

Department of Education

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7 February 2013

Mr Tim Watling
Committee Secretary
Senate Education, Employment and Workplace Relations Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Watling

Subject: *Inquiry into the provisions of the Australian Education Bill 2012*

Thank you for your invitation to make a submission to the *Inquiry into the provisions of the Australian Education Bill 2012*.

The Department of Education has previously responded to this Inquiry through the invitation from the Standing Council on School Education (SCSEEC).

I attach the department's response which was forwarded to Mr Steve Metcalfe, Secretary SCSEEC for your information. Please accept this as the department's submission to your invitation.

Yours sincerely

Colin Pettit
Secretary

Minister for Education and Skills
Minister for Corrections and Consumer Protection
Minister for Sustainable Transport



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14 NOV 2012

Mr Steve Metcalfe
Secretary
Standing Council on School Education
and Early Childhood (SCSEEC)
PO Box 202
Carlton South VIC 3053

Dear Mr Metcalfe

Thank you for your email of 13 November 2012 regarding the draft Australian Education Bill 2012

It is Tasmania's view that the introduction of this Bill is premature given too many aspects remain unresolved, including the funding model, the funding architecture, the development of a national, or nationally consistent, school improvement plan, the agreement architecture, and the status of the National Education Agreement (NEA).

Tasmania questions the need for the Bill in its current form and the timing of its introduction to Parliament. While a Bill is necessary to replace the Schools Assistance Act 2008 for funding to non-government schools from 2014, the draft Australian Education Bill 2012 in its current form achieves very little apart from legislating aspirations.

While legislating aspirations may have symbolic value, there is little the Bill can achieve in any practical sense. Australia's goals and aspirations for education are already included in the NEA, which was developed collaboratively, is evidence based and has been agreed to by all governments as the basis upon which governments fund school education.

There has been no opportunity for genuine consultation on the draft Bill and no agreement on the framework or content of any national or nationally consistent plan for school improvement and its relationship to the NEA. The draft Bill relies on the Australian Government working with States and Territories to achieve key aspects of the Bill, such as developing and implementing a national plan and developing performance benchmarks and implementation arrangements. This is undermined by the Commonwealth Governments failure to genuinely consult on the draft Bill.

The inclusion of detailed reform directions and linking what appears to be base school funding to a national improvement plan, prior to concluding negotiations on these aspects, makes it more difficult for States and Territories to negotiate in good faith with the Commonwealth on these matters as the negotiation parameters have been narrowed.

Preamble

The preamble fails to recognise the constitutional responsibility of states and territories in managing and delivering schooling in Australia and as the majority funders of government schooling in Australia.

C6 Developing a national plan

- There is an over-emphasis on engaging with Asia in the Bill compared with the importance of school improvement and the provision of needs based funding.

C7. Reform directions for the national plan

- The reform directions are too detailed and not based on any agreement with states and do not recognise the role of states as system managers.
- This level of detail makes it more difficult to negotiate in good faith any national improvement plan and narrows the parameters of any negotiation.
- The reform directions represent unknown costs to state governments (for instance C7(6) regarding higher quality and more detailed data) and may have industrial relations implications. Further, the level of detail in the reform directions covers policy levers that are largely in the control of state governments as managers of school systems with the constitutional responsibility for schooling.
- By incorporating the reform directions in the legislation relating to the national plan it makes it very difficult to change reform directions as new priorities emerge.
- Should the Bill proceed, at a minimum, the reform directions included in the Bill should be limited to the five headings: quality teaching, quality learning, empowered school leadership, transparency and accountability, and meeting student need. Although it should be noted that governments have not agreed to these reform directions.

C8 Developing benchmarks and implementing arrangements

- The development of potential benchmarks, monitoring of performance, research and implementation arrangements should be the subject of discussion, negotiation and agreement with States and Territories prior to inclusion in the Bill.

C9 School funding

- This clause appears to narrow the options for the type of funding agreement under negotiation with States and Territories. The Bill links Commonwealth funding to a State agreeing to the national plan. This could be interpreted as the Commonwealth having made a decision to cease the NEA and/or National Partnerships. This should be clarified by the Commonwealth as this would be pre-empting the current negotiations about the form of any funding agreement.
- A crucial omission in the draft Bill is any detail on the parameters of a needs based funding system.
- The lack of detail about the nature of the funding model leaves essential principles within the funding model open, such as the principle that non-government schools will contribute according to their capacity to pay.

Again, thank you for writing to me on this matter.

Warm regards

The Hon Nick McKim MP
Minister for Education and Skills