

Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008.

Minority Report – Australian Greens

Introduction

The Australian Greens believe that the best educational and social outcomes for Australian children and their families will be achieved if they are enrolled and regularly attending school and actively participating in an education that is relevant to their lives, their culture and their aspirations. However, we do not believe that the measures contained within this Bill represent a genuine attempt to deliver that outcome.

We note that nearly all of the submissions (29 out of 31) and the vast majority of witnesses to the inquiry were critical of the rationale for and likely success of the approach taken by the Bill, and many pointed to the failure of overseas trials of punitive measures, or the success of other initiatives based on a social inclusion framework to improving educational engagement and outcomes.

Inconsistency with Government policy commitments

The Australian Greens welcomed the ALP election promise of an "education revolution" as we saw that there was a real need to address the manner in which our education system was failing to engage with some of our children – particularly those from disadvantaged and 'socially excluded' backgrounds. We believe that more needs to be done to address the educational needs of Indigenous students, other children from migrant and refugee backgrounds for whom English is often also a second or third language, and those children growing up in households experiencing complex and multi-factorial disadvantage¹. However we do not believe that this approach is or could ever be part of a genuine 'education revolution' and we are concerned that it will actively undermine efforts at progressive educational reform – by unfairly targeting one group of disadvantaged students (whom the system is particularly failing) and making them directly responsible for the ill-fortune of their families rather than addressing the educational barriers they face.

We note that, in discussing the government's commitment to a Social Inclusion agenda, the Parliamentary Secretary for Social Inclusion and the Voluntary Sector, Senator Ursula Stephens said:

"This is what the social inclusion agenda is all about. It's a very ambitious agenda in which every one of us has a part to play. We have to identify the systems, attitudes, programs and processes that prevent everyone from having a fair go in our society. We have to understand

¹ As described by Professor Tony Vinson in his work on poverty postcodes *Dropping off the edge: the distribution of disadvantage in Australia*. Jesuit Social Services, 2007

why people aren't able to engage in work and education, or make connections with family, friends and their local community."²

Senator Stephens has also said, on another occasion, that:

"We are all challenged to think very differently in this agenda – because it is about seeking out the causes of social exclusion rather than only dealing with the fallout of that exclusion."³

The Australian Greens do not believe that this proposed legislation reflects a commitment to a Social Inclusion agenda or reflects a genuine effort to engage with the causes of social exclusion rather than the symptoms. There is no evidence of a concerted effort by the Government to understand and engage with the reasons why children are not engaging with the educational system or address the systemic barriers that prevent them getting a 'fair go'.

According to the Explanatory Memorandum, the primary purpose of the Bill is "... to engender behavioural change in parents who are receiving income support with the aim being to improve the school enrolment and attendance of their children."⁴ The entire approach taken by the Bill is built upon the premise that parental encouragement and a lack of parental responsibility among parents on income support is the key factor and primary cause of poor attendance ... and that a punitive sanctions-based approach is the most efficient and effective way to improve school attendance. The Australian Greens believe that this approach and these assumptions are fatally flawed, and that the scheme is not only unlikely to lead to better school attendance and improved educational outcomes, but is likely to lead to increased family stress and social exclusion for those affected.

The logic and assumptions underlying this policy approach are not based on the wealth of international and domestic research concerning school attendance, improved educational outcomes and social inclusion. They do not reflect best-practice models or the findings of successful programs. We cannot see how this reflects the commitment of the Rudd Labor Government to an "education revolution" or social inclusion.

The Australian Greens also note that, while there has been a lot said by both the Minister and the Parliamentary Secretary for Social Inclusion the importance of a Compact with the Third Sector as a framework to increase consultation and collaboration with the sector, community service organisations complained that there had been no consultation with them about these measures, their capacity to support likely increases in demand for service, and no provision of extra resources in affected areas.⁵

² The Parliamentary Secretary for Social Inclusion and the Voluntary Sector, Senator Ursula Stephens, Re-Launch of the Pelican Foundation, Canberra - 30 Sept 2008. <http://www.ursulastephens.com/>

³ Parliamentary Secretary for Social Inclusion and the Voluntary Sector, Senator Ursula Stephens. Excerpt from Speech at Launch of Anglicare's Book *Creative Tension: Australia's Social Inclusion Agenda*. October 13 2008

⁴ Explanatory Memorandum, Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008

⁵ ACOSS Hansard, Canberra. WACOSS Hansard, Perth.

School attendance versus educational outcomes

The reasons for poor school attendance and engagement and for poor education outcomes are complex and multifaceted, and those relating to Aboriginal students doubly so⁶. A simplistic approach that reduces the problem to an issue of a lack of parental responsibility and misrepresents the problem as restricted predominantly to low income families is unlikely to produce any long-term improvement in educational outcomes for marginalised kids. Unless the approach taken to school truancy addresses the complex barriers to educational engagement and tackles the underlying causes of non-attendance it will not deliver results. As the budgetary allocations for the implementation of this one year trial in eight communities indicate,⁷ the proposed approach is complex and expensive to implement, while at the same time failing to address the underlying causes of truancy and delivering very little in the way of support services.

The government was unable to provide any evidence to back up the assertion that low rates of school enrolment and attendance were predominantly restricted to low income families on income support⁸. The submission from the Australian Council of Social Services (ACOSS) notes that national school enrolment and attendance data is not disaggregated by income source or socio-economic status, leading them to conclude that:

"...there is no evidence indicating that children in families who receive income support are more likely to have poor school attendance records than children in families who are not in receipt of income support payments. Indeed, US research has suggested that geographic location is a stronger predictor of non-attendance than welfare status."⁹

As the Western Australian Council of Social Services warned in its submission, this means that this initiative "...will be ineffective in dealing with truancy in 75% of families around Australia that are not reliant on welfare payments."¹⁰ Such an approach creates a two class system within our schools which treats the children of those on income support differently, increasing the level of stigma and exacerbating factors that contribute to social exclusion. The fact that the measure targets children and families purely on the basis of income source without any evidence-base to justify this approach

⁶ Prof. Larissa Behrendt and Ruth McCausland, *Welfare Payments and School Attendance: An Analysis of Experimental Policy in Indigenous Education*, Jumbunna Indigenous House of Learning, University of Technology Sydney, August 2008.

Submission 15, CAALAS & NAAJA

Submission 30, Prof. Larissa Behrendt and Ruth McCausland, Jumbunna Indigenous House of Learning, University of Technology Sydney.

⁷ Reference to costs in submission and Hansard

⁸ Submission 5, Australian Council of Social Services (ACOSS), page 2.

⁹ Submission 5, ACOSS, page 4.

¹⁰ Submission 11, Western Australian Council of Social Services (WACOSS), page 1.

led ACOSS to conclude that... "the targeting of this measure to income support recipients lacks policy logic and is discriminatory." ¹¹

Underlying causes of poor attendance and educational outcomes

Best practice programs in education focus on increasing student engagement by making educational materials and programs more relevant and accessible, and by engaging families and communities in the cultural life of the school.¹² While students can be compelled to attend they cannot be compelled to learn, and learning outcomes are best when they are the result of self-motivated and goal-orientated engagement. These issues of relevance and engagement are particularly important for Aboriginal children and children of migrant families, especially where English is a second or third language. The role of good teachers and the school culture in delivering educational outcomes for Aboriginal children is absolutely crucial.¹³

The problems with attendance, engagement and educational outcomes for Indigenous Australians is well documented and there is a substantial body of inquiries, reviews and reports into the nature of the problem and the relative success and failure of various approaches and interventions. ¹⁴

In relation to remote Aboriginal communities in the Northern Territory, we note that the recent comments and findings of the report of the NTER Review Board, who stated that...

"the failure of governments and Aboriginal communities to provide a functioning education system necessary for children's physical, intellectual and emotional development is of paramount concern for the future of Aboriginal communities"¹⁵

The NTER Review report went on to say that:

"The Board has had the benefit of advice from a principal of one of the largest schools who believes the appalling education outcomes can be turned around through a holistic approach, including good education infrastructure, recruiting good teachers, early childhood development and empowering teacher and community relationships.

This view is consistent with the thrust of the Board's strategic thinking that an integrated service delivery approach within a community development framework must be central to the future development of these communities."¹⁶

¹¹ Submission 5, ACOSS, page 4.

¹² Chris Sarra, Indigenous Education Leadership Institute, *The way forward- Indigenous children of the education revolution*. National Press Club, May 2008.

¹³ Chris Sarra, *Young Black and Deadly: Strategies for improving outcomes for Indigenous students*, ACE, 2003.

¹⁴ Chris Sarra, *Young Black and Deadly: Strategies for improving outcomes for Indigenous students*, ACE, 2003., DEEWR, *What Works Program*, <http://www.whatworks.edu.au/>, Submission 30, Prof. Larissa Behrendt & Ruth McCausland, Jumbunna, University of Technology Sydney, p7-11.

¹⁵ Peter Yu, Marcia Ella Duncan and Bill Gray, *Northern Territory Emergency Response: Report of the NTER Review Board*, October 2008, p 30. (as quoted in CAALAS submission, p6)

The NTER Review report also comments¹⁷ on the failure of the Northern Territory and Commonwealth Governments to heed and implement the recommendations of a far reaching review of NT Aboriginal education in 1999.¹⁸ This report, *Learning Lessons – an independent review of Indigenous education in the Northern Territory*, clearly identifies that the major factors in poor attendance and poor educational outcomes are predominantly due to systemic failures on the part of the schools and the education department. It established that there was "a widespread desire amongst Indigenous people for improvements in the education of their children" and "substantial evidence of long-term systemic failure to address..." "... unequivocal evidence of deteriorating outcomes from an already unacceptably low base."¹⁹

This report in 1999 described poor attendance rates as "an educational crisis" and recommended major changes to the Northern Territory education system and a significant commitment of resources to address underlying issues in health and housing as well as to provide more teachers, classrooms and educational resources. It also pointed to the need to collaborate and engage with Aboriginal families and communities, emphasising that there was "a need to establish partnerships between Indigenous parents, communities, and peak bodies, the service providers and both the NT and Commonwealth Governments, to honestly acknowledge the gravity and causes of declining outcomes, its destructiveness to future Indigenous aspirations, and to assume the joint responsibility of immediately reversing the downward trend."²⁰

The Australian Greens note that there was significant evidence presented to the committee of the underlying causes of poor school attendance.²¹ A number of witnesses referred to the findings of the Western Australian Aboriginal Child Health Survey and the work of Dr Fiona Stanley in particular,²² which indicated that low school attendance was most likely to result from student disengagement arising from frustration and lowered self-esteem as a result of poor school performance. It suggested that a lack of understanding and identification with the values and expectations and the ethos of the school, and its failure to be culturally relevant in ways that respect and validate the student's identity and culture and life experience.²³ It suggested the failure to provide educational experiences that were relevant to the child's life circumstances was a much greater factor than

¹⁶ Peter Yu, Marcia Ella Duncan and Bill Gray, *Northern Territory Emergency Response: Report of the NTER Review Board*.

¹⁷ Peter Yu, Marcia Ella Duncan and Bill Gray, *Northern Territory Emergency Response: Report of the NTER Review Board*.

¹⁸ *Learning lessons - An independent review of Indigenous education in the Northern Territory*, Northern Territory Department of Education, Darwin 1999.

¹⁹ *Learning lessons - An independent review of Indigenous education in the Northern Territory*, Northern Territory Department of Education, Darwin 1999, p1.

²⁰ *Learning lessons - An independent review of Indigenous education in the Northern Territory*, Northern Territory Department of Education, Darwin 1999, page 2.

²¹ In particular, Submission 30, Prof. Larissa Behrendt and Ruth McCausland provides a comprehensive summary of the range of Australian research into the causes of poor school attendance.

²² See for instance WACOSS Hansard Perth and Jumbunna, Submission 30, Prof. Larissa Behrendt and Ruth McCausland.

²³ Zubrick et al, Western Australian Aboriginal Child Health Survey, Volume 3 Education, 2006, p116

parental responsibility, and was highly dismissive of the stereotypes presented by the media which sought to blame lazy and neglectful parents for the truancy of their kids.²⁴

The WAACHS website summarises its findings, indicating that the factors found to be associated with attendance at school by Aboriginal students included the following:

- Students were almost 30% less likely to have lower than median attendance if their carers had been educated beyond Year 10 to Years 11 or 12.
- Students assessed by their teachers to be at high risk of clinically significant emotional or behavioural difficulties were almost twice as likely to have at least 26 days of absence from school
- Students in families where 7 to 14 life stress events had occurred in the past 12 months were almost twice as likely to be absent for 26 days or more than students from families where 2 or less life stress events had occurred
- Students were more likely to miss 26 days or more of school if their main language spoken in the playground was Aboriginal English or an Aboriginal language
- Students who had trouble getting enough sleep were over one and a half times more likely to be absent for at least 26 days
- Students who had never attended daycare were one and a half times as likely to be absent from school for 26 days or more during the school year
- Students whose primary carer had needed to see the school principal about a problem the student was having at school were almost twice as likely to be absent for 26 days or more
- Students in schools with a high proportion of Aboriginal students, schools that had Aboriginal and Islander Education Officers (AIEOs), and Government schools in the highest quartile of Socioeconomic Index for schools were more likely to have poor school attendance.

From WAACHS website <http://www.ichr.uwa.edu.au/waachs/themes/education/attendance>

One important finding of this research is a direct empirical link between inter-generational trauma and poor school attendance, with children whose primary carer had been forcibly removed from their families as a result of the policies which produced the Stolen Generations much more likely to be absent from school:

The survey found that the proportion of students who had missed at least 26 days of school was significantly higher among students whose primary carer was forcibly separated from their natural family (69.0 per cent; CI: 59.6%–77.6%) than among those whose primary carer had not been separated (52.2 per cent; CI: 48.8%–55.7%) (Table 4.25)." page 130.

Professor Larissa Behrendt and Ruth MaCausland also summarised the results of a number of studies which provided evidence of poor school attendance by Aboriginal children being associated with low

²⁴ Ibid, p 115

socio-economic status, low parental achievement, domestic violence, child abuse and drug and alcohol abuse.²⁵

The Western Australian Council of Social Services and the Aboriginal Legal Service of WA also highlighted the links between poor health and school attendance, with a number of submissions²⁶ drawing attention to the results of the NACCHO Ear Trial and School Attendance Project²⁷ – which found that children with chronic suppurative otitis media attended only 69% of the days within the study, as compared to 88% of other children. The 1999 NT *Learning Lessons* report also found that children with low attendance rates were more likely to have hearing loss resulting from chronic ear disease.

Poor nutrition together with hunger associated with a lack of breakfast and an inability to provide school lunches have been found to impact on both school attendance and educational outcomes.²⁸ So too have inadequate housing and homelessness and associated lack of sufficient sleep.²⁹ These are significant issues which should be addressed by Commonwealth, State and Territory governments as a priority.

Focusing on addressing these underlying causal factors and building on successful programs is, in the opinion of the Australian Greens, a more sensible evidence-based approach which is more likely to produce worthwhile outcomes and deliver value for money. The NT Government currently lacks the capacity to cater for all of its eligible students – there would simply not be enough desks, classrooms or teachers to cope if all those students who should be at school turned up. The Commonwealth Government has a four year plan to address capacity and resource constraints within the NT school system. While the Commonwealth Government committed \$98.8 million in the 2008-09 Budget to provide an additional 200 teachers, the Australian Education Union doubts sufficient experienced teachers can be found. The NTER Review report recommended that an additional \$1.7 Billion was needed over five years to close the education gap, including 1360 extra teachers, 585 additional staff and \$440 million spent on infrastructure.³⁰

DEEWR have indicated in response to questions on notice that a total of 45 new teachers have been employed to date, with 22 of these currently deployed as of term 3 2008, and 23 undertaking intensive training for deployment first term 2009. Four new classrooms are being built at Wadeye and Catholic education has been given \$10 million to build ten teacher houses there.³¹

While the \$17 million allocated to the administration of these new measures is relatively small by comparison of the scale of unmet need in Indigenous education in the Northern Territory, the

²⁵ Submission 30, Prof. Larissa Behrendt & Ruth McCausland, Jumbunna, University of Technology Sydney, p8. See also Behrendt & McCausland, *Welfare payments and school attendance: an analysis of experimental policy in Indigenous education*, Issues paper for the Australian Education Union, August 2008, p28.

²⁶ WACOSS, Jumbunna, ALSWA, ...

²⁷ National Aboriginal Community Controlled Health Organisations, *Ear Trial and School Attendance Project*

²⁸ WACOSS, CAALAS / NAAJA, Behrendt, ACOSS

²⁹ WACOSS, CAALAS / NAAJA, Behrendt, ACOSS

³⁰ Peter Yu, Marcia Ella Duncan and Bill Gray, *Northern Territory Emergency Response: Report of the NTER Review Board*.

³¹ DEEWR, *Response to questions on notice*, question 24.

Australian Greens consider this money would be better spent on addressing these core needs – by building on successful programs and engaging Aboriginal families and communities in community-initiated programs to increase school attendance once the necessary teachers, classrooms and desks are locally available.

The Australian Greens are particularly concerned by the likely impacts of the measures on humanitarian migrant communities in the Cannington district on WA. We note that not only does the Cannington district have a higher proportion of Aboriginal people by comparison to metropolitan Perth as a whole³² but it is known for having a significant population of humanitarian refugees. This group have only recently settled in the Australia, having English as a second or third language, and come from a background in which they have had intermittent access to education and experienced significant trauma as a result of war. Community service providers we have spoken to are concerned that the children of this group are particularly at risk of poor educational outcomes, are manifesting higher rates of truancy, and already lack access to sufficient support services. We are particularly concerned about the capacity of these parents and carers to navigate and negotiate these provisions with Centrelink bureaucracy, and urge that particular consideration be given to their circumstances and additional support services provide to assist them.

Recommendation 1: The Australian Greens recommend that the Commonwealth Government prioritise investment of resources to addressing the underlying causes of poor school attendance and engagement.

Positive initiatives and evidence of successful interventions

As the NTER Review Report stated:

"There are universal success factors that improve education outcomes that don't appear to be contested: focus on early childhood development, good quality teaching, quality education infrastructure and teaching resources, quality bilingual education, and associated sporting, cultural and development programs. All these critically important ingredients that determine education achievement globally are highly deficient in remote Northern Territory Aboriginal community schools."³³

The *Learning Lessons* report undertaken by the Northern Territory Department of Education in 1999 (as mentioned previously) also described a number of successive positive initiatives that were being undertaken by schools on an individual ad hoc basis:

"Some schools have attempted to address this problem by having physical education or light play as the first activities of the day, with the idea of encouraging children to get to school

³² Submission 11, WACOSS, page 6.

³³ Peter Yu, Marcia Ella Duncan and Bill Gray, *Northern Territory Emergency Response: Report of the NTER Review Board*, p 31.

on time, and to ensure latecomers cause minimal disruption and not miss crucial information.

Others collect children by whatever transport the school has available—even the principal's own vehicle. Some schools offer breakfast programs, aiming to cure hunger and offer an enticement to attend school at the same time. In many schools, both punctuality and attendance are encouraged through various forms of incentive including excursions, involvement in sport or other recreational events."³⁴

It also provides a good example of a successful 'best practice' attendance initiative:

"At Alekerange, an excursion is provided for senior primary students at the end of each semester. These can be 'big ticket' interstate trips or more often local places of cultural interest to the students. The excursions are directly linked to attendance and the records of attendance are prominently displayed in the classroom. A one dollar 'fine' is imposed on the total excursion fee for every day of unexplained absence of the student. The 'fines' are paid by the family and no student misses out on the excursion. This initiative has the full support of the community and has increased the attendance for the class to around 90%."³⁵

p.142

In providing these examples the *Learning Lessons* report notes significantly that these individual school attendance initiatives appear to be in "... total isolation from any departmental advice on strategies or apparent interest in success or failure."³⁶ We think that it is highly significant that the Northern Territory Government has failed to act on this report and implement its recommendations. We do not believe that under these circumstances it is worthwhile or appropriate to be embarking on an expensive and highly speculative exercise in policy experimentation when there still remain a substantial number of basic problems within the educational system in the Northern Territory for which evidence-based solutions have been identified but have yet to be implemented.

The Australian Greens believe that there is a significant opportunity for the Commonwealth Government to contribute to improving school attendance and school outcomes by using its capacity and resources to assist State and Territory Governments, education departments and individual schools to pull together the knowledge and experience gained from existing successful programs and act on the recommendations of existing reviews. We acknowledge that the 'What Works' initiative³⁷ could be a step in this direction and believe the resources being committed to this speculative and punitive measure would be better dedicated to project implementation funding to assist the roll-out and assessment of some of these initiatives.

³⁴ Learning Lessons, Op cit, Page 145

³⁵ Learning Lessons, Op cit, Page 142

³⁶ Learning Lessons, Op cit, page 145

³⁷ DEEWR, *What Works*, <http://www.whatworks.edu.au/>

The Aboriginal Legal Service of WA provided evidence to the committee about the Aboriginal Student Support and Parent Awareness Program (ASSPA), which was a successful program that the Commonwealth ceased funding in early 2000. This program directly addressed the need to engage parents and carers in the culture and ethos of the school, through the formation of ASSPA committees. Over 12 years to 2000 3,811 ASSPA committees were established. In some schools these committees were able to have a high level of involvement in education decision making and were able to institute a range of language and cultural activities including language teaching resources and trips to country which were successful in increasing the attendance and engagement of Aboriginal students.³⁸

ALSWA also provided evidence on the success of the Foodbank WA School Breakfast Program. An assessment of this program had found that 81.7% of respondents to the survey indicated an improvement in class attendance and 19.2% reported a substantial improvement. In addition 90% indicated improved engagement in class and 90.3% reported improved student concentration levels. The program also resulted in higher levels of parental participation in schools, with 82.5% indicating increased participation.³⁹

Recommendation 2: The Australian Greens recommend that the Commonwealth Government prioritise investment in incentive-based programs that have demonstrated success in addressing the underlying causes of poor school attendance and engagement and improving educational outcomes

Vulnerable children and families

The Australian Greens are concerned by the possible impacts on vulnerable children and families, particularly where there are complex problems and risk factors which may be exacerbated through contact with this punitive regime. We are particularly concerned by the unintended consequences for other innocent family members where an older child is truanting and there are several younger children who are attending school and likely to be adversely impacted by the suspension or cancellation of supporting income. This may be particularly problematic for single parent families and for foster families, especially where there is an older child that they are struggling to control and unable to compel to attend school. This may prove to be a further disincentive to foster-parents in particular, who may risk jeopardising their ability to provide and care for their own children by taking on the care of someone else's child - especially where that child has had a difficult and traumatic childhood, a history of poor engagement school and attendance and may be failing at school.

The Welfare Rights Network notes:

Currently there is the potential for those who have limited capacity due to the above factors (vulnerable parents/guardians, physical or psychiatric disability, drug or alcohol abuse, domestic violence) to be exempted either fully or partially from certain participation

³⁸ Submission 6, ALSWA, p8-9. See also DEST, *Review of the Indigenous Education Direct Assistance Program*.

³⁹ Submission 6, ALSWA, page 11. Foodbank WA (2008) *Development and delivery of health promotion campaigns and programs in Western Australia*.

requirements to receive income support payments. It is not clear whether this type of vulnerability or a reduced capacity to comply will be permitted.⁴⁰

There is also a risk that the threat of loss of parental income support may lead some families at risk to force teenagers to leave home so as not to jeopardise family income. Families where there have been acrimonious separations and there are ongoing disputes about the care and custody of children are also potentially at risk. Where there are shared-care arrangements it is unclear whether one or both parents will be penalised if a child truants, and it may prove difficult for one parent to have any influence over whether the other parent is encouraging or compelling a child to go to school.⁴¹ Given that the legislation will apply to any parent who has at least 14% of the care there is the potential for a parent who may only have care of their child on the weekend to be penalised for non-attendance over which they have no influence or control. The possibility of sanctions could prove a disincentive to some parents to be involved in the care of a child, even though this care may well be in the child's best interests.

Recommendation 3: If this legislation proceeds, the Australian Greens recommend that the Commonwealth Government clarify how the proposed legislation will impact upon separated families and introduce amendments to ensure that where a parent does not have control of a child's attendance at school this is considered a 'reasonable excuse'

A number of witnesses were also concerned by the possible interaction of this scheme with families where there have been child protection notifications and parents or guardians are fearful of having a child removed from their care.⁴² There is a real risk that parents or guardians who have already been subject to a child protection notification will be fearful of engaging with authorities or contesting the referral and might decide that losing access to income support is preferable to the perceived risk of having a child removed.⁴³ This is particularly problematic for Aboriginal families where there has been a history of removal of children by white authorities, and poor parenting skills and a poor relationship with school authorities are a known consequence of that removal. The research conducted by the Western Australian Aboriginal Child Health Survey has quantified the impact of forced child removal on intergenerational trauma, and poor health, well-being and education outcomes.⁴⁴

Recommendation 4: If this legislation proceeds, the Australian Greens recommend that the Commonwealth Government clarify how the proposed legislation will impact upon families who are already engaged with the child protection system and take steps to ensure that the legislation does not result in negative outcomes for families at risk.

One group of disadvantaged students for which the question of school attendance versus educational outcomes is particularly important is those living with a disability – especially children with autism where there are not support services available, where teachers and classes lack the

⁴⁰ Submission 7, Australian Welfare Rights Network (AWRN) page 10.

⁴¹ Submission 7, Australian Welfare Rights Network (AWRN) page 11-12.

⁴² ALSWA, CAALAS/NAAJA, AWRN

⁴³ Submission 6, ALSWA. ALSWA, Hansard, Perth.

⁴⁴ Zubrick et al, Western Australian Aboriginal Child Health Survey 2006.

capacity to cope, or where their disability is yet to be diagnosed. While this issue was not raised during the Senate Inquiry it has since been brought to our attention.⁴⁵ We have also been made aware that children with a disability are significantly over-represented in distance education, with large numbers of families who are not living remotely opting to disengage from school attendance after traumatic experiences with local schools. These families are clearly making a decision based on their experiences of failure within the education system to put educational outcomes ahead of direct attendance.

Recommendation 5: If this legislation proceeds, the Australian Greens recommend that the Commonwealth Government address the needs of children with a disability for access to appropriate education and support, and ensure that the provisions of this legislation do not adversely impact on them.

Young carers are another vulnerable group that we believe are placed at risk by this legislation. As the WACOSS submission pointed out:

40,000 young carers currently live across WA, according to research conducted by Curtin University in 2004. Young carers as a target population have one of the highest school drop-out rates. Only 4% of young primary carers between the age of 15-25 years are still at school, compared to 23% of the general population.⁴⁶

The proposed legislation is likely to have a disproportionate and exacerbating impact on young carers who are already struggling to care for a parent or family member with a disability. Many of these carers are embarrassed or ashamed of their caring arrangements and are known to be reticent to acknowledge issues and come forward for help. This issue may become particularly fraught where they are caring for a parent who has an intermittent mental health problem, which is likely to be exacerbated by contact from Centrelink and the threat of income suspension, and may result in them avoiding or refusing contact with support services or a Centrelink social worker. While we note that in response to Questions on Notice, DEEWR has indicated that the circumstances of young carers will be relevant to the 'reasonable excuse' and 'special circumstances' provisions we remain concerned that, where acknowledgement and contact is avoided, the details of these circumstances may not come to light until serious hardship is experienced.

Recommendation 6: If this legislation proceeds, the Australian Greens recommend that the Commonwealth Government address the needs of children who are caring for a parent or family member with a disability and ensure appropriate support and respite services are available to enable them to attend school and to help them address educational disadvantage experienced as a result of caring for a loved one.

⁴⁵ *Personal communication*

⁴⁶ Submission 11, WACOSS, page 7.

Availability and capacity of existing support services

DEEWR have indicated an additional 3 social workers will be provided as part of the mobile team to service the 6 Northern Territory communities involved in the trial, and that an additional social worker will be provided in each of the metropolitan trial sites (the Cannington region in WA and another location yet to be announced).⁴⁷

DEEWR also emphasised that beyond the provision of social workers – who we suspect will have their work cut out contacting families and assessing 'special circumstances' 'reasonable excuses' and whether 'reasonable efforts' have been made to comply – DEEWR consider it the role of state governments and authorities, individual schools and non-government community service agencies to provide other social support and to develop and put in place attendance strategies. They also stated that there is no provision for financial case management under this legislation.⁴⁸

The Australian Greens note the evidence provided by WACOSS that community service and crisis support agencies are already severely stretched and unable to cope with unmet need, with 9750 people were turned away from overloaded community services in 2006-07 (even though 80% of these people were eligible for help).

ACOSS also stated that they considered that the trials would involve "serious implementation and resource challenges"⁴⁹ and noted that there was "potential for the policy to be applied unevenly across the trial sites depending on the school's capacity to work with families to address underlying issues."⁵⁰

The Australian Greens are deeply concerned that additional resources are not being provided to address both case management and financial crisis. Schools need to be provided with the resources and the expertise to comprehensively assist children who have been marginalised from school to reconnect, re-engage, make up lost ground and achieve educational outcomes.

Recommendation 7: The Australian Greens recommend that the Commonwealth Government engage with community service organisations to address existing capacity restraints and unmet need, and ensure that additional resources are provided to address the increased demand for support services as a result of the trial.

⁴⁷ DEEWR, Hansard, Canberra

⁴⁸ DEEWR, *Response to Questions on Notice*, Question 14.

⁴⁹ Submission 5, ACOSS, p23.

⁵⁰ Submission 5, ACOSS, p 24.

Transfer of confidential data between schools, education authorities and Centrelink

A number of witnesses expressed concern about the lack of clarity within the proposed legislation concerning the transfer of confidential data and the lack of safeguards to protect the privacy of individuals caught up in these provisions.⁵¹

In answer to questions on notice DEEWR indicated that Centrelink would not supply schools with a list of families on income support, and it was at the discretion of individual schools to refer individual cases to Centrelink. DEEWR emphasises that it was the responsibility of the schools (and implicitly, State or territory education authorities) to develop and implement a strategy to address poor attendance, and that it should only be after parents have failed to cooperate with these strategies that a referral should be made.⁵² We note however, that there is no provision for additional resources for schools to develop and implement these attendance strategies, and schools capacity and resources to do so are likely to be patchy.

As ACOSS pointed out:

"...the legislation does not impose mandatory reporting requirements on school authorities and officials. It is not clear whether Centrelink is to determine whether the required rate of attendance is reasonable and what expertise Centrelink officials will have in considering factors related to the school environment and family circumstances."⁵³

As it will not be immediately clear to school authorities which students are children of or cared for by parents or families on income support (except in those cases where parents and families have applied through the school for assistance programs for things such as books and uniforms) this means that principals may need to forward names or lists of names that may include parents and families who are not income support recipients. We note that Section 124P authorises the exchange of this information and acknowledge that DEEWR assert that information exchange must be in accordance of the Privacy Principles contained in Section 14 of the Privacy Act 1988,⁵⁴ however we remained concerned that Centrelink will be receiving details for parents and families who are not Centrelink clients, and reported that the information systems to deal with this confidential data have yet to be designed and implemented.⁵⁵ We note the implied complexity and scale of these systems, as indicated by the fact that 80% of the \$12.6 million cost of administering the measure has been allocated of IT staffing alone. By comparison, only \$0.3 million has been allocated to assessment and evaluation of project outcomes.

⁵¹ ACOSS, CAALAS/NAAJA, AWRN, WACOSS, ALSWA

⁵² DEEWR, *Response to Questions on Notice*, Questions 39-41.

⁵³ Submission 5, ACOSS, page 8.

⁵⁴ DEEWR, *Response to Questions on Notice*, Questions 39.

⁵⁵ Hansard, Centrelink, DEEWR & FaHCSIA, Canberra

Extent and impact of the proposed legislation

Government spokespeople, including the Minister for Families, Community Services and Indigenous Affairs, and the Parliamentary Secretary to the Minister for Health and Ageing,⁵⁶ have sought to emphasise that the Legislation is a one-year 'trial' which is restricted to eight communities. The Australian Greens note however that the proposed legislation is not restricted either spatially or geographically as suggested by the government, but rather applies to all Australians who are in receipt of the relevant income support payments and has no trial end-date, no provisions for trial evaluation and criteria for continuation, and no sunset clause. There is nothing in the Bill that guarantees that once the legislation is passed it cannot and will not be extended to other communities, and nothing that stipulates that it must achieve attendance targets and deliver measurable outcomes in educational performance for it to be considered a success.

Recommendation 8: The Australian Greens recommend that the Commonwealth Government introduce a sunset clause for the legislation and specify geographic boundaries to its application to specify that it only applies to those communities involved in the trial and only for the trial period.

Recommendation 9: The Australian Greens also recommend that the Commonwealth Government specify within the legislation the evaluation framework and criteria to stipulate clear targets and outcomes for the assessment and evaluation of the trials success or failure.

Definitional issues

Many witnesses to the inquiry expressed concern that a number of the key concepts within the Bill were not adequately defined and that there would be substantial differences in interpretation leading to patchy and inconsistent application of the measures. The Australian Greens remain concerned that what constitutes a "reasonable excuse" or "special circumstances" is not defined within the legislation and will be left to yet-to-be-developed guidelines over which there will be no parliamentary scrutiny.

We are also concerned that what constitutes a "reasonable effort" to encourage or compel a child to attend school or to engage with the school, State or territory educational authorities, non-government service providers or Centrelink social workers is similarly ambiguous and open to interpretation. We note that Centrelink social workers are unlikely to have a relevant background in educational practice and yet will be required to assess referrals from schools to determine whether parental responsibility is to blame for attendance failures. This may become particularly problematic where there is an ongoing dispute with the school over issues such as unrecognised or unaddressed bullying, or conflict with a teacher or principal where the student may not be wholly to blame.

We note that, while the Minister for Education, Julia Gillard MP has emphasised that the suspension or cancellation of income support is intended to be used only as a "last resort" that this language is

⁵⁶ Second reading speeches

not used within the Bill, and there is nothing to compel the Secretary of Centrelink to in fact ensure that all other efforts have been made to improve school attendance, all other options have been exhausted, and that any such cancellation or suspension is in fact being used as an option of last resort.

Conclusion

The Australian Greens believe that the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008 is extremely poor social policy. It is not evidence based, and in fact the evidence presented to the committee inquiry overwhelmingly shows this approach will not work. This punitive approach that will cause more harm than good, and it is targeted at punishing parents rather than addressing the needs of children and the underlying causes of failure to attend to school.

The Australian Greens believe that this legislation should be withdrawn.

We urge the Government to commit resources to addressing the causes of child alienation from the education system and to take an incentives-based approach that encourages families and communities to engage with the school culture ... and likewise encourages schools to open their doors and reach out to the community.

Recommendation 10: The Australian Greens recommend that the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008 not be passed.

Senator Rachel Siewert

Appendix 1

Analysis of results from the Western Australian Aboriginal Child Health Survey

Modelling the association between school attendance and student factors⁵⁷

A multivariate logistic regression analysis was performed to model the probability of having an attendance ratio at or below 87.5 per cent, i.e. absent from school for 26 days or more (Table 4.22). The following student-related factors were found to be independently associated with being absent from school for 26 days or more in a school year.

- **Language spoken in the playground.** Students who spoke Aboriginal English in the playground were over twice as likely (Odds Ratio 2.06; CI: 1.39–3.06) to have been absent from school for 26 days or more than students who spoke English in the playground. Students who spoke an Aboriginal language were nearly six times more likely (Odds Ratio 5.77; CI: 2.00–16.40).
- **Risk of clinically significant emotional or behavioural difficulties.** Students assessed from teacher reports to be at high risk of clinically significant emotional or behavioural difficulties were twice as likely (Odds Ratio 1.98; CI: 1.42–2.76) as students at low risk of being absent from school for at least 26 days in the school year.
- **Ever been in day care.** Students who had never been in day care were almost twice as likely (Odds Ratio 1.91; CI: 1.41–2.59) to have been absent from school for at least 26 days than students who had been in day care.
- **Primary carer or partner needed to see school principal about problem student had at school.** Students whose carers had needed to see the school principal in the past six months because of problems the student was having at school were almost twice as likely (Odds Ratio 1.89; CI: 1.35–2.65) to have been absent from school for 26 days or more.
- **Helping with school work at home.** Students who have no-one to help them with their school work were almost twice as likely (Odds Ratio 1.86; CI: 1.18–2.91) to have been absent from school for at least 26 days than those who were helped with their school work by someone within their household.
- **Has trouble getting enough sleep.** Students who have trouble getting enough sleep were almost twice as likely (Odds Ratio 1.73; CI: 1.19–2.51) to be absent from school for at least 26 days in the school year than students who did not have trouble getting enough sleep.
- **Overall academic performance.** Students with low academic performance were almost twice as likely (Odds Ratio 1.76; CI: 1.37–2.24) to be absent for at least 26 days in a school year than students whose overall academic performance was average or above average.

⁵⁷ Zubrick et al, *Western Australian Aboriginal Child Health Survey, Volume 3 Education*, 2006, p.129.

Modelling the association between school attendance and carer factors⁵⁸

A multivariate logistic regression analysis was performed and it was found that, when carer factors were controlled, the following carer factors were independently associated with the student being absent from school for at least 26 days (Table 4.31).

- **Primary carer forcibly separated from natural family.** Students whose primary carer had been forcibly separated from their natural family were over one and a half times more likely (Odds Ratio 1.75; CI: 1.19–2.56) to have been absent for at least 26 days in a school year than students whose primary carer had not been forcibly separated.
- **Primary carer highest level of education.** Students whose carers had been educated to Years 11 or 12 were one and a half times less likely (Odds Ratio 0.65; CI: 0.49–0.87) to have been absent from school for 26 days or more than students whose carers left school after Year 10. Similarly, students whose carers had been educated for 13 years or more were over one and a half times less likely (Odds Ratio 0.57; CI: 0.34–0.96) to have been absent from school for 26 days or more.
- **Primary carer labour force status.** Students whose primary carers were either unemployed or not in the labour force were over one and a half times more likely (Odds Ratio 1.61; CI: 1.09–2.38 and Odds Ratio 1.73; CI: 1.34–2.24 respectively) to have missed at least 26 days of school than students whose primary carers were employed.
- **Primary carer ever arrested.** Students whose primary carer had ever been arrested or charged with an offence were one and a half times more likely (Odds Ratio 1.45; CI: 1.14–1.85) to have missed at least 26 days of school than students whose primary carers had never been arrested or charged.
- **Primary carer attended an Aboriginal funeral in the past 12 months.** Students whose primary carers had attended an Aboriginal funeral were one and a half times more likely (Odds Ratio 1.57; CI: 1.19–2.06) to have been absent from school for 26 days or more.
- **Main language spoken.** Students whose primary carer spoke Aboriginal English as their main language were four times more likely (Odds Ratio 4.04; CI: 1.30–12.40) to have been absent from school for 26 days or more and three times more likely (Odds Ratio 2.62; CI: 1.22–5.64) if their carer spoke an Aboriginal language.

⁵⁸ Zubrick et al, *Western Australian Aboriginal Child Health Survey, Volume 3 Education*, 2006, p.132.