

Inquiry into the *Australian Education Bill 2012*

Introduction

1. The National Catholic Education Commission (NCEC) was established in 1974 to advise the Australian Catholic Bishops Conference on matters of national school education policy, to represent the interests of Australia's Catholic schools to the Australian Government, and to contribute to the national debate on Australian schooling provision, organisation and achievements.
2. There are over 1700 Catholic schools in Australia, enrolling 735,000 students (one student in every five) and employing 83,000 staff.¹ The net recurrent income per student for 2010² in Catholic schools was \$10,340³.
3. Catholic schools are strong contributors to higher quality and broader equity outcomes for students. Australian Council for Educational Research (ACER) international data reported in 2010 from the 2009 Program for International Student Assessment (PISA) for reading literacy, for example, shows the Australian Catholic school student cohort (after removing any socio-economic status bias in the samples) achieving higher quality and equity outcomes than the total Australian student cohort.⁴
4. How Catholic schools are governed, how they are funded and how they pursue the highest ideals and the best outcomes for students in terms of curriculum, pedagogy and pastoral care are therefore of profound significance for Australian society.
5. Catholic schools, because of their geographic and socio-economic spread are accessible to most Australian families and represent excellent value for money for Australian taxpayers. Catholic system funding policies direct the resources provided to

¹ The most recent consolidated data regarding Catholic schools relates to the 2011 school year, and can be found at www.ncec.catholic.edu.au

² The latest available data. See www.myschool.edu.au for further information.

³ For government schools, \$11,520; for independent schools \$14,460.

⁴ See NCEC (2011), *Submission to the Review of Funding for Schooling*, pages 10 and 11; see also Gary Marks (2009), "Accounting for school-sector differences in university performance", *Australian Journal of Education*, 53, 1.

Catholic systems by governments to the schools and to the students where they are most needed.

The policy intent of the *Australian Education Bill 2012*

6. The Bill and its Explanatory Memorandum outline an ambitious Australian Government vision to reform primary and secondary schooling. The Bill is couched in the high level, aspirational language typical of the Government's recent media statements beyond which the Bill contains no additional information. In particular the Bill is silent on the details of the new funding model for all Australian schools foreshadowed by the Minister to enable the reforms to proceed.⁵
7. NCEC believes that the *Melbourne Declaration on Educational Goals for Young Australians* (2008), that clearly outlines agreed national objectives for schooling, should be directly referenced in the Bill. The *Melbourne Guidelines* already enjoy wide political and community support, and their use in the Bill would ensure greater public confidence in the Bill.
8. NCEC is concerned that the Bill as it stands is a model for school reform through increased Commonwealth regulation, rather than increased funding. Both Commonwealth and State Governments already require Catholic schools to meet a multiplicity of stringent transparency and accountability requirements. This regulatory burden will be increased in the near future through the Australian Charities and Not-for-profits Commission (ACNC). Catholic and other nongovernment schools operate with a far heavier compliance and regulatory burden than do government schools.
9. The principle of increased school autonomy currently being championed by the Commonwealth is in conflict with the dramatic increase in government regulation of the school sector. Specific additional funding and resources for Catholic schools would be needed to meet the expanded regulatory environment foreshadowed by the Bill, let alone address the substantive operational reforms that the Government wishes to implement.
10. The Government has withheld much detail from the Bill, having cited the confidential nature of the ongoing bilateral consultations. NCEC continues to voice its concern that the Government has provided very few details of any Government school funding modelling since the release of the final report of the *Review of Funding for Schooling* in February 2012.
11. This submission reviews the Bill and proposes changes that would make the Bill more of a legislative instrument than an aspirational statement.

⁵ *Explanatory Memorandum*, page 3.

The Australian Education Bill 2012: detailed commentary

Preamble.

NCEC RECOMMENDATION 1

That the existing Preamble be deleted.

12. The language of the Preamble is inappropriate for an Act of Parliament. The sentiments that the Preamble attempts to convey are more properly included in the text of the Act. They can be found, albeit embryonically expressed, in sections 6, 7 and 8 of the Bill.

NCEC RECOMMENDATION 2

That the language of the Preamble (if retained) and the Bill be changed and clarified as suggested in paragraphs 13 to 27.

13. Paragraphs 1, 7, and also sections 3 (b) (i) and 9 (a) refer to an “excellent” education. The word “excellent” is so overused, so dependent on subjective interpretation, as to be meaningless. NCEC presumes that here it denotes a “superior” education, an education that is measurably better in outcomes than current Australian education.
14. In NCEC’s view, a superior education is one that
 - (i) reflects and enacts the aspirations of the parents (including the internationally-recognised right for an education based on religious values);
 - (ii) recognises and enhances the physical, social, intellectual, spiritual, moral, emotional and aesthetic capacities of each young person;⁶
 - (iii) helps each young person achieve a productive and integrated sense of his or her personal purpose in life;
 - (iv) contributes to the nation’s social cohesion and economic prosperity; and
 - (v) results in optimal levels of literacy, numeracy and social and employability skills for all students.
15. NCEC endorses the view that the beneficial outcomes of a superior education accrue neither solely to the individual, nor to the state, but rather to the community, for the common good. Education is fundamentally human holistic formation, based on a universality of knowledge and a stable hierarchy of values. It is both an instrumental endeavour and a moral challenge.
16. Paragraphs 2, 3 and 4, and also in the heading to clause 7(1) and in clause 7 (2). “Quality” and “improved quality” are concepts that are notoriously difficult to define. On the input side, NCEC agrees with the majority of researchers and commentators that a basic level of worthwhile resources needs to be available in each school, but that the crucial “quality” factor is how the school then decides to use these resources. On the output side, NCEC is concerned that the measurement of educational “quality” is restricted to an annual series of short snapshot tests on a small catalogue of basic

⁶ As outlined in the *Melbourne Declaration*.

skills that, even taken together, cannot be taken to measure holistic outcomes meaningfully.

17. Paragraph 4. NCEC acknowledges that successful schooling outcomes are usually of significant collective value to the economy. An economy however is not an end in and of itself but an integral part of society. This paragraph could be strengthened, NCEC believes, by including other communitarian values such as “compassion” and “social justice” to balance “prosperity” and “productivity” – the purposes of an “excellent” education are moral as well as instrumental.
18. Paragraph 5. The concept of “continuous improvement” as the key to maintaining national prosperity should be reconsidered. Rather this should be redrafted to express the need for education, and schooling best practice, to continue to evolve to ensure that the Australian economy is receptive to the changing global circumstances and economic demands of the twenty-first century.
19. Paragraph 10. NCEC welcomes the Commonwealth acknowledgement of strength in the current diversity of Australia’s schools. For its part, NCEC commits to continue to working with the Australian and State Governments, and with parents and the wider community, to ensure that students achieve their full potential at school.

Part 1

NCEC RECOMMENDATION 3

That a set of definitions be included in the Bill at Clause 4.

20. Many of NCEC’s concerns with the Bill are due to the absence of a set of definitions for education concepts (for example, “excellent education”, “needs’, and “evidence-based”). The *Melbourne Declaration* could serve to provide definitions for many of these concepts for inclusion in the Bill.

NCEC RECOMMENDATION 4

That a definition be added after “nongovernment school” to read thus.

“ ‘Non-government school system authority’ means an approved system authority that is responsible for the operation of a nongovernment system of schools and is not an authority of the Government of a State or Territory.”

21. The definition for “nongovernment school authority” given in the Bill insufficiently reflects the position and responsibilities of state Catholic Education Commissions and diocesan Catholic Education Offices.

Part 2

NCEC RECOMMENDATION 5

That Section 7 – *Reform directions for the national plan* – be revised to include more detail about the five reform elements.

22. There is little or no detail given in the Bill about the five reform elements and how they might be applied to the diversity of Australian schools.

(a) Section 7 (1) – Quality teaching

The Bill implies that improving teaching is predicated on teachers following methodologies that are deemed as “successful” by a/the higher authority. NCEC believes that this is contrary to research findings, is inconsistent with the Bill’s advocacy for increased school autonomy and will also stifle innovation.

Definitional issues arise when omnibus terms such as “quality teaching” and “quality learning” are used as generalities in the Bill without an appropriate context. What is “quality teaching” and “quality learning”?

(b) Section 7 (2) – Quality learning

This subsection, as does much of the Bill in its present form, lacks the specificity needed for proper analysis and debate.

(c) Section 7 (3) – Empowered school leadership

NCEC does not disagree with the rationale of this section. Current research and public commentary endorses the effectiveness of Catholic school/system use of the internationally-recognised organisational principle of subsidiarity.

(d) Section 7 (4) and (5) – Transparency and accountability

NCEC once again points to a use of language in this section that falsely implies that schools can achieve limitless improvement in student outcomes by more of the same, or by conforming to a more detailed national accountability template. NCEC also interprets the collection of additional data to indicate increased bureaucratic burden. The core business of schools is teaching and learning, and accountability requirements have to be addressed within that context. The collection of school and student data should be to illuminate the dimensions and processes of teaching and learning.

(e) Section 7 (6) – Meeting student need

NCEC does not disagree with this principle, except to note that there is no detail provided.

Section 9

NCEC RECOMMENDATION 6

That Section 9 – *School funding* – be strengthened to ensure that a national approach to school funding is legislated.

23. NCEC notes the Government’s commitment to a national approach to funding for school improvement. The Bill should therefore specify the legislative arrangements, including the funding formulae, that will generate Commonwealth funding for Catholic and other nongovernment schools and school systems. Nongovernment school authorities cannot by definition be party to COAG-style agreements.

24. It is NCEC's view that the funding mechanisms for Catholic schools to participate in National Partnerships (NPs) via State and Territory Governments have largely been a failure. This approach to funding should be avoided.
25. NCEC is committed to a funding model that responds to and addresses student and school need. An outline of the Government's position on school funding according to assessed need should be included here.

NCEC RECOMMENDATION 7

That Section 9 – *School funding* – be amended to include a new subsection (b): “Systems will allocate funding based on system-defined criteria that are better able to recognize and respond to school and student needs.”

26. While NCEC has been assured that the responsible school system would be able to allocate grants under the proposed new funding model that would reflect a more precise local assessment of the needs of each school and system, this section is the proper place to ensure that system redistribution of government funding is protected in legislation.

NCEC RECOMMENDATION 8

That Section 9 – *School funding* – be amended to include a new subsection: “State and Territory Governments will contribute funding to government schools and to nongovernment systems and schools”.

27. The major structural fault of the funding provision arrangements outlined in the Bill is the lack of any reference to the contribution the states and territories will be expected to make to the new funding quantum and to the operation of the new funding model.

In conclusion

28. The Bill in its current form lacks the necessary substance, and the appropriate language, to do justice to the Government's policy intent.
29. NCEC is disappointed that, twelve months after the final report of the *Review of Funding for Schooling* was made public, the Government has still not provided us with its own funding modeling outcomes for Catholic schools. NCEC acknowledges that the Government has provided us with initial settings for the funding model that it has under consideration.

Mrs Therese Temby
Chair

15 February 2013