advice if there is no longer a council?

Senator Vanstone—It very easily could.

CHAIR—This committee has had an inquiry into ANTA and noted that the ANTA board was giving advice to the minister. We were a little critical perhaps that it was not representative enough of the different groups. Surely that board or revised board could also provide advice to the minister in the skills formation area, could it not?

Senator Vanstone—Most definitely.

CHAIR—One of the things we did point out was that that was created since NBEET. The government now has a new stream of advice in that area. Thank you for appearing before us today, Minister.

Committee adjourned at 2.28 p.m.

