

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2005-2006 BUDGET ESTIMATES HEARING

Outcome: 1
Output Group: 1.1 – Funding for schools

DEST Question No. E110_06

Senator Carr provided in writing.

Refers to DEST Question No E817_05.

Question:

Christian College, Geelong

Question 817_05 goes to the question of the advisability of including a fit and proper person test in Commonwealth schools funding legislation. It raises an example that appears to involve a school principal and a campus head who were the brothers of a third man, employed by the school as a gardener, who had convictions for child sex offences.

It implies the suggestion that the likelihood that the gardener's two brothers were aware that he had such a record is very high. This is because the offences in question, and a series of other alleged events involving sexual impropriety against children on a church camp, did not take place overseas or interstate but in places close to Geelong, where the school is located and the man's brothers presumably live. It is believed also that the church that organised the camp was of the denomination associated closely with the school.

Further, the school Christian College Geelong, however it is registered with the Victorian authorities, is in fact a single school community and administrative entity – a school with more than one campus, all campuses being in or near Geelong. Its own website, to which the department has been referred, clearly indicates that this is true.

Why has the Department chosen to answer this question by splitting hairs on the subject of the school's registration details?

Isn't this an example of the ostrich-like stance habitually adopted by the Department when any of the credentials of non-government schools in receipt of Commonwealth funding are questioned?

It is noted that the Commonwealth says that it is working with states and territories to develop model uniform legislation for staff screening. Can the department provide a progress report on this process? Can the department provide copies of the draft?

Is the Commonwealth prepared to consider, or is it considering, amendment to schools funding legislation to include fit and proper person requirements for those running schools, or to include an onus on states and territories to include such requirements?

Will any such requirements apply not just upon accreditation or application for funding, but instead be ongoing requirements?

Answer:

Christian College, Geelong

There is no basis for the claim that previous answers to questions on this matter were in any way dismissive of the serious matters raised. Notwithstanding that responsibility for employing school staff, and for the legal duty of care for students, rests with State and Territory government and non-government education authorities, the Australian Government has been working together with States and Territories through the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) to develop model uniform legislation, which will support more consistent and controlled release of criminal history records and related information across jurisdictions.

The process for developing the legislation is being led by Queensland, and jurisdictions are still considering possible models for the legislation. As such, draft legislation is not yet available.

The Australian Government has not considered amending the *Schools Assistance (Learning Together – Achievement through Choice and Opportunity) Act 2004* to include a fit and proper person requirement for those running schools. The State and Territory Governments are responsible for the registration and accreditation of non-government schools. It is appropriate that State education authorities monitor the individual circumstances of schools as part of this process. In the case of Christian College Geelong, the Registered Schools Board of Victoria (RSB) is responsible for the registration and review of registration of non-government schools in Victoria. The RSB operates under the *Education Act 1958* and up until December 2002, the RSB was also responsible for the registration of teachers in non-government schools and investigating allegations of conduct unbecoming teachers. This function has now been transferred to the Victorian Institute of Teaching (VIT).

From 1995 all teachers applying for registration with the Registered Schools Board were required to have a criminal record check. This continues to be a requirement for registration with VIT. Other staff working in non-government schools as yet are not required by law to have a criminal record check although many schools ask that this be obtained.

The Department is reviewing its own requirements in regard to the consistent approach to “fit and proper persons” tests for those programmes it delivers directly, or contracts with third parties to deliver.