

**AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT  
SCHOOLS**

**PRESS RELEASE 823**

**HE WHO PAYS THE PIPER:  
THE ANNEXATION OF PRIVATE - AND PUBLIC SCHOOLING  
TO CANBERRA'S GOALS**

Recent huffing and puffing and 'Back to Basics' diversions by Coalition Education Minister Tehan in response to news of Australia's decline in the international PISA education stakes, masks a fascinating fact:

In the last sixty years of ever increasing public funding of private schools, the Commonwealth is substantially directing educational activity throughout Australia, while State governments and religious organisations are merely managing the services. Minister Tehan has real power to determine what is actually taught in our schools and how they are administered! As a diversion from gross funding inequities he is seizing power and demanding a rollout of improved teaching methods across Australia's schools to *better track students' development* and help turn around declining academic results. See <https://www.smh.com.au/politics/federal/education-minister-pushes-for-back-to-basics-approach-in-schools-20191209-p53i7z.html>

If Australian school standards are falling, then Minister Tehan should carry the responsibility. Why? He now wields power over what is being taught in both public and private schools.

**But, you may say, education under Section 51 of the Constitution, is the preserve of the States. How did this intrusion of the Federal Government into our classrooms happen?**

**Gradual Annexation of Educational Power by the Commonwealth**

Although, under the original 1901 *Australian Constitution* Section 51 nominates specific powers and areas where the Commonwealth cannot intrude upon the States, and although education is not listed as a Commonwealth power, the Engineers case of 1920 reversed the interpretation that matters not mentioned were 'reserved' for the states.

In 1942, under wartime conditions, the exercise of power to levy income tax passed to the Commonwealth. The States lost funding initiatives to the Commonwealth.

In 1946 the Commonwealth amended Section 51 to include 'provision of financial benefits to students.

In 1962 State Aid to private schools commenced. Section 96 of the *Australian Constitution* gave the Commonwealth Government power to provide financial assistance to the states (and territories) ‘*on any such terms and conditions as the Parliament thinks fit*’. State Aid to private schools along with Chaplaincy programs is justified by this power.

By 1982, through the Schools Commission, funding was provided to systemic and non-systemic private schools for building and equipment projects; recurrent expenditure; short-term emergency assistance; general education in English as a second language (ESL); disadvantaged schools, and special education.

From early 1983 to 1996, under a Labor Government further federal inroads were made on school curricula with the establishment of a Curriculum Development Centre to work on national curriculum .

In 1984 funding was tied to a socio-economic index and accountability increased along with funding. Private schools had to provide detailed demographic information.

In the last three decades there have been three National Agreements on Education:

**1989: The Hobart Declaration on Schooling:** introduced the concept of a national report and common State and Territory curriculum components alongside the development of minimum literacy and numeracy benchmarks .

**1999: The Adelaide Declaration on National Goals for Schooling in the Twenty-First Century :** State government now had to sign agreements with the Commonwealth Government for public schooling.

**2008: The Melbourne Declaration on Educational Goals for Young Australians**

All statements adhered to the empty rhetoric of equity but emphasised educational outcomes. In particular, the Melbourne Declaration was accompanied by an ‘Action Plan’ of the ‘strategies and initiatives that Australian governments will undertake, in collaboration with all school sectors’ to support the national goals.

Among the strategies in the 2008 Melbourne Declaration four-year plan, crafted by Federal Minister Gillard, was agreement by all Australian governments to ‘*review their engagement with government and non-government schools and systems to ensure that school regulation supports the achievement of agreed outcomes and that all schools participate in and comply with national reporting requirements.*’

There was also, in this year the establishment of the Australian Curriculum, Assessment and Reporting Authority (ACARA) Act 2008 (Cth). This created a new body to oversee the development of national curriculum from preparatory or kindergarten years to the end of secondary schools in four subject areas, English, mathematics, science and history.

*The Schools Assistance Act* of 2008 (Cth) can be distinguished from any previous act as it applied only to private schools. Commonwealth funding for government schools did not require specific legislation and has been negotiated through the National Education Agreement of 2008.

Private schools were required to participate in the National Curriculum and National Assessment (testing) program (NAPLAN) and international surveys.

Under these programs, the discretion of private schools to manage their own educational programs and content was severely eroded. Periodically, there has been concern and frustration at the private school manipulation of public grants and Auditor General concerns

about lack of accountability, but these have masked the erosion of private school power over the curriculum.

If 'independence' is one of the goals of independent schools, it has been severely eroded. Commonwealth government control of the private school sector is almost complete. Through changing legislation, private schools have become parent- and publicly-funded shells that provide public education, while diverting much needed funds from the public sector itself.

### **Gonski 1.0 and Gonski 2.0**

In the last decade we have witnessed Gonski 01, which took the lid off the garbage tin of gross inequities between the public and private sector, but was instructed by the Labor Government that 'no school would lose a dollar'. And later, under Abbott and Turnbull we were treated to Gonski 2.0 which, once again was hamstrung by the Federal Government's terms of reference.

The Coalition Government is demanding ever greater scrutiny of teachers and administrators rather than accountability for private use of public money or growing inequities for disadvantaged children.

### **CONCLUSION**

When it suits the Federal Government, the States are blamed for educational inequality and falling standards, on the basis of their alleged 'constitutional responsibility' for education.

But gradually, since the Second World War, and most particularly since the provision of billions of dollars of State Aid to private schools, State power and responsibility for education has been eroded. Finally, through the power of the purse, private as well as public school curricula have been annexed by stealth by the Commonwealth Lib/Lab Governments.

This factual situation means two things:

1. If the Commonwealth Government has the power then the Federal Minister for Education now has the major responsibility for the gross inequities in funding between government and private schools'
2. If Private schools have lost their authority over core educational content of their schools, and if their levels of funding have reached that commensurate with the funding of public schools, then why are they not open to the children of all the taxpayers. Why should they not become public schools?

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