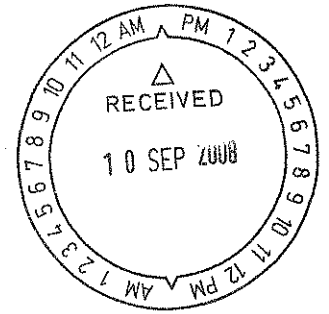


Australian Council for the Defence of Government Schools



P.O. Box 4869
Melbourne 3001

President: R. Nilsen



Committee Secretary,
Senate Economics Committee,
Department of the Senate
P.O. Box 6100
Parliament House
CANBERRA, ACT 2600

Dear Sir/Madam,

DOGS SUBMISSION TO SENATE ECONOMICS COMMITTEE INQUIRY INTO THE DISCLOSURE REGIMES FOR CHARITIES AND NOT-FOR PROFIT ORGANISATIONS

Background to Submission:

Previous Submissions:

We note that we have made three previous submissions to federally created bodies:

1. In 2000 we made a submission to the Senate Employment Workplace Relations, Small Business and Education Legislation Committee re State Grants (Primary and Secondary) Bill 2000. This was placed on our website at www.adogs.info at Press Release 19.
2. In 2000 we also made a submission to the Prime Minister's Inquiry into the Definition of Charity. We also placed this submission on our DOGS website at www.adogs.info as News Release No. 30. We note that even in 2008, eight years later, in the months January to August 25, there have been 283 visitors to this Press Release. We also note that in previous years there has been a great deal of interest in this Press Release. We also note that the recommendations of this Committee were opposed by church interests and were largely abandoned. In particular, the federal government failed to establish a Charities Commission similar to that in other Commonwealth countries.

The legislation that was actually passed merely extended taxation exemptions to enclosed orders engaged in prayer, namely what in previous times has been regarded as 'superstitious uses'.

3. In 2004, we made another submission, this time to the Senate Employment Workplace Relations and Education References Committee: Inquiry into Commonwealth Funding for Schools. This submission was placed on our website at www.adogs.info at News Release No. 91.

2008 Submission.

Now, in 2008 a Senate Committee has been set up. It is known as Inquiry into the Disclosure Regimes for Charities and No-for-Profit Organisations.

Our three earlier submissions referred to above were ignored. No action has been taken to establish a Charities Commission. Nor did these federal bodies take action to rectify our concerns regarding the accountability of billions of dollars of public expenditures on charities/non-profit organisations (e.g. schools).

As a result, we see no need to make a completely new submission .

The content of our 2008 submission therefore is as follows:

Attachment One: Press Release 19

Attachment Two: Press Release 30

Attachment Three: Press Release 91

Attachment Four: DOGS Home Page listing Press Releases from 1 to 262. In particular we refer the committee to at least the following Press Releases : 19; 26;27;30;42;43;54; 69;76;81;84;90;91;95;107;108;114;130;140;145;162;163;213;214;217;219;238;246;256.

Attachment Five: Advertisement placed in The Age, Friday December 2, 1977; "State Schools Get the Chop"

Attachment Six: A News Release dated 2 July 1973 entitled “DOGS Attack Needs Approach Used by Interim Commission”.

Attachment Seven: Letter to Commonwealth Auditor General, (April 2004) Press Release 84.

Attachment Eight: When will Commonwealth Auditor General Take His Job Seriously? (April 2008) Press Release 246.

Attachment Nine: Letter from ANAO to DOGS 27 June 2008.

Attachment Ten: One Picture is worth a thousand words. Here are fourteen cartoons for your perusal.

Request: We request that this covering letter and the attachments be included as our Submission published on your website in due course. We are also willing to meet with the Committee.

Relationship Between Federal Bureaucrats, Politicians and Australian Non-for Profit Church School Faction.

The above attachments illustrate in part the concern expressed by the DOGS about accountability issues with charitable institutions and non-profit organisations that have run educational enterprises since the 1960s. The current levels of taxpayer funding without proper public accountability to citizens is a national scandal. DOGS do not consider that the accountability to craven politicians by charitable organisations and not-for profit-organisations is acceptable to citizens like ourselves. Our experience has been that taxpayers have been taken for a ride. We quote from our Advertisement in 1977:

‘Because of the fear of the sectarian church lobby, politicians have abdicated their responsibility to protect the taxpayer’s interest. Without support from politicians, bureaucrats and administrations in the Schools Commission have followed their natural tendencies to avoid confrontation with church school interests at all costs.’

DOGS experience since the 1960s and 1970s has confirmed our concerns about the breakdown of basic democratic procedures like accountability for expenditure of public moneys. The entanglement of church with state has led to an unfortunate undermining of the state, an abdication and abnegation of ministerial and parliamentary responsibilities, and a

deep scepticism in the community concerning the honesty of religious organisations themselves. The lessons of history tell us that when Church and State meet at the Public Treasury, taxpayers are in trouble.

The ANAO should be Involved

DOGS have ongoing concerns about the Auditor General and the ANAO. The ANAO Office should be pulled into line and disciplined for its ongoing failure in relation to church school accountability. See Attachments 7 to 9. This inquiry should examine the performance of the Auditor General and his Office.

Intestinal Fortitude

DOGS invite this Committee to have the intestinal fortitude to bite the accountability bullet and overcome the cancer in our body politic.

Yours sincerely,



RAY NILSEN

PRESIDENT DOGS

ATTACHMENTS

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS - D.O.G.S.

PRESS RELEASE #19.

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SUBMISSION TO SENATE COMMITTEE RE STATE AID TO PRIVATE SCHOOLS

SUBMISSION TO SENATE EMPLOYMENT WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION LEGISLATION COMMITTEE

RE

STATES GRANTS

(PRIMARY AND SECONDARY EDUCATION ASSISTANCE) BILL 2000

The Australian Council for the Defence of Government Schools wishes to make the following submission:

The Committee should recommend:

1. Funding for Public (State) Schools should be increased by at least the amount requested by the parents and teachers of public school organizations in recent times and the EBA removed
2. State Aid to private Schools (Church schools and others) should cease immediately.
3. If 2. is not accepted then the Committee should recommend that the Minister's Report in the Bill under Section 116 should contain at least the information contained in the Annual Report e.g. 1971 before the Schools Commission was established.
4. If 3. is not accepted then the information provided by the Minister's Report should be at least that contained in the Report for 1997

Recommendations in Detail:

1. Funding for Public (State) Schools should be increased by at least the amount requested by the parents and teachers of public school organizations in recent times and the EBA removed

We refer the Committee to Statements made by the Australian Education Union and ACSSO and their affiliates. We will not discuss this aspect in much detail as we intend to provide more detail on the remaining three recommendations.

We note that the "myth" of the poor parish school has run its course and that it is becoming blatantly obvious to Public (State and government) School supporters that the poor relations in Australian education are our public schools.

An immediate injection of public funding is required for our deprived and impoverished systems of public education. Public school parents are weary of paying double taxation for education: taxation for a public system open to all which is discriminated against, and heavy taxation for a wealthy publicly funded private system which discriminates on the basis of religion, tribal affiliation (ethnicity and colour), and ability to pay. On top of this they are then expected to be tax collectors themselves, raising private funding for basic educational requirements.

2. State Aid to private Schools (Church schools and others) should cease immediately

2.1 State Aid is Bad Public Policy – a Cancer in the Body Politic

Since its inception, the Australian Council for the Defence of Government Schools has declared that State Aid is bad public policy because

- It downgrades public education
- It corrodes the three arms of government: namely the executive, the parliament and the judiciary
- It corrodes the process of public discussion and knowledge
- It divides rather than unifies the community
- It leads to more and more private schools based on the divisions of Europe, Africa and Asia
- It pillars society
- It involves the entanglement of the Church and State
- It involves the entanglement of clerics in the affairs of the State
- It contravenes Section 116 of the Constitution as envisaged by the Founding Fathers but made into a nonsense by the political judgement of the majority in the DOGS case. In this matter we refer the Committee to the prophetic dissenting judgement of the late Justice Murphy.
- It infringes on the religious and civil liberties of Australian citizens.
- State Aid is a bottomless pit. It started as a trickle and is now a raging torrent.

In summary, State Aid to private schools defies the lessons of logic and history for any democratic, heterogeneous, peaceful society.

2.2 The DOGS have been proved right!

We do not intend to expand upon all these points in this Submission. For the purposes of this Submission we will confine ourselves to those aspects dealt with below.

First of all, **State Aid degrades public education** both in terms of percentage share of the public purse; percentage share of pupil population, and the mix of pupils from different backgrounds which enables it to carry out its important political, social and cultural function of uniting rather than dividing our children.

2.3 Decline in Public School Percentage Share of Pupil Population

State Aid has brought about the decline of the percentage share of pupils in the public systems throughout Australia – as it was intended to do by the major beneficiary.

Below is a table, by decades of the percentage share of public education of school children. (1901-1999)

PUBLIC SCHOOL PERCENTAGE SHARE OF TOTAL SCHOOL ENROLMENTS IN AUSTRALIA (BY DECADES)

1901-1999

DECADE	PUBLIC SCHOOL % ENROLMENT
1901-1910	80.5%

1911-1920	80.7%
1921-1930	79.6%
1931-1940	79.4%
1941-1950	75.6%
1951-1960	75.9%
1961-1970	76.7%
1971-1980	78.5%
1981-1990	74.2%
1991-1999	71.0%

If one peruses the individual yearly figures that make up the above table, the effect of State Aid to Private Schools on public education is far more apparent. However, it should be noted that it has taken extensive inefficient and uneconomic duplication of public school facilities together with at least four billion dollars of direct grants for 2001 (the indirect grants of the State Aid iceberg are ignored to the peril of the common good)

In 1963 in the year before State Aid was introduced, public schools percentage share of pupil population was 76.2%. This rose to 78.9% in 1977. But since then the massive injection of public funding into private education has taken its toll. For the first time in the twentieth century, the percentage share of pupil population in 1984 went below 75.0%.

Public school percentage share of population has declined in every year since 1984 and for the first time since the "free, secular and compulsory" acts of the last century public education fell below 70% for the first time. In 1999 the figure had declined to 69.9%.

That is, in just over twenty years, the public education pupil share has declined 9 percentage points.

If we are to accept the Federal Minister's Second Reading Speech of the Education Bill the public school percentage share of pupil population will decline at a far greater rate. It is clear from the Minister's Second reading Speech that it is envisaged that the contents of this Bill are to be the most vicious attack upon public education ever devised upon public education by any politician in Australian history – with the blessing of the major beneficiary, the Roman Catholic Church and those religious bodies that have hitched their wagon to the State Aid auction.

Any provision for State Aid in this Bill should be opposed outright.

4. Decline of Public Education Percentage Share of Federal Funding

As predicted by the D.O.G.S. the percentage share of federal funding received by public education has declined significantly. The following table clearly indicates that in the first year of federal funding public education received 73.7% of federal funding whereas if this Bill is passed, it is predicted that in the year 2003/2004 public school percentage share of federal funding will decline to 32.2%. One should remember that the percentage share of pupil population for 1999 was 69.9%.

DECLINE OF PERCENTAGE SHARE OF FEDERAL FUNDING FOR PUBLIC EDUCATION

Year	Public	Private
1964-1965	73.7%	26.3%
1995-1996	42.1%	57.9%
2003-2004	32.2%	67.8%

From the above table one can see that if this Bill is passed in its present form, the Federal Liberal/National Party Coalition intends to cut the share of funding going to public education by 9.9%.

2.5 Massive Increase in Federal Funding to Private Church Schools

State Aid was re-introduced as a result of political blackmail. Whatever was given in one year was a prelude to the demands for the next year and following years. A little whetted the appetite for much more. In the opening phases, modest amounts were sought. Deference became preference and now preference has become near monopoly. The Church has truly invaded the Public Treasury. Public funds are open to plunder. The group with the most supporters, the largest political lobby, and the greatest political power, has and will be best able to exploit the public treasury for what it chooses to call education.

In the past year Brother Kelvin Canavan, Director of Catholic Education, Archdiocese of Sydney made the following revealing statement:

" There is a realization that the arrangements in Australia are better than those existing in most if not all other countries. "

Even more revealing is the following statement by Professor Tannock

The kind of State Aid system which has emerged in Australia according to Tannock *"by world standards is amazing. 80% of public funding is received with virtually no conditions."*

Australia should be contrasted with Italy which is 90% Roman Catholic but where up to at least 1998, Roman Catholic schools did not receive State Aid.

Italian taxpayers are fortunate. State Aid to church schools is a bottomless pit.

GROWTH OF DIRECT FEDERAL FUNDING PRIVATE SCHOOLS

Year	Funding to Private Schools
1964-1965	\$2.7 million
1995-1996	\$1,858,906 million
2003-2004	\$3,832,620 million

These figures are astonishing. If we include an estimate for State Funding, Direct State Aid to private schools in Australia will exceed \$5 billion in 2003-2004. This figure does not include the many indirect sources of government subsidy. Any Government Education Committee worth its salt would be calculating the full bill in direct and indirect subsidies from the taxpayers of Australia.

It should be noted that it has taken 30 years to get to 1.86 Billion dollars in direct federal funding. Whereas it will only take eight years under the Liberal National Party to add another \$1.97 Billion to the Federal State Aid Bill.

This is another reason why this Bill should be rejected outright!

6. *Dividing Australia*

Before State Aid was introduced again in the Twentieth Century, the opponents of State Aid declared that "public money to private schools encourages division amongst children based on social, economic, class, and particularisms such as colour, country, ethnicity, and creed. It was clearly stated that the increase in State Aid would divide children along the lines of divisions in Europe, the Middle East and Asia. Children have been divided by colour and within colour.

The following table illustrates, by studying the number and type of Church schools that were in existence in 1964 and then in 1985 and finally 1999 this ongoing division in our community:

NUMBER AND TYPE OF PRIVATE SCHOOLS FUNDED TO DIVIDE AUSTRALIAN CHILDREN

TYPE OF PRIVATE SCHOOL	1964	1985	1999
Classified Denominational (1964)			
Baptist	5	34	37
C of E/Anglican	122	102	121
Hebrew/Jewish	10	16	17
Lutheran	28	63	80
Methodist/Uniting	27	39	42
Presbyterian	39	10	13
Roman Catholic	1827	1683	1684
Seventh Day Adventist	44	78	60
Unclassified (1964)			
Other	10	83	63

Undenominational	93		
New Classifications			
Ananda Marga			4
Assembly of God			25
Brethren			9
Catholic (other)			4
Christadelphian			2
Christian Schools		5	101
Christian Scientist		1	1
Churches of Christ		1	2
Denominational /Inter		8	26
Denominational/ Non		100	134
Hare Krishna		1	1
Montessori		10	27
Moslem		3	21
Orthodox Greek		5	7
Orthodox Other			4
Other Religion		66	6
Pentecostal			22
Scientology			4
Steiner		10	40
Quaker		1	1
TOTAL	2205	2319	2558

1. STATE AID CORRODES THE WORKINGS OF GOVERNMENT

Once again the D.O.G.S. have been proved right!

This Bill should be rejected because State Aid to Church schools corrodes and has corroded the democratic government of Australia.

The rationale behind Section 116 of the Australian Constitution, the Church/State separation and freedom of religion Clause inserted by Church State separationists at the Federal Convention in 1901, was based upon reason and experience. The Founding Fathers were aware that the union of government and religion tends to destroy government and degrade religion. Church/State entanglement undermines the integrity of the three arms of government: - the Executive; the legislature and the judiciary. It distorts the workings of democracy and the free press.

In particular, the executive arm of government, including the supporting bureaucracy has been eroded in Australian political life. The natural outcome of aid to private schools, is to create States within States, creating a loyalty above all others to the community in which they are educated.

Opponents of Aid to private schools, knowing both through their history and logic were able to predict what has in fact occurred.

3.1 Massive Gains in State Aid are the result of Private Dealings between Clerics and Members or Agents of the Executive.

The following are a few examples:

- Cardinal Gilroy and Archbishop J. Carroll, meeting with Mr. R. Heffron 1962 .
- Bishop Moran and Sir Henry Bolte in 1966 before the granting of State Aid in 1967
- Mr Mick Young and Archbishop Jim Carroll, prior to the 1972 Whitlam election
- Bishop F. Carroll, Father Frank Martin, Father J. Williams and Monsignor J. Bourke and Senator Carrick, late 1970s.
- Before Hawke's ALP government was elected in 1983, prominent Canberra personality and Churchman
- In 1998 certain bishops and Mr John Howard outmanouevred Beazley . They quietly upped the State Aid offer. This meeting and the behind the scene deals done in the last few years are largely the reason for the doubling of State Aid within 8 years.
- The late Archbishop Carroll who was the greatest of political strategists and manipulator, said, when he was asked about writing his biography replied to the effect that "no one would believe it."
- D.O.G.S. have no illusions. Their reply to Archbishop Carroll would be- "try us!"

The legislature should reject the Bill because members of the Australian electorate are starting to realize and resent the power of the Church in matters of State.

The legislature should also reject the Bill because they would be rejecting the latest deal done between the executive and the clerical pressure group.

1. THE BILL SHOULD BE REJECTED BECAUSE IN THE AREA OF STATE AID POLITICIANS AND THE BUREAUCRATS HAVE BEEN UNABLE TO PROTECT THE INTERESTS OF THE TAXPAYERS IN THE AREA OF STATE AID

Because of their fear of the powerful Church School lobby, our politicians have abdicated their responsibility to protect the interests of the taxpayers. Without the support from politicians some bureaucrats and administrators have followed their natural tendency to avoid confrontation with church school interests at all costs. Unfortunately, some of the bureaucrats have been too closely identified with or allied with the Church School interests.

4.1 Bottom of the School Yard Schemes

Very early in the State Aid grab, the major beneficiary of State Aid, the Roman Catholic Church, woke up to the lamentable weakness of those who were supposed to protect the public interest. For instance, they recognized the financial benefit of keeping needy schools needy; withholding of moneys ; switching of categories of schools; and using frontier groups to set up further "needy" schools.

D.O.G.S. do not have to quote themselves in the 1970s and 1980s, but only need to point to some statements of people involved in the Schools Commission.

- **Statement of Dr. K. McKinnon:** *"It (the "needs" policy) is not illegal, just slippery...It expected everybody to play the game by the declared rules...It's like income tax- everybody maneuvers themselves to benefit in the best possible way." (National Times 29 August-4 September 1982.*
- **Statement of J. Kirner:** *"It isn't sufficient to say that we will give aid according to need. We know that the needs policy can be bastardized by even a group as honest as the Schools Commission" (Victorian Teacher 2 April 1983 p. 13)*
- **Statement of Dr. K. McKinnon :** Report of Interview 1994 in Anne O'Brien: *Blazing a Trail* at p. 141

"As chair of the Schools Commission, Dr, McKinnon was particularly concerned with the inability of some sectors of Catholic education to demonstrate their accountability in respect of commonwealth funding. He was very critical of parish priests' control over the money, and the lack of knowledge and involvement of principals in the financial matters of the schools. While he accepted the principle of financial support for non-government schools, he was not in favour of block funding, because in some catholic system, the distribution of money didn't actually ensure that the most needy schools got the most resources. He maintained that, while Victoria developed a rationale for distribution of money based on need, it was impossible for the Schools Commission to penetrate what was happening in New South Wales. "

The above statements of Dr. McKinnon and Mrs Kirner indicate the failure of both bureaucrats and politicians to look after the public interest when confronted with Churchmen.

If this was bad enough, the present state of affairs is far, far worse.

Now, according to Hedley Beare we have a *"Behemoth where before there was nothing substantial."*

The bureaucrats and the politicians are now faced with an adroit and canny centralized Church administration with a lot of political nous. This would be bad enough.

However, it is worse because taxpayers do not even know how many of the politicians and bureaucrats are sympathetic to and identify first with the Church of their particular racial and tribal background.

In this circumstance the legislature should abandon any State Aid to Church Schools.

We refuse to suggest any procedures or schemes to protect the public purse. We believe that the Church Schools interests have proved themselves too skilful. Our politicians have neither the wit, nor the intestinal fortitude to confront them in the public interest. The bureaucrats – we have long since given up on them!

If the politicians roll over or run after the churchmen, why should the bureaucrats do otherwise?

1. TOTAL FUNDING SUPPORT SHOULD BE GIVEN TO PUBLIC EDUCATION AND PRIVATE EDUCATION SHOULD BE PRIVATELY FUNDED

5.1 The Cornerstone of our Society

The cornerstone of Public Education is the cornerstone of a liberal, heterogeneous, democratic Australian society. The weakening of public education is the weakening of the very foundation and fabric of the society we have inherited. The peaceful, and until recently, egalitarian society we have enjoyed in Australia is the result of the public system which has served us so well.

The questions we need to raise about Public (government) School education are among the most important questions that can be raised about our society. We are getting at the heart of the kind of society we want to live in, and the kind of society we want our children to live in.

The great issues surrounding Public (Government) School education are really the greatest issues of public policy.

The role of education is so central to the making of a free, liberal, democratic government that education is the most important business in civil society and universal accessibility to education is fundamental to success in this endeavour.

5.2 A Viable and Just Community

Public (Government) School education stands for and assists in achieving a viable and just community. Public (Government) school education is needed for us to continue to have a viable, democratic, heterogeneous community. Let no one doubt that if there is to be a twilight of the "liberal" Public (Government, school and public (Government) Education Systems, that twilight will also be the twilight of the modern "liberal" democratic State whose values are freedom equality, justice, fraternity, the working of popular consent and the personal obligation for the public good.

2. IF THE COMMITTEE REFUSES TO CEASE STATE AID TO CHURCH SCHOOLS SECTION 116 IN THE BILL SHOULD BE CHANGED TO CONFORM WITH SECTION 7 OF THE STATES GRANTS INDEPENDENT SCHOOLS ACT 1969

For the benefit of the reader, we enclose copies of Section 7 of the 1969 Act (Attachment 1) together with a copy p 53 of the Annual Report of 1971. (Attachment 2)

3. IF THE SUGGESTION IN 6 ABOVE IS NOT ACCEPTED THEN THE INFORMATION PROVIDED BY THE MINSITER'S REPORT SHOULD BE AT LEAST THAT CONTAINED IN THE REPORT FOR 1997

This Committee should seek an explanation for why there has been a change to the reporting requirements of the Minister from 1997 to 1998. The information contained in the Minister's Report for 1997 is somewhat similar to the Reports from about 1973. So, for over twenty years the Report contained detailed information on each private school receiving public moneys. At least we had an idea how much the individual schools were alleged to have received.

The 1997 Report contained 92 pages whereas that produced as the Minister's report for 1998 contained 26 pages. Moreover, in the 1997 Report, there were 62 pages of information about money going to individual schools in the States and Territories. This has been reduced to 8 pages in the 1998 Report. This is a disgraceful cover up of what is actually going on.

For instance, it is not good enough for the information on the funding of New South Wales private schools being reduced from 20 pages to one page and for Victoria from 16 pages to one page. Sixty two pages reduced to 8 pages is not taking seriously the accountability requirements.

Has this been done to conceal what is actually happening?

Remember what Dr. McKinnon said and he was the Head of the Schools Commission responsible for a minimal accounting for public funding.

Public utilities are constantly burdened with statistical requirements while receiving less and less funding, while Church bureaucracies are relieved from accounting requirements while receiving every increasing gifts from the public treasury.

What is going on in this democracy of ours?

Is the Committee going to roll over on this one too?

..Contact Us:

If you have a message for supporters of public education:

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26/08/2008

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Last modified: Tuesday, 26 August 2008



AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS - D.O.G.S.

PRESS RELEASE 30#.

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DOGS SUBMISSION TO THE ENQUIRY INTO THE DEFINITION OF CHARITY

The following is the Submission made by the DOGS to the Enquiry into the Definition of Charity. As you are no doubt aware, the exemption from taxes is one of the major forms of "State Aid" given to private schools. It does not matter that such schools may be well endowed institutions for the benefit of the wealthy few. They are labelled "charitable" and do not have to pay a myriad of taxes. Not so government schools- So, what is the true cost of State Aid to the taxpayer? This submission can also be found on the Enquiries website at www.cdi.gov.au together with other submissions.

SUBMISSION TO THE INQUIRY INTO THE DEFINITION OF

CHARITIES AND RELATED ORGANISATIONS

FROM THE AUSTRALIAN COUNCIL FOR THE DEFENCE OF

GOVERNMENT SCHOOLS

President: Ray Nilsen

P.O. Box 4869

Melbourne 3001

RECOMMENDATIONS:

Provision of health, education, social security,(a living income) job networks be regarded as a right for Australian citizens and not a "charity".

If it is government policy to fund so called "charitable" enterprises which provide a public benefit, then such funding should be paid directly from the public Treasury to relevant community organisations. Accountabiliy for such funding should be the responsibility of the organisations and relevant Minister in State or Federal Parliament.

If 1 is implemented and if Australia is a country in which

all citizens have a right to health,
education, a living income and
employment opportunities,

taxation schemes and abuses based
on definitions of "charity" are
avoided

18th century divisions based on class
and religion are left behind in
Europe

then legal fictions and topsy turvy definitions of "charities" together with funding of community services through the back door of taxation exemptions become irrelevant.

Current indirect subsidisation of all religious, educational, welfare and other "charitable" institutions through taxation exemptions be quantified

Institutions and organisations presently receiving direct and indirect public subsidisation be made accountable to a central administrative body for any public subsidisation received.

SUMMARY

In this Submission the Australian Council for the Defence of Public Schools refer to the historical background of legal fictions which have grown up around the definition of "charities". Legal definitions have become inseparable from substantial taxation exemption advantages and even abuses for powerful and wealthy organisations. Small, struggling community organisations tag along hoping to pick up some of the taxation exemption crumbs.

It is noted that the *Pemsel* case definition of charities has opened a Pandora's box through which wealthy, commercial religions and their enterprises receive substantial Taxation advantages with little or no accountability. In the process, the commonsense meaning of 'charity' for "the relief of poverty" has often been turned on its head.

Some attempt is made to outline abuses inherent in the back door subsidisation of charities. It is noted that parents of State school children were recently astonished to discover that children at wealthy religious private schools received enormous taxation benefits by virtue of their "charitable" status, while children in the public system went begging.

This submission also questions the Brave New World of New Right ideology which attempts to privatise and tender out basic services for Australian citizens to sectarian, divisive religious groups - at taxpayer's expense. It is noted that Justice Murphy in the Scientology case grasped the real issues involved in "religious liberty", the definition of "religion", and its relation to taxation exemptions

We challenge the Committee of Enquiry to look carefully at the Pandora's Box opened by the *Pemsel* case and take measures to close it again.

Finally, we submit that if Australian citizens believe that community organisations providing essential public services are worth funding, then they should be adequately funded with direct funding from the public Treasury. Hidden, unquantified "exemption" forms of funding encourage legal fictions, abuse, enrichment for the powerful and wealthy, and - the "devil take the hindmost."

INTRODUCTION

The Committee of Enquiry 's terms of reference require the

"Committee to examine and report on existing definitions of charitable, religious and community service not-for-profit organisations, and provide options for enhancing the clarity and consistency of existing definitions."

The Committee has indicated some willingness to extend these terms of reference. In particular, they call into question the "public benefit" requirement which to date has excluded some organisations from taxation exemption.

DEFINITION OF CHARITIES AND TAXATION EXEMPTION INSEPARABLE

The "charitable status" of an organisation has enormous implications for taxation exemptions and indirect subsidisation of organisations with commercial as well as charitable operations. This is a matter of public, not private concern. This represents subsidisation of private enterprises by Australian citizen/taxpayers. It is assumed from the Issues paper and published submissions to date that taxation exemptions or indirect subsidisation from the public purse is really what this Enquiry is about. Billions indirect taxpayer subsidisations are involved.

We believe therefore that it would be both improper and reprehensible if the Committee failed to

inform Australian citizens of the types of indirect subsidy presently enjoyed by institutions and organisations which are labelled "charitable"

inform Australian citizens of the amounts of indirect subsidy presently enjoyed by individual institutions and organisations which are currently labelled "charitable"

The Issues Paper contemplates an extension of the definition of "charities" to include further "ethnic"

and "community organisations" which service sectarian groups. There is minimum concern for the dangers inherent in the present system. The Committee has also encouraged individual groups wishing to be incorporated in the taxation exemptions schemes to make submissions. Submissions from Commonwealth, State and local taxation authorities have been discouraged. Nor have they, to date, been made.

Select Committee Reports are often pre-determined by terms of reference and selection of material. It seems that this is to be no exception. If it is made without hard data on current public subsidisation of existing "charities" which only the State authorities could provide, it will fall into disrepute and place public confidence in "charities" in further jeopardy.

This submission seeks to

Question the current extension of "charitable" status to private sectarian religious organisations and private church schools. It is suggested that this contravenes Section 116 of the Australian Constitution and the Separation of Church and State.

Question the current extension of "charitable" status and the extension of taxation exemption schemes to organisations and institutions providing what should be basic and obligations of the State, namely:

Health

Education

Welfare

Job Network

HISTORICAL BACKGROUND

"Those who do not learn from their history are doomed to repeat it"

It is customary to commence with reference to the *Preamble* to the *Statute of Charitable Uses 1601* in the definition of Charity, and then bemoan the fact that this is out of date. What is not done is relate this Statute to the Church/State issues of that time. It was an attempt to restrict the definition of charity to

the relief of poverty rather than subsidization of wealthy Church properties. The 21 charitable uses enumerated were directed to the correction of abuses which had grown up in the administration of charitable trusts.

Elizabeth I understood "charitable uses" to generally mean the alleviation of poverty. The Australian citizen in the street understands "charitable" to mean the alleviation of poverty. But since 1601, wealthy pressure groups have used the legal and tax system to turn this meaning on its head.

Australia is in danger of repeating the abuses which the Elizabethan Statute sought to avoid. There is a current need to control abuses inherent in untrammelled, unquestioning taxation exemptions for wealthy, propertied, charitable trusts with "not-for-profit" commercial enterprises. This development was assisted by the well known *Pemsel* case which "interpreted" the list of purposes in the Preamble to the Elizabethan *Statute of Charitable Uses* to encompass four classes of purposes:

The relief of poverty, age
or impotence

The advancement of
education

The advancement of
religion

And other purposes
beneficial to the
community

The second, and third heads of charity introduced the possibility of special educational privileges for children of the wealthy, together with advancement of sectarian religious organisations. For ii iii and iv are legally "separated" from i. So, in legal fiction, and then in fact, the common sense meaning of "charitable" – the relief of those in need – was extended and turned upside down.

It is the extension of the fourth class, "*other purposes beneficial to the community*" which appears to be of immediate interest to the Committee. But it is (ii), and (iii) which have spawned sectarian and divisive enterprises inimical to the well being of a democratic, heterogeneous and egalitarian Australian community. They have also encouraged taxation minimisation schemes. Their overall cost in both direct and indirect grants to the Australian citizen has never been quantified or even estimated.

The Committee has an obligation to rectify this situation

Nor does Australia have a "Charities Commission" comparable to that in England. Once an organisation is labelled "charitable" it is virtually self regulating.

If it is to be taken seriously, the Committee has an obligation to bring Australian into line with other countries.

It is not politically correct to question abuses of taxation exemptions for wealthy religious and educational trusts in Australia at the present time. But "correct rhetoric" becomes a mere comfort zone for political and economic elites when the quiet majority of Australian citizens understand their own realities.

Supporters of State Education started to wake up to not a few of these realities with the introduction of the GST . They suddenly discovered that even the wealthiest private church schools were "charities" exempted from a myriad of taxation requirements, while public school children went begging. Some enquired further and discovered that the four billion dollars in direct State Aid to the private sector was only part of the total public subsidisation of private church schools .

And why?

Because for at least a hundred years, the courts decided that the advancement of religion and religious education could be legally defined as "charitable".

REFORM OF CHARITY LAW

In his recent work *Charity Law in Australia and New Zealand*, Gino dal Pont notes three areas for reform

the legal definition of charity

the need for greater accountability
of charities that rely on

**fundraising and commercial
operations**

an increasing discontent with the tax privileges accorded to charitable bodies prompting calls for a reassessment of these privileges.

We submit that the first and the third, the legal definition and the discontent with taxation privileges are inextricably linked. If the legal definition of charity is to promote public confidence in charities then definitions which give a blanket exemption to religions and religious enterprises can only lead to ever increasing privileges for rich and institutions enriching themselves rather than the poor.

Doubters in the Australian community – and there are many more taxpaying citizens outside than inside church pews- are beginning to question "the high cost of heaven".

THE DEFINITION OF RELIGION.

For the purposes of charity law, "religion", like education, is defined broadly. The law does not engage in distinction between religion and sects,- thus giving sectarian enterprises exemptions from taxation. The leading case is the 1983 *Scientology* case in which the High Court of Australia held that Scientology fulfilled the relevant indicia of a religion regardless of its commercial activities. The decisions of Mason ACJ and Brennan J. are generally quoted, but it is the judgement of Murphy J. which, like so many of his judgements, goes to the nub of the real problem.

It was Lionel Keith Murphy, was the judge beloved of ordinary Australians - the judge who has proved more attractive to historians than any Australian judge before or since. With his usual prescience, he was the only one who understood , in this particular case, the real issues of

freedom of religion (even for minorities)

separation of church and state and

dangers inherent in taxation exemptions.

His judgement in this case together with his dissenting judgement in the DOGS (1981) case is worth reading in full. We reproduce sections of his judgement in the Scientology case :

Murphy J. This appeal turns on whether the Church of the New Faith, which was conceded to be an institution, is a "religious institution" and thus exempt from pay roll taxation under the Payroll Tax Act 1971 (Vict) s. 10(b)

In Australia there are a great number of tax exemptions and other privileges for religious institutions. Under numerous federal and State Acts, Regulations and Ordinances they are exempted from taxes imposed on the public generally. Examples are stamp duty, pay-roll tax, sales tax, local government rates, and the taxes on motor vehicle registration, hire purchase, insurance premiums, purchase and sale of marketable securities and financial transactions. Ministers of religion are exempted from military conscription. There are also special censorship and blasphemy laws against those who deride or attack religious beliefs, particularly those of the Christian religions. There are many other State and federal laws which directly or indirectly subsidize or support religion.

Because religious status confers such financial and other advantages, the emergence of new religions is bound to be regarded with scepticism.

Scepticism and Religion

Organised religion has always had sceptics, unbelievers, and outright opponents...

Scepticism has been strong in Australia since European settlement. This has been attributed primarily to two causes. The progress of science displaced many European religious beliefs. Second the conditions of settlement and the harsh environment encouraged a philosophy of life

based on pragmatic individualism and mutual aid rather than adherence to the abstract dogma, indoctrination and rituals of the organised European religions.

Last century Marcus Clarke described religion as "an active and general delusion": Civilization Without Delusion (1880), p. 12. Henry Lawson, Joseph Furphy, Manning Clark, Patrick White, A.B. Facey and many other Australians have written sceptically about organised religion.

Religious Freedom.

Religious freedom is a fundamental theme of our society. That freedom has been asserted by men and women throughout history by resisting the attempts of government, through its legislative, executive or judicial branches, to define or impose beliefs or practices of religion. Whenever the legislature prescribes what religion is, or permits or requires the executive or the judiciary to determine what religion is, this poses a threat to religious freedom. Religious discrimination by officials or by courts is unacceptable in a free society. The truth or falsity of religions is not the business of officials or the courts. If each purported religion had to show that its doctrines were true, then all might fail. Administrators and judges must resist the temptation to hold that groups or institutions are not religious because claimed religious beliefs or practices seem absurd, fraudulent, evil or novel; or because the group or institution is new, the number of adherents small, the leaders hypocrites, or because they seek to obtain the financial and other privileges which come with religious status. In the eyes of the law, religions are equal. There is no religious club with a monopoly of State privileges for its members. The policy of the law is "one in, all in...."

The onus is on each applicant for tax exemption to prove, on the civil standard, that it is entitled to the exemption, that it is, more likely than not, a religious institution. ..Any body which claims to be religious, and offers a way to find meaning and purpose in life, is religious. The Aboriginal religion of Australia and of other countries must be included. The list is not exhaustive; the categories of religion are not closed...

Commercialism:

Young C.J. States (2): "Nothing in the way the ideas of scientology are exploited commercially suggests that it is a religion. Indeed the considerations referred to under this heading might be thought to point clearly to the opposite conclusion." The commercial operations were : (I) sale of services to members (ii) charges for instructions leading to ordination (iii) financial arrangements with overseas headquarters and (iv) registration as trade names words such as "Scientology" and other steps taken to protect trade marks, trade names, patents and copyright, all owned by the founder, Mr. Hubbard.

Most organised religions have been riddled with commercialism, this being an integral part of the drive by their leaders for social authority and power (in conformity with the "iron law of oligarchy"). The amassing of wealth by organised religions often means that the leaders live richly (sometimes in palaces) even though many of the believers live in poverty. Many religions have been notorious for corrupt trafficking in relics, other sacred objects, and religious offices, as well as for

condoning "sin" even in advance, for money.

The great organised religions are big businesses. They engage in large scale real estate investment, money-dealing, and other commercial ventures. In country after country, religious tax exemption has led to enormous wealth for religious bodies, presenting severe social problems. These often precipitate suppression of the religion or its leadership and expropriation of its wealth (see Larson, Church, Wealth and Business Income (1965) ; Larson and Lowell, The Religious Empire (1976). In the United States of America, where tax exemptions (but not subsidies) are available, Dr. Blake, former President of the National Council of Churches, states that in view of their favoured tax position America's churches" with reasonably prudent management....ought to be able to control the whole economy of the nation within the predictable future" (Christianity Today, vol. 3, no. 22 (1959), p. 7). Commercialism is so characteristic of organised religion that it is absurd to regard it as disqualifying.

Special Leave

Christianity claims to have begun with a founder and twelve adherents. It had no written constitution, and no permanent meeting place. It borrowed heavily from the teachings of the Jewish religion, but had no complete and absolute moral code. Its founder exhorted people to love one another and taught by example. Outsiders regarded his teachings, especially about the nature of divinity, as ambiguous, obscure and contradictory, as well as blasphemous and illegal. On the criteria used in this case by the Supreme Court of Victoria, early Christianity would not have been considered religious.

On this appeal, the Court was informed that following the Supreme Court's decision, the Victorian Commissioner of Probate Duties has refused to treat the Seventh Day Adventists as a religious institution. The Seventh Day Adventists are generally accepted as religious. They have been in Australia since 1885, and were "enthusiastic and dedicated proponents of liberty of conscience, and of the strict separation of Church and State" and campaigned vigorously for the introduction of a freedom of religion clause into the Constitution of the Commonwealth (see Richard Ely Unto God and Caesar (1976) p. 27). The approach of the Supreme Court of Victoria, if allowed to prevail, would result in intolerable religious discrimination. "

Justice Murphy upheld the lessons learnt from the terrible religious wars of Europe and the principles of the Enlightenment, and promoted religious freedom. But what was his conclusion in the Scientology case?

His concluding paragraphs contain a judgement and a conclusion.

The judgement was that Scientology was a religion and entitled to an exemption as were other religions.

But, his conclusion, his message for our generation, was this :

" The Commissioner should not be criticized for attempting to minimise the number of tax exempt bodies. The crushing burden of taxation is heavier because of exemptions in favour of religious institutions, many of which have enormous and increasing wealth. "

EXCLUSION OF RELIGION FROM THE DEFINITION OF "CHARITIES."

We suggest that if the Committee has the intestinal fortitude to grab the real issues involved in the definition of "charity" they should have the temerity to exclude "religions" and their institutions from the equation. They should do this for the following reasons:

The subsidisation of religions and their institutions, (most particularly their educational institutions), contravenes Section 116 of the Australian Constitution which states that the Commonwealth should not establish ANY religion (not A religion)

The present outsourcing and downloading of government education and welfare responsibilities on to private church enterprises means that one particular institution has become the largest employer in Australia. Religious tests are imposed upon applicants for employment with not only this religious body, but other religious institutions. Religious institutions are exempted from Equal Opportunity Legislation. Since religious tests can be applied, with impunity, upon employees of institutions. These "charitable" institutions

are funded directly – and indirectly with public money, religious and civil liberty is at grave risk.

Large, wealthy, sectarian, triumphalist, religious institutions become a State within a State. We believe that this has already occurred, and our democratic, heterogeneous society is at risk.

THE DEFINITION OF EDUCATION

Taxation relief is granted to church schools as "charitable" institutions. Public Education institutions do not attract the same level of relief, especially in the area of payroll tax. As noted above awareness of this hidden advantage emerged in recent disquiet over the GST on school materials. State school parents realised with some astonishment that their children were severely disadvantaged by the definition of "charity" as applied to private church institutions.

Tax free public donations to Australia's 2600 state assisted private, mostly church school building and library funds have been estimated at \$320 million by the National Council of Independent Schools Associations. They are concerned that this review might place this in jeopardy.

There has not to date been any overall estimate of the wide variety of taxation concessions outlined above by Justice Murphy in the *Scientology* case and enjoyed by the private religious sector. Given the value of assets alone, local rates, land tax, and stamp duty exemptions could prove an interesting calculation. The other interesting calculation would be payroll tax exemption. The Scientologists considered it well worth the challenge to the High Court.

The private Church School interest, basking in the most recent largesse of the Howard/Kemp funding has always resisted quantification of indirect subsidies. Media and political silence on the issue has been deafening. Yet taxpaying citizens have a right to know.

Taxpaying citizens also have a right to question the wisdom of both direct and indirect funding of the private sector in education. Its social and political effects are contributing substantially to the fragmentation and pillaring of our democratic, heterogeneous and harmonious society.

DIVERSITY OR TRIBALISM?

If public funding of church schools was intended to encourage religious diversity and sectarianism, it has succeeded. There has been a mushrooming of religious schools from 1964 to 1999. Newcomers since 1964 include

- 4 Ananda Marga
- 101 Christian
- 21 Moslem
- 7 Greek Orthodox;
- 2 Christadelphian
- 1 Hare Krishna
- 9 Brethren
- 22 Pentecostal
- 4 Scientology
- 4 Other orthodox
- 26 inter-denominational
- 134 non-denominational schools

The Lutheran system has increased from 28 to 80 schools; the Uniting from 27 to 42; the Seventh Day Adventist from 44 to 60.

We note that some forms of diversity enhance a civil, enlightened society. Others, we know from bitter experience, tend to undermine and destroy it. A necessary hard question for the Committee in its consideration of the definition and consequent subsidisation of "charities" is :

When does "diversity" mean "division" into social and cultural isolates rather than enriching diversity? If the Committee decides to extend the meaning of 'charity' to include the subsidisation of "ethnic" groups, then our children and our children's children are in danger of being divided along racial as well as religious lines. This is a heady brew. At what point then does multiculturalism descend into tribalism?

A useful handle on this question in relation to education is a quote from the 1844 New South Wales Select Committee on Education:

"The first great objection to the denominational system, is its expense; the number of schools in a given locality ought to depend on the number of children requiring instruction which that locality contains. To admit any other principle is to depart from those maxims of wholesome economy upon which public money should always be administered. It appears to your Committee impossible not to see, that the very essence of a denominational system is to leave the majority uneducated, in order thoroughly to imbue the minority with peculiar tenets. It is a system always tending to excess or defect, the natural result of which is, that whenever one school is founded, two or three others will arise, not because they are wanted, but because it is feared the proselytes will be made; and thus a superfluous activity is produced in one place, and a total stagnation in another...being exclusively in the hands of the Clergy, it places the State in the awkward dilemma, of either supplying money whose expenditure it is not permitted to regulate, or of interfering between the Clergy and their superiors, to the manifest derangement of the whole ecclesiastical polity."

Like our forefathers in the nineteenth century and the majority of the Founding Fathers of Australian Federation we have consistently opposed the granting of direct State Aid to private church schools. Our predictions of the 1960s have, sadly, come to pass. The trickling stream of State Aid has become a roaring flood. Our public systems are starved of funds while triumphalist Church systems demand ever greater subsidies; and our society is bedevilled by sectarian divisions.

Indirect subsidisation of wealthy private institutions because of their "charitable status" makes a complete mockery of the common sense concept of "charity".

There is no place in a democratic system for indirect subsidisation for which there is neither quantification nor accountability.

If the Committee is to take into account the concerns of the majority of taxpaying Australian citizens and the future of a democratic harmonious society, they will delete "education" from the definition of "charity."

THE BANKRUPTCY OF THE NEW RIGHT RHETORIC

The Brave New World of privatisation, outsourcing of government responsibilities, and abdication of accountability is under question. The Committee of Enquiry into the definition of "Charities" would do well to consider this before it joins the New Right rhetorical bandwagon, encouraging further indirect subsidisation of religious and community groups tendering for government responsibilities in health, education, welfare and job networks.

Recent protests at the World Economic Forum in Melbourne indicate that a broad cross section of our population do not accept the rhetoric and economic structures imposed from above. Many Australians are concerned that civically, we live in sad, bad times. They are not alone on the world stage.

Canadian public education unionists and their Canadian counterparts inform activists in Australia that the general Agreement on trade in Services implemented by the World Trade Organisation, applies to education. Investment houses like Merrill Lynch predict that public education will be privatised over the next decade in the way that public health has been, and there is an untold amount of profit to be made when this happens. The education industry has been called "the final frontier of a number of sectors once dominated by public control," and it is predicted that "for every 1% market penetration" achieved in public education, for-profit companies can add over \$5 billion to their "top line". They are encouraged by the Howard government's preference for the privatisation model in education. And, as well as direct grants they will be eligible for all the indirect subsidies.

Companies entering the private education market may well fit within the current "education" classification of "charities". If this occurs, while public schools are starved of funds or tendered out to international investors in search of profits, the term "charity" will cease to have any

meaning at all.

Will the Committee be party to such a travesty of justice?

WHITHER AUSTRALIA?

The plain fact is that in this country our forefathers fought for the right to health, education, social security and employment services. The idea that they should depend upon "charities" for these rights was an outworn idea from the class and priest ridden societies of the Old World. Those who made Australia into a "social laboratory" leading the world in social and political reform at the time of Federation, would turn in their graves to find our politicians leading us back past the Enlightenment into the mistakes of the eighteenth century.

Many thinking Australians are determined that their children shall not be forced back into the old world models under the guise of New Right rhetoric.

We hope that the Committee of Enquiry has the moral and intellectual courage to grasp the nettle and confine the definition of "charity" to a proper, realistic, definition for the alleviation of poverty, age and powerlessness – and make it irrelevant to taxation exemptions, abuse, and inequity.

A Pandora's box was opened by the *Pemsel* case.

Does the Committee have the courage to close it again?

...Contact Us:

If you have a message for supporters of public education:

Please Contact:

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Or complete our [feedback form](#).

Last modified: Monday, 25 April 2005



AUSTRALIAN COUNCIL FOR THE DEFENSE OF GOVERNMENT SCHOOLS - D.O.G.S.

PRESS RELEASE 91#.

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DOGS SUBMISSION TO THE SENATE INQUIRY INTO

COMMONWEALTH FUNDING FOR SCHOOLS

THE DOGS SENT THE FOLLOWING SUBMISSION ON FUNDING TO THE SENATE
INQUIRY

READERS MAY WISH TO PERUSE OTHER SUBMISSIONS ON <http://www.aph.gov.au/>

and go to the Senate Employment, Workplace Relations and Education Committee, Inquiry into
Commonwealth Funding for Schools.

The Submission received by the committee can be found on the above site.

Australian Council for the Defence of Government Schools

P.O. Box 4869

Melbourne 3001

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24 June 2004

SUBMISSION

To

**Senate Employment, Workplace Relations and Education
References Committee**

Inquiry into Commonwealth funding for schools

Submitter : Ray Nilsen, President

Organisation: Australian Council for the Defence of Government Schools

Address: P.O. Box 4869 Melbourne 3001

Phone: (03) 9 326 9277

Fax: (03) 9 326 9180

Email: adogs.@adogs.info

Authorised by the Australian Council for the Defence of Government Schools

**SUBMISSION TO THE INQUIRY INTO COMMONWEALTH FUNDING FOR SCHOOLS
(established 13 May 2004)**

Public Hearing Request:

We request the opportunity to present our submission and give evidence in person at a Public Hearing wherever it is held.

We believe this request should be granted as we have been making submissions to the Press, Federal politicians and Federal administrative bodies since the 1960s on the Commonwealth Funding of private church schools.

We particularly wish to discuss in person with the Committee the principles that should underpin Commonwealth funding for schools and the basic principles of public accountability that should apply to public funding. In particular we wish to discuss public funding of the private sector.

Statement of Hope

Once again, the Australian Council for the Defence of Government Schools makes a submission to elected representatives and/or a body set up by Parliament.

We do so in hope rather than faith. And here we refer to our belief in the basic democratic processes which demand proper accountability for public money through parliamentary responsibility, and parliamentary representation.

These are basic principles hammered out in the nineteenth century in Australia and inherited before that time from hard British experience – let alone bloodletting of kings and commoners alike.

DOGS Experience: Erosion of Fundamental Democratic Processes:

DOGS experience indicates that these principles have been severely eroded by a fundamental breakdown of separation of Church and State. This has led to an erosion of the three arms of government and democratic processes. The Churches have established, through the funding of their educational and other enterprises, a special relationship with politicians, the bureaucrats, and the public Treasury. Powerful and wealthy churches now have special access to the public Treasury and the plain, hard, facts of the matter indicate that there is virtually no accountability for increasing

billions of taxpayers money,.

Abdication and Abnegation of Parliamentary and Ministerial Responsibility in Relation to Expenditure of Public Money on Church Schools

Parliamentary Accountability and Ministerial Responsibility does not mean

1. lies
2. dissembling
3. manipulative use of intervention of ministerial advisers
4. rubbery statistics (if and when they are produced),
5. spin doctoring
6. deflection of responsibility onto bureaucrats when exposure threatens,
7. blaming of victims by passing the buck down the line to teachers and parents or
8. payment by benchmark results
9. provision of flagpoles for the Australian flag

It means what it says –

1. parliamentary responsibility and accountability
2. through ministerial responsibility for expenditure of public moneys.

This is what it means today and what it meant for honest men in days gone by. It meant this to politicians who realised that they could not trust churchmen with public money and withdrew State Aid to religion and their enterprises in the second half of the nineteenth century.

The handling of funding to private schools is far worse than “The Children Overboard”, and the “Abuse of Prisoners” Scandals

The ALP, the minor parties, the Press and the priests of various churches have trumpeted from the roof tops and moralised about the breakdown of the democratic processes through lies and deception in relation to the above scandals. In particular they have highlighted the breakdown of the basic principles that should apply to the behaviour of the Executive and various arms of government.

The history of the funding of Church Schools in the last 40 years is a history of scandalous behaviour by both commission and omission of all major participants:

1. The ALP
2. The Coalition
3. The Minor Parties (with a few notable exceptional politicians)

4. The Press
5. The Priests
6. The Bureaucrats
7. The Professors

The State Aid scandal is far worse than the above, although the fact that the above scandals are possible, is linked to and is symptomatic of the erosion of our democratic processes and institutions which have been practiced in the area of private school funding.

The State Aid scandal is also worse than the above scandals because none of the above groups can plead ignorance or lack of knowledge. In fact, they are complicit.

There can be no “holier than thou” and “special pleadings” by any of above groups. They have all been active participants in the State Aid “cover up” and bad public policy.

Why the Concern Now for the Creation of the Two Nations: the Rich and Poor ?

Current crocodile tears shed for the “poor” left in the State School systems and concern over gross disparities in funding between the private and public sector are touching. But why the surprise? The current plight of the public education sector was inevitable – once the State Aid flood gates were opened.

Forty years ago, citizens were expected to shed tears for the “poor parish schools”. They are still expected to do so, even though show piece instances of this peculiar institution are increasingly difficult to find. Church institutions by their very nature are selective – of those who can pay for the first class ticket to heaven or the good job.

The DOGS have been attempting for forty years to expose disparities, lies and misrepresentations of the private sector in relation to expenditure of taxpayer’s money is paid into a public treasury for the common, rather than the sectarian “good”. And they will continue to do so.

The DOGS have made numerous submissions, and published many public advertisements in an attempt to expose the “State Aid” scandal and the fraud practised upon the taxpayer citizens by the so called “Needs” policy in its various guises. The Coalition’s SES version is but the latest in a series of policies guaranteed to reward greed rather than need.

Will this Senate Committee be Any Different?

Will this Committee be “managed” like other bodies set up on this issue before it?

On this issue we refer you to a statement made by Brother Canarvon

Will this Senate Committee come to terms with the fact that either

1. Accountability for State Aid to private Church schools is a sick joke or
2. Senate Select Committees set up to enquire into it are a sick joke.

DOGS have been asking for a proper accounting for the billions of dollars spent on private church schools for forty years. In more recent times they have made numerous submissions on this vital issue.

Our Submissions are a matter of public record and are reproduced on our web site at <http://www.adogs.info/index.htm>.

In particular we refer you to

- 1. 1. Press Release 86 : On the Ten Million Dollar a Year Church Schools (this figure is a conservative one based on rubbery figures on federal per capita funding alone)**
- 2. Press Release 84: Letter to Commonwealth Auditor General on Accountability (please note we have had no acknowledgement or reply!)**
- 3. Press Release 76 Call to Senators to Ask Questions at Senate Estimates Committee November 5, 2003 (We had some response from Kerry Nettle on this one)**
- 4. Press Release 71: The “Ethics in State Aid to Religious Schools” (please note that the Jewish tax schemes surfaced in the NSW Supreme Court when the schemes went awry)**
- 5. Press Release 69: Accountability for Church Schools Worse than a Joke; It is now a Travesty! (Please note that taxpayers cannot access hard copies of Government reports through a Government Bookshop in Melbourne)**
- 6. Press Release 68: Sexual Abuse in Church Schools: The Sexual Abuse cover up is not surprising given the lack of public accountability at all levels for public money in private church institutions.**
- 7. Press Release 43: Non-Catholic Church Schools Working the Federal State Aid Funding: Copying Roman Catholic Bottom of the School Yard Schemes of Twenty Years Before.**
- 8. Press Release 42: Report of the Inquiry into the Definition of Charities and Related Organisations**
- 9. Press Release 41: Church Organisation Lays Down Rules fo Accountability for Federal Taxpayers’ Money**
- 10. Press Release 37: Priest More Powerful than the Professor and Poor Man in the Corridors of Power**
- 11. Press Release 30: DOGS Submission to the Enquiry into the Definition of Charity. (Please note that the categorisation of wealthy churches and their schools as “charities” is both outrageous and absurd)**
- 12. Press Release 27: DOGS Open Letter to Political Journalists on State Aid Funding and its Effects on the Political Process**
- 13. Press Release 26:DOGS Open Letter to Press and Politicians on Lack of**

Accountability for State Aid to Church Schools

14. **Press Release 19: Submission to Senate Committee : State Aid to Private Schools**
15. **Press Release 16: Massive Grants in State Aid to Church Schools in Australia are the Result of Private Dealings Between Clerics and members or Agents of Executive Governments.**
16. **Press Release 13: State Aid Increased while State Aid Information is Cut Back: Entanglement of Church with State = Reduced Accountability.**

The only response DOGS have had to the above from Parliamentary representatives, has been a lone letter of acknowledgment from a Greens Senator and chit chat from a Democrat senator.

The silence from the Labor and Coalition parties has been deafening.

Yet DOGS receive many phone calls from listeners to our 3CR weekly radio program and emails from student and academic researchers on this issue.

There is widespread concern among supporters of public education in this country on this issue. The lid on the accountability garbage tin is starting to rise as the billions of State Aid spin out of control.

A perusal of the above, together with other News Releases and Advertisements which DOGS have inserted in newspapers over the years indicates that the Accountability for State Aid issue far exceeds the police corruptions and organised crime corruption in this country.

DOGS have been attempting to break through the conspiracy of silence for forty years.

If you have a message for supporters of public education:

Please Contact:

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Or complete our [feedback form](#).**

Last modified: Monday, 25 April 2005

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS - D.O.G.S. HOME PAGE

See *
MARKED WITH

INFORMATION ON THE EDUCATION AND TRAINING REFORM ACT

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...PROMOTION OF PUBLIC EDUCATION

The Australian Council for the Defence of Government Schools (DOGS) has been fighting for public education since the 1960s.

The Council has two main objectives:

1. The promotion and protection of public education
2. The separation of Church and State and opposition to public funding of private religious schools

We invite you to explore our site and find out about the battle for public education in Australia for the last 40 years - and the continuing struggle for the protection of our children's inheritance.

The DOGS also have a radio program on Melbourne's community radio station 3CR.

Tune in to 3CR, 855 on the am dial at 12.30 p.m. every Saturday to listen to the latest news on the radio.

...The Latest Press Releases.

2008

Press Release 262: State Aid Blow Out: Four \$10 Million Federally Funded Church Schools (21.08.2008)

Press Release 261: Australian High Court: Three Sectarian Products in a Row (12.08.2008)

Press Release 260: Commitment to Public Education Test: Minimal Requirements (12.08.2008)

Press Release 259: Commitment to Public Education Test Required (05.08.2008)

Press Release 258: World Youth Day (WYD) High Court Challenge: Sectarian Interest Protected (01.07.2008)

Press Release 257: World Youth Day (WYD) 2008 : A Slug on Taxpayers (23.06.2008)

Press Release 256: Basis of State Aid to Church Schools Checked Once Every Fifty Years (17.06.2008)



Press Release 255: Don't Assume a Definition of Public Education (03.06.2008)

Press Release 254: No Public Education Day or Week in Victoria (27.05.2008)

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STATE SCHOOLS GET THE CHOP

ATTACH 5

Liberal and Labour politicians together with Schools Commission administrators have given State schools the chop. The Labour party, the Liberal party, are following suit. Under the cloak of the "Needs" policy there have been persistent savage cuts in State Schools' percentage share of recommended Federal funding. Since May 1973 their recommended percentage share specifically allocated funds has declined 9.46%. This decline involves a transfer of \$31.8 mill. in 1978 alone from government to non-government schools.

In 1978 per capita recurrent grants recommended by the Schools Commission are as follows:
STATE PRIMARY: \$77.4 per pupil SECONDARY: \$128.2 per pupil;
NON-STATE PRIMARY: \$241.0 per pupil SECONDARY: \$326.1 per pupil.

The fortunes of the State and non-State schools should be compared. Schools Commission recommendations for 1978 indicate that even without Liberal Guidelines

- State School specific funds be cut \$5,230 mill. from \$347,562 mil. in 1977 to \$342,332 mil. in 1978.
- Non-State Schools specific funds be increased by \$8.74 mill. from \$196,502 mil. to \$205,242 mil. in 1978.
- State school recurrent funds be cut by \$2.15 mill. from \$216,478 mil. in 1977 to \$214,325 mil. in 1978.
- Non-State schools recurrent funds be increased by \$8.74 mill. from \$170,702 mil. to \$179,442 mil. in 1978.
- State school capital grants cut by \$3.08 mill. from \$134,087 mil. to \$131,007 mil.
- Class 1 non-State schools, e.g. Melbourne Grammar and Scotch College receive an increase in recurrent per capita grants while State schools be cut.

SCHOOLS COMMISSION FINDINGS AND RECOMMENDATIONS LEAD TO MUCH ABSURDITY

For State Schools the Needs policy has proved a hoax in which they are the losers. Even before Liberal guidelines diverting \$2 mill. to top private schools, the Schools Commission

- Considered Geelong Grammar and Xavier as "needy" as the average Victorian High School.
- Considered only 25 of the 71 top private schools (as listed in 1970 Australian booklet Top Private Schools) to be in less need than the average Victorian High school.
- Recommended that the average state secondary school throughout Australia requires recurrent grants of \$128.2 per pupil for 1978. Geelong Grammar, however, requires a recurrent grant of \$195 per pupil.
- Recommended that the average state primary school (CHR) throughout Australia receive \$77.4 recurrent grant per pupil, Melbourne Grammar, Junior school — South Yarra, on the other hand requires a recurrent grant of \$124 per pupil.
- Found that out of over 50 Seventh Day Adventist schools seven are in Level 1 and 2. Out of over 1600 Roman Catholic schools in Australia there are only five categorised as Level 1 and 2.
- Found that there are only 5 out of over 1600 Roman Catholic schools in the whole of Australia as needy or less needy than the average Victorian High schools. Every other Roman Catholic School is classified as more needy than the average Victorian High or primary school.
- Found that there is only one out of over 1600 Roman Catholic schools in the whole of Australia which is less needy than the average Victorian High School.

JUST LOOK AT YOUR LOCAL STATE HIGH AND PRIMARY SCHOOLS AND COMPARE THEM WITH SURROUNDING PRIVATE SCHOOLS. WHO IS KIDDING WHO?

TAXPAYERS WELL AND TRULY TAKEN FOR A RIDE

Because of the fear of the sectarian church lobby politicians have abdicated their responsibility to protect the taxpayers' interest. Without support from politicians, bureaucrats and administrators in the Schools Commission have followed their natural tendency to avoid confrontation with church school interests at all costs. Accountability for public money spent on church schools has been, and is merely nominal. There is no real check on how churches spend the money allocated to them. There is no public audit. They employ their own accountants and their financial transactions are not available for public scrutiny. Ministerial responsibility is a sham.

Very early in the piece the major beneficiary of State Aid, the Roman Catholic church, woke up to the lamentable weakness of those who were supposed to protect the public interest, and recognised the financial benefit of keeping "needy" schools "needy" at the same time creating further "needy" schools. They have tailored their bureaucracy to maximise the benefits of the Needs policy. In the Federal sphere alone State Aid has grown from \$2 mill. in 1967-8 to \$91 mill. in 1972-3 to \$224 mill. in 1977-8. And these figures exclude indirect grants.

Here are just some of the methods employed to play the "Needs" system:

- While non-Catholic non-systemic schools have increased between 1974 and 1978, the Roman Catholic non-systemic schools have declined from over 450 to just over 250. The large majority of these latter have reappeared as systemic schools. Why? All systemic schools come under the umbrella of the Catholic bureaucracy being categorised as Class 6, the "most needy" category commanding maximum payoff. This shift has decided advantages. A drop from a Class 3 school to Class 6 is worth in 1978 \$103 per primary pupil and \$154 per secondary pupil. It is not surprising then to discover schools which appeared in category 3/4 in 1974, schools like Genazzano Convent, Kew, and Loreto Convent, Toorak, disappearing from the non-systemic and reappearing in the systemic list.
- In spite of the bleating about "needy" schools every Roman Catholic School established in the six States between 1974 and 1978 is categorised as class 6 — the most needy category commanding maximum funding. Taxpayers are expected to fund expansion of "neediness."
- Minimum church resources have been put into the Roman Catholic church school system in order to obtain maximum subsidies from the taxpayer. The Schools Commission has been reluctant to establish real church resources, yet this should have been done before State Aid was considered.

Withholding of resources to ensure maximum subsidy is revealed in a comparison between the Roman Catholic and non-Roman Catholic schools, e.g. Seventh Day Adventist and Lutheran schools. No one could believe that the Seventh Day Adventist church was poorer than the Roman Catholic church. Nor that its adherents were wealthier as citizens. Yet a 1975 Schools Commission comparison of the school incomes of the Roman Catholic, and Seventh Day Adventist on a per capita basis reveals that Seventh Day Adventists supply \$118 per pupil from church funds whereas Roman Catholic schools provide only \$12 — \$29 per pupil for Seventh Day Adventist and \$8 per pupil from the Roman Catholic parents. Through special appeals Seventh Day Adventists raised \$35 per pupil whereas the Roman Catholic group raised only \$3. In spite of these far greater demands on private and church resources the Seventh Day Adventists still collected \$134 in fees, compared with \$85 per pupil for Roman Catholics.

SCHOOLS COMMISSION INDEPENDENCE A MYTH

The real purpose of the Schools Commission and the Needs policy has been recently exposed. This body never was and is not independent. Nor was it ever meant to be. It has been nothing more than the faithful servant of politicians carrying out its concealed purpose — that is, to bury the State Aid issue and make respectable the diversion of hundreds of millions of public money into church coffers. Now the cat is out of the bag.

"The Labor government established the Schools Commission for two basic reasons. The first was that Senator Susan Ryan, past executive Secretary of the Australian Council of State School Organisations confirmed this six days later when she said:

"The whole purpose of the Needs based approach to the funding of education in Australia instituted under the Labor Government was to remove that sectarian division."

Senator Button also said (14.9.1977):
"The philosophical assumptions which underlay the establishment of the Karmel Committee & the establishment of the Schools Commission were the priorities of needs and the concern to get rid of the debate in Australia over the funding of non-government schools."

BUT

You cannot get rid of sectarian division if you encourage and finance sectarian schools which segregate and teach on the basis of sect.
You cannot cater for genuine educational needs if you have powerful sectarian interests playing the system as they please.
You cannot have genuine equality of educational opportunity if you have a dual system promoting social, religious and economic diversity.
Only a system accessible to all children, one that is free, secular and universal like our State system can genuinely cater for the needs of all children.

THE SCHOOLS COMMISSION CAN ENGAGE IN STATISTICAL ACROBATICS

BUT

ALTHOUGH YOU CAN FOOL SOME OF THE PEOPLE SOME OF THE TIME YOU CANNOT FOOL ALL OF THE PEOPLE ALL OF THE TIME.

SUPPORT OUR STATE SCHOOLS

Authorised by R. Nilsson, President D.O.G.S., 13 Howard St., West Melbourne.
D.O.G.S. Postal address, P.O. Box 4869 Spencer St., Melbourne, Victoria, 3001.

NEWS RELEASE

ATTACHMENT 6

COUNCIL FOR DEFENCE OF GOVERNMENT SCHOOLS.

Tel. Phone 337 8613
PO Box 4869 Spencer St.
MELBOURNE. Vic. 3001

2nd July, 1973.

D.O.G.S. ATTACK NEEDS APPROACH USED BY THE INTERIM COMMISSION.

Mr. R. Nilsen, President for the Council for Defence of Government Schools (Vic) said today "that the public should not be fooled by the Needs Approach used by the Interim Commission. At no stage did the Interim Committee assess the real financial position of the church schools.

The information presented in the Interim Report indicates that the Needs approach used by the Commission was invalid and resulted in inaccurate findings. Not surprisingly the Interim Commission's approach contains apparent weaknesses from which the church schools benefit financially. It is amazing to find that the Commission admits to using unreliable data covering about 1300 church schools.

The Interim Committee's Needs approach is to reward with massive amounts of money that Church school system which for so long has sold their children short on education. Virtually it is a reward for selling their children short on education. It should be noted that the Needs approach adopted by the Committee will encourage church authorities to spend as little as they can on their schools, in order to extract the most from the taxpayer's pocket. The massive increases in State Aid which result from the Need's approach will encourage the expansion of the duplicative church system with more needy schools being built.

The Interim Commission's statement on the needs approach reveals confusion. According to Section 14.6 of the Report the Committee indicated its approach to needs "schools with fewer real resources have greater needs than those with more". However at no stage did the Interim Commission reveal and use the real resources data of the church schools. Only by assessing the assets and liabilities and the income and expenditure of the controlling body or bodies of the schools could the Commission have concluded the real resource position of any school. However the Interim Commission did not base their needs approach on any assets and liabilities statements.

What the Interim Commission obtained was a figure of how much those connected with the church schools are willing to spend of their real resources on their schools. For the majority of church schools this data was inaccurate anyway.

It is disgusting to find that the Commission admits to using unreliable data in assessing the most important determining measure of their report. According to Section 6.5 of its own report much of the needs data used from church schools was unreliable.

(Contd.)

In fact the majority of the church schools were not capable of producing reliable data. On the basis of unreliable data the Commission recommends the spending of \$26 million in 1974, and \$38 million in 1975 for recurrent expenditure in these schools.

In applying the needs approach the Commission has wittingly or unwittingly overstated the State School position and understated the position of the church schools such an error results in extra money to the church schools.

The Commission's method was to divide school expenditure into recurrent (operating) and capital expenditure. The needs approach was based on recurrent (operating) expenditure. It is to be noted that what is spent on capital expenditure in a particular year is not available for recurrent expenditure and what is spent on recurrent is not available for capital expenditure. In comparing schools and school systems the Commission failed to grasp the implications of such a fundamental point on their needs approach. It is well known and borne out by the Interim's statistics that State Schools have a deliberate policy of concentrating more on teachers and teacher support and less on capital expenditure. Whereas, the church school system chooses to spend proportionately more of their total funds available on capital expenditure. The failure to adjust for differences in the pattern of expenditure between school systems has financially benefitted the church school system.

The failure of the Interim Commission to present adequate data to allow taxpayers to fully analyze their needs approach is to be condemned.

Many mistakes could be hidden by the Committee's presentation of only a few details. The failure to present the basic questionnaire which was the main source of statistics is inexcusable, particularly when the group contains a number of academics. The failure to present basic accurate detailed information and the weights used to convert from real data to quantum and from quantum to real data surely prevents any thorough investigation of the quality of the work of the Interim Commission. Accurate real data and weights would allow a person to find out how much the church school system benefitted from the Interim Commission's actions. (eg.)

1. What adjustment was made for the high cost type technical schools which are a part of the State System in Victoria but not a feature of the church system.
2. Has any adjustment been made for costs incurred by the State System from which the church schools benefit.

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS - D.O.G.S.

PRESS RELEASE 84#.

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LETTER TO COMMONWEALTH AUDITOR GENERAL ON ACCOUNTABILITY

Mr. Patrick Joseph Barret

Commonwealth Auditor General,

Australian National Audit Office,

GPO Box 707,

CANBERRA ACT 2601

Dear Mr. Barrett,

ACCOUNTABILITY FOR FEDERAL FUNDING

AT

INDIVIDUAL CHURCH SCHOOL LEVEL

We are writing to find out whether you can assist the DOGS and Australian taxpayers in our search for accountability for taxpayer's funds at the individual church school level – or whether you are part of "the joke."

Background

We refer you to a statement made at a Senate Hearing on Tuesday 22 August 2001 reported in the Committee Hansard at EWRSBE 11.

Senator Allison: *Does this process need to be ticked off by the Commonwealth government? What are your reporting requirements in terms of the rationale and the actual dollars?*

Mrs. Temby (Member, National Catholic Education Commission): *It is available for the Commonwealth if they wish to have it. In recent times, they have not asked for the detail.*

From the point of view of Australian citizens and taxpayers, the situation regarding public (as opposed to private) accountability for direct grants of Federal money ladled out in billions of dollars to private

church schools is a national scandal.

During the early years of Federal per capita State Aid to private church schools there was an annual reporting of both the number of pupils and total amounts given at the both primary and secondary level. If the school had both primary and secondary pupils, the numbers and funding were categorised accordingly. We provide you with a copy of one of the early Federal reports. (Attachment A)

However, when the Schools Commission took control of the report for the first time in 1974, the pupil numbers disappeared. We provide you with an example of this method of reporting (Attachment B). However, for the first 28 years of Federal per capita State Aid, from 1970 to 1997, the public were provided with a public document that revealed total direct funding of each individual school.

Since 1998 however there has been an even more radical decline in public reporting and accountability of expenditure of federal public moneys at the individual school level. In fact there was a revolutionary change. There is now a secret deal existing between Church and State so that the public is no longer aware of what is going on. The decline in public reporting can be illustrated by comparing the 1997 Green Book with that of 1998.

1997 Report: Total number of pages: 92

Pages for individual school in States and Territories: 62

Pages for individual schools in NSW: 20

Pages for individual schools in Victoria: 16

1998 Report: Total number of pages: 26

Pages for individual school in States and Territories: 8

Pages for individual schools in NSW: 1

Pages for individual schools in Victoria: 1

Since 1998 only the severely truncated Green book has been produced.

In passing we note that the lack of public accountability is now spreading to pupil and school statistics.

What is Being Hidden from the Citizen/Taxpayer?

The above dramatic collapse in public accountability and availability of information lies behind a willful concealment of what is really going on. It prevents any possibility of revealing much of the skullduggery, which underlies much of the State Aid going to private schools.

It was no accident that the Schools Commission's first report excluded pupil numbers, and this type of report has continued.

Why?

Because if you have both the pupil numbers and money amounts you can work out what the church or churches are allocating per pupil. From this you can work out whether the allocation is made on the basis

of "need" or some other criteria. Our analysis in the 1970s and 1980s indicated that funds were not allocated to the most needy schools and that money was being transferred from the primary to the secondary school sector. Yet the money was given for "needy" primary school students.

All Sides of Politics Adopting the "Needs" Rhetoric

Citizen taxpayers need the detailed information provided in 1970 in 2004 to properly assess what has really happened and what is really happening to the so called "needs" policies under both liberal and labour governments.

We are not even aware of any politician with the temerity to demand this information from Mr. Nelson, his predecessors or their church bureaucrat friends.

Do not be Fooled by Reports Issued by Governments:

DOGS want the Commonwealth Auditor General's Office to provide them with their own Research.

A recent instance of ridiculous figures masquerading as information is a 448-page document, which DOGS obtained on the Internet from the Commonwealth Education Minister's Department.

Much of this document is nonsensical information. We refer you to our following observations.

1. This document ranks schools according to total funding per student 2003.
2. However, this ranking appears to be dictated by the alphabetical order of school name and then alphabetical order by location
3. It reaches a stage of complete obfuscation when SES scores ranging from 86 to 121 all have the same average funding per student.

The Report appears to be a strange statistical creation designed to prevent a proper comparison of individual schools on the basis of the actual funding which occurred in 2003.

Request for Proper Accountability for Billions of Taxpayers Dollars.

It was not too much to ask for a proper accounting for less than \$30 million dollars in great detail in 1970. The Government of that day was only too willing to fulfil their obligation to the taxpayers. On the basis of this 1970 precedent DOGS are requesting the Auditor General for the same level of accountability available in 1970 for **billions** and **billions** of taxpayers dollars.

Surely this is not too much to ask. Or is It?

We look forward to you reply. This letter will be published on our web site and our members and readers will look forward to your response.

We write this in the hope and trust that your body is not yet part of a very bad "joke."

Yours sincerely,

RAY NILSEN

PRESIDENT DOGS

If you have a message for supporters of public education:

Please Contact:

Ray Nilsen on

**(03) 9326 9277 or Fax: (03) 9326
9180**

Postal address:

P.O. BOX 4869

**Melbourne Victoria Australia
3001**

E-mail: adogs@adogs.info

Or complete our [feedback form](#).

Last modified:Monday, 25 April 2005

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ATTACHMENT 8

AUSTRALIAN COUNCIL**FOR THE DEFENCE OF GOVERNMENT SCHOOLS - D.O.G.S.****PRESS RELEASE 246 #.****3 APRIL 2008****STATE AID FRAUD : WHEN WILL COMMONWEALTH AUDITOR
GENERAL TAKE****HIS JOB SERIOUSLY ?****Time for the Auditor General to do his Job:**

If he does not want to be known as a mere token Auditor General, the plaything of church interests, the Auditor General of the Commonwealth, Ian McPhee, should put in place proper auditing procedures. for an expenditure of the approximately \$6 billion in Federal State Aid to Church schools in 2008. He should understand, investigate and put in place proper independent publicly available audit procedures and reports available to all citizens, not just the coterie on the inside of the State Aid joke.

DOGS note that they have not contacted the Auditor General for approximately three years on this matter. Nor, when they did so were they satisfied with his response . He wrote:

The matters you have raised are primarily matters for consideration by Government and the Department of Education, Science and Training.' (16 May 2005)

DOGS responded that we would not have contacted him :

if we had been satisfied with the performance of the Department of Education Science and Training or the Federal Government in the first place.

and

We consider that your response...is akin to telling us that it is OK for the fox to watch over the chickens.(7 June 2005).

Recent Examples of Fraud

Has the cancer in the Body politic eroded public accountability to the point that the Auditor General will ignore the latest evidence of blatant fraud in the State Aid saga?

What is he going to learn from and do about

- The Lakeside Christian School case and

- The W.A. Muslim school case

The Lakeside Christian School Case

Anna Patty, the Education Editor of the *Sydney Morning Herald* 29 March 2008 wrote an article entitled:

Funding Alarm over Schools \$2 million Fraud. DOGS quote:

A private school principal was sacked for defrauding \$2 million government funding... (Lyn Mazey), the sacked college principal says he is not alone in rorting the controversial Commonwealth funding scheme. 'It does go on quite a lot', he told the Herald.

Mr. Mazey, 58, was dismissed as the (Lakeside Christian College) principal last December after he falsified the school's enrolments, claiming twice as many students to gain a greater share of government funding. He admitted to 'overstating' enrolments for at least three years in a row and said the Federal Government had not audited his school since it opened.

'In the 16 years I was there, we never got audited. There needs to be a regular auditing process.

He said other principals had told him they had also fudged school data reported to the federal Education Department.

In the Gold Coast News website on March 29, 2008, Mr Mazey was reported as saying that *'others at the school were aware of the process'*.

It should be noted that Mr Mazey was not 'sprung' by either the federal politicians, federal education bureaucrats, or the auditor-general.

Please note Mr Mazey's statement that other schools fudge the figures. Perhaps taxpayers should be asking the Auditor General to discover which church schools are NOT fudging the figures, so that we can assess their level of honesty when left to their own devices and the temptation of public money.

DOGS also remind readers of the 2007 W.A. Muslim school case.

W.A. Muslim School Case

DOGS refer to a news item on the website news.com.au reported on 8 and 10 December 2007 .

DOGS QUOTE:

A Muslim school in Kenwick has been raided by police and shut down by WA Education Minister Mark McGowan. The school's head faces a stealing charge...

The school's acting director, Zubair Sayed, appeared in East Perth magistrates Court on Saturday charged with stealing.

The court was told the charge related to an alleged theft offence - of \$355,934 - in April, when Mr Sayed, of Sarah Close, Canning Vale, was a company director of Muslim Links Australia Ltd.

It is alleged the school was overclaiming for state and federal government funds for students. Police prosecutor Sgt Scott McCormick told the court that detectives had discovered the money had been sent

to Pakistan. ...The court was told that Mr Sayed wrote a Commonwealth Bank cheque for money from the Commonwealth Government ...

State Education Minister Mark McGowan said that the school was not being closed because it was a Muslim school, but because the principal was in Afghanistan for most of the year.

Creation of Opportunities for Funding Rorts

Mr Mazey is right about one thing. There should be proper auditing procedures.

DOGS have been exposing funding rorts and scandals for forty years. The major churches initiated perfectly legal bottom of the school yard schemes with impunity in the 1970s. A culture of funding rorts was set up under the Schools Commission with the Needs becoming a Greeds policy. This culture has not only been approved. It has been rewarded.

Four years ago, in 2004, DOGS contacted the Auditor General, a Mr Patrick Joseph Barrett, and then in 2005 we contacted Mr. Ian McPhee.

The passing the buck down the line evident in the above mentioned 2005 response to the DOGS correspondence has further encouraged systematic fraudulent activities.

The politicians and education bureaucrats are not up to their task of representations of citizens and responsibility for expenditure of taxpayer's money.

Failure Evident in Senate Committee Enquiry 22 August 2000.

The following quote from the transcript of this enquiry is evidence of the abdication of political responsibility to the taxpayers of this country. through their refusal to follow any proper auditing procedures. (to be fair to Senator Allison, she was trying to do something about it)

Interchange at Senate Hearing Tuesday 22 August 2000:

Senator Allison: *Does this process need to be ticked off by the Commonwealth Government? What are your reporting requirements in terms of the rationale and the actual dollars?*

Mrs Temby (Member, National Catholic Education Commission): *It is available for the Commonwealth if they wish to have it. In recent times, they have not asked for the detail.*

Matters for Roman Catholics Only

The Lakeside Christian School and Perth Muslim School case are small fry, easily dealt with. But what about the recipients of big billions who have worked the system since 1964 . They feel free to bully any politicians who are not already grovelling?

An attitude has developed amongst the recipients of State Aid, together with their political bagpersons that they are free to tell the Australian public that public funding of their church enterprises - amounting to billions and billions of dollars of taxpayer's money - is none of their business.

Kelly Bourke and Gerard Noonan, in an article 'So That's How Catholics Do it ,' *Sydney Morning Herald* March 3, 2004 said that

Nelson's office has told the Herald it has no intention of publicly revealing the individual SES scores for individual Catholic schools. That is a matter for the Catholics. Nelson's spokesman said:

Canavan (the Executive Director of the Sydney Catholic Education Office) rules out the public access to Catholic SES scores altogether. ' It's a government derived formula and it's not been part of policy to declare to the community how the government ranks a community' he says. 'I don' t think that would be helpful, particularly for those areas with lower scores.'

Bourke and Noonan commented:

The way the NCEC arrived at the present deal with Canberra is a replica of its successful efforts four years ago to get a special deal for the giant Catholic school system. No public summits, no fuss, and specially no scrutiny.'

Public Shut Out

DOGS note the closed private school funding enquiry commenced in 2006. The scandalous results of this enquiry recently fell off the back of a truck. It was revealed that wealthy church schools had been overpaid more than \$2 billion under the SES formula. DOGS refer to our Press Release 163, *Closed Private School Funding Federal Inquiry* at www.adogs.info/pr163.htm. Julie Bishop's handling of this enquiry revealed the attitude of politicians to join with the church school interest in treating taxpayer/citizens like mushrooms. The federal government left it up to the independent school representatives to tell the Sydney Morning Herald

'It (the federal government) has decided against opening a Pandora's box of criticism from public education advocates.'

Does the Auditor - General take his Job Seriously?

It is time that the Auditor General laid down rules as to auditing of church school funding. It is totally unsatisfactory for Australian citizens and taxpayers to put up with the current situation. We need a truly independent person to go into and clean out the Augean stables created by forty years of entanglement of the Church in the State Treasury and Bureaucracies.

Is it OK that a church school principal goes 16 years without audit? Is it OK to only pick on the small sectarian schools?

SHould the Auditor General merely follow Federal Minister Julia Gilliard, her Ministerial spokesperson, Kimberley Gardiner, or The NSW Minister Della Bosca when they fudge the issue. How can Kimberley Gardiner, a new kid on the State Aid block say that most non-government schools were meeting the

'long standing and rigorous financial accountability mechanism in place to safeguard both the taxpayer funds and the educational outcomes for their children.'

Which establishment does the Auditor General network with?

DOGS are wondering whether Ian McPhee is part of the sick accountability joke?

LISTEN TO THE DOGS RADIO PROGRAM

3CR 855 ON THE AM DIAL

12.30 P.M. ON SATURDAYS.

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS

If you have a message for supporters of public education:

Please Contact:

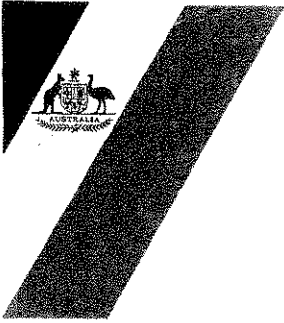
**Ray Nilsen on
(03) 9326 9277 or (03) 9329
8483**

Postal address:

**P.O. BOX 4869
Melbourne Victoria Australia
3001**

**E-mail: adogs@adogs.info
Or complete our [feedback
form.](#)**

Last modified: Thursday, 03 April 2008



ATTACHMENT 9

**Australian National
Audit Office**

File Reference: F2005/165

27 June 2008

Mr Ray Nilsen
President
Australian Council for the Defence of Government Schools
PO Box 4869
Melbourne VICTORIA 3001

Dear Mr Nilsen

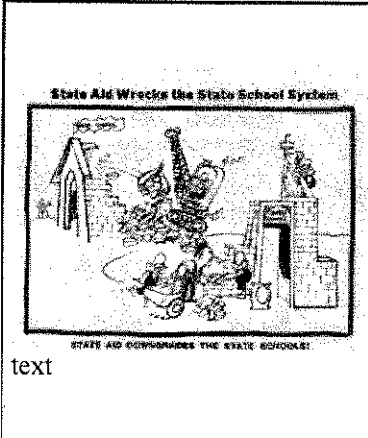
I refer to your letter of 17 June 2008 'Basis of State Aid to Church Schools Checked Once Every Fifty Years'. The Auditor-General has asked me to respond to your letter.

I am pleased to inform you that Performance Audit Report No. 45, 2007-08, *Specific Purpose Payments: General Recurrent Grants for Government Schools* was tabled in the Parliament yesterday. Further, the ANAO is currently planning an audit of the Department of Education, Employment and Workplace Relations' administration of non-government schools funding.

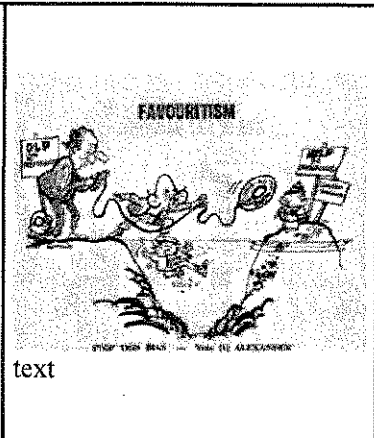
I am aware of public concerns about the accuracy of enrolment numbers provided by schools. The ANAO will consider these concerns in planning an audit of non-government schools funding.

Yours sincerely

Mr Steven Lack
A/Group Executive Director
Performance Audit Services Group



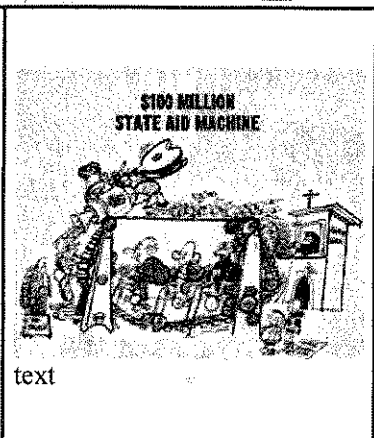
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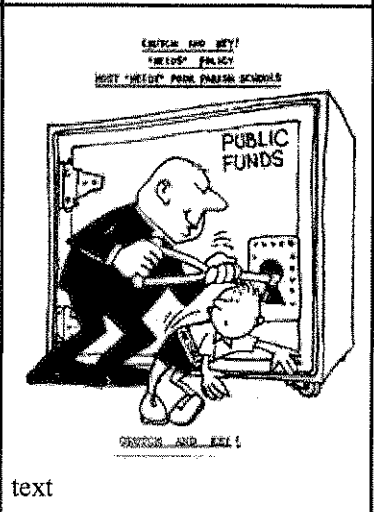
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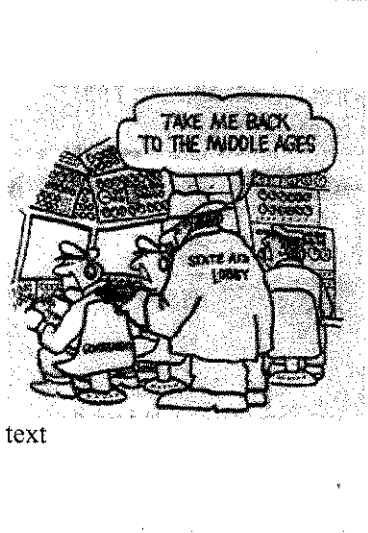
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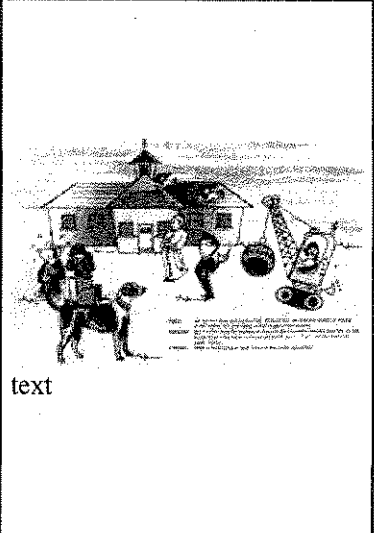
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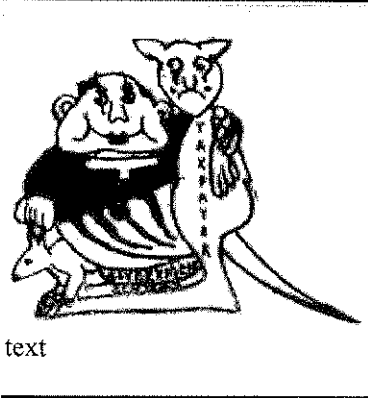
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