



# *Australian Education Union*

*Federal Office*

*Ground Floor, 120 Clarendon Street, Southbank, Victoria, 3006  
PO Box 1158, South Melbourne, Victoria, 3205  
Federal Secretary : Susan Hopgood  
Federal President : Angelo Gavrielatos*

*Phone : +61 (0)3 9693 1800  
Fax : +61 (0)3 9693 1805  
Email : [aeu@aeufederal.org.au](mailto:aeu@aeufederal.org.au)  
Web : [www.aeufederal.org.au](http://www.aeufederal.org.au)*

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

Email : [eevr.sen@aph.gov.au](mailto:eevr.sen@aph.gov.au)

Dear Sir/Madam,

**Re : AEU Submission to the Senate Education, Employment and Workplace Relations  
Committees Inquiry into the Provisions of the Australian Education Bill 2012**

Please find attached the Australian Education Union submission to the Inquiry into the Provisions of the Australian Education Bill 2012.

Please contact me if you have any questions in relation to this submission.

Yours sincerely,

Susan Hopgood  
Federal Secretary



**Australian Education Union**

**Submission to the**

**Senate Inquiry into the Provisions of the**

**Australian Education Bill 2012**

**February 2013**

**Angelo Gavrielatos**  
Federal President

**Australian Education Union**  
Ground Floor  
120 Clarendon Street  
Southbank VIC 3006

**Susan Hopgood**  
Federal Secretary

Telephone: +61 (0)3 9693 1800  
Facsimile: +61 (0)3 9693 1805  
Web: [www.aeufederal.org.au](http://www.aeufederal.org.au)  
E-mail: [aeu@aeufederal.org.au](mailto:aeu@aeufederal.org.au)

## **Introduction**

The Australian Education Union welcomes the opportunity to make a submission to this Inquiry.

The AEU currently has around 197,000 members employed in public schools and early childhood settings and in public VET/TAFE institutions and training as teachers, school leaders and education assistance or support staff classifications.

Approximately 180,000 AEU members are employees within the schools workforce, which makes AEU members the vast majority of the public school workforce.

Our members work every day with a diverse and complex range of students across the spectrums of ages, ability, geographic location and socio-economic, cultural and linguistically diverse backgrounds.

Public schools educate the vast majority of students who are educationally disadvantaged and/or have special needs. Our patterns of enrolment reflect the unique position of public schools within the Australian school system, flowing from the legal and moral responsibility of the public school system to provide universal access to quality school education and be open to all students.

The Gonski Review of Funding for Schooling has established beyond any doubt the unique challenge this poses for public schools and systems and those who work in them and highlights the fundamental need for legislation to ensure that all Australian children can equitably access high quality education regardless of their background and circumstances.

### **1. Preamble to the Australian Education Bill 2012 (hereinafter The Bill)**

#### ***Towards a High Quality, High Equity Schooling System***

The Australian Education Union welcomes the commitment in The Bill to a high quality, high equity schooling system. It provides a long overdue legislative platform for attaining this goal through major reform of the current schools funding arrangements based on the Gonski recommendations.

Supported by a significant body of credible national and international evidence, Gonski found that the current level of funding for our schools is inadequate, and that the way in which it is allocated is inequitable, inefficient and failing too many of our children.

By international standards, Australia invests too little in education. Australia's spending on school education as a percentage of GDP continues to be lower than the OECD average, as revealed by the OECD's annual *Education at a Glance* publications. The Schools Minister himself has pointed out that "*our spend on education as a total share of GDP has remained*

*flat since 2001 and is currently still lower than the OECD average, once the one-off spend on the BER is removed.” (Peter Garrett, Media Release, 13 September 2012)*

Not only do we invest too little, we fail to invest it equitably where it is needed most: in our public schools which educate two thirds of our students and the majority of children from disadvantaged and high-needs backgrounds. Public schools educate 80% of students in lowest quartile of socio-economic disadvantage; 85% of Indigenous students; 78% of students with a funded disability; 83% of students in remote/very remote areas; and the majority of students with English language difficulties, for example over 90% of students in the ESL New Arrivals Program.

The proportion of total government schools funding which is spent on public schools, which do the ‘heavy lifting’ in Australian schooling, has dropped from 77.1% in 2003 to 68.6% in 2009, compared to an OECD average of 85.8%. (*OECD Education at a Glance 2012*)

### ***The Impact of the Current Inequitable System on School and Student Outcomes***

The consequences of this under-investment and the deepening inequity associated with our current system of school funding arrangements are stark.

By international standards, Australia’s overall performance in education has dropped. The findings from the OECD’s PISA reports show that while the overall quality of education in Australia is relatively high, our distribution of educational outcomes is relatively uneven.

PISA data shows a statistically significant decline in Australia’s overall performance in the last decade and a growing achievement gap between students from different backgrounds, corresponding with widening resource gaps between schools and sectors.

In addition to PISA, other international data, such as TIMSS (*Trends in International Mathematics and Science Study*) and PIRLS (*Progress in International Reading Literacy Study*), and national NAPLAN data all highlight the extent to which Australian student achievement is disproportionately affected by the impact of social background factors – particularly among students from low SES and Indigenous backgrounds – and the compounding effects of concentrations of disadvantage on the attainment of equity and quality in learning outcomes.

The logical conclusion, which is recognised in The Bill, is that reducing achievement gaps and improving achievement across the board requires addressing the level of resourcing in the schools that the majority of Australian students attend and targeting resources to where they are most needed; ie schools with less advantaged students whose particular educational needs require greater levels of sustained investment.

## ***Australia's Future Economic and Social Prosperity***

The PISA report for Australia warned that the significant gaps in achievement between Australian students, the equivalent of up to three years of schooling, associated with factors such as SES, Indigeneity and location, place “an unacceptable proportion of fifteen year old students at serious risk of not achieving levels sufficient for them to effectively participate in the 21<sup>st</sup> century workforce and to contribute to Australia as productive citizens.”<sup>1</sup>

This is clearly unacceptable. Australia's economic, social and cultural prosperity now and into the future requires a highly educated population.

The Bill recognises that this can only be achieved through an education system built on the fundamental principle of the entitlement of all students to a high quality education which will allow each student to reach his or her full potential; quality which is not limited by where the student lives, the income of his or her family, the school he or she attends, the school's location or his or her personal circumstances.

The Bill's recognition that future funding arrangements be based on the real needs of Australian schools and school students is also long overdue and very welcome. So too that they will be based on real evidence of how to provide a high quality education for all students, a feature which has often been lacking in education policy despite rhetoric to the contrary.

## ***The Need for Greater Cooperation and Collaboration between the Key Education Partners***

The Preamble also recognises the role of other partners in the delivery of school education, including the state and territory governments.

It is a tangible recognition of the fundamental responsibility of governments to ensure the entitlement of every child to high quality education, regardless of their background, circumstances, or where they live.

It also acknowledges the Commonwealth's primary role in implementing the reforms needed to ensure a high performing and high equity schooling system. As the Prime Minister stated in her Second Reading Speech:

*The Bill ... gives this 43<sup>rd</sup> Parliament an opportunity none of our predecessors have fully shared. We can enshrine in law our nation's expectations for our children's achievements at school. We can enact in law a plan, not only to teach them well, but to fund them well. This bill is the government's plan for the future of Australian education ...and the education of all our nation's children.*

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<sup>1</sup> Sue Thomson ... [et al.], *Challenges for Australian education: results from PISA 2009: the PISA 2009 assessment of students' reading, mathematical and scientific literacy*, ACER 2011. p299

*No matter how rich or poor your parents are, the school you attend or the circumstances of your birth, our nation should provide a core level of support to your education. There should be Australian government support to educate every Australian child – in the poorest and most remote school – at the best known and best resourced school.*

The AEU does not underestimate the difficulties of negotiation between the Federal Government and state and territory leaders over the implementation of The Bill and the provision of substantially increased educational investment between 2014 and 2020. However we urge our politicians to recognise the historic opportunity the Bill presents to reach an agreement that will make a real difference to the level of resources in schools and the education of our children.

The AEU also urges governments to recognise that a longer term focus on education funding over several electoral cycles requires greater collaboration and co-operation between Federal and State/Territory Governments than has previously been a feature of our funding arrangements or is currently being exhibited.

As The Bill clearly states, our students are entitled to nothing less.

## **2. Objects of the Act**

The key objects of the Act are to provide a high quality, high equity education system for all students and for Australia to be ranked in the top five ‘high quality, high equity’ countries and the top 5 highest performing countries based on our students’ performance in reading, mathematics and science by 2025.

These goals highlight the enormity of the educational challenges we face.

Recent PIRLS and TIMSS data released by the ACER in December shows:

- Australia was outperformed by 21 countries in reading, with a quarter of Australian Year 4 students not meeting the international minimum reading standard.
- Australian Year 4 students were significantly outperformed by students in 17 countries in mathematics and 18 countries in science. At Year 8, Australia was significantly outperformed by six countries in mathematics and seven countries in science.
- Australia’s performance in maths and science has generally stagnated in the 16 years between 1995 and 2011.
- During this same period, a number of other countries either dramatically improved their performances (including Singapore, Hong Kong and Chinese Taipei) or showed steady improvements in performance (including Korea and the United States).

The COAG Reform Council's report *Education 2011: Comparing performance across Australia* (COAG, 2012) indicates that there has been no significant improvement in education outcomes for secondary school students since 2008 with little change in literacy and numeracy results or the levels of Australian students completing Year 12.

- Educational outcomes for Indigenous students continue to lag a long way behind non-Indigenous students.
- Outcomes for young people leaving school, particularly for young people from low socio-economic areas, remain disappointing.
- There is a gap of up to 16 percentage points between the proportions of high and low SES students meeting national minimum reading standard.
- There has been no significant improvement in the Year 12 or equivalent attainment rate for 20 to 24 year olds in any Australian jurisdiction since 2008.
- The proportion of young people successfully moving from school to work and further study in 2011 remains below the level in 2008.

Meeting the reform challenge posed by these outcomes must take account of the multiplicity and complexity of the many factors involved in driving education reform and improved education outcomes for students, and the problems which may arise when unrealistic and unsustainable requirements are placed on systems, schools and the teaching profession.

These include inadequate attention to the time which lasting education reform takes; the need for genuine engagement with the profession; the requirement for significant system-wide support infrastructure; and the failure to recognise the multiplicity of social, economic and cultural differences between countries and their education systems which impact on their performance.

### **3. Improving the Performance of Schools and School Students**

Achieving the goals set out in the Objects of the Act highlights the need for increased investment targeted to where it is needed most, through a national commitment to the funding and legislative reform necessary to implement the Gonski recommendations by all partners involved in the provision of education in Australia

#### ***The Urgent Need for Reform***

Gonski stressed the urgency of the reform agenda and warned that failure to act urgently would have enormous social and economic consequences for communities and the nation.

*The need for the additional expenditure and the application of what those funds can do its urgent. Australia will only slip further behind unless, as a nation, we act and act now.* (p.212)

*Additional resources are required to achieve sustained improvements and move Australia to a high-performing and high-equity schooling system. These resources must be targeted at those school-based and classroom-based teaching and learning strategies which are critical for success. ... Australia and its children, now and in the future, deserve nothing less. (p.221)*

The wide public acceptance of the need to urgently implement the key Gonski recommendations from educators, parents, business leaders, community and welfare groups shows the desire of most Australians for our governments, led by the Federal Government, to act on school funding in the interests of the education of our children and the future of the nation.

New research from an Auspoll of 2,200 people (February 2013) confirms the national consensus that has emerged:

- 89 per cent of people support an agreement on Gonski between the Commonwealth and State and Territory Governments and 86 per cent say it is urgent.
- Over 80 per cent of people, on average, believe their state or territory governments should contribute at least part of the additional funding the Gonski Review said was urgently required.
- People in NSW, QLD and Victoria are overwhelmingly opposed to the cuts in public education being imposed by their State Premier.
- A clear majority in those three states said their opinion of the Premier would worsen if he did not strike a deal with the Prime Minister on Gonski.

### ***‘Reform Directions for the National Plan’***

The Bill provides a ‘broadbrush’ outline of the key reform directions:

- (1) Quality teaching
- (2) Quality learning
- (3) Empowered school leadership
- (4) Transparency and accountability
- (5) Meeting student needs

### ***Meeting Student Needs: The Highest Priority***

Despite ‘Meeting Student Needs’ being listed at number 5, the Bill rightly identifies meeting student need as fundamental, through explicitly stating that *the highest priority will be placed on identifying and addressing the needs of school students, including barriers to learning and well-being, and providing additional support to students who require it.*

The AEU supports The Bill’s intention of making student need and improving student learning and outcomes the highest priority of the five key reform directions.



Failure to directly address the wealth of empirical evidence documenting the fact that students from disadvantaged backgrounds on average perform less well than those from more advantaged backgrounds, leads to policy approaches which not only contribute little to raising overall student achievement or to reducing achievement and educational attainment gaps between advantaged and disadvantaged students, but potentially do serious harm.<sup>2</sup> It also highlights the need for the Government to take its stated commitment to evidence-based reform seriously when it comes to specifying the detail for each of these key areas.

### ***The Need for Evidence-Based Reform***

Recent OECD reports on successful education reform designed to improve student learning and outcomes emphasise that ***one of the crucial aspects of improving learning outcomes is the engagement of the profession, including teacher unions, in the development and implementation of education reform; school reform will not work unless it is supported from 'the bottom up'***:

*This requires those responsible for change to both communicate their aims well and involve the stakeholders who are affected. But it also requires teachers to contribute as the architects of change, not just its implementers. Some of the most successful reforms are those supported by strong unions rather than those keep the union role weak. (OECD Building a High-Quality Teaching Profession: Lessons from around the World, Chapter 4, Teacher Engagement in Education Reform, November 2011)*

*Indeed, the higher a country is on the world's education league tables, the more likely that country is working constructively with its unions and treating its teachers as trusted professional partners . . . (OECD, Strong Performers And Successful Reformers In Education: Lessons From Pisa For The USA, 2010 p. 240)*

Speaking on what the international experience and evidence on school reform clearly demonstrates, the eminent educational administrator and distinguished academic Professor Ben Levin has said:

*Over the last few decades many efforts have been made to address education issues through policy at various levels. Looking at these efforts around the world suggests that they have often been motivated more by beliefs than by evidence of impact. Not only are the wrong policies often adopted, but effective implementation of education policy is often lacking ... Education reform efforts would be stronger if they gave more attention*

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<sup>2</sup> For a fuller discussion, and overview of the body of research literature in this area, see for example the AEU's submissions to the September 2012 Senate Inquiry *Teaching and Learning (Maximising our investment in Australian Schools)*

*to reliable research evidence and a greater focus to what is known about effective teaching...*<sup>3</sup>

With regard to quality teaching and learning this requires recognising and building on significant developments in recent years aimed at improving the quality of teaching and learning in Australia, rather than ignoring in favour of simplistic ‘quick fix solutions’ which the evidence shows have failed.

As the Grattan Institute’s Dr Ben Jensen recently pointed out:

*High performing systems begin with a detailed understanding of the complexities of effective teaching and learning. They identify the path to take teaching and learning from where they are to where they need to be. They build teacher capacity; education leaders role model and reinforce effective behaviour. Most importantly, all programs need to be aligned so that all resources are focussed on improving learning and teaching. It is a difficult and resource-intensive process. It is therefore costly and where money has the greatest impact. Grattan Institute reports have never said that effective education was cheap. And no system has discovered a way to address inequality with inadequate resources.*<sup>4</sup>

With regard to school leadership and autonomy we again urge that approaches are informed by several decades of national and international research which shows:

- The lack of clear-cut evidence that local management/greater ‘autonomy’ over issues such as school governance, workforce, infrastructure and funding leads to direct or predictable improvements in student learning and outcomes; and
- severe negative consequences for many students and further disadvantaging school communities already experiencing educational disadvantage when ill-informed ideologically-driven approaches to ‘empowering school leadership’ and ‘greater school autonomy at the local level’ are pursued.<sup>5</sup>

Internationally, the OECD’s *Equity and Quality in Education – Supporting Disadvantaged Students and Schools* (February 2012) report on the policy levers necessary to reduce educational inequity found that the highest-performing education systems across the OECD countries are those that combine quality with equity;<sup>6</sup> and its research on PISA results fails to

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<sup>3</sup> Levin, Ben, *Governments and education reform: some lessons from the last 50 years*, *Journal of Education Policy*, 25:6, pp739-747, 2010; p739

<sup>4</sup> Jensen, Ben, *Sorry, but we do need more money to improve student learning*, *The Australian*, 27 September. <http://www.theaustralian.com.au/national-affairs/opinion/sorry-but-we-do-need-more-money-to-improve-student-learning/story-e6frgd0x-1226482109239>

<sup>5</sup> For an overview and discussion of relevant research see AEU, *Devolution and Education Research Report*, May 2012; AEU Victorian Branch Submission to the Victorian Inquiry into School Devolution and Accountability, December 2012.

<sup>6</sup> OECD (2012), *Equity and Quality in Education: Supporting Disadvantaged Students and Schools*, OECD Publishing. doi: 10.1787/9789264130852-en

establish that greater school autonomy in allocating resources and selecting teachers leads to significantly enhanced equity in student outcomes.<sup>7</sup>

Significantly, what the PISA research did show is that while *overall there is no clear relationship between the degree of autonomy in allocating resources and a school system's overall performance, it did find that school autonomy over design of curricula and assessment is a key characteristic of successful school systems.*<sup>8</sup>

It is also necessary to take heed of the well-documented body of research which demonstrates the need to ensure that accountability measures around funding, such as over-reliance on 'high-stakes' standardised test data as an indicator of successful classroom teaching practice and student learning, do not jeopardise the reform effort.<sup>9</sup>

### ***Funding Reform for High Quality High Equity Education***

The OECD's *Equity and Quality in Education: Supporting Disadvantaged Schools and Students* report highlights the centrality of national investment in schooling, in particular for children from disadvantaged backgrounds, to education reform:

*The evidence is conclusive: equity in education pays off. The highest performing education systems across OECD countries are those that combine high quality and high equity. ... Investing as early as possible in high quality education for all and in supporting students from disadvantaged backgrounds is a cost beneficial strategy.* (p 14; p26)

The urgent need of our schools and students for the resources to deliver the programs which will give every child the opportunity to succeed, so clearly established by Gonski, has been highlighted by recent work on the economic and social costs of inaction.

A recent PricewaterhouseCoopers (PwC) economic analysis notes that while Australia's system of primary and secondary schooling is relatively good by international standards, the cost of failing to reform our nation's school system consistent with the broad objectives of The Bill, could see more than \$1 trillion lost to the economy by the end of the century, with "knock on effects to health, innovation, civic engagement and crime rates".

So too recent Federal Government figures which show the high price that students and teachers across Australia will pay if the Bill is not implemented and current arrangements are

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<sup>7</sup> *Challenges for Australia's Education: Results from PISA 2009*, Table 7.31, p. 274; *PISA 2009 Results: What makes a School Successful? – Resources, Policies and Practices (Vol IV)*

<sup>8</sup> Queensland Government Submission to the Gonski Review, [http://www.deewr.gov.au/Schooling/ReviewofFunding/SubEip/StateSub/Documents/Queensland\\_Government.pdf](http://www.deewr.gov.au/Schooling/ReviewofFunding/SubEip/StateSub/Documents/Queensland_Government.pdf); p.34

<sup>9</sup> A fuller discussion and review of the evidence is available in, for example, the AEU's submission to the Senate Inquiry into Teaching and Learning in Australia's schools.

kept in place. It is estimated that schools would lose up to \$5.4 billion in funding over the next five years if there is no change in the way schools are funded.

However, what this analysis fails to take account of is the disproportionate impact on public schools and their students. The Gonski Review and analysis by schools funding experts like Dr Jim McMorrow shows that the discredited inequitable recurrent funding arrangements act to “*preserve and protect the Commonwealth’s current funding scheme for non-government schools*”.<sup>10</sup>

Calls for their continuation, such as the Coalition’s demand for a moratorium on school funding reform and a two-year extension of the current funding arrangements for non-government schools until 2015 (*The Australian*, 2 January, 2013), would perpetuate the problems identified by the Gonski review which the Government’s Education Bill is intended to reform.

It also stands in stark contradiction to the polling research identified earlier in our submission, which highlights the fact that nine out of ten Australians believe the Prime Minister and State and Territory leaders should strike a deal on the Gonski funding reforms contained in The Bill and invest substantially more in education.

In terms of dollars, failure to act would mean, as Dr McMorrow’s expert analysis of the 2012-13 Budget and the forward estimates shows, a 12% reduction in government school funding from 2011-12 to 2015-16, with public schools receiving \$673 million less in real terms in 2015/16 than they did in 2011-12. By contrast Commonwealth funding for non-government schools would increase in real terms by more than \$1.3 billion, a real increase of 15% over that period. In short, private schools and their students would continue to do well relative to public schools and their students who would be ‘the biggest losers’.

Reducing Commonwealth funding for public schools through the winding-down or cancellation of ‘one-off’ National Partnerships programs and a number of other DEEWR-administered programs has serious equity implications. These programs, which have been demonstrated to work, have financially benefited schools with higher concentrations of students from socio-economically disadvantaged backgrounds in need of more intensive literacy and numeracy support, predominantly in the government sector.

## ***Conclusion***

The Bill recognises that if Australia is serious about its future productivity and prosperity, and meeting the high levels of expectation in the Australian community, our governments

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<sup>10</sup> Dr Jim McMorrow, *The 2012 Federal Budget: Implications for Public Schools*, May 2012

need to pay more than lip service to the urgent need for funding reform and provide full, fair and equitable funding for public education in order to allow every child to reach his or her full potential.

The Bill provides the legislative platform for these reforms. We are concerned that The Bill does not provide any details on the quantum of funding required for its implementation, the balance between Commonwealth and State/Territory contributions, the formula for determining how it will be allocated, or future plans for indexation given that Gonski has recommended abolition of the inequitable AGSRC.

We note however that the Prime Minister indicated in her September announcement of the Government's intention to legislate to implement Gonski's core recommendation that it would require significantly increased investment in education in the order of \$6.5 billion annually (2012 dollars).<sup>11</sup>

This is the level of funding identified by Gonski as necessary to ensure that every child's education will be supported with a benchmark amount of funding for all schools based on what it costs to educate a student at the schools we know already get strong results, supplemented by a system of "needs loadings" to address the major categories of disadvantage associated with disability, Indigeneity, low SES, lack of English proficiency, and the size and location of a school.

Designing a new funding agreement as outlined in Section 9 and then introducing funding measures in the 2013-14 Budget to give effect to the new system of funding in 2014, is vital to the interests of our children, our communities and the prosperity and opportunities of the nation.

The Prime Minister has said that "*the Australian Education Act will establish our nation's support for a child's education as one of the entitlements of citizenship – it will state our great aspirations for school education reform.*" Implementing the Act as the foundation of far-reaching education reform and a new funding model based on the principles of overcoming educational inequity and becoming a high quality, high equity nation is necessary to give form to this aspiration.

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<sup>11</sup> Julia Gillard, 'A National Plan for School Improvement' Speech to National Press Club, Canberra 3 September 2012