



Submission to the Senate Education, Employment
and Workplace Relations Committee

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

October 2008

4 Campion Street
DEAKIN ACT 2600

Telephone: (02) 6259 0431
Facsimile: (02) 6259 0462

Email: natoffice@acl.org.au
www.acl.org.au

ABN 4007 512 0517

Contents

<i>Executive summary</i>	1
<i>Funding certainty</i>	1
The importance of prompt passage through parliament	2
Government ‘versus’ non-government schools	3
Education funding myths	3
<i>Concerns with the Schools Assistance Bill 2008</i>	5
National curriculum	5
Funding sources	7
Qualified audit	8
<i>Male primary school teachers</i>	8
<i>Conclusion</i>	9

Executive summary

The Australian Christian Lobby (ACL) endorses the important work undertaken by both the government and non-government school sectors in Australia.

The major issue that ACL wishes to address in this submission is that faith-based schools retain the capacity to infuse their worldview throughout all of their school culture and instruction. It is particularly important that the new national curriculum, adherence to which is a condition of the Schools Assistance Bill 2008 (the Bill), is sufficiently flexible to allow this to occur. The public availability of that curriculum would have eased this concern for flexibility within the non-government school sector.

ACL wishes to commend both government and opposition members for their commitment to the education of Australian children and youth. That approximately 40 members spoke to the bills during the debate in the House of Representatives clearly demonstrates a high level of interest in education amongst Australia's federal political representatives. This level of engagement will result in better educational outcomes for students in both the government and non-government school sectors.

As several members noted during the debate, education is good for individuals and good for the nation. It empowers people to achieve success in their chosen field of endeavour and ensures Australia's ongoing prosperity in an age of increased international competitiveness.

Given the importance of education, it is beholden upon Australia's elected representatives to appropriate sufficient funds to ensure both the government and non-government school sectors are suitably resourced to meet present and future challenges. On this basis, ACL wishes to make a number of brief remarks regarding the Schools Assistance Bill 2008.

ACL will urge the Committee to highlight the importance of the Senate passing this legislation in a timely fashion, given that non-government schools will not receive any recurrent funding in 2009 until this bill passes through parliament.

Brief comments will also be made regarding the debate over the funding of non-government schools over against government schools, and to debunk some of the funding myths perpetuated during debate in the House.

Whilst appreciative of the government's ongoing commitment to non-government schools, in this submission ACL will highlight some small concerns with the legislation, particularly adherence to "the national curriculum" by 31 January 2012 as a condition of ongoing funding to the non-government school sector.

Funding certainty

ACL commends the government for its ongoing commitment to funding the non-government school sector. The Schools Assistance Bill 2008 appropriates approximately \$28 billion in Commonwealth funds for the sector from 2009 to 2012.

The socioeconomic status (SES) funding model is retained over the four-year period, in line with 2007 election commitments. The bill guarantees 2008 funding levels, ensuring that no non-government school will be "worse off".

ACL notes that the controversy regarding the bill lies in some of its finer details, to which this submission will later turn. Firstly, ACL wishes to highlight the imperative of passing this legislation promptly, and to comment on the broader debate regarding the funding of non-government schools.

The importance of prompt passage through parliament

ACL wishes to emphasise the urgency with which the Committee must review and report on the two bills under inquiry. The primary consideration in this debate is to ensure the safe passage of the legislation through parliament before the end of the sitting year to ensure funding certainty for the non-government school sector from 1 January 2009. School communities, their students, parents, and especially their teachers, are reliant on these funds to continue their important educational endeavours into the new school year.

Although promptly passing the legislation through the Senate during the 2008 sitting year is the principal objective, this does not absolve the Committee of its important responsibility to carefully consider the concerns of the non-government school sector and its myriad stakeholders regarding the legislation. In particular, ACL urges the Committee to take into account concerns the sector holds regarding the conditions placed upon the provision of government funding.

ACL draws to the attention of the Committee the second reading debate comments of the Minister for Education, Julia Gillard, which are a particularly pertinent summary of the importance of passing the legislation promptly:

I would also underline to the House the urgency of passing them. Schools and students need this legislation to pass before the end of 2008. Without the legislation, the Australian government is unable to make recurrent payments to non-government schools and systems for the school year beginning in January 2009. I cannot imagine that any member of the House would want non-government schools to start the next year in a situation of uncertainty . . . Scrutiny and transparency should, of course, always be respected in the parliamentary process, but delay for the sake of political point-scoring should not be a feature of that process.¹

ACL understands the opposition is similarly committed to ensuring the timely passage of the bills through parliament, as stated by the Shadow Minister for Education, Christopher Pyne:

It is not the intention of the opposition to unnecessarily delay the passage of this bill through the Senate. Nor is it our intention to stop the bill from having its effect from 1 January.²

In summary, the commitment of our elected political representatives to pass the legislation promptly is commendable, but proper scrutiny of the bills and consideration of possible amendments must not be sacrificed on account of haste.

¹ J. Gillard, House of Representatives Hansard, 21 October 2008, p. 47

² C. Pyne, House of Representatives Hansard, 21 October 2008, p. 55.

Government ‘versus’ non-government schools

ACL is heartened that the debate surrounding the funding of government schools has finally moved beyond an “us versus them” mentality. Both the government and opposition recognise that the “class warfare” style disputes that seek to justify the removal of government funds to non-government schools are outdated and unnecessarily divisive.

Both sectors play an equally important role in educating Australian children, and educational outcomes in either sector are not improved by continued disputes over whether one sector has more rights to government funds than the other. Both government and non-government schools require and deserve the ongoing financial support of the federal government, a fact recognised by the majority of members who spoke to the bills during debate in the House.

Member for Dawson, James Bidgood, aptly summarised the government’s commitment to ending the government versus non-government school debate:

*The schooling debate has often focused on the competitive relationship between government and non-government schools that exists in Australia. The truth, however, is that there are school that struggle with limited resources as they try to serve disadvantage communities in both sectors.*³

The opposition, likewise, have commendably sought to distance themselves from the outmoded government versus non-government school divide:

*We are in the throes of an education revolution that was outlined by the government prior to the election, a revolution that is well underway at the moment. But in that revolution we do not see a return to pitting independent and private schools against public schools.*⁴

There is widespread acknowledgement that if the government is to achieve its “education revolution”, that will necessarily involve both the government and non-government school sectors. Attempting to improve the educational outcomes of all Australian children renders obsolete any notion the non-government school sector does not deserve the financial support of the Commonwealth.

Education funding myths

It is unfortunate, however, that misinformation about the comparative funding of government and non-government schools has been used in the debate. Such misinformation needlessly perpetuates the unnecessarily divisive “us versus them” education debate that does little to increase government support of either sector, or improve the educational outcomes of any student.

ACL is particularly concerned by a number of misleading statistics used to criticise the amount of Commonwealth funding to non-government schools. For example, Member for Fowler, Julia Irwin, stated during the second reading debate:

³ J. Bidgood, House of Representatives Hansard, 16 October 2008, p. 16

⁴ A. Hawke, House of Representatives Hansard, 20 October 2008, p. 55

Over the 12 years of the Howard government, we saw the share of Commonwealth school funding going to public schools drop from 43 per cent to 35 per cent. Real Commonwealth grants to public schools grew by 68 per cent, while grants to private schools grew by 137 percent.⁵

Whilst, these two statistics do show that the Commonwealth government has increasingly favoured non-government schools over recent years in the allocation of education funds, they do not take into account the significant growth in the number of students enrolled in non-government schools during the period: the sector is “growing at an enormous rate of some 20,000 students a year”.⁶ It is logical that the sector receives a greater slice of the Commonwealth government education pie given the growing proportion of students attending non-government schools.

Furthermore, such figures ignore the fact that, under the Constitution, state governments are largely responsible for the funding of government schools, and that the non-government school sector relies almost entirely on the Commonwealth for its government funds. Any frustration with a lack of government funding for government schools would be more suitably directed towards state administrations.

Even with the growth of Commonwealth assistance for non-government schools, the myth that the sector receives comparative public assistance to the government school sector continues to circulate, which is simply not true:

When the government school funding from state and Commonwealth sources is combined, it is not the case, as is often suggested to us, that government schools receive less public funding than non-government schools.⁷

Therefore, figures that take into account the combined funding of both state and federal governments more accurately reflect the actual level of government assistance for Australian schools. These figures paint a more truthful picture:

The cost of educating a child in government schools in 2005-06 was, on average, \$11,243. The cost to government of educating children in non-government schools in the same period was just \$6,268 . . . What this represents is a saving of millions of dollars each year because of the financial sacrifice that hundreds of thousands of parents throughout this country make.⁸

Given that thousands of parents sacrifice a considerable amount of their own money to educate their children, which relieves governments of that financial burden, and as “there are schools that struggle with limited resources trying to serve disadvantaged communities in both sectors”,⁹ the notion that non-government schools should not receive some reasonable level of government support is well and truly dismissed.

The following recent editorial in *The Australian* aptly summarises this situation:

Far from being bastions of elitism, most of Australia’s private schools are low-fee religious schools in ordinary suburbs. Many parents make

⁵ J. Irwin, House of Representatives Hansard, 21 October 2008, p. 37

⁶ S. Robert, House of Representatives Hansard, 20 October 2008, p. 49

⁷ S. Jackson, House of Representatives Hansard, 16 October 2008, p. 39

⁸ K. Andrews, House of Representatives, Hansard, 21 October 2008, p. 39

⁹ C. Thomson, House of Representatives Hansard, 20 October, p. 48

*significant sacrifices to educate them within their faith while paying the same taxes as parents of public school children.*¹⁰

Concerns with the Schools Assistance Bill 2008

ACL commends the government for its commitment to funding certainty for the non-government school sector by appropriating \$28 billion for the years 2009-2012. Whilst supportive of the broad intent of the legislation, ACL does hold concerns with some of the Bill's finer details.

In particular, ACL is concerned by section 22, which makes adherence to the national curriculum a condition upon which funding is released to non-government schools. The submission will also make brief comments regarding the public disclosure of funding sources to schools and qualified audits.

National curriculum

ACL is very supportive of the concept of a national curriculum. With approximately 80,000 children moving between states every year,¹¹ many the children of defence personnel, a consistent curriculum framework guiding education across Australia makes sense. A more mobile workforce, and the desire to improve educational standards are sufficient justifications for developing a national curriculum.

ACL commends the government for moving swiftly to implement the national curriculum, which will ensure continuity and stability in the education of those many thousands of children who move across state borders every year. Also, where a national curriculum would improve the overall quality of educational outcomes for Australian children, ACL is supportive of that curriculum.

ACL, however, would query the existence of a condition in legislation that ties government funding to non-government schools to the implementation of this curriculum when it has not yet been developed.

Section 22 asks non-government schools to agree to a critical piece of policy without the advantage of having viewed it. This is like signing a commercial contract minus an essential term that will be added at a later date. Member for Fadden, Stuart Robert, aptly summarised this strange situation:

*I contend it is irresponsible to introduce compulsory compliance to a measure in this bill when the curriculum is not even drafted in any way, shape, form or means.*¹²

Apart from requiring non-government schools to comply with a document that has not yet been developed, ACL's other concern with mandatory conformity to the national curriculum is how much latitude it affords non-government schools in its instruction. This fundamental question could be easily answered if the national curriculum were available for comment prior to legislating adherence to it.

¹⁰ "All students deserve taxpayer support" (editorial), *The Australian*, 24 October 2008, p. 13

¹¹ S. Neumann, House of Representatives Hansard, 20 October 2008, p. 18

¹² S. Robert, House of Representatives Hansard, 20 October 2008, p.51

ACL understands that the Minister for Education, Julia Gillard, went some way to alleviating the concerns of the non-government school sector during debate on the bill in the House:

In this bill, the government is not requiring detailed adherence to a rigid, line-by-line program of curriculum study. Instead, it is making clear that the national curriculum, once agreed and completed, will be compulsory. Consideration will be given to whether some existing curricula meet the requirements laid down by the new curriculum framework. What is not open for negotiation is the idea that a world-class curriculum will be an optional extra for schools that are receiving significant public funds.¹³

Given the difficulty that numerous federal governments have experienced during failed attempts to implement a national curriculum, it is understandable, and admirable, that the government is implementing a curriculum framework that is not overly rigid or prescriptive. There is some assurance, in these comments, that the non-government school sector will retain some flexibility and autonomy over their curricula. Again, however, having the physical evidence of the actual curriculum available for examination would be especially helpful.

On the basis of the Minister's comments, ACL retains some concerns with section 22. The minister states that, "Consideration will be given to whether some existing curricula meet the requirements" of the national curriculum. Although there are presently structures in place to approve curricula at state level, this statement presumes that some curricula, presently in schools, will not comply with the national curriculum, and be denied future approval.

ACL would question the motives of such an arrangement, and suggests that this course of action jeopardises the ability of some non-government schools to maintain autonomy and independence over their syllabus.

ACL wonders also, what agency will be charged with determining which alternative curricula meet the federal government standards? Likewise, what are the criteria by which such judgments are made, and how much time and support will non-government schools be given to modify existing curricula if they do not reach the appropriate standard?

Whilst the government's enthusiasm to introduce the national curriculum in a timely fashion is commendable, the questions above (and many more beside), which cannot be readily answered, clearly demonstrate that section 22 of the Schools Assistance Bill 2008 is fraught with a level of complexity and anxiety not appropriately considered by the government. Serious details are lacking.

Our particular concern with the national curriculum lies with our support for faith-based educational institutions and their ability to maintain autonomy and control over their own curriculum. By imposing a national curriculum, the government must be careful not to subvert the very reason for the existence of faith-based schools, namely the teaching and maintenance of the particular faith.

¹³ J. Gillard, House of Representatives Hansard, 21 October 2008, p. 48

Worldview¹⁴ is particularly important to a faith-based educational institution, as it is infused in the curriculum and in all school policy. ACL understands that many faith-based schools will gladly adopt the national curriculum, but that they also hope it contains sufficient flexibility to enable the school to infuse the content with a Christian perspective.

For example, a Christian school may wish to discuss a biblical role of government within a civics class, explore the biblical basis for environmental stewardship as part of teaching on climate change, compare the Christian belief in absolute truth with post-modern relativism in a philosophy class, or use a view of human beings as valuable people made in God's image as a benchmark for discussing ethical questions such as eugenics or euthanasia. Similarly schools may wish to tailor sex education classes so that they reflect a Christian view of the great gift of human sexuality being properly expressed within lifelong marriage

ACL is supportive of a national curriculum and is aware of the need to balance the autonomy of non-government schools with national consistency. ACL understands the government's desire to prepare the non-government school sector for the implementation of the national curriculum, but feels it has unwisely imposed a condition without suitable consultation. The availability of the national curriculum for analysis and comment would have improved the quality of that consultation.

Funding sources

Section 24 of the Schools Assistance Bill 2008 contains a new provision whereby non-government schools must disclose to the Minister all "funding sources". ACL understands this provision matches similar requirements for accountability and transparency that will be imposed upon schools in the government sector.

ACL is supportive of the notion that government funding for education should target need in both the government and non-government school sectors, as many faith-based institutions are low-fee paying and rely on substantial government support. However, the generous support of benefactors and parents, who make significant financial sacrifices, does not eliminate the need for government support.

Although ACL understands the government's desire for non-government schools to be entirely accountable in their use of public funds, it would recommend caution in the application of section 24. The new requirement to disclose all "funding sources" has the potential to discourage people from financially contributing to schools, if precise information regarding financial assistance is made public.

If the Minister wishes to make the sources of all funding publicly available it must be presented in very broad categories in a way that does not reveal information about individuals or organisations without their consent. The privacy of those making contributions is paramount.

ACL would urge the Committee to carefully consider the likely consequences of publicly revealing every school's source of funding, and to investigate legislative initiatives, either through the Bill or the subsequent regulations, that ensure the details of individual givers are not made publicly available without their consent.

¹⁴ A simplistic definition of worldview is the lens through which we see the world. The development of a Christian worldview is a key aim of Christian education, helping students to examine important contemporary or historical issues from a biblical perspective.

Qualified audit

Section 15 gives the Minister the power to refuse or delay a payment to a non-government school on the basis of a qualified audit. Having consulted with various non-government school stakeholders, there is some concern that this is too broad a ground to refuse or delay payments.

A school may be exposed to a qualified audit for a number of reasons not related to financial viability, which is the core reason for this clause. For example, where a popular member of staff is perceived to have done something contrary to the ethos of the school, the school may be subject to short-term vulnerability.

In times of economic uncertainty, a school needs the assurance of ongoing government support. Giving the Minister the power to refuse or delay a payment on the basis of a qualified audit denies a non-government school this assurance. Again, however, the clause lacks sufficient detail to comment comprehensively on its likely application. ACL, therefore, seeks further clarification from the government on the objective and likely use of this clause.

Male primary school teachers

Although beyond the scope of this particular inquiry, ACL wishes to draw to the attention of the Committee the ongoing issue of the shortage of male teachers in Australian primary schools, as a government member made explicit reference to it during the second reading debate. Member for Makin, Tony Zappia, stated:

We need to increase the number of male teachers in the primary school sector. It is interesting that we have seen a steady increment over the years in the percentage of female teachers in the primary school sector. In 1986, 71 per cent of primary school teachers were women. By 2006 the ratio was 80 per cent. A combination of underlying reasons has contributed to that decrease in the number of male teachers in the primary sector. We need to increase the number of male teachers in the primary school sector so that children can experience role models and teachers from both genders in their schooling environment. Both genders have much to offer children in their developing years.¹⁵

If the government, and indeed this Committee, is dedicated to an “education revolution”, then it will investigate further this very important issue, which is central to the ongoing educational, emotional and developmental needs of children.

ACL would urge the Committee to re-examine the motives for the Sex Discrimination Amendment (Teaching Profession) Bill 2004, exploring and recommending strategies to increase the proportion of male teachers in Australian primary schools. With an increasing number of children growing up without suitable male role models, attracting and retaining males to the teaching profession is desperately needed if this nation is to truly experience an education revolution

¹⁵ T. Zappia, House of Representatives Hansard, 20 October 2008, p. 54

Conclusion

ACL recognises the importance of accessible and inexpensive public education, but believes parents have the right to choose an education for their children that matches their beliefs and values. As the government has an interest in the future productivity of all children, it should appropriate funds to support all schools. \$28 billion worth of funds for non-government schools appropriated for 2009-2012 is most welcome.

ACL welcomes the strong interest in education demonstrated by both government and opposition members during the debate in the House, and is heartened that the simple “us versus them”, “public versus private” funding rhetoric is a thing of the past. Deliberately comparing the funding levels of the two sectors is unnecessarily divisive and does not improve the educational outcomes of any student.

ACL urges the Committee to recommend the swift passage of the Schools Assistance Bill 2008 through the Senate to ensure funding certainty to the non-government school sector from 1 January 2009, but would ask it to carefully consider the concerns of the sector’s stakeholders with details of the bill.

ACL is supportive of a national curriculum but is uncomfortable with making funding conditional upon adherence to an important document that has not yet been developed. It asks the Committee to carefully examine the likely consequences of the new requirement to disclose all “funding sources”, and to examine strategies to prevent the details of individual givers from becoming publicly available without their consent.

Furthermore, ACL seeks clarification on the likely application of the section 15 power of the Minister to refuse or delay funding on the basis of a qualified audit, and urges the Committee to conduct a future inquiry to investigate and recommend strategies to increase the proportion of male teachers working in the Australian primary schools.

ACL is supportive of measures to improve accountability and transparency within both the government and non-government school sectors. It would urge caution, however, in imposing any condition upon the non-government school sector that would threaten the ability of schools within the sector to infuse its policies and curricula with material reflecting its faith-based ethos.

ACL is particularly committed to ensuring that faith-based schools retain the capacity to infuse their worldview throughout all of their school culture and instruction. The conditions the government imposes upon funding should not impede upon the very reason for the existence of faith-based schools, namely the teaching and maintenance of the particular faith. This ensures real choice for parents in the education of their children.

**ACL National Office
October 2008**