

Chapter 2

Education Legislation Amendment Bill 2008

Background

2.1 Since the Aboriginal Education (Supplementary Assistance) Amendment Bill was passed in 1989, Commonwealth funding for Indigenous education has contained two main elements: assistance to individual students and direct funding to institutions providing courses and training. Although emphasis has shifted toward funding of targeted initiatives through education providers rather than through support to individuals, the provision of Commonwealth funding has continued under the structure of a specific Act. Currently, this Act is the *Indigenous Education (Targeted Assistance) Act 2000* (the ITEA Act).¹

2.2 The Education Legislation Amendment Bill 2008 provides for funding for a range of targeted programs and projects to support improvements in Indigenous education outcomes. In doing so, the bill amends the *Indigenous Education (Targeted Assistance) Act 2000* in order to:

- Appropriate funding for 2009–13 for non ABSTUDY targeted programs, mostly in the non school sector, and projects aimed at improving Indigenous education outcomes
- Provide for the continuation of payments for 2009–13 to education providers for the mixed-mode 'Away from Base' element of ABSTUDY
- Appropriate funding for new Indigenous early childhood measures until new arrangements are introduced in 2009
- Cease appropriations from 2009 for six Indigenous education school programs

2.3 Funding for the above Indigenous education school programs will now transferred to the proposed State Finances Act for government schools and to the proposed Schools Assistance Act for non-government schools.² The non-government components of these programs contained in the ITEA Act are being streamlined into the one per capita payment– Indigenous Supplementary Assistance (ISA), as part of the Schools Assistance Bill 2008.³

2.4 The government is retaining the ITEA Act through amendments contained in the Education Legislation Amendment Bill. Funding will continue under the ITEA

1 Bills Digest, *Education Legislation Amendment Bill 2008*, 13 October 2008, p. 3.

2 Explanatory Memorandum, p. 1.

3 Bills Digest, *Schools Assistance Bill 2008*, 10 October 2008, p. 4

Act until 2013 for Indigenous-specific programs which are not funded under the Schools Assistance Bill 2008 or other legislation.⁴ In allocating appropriations for another four years under the *Indigenous Education (Targeted Assistance) Act 2000*, the government hopes to implement and develop measures to 'close the gap' between Indigenous and non-Indigenous students. The ITEA Act maintains commitments to initiatives introduced under the previous government, as well as supporting the expansion of intensive literacy and numeracy programs for Indigenous students.

2.5 The bill also provides for the continuation of the 'Away from Base' component of ABSTUDY for 2009–2013, which was transferred under the ITEA Act in 1999. Transitional arrangements are introduced in the Bill, awaiting the implementation of reforms to intergovernmental financial arrangements in the Early Childhood Development and Vocational Education and Training Sectors.⁵

2.6 The committee believes that incorporating the supplementary Indigenous education funding into the Schools Assistance Bill 2008 can only be advantageous for Indigenous students. In doing so, the administrative arrangements that support this funding will also become more efficient, allowing more time to be spent on the task at hand—reducing the gap between Indigenous and non-Indigenous students. As explained by Minister Gillard, the aim of streamlining Indigenous education assistance is to reduce 'red tape' for schools, to allow them to focus on the achievements of their students. The committee has identified this has a matter of concern to schools in its previous reports on Indigenous student funding. For the first time, the ISA will be indexed at the same rate as other general recurrent funding, which is estimated to provide an additional \$24.5 million.⁶

2.7 One particular concern with the new Indigenous funding arrangements was highlighted by the Queensland Catholic Education Commission (QCEC) in their submission and in evidence taken by the committee at the public hearing. Under the new funding system an increased level of recurrent Indigenous student funding will be applied to remote and very remote non-government schools, as set out in Clauses 64–69 of the Schools Assistance Bill 2008. The QCEC state that the boarding schools they administer educate many Indigenous students from remote and very remote communities. As these boarding schools are located either in Brisbane or provincial centres in the north, they are not entitled to such levels of Indigenous funding, despite the remote locations their students originate from.⁷ At the committee's hearing, Mr Victor Lorenz from the QCEC told the committee:

The commission believes that Catholic schools in Queensland, particularly the boarding schools, are contributing to closing the gap. The commission

4 DEEWR, *Submission 25*, p. 19.

5 Explanatory Memorandum, p. 1.

6 Hon. Julia Gillard MP, Minister for Education, Employment and Workplace Relations, *House of Representatives Hansard*, 24 September 2008, p. 8360.

7 Queensland Catholic Education Commission, *Submission 1*, p. 2.

strongly believes that there is a compelling case for funding Indigenous boarding students from remote areas at the remote rate. The commission acknowledges that this is an issue for all boarding schools in Australia that are endeavouring to close the gap.⁸

2.8 This issue was taken up by the committee, who later pressed the Department on this matter. The Department explained to the committee that the ISA is intended as supplementary assistance, in the sense that schools in Indigenous communities have additional requirements that need to be financed. By this logic, schools located in remote and very remote communities would require even further financial assistance. Ms Loire Hunter explained to the committee:

The Indigenous supplementary assistance will provide education systems and schools with an opportunity to flexibly address those needs as they see is reasonable, depending on either the individual circumstance or the circumstance of a group of individuals in a particular location. In addition, we provide waiting for service delivery provided in remote and very remote areas to acknowledge that in those areas there are more significant issues around that actual service delivery. It goes to the attraction and retention of teachers, it goes to the support of services in that location. It is not to say that we are at all suggesting that Indigenous students from remote areas coming in to metropolitan or provincial areas do not have additional needs. On a per capita basis we provide additional supplementary assistance to all Indigenous students, and in addition we weight those services being provided in remote areas to Indigenous students at a higher rate.⁹

2.9 Despite the concerns of the QCEC, the Indigenous Funding Guarantee in Clause 71(b) of the Schools Assistance Bill 2008 will ensure non-government schools do not receive less funding than what was allocated to them in 2008. Funding of \$18.1 million over the next four years has been provided for this guarantee.¹⁰ The Department gave evidence to reassure the committee of this fact when Ms Susan Smith stated:

Our assessment is that there are very few cases where this funding guarantee would be needed and it is our initial assessment that the Queensland Catholic Education Commission would not be a loser under the new arrangements.¹¹

8 Mr Victor Lorenz, Assistant Director, Finance and Resourcing, Queensland Catholic Education Commission, *Committee Hansard*, 19 November, p. 42.

9 Ms Loire Hunter, Branch Manager, Indigenous Education Program Taskforce, DEEWR, *Committee Hansard*, 19 November 2008, p.

10 Marilyn Harrington, 'Schools Assistance Bill 2008', *Bills Digest*, no. 37, p. 2.

11 Ms Susan Smith, Acting Group Manager, National Initiatives Group, DEEWR, *Committee Hansard*, 19 November 2008, p. 63.

2.10 While the committee appreciates the concerns raised by the QCEC, it is confident that the boarding schools managed by the Commission would not be disadvantaged by the new funding arrangements.

Conclusion

2.11 The majority of submissions received by the committee supported the passing of the Schools Assistance Bill 2008 and the Education Legislation Bill 2008. Representatives of some non-government school organisations submitted that the regulations of the bills should be made publicly available before the legislation is passed. However, as was made clear at the committee's public hearing, providing the regulations after the bill has passed does not deviate from previous practice when dealing with education legislation. The committee is confident that the government will take into consideration the concerns raised by interested parties when developing the regulatory detail of the bill, and that consultations on the implementation of this policy will allay concerns.

Recommendation

The committee recommends that the bill be passed.

Senator Gavin Marshall

Chair