



31 October 2008

ASSOCIATION
OF HEADS OF
INDEPENDENT
SCHOOLS OF
AUSTRALIA

Committee Secretary
Senate Education, Employment and Workplace Relations Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Emailed to: eewr.sen@aph.gov.au

Dear Secretary,

**Inquiry into the Schools Assistance Bill 2008 and the Education
Legislation Amendment Bill 2008**

The membership of the Association of Heads of Independent Schools of Australia (AHISA) encompasses 340 independent schools, which collectively enrol some 350,000 students.

The primary object of AHISA is to optimise the opportunities for the education and welfare of Australia's young people through the maintenance of collegiality and high standards of professional practice and conduct amongst its members.

AHISA is writing in support of the submission by the Independent Schools Council of Australia (ISCA) to the Senate Inquiry. ISCA's submission states the broad range of concerns of the independent schools sector in relation to the proposed legislation, including administrative anomalies relating to Indigenous education funding.

AHISA also supports ISCA's call for timely passage of the legislation to ensure Australian Government general recurrent funding is available to schools early in 2009.

It is of particular concern to AHISA members that, because the regulations pertaining to the Schools Assistance legislation are not yet available, independent schools are unable to assess the full impact the legislation might have on their operations. Further, schools may be put in the position where, to ensure general recurrent grants are available in 2009, they must sign funding contracts without full information on the conditions attached to that funding. In this regard, it is of extreme concern to AHISA members that the legislation proposes that a condition of funding will be implementation of the national curriculum when the development of the national curriculum has not yet reached draft stage.

AHISA acknowledges that the proposed legislation fulfils the Government's election promises on funding for non-government schools. This has been important in providing stability and certainty for independent school

National Chair
Mrs Barbara Stone AM
Principal
MLC School
Rowley Street
Burwood NSW 2134
Ph: 61 2 8741 3101
Fax: 61 2 9745 4653
Email:
bstone@mlcsyd.nsw.edu.au

Chief Executive
Mr Allan Shaw
National Secretariat
Unit 17
National Associations Centre
71 Constitution Avenue
Campbell ACT 2612
Ph: 61 2 6247 7300
Fax: 61 2 6247 3677
Email:
allan.shaw@ahisa.com.au
www.ahisa.com.au
ABN 99 006 107 124

communities and is appreciated. It is AHISA's view the legislation also offers an opportunity for the Australian Government to demonstrate a commitment to sustaining diversity and choice in Australian school and that to achieve this amendment to the legislation is required.

The role of diversity, choice and autonomy in achieving world class schooling

AHISA supports the Australian Government's intention to create a world class schooling system in Australia. AHISA believes that to achieve this:

- parents must have the freedom to exercise their rights and responsibilities in regard to the education of their children
- students and their families must have the freedom to choose among diverse schooling options
- schools must have the autonomy to exercise educational leadership as they respond to the emerging needs of their communities in a rapidly changing society.

Independent schools contribute significantly to the diversity and choice currently available in Australia's school system. It is AHISA's view that the robustness and high quality of Australian schooling owes much to the contribution of independent schools. This view is supported by evidence from the OECD's Programme for International Student Assessment (PISA).

Analysis published in *OECD Education Working Papers, No. 13*, 'School Accountability, Autonomy, Choice, and the Level of Student Achievement: International Evidence from PISA 2003'¹ shows that across countries differences in accountability, autonomy and choice can explain large differences in student achievement:

- Private school operation in OECD countries is 'strongly and significantly' positively associated with student achievement: 'Going from a [country] system without any private school operation to a system where half the schools are privately operated increases the [average student] achievement level by substantially more than the equivalent of one year's average learning in mathematics (three quarters of a grade-level equivalent in science).' (Page 20)
- Students in countries with a larger share of privately managed schools perform substantially better in both PISA and TIMSS. (Page 43)
- Student performance is better in countries which combine relatively high shares of private school operation with relatively high shares of government funding for private schools: 'The results show that a larger share of privately operated schools is associated with better student achievement. At the same time, students perform better where the average share of government

¹ Wöbmann, L. *et al.* (2007), 'School Accountability, Autonomy, Choice, and the Level of Student Achievement: International Evidence from PISA 2003', *OECD Education Working Papers*, No. 13, OECD Publishing. doi:10.1787/246402531617

funding is larger [. . .] Both private operation and government funding increase the extent of choice in the system, and the result seems to be better learning outcomes for students. Both effects are quite large. For example, the estimated difference in achievement between a system like the Netherlands with three quarters of schools privately operated and systems such as Iceland, Norway, and Poland with hardly any private schools is equivalent to more than what students on average learn during two years.' (Pages 43-44)

- Government funding support for non-government schools affects national student achievement: 'The difference in student achievement between a country that has full government funding of public schools but provides no government funding to private schools and a country that puts both types of school on par in their share of government funding is estimated to be 47.3 PISA test-score points, or more than two grade-level equivalents.' (Page 46)

The success of Australia's school system depends on the diversity and choice provided by its productive mix of publicly supported government and non-government schools.

It is of concern that aspects of the Schools Assistance legislation, including the phasing out of establishment assistance for non-government schools, could flag a lessening of Australian Government support for diversity and choice in Australian schooling. It is AHISA's view that the Australian Government should recognise and continue to support the contribution of the non-government schools sector to the quality of Australia's national education system and reflect this in the legislative and regulatory regime pertaining to the sector.

Schools Assistance Bill 2008

A high quality school system in Australia will depend on a good working partnership between the Australian Government and independent schools. AHISA is therefore concerned by proposed **subparagraph 19(2)(b)(ii)**, which empowers the Minister to make reports about non-government schools' performance and financial arrangements publicly available.

In regard to school performance data, it is AHISA's view that simplistic comparisons of school performance do not serve students, their families or schools. Currently schools' financial data is made available to the Minister through the Financial Questionnaire. Aggregated data from the Financial Questionnaire is published in the Australian National Report on Schooling. Schools' annual financial statements are already a matter of public record through their lodgement with either ASIC or state and territory registrars of associations. It would be of deep concern to AHISA members if schools data was used to create public comparisons of individual schools that misrepresented the breadth and depth of school operations or breached commercial-in-confidence boundaries.

It is AHISA's view that current reporting arrangements for independent schools' financial data more than adequately meet public accountability and transparency requirements and AHISA recommends this be taken into account in the framing of the regulations pertaining to the legislation.

AHISA recognises the Government's mandate to create a strong national accountability framework for school education. It is AHISA's view, however, that an accountability framework that depends on uniformity and standardisation will undermine the elements of diversity and choice that are supporting Australia's international ranking in quality schooling provision.

It is on these grounds that AHISA recommends that, in relation to **Section 22 (1)** of the proposed Schools Assistance legislation, the regulations prescribing implementation of the national curriculum either specifically state that schools can offer other curricula as recognised by the proposed Australian Curriculum, Assessment and Reporting Authority or the Minister for Education, or make provision for schools to apply to the Minister for exemption.

AHISA is also concerned by the proposed **paragraph 29(c)**, which provides that the agreements for Commonwealth schools funding may include any other conditions or provisions that the Minister considers appropriate. It is AHISA's view that this paragraph, while typical of a 'catch all' legislative provision, when taken together with the uncertainty around other aspects of the legislation and the yet to be published regulations, does not reflect or support the nature of the partnership that currently prevails between the Australian Government and non-government schools.

AHISA acknowledges and appreciates the Government's commitment to consultation with the non-government sector on schooling matters. AHISA believes the consultation process is important if governments and non-government schools are to work effectively together to deliver a quality education to young Australians. It is AHISA's view that an open-ended legislative regime is not consistent or compatible with consultative partnership arrangements. AHISA recommends that paragraph 29(c) be removed.

AHISA further recommends that any proposed amendment to the Schools Assistance Bill 2008 be appraised according to the principle that the legislation should support a strong commitment by the Australian Government to diversity, choice and autonomy of educational leadership in Australian schooling.

Yours sincerely



Barbara Stone
AHISA National Chair