



Our Ref: 24-155789

Mr Glenn Worthington
Committee Secretary
House of Representatives Standing Committee on Education and Employment
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Worthington

Australian Education (Consequential and Transitional Provisions) Bill 2013

Thank you for providing Western Australia with the opportunity to provide a submission to the Standing Committee regarding the Australian Education (Consequential and Transitional Provisions) Bill 2013 (the Bill).

The Western Australian Government is committed to ensuring primary and secondary students within the State receive a world-class education. The introduction of the Bill to the Australian Parliament represents another significant opportunity for the important national reform discussions needed in pursuit of this goal.

Understanding the significance of this legislation, it is the strong belief of Western Australian agencies that it should not have been introduced into the Parliament until all the facts of all the relevant matters were freely and publicly available.

It is, further, difficult to understand why State and Territory Governments, who still have prime responsibility for the delivery of the education outcomes being sought by the Commonwealth Government, have been given only five working days to review these amendments. It is an extremely short period of time within which jurisdictions have been expected to digest the consequences of the proposed changes to three of the central pieces of Commonwealth legislation impacting educational outcomes in Australia. Regrettably this has meant Western Australia has not been able to properly scrutinise the Bill and the impact it will have on the State should it pass.

The treatment of the non-government school systems is a further area of concern to Western Australian agencies. The Bill states baldly, and without explanation, that non-government schools are deemed by fiat to be 'participating schools', whether they like it or not, whether or not they have the resources to cope, and whether or not the consequent arrangements fit into the various governance

regimes in force in each individual State. This decision was taken unilaterally and without prior consultation with, or advice to, the States. Not only is the removal of choice here an unfortunate outcome for the non-government sector, it is a disappointing departure from the open nature of the discussions currently occurring between the levels of government.

The additional reporting requirements placed on schools is simply duplication – and presumably require increased Commonwealth bureaucracy to analyse the data – see s 74 of the Bill. Part 6 of the Bill suggests that to be eligible for funding states must apply to become “approved authorities”. The explanatory note to s70(5) says “this allows authorities for both government and non-government schools to apply and their approval to be backdated...”. Also s78 gives the Commonwealth Minister absolute power (“on the Minister’s own initiative”) to revoke approvals for one or more schools to receive funding and indeed s71 suggest that in the first instance the Commonwealth Minister can refuse to “approve as an approved authority” a school such that it could receive funding (and doesn’t exclude state schools or state systems). This decision “is not a reviewable decision”.

Finally the Bill, also enshrines the arrangements which enable the financial outcomes desired by the Commonwealth. By any reckoning, these arrangements systematically discriminate against Western Australia. We will receive just \$7 million in additional funds from the Commonwealth in 2014; and only \$180 million over the first phase of the plan to 2019. The inequity of this can be seen by understanding that this is roughly the same as will be received by the Northern Territory. The discrimination appears to arise solely from the fact that Western Australia, of all the States, has treated its schools more generously than any other.

This discrimination, and the treatment under the legislation of jurisdictions who do not agree to the proposed funding arrangements, may also raise constitutional questions regarding the proposed Bill.

There are many other difficulties with the legislation and with the concepts behind it; but these examples will suffice.

The Western Australian Government agrees that some reform to the Australian education system is necessary, and will continue to engage with the Commonwealth Government to ensure that this historic opportunity to lift the educational outcomes of students across the State, and indeed the Federation, does not pass. Further negotiations should be conducted with due deference to the federal implications of the reform, and due acknowledgement that. As prime providers the States need to be taken seriously as partners in reform, not its unwilling victims.

The Bill should, in our opinion, be withdrawn, and not re-submitted until it can claim to be genuinely co-operative in nature, simpler and more transparent.

Yours sincerely

Peter Conran
DIRECTOR GENERAL

12 JUN 2013