

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

## **PRESS RELEASE 497#**

### **AUSTRALIAN EDUCATION BILL:**

#### **A DANGEROUS WIMP -**

#### **FLAWED LEGISLATION SET TO FAIL**

The Australian Education Bill 2012, and the accompanying Explanatory Memorandum and Second Reading Speech are

- ❖ long on glaring inconsistencies,
- ❖ short on funding and
- ❖ destined to fail in the stated purposes.

The legislation also

- ❖ Makes a nonsense of 'citizenship entitlement'
- ❖ The Act funds schools that discriminate against children and employees on economic, religious criteria and lifestyle criteria.
- ❖ Establishes a de facto voucher system through funding with a basic 'resource standard'
- ❖ Continues a Needs policy that can still be rorted
- ❖ Introduces a system of payment by results.

Public School supporters will need to fight hard to even get small pickings from the rich man's table.

The Australian Education Bill — legislation following on from the Gonski review into school funding — was introduced into parliament on 28 November 2012. See [http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r4945](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4945). It is a six page document

The Explanatory Memorandum is found at [http://parlinfo.aph.gov.au/parlInfo/search/display/displayPrint.w3p;query=Id%3A%22legislation%2Fems%2Fr4945\\_ems\\_51172c7e-ec24-487f-b2d3-80e2e5e60082%22](http://parlinfo.aph.gov.au/parlInfo/search/display/displayPrint.w3p;query=Id%3A%22legislation%2Fems%2Fr4945_ems_51172c7e-ec24-487f-b2d3-80e2e5e60082%22)

The Prime Minister's Second Reading Speech is found at <http://www.betterschools.gov.au/news/prime-minister%E2%80%99s-second-reading-speech-australian-education-bill-2012>

## **Mere Rhetoric**

The Prime Minister wants to grab the equality of opportunity and ‘citizenship’ rhetoric.

She avoids the basic truth: If children, as future citizens, are to enjoy equality of educational opportunity, then all schools must be equally resourced and equally accessible. This is not the case. Only public schools can be equally resourced and accessible. Private religious schools – such things are not in their DNA.

Since State Aid to religious schools under the Needs policy was introduced in 1973 the rich have got richer and the poor poorer. Gonski proved this simple fact. The Prime Minister and her Education Bill promise more of the same.

The legislation legitimates the principle of education as a privilege for the children of a few citizens, and gives lip-service to the entitlement of the majority of taxpayers.

## **Citizenship Entitlement**

Yet the Prime Minister, refers to *a new citizenship entitlement*. These words are not used in the Bill itself. In her Second Reading speech she defines this ‘entitlement’ as a *quality education for every Australian child which is a right, and no longer a privilege extended by the State from time to time*.

She neglects to mention that public systems of education have always adhered to this principle. They are public in purpose, outcome and access.

She also fails to admit that this Bill legitimates the funding of private religious institutions which give preference to citizenship of religious institutions and cults – states within a state – and deny quality education to children who do not conform to their requirements. Such institutions are placed on an equal, indeed a preferential footing with existing cash-strapped public schools. In Victoria citizens and taxpayers can whistle in the wind for any new public secondary schools.

The Bill is thus basically flawed.

In his Explanatory Memorandum the Minister for Education Peter Garrett claims that

*The Bill promotes the right to equality and non-discrimination, the right to education and the rights of people with disability in the context of education.*

The mind boggles. How can federal funding of schools with discriminatory enrolment policies and exempted from Human Rights legislation, promote the right to equality and non-discrimination.

## **Resource Standard : A Voucher System by Another Name**

Under the federal funding formula established by the legislation, Section 9 (b) the *Government has adopted the broad architecture of a benchmark account per student, with extra needs to be met through a system of loadings.*

Any additional funding will be provided for children with a disadvantage. The most controversial of these is 'low socioeconomic status'. The list of disadvantage is open to being used and abused by private religious schools as effectively as they have done in the last forty years.

The 'benchmark account per student', is a voucher by another name and legitimates the viability and extension of the sectarian denominational system – a system which has never delivered a high quality education for all a nation's children.

### **Developing Benchmarks: Payment by Results**

Under Section 51 of the Australian Constitution the States have power to deal with primary and secondary education. But the Commonwealth Treasury holds the strings of a large purse. And the accountability for expenditure of Commonwealth public money, particularly in the private sector, is a national scandal. The Prime Minister, to her credit, recognises the parlous state of accountability for public money in the education sector. As she said:

*Imagine if Treasury couldn't tell you the unemployment rate: that was the state of Australian education policy in November 2007.*

Before they release the purse strings, the Commonwealth now wants information and evidence of value for money. But, instead of following the money trail into schools run like for profit businesses, the Government are engaging in an exercise in teacher control and payment by results.

The Bill legislates for a clear link between 'school improvement and school funding. As the Prime Minister said:

*agree to the National Plan for School Improvement and get the Commonwealth's funding.*

**This links funding to benchmarks, measures educational performance and represents a return to the disastrous 'payment by results' system of the late nineteenth century.**

These measures are not aimed at enriching the lives of Australians or enhancing equity; instead they focus on the economic imperatives of competition, productivity and prosperity. As David Zyngier from Monash University said in *The Conversation*:

*This movement favours increased competition, spurious school choice, use of data from standardised tests to determine teacher pay and funding, more curriculum prescription, and stronger bureaucratic oversight through so-called accountability measures. Measures that are at the core of the Australian Education bill.*

*At the moment, these ideas are like an epidemic, infecting education systems. It travels with its neo-liberal advocates, an unquestioning media and politicians who are all too prepared to use education as a political football.*

*Australia too, is infected. With the publication of NAPLAN data and the league tables made possible in MySchool, our schools have indeed become ill, our teachers and [students don't feel well](#), and the net result is the exact opposite of the intended improvement. These measures mean our children end up learning less, not more.*

### **Change for the worse**

*This Australian Education Act 2012 serves to only further reinforce this movement and its ill-effects on our school education by legislating for the first time in our history that all schools, whether they are public or private, will receive public funds.*

*The legislation states that the funds are dependent on improving the performance of schools and school students and developing benchmarks. These performance benchmarks would then notionally foster “increased transparency in relation to schools, assessing and improving school performance; gathering and sharing evidence about the most effective methods of improving the performance of schools and school students”.*

*The Bill suggests that all this will be accomplished through an emphasis on quality teaching and quality learning, empowered school leadership, transparency and accountability and meeting student need.*

*The implication is Australia does not have quality teaching and learning; that it has a disempowered leadership, lacks transparency or accountability and is not meeting the needs of students.*

*But this is, by and large, untrue. And the problems that are there are unlikely to be fixed by performance pay raises, achievement scores, and standardised national testing.*

*There is robust evidence that these do not make curriculum better, prevent school drop outs, or enhance student achievement – in fact, it is exactly the opposite.*

*In her speech to Parliament Julia Gillard stated that “we now have clear evidence about how disadvantage holds many students back” and repeated a fallacy that teachers are the biggest factor in student performance.*

*Once again the blame is being shifted downwards – shifting responsibility to those who can have little or no impact on the lives of students and families in their care.*

***In fact all the evidence shows that the greatest variable in student performance is the socio-economic status of their parents.***

<http://theconversation.edu.au/pages/gonski-review>

### **Public School Representatives ignored in Secret Negotiations**

The Prime Minister is negotiating with the private school representatives. According to Trevor Cobbold of Save our Schools, public school teacher and parent organisations have been left out in the cold as funding allocation is being negotiated behind closed doors with state and territory governments and Catholic and Independent schools.

In the past most of these State School organisation representatives – like Joan Kirner - were willing to be co-opted. They sat on the School Commission which diverted billions of dollars from the public to the private sector in the 70s and 80s. The politicians believe public school supporters are covered. Their only way forward is to take a less conciliatory stand and play hard ball – as their religious counterparts have always done.

Public is not and never can be private. Equality is not offered by institutions that discriminate. Chalk is not cheese.

## **Legislation a Wimp**

The legislation is a wimp, a toothless tiger. Clause 10 provides that the

*Act will not create any legally enforceable rights or duties and a failure to comply with the Act will not affect the validity of any decision, nor will that failure constitute any ground to review or challenge a decision.*

Nor will it come into operation until January 1, 2014, well after the next federal election.

Amendments are intended in 2013.

DOGS advise Public School supporters to literally, get into the Act.

***THE DOGS RADIO PROGRAM***  
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