



## NSW TEACHERS FEDERATION

TEACHERS FEDERATION HOUSE Locked Bag 3010 Darlinghurst NSW 1300

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Please address all correspondence to  
THE GENERAL SECRETARY

13 April 2011

In reply please quote: 429/2011/MF/ja

Committee Secretary  
Joint Standing Committee on Migration  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

Dear Sir/Madam

**Re: Submission – Inquiry into Multiculturalism in Australia**

Please find enclosed submission from NSW Teachers Federation - Inquiry into Multiculturalism in Australia.

Yours sincerely

**Jenny Diamond** ✓  
General Secretary

Attachment

Sent via email: [jscm@aph.gov.au](mailto:jscm@aph.gov.au)



# **NEW SOUTH WALES TEACHERS FEDERATION**

SUBMISSION TO

**JOINT STANDING COMMITTEE ON MIGRATION**

FOR THE

**INQUIRY INTO MULTICULTURALISM IN AUSTRALIA**

Authorised by

**Jenny Diamond**  
**General Secretary**  
**NSW Teachers Federation**

**13 April 2011**

## Introduction

The New South Wales Teachers Federation (NSWTF) is the state registered trade union with coverage of NSW public school teachers. Federation represents teachers in New South Wales public pre-schools, infants, primary and secondary schools, Schools for Specific Purposes and teachers working in consultant/advisory positions. Teachers in TAFE and Corrective Services are also represented by the Federation. The current financial membership totals over 69,000 practising teachers and student teacher members. Federation is administered by 47 elected union officials and three presidential officers. It is the largest state based public education union in Australia.

Federation has coverage of 32 per cent of all public schools in Australia and 23 per cent of all schools, both public and private.

Federation is a democratic trade union with extensive opportunities for members to formulate policy and participate in campaigns. Federation's 600 member Annual Conference sets policy over three days in the July school holidays; the 300 member Federation Council meets twice per school term on a Saturday. Members participate in school and local area Teachers Association meetings. In addition members participate in special conferences such as those convened for school principals, Aboriginal members, teachers in country schools, beginning teachers, women teachers, primary teachers, special education teachers. Other conferences address current issues such as the national curriculum. Federation trade union training courses are accredited as professional learning for teacher registration under the New South Wales Institute of Teachers.

Members and officers of the Federation are represented on advisory committees of the NSW Department of Education and Training including equity programs, special education, early childhood education, primary education, literacy and numeracy initiatives and teacher qualifications. Federation has two representatives on the New South Wales Board of Studies, a statutory body which sets the curriculum for all registered schools in New South Wales and oversees the registration of private schools in New South Wales. Federation is represented on the Quality Teaching Council of the New South Wales Institute of Teachers. Federation works closely with the NSW public school parent and principal organisations.

The NSWTF welcomes the opportunity to contribute to an Inquiry into Multiculturalism in Australia. To date, social inclusion appears to have existed, until recently, without the use of the word multiculturalism and its resurgence is to be applauded. For too long advocates of multiculturalism and its benefits to our society have faced harsh criticisms and hostile responses from those who have existed in a climate of political scapegoat, where the language of 'queue jumpers', 'detainees', 'terrorists' and 'border security' has become an acceptable vernacular in Australia.

In order for migrants and refugees, both newly arrived and those settled, to participate fully in Australian society, they must be given the opportunities and support to reach their full potential. Without doing so would be to deny these individuals and their families all the benefits that Australia's multicultural society has to offer, as well as entrench the many stereotypes and racist views that have been so prevalent in the last decade.

The provision of free public English as a Second Language tuition to children and adult migrants alike is a vital step in ensuring that their lives in Australia are both happy and prosperous. This provision should also be extended to children and adults currently seeking asylum in Australia, being assessed while living in the community, not from detention.

For migrants who are seeking Australian Citizenship, barriers to achieving this should be removed. The approximately 13,000 refugees and other displaced people who enter Australia through our humanitarian migration programs are generally those to whom citizenship is vitally important. It is precisely these migrants, many of whom have been stateless in the past who, as a necessary part of their psychological and physical settlement processes want and need to commit to their new

country. Citizenship for this group aids them to belong and feel safe, an experience for many which is alien.

As a union of public education teachers, the benefits of multiculturalism and social inclusion are experienced daily in our classrooms, whether in schools, TAFE Colleges or Adult Migrant English Service (AMES) Centres. It is the students who exemplify the successes and also struggles of migrant families in NSW as their teachers help them to develop from young children through to adults and later, active participants within society. Despite the constant strain on resources, there are countless success stories of students who entered schools, TAFE Colleges and AMES Centres with little or no English, but have gone on to make great contributions to Australian society. Migrants' contribution and participation to Australian society would be significantly enhanced if the public education system received adequate resources to fully support the skill development of these young people.

### **Settlement Needs of Newly arrived Migrant Children**

#### **ESL and New Arrivals Program (NAP) Provision in NSW Public Schools**

English as a Second Language (ESL) funding is divided into the federally funded ESL New Arrivals Program (NAP) which is a per capita funding for eligible new arrivals, and the state funded ESL General Support Program, which is a budget allocation for ongoing needs of students post newly arrived.

Under the NAP, newly arrived students of high school age can attend one of 15 Intensive English Centres (IECs), mainly in the Sydney metropolitan area, for up to four terms, or five terms if a special case is applied. In addition, there is an IEC in Wollongong and intensive English classes in high schools across a range of regional centres where some recently arrived refugees and migrants have been encouraged to settle.

ESL teachers are allocated to public schools on a 'needs' basis, identified by an annual ESL survey to all schools. There are currently 896 equivalent full time ESL positions available for all public schools in NSW. This number of teachers was capped in 1993 by the Department of Education and Training and has only increased by 20 teachers since that time.

As immigration has increased and the needs of ESL students have become more complex, the ESL resource in public schools is now stretched to breaking point. The marked increase in enrolments of international students (from 2272 in 2005 to 3477 in 2008) requiring ESL support has only exacerbated the problem.

As one school's need increases they must take from another, creating a situation where thousands of ESL students' needs are now not being met. Children who enter primary school never having spoken a word of English can no longer be considered to be ESL under the Annual ESL Survey as they were born in Australia, despite an obviously identified need in ESL language and literacy support. Those students who have been in Australia beyond three years now receive little to no ESL support, as the resource just cannot be stretched any further.

Professor Tony Vinson highlighted the significance of the problem in 2003 on page 243 of his *Inquiry into the Provision of Public Education in NSW*: "Since 1993 there has been no increase in the number of ESL teachers, despite an increase in the numbers of students requiring assistance of 18,000 or more than 16per cent." The ratio of ESL teachers to students receiving ESL support in primary is 1:88 to 1:104 with secondary students stable at around 1:82. The proportion of students with ESL needs not met "has always been unacceptably high, and is now more than 30per cent" (Vinson, 2002).

Each year, public schools in NSW enrol between 1100 and 1500 newly arrived refugee students. Since 2003, a total of 8249 newly arrived refugee students have enrolled, of whom approximately

2765 (33.5 per cent) were from African countries. In 2009 there were approximately 12,000 refugee students in public schools.

School-aged refugee students, in particular high school students, generally require high levels of support to enable them to acquire English language and literacy and participate in schooling.

In recent years, as a result of changes to Australian Government's Humanitarian Program, significant numbers of refugee students have enrolled in public schools.

Refugee students come from many different countries in the Middle East, Africa and Asia. Between 2004 and 2007 the Federal Government's Humanitarian Program gave priority to placing refugees from African countries, which resulted in a dramatic increase in the numbers of African students enrolled. Since 2008, changes to the Humanitarian Program have given equal priority to refugees from Africa, Asia and the Middle East, resulting in increased enrolments from Iraq, Burma (Myanmar) and Afghanistan.

In general, refugees and in particular those from African countries, have greater educational and support needs than most other newly arrived migrant students. Refugees have usually escaped from war or civil unrest, have often experienced trauma and in some cases torture, have lost family members and have often spent long periods in temporary refugee camps and most recently in detention centres.

As a result of these experiences, most children and young adults have had disrupted or no schooling prior to arrival in Australia, as exemplified by Table 1 below. Many have no literacy skills in their first language and, in addition, may have complex health problems, including mental health issues.

**Table 1 Total average years of schooling for all source regions 2001-02 to 2004-05**

Year of arrival	2001-2	2002-03	2003-04	2004-05
Total average years of schooling	7.2	7.0	5.7	2.4

Source: DIMA

The proportion of newly arrived students requiring ESL support in public schools throughout Australia comprised 89 per cent of the total annual new arrivals intake and some 88 per cent of the total annual intake of newly arrived refugee and humanitarian students in 2004. That figure is now more than 90 per cent. It should be clear from the figures shown in Table 2 below that Australia's public education systems constitute the prime 'front line' response to the educational consequences of its immigration program and does the 'heavy lifting' in the resettlement and integration of these children into Australian schooling and society.

**Table 2 Students eligible for ESL-NAP funding by system, level and category of student, 2004**

Summary	Government		Catholic		Independent	
	NR	RH	NR	RH	NR	RH
Primary	3,672	1,882	396	370	63	67
Secondary	2,014	1,958	147	64	27	28
<b>Total</b>	<b>5,686</b>	<b>3,840</b>	<b>543</b>	<b>434</b>	<b>90</b>	<b>95</b>
<b>Total for sector</b>	<b>9,526</b>		<b>977</b>		<b>185</b>	
<b>per cent</b>	<b>89per cent</b>		<b>9per cent</b>		<b>2per cent</b>	

Source DEST

Key: NR = Non Refugee students, RH = Refugee and Humanitarian students

In meeting the needs of refugees, public education and training institutions continue to be faced with a range of complex issues on an ongoing basis.

Considerable support is required to assist many refugees to adjust to and succeed in formal education and training environments.

Without the required support, students are disengaging from their schooling and leaving with few skills and low literacy levels to equip them to meaningfully participate and contribute to society. It is no coincidence that the rate of unemployment in the Liverpool–Fairfield area is significantly higher than the national average as these areas also have the highest number of newly arrived migrants and ESL students in the state.

This was highlighted in The House of Representatives Debate on Monday 21 March 2011, “That this House:

(1) Notes that:

- a) the importance of high school completion in equipping young people with the skills and education levels to translate into paid employment or further education opportunities;
- b) the national rate of unemployment for persons aged 15 to 19 looking for full-time work was 24.2 per cent in January 2010; and
- c) the current rate for Fairfield-Liverpool region is 33.5 per cent.” (Hansard, 2011).

### **Provision of English Language and Literacy to Adult Migrants through the Adult Migrant English Program (AMEP)**

Since the early 1990s, adult migrants and refugees have had a statutory right to 510 hours of English language education. This figure was chosen as the average number of hours taken to reach ‘functional English’ by a small proportion of AMEP students. This small proportion consisted only of those who had reached ‘functional English’ in the AMEP. Nearly 90 per cent of participants learning rates were not included in deriving this ‘average’.

Now, humanitarian entrants aged over 25 years have access to 610 hours and those less than 25 years, with disrupted schooling, can access up to 910 hours. Migrants are still only entitled to 510 hours.

Funding arrangements changed from Commonwealth/State Memoranda of Understanding to Requests for Tender by Department of Immigration and Multicultural Affairs (DIMA), in 1997. Prior to July 1998, state governments provided most of the AMEP through public education AMES and TAFE systems. English courses for professionals were provided by universities.

Since 1998, 20 public and private consortia have won tenders for five year contracts to provide the AMEP in different geographical areas.

Since 2003, contracts have shifted cost risks from the Commonwealth to providers. If an AMEP student leaves a class for a valid reason (eg health, work) then the funding for that student is recouped by the Commonwealth.

In our opinion, the AMEP urgently needs to be returned to recurrent funding of state and territory governments under the Statement of Understanding, as there is no evidence of change to the nature of flexibility of providers since delivery through tendering was introduced in 1998.

AMES has worked cooperatively for years with universities, TAFE and community colleges to deliver the AMEP. In NSW, AMES has merely been partially substituted in this range of provision by private providers.

There is also no evidence that tendering has contributed to the quality of educational provision since 1998 and the cost per student has increased under tendering, resulting in fewer hours of tuition per student.

Economy of scale is lost with a multiplicity of providers in a small sector of educational provision. In NSW, approximately 600–700 teachers are engaged in the program.

The notion of “choice” of provider by newly arrived refugees and migrants is a fiction. Students overwhelmingly attend a geographically possible location. The type of competition for tenders of the AMEP requires cost cutting which leads to increases in class sizes and resources being directed to excessive monitoring and auditing by three organisations, instead of into quality learning outcomes.

Public education providers with a recurrent budget based on a per capita payment for eligible migrants and refugees can use funds flexibly and without administrative duplication costs to cater for all student needs.

A single budget will allow more migrants and refugees to reach appropriate functional English, so that they can access training, further study and work, as well as functioning as community members who are less reliant on government services.

With an annual budget to a public provider based on the statutory hours per eligible migrant or refugee, such provider will be able to deliver extra hours to those who require it to reach functional English and funding of hours not utilised by other clients.

Most AMES teachers have five year teacher training compared with the minimum requirement of four years. All AMEP teachers must be fully qualified. In the private consortium, lower pay and conditions do not result in lower cost to government, but rather greater profits to the private provider.

The quality of education provided as a result of tendering has adversely impacted in the following ways:

- Emphasises cost cutting over quality of educational programs
- Emphasises monitoring, rather than meeting the many and varied needs of students
- Jeopardises the collective expertise of providers, including materials, teaching and management skills and experience and intangible assets like morale and loyalty when tenders are lost
- Prevents long term planning because of the uncertain nature of funding
- Forces providers to divert resources into administrative demands of tendering and increased bureaucratic requirements
- Creates an unlevel playing field as private providers do not pay award rates of pay or provide award conditions of work
- Hinders collegial teaching practice by discouraging or forbidding the sharing of expertise and resources between current providers
- Threatens the quality of learning arrangements in respect of equipment, materials and class sizes
- Reduces student support services
- Threatens the creation of pathways with other agencies and educational providers
- Causes confusion as students are forced to choose between providers
- Creates instability for students as they are often forced to move to another provider at the end of the AMEP provision as Language, Literacy and Numeracy Program contracts have often gone to private providers.

### **Participation and Functional English**

“Functional” English, defined as the *necessary basic language skills* for living and working in Australia (Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) Consultation Paper on the Future Delivery of the AMEP 2003), now requires higher levels of language

proficiency than a decade ago, and certainly far greater competence than when legislation was framed in 1971.

Employers now commonly require “excellent communication skills in English” for a range of positions, including “lower skill” jobs.

The skill intake has brought increasing numbers of highly-qualified migrants who have studied English from childhood and often used English in the workplace overseas (e.g. Hong Kong, India, Singapore, Thailand, PR China). There are many students with this profile who enrol in the AMEP as well as in the State-funded *Skillmax* programme. They anticipate that employment in their chosen profession is reasonably accessible. The feedback we hear from employers is that “if we can understand them, we will employ them”. In many cases, despite having passed the International English Language Testing System (IELTS) test at a “functional” level or higher, their pronunciation and comprehension of the native-speaker English in the Australian workplace and everyday social situations places their overall English language competence at less than “functional” level.

Job advertisements for positions such as cleaning and security are also asking for high level skills in spoken and written English where employees can be required to communicate and report by phone and / or place orders and report using a computer.

Computer literacy and concomitantly the English literacy required for using that technology are also skills now recognised as core competencies and are a common form of access to services available to the community generally. For some migrants and refugees from less developed parts of the world these technologies place a higher demand in achieving a level of functional language and communication within the allocated time.

Effective teaching of pronunciation can be achieved in small groups which are restricted by the tight competitive funding arrangements, including a requirement of class sizes of 18 students to one teacher.

Functional English for effective participation in the community and access to services available to the community generally now requires higher levels of competence in spoken and written English compared to a decade ago.

The interface of many services, including government services (banks, the RTA, Centrelink, Emergency 000) is frequently a recorded telephone message which requires comprehension and selection from a menu of options, usually delivered in any of the range of Australian English varieties. Comprehension of native-speaker English is a difficulty experienced even with learners who have advanced levels of English.

Employers refer to the need for employees to have *employability skills*. There is increasing evidence of employer expectations, with overseas job applicants, of prior local workplace experience (volunteer work, skilled unpaid work experience), Recognition of Prior Qualifications and Learning (RPQL) completion and locally undertaken further study. (OECD Social, Employment and Migration working papers No. 49 The Labour Market Integration of Immigrants in Australia, Thomas Liebig, 2007.)

### **Full Participation**

The NSWTF wants to ensure that the citizenship test does not pose barriers for individuals seeking to access Australian citizenship. This test now represents a substantial change to the way in which we have assessed English language proficiency of potential citizens since the 1950's, where the test of 'basic' spoken English has been most successful. The test now assesses the way in which migrants and refugees have the ability to read, write and respond in English and is particularly disadvantaging certain migrant and refugee groups and lowering their uptake of citizenship. The computer based test and associated costs also present further barriers for many, and are far from



fundamental to the understanding of the responsibilities, privileges and values of Australia as promoted by the test.

The increased complexity of the assessment process is undoubtedly installing barriers to accessing citizenship, especially for migrants and refugees whose first language is not English. While it is clear that skilled migrants, who have already demonstrated English proficiency prior to arrival into Australia, appear not to be struggling with the test, having a pass rate of 99 per cent, the figures for Humanitarian Entrants are quite stark in contrast. Figures available to 31 March 2008 shown in *Australian Citizenship Test, Snapshot Report, April 2008* highlight this. 16 per cent of Iraqis, 17.5 per cent of Afghans and nearly 23 per cent of Sudanese were not successful in passing the test on their first or subsequent tests. 18.3 per cent of all humanitarian migrants who sat the test from October to December 2007 were unsuccessful.

Many humanitarian migrants face low level literacy in their first language and have substantial gaps in their own educational backgrounds. It is commonsense that those who have lived in a refugee camp have had little to no schooling, who have experienced war and trauma and who have never had English language education or exposure to English would be highly unlikely to be successful in such a test.

The most recent available data from the 1990s indicates that it takes between 600 and 2500 hours of formal training to learn a language, dependent on educational and language background and the purpose for the language learning. The citizenship test requires near native-speaker competence in English. Citizens should have sufficient English to obtain employment at their skill level and to exercise their privileges and responsibilities as citizens. Language levels and language genres for functioning in workplaces and for getting jobs are far more complex than ten years ago and many Australian born native speakers are not knowledgeable about citizenship. Migrants and refugees from non-English speaking backgrounds have historically taken up the opportunity of citizenship in much greater proportions than those of English speaking backgrounds. It now appears that as a result of the Citizenship test, this is no longer the case. Many refugee groups have reported that due to 'a fear of failure' and a perception of being deported if unsuccessful in the test, they are far less likely to sit the test at all. This is further evidenced by the low numbers of Afghans and Sudanese, for example, who are only willing to sit the test at 2.5 per cent and 2.0 per cent of total migrants respectively. (*Australian Citizenship Test, Snapshot Report, April 2008*). Only 9043 migrants applied to sit the test after its introduction in October through to December last year. Refugee advocate groups state that many who have initially failed their test will be unlikely to take it again and thus never become Australian citizens as they and we so desire.

The formal English citizenship test is placing significant barriers for many and is of no additional benefit to the learning process or the exercising of the privileges and responsibilities of citizenship. English language skills, understanding the fundamentals of the legal system and familiarity with Australian history, may indeed aid people in the process of settlement and belonging, but a test of such knowledge is now showing up as being more divisive than uniting. Public education courses in Australian citizenship will enable all migrants and refugees to gain the necessary knowledge and skills to be able to engage in all aspects of Australian society.

To achieve full participation in Australian life, including satisfactory vocational and citizenship outcomes, access to sufficient English language courses needs to be provided for both children and adult migrants who require it. Further, the 2 year waiting period for benefits is another barrier to satisfactory settlement, including early and effective achievement of functional English for access to training, access to work appropriate to skill level, as well as becoming community members who are less reliant on government services. Many migrants (35 per cent), including those who have paid prior to arrival, cannot attend AMEP classes, or only for a short time because of the need to support themselves as there is no access to social security benefits for 2 years.

Federation also believes that the Federal government's adherence to the policy of mandatory detention is at odds with the idea of a non-discriminatory, multicultural society where new arrivals

to Australia are able to realise their full potential. The mental health ramifications of immigration detention, even for short periods of time, have been spelt out by many health professionals, with the 2010 Australian of the Year Patrick McGorry describing the centres as “factories for mental illness”.

While children in detention are given day release so that they can attend a nearby school, adult asylum seekers have to rely on (often untrained) volunteers to get any kind of language tuition. Federation strongly recommends that all children and their families currently in immigration detention be immediately released, and that adults in detention be allowed to access suitable English classes, such as at a TAFE College or AMES centre.

For asylum seekers outside of detention and living on bridging visas, the situation is not much better. While the Rudd government did abolish the 45-day rule, which had prevented such asylum seekers from working, it is still the case that there is no policy to allow them to study at TAFE or AMES, let alone university. With regard to TAFE NSW, only if such asylum seekers have the wherewithal to make an official application for fee waiver, can they have the possibility of studying language or vocational courses, and this decision is at the discretion of the relevant TAFE Institute Director.

### **Recommendations**

1. ESL/NAP entitlements be available to all public school students who require the support, not just those who are able to be accommodated through the current fixed pool.
2. Restore full recurrent funding to the AMEP and the public providers to guarantee this social provision is maintained at the highest quality.
3. Lift the two year waiting period for benefits for those who attend AMEP classes.
4. Return the Citizenship test to the highly successful basic spoken English test as previously.
5. Ensure that no children are in detention and have full access to education in public schools.