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EDUCATION AND TRAINING REFORM BILL 2006

This paper provides information about the Government's Review of Education and Training Legislation, culminating in the new Education and Training Reform Bill 2006. The paper explores matters raised by the Bill, and includes views presented in the media, by interest groups, and by commentators on broader educational issues.

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This Current Issues Brief is part of a series of papers produced by the Library's Research Service. Current Issues Briefs seek to provide an overview of a subject area for Members, and include information on key issues related to the subject. The views expressed in this paper are those of the author.

Contents

Introduction	1
1. The Review Process	3
1.1 Reasons for the Review of Victoria’s Education and Training Legislation	3
1.2 Review of Education and Training Legislation: Discussion paper	4
1.3 Review of Education and Training Legislation: White paper	5
1.4 Review of Education and Training Legislation: Education Training and Reform Bill Exposure Draft	6
2. About the Bill: An Overview	8
3. Issues Raised by the Bill	10
3.1 Principles	10
3.2 Minimum compulsory school leaving age	12
3.3 Compulsory attendance	16
3.4 Fees and voluntary contributions	18
3.5 Secularism in Victorian state schools	22
3.6 Choice of government school	27
3.7 Provision of information regarding school and student performance to parents and the community	32
3.8 Common regulatory regime: registration of schools, home schooling and corporal punishment	35
4. Submissions to the Review	40
4.1 St Vincent de Paul Society	40
4.2 The Council for Christian Education in Schools	41
4.3 The Uniting Church in Australia – Synod of Victoria and Tasmania	41
4.4 The Smith Family	42
4.5 Victorian Independent Education Union	43
4.6 Victorian Branch of the Australian Education Union	44
4.7 Brotherhood of St Laurence	45
4.8 Parents Victoria	46
4.9 Association of Independent Schools of Victoria	46
5. Media Reports	48
5.1 Press coverage	48
5.2 Media releases	49
6. Resources for Further Information	50
7. Appendix 1: Proposals listed in the White Paper	54

Introduction

The Victorian Government's Review of Education and Training Legislation was launched by the Minister for Education and Training, the Hon Lynne Kosky, in February 2005. The Review was initiated to revise Victoria's *Education Act 1872*, which had not been substantially reviewed since 1958. The Review also considered 14 other Acts which are part of Victoria's education and training legislation.

To begin the review process, a Discussion Paper was released which canvassed a range of issues, to which interested parties were invited to respond. Following the receipt and analysis of submissions, a White Paper was published, which conveyed the government's position on a variety of issues. An Exposure Draft of the legislation was released in December 2005, prior to the introduction of the Education and Training Reform Bill 2006 ('the Bill') into the Legislative Assembly on 7 February 2006.

The Bill proposes a number of changes to Victoria's education and training system. It raises the compulsory school age to 16 years, and requires that home schooled students are officially registered. A new authority is to be created, the Victorian Registration and Qualifications Authority, to register such students, as well as to register government and non-government schools. The Bill allows for schools to seek voluntary financial contributions from parents, with the proviso that they be explicitly described as voluntary and that parents and students are not coerced or harassed for payment. The Bill affirms the secular nature of government schools, however religion may be discussed as part of broader social studies. Voluntary religious instruction in government schools, with the option not to participate, will remain. The Bill also provides for students to attend their local government school, however recognises parents' right to choose the type of education they wish their child to receive.

This paper is intended to provide useful background information to many of the issues raised by the Bill. Please note however that it does not cover the entire Bill, which is a substantial document covering numerous aspects of the education and training system. Instead, it focuses on the core issues as highlighted in the Discussion and White Papers, and which have been the subject of media reports and interest group comment.

The paper begins with an introduction to the review process, and a short summary of the Discussion and White Papers. The following section is a brief overview of the Bill, outlining the major content of each of the Bill's six chapters. Section 3 is the substantive part of the paper; it covers the major issues raised by the Bill, and provides background information to these issues. Arrangements in other Australian jurisdictions are discussed, as is media and interest group commentary. Section 4 summarises some of the submissions to the Review which were made publicly available; this section provides further detail and opinions on important aspects of the Bill. Section 5 lists media reports and press releases relevant to the Bill, while the final section is a guide to resources for further information. An appendix is included which lists all of the government's proposals as they appear in the White Paper.

1. The Review Process

The government's Review of Education and Training Legislation ('the Review') began in early 2005 and culminated in the introduction of the Education and Training Reform Bill into the Legislative Assembly on 7 February 2006. Various documents were released during the process: a Discussion Paper (released February 2005), a White Paper (released September 2005), and an Exposure Draft of the Bill (released December 2005). The following section briefly describes these steps in the process, beginning with an explanation of the reasons for the Review.

1.1 Reasons for the Review of Victoria's Education and Training Legislation

On 10 February 2005, the Minister for Education and Training, the Hon Lynne Kosky MP, launched a Discussion Paper to begin a Review of Education and Training Legislation. In an address given at the launch, Minister Kosky stated that the 'review forms part of the wider program of modernisation, innovation and improvement in education initiated by the Bracks Government'.¹ According to Minister Kosky, there were various reasons for the government undertaking a review of Victoria's education legislation:

- *Relevance:* The original *Education Act* was enacted in 1873, and has not been substantially revised since 1958. The educational context has changed considerably in this time, for example in terms of class sizes, teaching practices and retention rates.
- *The appropriate degree of regulation of schools:* A regulatory framework which meets current community expectations is desirable. While schools must meet certain minimum standards, there must also be room for flexibility so that school communities can have an input into the operation of schools.
- *Timeliness:* 2005 is the centenary of public provision of secondary education in Victoria. It is an appropriate time to canvass community views on the form of the state's education legislation.

A wholesale remaking of the Education Act was deemed necessary as the *Education Act 1958* 'no longer embodies an appropriate vision or contextual setting for schooling in the 21st century'.² The opportunity to participate and contribute was generally welcomed by stakeholders. Chief Executive of the Association of Independent Schools in Victoria, Michelle Green, noted that attention could now be turned to producing 'positive outcomes for students and society'³ after the debates surrounding education at the 2004 federal election. An editorial in *The Age* stated 'The Government's decision to rewrite this cornerstone legislation is welcomed and endorsed. That it has taken so long reflects poorly on previous governments, far too

¹ Hon L. Kosky MP (2005) *Review of Education Legislation*, 10 February, viewed 27 September 2005, <<http://www.education.vic.gov.au/>>.

² *ibid.*

³ M. Davis (2005) 'Consultations in lead-up to reform debate', *The Australian*, 21 March, p.9.

content to simply amend, rather than rebuild. This opportunity, therefore, is an important one'.⁴

As noted in the Review of Education and Training Legislation Discussion Paper ('the Discussion Paper'), the objectives of the Review were to:

- Ensure the relevance of legislation to the contemporary education and training environment;
- Ensure that legislation supports the achievement of government policy objectives; and
- Minimise the legislative obstacles to innovative service delivery.⁵

1.2 Review of Education and Training Legislation: Discussion paper

The Discussion Paper is available for download from:

<<http://www.education.vic.gov.au/>>

The Discussion Paper was released in February 2005 to begin the review process. The intention of the Discussion Paper was to stimulate dialogue and encourage stakeholders to present their views on new education legislation. Specifically, the Discussion Paper posed eight key questions:

1. Should the principle of a free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?
2. Should the secular nature of government school provision be affirmed as a guiding principle in new legislation?
3. Should people's right to choose between school education providers, registered or recognised by the Government, be established as a guiding principle in new legislation?
4. Should education and training providers be required through legislation to operate and deliver a curriculum consistent with Australian democratic principles?
5. Should the right of public access to information about provider performance be established as a guiding principle in new legislation?
6. Should the right of parent and student access to information about individual student achievement be established as a guiding principle in new legislation?
7. Should a common and flexible regulation and quality assurance regime be established for all schools?
8. Are there any existing responsibilities of statutory authorities that should be changed?

Submissions to the Review were invited, particularly in response to the key questions listed above. A summary of selected submissions is included in section 4 of this paper.

1.3 Review of Education and Training Legislation: Government White Paper

⁴ Editorial (2005) 'Making sure education has a class act', *The Age*, 17 February, p.14.

⁵ Department of Education and Training (2005) *Review of Education and Training Legislation: Discussion Paper*, East Melbourne, p.3.

The White Paper is available for download from:

<<http://www.education.vic.gov.au/>>

The White Paper was released on 15 September 2005. It's purpose was to publicise the government's position in respect to the eight key questions raised in the Discussion Paper, following the receipt of submissions. Each question was accompanied by a list of proposals intended for inclusion in the new legislation; some of the key proposals appear below. These are direct quotes from the White Paper. For a complete list of the proposals, please see Appendix 1 of this paper.

On free instruction and compulsory attendance:

- 'Affirm in the Act the principle of free instruction in government schools' (p. 8)
- 'Raise the minimum compulsory school leaving age to 16 years' (p. 8).

On the secular nature of government schools:

- 'Affirm in the Act the principle of secularity in government schools using language appropriate to contemporary Australian society' (p. 9)
- 'Ensure the Act explicitly permits the teaching of comparative religion in government schools and remove legal ambiguity surrounding this practice' (p. 9).

On a curriculum consistent with democratic principles:

- 'Include as a principle in the Act the expectations of the community that all registered education and training providers, including government and non-government schools, must operate within the framework of Australian democratic practice' (p. 10).

On choice of school:

- 'Maximise choice for parents within the government school system' (p. 11).

On parent and community access to information:

- 'Ensure that individual school performance information is made available to the school community' (p. 13).

On parent and student access to information:

- 'Establish in the Act the right of parent and student access to information about individual student achievement' (p. 13).

On a common regulatory regime for schools:

- 'Ensure the establishment of a new common regulatory regime for all Victorian schools. This regime is to be based on a set of minimum standards which all schools are required to meet'
- 'Establish a Statutory Authority with responsibility for recommending to the Minister for Education and Training: minimum standards for the registration of government and non-government schools; minimum standards for home schooling; and information about Victorian schools that should be disseminated to the community' (p. 15).

On roles and responsibilities of statutory authorities:

- 'Abolish the Registered Schools Board and transfer its role, functions and responsibilities to a new Qualifications and Registration Authority to develop a common regulatory regime for all schools and training providers' (p. 16).

Response to the White Paper

Various interest group representatives made comments to the media in response to the White Paper. As reported in *The Age*, the proposed legislative arrangements received 'broad support from education groups, including the two main principals' associations, the Catholic system, the Victorian Independent Education Union and the Association of Independent Schools in Victoria'.⁶

There were, however, some detractors. In regard to home schooling, Susan Wight of the Home Education Network indicated the group's opposition to the proposals.⁷ Mary Bluett, president of the Australian Education Union's Victorian branch, claimed that the review process was rushed and the result was predetermined. In relation to the proposed ban on corporal punishment, Association of Independent Schools Chief Executive Michelle Green said that individual schools should have responsibility for their own discipline policies, including whether corporal punishment should be administered.⁸

The Age's education reporter, Shane Green, said that the White Paper 'introduces measured change to our schools, rather than revolution', although it 'gets it mostly right'.⁹ Shadow Minister for Education, Victor Perton, was quoted in *The Age* as saying that the proposed legislation would do nothing to lift standards in schools, which he claimed was the main education issue in Victoria.¹⁰ A media release issued by Mr Perton stated the White Paper is 'lacking in change, innovation and action and does not outline how standards will be raised in our education system'.¹¹

1.4 Review of Education and Training Legislation: Education Training and Reform Bill Exposure Draft

The Exposure Draft is available for download from:

<<http://www.education.vic.gov.au/>>

An Exposure Draft of the legislation was released in December 2005, and posted on the Department of Education and Training's website. The period for comment finished in late January. The Exposure Draft presented, in legislative form, the government's intentions as laid out in the White Paper. Following further input from interested parties, the Education and Training Reform Bill 2006 was presented to

⁶ C. Leung & D. Rood (2005) 'Strap to be banned in all Victorian schools', *The Age*, 16 September, p.5.

⁷ *ibid.*

⁸ *ibid.*

⁹ S. Green (2005) 'State gets a B+ for its overhaul of education', *The Age*, 16 September, p.5.

¹⁰ C. Leung & D. Rood (2005), *op. cit.*

¹¹ Shadow Minister for Education (2005), *Bracks' education white paper fails to raise standards*, media release, 15 September.

Parliament on 7 February 2006. The Bill contained some changes, although mostly of a minor character. The content of the Bill is the subject of the next section of this paper.

2. About the Bill: An Overview

The Education and Training Reform Bill 2006 was introduced by Minister Lynne Kosky on 7 February 2006, and the second reading took place on 9 February. The Bill is organised into six chapters, which are briefly described below (the main issues however are discussed further in this paper). For more detailed information on the Bill, see the second reading speech, the explanatory memorandum or the Bill itself, all available for download from <http://legislation.intranet.dpc.vic.gov.au>.

Chapter 1 contains preliminary content, as well as two sets of principles; principles underlying the enactment of the Act, and principles underlying the education and training system.

Chapter 2 concerns school education in Victoria. The parental obligations surrounding a child's attendance at school are stated, as are the duties of school attendance officers, who have the power to question and take details of children apparently of compulsory school age who are seen out of school during school hours. The chapter also covers issues related to fees and charges; education in specified learning areas must be provided free of charge, however the legislation clarifies that schools are able to seek voluntary contributions from parents.

The nature of religious education in government schools is also canvassed. According to the Bill, state school education is to remain secular, however teachers will be allowed to teach comparative religion, and discuss religion in the context of broader political, historical and social issues. 'Special religious instruction' (instruction provided by churches or other religious groups) may be given by authorised persons in state schools, however attendance is not compulsory.

Chapter 2 also contains provisions which ensure that children must be accepted into their designated neighbourhood government school, however may attend another government school if they can be accommodated.

Additionally, chapter 2 contains provisions relating to government school councils, the government teaching service, the Victorian Curriculum and Assessment Authority and the Victorian Institute of Teaching.

Chapter 3 has regard to post school education and training. Under this chapter of the Bill, the Victorian Learning and Employment Skills Commission will be re-named the Victorian Skills Commission. The chapter is in three parts, containing provisions related to vocational education and training, higher education, and adult, community and further education.

Chapter 4 establishes the new Victorian Registration and Qualifications Authority. The Authority will be responsible for registering government and non-government schools, registering students for home-schooling, and ensuring that certain 'minimum standards' for the operation of schools are met, amongst other duties. There are

various requirements that schools must meet in order to gain registration, one of which is the prohibition on the use of corporal punishment. The new Authority is to replace the current Victorian Qualifications Authority and the Registered Schools Board.

Chapter 5 contains provisions relating to the Minister's powers and the departmental secretary's functions and powers. There are also divisions pertaining to work experience, apprentices, volunteer workers and scholarships.

Chapter 6 repeals the twelve acts which currently regulate education and training in Victoria, and amends the *Community Services Act 1970*.

The twelve acts to be repealed are:

- the *Adult, Community and Further Education Act 1991*;
- the *Baxter Technical School Land Act 1982*;
- the *Community Services (Attendance at School) Act 1970*;
- the *Education Act 1958*;
- the *Educational Grants Act 1973*;
- the *Education (Special Developmental Schools) Act 1976*;
- the *Teaching Service Act 1981*;
- the *Tertiary Education Act 1993*;
- the *Victorian Curriculum and Assessment Authority Act 2000*;
- the *Victorian Institute of Teaching Act 2001*;
- the *Victorian Qualifications Authority Act 2000*; and
- the *Vocational Education and Training Act 1990*.

3. Issues raised by the Bill

This section looks at some of the key issues raised by the Bill. The Bill itself encompasses a much broader range of educational concerns, however only the most prevalent issues, which have been the subject of interest group submissions and media coverage, are discussed here. This is not intended to be a comprehensive coverage of each issue; rather a guide to some important aspects of the Bill and further information.

3.1 Principles

The Bill contains the following provision to encourage the incorporation of democratic principles in Victorian education legislation:

**s. 1.2.1 Principles underlying the enactment of this Act –
Parliament has had regard to the following principles in enacting the Act—**

(a) all providers of education and training, both Government and non-Government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy, including a commitment to –

- (i) elected Government;**
- (ii) the rule of law;**
- (iii) equal rights for all before the law;**
- (iv) freedom of religion;**
- (v) freedom of speech and association;**
- (vi) the values of openness and tolerance;**

In her second reading speech, Minister Kosky described these principles as the key tenets of Australian civil society. Other principles to underlie the enactment of the Act as described in s. 1.2.1 include:

- all Victorians should have access to a high quality education;
- information about the performance of education and training providers should be made publicly available;
- parents should be able to choose an appropriate education for their child;
- a community has the right to information concerning school performance; and
- parents have the right to access information on student achievement.

In s.1.2.2 of the Bill, there are also ‘principles underlying the Government education and training system’. In summary, these are:

- The State is to provide universal access to government education;
- Government schools are to be secular, but are open to students of all religions, faiths and philosophies;

- Instruction in specified learning areas is to be provided free of charge until the completion of year 12 for government school students under 20 years of age;
- Every student can attend a designated neighbourhood government school; and
- All students under the age of 20 have a guaranteed place at a TAFE or other public training provider to the completion of year 12 or equivalent.

Some of these principles are dealt with in greater detail further in this paper.

3.2 Minimum compulsory school leaving age

Currently in Victoria, parents/guardians must ensure that their children attend school to the age of 15 years, the same age as prescribed by the 1872 Act. The *Education Act 1958* defines a child of school age to be ‘not less than six nor more than fifteen years of age’.¹² Of course, most children attend school beyond the compulsory years. The Bill proposes that the minimum compulsory school leaving age be raised to 16 years. According to the White Paper, this is to ‘reflect the current reality and to bring Victoria more into line with international practice’.¹³

s. 1.1.3 Definitions

(1)... “**compulsory school age**” means not less than 6 nor more than 16 years of age

Presented below is information on minimum compulsory school leaving age in other Organisation for Economic Co-operation and Development (OECD) countries, in other Australian states and territories, and some arguments for and against raising the minimum age at which teenagers may leave school.

OECD countries

Victoria’s current prescribed leaving age is lower than in many other OECD countries; indeed some of these countries prescribe compulsory schooling until the age of 18. The following table shows compulsory school attendance ages in all OECD countries.

Table 1: Ending age of compulsory education, OECD countries, 2003¹⁴

Country	Age	Country	Age
Portugal	14	Denmark	16
Greece	14	Sweden	16
Korea	14	Norway	16
Turkey	14	France	16
Italy	15	Canada	16
Austria	15	New Zealand	16
Japan	15	Finland	16
Czech Republic	15	United Kingdom	16
Poland	15	Spain	16
Mexico	15	Hungary	16
Luxembourg	15	United States	17
Switzerland	15	Netherlands	18
Slovak Republic	16	Belgium	18
Ireland	16	Germany	18
Iceland	16		

¹² *Education Act 1958* (Vic), s. 3(1).

¹³ Department of Education and Training (2005) *Review of Education and Training Legislation: Government White Paper*, East Melbourne, p.8.

¹⁴ Organisation for Economic Co-operation and Development (2005) *Education at a Glance 2005* (Table C1.2), OECD, Paris, viewed 26 September 2005, <<http://www.oecd.org>>.

Australian States and Territories

States and Territories in Australia have a variety of compulsory education ages. Interestingly, a number of states have recently reviewed the compulsory education age and legislated changes. Presented below are details of the current arrangements.

Australian Capital Territory

As defined in Section 9 of the ACT's *Education Act 2004*: '...a child is of compulsory school age if the child is at least 6 years old and under 15 years old'.

New South Wales

The compulsory school age in NSW has remained unchanged for many years. It is defined in the NSW *Education Act 1990*: 'It is the duty of the parent of a child of or above the age of 6 and below the age of 15' to ensure their child is enrolled in and attends school, or is registered for home schooling.

Northern Territory

Defined in the Northern Territory's *Education Act 1979*, a child of compulsory school age 'means a child of or above the age of 6 years who has not yet attained the age of 15 years'.

Queensland

The *Education (General Provisions) Act 1989* (s. 4A) stipulates that 'A child is of compulsory school age if the child is at least 6 years and less than 16 years'.

South Australia

The *Education Act 1972* defines a child of compulsory school age as 'a child of or above the age of 6 years but under the age of 16 years'. This was changed from 15 years by the *Education (Compulsory Education Age) Amendment Act 2002*. The change was 'central to the government's education reform agenda for social inclusion and the improvement of school attendance and retention rates'.¹⁵ With special approval from the minister however, a child may be exempt from this rule in order to participate in an approved course of instruction or training.

Tasmania

The *Education Act 1994* currently defines a school-aged child to be a child 'who is at least 6 years of age and has not attained the age of 16 years, or has not completed the school year immediately before the first year after compulsory education'. While the current minimum leaving age is therefore 16, the passing of the *Youth Participation in Education and Training (Guaranteeing Futures) Bill 2005* on the 14 April 2005, will mean that from 2008, young people will be required to participate in further education or training until they turn 17. If, however, students gain full-time employment amounting to 25 hours or more per week, they may be exempted from this requirement. The new legislation is a component of a Tasmanian Government strategy 'Tasmania: A State of Learning'.¹⁶

Western Australia

¹⁵ Department of Education and Children's Services (2004) *Increase in school leaving age*, Government of South Australia, viewed 13 September 2005, <<http://www.decs.sa.gov.au>>.

¹⁶ L. Thorp (2005), *Guaranteeing futures legislation passed*, media release, 14 April.

The *School Education Act 1999* has recently been amended, so that from 1 January 2006 until 31 December 2007, the compulsory education period for a child is ‘from the beginning of the year in which the child reaches the age of 6 years and 6 months...until the end of the year in which the child reaches the age of 16’. As of 1 January 2008, the compulsory period will be until ‘the end of the year in which the child reaches the age of 17’. These changes were made by the *Acts Amendment (Higher School Leaving Age and Related Provisions) Act 2005*, which was passed on 15 November 2005. There are, however, provisions for students to leave school earlier if they have found an alternative suitable training option or a job with genuine long-term career prospects.¹⁷ In his second reading speech to the West Australian Parliament, Minister for State Development Mr A.J. Carpenter stated:

‘In lieu of enrolment at a school or in home education, this bill also enable parents to choose, by giving notice to the minister, other enrolment options, which include full-time study at a registered training organisation, including a TAFE college; being an apprentice or trainee; or undertaking a combination of any part-time school, training and employment, including, for example, the option of two days a week of school, two days a week of TAFE and a day of employment’.¹⁸

The Bill also contains a new subdivision which provides for a child to be employed full time, subject to conditions set by the minister. The last time the school leaving age was raised in Western Australian was 1966.

Arguments for and against increasing compulsory school age

Compulsory school leaving age has proved a contentious issue. Some commentators argue that students should be encouraged to stay on at school for as long as possible, while others say that for some, school isn’t the best option, and these students should be allowed to follow alternate paths. Listed below are some arguments for and against increasing the compulsory school leaving age.

For increasing the compulsory school leaving age:

- It is more difficult now for those who leave school early to find useful employment than it has been previously. Students who leave school early ‘often face a bleak social, financial and employment future’.¹⁹
- A modern, complex and fast-changing society requires a workforce with a higher level of education and training than in the past. Educational achievements and standards are linked to economic advancement.
- Then West Australian Premier Geoff Gallop has stated that statistics show that many teenagers leave school and begin collecting Centrelink almost immediately. ‘Doing nothing is no longer an option...15 is simply too young to stop learning’ he said.²⁰
- School leaving age can have a lasting effect on future earnings. Andrew Leigh and Chris Ryan from the Australian National University have conducted a study into early school leaving. They compared two groups of students; one group who

¹⁷ Western Australia (2005), Legislative Assembly, *Debates*, 25 August, p.4631.

¹⁸ *ibid.*, p. 4632.

¹⁹ Department of Education and Training (2005) *15 is too young to stop learning – frequently asked questions*, Government of Western Australia, viewed 12 September 2005, <<http://www.det.wa.edu.au>>.

²⁰ P. Taylor (2005) ‘Minister wary of states’ push to raise leaving age’, *The Australian*, 24 August, p.4.

happily left school at the minimum leaving age, while the other group reluctantly stayed for an extra compulsory year (therefore neither group were 'enthusiastic' students). According to Leigh, the experiment showed that 'over their lifetimes, the earnings of the stayers turned out to be significantly higher than the earnings of the leavers'.²¹ Regarding the options presented by some states that teenagers either stay in school or work, Leigh and Ryan's research indicated that 'learning beats earning. It is better to raise the school leaving age. The evidence shows that raising the NSW school leaving age – certainly to 16, and perhaps even to 17 – can substantially raise the future incomes of students who might otherwise drop out'.²²

Against increasing the compulsory school leaving age:

- It may be more useful for some to obtain skills outside the classroom, rather than stay in school purely because it is compulsory.
- Dr Alfred (Mike) Dockery of the Curtin University of Technology has conducted research into the value of additional years of schooling. In a paper summarising particular research findings, he makes the following points:²³
 - The fact that those who complete school have better outcomes than those who leave school early cannot necessarily be taken to imply that the extra years of schooling cause those better outcomes; there are a variety of contributing factors.
 - Is there any point in keeping poorly performing students on to graduate with the lowest marks? Forcing all young people to complete year 12 will simply serve to devalue the signal provided by a Leaving Certificate.
 - The argument that better outcomes observed for those who complete secondary school means that everyone should be kept in school for longer is false; 'those who complete year 12 are inherently different from early school-leavers. They have higher ability in the sense that they have higher measured numeracy and literacy standards and do better on other measures of school performance. So much of the difference in outcomes between these groups is a result of difference in pre-existing abilities of those who complete high school relative to those who do not'.
 - There is a strong synergy between ability and years of schooling – 'it is the combination of ability and extra years of schooling that provides young people with positive benefits, not just the years of schooling themselves'.

In her second reading speech, Minister Kosky argued that

'The evidence shows that people who complete year 12 or equivalent are more likely to make a successful transition to further study or work. The evidence also shows that there are ongoing effects from leaving school early – not just for the individual but also for society and the economy. It is often the most disadvantaged students who are at risk of not finishing their schooling. The objective of a minimum compulsory school leaving age is to prevent students leaving school with no pathways or prospects'.²⁴

²¹ A. Leigh (2005) 'Early school leavers still have a lot to learn', *Sydney Morning Herald*, 22 August, p.11.

²² *ibid.*

²³ M. Dockery (2005) 'Should young people be made to stay on at school longer?', *Online Opinion*, viewed 13 September 2005, <<http://www.onlineopinion.com.au>>.

²⁴ Victoria (2006), Legislative Assembly, *Debates*, 9 February, p.225.

3.3 Compulsory attendance

Parental obligation to send their children to school was established in the 1872 Education Act. The new Bill explains the duties of parents to enrol their children in school and ensure attendance, with fines a possibility for parents who do not comply. Under the existing *Community Services Act 1970*, parents can be fined \$20 if they cannot supply a reasonable excuse for their child's non-attendance at school. Under the proposed laws, parents may be fined 1 penalty unit (currently \$104.81) per day for each day that their child is away from school without a reasonable excuse. However, it is not expected that the penalty will be invoked all that often. A spokesperson for Minister Kosky was reported in *The Age* as saying that 'Whilst a penalty will only be used in extreme circumstances, it does send a clear message that truancy is unacceptable'.²⁵

s. 2.1.1 Attendance at school

It is the duty of the parent of a child of not less than 6 nor more than 16 years of age –

(a) to enrol the child at a registered school and to ensure the child attends the school at all times when the school is open for the child's instruction; or

(b) to register the child for home schooling in accordance with the regulations and to ensure that the child receives instruction in accordance with the registration.

s. 2.1.2 Offence for parent to fail to comply with duty

A parent of a child of compulsory school age must not without a reasonable excuse fail to comply with the duty set out in section 2.1.1.

Penalty: 1 penalty unit for each day on which the duty is not complied with.

Under s. 2.1.3, the Bill sets out what is accepted as a 'reasonable excuse' for absence from school, including illness, accident, unforeseen event, unavoidable cause, a requirement to comply with another law, or absence from Victoria. There are also allowances for children receiving distance education and home schooling, attending religious festivals or whose absence from school was an act of disobedience rather than any fault of the parent. School principals and teachers may request an explanation for a child's absence from school:

s. 2.1.4 Parent to notify school of absence

(1) The principal of, or a teacher at, a registered school at which a child of compulsory school age is enrolled may ask a parent of the child for an explanation of the reason for the child's failure to attend the school at a time when the school was open for the child's instruction.

(2) The principal must ensure that record in writing is made of the reason (if any) given by the parent.

²⁵ S. Green & C. Leung (2005) 'Kosky on back foot over parents' \$500 truancy fine', *The Age*, 16 December, p.3.

Under the new provisions in the Bill, there is also the potential for school attendance officers to be employed, who will have the power to question children apparently of school age, who are seen out of school during school hours. Again, this clause may very well not be invoked, but is an option for governments if desired.

s. 2.1.7 Appointment of school attendance officers

The Minister may in writing appoint a person employed under the Public Administration Act 2004 as a school attendance officer for the purposes of this Act.

...

s. 2.1.10 Powers of school attendance officers

(1) If a school attendance officer has reasonable grounds to believe that a child who is apparently of compulsory school age does not attend a registered school during school hours on a school day, the school attendance officer may stop the child in the street or a public place and ask the child for his or her name and address.

Attendance officers in other states and territories

The following states and territories have made provisions for the employment of school attendance officers:

- *Western Australia*: under the *School Education Act 1999*, School Attendance Officers may be employed. They may stop and detain children whom they reasonably believe to be an absentee student.
- *Northern Territory*: since 2003 the NT Government has employed eight School Attendance Officers (SAOs). The SAO Program is currently being re-designed and is expected to commence mid-2006.
- *New South Wales*: Home School Liaison Officers work with schools and parents on issues of non-attendance. They are granted power to question children of school age who are observed out of school during school hours.
- *South Australia*: under the *Education Act 1972*, 'authorised officers' as defined by the Act (including members of the police force) may stop and question a child of school age seen in a public place during school hours.
- *Tasmania*: under the *Education Act 1994*, authorised persons can approach any child who appears to be of school age and is apparently not in attendance at a school, request certain information and accompany them to their home or school.

3.4 Fees and voluntary contributions

The Bill indicates that free instruction will continue to be ensured in eight key learning areas listed in Schedule 1; The Arts, English, Health and Physical Education (including Sport), Languages other than English, Mathematics, Science, Studies of Society and Environment, and Technology.

s. 2.2.4 Instruction in specified learning areas to be free to students under 20

(1) Instruction in the learning areas specified in Schedule 1 to (and including) year 12 of education or its equivalent is to be free for a student who is under the age of 20 years on 1 January in the year the student commences that year of schooling and who is attending a Government school.

The above section does not apply to overseas students, and students of 20 years of age may be charged fees. Government schools will however be allowed to continue to charge fees for certain materials and co-curricula or extra-curricula activities, such as books, camps, and excursions. The Bill confirms that schools will be allowed to continue to seek voluntary levies from parents, provided the following conditions are met:

s. 2.2.7 Voluntary financial contributions

(1) The school council of a Government school may ask the parents of a student enrolled at the school, or anyone else, to make a financial contribution to the school.

(2) A school council may use voluntary contributions for any purpose for any school in relation to which it is constituted unless the contribution is provided for a specified purpose.

(3) The following principles apply in relation to financial contributions –

- (a) a school council should clearly explain how contributions will be spent when making a request for a contribution;**
- (b) each contribution is to be voluntary and obtained without coercion or harassment;**
- (c) a student at the school is not to be refused instruction in the learning areas specified in Schedule 1 because the student's parents do not make a contribution;**
- (d) a student is not to be approached, coerced or harassed for contributions;**
- (e) any record of contributions is confidential.**

(4) If the school council asks the parents of a student enrolled at the school to make a financial contribution, the school council must tell the parents about the principles that apply in relation to financial contributions.

The government will continue to finance the Education Maintenance Allowance, which is provided to eligible parents to assist them with associated costs of their child's education.

The White Paper noted that few submissions to the Review argued that schools should be prevented from seeking voluntary contributions. However, submissions argued that the voluntary nature of the charges must be emphasised, in recognition of the fact that some parents find them difficult to afford. *The Age's* Shane Green claimed that there is evidence of a 'struggle by many disadvantaged families to meet the costs of a "free" education', thus the government should 'widen the boundaries of what a free education should encompass'.²⁶

The Victorian Council of Social Service (VCOSS) is an interest group which has been particularly vocal about the hardship certain families face in meeting the costs of education. In a report detailing research conducted by Emergency Relief Victoria and VCOSS, it is stated that 'over the past five years in Victoria, there has been increasing anecdotal evidence that families have been seeking emergency relief for assistance in meeting the costs of 'free' education', including clothing, books and voluntary fees.²⁷ Indeed, figures provided to *The Age* by the State Schools Relief Committee show that in 2004, the Committee helped 7,120 state primary and secondary students afford school necessities such as shoes and books, an increase of over 22 per cent (over 1300 students) since 2000.²⁸

VCOSS is concerned about this due to the importance of education in overcoming disadvantage, and the potential for those who cannot afford associated costs to be alienated from the education system. The report cites research conducted by the Brotherhood of St Laurence, which notes that 'voluntary fees and charges by schools serve as a significant barrier to the participation of children from low-income families in school activities'.²⁹ VCOSS welcomed the government's 2004/05 State Budget announcement that the Education Maintenance Allowance would be increased (to \$400 per secondary-school child and \$200 per primary-school child) and indexed to CPI, as the allowance is an important support to low-income families. They have, however, repeated calls for the entire allowance to be paid to parents, rather than 50 per cent provided to the school, and in one instalment in time for the start of the school year rather than two.³⁰

In a letter sent to Victorian government schools at the beginning of the 2006 school year, Minister Kosky warned schools seeking voluntary financial contributions from parents that the voluntary nature of the levy must be explicitly stated. Parents and students should not be denied access to programs if fees are not paid, nor should undue pressure be used to encourage payment. The letter was in reaction to complaints received from parents, who felt that their children were disadvantaged as a result of not making the voluntary payments. An inquiry line was set up at the

²⁶ S. Green (2005) 'State gets a B+ for its overhaul of education', *The Age*, 16 September, p.5.

²⁷ M. Weaving, G. Lloyd, C. Atkins & A. Savage (2004) *The rising cost of 'free' education*, Emergency Relief Victoria, Melbourne, p.4.

²⁸ S. Green (2005) 'Parents too poor to outfit students', *The Age*, 28 March, p.1.

²⁹ J. Taylor & A. Fraser (2003) *Life chances and family income*, Brotherhood of St Laurence, p.2.

³⁰ Victorian Council of Social Services (2005) *Generating a Community Legacy: VCOSS State Budget Submission 2005-06*, VCOSS, Melbourne, viewed 14 November 2005, <www.vcooss.org.au>.

beginning of 2006 by the Education Department to deal with any questions parents might have about voluntary contributions.

Other Australian States and Territories

Provided below are details of the legislative arrangements surrounding the payment of voluntary contributions in the states of Queensland, South Australia and Western Australia.

Queensland

The *Education (General Provisions) Act (1989)* s. 24 states that; ‘In State schools, the cost of instruction of children whose parents are domiciled in the State shall be defrayed by the State’.

The Queensland Government’s *Department of Education Manual* contains guidelines for the introduction of voluntary contributions pertaining to resources. All contribution schemes must be authorised by the relevant parents/citizens association for each school. The manual also stresses that where parents have not paid a contribution to a particular scheme, the school and parents/citizens association must continue to provide the student with full access to all learning opportunities. Discretion is urged in approaching issues of non-payment, however it is stipulated that neither debt-collection, legal action (or the threat thereof) nor withholding student reports is permitted.

In 2004, the Queensland Government undertook a review of education legislation, entitled *Education Laws for the Future*. In response to a consultation paper, it was found that over 90 per cent of respondents favoured maintaining the principle of free education and implementing guidelines for voluntary contributions.³¹ The idea of schools charging for specialist programs and specific additional services was supported by 77 per cent of respondents. 88 per cent agreed that schools should be able to charge for overseas students, that charges should require approval and that the right to waive charges be reserved.

South Australia

Legislation does not contain explicit provisions for free access to education. The *Education Act 1972* s. 106A provides for school councils to approve compulsory materials and services charges, which are indexed against the CPI. Principals may approve instalment payments on application for hardship, or waive all or part of the charge. Materials and Services are defined as including items such as; books, stationery, printing, photocopying, facilities, computers, organised activities and other materials and services to be provided to or for students in connection with courses of instruction.³²

³¹ Department of Education and the Arts (2005) *Education Laws for the Future: Overview of Consultation*, Queensland Government, viewed 18 November 2005, <<http://education.qld.gov.au>>.

³² Department of Education and Children’s Services (2002) *Administrative Instructions and Guidelines*, Government of South Australia, viewed 18 November 2005, <<http://www.schools.sa.gov.au>>.

A means-tested School Card provides assistance to low-income families to help meet the costs of educational expenses. Per term, eligibility for the School Card Scheme entitles parents of a primary school student to receive up to \$117, and parents of a secondary school student may receive up to \$181. Any charges above the amount of the School Card grant are voluntary. Voluntary contributions may also be sought, for example for library or building funds, but the voluntary nature of these charges must be advised.

Western Australia

Provisions are made in the *School Education Act 1999* and *School Education Regulations 2000* for both compulsory charges and voluntary contributions, with guidelines stipulating the maximum amounts that may be charged. In addition to the guidelines in legislation, the Department of Education has produced a policy paper outlining procedures and guidelines for all charges and contributions. Charges for instruction (which are compulsory) may not be imposed for the provision of:

- a non-optional component of an educational programme at a government school; or
- an optional component of an educational programme at a government school where instruction is provided by a member of the teaching staff, unless the student is an adult or overseas student.³³

The West Australian Department of Education has produced a policy document titled *Contributions, Charges and Fees*. Regarding voluntary contributions, the policy states that 'From K-7, regardless of age or the school a child is attending, the maximum voluntary contribution that can be sought from parents is \$60. A voluntary contribution, to a maximum of \$235, cannot be sought from parents until the year in which their child turns 13 and is in year 8, 9 or 10, regardless of the school the child is attending'. If parents choose not to pay a contribution, the student must not be treated differently from students whose parents pay the contribution.³⁴

³³ *School Education Act 1999* (WA) s. 98(1).

³⁴ Department of Education (2001) *Contributions, Charges and Fees*, Government of Western Australia, viewed 13 December 2005, <<http://www.eddept.wa.edu.au>>.

3.5 Secularism in Victorian state schools

In a general sense, secular means ‘outside of religion’. Secular government school education has been defined by The Council for Christian Education in Schools as ‘the obligation of a government school to refrain from endorsing any specific religious, political or ethnic tradition, while enabling students to study these traditions as they impact on present Australian society and the wider world, within the context of core personal and democratic values’.³⁵

Current legislation

Religious instruction in Victorian state schools is currently regulated by Section 23 of the Education Act 1958. It states (in part):

- (1) Subject to this section religious instruction may be given in any State school but otherwise secular instruction alone shall be given in State schools.
- (2) When religious instruction is given in any State school during the hours set apart for the instruction of the pupils-
 - (a) such religious instruction shall be given by persons who are accredited representatives of religious bodies and who are approved by the Minister for the purpose;
 - (c) attendance for such religious instruction shall not be compulsory for any pupil whose parents desire that he be excused from attending.
- (3) No teacher within the meaning of this Act shall give any instruction other than secular instruction in any State school building.

Thus state schools are secular, in that particular religions must not be promoted. Teachers are not allowed to teach or promote a specific faith, however accredited professionals may conduct religious instruction in schools subject to Ministerial approval. There is an important opt-out provision for parents who do not wish their children to receive religious instruction, and schools must provide other classes to such children.

Proposed changes

The Bill intends that state schools remain secular. This clause is included as one of the principles in the Bill’s first chapter (p. 13):

s. 1.2.2 Principles underlying the Government education and training system

2(a) Government schools –

- (i) will provide a secular education and will not promote any particular religious practice, denomination or sect; and**
- (ii) are open to adherents of any philosophy, religion or faith**

³⁵ The Council for Christian Education in Schools (2005), *Review of Education and Training Legislation - a submission to the Victorian Government*, Melbourne, viewed 28 August 2005, <<http://www.cces.org.au>>.

Students will continue to have the opportunity to receive religious education by approved instructors, and the opt-out clauses will remain so that instruction is not mandatory. Additionally, the Bill ensures that government school teachers may teach comparative religion, in which various religions can be discussed in a non-partisan way, thus alleviating current ambiguity. This includes discussion of religion in the context of broader historical and political issues. Minister Kosky has noted that current arrangements have broad support, and any changes introduced will ‘modernise the legislation so that it actually accords with current practice in schools, which most would say was appropriate practice’.³⁶ The relevant sections from the Bill appear below:

s. 2.2.10 Education in Government schools to be secular

(1) Except as provided in section 2.2.11, education in Government schools must be secular and not promote any particular religious practice, denomination or sect.

(2) Sub-section (1) does not prevent the inclusion of general religious education in the curriculum of a Government school.

(3) A Government school teacher must not provide religious instruction other than the provision of general religious education in any Government school building.

(4) In this section “general religious education” means education about the major forms of religious thought and expression characteristic of Australian society and other societies in the world.

s. 2.2.11 Special religious instruction (*in part*)

(1) Special religious instruction may be given in a Government school in accordance with this section.

(2) If special religious instruction is given in a Government school during the hours set apart for the instruction of students –

(a) the persons providing the special religious instruction must be persons who are accredited representatives of churches or other religious groups and who are approved by the Minister for the purpose;

(c) attendance for the special religious instruction is not to be compulsory for any student whose parents desire that he or she be excused from attending.

(5) In this section “special religious instruction” means instruction provided by churches and other religious groups and based on distinctive religious tenets and beliefs.

³⁶ S. Green (2005) ‘State schools to be a little less secular’, *The Age*, 18 July, p.6.

Petitions to Parliament

Numerous petitions have been presented to the Parliament advocating the continuation of religious instruction in state schools. Petitioners desire that there is no change to legislation that would diminish the status of religious instruction, and in addition, are encouraging of additional funding for chaplaincy services. As at 9 February 2006, a total of 198 petitions had been presented to Parliament by 66 different Members, containing 15,744 signatures.

Position of The Nationals Victoria

The Nationals have issued a number of media releases on the topic of the teaching of religion, particularly Christian education, in state schools. The Parliamentary Party has resolved to retain the current arrangements, as noted in one media release; 'Our nation with all of its freedoms, and the tolerance and compassion, of which we are justly proud, is based on Christian teachings and traditions. It is therefore important that we retain the teaching of Christian education in schools as an important part of our education system'.³⁷ The party believes that it is 'right and fitting that Christian education continues to be offered on a regular basis to children in our schools'.³⁸

Legislation in other states regarding religious education in government schools

Queensland

The *Education (General Provisions) Act 1989* and *Education (General Provisions) Regulations 2000* provide right-of-access for ministers of religion or accredited representatives to give religious instruction to students for not more than one hour per week in secondary schools. Religious bodies are responsible for authorising the content of religious instruction. Sectarian publications may only be brought to and used on school grounds by Ministers and/or accredited representatives, and must not remain on school property.

Thirty minutes per week of 'selected Bible lessons' in state primary and special schools are provided for, however these must not '...include any teachings in the distinctive tenets or doctrines of any religious denomination, society or sect'.³⁹ The system provides the option to opt-out, with parents required to advise the principal in writing if they do not wish their child to participate. Students withdrawn from religious instruction must have alternate and separate instruction arranged for them.

The Queensland Government's Department of Education Manual regulates chaplaincy services. It provides for voluntary arrangements designed to facilitate access to '...educational activities as well as other forms of support in relation to spiritual,

³⁷ The Nationals Victoria (2005) *Nats support retention of Christian education in schools*, media release, 1 June.

³⁸ The Nationals Victoria (2005), *Christian beliefs and values have place in schools says Walsh*, media release, 26 May.

³⁹ *Education (General Provisions) Act 1989* (Qld) s.26(4).

ethical and religious matters'.⁴⁰ If a school does provide a chaplaincy service, they must establish a chaplaincy committee to manage the service. The chaplaincy committee and services must be sensitive to the total range of cultural/religious backgrounds in the community, respond to local needs and be consistent with state legislation and Education Queensland policy.⁴¹ As with religious instruction, the chaplaincy program is opt-out rather than opt-in, however principals must advise parents and students of the services available and their right not to participate. Chaplains employed to work in schools must be employed by an accredited authority. The authority may be the chaplaincy committee or an external body such as a church, however it must be accredited by the Minister.

A comprehensive review of Queensland education legislation was undertaken in 2004. The aim of the review, *Education Laws for the Future*, was to create 'one piece of legislation to govern future education in Queensland from early 2006'.⁴² Of all those responding to the consultation paper, 66 per cent responded only to questions pertaining to religious instruction.⁴³ At public consultation forums, there were a substantial number of Christian church groups represented, who expressed the view that Christian values, to the exclusion of others, should continue to be taught in schools. 88 per cent of written responses opposed the expansion of 'religious instruction' to include spiritual and philosophical streams. For more information on the Review, see the Consultation Paper at <<http://education.qld.gov.au>>.

South Australia

The *Education Act 1972* states that regular provision be made for religious instruction at government schools during school hours as per Education Regulations. The regulations contain provisions for exemption on conscientious grounds, with written notice from parents or guardians. Unlike Victoria and Queensland however, there are no requirements for alternate provisions to be made.⁴⁴ The *Education Regulations 1997* authorise the establishment of a Standing Committee on Religious Education in Government Schools to advise the Minister on relevant matters. In consultation with the school council, each head teacher is required to establish a Religious Education Committee to advise and assist the head teacher.⁴⁵

The Director-General of Education provides courses of religious instructions for schools. The head teacher of each school, on advice from their Religious Education Committee, selects a religious instruction course from the list of approved courses.⁴⁶ No person may teach religious education classes unless they are registered as a teacher or hold written authority from the Teachers Registration Board.⁴⁷

⁴⁰ Department of Education (2002) *Department of Education Manual* (SM03 1.1 & 2.1), Queensland Government, viewed 14 September 2005, <<http://education.qld.gov.au>>.

⁴¹ *ibid.*, (SM03 2.6, 2.8, 3.1 & 3.3).

⁴² Department of Education and the Arts (2004) *Education Laws for the Future: Consultation Paper*, Queensland Government, viewed 14 September 2005, <<http://education.qld.gov.au>>.

⁴³ Department of Education and the Arts (2004) *Education Laws for the Future: Overview of Consultation*, Queensland Government, viewed 14 September 2005, <<http://education.qld.gov.au>>.

⁴⁴ *Education Act 1972* (Sth Australia) s. 83.

⁴⁵ *Education Regulations (1997)* (South Australia) s. 78(1-3).

⁴⁶ *ibid* s. 80(2).

⁴⁷ *ibid* s. 81(1).

Additionally, it is possible for clergy and lay people to participate with teachers taking religious instruction, under a transitional provision (Section 82(2)) of the Regulations.

Up to one half-day per term may be allocated for churches to hold seminars or gatherings on school property. Attendance by students must be appropriate to their faith/denomination.⁴⁸

Schools are permitted to organise chaplaincy services in consultation with the local community and the school council. Costs are not borne by the department or the school, and the chaplains must be acceptable to the principal, the school council and the equivalent of the local inter-church council. The Schools Ministry Group provides a liaison person to facilitate appointments and provide continuing support.

New South Wales

The *Education Act 1990* requires government schools to provide for two streams of religious education; General Religious Education and Special Religious Education. General Religious Education consists of comparative religious studies, and is provided for all primary students and as an elective subject in years 7 to 12. General Religious Education is non-polemical and considered to be in accordance with the *Education Act 1990* s. 30 stipulating secular education. Special Religious Education is conducted by recognised representatives of approved religious persuasions and may be given on school grounds and within school hours. The content of the course is to be authorised by the religious body delivering it. The NSW Department of Education and Training makes special note that some religious persuasions have not been given permission to provide Special Religious Education. Information regarding approval is available from district superintendents and updated in the *Education Gazette*. Participation is on an opt-out basis.⁴⁹

Regarding chaplaincy services, in a memorandum to principals in 1995, the Department of Education and Training stressed that neither the Department's *School Manual* nor guidelines make provisions for chaplaincy services. Explicit direction was given that 'schools are not to establish chaplaincy positions' and that any existing arrangements are to be rescinded.⁵⁰

⁴⁸ *ibid* s. 82(2).

⁴⁹ Department of Education and Training (2002) *Replacement Sections for the School Manual on Educational Management* (Policy number PD/2002/0074/V001), New South Wales Government, viewed 12 October 2005, <<http://www.det.nsw.edu.au>>.

⁵⁰ Department of Education and Training (1995) *Additional Material on Special Religious Education: Memorandum to Principals*, New South Wales Government, viewed 12 October 2005, <<https://www.det.nsw.edu.au>>.

3.6 Choice of government school

Chapter 2 of the Bill provides that all students will be able to attend their designated neighbourhood school:

s. 2.2.13 Admission to designated neighbourhood Government school
(1) A child of compulsory school age is entitled to be enrolled at his or her designated neighbourhood Government school.

As highlighted during the Review process however, the government also intends to legislate that parents have the right to choose an appropriate government school for their child. This principle is expressed in chapter 1 of the Bill:

s. 1.2.1 Principles underlying the enactment of this Act
...
(d) parents have the right to choose an appropriate education for their child

In her second reading speech, Minister Kosky stated that

‘Although the neighbourhood school remains the cornerstone of communities and the choice of many parents, the reality for contemporary school education is that parents and students do choose between government and non-government schools, as well as between individual government schools and individual non-government schools...This Bill recognises as a principle the right of parents to choose an appropriate educational setting for their child. Parents want and should be able to choose the educational environment that most suits the learning needs of their child’.⁵¹

These sentiments appear in the Bill as such:

s. 2.2.14 Admission to other Government school
A child of compulsory school age may be enrolled at a Government school that is not the child’s designated neighbourhood Government school if there is sufficient accommodation for the child at that school.

According to the White Paper, ‘zoning’ existed in Victoria until the late 1970s; students were designated a certain school by the Department and had no choice but to attend that school.⁵² These days, students may apply to government schools outside of their immediate residential zone. The legislation thus seeks to formally recognise ‘each parent’s right to choose an appropriate education for their child’.⁵³

⁵¹ Victoria (2006), Legislative Assembly, *Debates*, 9 February, p.224.

⁵² *Review of Education and Training Legislation: Government White Paper*, op. cit., p.10.

⁵³ L Kosky (2006), *Kosky introduces new education and training Bill*, media release, 9 February.

About the notion of choice in education

Choice of education provider is a contentious issue within education circles. Since the 1970s, both in Australia and overseas, policies designed to enhance parental choice have gained increasing popularity ‘as a primary means of improving schooling provision and educational outcomes’.⁵⁴ Philosophically, choice can be viewed to concur with ‘free market’ ideologies, which regard the market as the most efficient mechanism of service delivery, thus lessening the role of the State. Choice is also associated with the extending of personal freedoms, and giving parents greater control over their child’s education. This theme was advanced as early as 1955, in Milton Friedman’s paper *The role of government in education*. Friedman argued that in education, ‘as in other fields, competitive private enterprise is likely to be far more efficient in meeting consumer demands’⁵⁵, than services provided solely by the State. The ‘market metaphor’ has therefore been used by various scholars⁵⁶ to describe an education system which behaves more like a free market, rather than a government controlled monopoly; put simply, within this paradigm, producers (schools) compete in order to attract consumers (parents/students). Thus responsibility is devolved to the ‘parent-as-consumer’.⁵⁷ Such a market-driven approach to the delivery of education has had its critics. However, the interpretation of ‘choice in education’ has, in more recent times, centred on notions of providing the most appropriate setting for individual learning needs, while at the same time maintaining a high standard public education system. From this perspective, ‘choice in education’ is less about providing a free market for education, but rather more concerned with creating an education system that better matches the contemporary needs of parents and students.

Choice and diversity of schooling

It is argued that diversity in schooling is necessary if parents are to have a real choice in the type of education their child receives. Indeed, Minister Kosky has stated in regard to choice that:

‘...the government expects – as a result of this principle – that schools will need to diversify the courses and programs they offer to meet the needs of their community... This government is particularly committed to maximising choice in the government school system. By including this principle in the Bill, we are reflecting the realities of 21st century education and acknowledging the diversity of choices within and across sectors’.⁵⁸

The White Paper notes that ‘customised programs and multiple pathways will help ensure more Victorians follow a path of lifelong learning and employment. Many parents will want their children’s schools to acknowledge their cultural, religious and

⁵⁴ K. McKinnon & S. Walker, ‘Pluralism, common values and parental choice’ in P Karmel (ed) (2000), *School resourcing: models and practices in changing times*, Australian College of Education, ACT, p.37.

⁵⁵ M. Friedman (1998) *The role of government in education*, School Choices, viewed 6 October 2005, <<http://www.schoolchoices.org/>>.

⁵⁶ For example, see C. Robenstine (2001), J. Chubb & T. Moe (1990), S. Marginson (1997) and Whitty, Power & Halpin (1998).

⁵⁷ C. Robenstine (2001) ‘Public schooling, the market metaphor, and parental choice’, *The Educational Forum*, vol. 65, no. 3, p.1.

⁵⁸ Victoria (2006), Legislative Assembly, *Debates*, 9 February, p.224.

linguistic background'⁵⁹, thus highlighting the importance of schooling options. This can be seen to have happened in New South Wales, where 'choice strategies in the 1990s have been designed around the expansion of government selective schools, the specialisation of secondary schools into areas such as technology, foreign languages and performing arts, the development of specialist senior high schools and the declaration of certain schools as "centres of excellence"'.⁶⁰ In the UK, following on from the Thatcher government reforms as legislated in the *Educational Reform Act 1988*, the Blair Labour Government has shown a serious commitment to diversifying schools, by increasing the number of specialist secondary schools. In 2001 there were 600 specialist state schools, and it is aimed that by 2006 there will be 1500 – about 40 per cent of all state secondary schools in England.⁶¹ The British government has stated that specialist schools 'represent a modernisation of the comprehensive system that will contribute to its overall program of raising standards by generating and disseminating good practice in specialist areas'.⁶²

Arguments for and against the principle of choice

Presented below are some arguments for and against the principle of choice; again, this is not a comprehensive list, but rather a summary of some of the main thoughts on the topic.

Some arguments for school choice:

- Allows for diversity of schooling, thus giving parents a wider choice as to the type of education they would like their child to receive. Schools can specialise in particular curriculum areas, such as music, to attract students who are skilled in and enjoy that area.
- Increasingly, parents are desiring choice and 'the right to choose a school suited to their child's needs'.⁶³ Choice is democratic, in that it gives parents significant control.
- Choice decreases social segregation, as students living in disadvantaged areas may travel outside their residential zone to attend school; 'everyone has the equal opportunity to decide upon and choose the best school'.⁶⁴ In this way, parents have more choice rather than attendance at a particular school being based on 'selection by mortgage'.
- School choice invigorates competition between schools, encouraging all schools to raise their educational standards and offerings in order to attract students.
- School choice is fairer from a social justice perspective: 'Realistically, inequalities have always existed in free societies and, to some extent, always will. No model of schooling can, or should be, expected to remedy the ills of society. But if

⁵⁹ *Review of Education and Training Legislation: Government White Paper*, op. cit., p. 11.

⁶⁰ J. Walker & S. Crump (1996) 'Real choice in education: public interest, state control and private freedom', *Unicorn*, vol. 22, no. 4, p.32.

⁶¹ J. Fitz, S. Gorard & C. Taylor (2002) *Markets in education: the impact of twelve years of school choice and diversity policies in the UK*, Paper presented to the Annual Conference of the Australian Association for Research in Education, viewed 29 September 2005, <<http://www.aare.edu.au>>.

⁶² J. Fitz, S. Gorard & C. Taylor (2002), *ibid.*, p.10.

⁶³ *Review of Education and Training Legislation: Discussion Paper*, op. cit., p. 5.

⁶⁴ C. Robenstein (2001), op. cit., p. 3.

access, opportunity and freedom are measures of social justice, then school choice comes closer to satisfying this objective than any realistic alternative'.⁶⁵

- Schools become more accountable and responsive to parents and students, as those which deliver a sub-standard 'service' will experience a drop in enrolments. A school in a system which is entirely regulated by the state, on the other hand, may have little incentive to change or improve.⁶⁶
- Choice has always existed for some parents – those that can afford to select private schools for their children, or move house in order to fall within the catchment area of a particular school. Legislating choice for all, therefore, 'diminishes the privilege of the elite'.⁶⁷

Some arguments against:

- It has been argued that parental choice will lead to further inequity and social stratification, as advantaged students are more likely to gain places at desirable schools. This is because not all parents go through the same choice process, thus not all are equal. Gerwitz et al present a typology of three sets of choosers: privileged, semi-skilled and disconnected choosers. 'Privileged' choosers have the capacity to engage effectively with the market and consider numerous criteria in their quest for the best school for their child, while 'disconnected' choosers are less able to critically examine and compare a wide range of schools. Thus the 'paradox of school choice' is that disconnected choosers, who are described as having the most to gain out of school choice, are the least able to. It is further noted that 'the complexity of the choice process...tends to discriminate against low-income and less educated families'.⁶⁸
- Popular schools which are over-subscribed can effectively select their students, described as 'creaming'. This has the effect of creating a two-tiered government school sector. Schools may also select bright students who will contribute positively to school performance and are less 'costly' in that they do not have special social and scholastic needs. Particular types of students are therefore more 'valued' in the marketplace than others.
- A system of competition between schools may prevent information and resource sharing which can be beneficial to school communities.
- The school system cannot behave as a market; there is imperfect competition between schools, and imperfect information upon which to base decisions.
- The condition of choice works best in urban areas. Low population density and travel restrictions mean many families 'effectively have no choice at all'.⁶⁹
- The education market can create a 'downward spiral' for some schools; this occurs when results in an under-subscribed school drop due to an increased intake of socially disadvantaged students. Lower results leads families to choose other schools, thus the 'losing school loses both numbers and presumably more of the relatively socially-advantaged families in its potential catchment'.⁷⁰

⁶⁵ J. Buckingham (2001) 'The case for school choice and how to fund it', *Policy*, vol. 17, no.3, p.22.

⁶⁶ *ibid.*, p.23.

⁶⁷ S. Gorard (1997) *School choice in an established market*, Algate Publishing Ltd, Aldershot, p.11.

⁶⁸ S. Gerwitz, S. Ball & R. Bowe (1995) *Markets, choice and equity in education*, Open University Press, Buckingham, p.22.

⁶⁹ S. Gorard (1997), *op. cit.*, p. 15.

⁷⁰ S. Gorard, C. Taylor & J. Fitz (2002) 'Does school choice lead to 'spirals of decline'?', *Journal of Education Policy*, vol. 17, no. 3, p.368.

In their submissions to the Review, Parents Victoria and the Victorian Branch of the Australian Education Union were critical of the government's school choice proposals. Further details of their arguments appear respectively in sections 4.6 and 4.8 of this paper. The Association of Independent Schools of Victoria, on the other hand, commended the recognition of parental choice – further details of this submission can be found in section 4.9.

3.7 Provision of information regarding school and student performance to parents and the community

If parents are to have a real and fully-informed choice about where their child attends school, public dissemination of information regarding school performance is deemed necessary. According to Gerwitz et al., information provision is important in any market to allow consumers to make the 'best' choices.⁷¹ Additionally, information on individual student achievement is important to help parents assess whether a particular school is suitable for their child. To this effect, the Bill contains the following principles:

s. 1.2.1 Principles underlying the enactment of this Act

...

(c) information concerning the performance of education and training providers should be publicly available;

...

(e) a school community has a right to information concerning the performance of its school;

(f) a parent of a student and the student has a right to access information about the student's achievement.

Minister Kosky commented in the second reading speech that 'In selecting a school, parents and students often require information on school performance, extra-curricular activities and the school environment. School performance information is also required for the community to be assured that public funds are being used to their best advantage'.⁷² The proposed provisions will oblige schools to prepare annual reports and make them available to the school community. This is contained in the Bill as such:

s. 2.3.27 School council to prepare annual report

(1) A school council must prepare a report (to be called an annual report) relating to –

- (a) financial activities including any matters required by a Ministerial Order as at a date fixed by Ministerial Order; and**
- (b) the school plan; and**
- (c) any other matters that are determined by the Minister.**

(2) A council must ensure that –

- (a) the annual report is prepared by the date fixed by Ministerial Order; and**
- (b) the report is prepared in accordance with any Ministerial Order and any standards and guidelines issued by the Minister; and**
- (c) a copy of the annual report –**
 - (i) is published and made available to the local community of the school or group of schools in relation to which the council is constituted; and**
 - (ii) is given, upon request, to the Secretary or any other person.**

⁷¹ S. Gerwitz, S. Ball & R. Bowe (1995), op. cit., p.3.

⁷² Victoria (2006), Legislative Assembly, *Debates*, 9 February, p.225.

According to the *Herald Sun*, annual report summaries sent to parents of secondary school students may contain information on the school's VCE averages, retention rates, and data on the destinations of school leavers. Schools may also be required to provide parents with the school's average results for nationwide years 3, 5, 7 and 9 literacy and numeracy tests, enabling comparisons with state and national averages.⁷³ It should be noted that these details were included in a *Herald Sun* article only, and were not referred to in the Minister's second reading speech.

Information on school performance is of concern to some due to the potential for 'league tables' to be constructed. The Victorian Branch of the AEU has noted that 'Media use of data, gained either formally or informally, is used to unfairly criticise and undermine the government school system, particularly as performance data does not address the differences in student population in the different sectors and systems of schooling'.⁷⁴ The Association of Independent Schools of Victoria has advised that information 'provided to parents should be meaningful and accurate. Any move to increase public reporting must be accompanied by guidelines on how to use the information'.⁷⁵

Broader concerns about league tables expressed by writers in the field include the dangers of judging a school by basic statistics and rankings; 'What is conspicuous and measurable may be misleading. An obvious example is exam results, which tell us more about the socio-economic composition of student bodies than they do about the quality of teaching and learning in schools'.⁷⁶ Thus, some say that league tables cannot be taken at face value because school achievement is limited by local contextual factors; 'the nature of a school's student body remains largely determined by the socio-geographical distribution of the local population'.⁷⁷ It has also been asserted that schools are encouraged to select the most 'able' students who will contribute to achieving high league table results.

To alleviate concerns about the potential for schools to be unfairly represented in league tables, Minister Kosky has stated that 'The Bill sets the expectation that individual school information takes account of the particular circumstances faced by each school. This is not intended to create league tables that compare schools and systems, but rather to provide information to the local educational community of a school'.⁷⁸

⁷³ P. Beauchamp (2005) 'Schools to be an open book', *Herald Sun*, 14 September, p.3. & P. Beauchamp (2005) 'State hails class act', *Herald Sun*, 16 September, p.11.

⁷⁴ Victorian Branch of the Australian Education Union (2005) *Response to the discussion paper on the review of education and training legislation*, AEU, Melbourne, viewed 10 August 2005, <<http://aeuvic.asn.au>>.

⁷⁵ Association of Independent Schools of Victoria (2005) *AISV submission to the review of education and training legislation*, AISV, Melbourne, viewed 10 August 2005, <<http://www.ais.vic.edu.au>>.

⁷⁶ S. Gerwitz, S. Ball & R. Bowe (1995), op. cit., p.135.

⁷⁷ P. Woods, C. Bagley & R. Glatter (1998) *School choice and competition: markets in the public interest?*, Routledge, London, p.208.

⁷⁸ Victoria (2006), Legislative Assembly, *Debates*, 9 February, p.225.

3.8 Common regulatory regime for schools

Registration of schools

The government has proposed that a regulatory regime be established, which will require that all schools, government and non-government alike, be registered in a common system, overseen by the new Victorian Registration and Qualifications Authority ('the Authority'). Currently, only private schools have had to seek registration (through the Registered Schools Board), while government schools are 'controlled' by the Department of Education and Training. It is proposed that the new Authority will incorporate the current responsibilities of the Victorian Qualifications Authority and the Registered Schools Board, both of which will be abolished. The Authority will also have responsibility for registering training providers and non-university higher education providers, as well as the monitoring of home schooling (discussed later in this section).

According to the Bill, registration of a school will be dependent on it complying with prescribed minimum standards as expressed:

s. 4.3.1 Requirements for registration

...

(6) The Authority must not register a school unless the Authority is satisfied that –

...

(b) the school complies with the prescribed minimum standards for registration including standards relating to –

- (i) student learning outcomes;**
- (ii) enrolment policies and minimum enrolment numbers;**
- (iii) student welfare;**
- (iv) curriculum programs;**
- (v) governance of the school and the probity of any proprietor or person responsible for managing the school;**
- (vi) processes for the review and evaluation of school performance.**

The Authority will be responsible for advising on these minimum standards, monitoring their implementation, and providing the community with information about the performance of schools in regard to the standards. The government has stated that the approach should be 'light touch'; the Authority will act in a 'quality assurance' role, though will have the right to conduct spot audits on adherence to the standards. The Authority will make determinations on the registrations and de-registrations of schools; as reported in *The Age*, Minister Kosky has stated that if schools fail to meet the standards, 'it could mean that registration is lost'.⁷⁹

⁷⁹ S. Green (2005) 'Massive revamp plan for schools', *The Age*, 12 September, p.5.

Home schooling

The White Paper notes that the new Registration and Qualifications Authority should have ‘responsibility for monitoring home schooling and advising the Minister for Education and Training on the most appropriate regulatory response’⁸⁰, as well as recommending minimum standards for home schooling. Students must be registered as being home-schooled, and the Authority will also have the power to de-register if certain standards aren’t complied with. Part 4.3 (division 2) of the Bill relates to the regulation of home schooling:

s. 4.3.9 Authority to register students for home schooling

The Authority may –

- (a) register a student for home schooling in accordance with the regulations; and**
- (b) cancel the registration of a student for home schooling if –**
 - (i) the parents of the student or the student refuse permission to authorised officers of the Authority to review the educational program, material or other records used for or related to the home schooling of the student to determine whether the requirements of the registration or the regulations relating to home schooling are being complied with; or**
 - (ii) the parents or the student fail to comply with the requirements of the registration or any regulations relating to home schooling.**

Due to the current non-compulsory nature of home school registration in Victoria, only approximations are available as to the number of students being educated at home. As published in *The Age*, The Home Education Network estimates 15,000 Victorian students are currently being home-schooled.⁸¹ Reasons cited for home-schooling are varied and range from religious/philosophical concerns, to concerns over bullying and school safety, to desires to provide a better environment for gifted children. Others ‘simply believe their children will receive a better education at home’.⁸²

A number of support groups hold regular meetings in and around Victoria and others maintain online groups such as the Australianhomeschool (sic) Yahoo Group and the Autonomous Education Network.⁸³ There are also home schooling groups focussed on religion such as Christian Homeschooling in Australia and the Muslim Home Education Network Australia. Many of these groups maintain an online presence and provide support, advice, links to resources, and discussion groups. Some groups also

⁸⁰ *Review of Education and Training Legislation: Government White Paper*, op. cit., p. 14.

⁸¹ C. Leung & D. Rood (2005) ‘Strap to be banned in all Victorian schools’, op. cit.

⁸² Home Education Network (2005) *Proposed Changes to Education Act – September 2005*, viewed 26 September 2005, <<http://www.home-ed.vic.edu.au>>.

⁸³ Australianhomeschool website: <www.groups.yahoo.com/group/australianhomeschool>, Autonomous Education Network website: <<http://mc2.vicnet.net.au/home/lifelern/index.html>>.

publish their own magazines and others organise regular excursions for home-school families.

The Home Education Network is an interest group focussed on home education issues, particularly in Victoria. They give advice on legal issues surrounding home schooling, provide links to resources for home schooling, undertake lobbying action and publish a home schooling magazine, amongst other things. They have voiced various concerns about issues pertaining to home schooling raised in the White Paper and in the Bill's exposure draft. They are resisting proposals for the Registration and Qualifications Authority to establish minimum standards and monitor home-schooling, noting on their website:

'We certainly do not wish to have a Statutory Authority giving or refusing approval to home educate and setting procedures for how home education should be conducted...The concept of a government body having the authority to enter our homes and make judgements about the learning environments and opportunities we work hard to provide for our children is...a concern'.⁸⁴

They have also stated in a press release that 'parents willing to accept the responsibility for their children's education are doing a good job and should be allowed to get on with educating without government interference'.⁸⁵ The Network is also concerned that despite assurances of minimal regulation, the current government or a future government will have the opportunity to 'regulate home education to any level they wish. The proposed legislation places no limit on the regulations which can be set down'.⁸⁶ The Home Education Network's Susan Wight told *The Age* 'Home educators are appalled they could be treated in such a high-handed manner by the State Government...there has been no research to justify such draconian measures, and despite constant requests, the Education Minister refuses to consult with home education representatives'.⁸⁷ Liberty Victoria is supporting the Network, and president Brian Walters has written to the Minister expressing concern that the new laws allow for interference in home schooling without specifying the extent of this involvement.⁸⁸

In making the case for the registration of home schooling, Minister Kosky has stated that

'Although home schooling is chosen by relatively few parents, it is common throughout the democratic world and Australia is no exception. The Bill recognises this choice and the commitment that home educators make to their children's learning. Equally, the responsible minister also needs to exercise their responsibility under the Act to ensure all students receive a quality education. The current approach to home schooling provides no support to parents in terms of materials or guidance. Therefore, the Bill requires the new statutory authority to develop a modern and

⁸⁴ Home Education Network (2005), op. cit.

⁸⁵ Home Education Network (2005) *Victorian Government White Paper Review of Education and Training Legislation*, media release, 16 September, viewed 26 September 2005, <<http://www.home-ed.vic.edu.au>>.

⁸⁶ Home Education Network (2005) *Proposed changes to Education Act – Latest update 16.1.06*, viewed 17 January 2005, <<http://www.home-ed.vic.edu.au>>.

⁸⁷ S. Green (2005) 'Parents rail at new state regulations', *The Age*, 22 December, p.5.

⁸⁸ *ibid.*

transparent approach to registering and monitoring home schooling. This will be done in close consultation with parents engaged in home schooling'.⁸⁹

The Home Education Network prepared petitions to be presented to Parliament, requesting that the Legislative Assembly

'...orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing requirements of the Education Act 1958 and Community Services Act 1970 that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated'.

As at 9 February 2006, 13 petitions had been presented to the Victorian Parliament with a total of 434 signatures.

Corporal punishment

The new legislation will also have the effect of officially banning corporal punishment in Victorian government and non-government schools. For a school to be registered, not only must it meet the prescribed minimum standards, but the Authority must be satisfied with the school's discipline policies, as explained in the Bill:

s. 4.3.1 Requirements for registration

(6) The Authority must not register a school unless the Authority is satisfied that –

(a) the school policies relating to the discipline of students are based on principles of procedural fairness and do not permit corporal punishment...

There is very little public support in Victoria for the continuation of corporal punishment in schools (it is already banned in government schools). The Catholic Education Commission Victoria has formulated a policy declaring corporal punishment inappropriate to Catholic education, proscribing its use.⁹⁰ The Victorian Independent Education Union also supports the proposed ban on corporal punishment, as detailed in their submission to the Review⁹¹. The ban has widespread support from major institutions outside the education sector including the Australian Law Reform Commission, the Australian Institute of Criminology and the Royal Australian College of Physicians.

Within Victoria, very few independent schools retain corporal punishment. Michelle Green, of the Association of Independent Schools of Victoria, guesses that only a handful of schools employ the practice. One such school is the Frank Dando Sports

⁸⁹ Victoria (2006), Legislative Assembly, *Debates*, 9 February, p.227.

⁹⁰ Catholic Education Commission Victoria, *CECV Policy 1.14: Pastoral Care of Students in Catholic Schools*, viewed 26 September 2005, <<http://www.cecv.melb.catholic.edu.au/>>.

⁹¹ Victorian Independent Education Union (2005) *Submission of the Victorian Independent Education Union to the Review of Education and Training Legislation*, viewed 10 October 2005, <<http://www.vieu.org.au>>.

Academy in Ashwood.⁹² The Academy has been featured in several media articles relating to corporal punishment, owing to the fact that it publicly acknowledges its use of the cane. The Academy enrolls a maximum of 20 intellectually able boys who struggle with behavioural problems for an average period of two years, after which they return to mainstream schooling. The use of the cane is reserved for extreme cases, and when administered is entered in a corporal punishment register, which is sent to the Registered Schools Board once a year.⁹³ The school, however, is not concerned about a ban on corporal punishment, as they have been steadily phasing it out. Frank Dando has stated 'we don't care one way or the other'⁹⁴, while the school principal has said 'the fact is we don't really like using corporal punishment'.⁹⁵

⁹² N. Khadem (2005) 'Schools likely to accept corporal punishment ban', *The Age*, 13 February, p.11.

⁹³ S. Green (2005) 'School of hard knocks', *The Age*, 16 March, p.19.

⁹⁴ C. Leung & D. Rood (2005) 'Strap to be banned in all Victorian schools', *op. cit.*

⁹⁵ S. Green (2005) 'School of hard knocks', *op. cit.*

4. Submissions to the Review

A variety of interest groups and organisations made submissions to the Department's Review; some submissions were made publicly available through websites. Excerpts of some of these submissions are presented below. Please note that these are excerpts only, and not comprehensive summaries of the submissions in their entirety.

4.1 St Vincent de Paul Society

Submission to the Review of the Education and Training Legislation

Available from <<http://www.vinnies.org.au>>

- The St Vincent de Paul Society is concerned with access to education, particularly for those from impoverished families. The Brotherhood of St Laurence has reported that 'within schools, some children could not fully participate because of unaffordable costs...parents reported problems with affording school fees and levies, books, uniform, excursions and camps'.
- Financial disadvantage is a concern, as is 'inequality of opportunity', which brings about poverty or prevents people from breaking the poverty cycle.
- According to the St Vincent de Paul Society, 'the state education system must be structured and administered in such a way that breaking the poverty cycle becomes possible. It must be universally available, and totally free of operating features which can cause or perpetuate social or economic disadvantage to children within the system'. 'Educational exclusion must not be permitted', as this leads to a greater incidence of later unemployment, underemployment and low earnings.
- Thus, in response to the Review question: 'Should the principle of a free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?', the St Vincent de Paul Society believes:
 - that fees and charges are a barrier to universal access to education and effectively contribute to educational exclusion;
 - voluntary contributions must be promoted as voluntary, rather than compulsory, as 'research indicates that parents and schools do not fully understand the 'voluntary' aspect of so-called voluntary contributions';
 - 'eliminating barriers to education...should be a public policy priority if governments are to provide a pathway out of intergenerational poverty';
 - 'that the goal of free instruction to a certain age or attainment level has been substantially eroded over the last 25 years through the activities of schools via the introduction of so-called 'voluntary' and other fees. This has led to the growing educational exclusion of children from low income/disadvantaged families – a gross injustice to these children'; and
 - 'that the principle of free instruction to a certain age or attainment be affirmed through guiding principles in the development of new legislation'.

4.2 The Council for Christian Education in Schools

Review of Education and Training Legislation - a submission to the Victorian Government

Available from <<http://www.cces.org.au/index.php>>

- With reference to question two of the Discussion Paper: ‘Should the secular nature of government school provision be affirmed as a guiding principle in new legislation?’, the Council believes ‘the secular nature of government school provision should be affirmed as a guiding principle in new legislation; and in recognition of the place of religion in the human quest for significance, purpose and wellbeing, the provisions for Religious Instruction contained in the *Education Act 1958*, revised 1998, s. 23, and the *Victorian Government Schools Reference Guide*, 3.22, should be retained in new legislation’.
- The Council affirms:
 - the secular nature of government school education;
 - the right of children to receive religious instruction as an essential aspect of their personal learning and thinking;
 - the right of children to receive religious instruction from an accredited instructor; and
 - the right of parents to withdraw consent for their children to receive religious instruction, if they so desire.
- Regarding the role of religious instruction in education, the Council believes that ‘the influence and function of religions in the human quest for significance, purpose and wellbeing is one of the most formative parts of civilisation. Discussion on truth and value, morality and civic responsibilities, therefore, should include examination of the beliefs underlying decisions in these areas...the question remains, however, of how this may be achieved authentically while maintaining the obligation of a government school to refrain from endorsing any specific religious, political or ethnic tradition’.

4.3 The Uniting Church in Australia – Synod of Victoria and Tasmania

Submission to the Review of Education and Training Legislation

Available from <<http://victas.uca.org.au/>>

- In response to question one of the Discussion Paper: ‘Should the principle of a free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?’, the submission stated:
 - ‘We believe strongly that the principle of free education should be affirmed as a guiding principle in the new legislation. Even under the current system of voluntary fees, there continues to be examples of low-income families being placed under unjust pressure to pay voluntary fees and students from such families being discriminated against should they fail to pay such fees. We believe that if the right to a free education is abandoned in legislation, then schools will be sent a signal that they can apply even more pressure to extract fees from all families regardless of the ability to pay’.
 - There are international obligations on the Victorian Government to provide free education at both primary and secondary levels. Article 13 (2a&b) of the *International Covenant on Economic, Social and Cultural Rights* states that ‘Primary education shall be compulsory and available free to all; Secondary

education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education'. Similar obligations are contained within the *UN Convention on the Rights of the Child*. Article 28 (1a&b) states that parties to the convention shall 'Make primary education compulsory and available free to all; encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need'.

- In response to question two: 'Should the secular nature of government school provision be affirmed as a guiding principle in new legislation?', the submission made the following points:
 - 'the requirement for the education system to be secular should be removed. School should be free to provide students with an understanding of different religious belief systems...however this must be done sensitively...and not used to proselytise'.
 - 'Excluding religion from the life of the school community sends an implicit message that public displays of religion are not approved of and may encourage intolerance and disrespect to those that then attempt to manifest their religion in public'.
- In response to question three: 'Should people's right to choose between school education providers, registered or recognised by the Government, be established as a guiding principle in new legislation?', the submission stated that:
 - 'the right of parents to choose between school education providers should be a guiding principle in the new legislation'. However, it was noted that this may increase the disparity between the resources of different schools, and thus funding arrangements should be maintained which will 'ensure a uniform quality of education across all schools'.
- In response to question four: 'Should education and training providers be required through legislation to operate and deliver a curriculum consistent with Australian democratic principles?', the submission stated that:
 - 'we believe that the State Government does have a role in ensuring that all Victorian schools, whether public or private, are committed to teaching the right values'.

4.4 The Smith Family

A submission of The Smith Family to the State of Victoria Department of Education and Training regarding the Review of Education and Training Legislation

Available from <<http://www.smithfamily.com.au>>

- The Smith Family reported its concern with equality within education: 'divisions of class or socioeconomic status, rather than ability, have in many instances skewed access and participation in educational and learning processes toward the more advantaged. As a recent OECD report has shown⁹⁶, students with favourable background characteristics tend to receive better conditions of schooling in

⁹⁶ Organisation for Economic Co-operation and Development (2005) *School factors related to quality and equity – results from PISA 2000*, OECD, Paris.

Australia, contributing to a high degree of variance and inequality in student performance and school quality...this lack of equity of opportunity within and around the education system continues to ensure that financial disadvantage and exclusion are often an intergenerational phenomena among disadvantaged Australians’.

- Regarding minimum compulsory school leaving age, The Smith Family’s policy is ‘based on evidence that shows that the longer students can be encouraged and supported to stay within the education system, the better equipped they will be to cope with adult life’. However, it is pointed out that school retention should not be emphasised to the point where learning pathways other than senior secondary school are sacrificed. These pathways must be appropriately promoted so that students are aware of their alternative options, which are most suited to their interests and abilities.
- The submission also addressed barriers to participation in education. Research by The Smith Family ‘has shown the multiple hidden costs of participating fully in the ‘free’ education system, notably those incurred through excursions, uniforms, text-books and other ‘voluntary’ fees. The inability of many parents to meet these expenses has led large numbers of socioeconomically disadvantaged students to miss out on these opportunities, further marginalising them within the school community’.
- In studies conducted by The Smith Family, it was estimated that in 1998, the associated costs of primary schooling for one child were \$2,800 per year, and \$3,500 per year for secondary schooling. The submission is critical of the unregulated approach to voluntary fees which currently exists in Victoria due to insufficient legislation. It notes that WA has ‘devised a comprehensive legislative approach setting out the criteria for the charging of voluntary contributions’ – this is detailed in section 3.4 of this paper.

4.5 Victorian Independent Education Union

Submission of the Victorian Independent Education Union to the Review of Education and Training Legislation

Available from <<http://www.vieu.org.au>>

- Regarding Victorian education legislation in general, the Victorian Independent Education Union (VIEU) ‘considers the central piece of legislation, the Education Act 1958, to be an entirely inadequate and inelegant instrument to frame the operations of school education in modern Victoria. Its terms and many of its provisions are antiquated, it is overburdened with historical provisions that could not be simplified or eliminated, it embodies no sense that government and non-government schools share constructively in the overall enterprise of Victorian school education, and the Act is devoid of objects and sets no conceptual framework of goals and values for education in Victoria’.
- In response to question one of the Discussion Paper, ‘Should the principle of a free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?’, the VIEU stated that ‘Current free access to government schooling to year 12, irrespective of age, should be maintained...VIEU would support compulsory schooling being expressed by level of attainment rather than age and considers there should be more public debate around what this attainment level should be’.

- Regarding question two: ‘Should the secular nature of government school provision be affirmed as a guiding principle in new legislation?’, the VIEU believes that ‘government schooling should embody the principles of modern democratic Victoria. Religion or denominationalism should not be a characteristic of such schools, but the current right of access to provide religious instruction should remain on an opt-in basis. Where such instruction is offered, it should reflect the multi-faith, multicultural nature of Victorian society’.

4.6 Victorian Branch of the Australian Education Union

Response to the Discussion Paper of the Review of Education and Training Legislation

Available from <<http://www.aeuvic.asn.au>>

- The AEU stated that they have ‘substantial reservations’ about the initiative to review legislation, noting that ‘the timeline is contrary to the stated intention of enabling broad community discussion on the issues canvassed. It also leads to the perception that the outcome of the review is predetermined’.
- Responding to question one of the Discussion Paper, ‘Should the principle of a free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?’, the AEU stated that ‘the answer must be yes’. The Union is of the view that ‘education is the cornerstone for our common future, prosperity and happiness. It is imperative that it should be of the highest quality, accessible and effective for all. One way in which we recognise this value is enshrined in the fact that we limit the barrier of access via personal cost to the most minimal point possible and there should be no compulsory costs associated with core instruction’.
- The Union also contended that the secular nature of government school provision be affirmed as a guiding principle in new legislation (Discussion Paper question two); ‘It should never be open to sectarian interests of any sort, religious or otherwise, to commandeer parts or the whole of public education’. The union states that where special religious instruction given by religious groups is in the school timetable, parents should have to opt into these classes rather than seek an exemption to opt out.
- The Union was most critical in its response to question three, ‘Should people’s right to choose between school education providers, registered or recognised by the Government, be established as a guiding principle in new legislation?’. The submission stated ‘that a Labor Government could advance this idea suggests that it is out of touch not just with the attitudes of the community as a whole but also with its own principles. Why would a government pursue this course of action as ‘a guiding principle’? To be held increasingly captive to demands of financial support from the non-government sectors? To give support to and increase the speed of the residualisation of the public sector? To suggest to communities in regional and rural parts of Victoria that current government provision is unsatisfactory and that they need to explore the creation of new non-government schools because at present they do not have choice?’.
- The submission continues: ‘The AEU assumes that the Bracks Government shares its commitment to a public system of education and training which fosters collaborative effort between public education providers. During the seven years of the Kennett Government public education was subject to an officially sponsored

culture of competition. Individual schools and colleges were encouraged to compete for market share amongst themselves, as well as with non-government providers, using the rationale that choice between institutions will lead to quality. This approach is ideological rather than based on any factual evidence. It led to failure and waste - for every winner there was a loser and scarce funds were diverted away from the core business of teaching and learning to publicity...This is an inappropriate and ineffective means of promoting quality in a public education system’.

- Regarding the public’s right to access information about provider performance (Discussion Paper question five), the Union expressed its concern with the publication of data which could lead to the development of league tables; ‘there is an abundant literature on the negative impacts of the public listing of provider performance – or ‘league tables’. Media use of data, gained either formally or informally, is used to unfairly criticise and undermine the government school system, particularly as performance data does not address the differences in student population in the different sectors and systems of schooling’.

4.7 Brotherhood of St Laurence

Education and social inclusion: Submission to the Victorian Government’s Review of Education and Training Legislation

Available from <<http://www.bsl.org.au>>

- The three main concerns listed for the Brotherhood of St Laurence (BSL) are:
 - ‘The need for *free* education so that children and young people can participate fully in the education offered and not be excluded because of costs
 - The need for an education system that can respond to the *diversity* of young people so that all can be included
 - The need for *choices of pathways* so that children and young people can move between different parts of the education and training system and remain included’.

BSL recommends that these areas are explicitly included in the guiding principles of any new legislation.

- BSL is particularly concerned with the need for free education. It claims that ‘children continue to miss out because of school costs’, and that research shows that many low-income families face difficulties in their endeavours to provide the best possible education for their children. BSL believes that the ‘costs of education can prevent young people attending school or training at all or, if they are attending, can prevent them from fully participating in the education offered...Government education is not, in practice, the “free” education that many people strongly believe it should be to ensure all children in Australian have full access to schooling’.
- The submission points out that some schools treat voluntary levies as compulsory, and embarrass parents and students about failure to pay. Failing to pay can lead students to miss out on school, the effects of which ‘can be profound. Research has shown students’ participation in extracurricular activities has a strong effect on a range of educational outcomes...students who regularly participate in extracurricular activities develop a sense of “belonging” to their school community, in that they are a conspicuous part of the school and that the school is an important part of their own lives. Disengagement from school – indeed,

anything that reduces the children's positive experience of school – is likely to lead to poorer academic performance and early school leaving. These in turn limit life chances and may lead to low income in the next generation'.

- Regarding Discussion Paper question one, the submission questions 'whether specifying an age above 15 years is the most relevant criterion and support the alternative idea of an entitlement to 12 or 13 years of some form of free education which is not tied to age'.
- Regarding Discussion Paper question five, BSL believes that 'the public has a right to information regarding performance in terms of: how inclusive the provider is (and) how well diversity is catered for. A focus on academic performance alone would obscure the achievements of schools seeking to include students with particular needs and would direct resources away from other goals'.

4.8 Parents Victoria

Review of Education and Training Legislation - 2005

Available from <<http://www.parentsvictoria.asn.au>>

- Parents Victoria expressed concern at the short timeline allowed for the Review.
- Regarding question one of the Discussion Paper, 'Should the principle of a free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?', the submission stated that 'the principle of "free" must definitely remain enshrined in the Act. Any leniency in this would allow future governments to legislate compulsory fees for public schools...no child should be denied the opportunity to achieve their highest potential in learning because of their parents' ability or willingness to pay. It also opens up the possibility of a two tiered public education system. We already have a system where voluntary contributions can vary by hundreds of dollars between neighbourhood schools'.
- In response to Discussion Paper question two, regarding religion, Parents Victoria advised that government schools should remain secular.
- In response to Discussion Paper question three, regarding choice, the submission stated that 'the idea of choice is not something that should be legislated...It is one of the government's prime responsibilities to provide an excellent public education system available to all children. The principle of universal access to government school education must remain enshrined in legislation'.

4.9 Association of Independent Schools of Victoria

Submission to the Review of Education and Training Legislation

Available from <<http://www.ais.vic.edu.au>>

- In response to Discussion Paper question one, 'Should the principle of a free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?', the Association of Independent Schools of Victoria (AISV) 'supports the status quo in relation to school leaving age...Simply raising the school leaving age would not necessarily ensure individual success'.
- Regarding the secular nature of government schooling, the submission noted that 'Most of those involved in AISV's consultations argued strongly for a government school system that is not tied to any one religion. Yet there also exists a sentiment that religion cannot be ignored as part of a full education. Many at the

consultations expressed satisfaction with the current system whereby students in a “secular” system have the right to receive religious education by a faith-based community group’.

- AISV is supportive of the notion of choice between school education providers, stating that ‘AISV and its member schools commend the recognition of the role of choice in school education’. The AISV believes that parental choice is a right espoused by the *Universal Declaration of Human Rights*, article 26(3): ‘Parents have a prior right to choose the kind of education that shall be given to their children’.

5. Media coverage

5.1 Press coverage

This is not a comprehensive list of all articles on the Review; rather it is intended as a guide to further reading.

- Rood, D. (2006) 'Schools want the right to keep the faith', *The Age*, 10 February, p.6.
- Leung, C. (2006) 'Schools warned not to pressure families', *The Age*, 31 January, p.6.
- Metlikovec, J. (2005) 'Pressure on home students', *Herald Sun*, 22 December, p.10.
- Green, S. (2005) 'Parents rail at new state regulations', *The Age*, 22 December, p.5.
- Green, S. & C. Leung (2005) 'Kosky on back foot over parents' \$500 truancy fine', *The Age*, 16 December, p.3.
- Green, S. (2005) 'Corporal punishment well and truly going', *The Age*, 16 December, p.3.
- Rout, M. (2005) '\$500 truancy fines dropped', *Herald Sun*, 16 December, p.2.
- Editorial (2005) 'Discovering the reality of a 'free' education', *The Age*, 6 December, p.14.
- Clark, B. (2005) 'Schools warned on 'voluntary' fees', *Herald Sun*, 6 December, p.14.
- Green, S. (2005) 'Schools told to end fee pressure', *The Age*, 5 December, p.1.
- Beauchamp, P. (2005) 'Free education costs us \$56M', *Herald Sun*, 10 October, p.3.
- Leung, C. & D. Rood (2005) 'Strap to be banned in all Victorian schools', *The Age*, 16 September, p.5.
- Beauchamp, P. (2005) 'State hails class act', *Herald Sun*, 16 September, p.11.
- Green, S. (2005) 'State gets a B+ for its overhaul of education', *The Age*, 16 September, p.5.
- Beauchamp, P. (2005) 'Schools to be an open book', *Herald Sun*, 14 September, p.3.
- Green, S. (2005) 'Massive revamp plan for schools', *The Age*, 12 September, p.5.
- Leung, C. (2005) 'Education rewrite 'modest'', *The Age*, 1 September, p.8.
- Taylor, P. (2005) 'Minister wary of states' push to raise leaving age', *The Australian*, 24 August, p.4.
- Leigh, A. (2005) 'Early school leavers still have a lot to learn', *The Sydney Morning Herald*, 22 August, p.11.
- Green, S. (2005) 'State schools to be a little less secular', *The Age*, 18 July, p.6.
- Leung, C. (2005) 'Church call to end secular education', *The Age*, 16 May, p.5.
- Dunn, A. (2005) 'In a class of their own', *The Age*, 8 May, p.13.
- Donnelly, K. (2005) 'Give academic excellence a sporting chance', *The Age*, 31 March, p.23.
- Green, S. (2005) 'Parents too poor to outfit students', *The Age*, 28 March, p.1.
- Green, S. (2005) 'Lessons on struggle street' *The Age*, 28 March, Education p.6.

- Davis, M. (2005) 'Consultations in lead-up to reform debate', *The Australian*, 21 March, p.9.
- Green, S. (2005) 'School of hard knocks', *The Age*, 16 March, p.19.
- Khadem, N. (2005) 'Schools likely to accept corporal punishment ban', *The Age*, 13 March, p.11.
- Editorial (2005) 'Making sure education has a class act', *The Age*, 17 February, p.14.
- Green, S. & D. Rood (2005) 'Radical revamp for all schools', *The Age*, 11 February, p.1.

5.2 Media releases

- Minister for Education and Training (2006), *Kosky introduces new education and training bill*, 9 February.
- The Nationals Victoria (2006), *Extend education bill timeline: Maughan*, 3 February.
- The Nationals Victoria (2006), *Education bill consultation a farce: Nats*, 27 January.
- The Nationals Victoria (2006), *Education bill: home education concerns*, 11 January.
- Shadow Minister for Education (2005), *Education Minister Lynne Kosky – 'F' for comprehension*, 16 December.
- Minister for Education and Training (2005), *Kosky releases draft education and training bill*, 15 December.
- Shadow Minister for Education (2005), *Education laws join Kosky's 'late' work list*, 8 November.
- Shadow Minister for Education (2005), *Bracks' education white paper fails to raise standards*, 15 September.
- Minister for Education and Training (2005), *New legal rights for parents: Kosky*, 14 September.
- The Nationals Victoria (2005), *Nats support retention of Christian education in schools*, 1 June.
- The Nationals Victoria (2005), *Christian beliefs and values have place in schools says Walsh*, 26 May.
- The Nationals Victoria (2005), *Delahunty says Christian values have a place in schools*, 26 May.
- Minister for Education and Training (2005), *Have your say on new education law: Kosky*, 11 February.

6. Resources for further information

Listed below are various websites, journal articles and books that may be useful for further reading on particular topics. This is by no means a definitive list; the books and articles are largely those available from the Parliamentary Library.

Information on the Review from the Department of Education and Training

- *Review of Education Legislation*, address by the Hon Lynne Kosky MP, Minister for Education and Training, 10 February 2005, <<http://www.education.vic.gov.au/about/directions/reviewleg.htm>>.
- *Review of Education and Training Legislation: Discussion Paper*, February 2005, <<http://www.education.vic.gov.au/about/directions/reviewleg.htm>>.
- *Review of Education and Training Legislation: Victorian Government White Paper*, September 2005, <<http://www.education.vic.gov.au/about/directions/reviewleg.htm>>.
- *Review of Education and Training Legislation: Victorian Government White Paper – Fact Sheet*, September 2005, <<http://www.education.vic.gov.au/about/directions/reviewleg.htm>>.

Education departments in Australian states and territories

- Australian Capital Territory, Department of Education and Training: <<http://www.decs.act.gov.au/>>.
- New South Wales, Department of Education and Training: <<https://www.det.nsw.edu.au/>>.
- Northern Territory, Department of Employment, Education and Training: <<http://www.deet.nt.gov.au/education/>>.
- Queensland, Department of Education and the Arts: <<http://education.qld.gov.au/>>.
- South Australia, Department of Education and Children's Services: <http://www.decs.sa.gov.au/decs_home.asp>.
- Tasmania, Department of Education: <<http://www2.education.tas.gov.au/>>.
- Victoria, Department of Education and Training: <<http://www.education.vic.gov.au/>>.
- Western Australia: Department of Education and Training: <<http://www.det.wa.edu.au/>>.

Principle education legislation in other Australian states and territories

- Australian Capital Territory: *Education Act 2004*
- New South Wales: *Education Act 1990*
- Northern Territory: *Education Act 1979*
- Queensland: *Education (General Provisions) Act 1989*

- South Australia: *Education Act 1972*
- Tasmania: *Education Act 1994*
- Western Australia: *School Education Act 1999*

History of state schooling in Victoria

- National Archives of Australia, 'History of the Education Act 1872' in *Documenting a Democracy*, <<http://www.naa.gov.au>>.
- Blake, J. (1973) *Vision and realisation: a centenary history of state education in Victoria*, Education Department of Victoria, Melbourne.

On compulsory school attendance age

- Department of Education and Training, *16 the new school leaving age*, Government of Western Australia, <<http://www.det.wa.edu.au/schoolleavingage>>.
- Dockery, A. (2005) *Assessing the Value of Additional Years of Schooling for the Non-academically Inclined*, Longitudinal Surveys of Australian Youth Research Report No. 38, Australian Council for Educational Research, June, <<http://www.acer.edu.au/index.html>>.
- Dockery, A. (2005) 'Should young people be made to stay on at school longer?', *Online Opinion*, 12 August, <<http://www.onlineopinion.com.au>>.
- Leigh, A. (2005) 'School: leaving it too early', *Online Opinion*, 1 September, <<http://www.onlineopinion.com.au>>.

On home schooling

- Home Education Network, *Proposed changes to Education Act – 2005*, <<http://www.home-ed.vic.edu.au>>.
- Department of Education and Training (2004) *Home Education*, Government of Western Australia, <<http://www.det.wa.edu.au/>>.
- Commissioned by the Queensland Minister for Education (2003) *Home Schooling Review*, October, <<http://education.qld.gov.au>>.
- Aussie Educator, *Home Schooling*, <<http://www.teachers.ash.org.au>>.

On voluntary charges

- Taylor, J. & A. Fraser (2003) *Eleven plus: life chances and family income*, Brotherhood of St Laurence, <<http://www.bsl.org.au>>.
- Weaving, M., G. Lloyd, C. Atkins & A. Savage (2004) *The rising cost of 'free' education*, Emergency Relief Victoria, <<http://www.vcross.org.au>>.

On school choice and provider information

- Buckingham, J. (2001) 'The case for school choice and how to fund it', *Policy*, vol. 17, no.3, pp.18-24.

- Caldwell, B.J. (1999) 'Market, choice and public good in school education', *Australian Journal of Education*, vol. 43, no. 3, p.257-272.
- Fitz, J., S. Gorard, & C. Taylor (2002) *Markets in Education: The Impact of Twelve Years of School Choice and Diversity Policies in the UK*, Paper presented to the Annual Conference of the Australian Association for Research in Education, Brisbane <<http://www.aare.edu.au>>.
- Gannicott, K. (1998) 'League tables' of school performance', *Policy*, vol. 13, no. 3, pp.17-22.
- Gorard, S. (1997) *School Choice in an Established Market*, Algate Publishing Ltd, Aldershot.
- Gorard, S., C. Taylor & J. Fitz (2002) 'Does school choice lead to 'spirals of decline'?', *Journal of Education Policy*, vol. 17, no. 3, pp.367-384.
- Henig, J. (1994) *Rethinking School Choice: Limits of the Market Metaphor*, Princeton University Press, New Jersey.
- Marginson, S. (1997) *Markets in Education*, Allen & Unwin, St Leonards.
- Robinstine, C. (2001) 'Public schooling, the market metaphor, and parental choice', *The Educational Forum*, vol. 65, no. 3, pp.234-244.
- Rowe, K.J. (2000) 'Assessment, league tables and school effectiveness: consider the issues and 'let's get real'!', *Journal of Educational Enquiry*, vol. 1, no. 1, p.73-98.
- Walker, J. & S. Crump (1996) 'Real choice in education: public interest, state control and private freedom', *Unicorn*, vol. 22, no. 4, p.24-38.
- Whitty, G., S. Power & D. Halpin (1998) *Devolution and Choice in Education*, Open University Press, Melbourne.
- Woods, P.A., C. Bagley & R. Glatter (1998) *School Choice and Competition: Markets in the Public Interest?*, Routledge, London.

General education information

- Marginson, S. (1993) *Education and Public Policy in Australia*, Cambridge, Cambridge University Press.
- Teese, R. & J. Polesel (2003) *Undemocratic Schooling: Equity and Quality in Mass Secondary Education in Australia*, Melbourne University Press, Melbourne.

Policy and educational research

- Australian Policy Online: <<http://www.apo.org.au/>>.
- Centre for Post-compulsory Education and Lifelong Learning (CPELL), Department of Education Policy and Management, Department of Education, University of Melbourne: <<http://www.edfac.unimelb.edu.au/>>.
- On Line Opinion (Australian on-line journal of social and political debate): <<http://www.onlineopinion.com.au>>.
- Australian Council for Educational Research (ACER): <<http://www.acer.edu.au>>.
- The Centre for Independent Studies (CIS): <<http://www.cis.org.au/>>.
- Centre for the Economics of Education and Training (Joint venture of Monash University's Faculties of Education and Business and Economics, and the Australian Council for Educational Research (ACER)): <<http://www.education.monash.edu.au>>.

Websites of relevant interest groups

- Association of Independent Schools Victoria: <<http://www.ais.vic.edu.au/>>.
- Australian Education Union (Victoria): <http://www.aeuvic.asn.au>.
- Brotherhood of St Laurence: <http://www.bsl.org.au>.
- Home Education Network (Victoria): <http://www.home-ed.vic.edu.au>.
- Parents Victoria: <http://www.parentsvictoria.asn.au>.
- St Vincent de Paul Society Victoria Inc: <http://www.vinnies.org.au>.
- The Council for Christian Education in Schools: <http://www.cces.org.au>.
- The Smith Family: <http://www.smithfamily.com.au>.
- The Uniting Church in Australia – Synod of Victoria and Tasmania:
<<http://victas.uca.org.au/>>.
- Victorian Association of State Secondary Principals: <http://www.vassp.org.au>.
- Victorian Council of School Organisations Inc: <<http://www.viccsso.org.au/>>.
- Victorian Council Of Social Service: <http://www.vcross.org.au>.
- Victorian Independent Education Union: <http://www.vieu.org.au>.
- Victorian Principals Association: <http://www.vppa.org.au>.

Appendix 1 – Proposals listed in the White Paper

These statements are quoted directly from the White Paper, pages 8 to 19.

Free instruction and compulsory attendance

The government proposes to:

- ‘Affirm in the Act the principle of free instruction in government schools’.
- ‘Ensure the Act provides a guarantee of free instruction at a government school or a guaranteed place at a TAFE Institute to the end of Year 12 or its equivalent, provided the student is under the age of 20 years on the 1st January of the relevant academic year’.
- ‘Ensure the Act clarifies that free instruction in schools applies to the eight Key Learning Areas identified in the 1999 ‘Adelaide Declaration’s National Goals for Schooling’ and agreed by all Australian jurisdictions’.
- ‘Enable government schools to continue to charge fees in specified areas and to seek voluntary contributions’.
- ‘Raise the minimum compulsory school leaving age to 16 years’.

White Paper, p. 8.

The secular nature of government schools

The government proposes to:

- ‘Affirm in the Act the principle of secularity in government schools using language appropriate to contemporary Australian society’.
- ‘Ensure in the Act that voluntary religious instruction is still able to be taught in government schools and the current arrangements enabling parents to opt out of religious instruction for their children continues’.
- ‘Ensure the Act explicitly permits the teaching of comparative religion in government schools and remove legal ambiguity surrounding this practice’.

White Paper, p. 9.

A curriculum consistent with democratic principles

The government proposes to:

- ‘Include as a principle in the Act the expectations of the community that all registered education and training providers, including government and non-government schools, must operate within the framework of Australian democratic practice’. For example, a commitment to elected government, the rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association, and the values of openness and tolerance.

White Paper, p. 10.

Choice of school

The government proposes to:

- ‘Ensure in the Act that all students have the right to attend their designated neighbourhood school’.
- ‘Acknowledge in the Act both the reality of choice and parents’ right to choose the schools their children attend in the statement of purpose for the legislation’.
- ‘Maximise choice for parents within the government school system’.

White Paper, p. 11.

Parent and community access to information

The government proposes to:

- ‘Establish in the Act the right to information as a guiding principle’.
- ‘Ensure that individual school performance information is made available to the school community’.
- ‘Ensure that school performance information is comprehensive, detailed and takes account of individual school circumstances’.

White Paper, p. 13.

Parent and student access to information

The government proposes to:

- ‘Establish in the Act the right of parent and student access to information about individual student achievement’.

White Paper, p. 13.

A common regulatory regime for schools

The government proposes to:

- ‘Ensure through the Act that all schools, regardless of ownership, meet the standards necessary to provide a quality education appropriate for a 21st century democratic society’.
- ‘Ensure the establishment of a new common regulatory regime for all Victorian schools. This regime is to be based on a set of minimum standards which all schools are required to meet’.
- ‘Establish a Statutory Authority with responsibility for recommending to the Minister for Education and Training: minimum standards for the registration of government and non-government schools; minimum standards for home schooling; and information about Victorian schools that should be disseminated to the community’.
- ‘The Authority will also make determinations on: the registration and deregistration of a school; policies and procedures for school registration and deregistration; policies and procedures in the event that a school does not meet the standards for initial or ongoing registration; and policies and procedures with respect to providers of accredited courses to overseas students’.
- ‘Ensure the Authority’s regulatory approach will be ‘light touch’ in character with the responsibility for quality assurance and school improvement resting with school owners and operators licensed for those purposes’.

White Paper, p. 15.

Roles and responsibilities of statutory authorities

The government proposes to:

- ‘Abolish the Registered Schools Board and transfer its role, functions and responsibilities to a new Qualifications and Registration Authority to develop a common regulatory regime for all schools and training providers’.
- ‘Establish a new Qualifications and Registration Authority incorporating the current responsibilities of the Victorian Qualifications Authority and the Registered Schools Board’.

- ‘Reduce duplication of policy functions by ensuring the new Qualifications and Registration Authority deals with policy references directly related to its responsibilities’.
- ‘Retain the Victorian Learning and Employment Skills Commission’s role in relation to the state-training system’.
- ‘Clarify the existing policy advisory role for the Victorian Learning and Employment Skills Commissions in the non-school education and training area and eliminate direct references to a role specifically designated as ‘post-compulsory’ consistent with other proposed legislative changes’.
- ‘Retain the Commission’s role in relation to the Learning and Employment Networks (LLEN)’.
- ‘Change the name of the Victorian Learning and Employment Skills Commission to the Victorian Skills Commission to better reflect its newly defined responsibilities’.
- ‘Maintain the Victorian Curriculum and Assessment Authority’s current role and responsibilities for curriculum and assessment policies’.
- ‘Clarify that responsibility for managing the delivery of the Victorian Certificate of Education and the Victorian Certificate of Applied Learning rests with the Victorian Curriculum and Assessment Authority, as does permitting schools and training providers to offer these qualifications’.

White Paper, pp. 16-19.

Postscript:

The Education and Training Reform Act 2006
Act no. 24/2006.

The Education and Training Reform Act 2006 was passed by the Victorian Parliament on the 5.5.06, and received the Royal Assent on the 16.5.06.

See Act at: <http://www.dms.dpc.vic.gov.au/>

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