

## 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. E111\_06**

Senator Carr provided in writing.

*Refers to DEST Question No E824\_05.*

#### **Question:**

*Hillcrest Christian College: non-discrimination as a possible added condition of Commonwealth funding*

In answer to E824\_05, the department informs the Committee that Hillcrest Christian College in Victoria as subject to the Commonwealth Sex Discrimination Act 1984 and the Victorian Equal Opportunity Act 1995.

The questions concerned reports that a student at the school had been victimised and discriminated against by the school itself because of his sexual orientation.

DEST say that the duty of care for school students is a responsibility of state governments. In the *Schools Assistance Act 2004* the Government introduced a whole raft of new conditions that will apply to the provision of funding under the Act. The list of requirements is extensive and many people have said it is too onerous.

- a) That last point notwithstanding, why didn't the department include in the list of requirements one that went to schools having to comply with, and have policies and practices in accordance with, the Commonwealth Sex Discrimination Act 1984?
- b) Why does the Government not make funding dependent on that kind of condition?
- c) Did DEST provide advice to the Government when it was drawing up its list of conditions on schools funding? Did DEST make suggestions as to what might be included?
- d) Was the department consulted about the appropriateness and enforceability of any conditions that either ended up on the list or did not?
- e) Did DEST provide a list to the Minister?
- f) Will DEST be making suggestions to the Minister as to what further conditions might be added to the list?
- g) Would a non-discrimination clause be one of those suggestions conditions?
- h) The Minister has powers under the Act to add any condition he likes, doesn't he? So he could add this one if he so chose?

**Answer:**

*Hillcrest Christian College*

a) b) g) h)

Schools funding agreements for 2005-2008 under the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004* (the Act) include a clause requiring compliance with Australian Government, State and local jurisdiction requirements. These include the *Commonwealth Sex Discrimination Act 1984*. This is a standard clause in all Australian Government funding agreements and was also included in the 2001-2004 funding agreements. Including compliance with the *Commonwealth Sex Discrimination Act 1984* as an additional funding condition would simply duplicate the requirement to do so already reflected in the funding agreements.

c) d) e) f)

The Act implements an enhanced performance framework and reporting arrangements for Australian Government schools funding for 2005-2008. These requirements underpin the Australian Government's national priorities in schooling and flowed from the *National Education Framework for Schools* agenda which was announced in November 2003.

DEST provided detailed policy advice to the Minister on the development of arrangements for the 2005-2008 funding quadrennium and will continue to provide advice to the Minister in relation to the implementation of requirements under the Act for 2005-2008.