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FRIDAY, 10 NOVEMBER

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The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 9.30 a.m., and read prayers.

EDUCATION SERVICES FOR OVERSEAS STUDENTS (ASSURANCE FUND CONTRIBUTIONS) BILL 2000
EDUCATION SERVICES FOR OVERSEAS STUDENTS (CONSEQUENTIAL AND TRANSITIONAL) BILL 2000
EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) AMENDMENT BILL 2000
MIGRATION LEGISLATION AMENDMENT (OVERSEAS STUDENTS) BILL 2000

First Reading
Bills received from the House of Representatives.

Motion (by Senator Ian Campbell) agreed to:
That these bills may proceed without formalities, may be taken together and be now read a first time.

Bills read a first time.

Second Reading
Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.32 a.m.)—I move:
That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The speeches read as follows—
EDUCATION SERVICES FOR OVERSEAS STUDENTS (ASSURANCE FUND CONTRIBUTIONS) BILL 2000
The purpose of this bill is to impose the requirement to pay annual contributions and special levies to the ESOS Assurance Fund.

This is being done in a separate bill, as the compulsory contributions to the Assurance Fund could constitute a tax. I must emphasise however that the ESOS bill 2000 provides that these contributions may only be used for the purposes of the Fund, and that, if the Fund is ever wound up, any surplus in it will be returned to the members then current. This bill is an important adjunct to the main bill, which provides detailed provisions for the Assurance Fund, and which I have already addressed in detail.

The financial impact of the bill will be minimal.
I commend the bill.

EDUCATION SERVICES FOR OVERSEAS STUDENTS (CONSEQUENTIAL AND TRANSITIONAL) BILL 2000
The Education Services for Overseas Students (Consequential and Transitional) Bill 2000 will repeal the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 (the old ESOS Act), and provide introductory and transitional conditions for the Education Services for Overseas Students Act 2000 (new ESOS Act).

This bill is an important adjunct to the main bill, which I have already addressed in detail. Its financial impact will be minimal.
I commend the bill.

EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) AMENDMENT BILL 2000
This bill has the purpose of introducing changes to the Annual Registration Charge (ARC) for education and training providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Industry contributions to the costs of the regulatory system are required under the Education Services for Overseas Students (Registration Charges) Act 1997.

This bill is an adjunct to the main bill, as it will provide the resources for the new pro-active Commonwealth role, which I have already covered in detail.

The financial impact of the bill will be minimal.
I commend the bill.

MIGRATION LEGISLATION AMENDMENT (OVERSEAS STUDENTS) BILL 2000
This bill complements the Education Services for Overseas Students Bill 2000 and the Education Services for Overseas Students (Consequential and Transitional) Bill 2000.

1999-2000 was a record year for overseas student numbers. Over 120,000 student visas were
granted - an impressive 9% increase over the previous year. This growth reflects the effective marketing of Australian education overseas. Successful overseas students are increasingly becoming an important part of skilled migration program and, consequently, of the Australian society of the future.

But there was also an increase in student visa cancellations as well as activity by a small number of unscrupulous education providers and education agents to subvert the integrity of the student visa program.

The government values the contribution to Australian society made by successful overseas students, and appreciates the enormous importance of the education export industry. However we also recognise the need to protect the integrity of the student visa program.

This bill, the Migration Legislation Amendment (Overseas Students) Bill 2000, provides for a number of measures to improve monitoring and compliance in the overseas students industry.

The first measure is the introduction of a more streamlined process of student visa cancellation. Under present (voluntary) arrangements, education providers undertake to notify the Department of Immigration and Multicultural Affairs when a student is not attending classes or is not demonstrating satisfactory academic performance - thereby not complying with the conditions of his or her visa.

DIMA receives hundreds of non-compliance notices from education providers each month. Effective management of these notices is an enormous task and must be streamlined.

To make the process more effective, the new regime introduced by the Education Services for Overseas Students Bill will require that where a student is not attending classes or is not demonstrating satisfactory academic performance - thereby not complying with the conditions of his or her visa.

DIMA receives hundreds of non-compliance notices from education providers each month. Effective management of these notices is an enormous task and must be streamlined.

To make the process more effective, the new regime introduced by the Education Services for Overseas Students Bill will require that where a student is not complying with course requirements, the provider will send a Notice directly to the student (copied to the Department of Immigration) warning the student that their visa will be cancelled within 28 days if they do not report to the Department.

Complementary measures in this bill will provide if the student does not report within the 28 days, their visa will be automatically cancelled by operation of law.

A student who reports within 28 days, and is able to show good reasons for their apparent non-compliance with visa conditions will be able to resume studies.

Complementary amendments to the Migration Regulations will ensure that students are required to maintain their most current address with their education provider.

A further safeguard is the built-in provision to apply for revocation of the cancellation. Merits review of a delegate's decision to refuse revocation will also be available.

The international education industry has been consulted about these changes and strongly supports the automatic visa cancellation proposal as it considers that it will provide a significant deterrent to overseas students considering breaching visa conditions.

This bill also introduces enhanced powers for authorised officers to obtain from education providers, and to search provider premises for, information relevant to compliance with student visa conditions.

Finally, the bill provides for increased flexibility in the use of the "no further stay" visa condition, allowing for closer management of the temporary visa program including student visas.

At present, a non-citizen whose visa contains a 'no further stay' condition may not apply for any other class of visa after entering Australia, other than a Protection Visa or a bridging visa.

This will enable Immigration officers to use this condition more flexibly and also more extensively than is presently the case.

These measures - streamlined visa cancellation, new investigation powers, and increased visa condition flexibility - are complemented by measures in the Education Services for Overseas Students Bill giving the Immigration Minister powers to suspend further student recruitment by a provider whose students are of immigration concern.

In addition, measures in the Education Services for Overseas Students (Consequential and Transitional) Bill provide the framework for better information-sharing between the Department of Immigration the Department of Education Training and Youth Affairs, and relevant State bodies.

That bill also allows for the making of necessary regulations under the Migration Act. It is intended that where these regulations involve the disclo-
sure of personal information, they would be drafted in consultation with the Attorney-General.

In conclusion, the Migration Legislation Amendment (Overseas Students) Bill sends a clear message to unscrupulous education providers, agents and non-bona fide overseas students.

They are part of a package announced by the Government in March this year to promote the integrity and growth of the overseas student program.

I commend the bill.

Debate (on motion by Senator Carr) adjourned.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) BILL 2000

First Reading

Bill received from the House of Representatives.

Motion (by Senator Ian Campbell) agreed to:

That this bill may proceed without formalities and be now read a first time.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.33 a.m.)—I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

*The speech read as follows—*


More specifically, it clarifies that the Federal Court has the jurisdiction to hear applications under the Administrative Decisions (Judicial Review) Act 1977 that are transferred to it by the Federal Magistrates Service and that the Federal Magistrates Service has jurisdiction to hear such applications that are transferred to it by the Federal Court. It also clarifies that the Federal Magistrates Service has jurisdiction to hear matrimonial causes transferred to it by the Family Court.

The amendments regarding this jurisdiction were made by the Federal Magistrates Bill 1999 and the Federal Magistrates (Consequential Amendments) Bill 1999. The courts and the Law Council of Australia were consulted during the drafting of the bills. The bills were publicly available for over six months before they were passed by Parliament and were the subject of scrutiny by the Senate Legal and Constitutional Committee, which received over twenty submissions. No issue was raised with the Government about the effectiveness of the conferral of this particular jurisdiction.

However, recently, it has come to light that there may be an issue about its effectiveness. The Government has been advised that there is some slight uncertainty about the effectiveness of the conferral of administrative review jurisdiction in proceedings transferred between the courts. Advice has also been received that, although the conferral of the matrimonial causes jurisdiction on the Federal Magistrates Service in transferred proceedings is more likely than not to be effective, this is not certain.

These amendments are being made purely to clarify these areas of jurisdiction for the avoidance of doubt. However, the Government does not wish there to be any uncertainty about the effectiveness of judgments made in cases that the Federal Magistrates Service has already heard in these areas of jurisdiction.

Whilst no applications under the Administrative Decisions (Judicial Review) Act 1977 have been transferred by the Federal Magistrates Service to the Federal Court, such applications have been transferred from the Federal Court to the Federal Magistrates Service, and matrimonial causes proceedings have been transferred from the Family Court to the Federal Magistrates Service.

To avoid any doubt about the effectiveness of judgments made in these cases, the bill provides that any such judgments made without jurisdiction by the Federal Magistrates Service will have the effect of a valid decision. This approach has been adopted in the past to deal with possibly ineffective judgments, and has been approved by the High Court.

Additionally, under the Trade Practices Act 1974, the Federal Magistrates Service can only award damages of up to a monetary limit of $200,000 (or such other amount as is prescribed) in respect to proceedings instituted in the court. Whilst the intention was that this limitation apply to all trade practices proceedings before the Federal Magis-
trates Service, there is some doubt as to whether it applies to proceedings transferred to the Federal Magistrates Service by the Federal Court. The opportunity has been taken in this bill to make an amendment to clarify this.

Ordered that further consideration of this bill be adjourned to the first day of the 2001 Autumn sittings, in accordance with standing order 111.

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) BILL 2000
In Committee

Consideration resumed from 9 November.

The TEMPORARY CHAIRMAN (Senator Crowley)—The question is that Democrats amendment No. 1 on sheet 1972 be agreed to.

Senator CARR (Victoria) (9.33 a.m.)—I would like to move an amendment to Senator Allison’s amendment which I understand has been circulated in my name. I move:

(1) Clause 2A, omit paragraphs (b) and (c), substitute:

(b) recognising the importance of public funding for non-government schools—to fund non-government schools on the basis of need and ensure their provision of education to an acceptable standard.

What we seek to do, as I was explaining last night, is to accept the thrust of what Senator Allison has moved in relation to the provision of educational services but also to acknowledge that there needs to be a broad approach to this issue to ensure that there is a funding regime put in place that actually acknowledges that there ought to be a needs based application for Commonwealth support of non-government schools. The reason we do that is essentially because we believe that we ought to have a return in this parliament to a period where there was general agreement across all parties that the role of the Commonwealth government was to ensure that every Australian child had equal opportunity in life, beginning with their schooling, and to ensure that they were not disadvantaged by the policies of government. Unfortunately, that consensus, which had lasted pretty much for 30 years up until the election of this government in 1996, has now broken down. What we have now is a situation where the government has, as a matter of policy, deliberately favoured the elite, the wealthy and the powerful and it has sought to entrench their privileges by way of executive fiat through a funding formula which is blatantly discriminatory against those in greatest need.

I trust that Senator Allison can accept the words that have been put forward. If that is the case, I think we will in fact improve the objects of the act in this way. I understand that currently they do not exist.

Senator ALLISON (Victoria) (9.36 a.m.)—Yes, that is the case, Senator Carr. I have just had another check of the bill and there are no objects in this legislation. There ought to be. We accept the wording of the ALP’s amendment, and so we will be supporting that.

Senator ELLISON (Western Australia—Special Minister of State) (9.36 a.m.)—The bill currently has no such clause. The cover sheet states the purpose of the bill. The bill already states that it is:

A Bill for an Act to grant financial assistance to the States for 2001 to 2004 for primary and secondary education, and for related purposes.

This has stood the test of time and is inclusive of all Australian students. The government believes that this description is sufficient and that there really is no need to change this. The subject matter of the bill as it currently stands has been the subject of consultations with state and non-government education authorities, peak bodies and other major stakeholders. The need for this sort of clause has never been raised by any of these organisations during consultations. The proposed amendment has not been discussed with these organisations and the state governments, and I think it is presumptuous of the Democrats and the opposition to insert such a clause without this consultation. This is something that the state governments might well have something to say about. We believe very firmly that, before you bring in an objects clause of this nature or of any nature, you have to discuss it with those entities first. On that basis alone the government would oppose this amendment.
Senator ALLISON (Victoria) (9.38 a.m.)—I would perhaps then ask the minister what he thinks the objects of this act are.

Senator ELLISON (Western Australia—Special Minister of State) (9.38 a.m.)—As I have stated, it is:

A Bill for an Act to grant financial assistance to the States for 2001 to 2004 for primary and secondary education, and for related purposes.

That spells out what this bill is for. It is for all Australian students, and I think that really has stood the test of time; it speaks for itself. Bringing in a wider objects clause is really not going to advance matters. In any event, how can Senators Carr and Allison assure the Senate that the state governments, other peak bodies and people involved in the sector are happy with this? They might have a different wording. They might not be happy with this. Why not run it through the ministerial council of education ministers? One would have thought that would be an appropriate place.

Senator CARR (Victoria) (9.39 a.m.)—Minister, I am delighted that you have raised the issue of consultation, because what has occurred with this particular bill is that every state and territory has condemned the way in which the Commonwealth department has in fact arranged the consultations—well, what you might call the briefings—which in some cases have lasted less than an hour, and that is to detail the biggest bill that this parliament has ever seen in regard to schools and education.

State government after state government has come before the Senate inquiry to express their views to us that this government is not a government that is interested in consultation; it is interested in imposing a new regime upon the states, and to do so in such a sneaky, underhanded way that it actually took an extensive committee process of this parliament and three return to orders to actually get the details of this bill, the actual allocations of this bill.

We were concerned a bit when we saw the draft legislation, which in itself was held up, kept under wraps, for the better part of 18 months and of course was then delayed by a whole series of measures by this government to keep the facts from the public. We talk about consultations with the states. What about consultation with the Australian people on these matters? It has become quite apparent to me, since the Senate inquiry and since the level of public debate has been raised on this issue, that this government is in quite serious trouble. The public are beginning to understand just how divisive and how unfair these arrangements are and they are expressing the view increasingly that this government really is not much interested in involving other people in the decision making processes. As to the organisations that have come before the Senate inquiry, Minister, I think that, if you were to peruse the submissions for just a very short period of time, you would find that the sentiments expressed in these amendments were widely supported throughout the organisations that are directly involved in the day-to-day work of education in this country.

Minister, I am always interested in governments that talk about consultation when they themselves do not practise it. I am interested of course in the way in which this government treats MCEETYA and the way it treats ministerial councils generally, which is a very top-down approach. So, frankly, I am quite amazed that suddenly you have a deep interest in what the states think. For how many years have they told you about the EBA? For how many years have they have told you that the policies pursued by this government in regard to the GST in education and a whole range of other matters were quite clearly unacceptable to the 10,000 school communities across this country? You have chosen to ignore them. So, Minister, it is interesting that suddenly now you feel the need to consult the states. I suggest it is a device that you are proposing here to avoid debate on these sorts of issues. Frankly, why did you put a bill of this type before the parliament without consideration of a need to include a clause such as this?

Senator ELLISON (Western Australia—Special Minister of State) (9.43 a.m.)—The opposition has a cheek to talk about delay. Let us look at the facts. Let us look at the chronology of this. The government introduced this bill into the parliament on 29 June this year. It is now 10 November, so you can
see there has been that intervening period within which people could well have looked at this legislation. In fact, it was referred to a Senate committee and on 12 October the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee brought down its report. In conclusion, the committee found that the bill ‘represents a commitment by the government to achieving the national goals agreed to by MCEETYA’. It said:

To a much greater extent than previous States Grants Bills, this bill includes a blueprint for continued reform of the national school system. There was an accompanying report of Labor and Democrat senators. I might add that that minority report contained no specific proposed amendments. Here we are on 10 November and we have just seen these amendments brought forward by the opposition, the Democrats and the Greens: 13 proposed amendments from Labor, or 14 if you count this latest one, 30 by the Democrats and four by the Greens. You have over 40 amendments to a significant piece of legislation. You had several months in which this bill had been exposed in the parliament and there had been a committee report, and now there are amendments brought in at the last minute.

That covers only the recent history of consultation. Prior to that you had consultation with the state governments throughout the ERI review. That took some four years. I was involved in part of that, and I can tell you that there was formal and informal consultation with the state government and non-government sectors, with other stakeholders and interested bodies, and numerous consultations with officials from the Commonwealth, state and territory sectors. We have had a precursor of four years of review of the EIR process. Senator Carr says, ‘Why not consult with the states on the EBA?’ I traversed that ground yesterday by pointing to resolution 1.9 of the ministerial council of education ministers earlier this year where they said they had set up their own body to go away and look at the EBA and report back. That is consultation with the state governments. It is a shame that these amendments have come so late, especially when this bill has been before the parliament for several months. I would ask Senator Carr whether he has shown the state governments his amendments. Has he talked to them? Does he have their approval, and where is it in relation to his amendments? Senator Carr is saying that the government has done nothing in relation to consultation; I have just outlined a lengthy period of consultation. Where, with his late introduction of his amendments, has there been consultation with groups like the Catholic education sector? What about the other non-government education sectors? What about the state and territory governments?

It is hypocritical for the opposition or anyone else to come in here and say that there has not been consultation. This bill has been in the parliament since 29 June this year. It has been the subject of a committee inquiry and there have been extensions in relation to that inquiry. I am not saying that there should not have been; I fully agree that there should have been. What I am saying is that, when you look at the four years of previous consultation in relation to the ERI, the consultation and discussion that has gone on at the ministerial council of education ministers, the fact that the states are looking at the EBA through their committee, and the fact that this bill has been before the parliament for several months and we have had a committee of inquiry, you can hardly call that lack of consultation.

Senator ALLISON (Victoria) (9.47 a.m.)—I find it extraordinary that the minister would be talking about the Senate delaying the States Grants (Primary and Secondary Education Assistance) Bill 2000. This bill has been around since 1997, but none of us in this place knew what the implications were until quite recently. The Employment, Workplace Relations, Small Business and Education Legislation Committee dealt with this bill very quickly as soon as it was referred. We conducted hearings and reported in early October—I cannot remember the exact date. We could have dealt with this bill weeks ago. In fact, we could have dealt with this bill at the beginning of the year if the government had had a mind to put the legislation forward, but of course it did not want
to do that. It wanted to hold on to this bill until it became almost too late to deal with it in a proper manner.

I take great exception to the suggestion by the minister that the Senate has been in any way delaying this legislation. The Democrats have been prepared and willing to debate the bill at any stage. There has been no suggestion that we are not ready. If the minister cannot cope with our amendments—given that he has had them for more than 24 hours and that there have been public statements by me about the sort of direction in which we will be heading—then it is a poor show. It needs to be put on the record that the Senate has always been willing to deal with this legislation. We could have had it at the beginning of the year. We probably could have had it halfway through last year.

It would be interesting to find out from the minister how long ago the bill was drafted. Why did it take from 1997 and even midway through last year, when I understood the final model was agreed; why did it take more than 12 months to draft the document? With all the resources available to the government through the department, I would have thought this would be a relatively simple bill to draft. For the minister to come in here and suggest that the opposition parties are in some way delaying passage of the bill is a complete nonsense.

Senator CARR (Victoria) (9.49 a.m.)—On that point, it ought to be understood that what Senator Allison says is absolutely correct. We have a situation, though, which goes beyond this bill. At one stage there were some 10 or 11 bills here in these last few sitting days of the parliamentary year. It strikes me that there is a pattern emerging within this government, particularly in regard to education, to bottle up these important matters to the very end of the parliamentary year, to prevent proper scrutiny and accountability. This government kept this proposition under wraps for the better part of 18 months and refused to release the detail of it. It required quite unusual but nonetheless quite important steps to be taken by this Senate to force the government to reveal what it was desperately trying to hide; that is, that this bill was about providing millions and millions of dollars every year to the elite schools in this country. That is the fundamental issue here.

This government has sought to hide from this parliament and from the Australian people the impact of its policies. It is unfortunate that it has been caught out in this way. Perhaps it is fortunate in another way, though. At least we get a chance now to examine the details of the government’s proposals. We ought to be under no illusion that the political stratagem of this government was to keep this legislation away from the parliament. In the last few weeks, the government had an opportunity to bring this bill forward. The government allocates the priority on which legislation is debated here. It is the government’s responsibility to bring the bills into the parliament and it has chosen to bring this bill in at this particular point. There are now only eight days of the parliament to run this year.

The opposition have granted more time for debate in extension of sitting hours than I think you will find has been the case under their term. We have provided an enormous amount of extra time to consider government legislation. We have not been backward in coming forward to push this material into the parliament. We sought to ensure that the facts were on the table. It is only reasonable, in a bill of $22 billion, that we know exactly how it is that the government intend to spend the money. That is what they have sought to hide from us. If there has been any delay, it has been on the part of the government seeking to hide those basic facts from the public.

Senator ELLISON (Western Australia—Special Minister of State) (9.52 a.m.)—I have to reply to some of these remarks, because they cannot go without comment from the government. It is not a question of the government not being able to cope with these amendments—we can quite easily cope with them. That was not the point, with due respect to Senator Allison. The situation was that a question was raised by me as to whether there had been consultation in relation to these amendments—over 40 of them—to a very important piece of legislation. Had there been consultation with the
education sector, state governments and territory governments by the opposition, Democrats and Greens? The drafting of this bill commenced early this year. There has been consultation in relation to the ERI review. Consultation commenced back in March 1997, and the departments of education in Queensland, Western Australia and New South Wales made submissions to the review—way back in March 1997. That consultation has been ongoing ever since.

I am not going to go over what I said in relation to the ministerial council of education ministers. Suffice to say, it is not a question of whether the government can deal with these amendments—it quite easily can. It is a question of whether the other people who are interested in this bill have had the opportunity to have input. Have they had an opportunity to comment? We are talking about an objects clause in a bill, which is a very important thing, and it being drafted at the last minute without consultation with the stakeholders. The government much prefers its own clause, which has stood the test of time, which has been in the act and which has been a pointer as to what the legislation stands for.

The TEMPORARY CHAIRMAN (Senator Crowley)—The question is that Senator Carr’s amendment to the Democrat amendment be agreed to.

Question resolved in the affirmative.

The TEMPORARY CHAIRMAN—The question now is that the Democrat amendment, as amended, be agreed to.

Question resolved in the affirmative.

The TEMPORARY CHAIRMAN—Are the Australian Greens now going to move their amendment (1)?

Senator BROWN (Tasmania) (9.54 a.m.)—Amendment (1) is essentially in conflict with the amendment that has just been agreed to. Is that correct?

The TEMPORARY CHAIRMAN—I am advised that that is a correct understanding, Senator Brown.

Senator BROWN—I therefore accede to the amendment we have just passed and I withdraw my amendment.

Senator ALLISON (Victoria) (9.55 a.m.)—I move Democrat amendment No. 2:

(2) Clause 7, page 14 (after line 26), after subclause (1), insert:

(1A) Guidelines approved for the purposes of subsection (1) must provide for the determination of an SES score for a school to take into account the following matters:

(a) the existing financial resources of the school;
(b) the school’s capacity to raise income from private sources;
(c) the level of tuition and other fees charged by the school.

This amendment of the Democrats is to do with the SES guidelines. The amendment stipulates that the government must refer to existing ERI guidelines in determining a non-government school’s funding. In effect, it means that the government must take into account the criteria currently required under the ERI—that is, the fees the school charges, the total private income and the fundraising capacity. We have not been prescriptive about how this should be done—that is obviously the preserve of the education department. But, as I mentioned in my speech in the second reading debate and as my colleagues have mentioned, there are huge discrepancies and inequities in the way that this SES model is working, because it does not take into account those other levels of funding. Schools might have fees of $12,000 and may get income from fundraising. There are many ways in which the wealthier schools get wealthier, because they have access to many more resources than schools in the government sector, which do not. I think it has been demonstrated quite clearly that the SES model is flawed in that it does not take into account those extra factors.

The fact that the SES model is based on average incomes over a group of households—250 households in an Australian Bureau of Statistics area—means that averaging brings down the income of families, and that is what has given us such very big increases to the wealthiest schools. In our view, taking into account the fees that parents are able to afford and other income to schools—as is currently required under the ERI—is a fair
process and a fair system. We think that some of the worst aspects of the SES model would be dealt with if there were some method of including some of those other costs. As I said, we are not prescribing how that should work; we are simply saying that this is a way of overcoming what is clearly a flawed approach. We will move some other amendments which will have the same effect of limiting the influence of those ABS statistics and of the sort of averaging that brings down incomes for wealthy families, but this is one way of dealing with that problem.

Senator CARR (Victoria) (9.58 a.m.)—The amendment the Democrats have moved goes to the issue of the guidelines of the SES model. Senator Allison, I do not know whether you would consider moving amendments (2) and (3) together; they are, in some ways, complementary. In any event, can I advise the Senate that the Labor Party are not able to support these particular measures. The remarks that I am making go to the issues contained in both amendments (2) and (3) of the Democrats amendments. I think it has been made very clear that the Labor Party are deeply concerned about the way in which this government has implemented its arrangements in regard to its new SES model. We are very concerned about the discriminatory nature of this model. We do not believe that it is fair, we do not believe that it is transparent and we do not believe that it actually improves the chances for Australian children to do well at school. What it does do is give an advantage to those that are already very privileged.

We are particularly disappointed that this government has sought to provide additional moneys to these elite category 1 schools. We are very disappointed that the government has chosen not to increase the funding to government schools in real terms, particularly given the fact that they do educate 70 per cent of Australia’s children. We are concerned that the government’s measures do not adequately support needy non-government schools. We have made it perfectly clear that as far as we are concerned there ought to be greater attention paid to providing resources to needy communities wherever they are, whatever sector they are in. Our view, however, is that Geelong Grammar and King’s College do not fit into the category of needy schools. This is in stark contrast with the government’s position which claims that, in the interests of social justice, we have to provide a mechanism whereby millionaires get additional support from this government if they happen to live in an area that is not particularly well off. In the suburb in which I live, the City of Moreland in Melbourne, there is of course the odd millionaire. However, they live in an area which is less than affluent, one might say. Under this government’s program what you see is a measurement of the neighbourhood, not necessarily the income of the families sending their children to these elite schools. However, we are sure that we cannot effectively run government from the opposition benches. As we see it, our job is to be an alternative government. Our job is to ensure—

Senator Hill—You will have to develop some policies then.

Senator Ellison—What about some policies?

Senator Hill—That is what being an alternative government is all about.

Senator CARR—if Senator Hill wishes to intervene at this stage, I am obviously always prepared to take up these challenges. I am sure over the next little period it will become clearer to you what the Labor Party’s position is. I am troubled that I obviously have not made myself clear so I may need to repeat myself on a few occasions to get through to Senator Hill that we do have clear views about these matters. Our concern is to ensure that we do not, however, try to fix the overall SES model from opposition when we do not have the resources to undertake that review in a proper way. We are concerned, nonetheless, to make the bill fairer. We think our amendments do that but, from a position of opposition, we do not wish to go to a review of the guidelines and a moratorium on the funding of schools in the way the Democrats have suggested. Our concern is not to disrupt funding to an overwhelming number of Australia’s 10,000 schools. Our concerns go to those 61 elite schools at this juncture.
Senator ELLISON (Western Australia—Special Minister of State) (10.03 a.m.)—This amendment in reality will require the continuation of the ERI, which, as I said before, has been discredited. I mentioned the lengthy process of review that has been undertaken and the various stakeholders that we have consulted, and they fully expect the ERI to be done away with. I think this amendment perpetuates the existence of the ERI, so there is no way that the government can countenance support for it. There is another aspect to this amendment, too: it would delay payment and it would involve us having to collect details which we do not already have. We need the guidelines to be determined before we make payments, and the first payment we are looking to make is in January. The schools are really depending on this, and the passing of this amendment will delay payment. I think Senator Carr touched on that point in outlining the position of the opposition. For those reasons the government opposes this amendment.

Senator ALLISON (Victoria) (10.04 a.m.)—I would like to respond to the minister’s claims that the ERI model is flawed. We have heard this over and over again from Minister Kemp. I think it is a nonsense. We are not saying that the ERI model is perfect, and we would be happy to look at some methods of making it a bit fairer. I understand the problems that some schools had in terms of not being able to shift easily from one category to another and schools finding themselves in the wrong category, as it were. I accept that that has caused problems for some schools, but that is not to say that it is fundamentally flawed, that it is impossible for it to continue. I have heard all sorts of descriptions of the ERI model. It is a model that has been around for I am not sure how many years—certainly for longer than I have been in this place. It facilitated growth in the non-government sector in quite a considerable way, so to come in here and say that the reason we need this new legislation is because of the deeply flawed nature of the ERI I think needs to be challenged. It simply is not true. We could use the ERI model quite happily, I would have thought, even alongside the SES model, and that is what my amendment goes to.

I agree with Senator Carr to some extent that it is difficult to determine a model in opposition. We certainly do not have the resources of the government, and I am not sure we would even want to do that, but the point of this amendment is that the SES model is deficient because it does not take into account all of the extra resources that flow through to particularly wealthy schools. That is the point I want to make. The minister rejects that notion, but it has been a way of establishing a fair system of funding in the past and we see no reason to throw the baby out with the bathwater, as it were. Again, I commend the amendment. I am disappointed that the ALP cannot support this amendment. I can understand their reasons, but, nonetheless, I think this is about guidelines. It is not, as I say, prescriptive: we are not telling the government how it should be done. It is designed to remove some of the inequities in the system. It is necessary for us to consider those extraordinary opportunities that wealthy schools have to attract money other than parental income.

Amendment not agreed to.

Senator ALLISON (Victoria) (10.07 a.m.)—I move Democrat amendment No. 3:

(3) Clause 7, page 14 (after line 29), at the end of the clause, add:

(3) Before the end of one year after the commencement of this Act, the Minister must approve guidelines for the purposes of subsection (1) that provide for the SES score for each school to be based on the actual parental income of students at that school.

This amendment is about the SES score and provides for a transition to an SES formula based on actual parent income. These guidelines in our amendment say that they must be in place within a year of the new funding system commencing. Again, we have not been prescriptive about how this will work or how it will be achieved, but there is a precedent in the procedures for allocating childcare subsidies where parents provide a Medicare number to the department which is then matched with tax records. We could envisage that the department and the school would be given average parent income figures or even total global parent income fig-
ures on which to base the level of funding in that school. We are philosophically opposed to the notion that schools funding be based on parental income and their capacity and willingness to pay. If an SES system is to be brought in full or as part of a mix of funding criteria, we believe it is important for it to do what the minister’s says, that is, reflect actual parents’ circumstances rather than be distorted by those of their neighbours.

The shift in the debate towards funding education on family circumstances rather than on school resources makes us very uneasy, indeed. It is clear from the 1997 KPMG report on the ERI that Dr Kemp is very keen on the idea of a voucher system. Under the section ‘Proposal for a base grant’, the report states:

Proposals for government funding for all students, regardless of attendance at government or non-government schools, as a basic right of every child were put forward strongly in the review process. Arguments for a base entitlement for all students relate to the right of all people to a return on the investment made in education through the taxation system and to the fact that the public benefits of schooling flow from all schools. Proponents of a base grant for all students draw attention to the inequity whereby the many relatively wealthy families using government schooling receive virtually full public subsidy for their school education.

I think that aspects of that section of the KPMG report look suspiciously like what ended up as measures in this bill. On page 57 of the report, it says:

Over the years in which the Commonwealth has been involved in school funding, proposals for base recurrent funding for non-government schools have been generally consistent at 20 to 25 per cent of government school costs.

It seems to us that this is not too far from what the wealthiest non-government schools get under the SES, which is 13.7 per cent of average government school recurrent costs. It seems to us that there is a difference only in degree, if not in kind, and we find it hard to imagine why schools like King’s and Wesley need to be funded at such a high proportion of average government costs. Let us not forget that that is, in fact, an average cost. Many urban government schools run on far less. As I mentioned, the Berwick Secondary College global funding amounts to just over $5,000. It is not even the more than $6,000 that the AGSRC is.

It seems that, under the SES model, Dr Kemp is creeping towards a voucher system. If one were to be cynical, one might say that the gross unfairness and anomalies in the SES are designed to make people think, ‘This is ridiculous; an SES obviously can’t work; let’s just direct the money to the parents instead of the schools.’ If we do this, then we lose sight of the fact that the role of government is to educate its citizenry and that, without a strong public system, this is impossible. John Ralston-Saul, the Canadian philosopher, said that it is the easiest thing in the world for governments to foster a sophisticated elite and a lot harder to ensure that the majority of the population receives a quality education.

Once we talk about a per capita base grant or a voucher, then it is a very short leap to apply this to public provision. The KPMG report, Dr Kemp and the independent schools lobby have all pointed out that families earning $80,000 are using the public system—implying that they are misusing taxpayers’ money. These people’s taxes go towards public education and their taxes also go towards subsidising private schools. Do we really want a means test for public education? This would be the quickest way known to get middle-class children out of the public system and then render the public school system a kind of welfare service. Again, the KPMG report states on page 57:

A base grant linked to government school costs would be transparent and not manipulable by schools and would not discourage non-government schools from raising additional resources.

Dr Kemp’s attempt to shift the terms of the educational debate from fairness to a spurious definition of need is, I think, very sad and regrettable. Australians have always regarded children as entitled to be well educated, whether or not their parents can afford it and whether or not their parents care or are willing to afford it.

This amendment relates to the SES model, but it more finely develops the parent income
to a point where it is the actual taxable income of a parent and not just the average notional income of a given area that is taken into account. There are problems with using the ABS data. People are not obliged to even report their income on the SES form. There is no check on that income. This would not be referred to the Australian Taxation Office to make sure that there was not an underestimation — there could even be an overestimation. It is such a loose measure of establishing parent income that almost anything would improve on it. We are suggesting that the actual parent income — it will not take into account all of the income — will at least be a way of smoothing out the huge anomalies that this SES model has created.

I live in a typical inner urban area where there are quite wealthy people living alongside people on low incomes — pensioners, people on unemployment benefits and people on low incomes generally. This is true of many of the areas that particularly city based schools tap into. They have a diverse geographic area — a very wide geographic area very often, and not a homogenous community from which to draw their students — and when you get this averaging working over those kinds of areas, you grossly underestimate the income of parents of children going to schools. This applies very much to inner city areas, such as in Victoria. In the Brighton area, for instance, we are not seeing those sorts of distortions in the increases supposedly based on need.

This is a measure that falls in line with the minister’s claim that this bill is about need. It does refine the model much more than the one currently before us. I hope that the ALP will think again about this amendment because it is fair, and it is certainly much more clearly about need. It would iron out of some of those gross anomalies that we have seen.

Senator CARR (Victoria) (10.16 a.m.) — The opposition is not able to support the Democrat amendments. This is despite our deep reservations about the way in which this government has sought to implement this particular SES model and particularly the discriminatory nature of it. In his previous comments Senator Ellison made some suggestion that the ERI had been abolished. He does not necessarily speak the whole truth in that matter insofar as, under this funding model, there are 65 different levels of funding. There are 46 SES in this new model. There are 18 ERI models continuing. There are also the political arrangements that have been entered into to ensure that some schools remain on existing funding, irrespective of their new SES scores. The fact is that 65 per cent of the system — that is, the Catholic Education Commission — is automatically out of the new arrangements. The government claims that the arrangements that are in place are simpler and more transparent, but it clouds the water quite substantially by proposing in its models a whole series of special arrangements. That is essentially what has occurred. The better part of 80 per cent of the non-government sector in this country is actually outside this model. The model applies to only 20 per cent of the non-government school sector. But, of course, this is a result of political arrangements entered into with this government.

The particular proposal that we have before us from the Democrats tries to address some of these concerns, but unfortunately it falls short in terms of specifics as to how that might be done. A very large number of people have said that the government’s proposals are not adequate. The National Catholic Education Commission, in their submission to the Senate, argued consistently that a combination of measures are needed. They said:

These include recurrent and capital resources, geographic spread, the necessity to provide a wide range of central services, the socioeconomic status of the populations served by the schools ...

So it is their proposition that a range of measures needed to be called upon. Obviously these are the sorts of issues that one can really only pursue when one has access to the data that is within government, which, frankly, we do not have at the moment.

What we think needs to be done in this regard is to not take measures that will disrupt the funding to a number of schools that are in desperate need. The opposition’s attitude towards the 61 elite schools is distinct from our attitude to needy schools in both the
government and non-government sectors. Our concern with the proposition that the Democrats have advanced is that their proposals really are not very specific and therefore are open to a range of interpretations which, given the nature of this government, may actually make the situation worse. Our concern is that a proposition like this would need to be undertaken properly and in a way that would not disadvantage even further people who are needy. We believe that, in the uncertainty that would eventuate from the passage of such an amendment, there may well be some concern about destabilising the funding base for schools in those needy categories at the beginning of next year. For those reasons we think that it is not appropriate to support this particular measure.

Senator ELLISON (Western Australia—Special Minister of State) (10.21 a.m.)—This amendment by the Democrats is opposed by the government, and there are some aspects of it which I think merit some comment. Firstly, the government believes that the requirement that is sought by the Democrats in relation to the income of parents is a violation of the privacy of the parents of the one million schoolchildren across Australia who go to non-government schools. I note that Senator Allison says there is a precedent in relation to child care. That is a different situation. It is a common thing that you will find across government—that, where a benefit is paid directly to a person, that person’s income is assessed. That is a fair approach. What we are assessing here is a benefit to be paid to a school—to a third party. When you assess the income of the parent, the benefit does not flow directly to that parent; it flows to the school—to a third party.

We believe that we cannot use as precedents those other instances in government when people are means tested on a benefit that is paid to them directly. Our scheme is much fairer because it looks not just at income but at the occupations, education levels and incomes of parents in the area concerned. This is a much fairer analysis of parents’ socioeconomic situation when considering what funding will be applicable to the school to which they send their children.

During the four-year review of the ERI that I mentioned, the government looked closely at assessing parents’ actual income and it was found not to be a robust means of assessment. It is not as reliable as the scheme that we propose in this legislation. I shall quote the National Catholic Education Commission—it is well known that the majority of Catholic schools are not terribly well off—which said:

The NCEC believes that the legislation very properly recognises the special nature of Catholic school systems. They are not like individual schools. It goes on to say that the legislation provides a good funding outcome for Australia’s 1,700 Catholic schools—both the systemic and individual schools. It states also that the funds are redistributed in a sensible way and that there is recognition of need in the community. The Catholic schools believe this is a very good piece of legislation that recognises the unique requirements of the Catholic education sector.

I touched on other statements from other parts of the non-government schools sector—Christian schools and independent schools—in my speech during the second reading debate. Suffice to say that they believe this is a fair way of assessing the needs of the schools concerned. Recent data from the Australian Bureau of Statistics reveals that parental choice in schooling is not confined to families who can afford high fees. For example, one-fifth of the 21 per cent of Australian students who come from families with an annual income of less than $26,000 attend non-government schools. There is a needy non-government schools sector and this SES formula is a much fairer means of assessment. We look not at the school but at the situation of the parents, which we do by considering their education levels, occupation and income. We do not believe the Democrats amendment is a better way of making this assessment and we oppose it on that basis.

Senator ALLISON (Victoria) (10.26 a.m.)—I will respond to a couple of the minister’s comments. The violation of privacy argument is quite silly, and it was one that Senator Tierney also used against me: he
talked of my ignorance in this matter and how it would be an incredible invasion of privacy. The Democrats have suggested a way in which privacy could be protected, and the only opposing argument the minister can find is that it is different and that the benefit goes to the school as opposed to the individual. Well, so what? I am not persuaded that that means this is not a workable system. I dispute the claim that our proposal is not as reliable as the SES model: there is nothing less reliable than averaging incomes over a given area. It seems to me that we could still take into account education, employment and the like if we used a model that included actual income.

The point I want to respond to most strongly is the claimed support from the Catholic schools. I find this extraordinary. I do not know whether the minister has forgotten the fact that the Catholic sector has opted out of this system. So bad and iniquitous is it, the Catholics do not want to be a part of it. Of course, the Catholic sector is 65 per cent of the non-government sector. So the Catholic schools may well have said that it is a good funding outcome and it is for them, because all students will go to category 11 and then the Catholic system will itself distribute the funding, according to need. So I cannot imagine a greater rejection of the government’s model than the Catholics have provided us with.

They want out, I think it is a good outcome for them. They will see an increase, but they will decide which of their schools need it and which do not. I find it extraordinary that the minister has actually put that on the table as a good argument against our amendment.

We know that there are many parents on low incomes who send their children to non-government schools; some of them pay fees, and some of them do not pay fees. There are many schools that accept children from low income families that find other ways of funding their entry into school. Of course, these are the schools that, by and large, receive enormous taxpayer funded contributions to their running. As I understand it, there are some schools that receive 85 per cent and more of their funding from government sources. I am not arguing against that. But for the minister to keep raising this matter as if it is central to the whole argument of the bill is really very silly. We all know that some parents make enormous sacrifices to send their children to non-government schools. Other parents are wealthy and can afford it. Other parents, whether or not they can afford the choice of another school, decide that the state system is where they want to send their children. So it just seems to me to be nonsensical.

The other argument that is always trotted out is that there are many wealthy parents who send their children to state schools. They usually send them to primary state schools. But when it comes to secondary schools, the figures are quite different. So I reject the minister’s criticisms of our amendment and again I commend it to the Senate.

Question put:
That the amendment (Senator Allison’s) be agreed to.

The committee divided. [10.35 a.m.]
(The Temporary Chairman—Senator P.R. Lightfoot)

| Ayes | 8 |
| Noes | 38 |
| Majority | 30 |

AYES
Allison, L.F.
Brown, B.J.
Murray, A.J.M.
Stott Despoja, N.

NOES
Abetz, E.
Bolkus, N.
Buckland, G.
Campbell, G.
Collins, J.M.A.
Cooman, H.L.
Crowley, R.A.
Ellison, C.M.
Ferris, J.M.
Gibson, B.F.
Hill, R.M.
Hutchins, S.P.
Lightfoot, P.R.
McGauran, J.J.
Patterson, K.C.
Reid, M.E.
Sherry, N.J.

Bourne, V.W *
Greig, B.
Ridgeway, A.D.
Woodley, J.

AYES
Bishop, T.M.
Brendis, G.H.
Calvert, P.H *
Carr, K.J.
Conroy, S.M.
Crossin, P.M.
Dennan, K.J.
Evans, C.V.
Gibbs, B.
Heffernan, W.
Hogg, J.J.
Knowles, S.C.
Macdonald, J.A.L.
McLucas, J.E.
Ray, R.F.
Schacht, C.C.
Tambling, G.E.

* denotes teller

Question so resolved in the negative.

Senator ALLISON (Victoria) (10.38 a.m.)—by leave—I move Democrats amendments (4), (5) and (8) on sheet 1972:

(4) Clause 15, page 20 (after line 6), after paragraph (a), insert:

(aa) provide to the Minister, for inclusion in the report mentioned in paragraph (a) information about school and teacher registration criteria;

(5) Clause 19, page 23 (after line 11), after paragraph (b), insert:

(ba) a requirement that 95% of teachers employed by the relevant authority be qualified teachers;

(8) Clause 23, page 24 (after line 33), after paragraph (a), insert:

(aa) provide to the Minister, for inclusion in the report mentioned in paragraph (a), the following information:

(i) student numbers;

(ii) whether the authority has any policy of exclusion in relation to any category of student;

(iii) whether the staff recruitment policy of the authority includes hiring non-qualified people as teachers;

(iv) if the authority employs non-qualified teachers—the reasons for doing so;

(v) statistics by gender of the number of students who complete schooling;

Each of these amendments is about educational accountability under this measure. Amendment (4) says that state governments, as a condition of funding, must report on teacher and school registration criteria. Since the abandonment by Dr Kemp of the new schools policy back in 1996, we have had a virtually deregulated environment as far as new non-government schools go. States and territories have shown different degrees of willingness to tackle this issue. For instance, some time ago the Sydney media ran an article on the Athena School, a primary school in Balmain. This school is classified as a Scientology school in Commonwealth Grants Commission publications, so it receives federal funding. The subject of that article was the fact that the school was using a number of unqualified teachers, and I do not know whether this is still the case. We think there is a good argument for some sort of criteria to be established for non-government schools. We do not want to necessarily introduce the new schools policy again, but we do think there are cases for the states to be involved in and reporting on teacher and school registration criteria.

Amendment (5) stipulates that 95 per cent of teachers employed by a school authority must be qualified. We think this allows a very reasonable latitude for schools to bring in, say, a retired chemistry lecturer or a business representative for enrichment, but people such as this should not be taking the place of trained teachers. I accept that the situation probably varies quite a lot between states and territories, but I am alarmed that there seems to be no reliable data in some states. We hear a lot of anecdotal evidence of schools operating without trained teachers, but we do not know the extent of the problem. It is a different picture from one state to another as to the collection of that data and the requirements for registration. This amendment would insist that schools provide information regarding student numbers and any student exclusion policies, and they must stipulate whether they hire unqualified teachers and the reasons for this.

We also ask in these amendments for a breakdown of year 12 completion rates by gender. Retention rates have been the subject of a fair bit of debate over the past week in questions put by the Democrats to the minister. We think it is alarming that retention rates are dropping. We would like to see where they are dropping and we would like to see schools identified in terms of their success in retention rates, particularly by gender. It seems clear that, in some schools, girls are not reaching year 12 and completing it successfully at the same rate as boys, so there is a good argument for us at least having that data to see what is going on. So these amendments are all about educational accountability. I think it is important that we
have more information, not less. I commend these amendments to the chamber.

Senator CARR (Victoria) (10.42 a.m.)—
The opposition supports amendments (4) and (8) but not amendment (5), which went to the question of teacher qualifications. In general terms, we think there is a very strong case for higher levels of accountability and reporting on government actions. We would like to know from the government what is wrong with the propositions being put forward by the Democrats in amendment (4).

Registration of schools is an issue which has been the subject of considerable debate in this country for some time. It is my understanding that not all states have the same registration processes. It is my understanding that not all states have a full registration scheme, and those that do not necessarily have the same standards of registration. These are important questions. I understand this was an amendment that the government chose to ridicule in public comment. The government claims that the current arrangements are that, if a school is not registered in the state, it does not get Commonwealth moneys, and I would like to know whether that is the case. If it is the case, why shouldn’t the government support this particular measure if it is in fact a reflection of the current administrative arrangements?

Amendment (8) requires non-government schools to report on exclusion policies and recruitment policies. The opposition support the aims of the amendment but, instead of seeking this information from schools, we think it might be more appropriate for there to be a cross-sectoral advisory body, as we will argue later and which we have a stated policy commitment to. That advisory body would be independent and would have the necessary resources and expertise to consider standards, trends and other issues to do with the relationship between government and non-government systems. We believe it is appropriate that there ought to be a higher level of accountability, but we are not certain that this particular measure will necessarily provide that in an appropriate manner. We think the main problem here is the way in which this amendment has been framed in that it may not necessarily meet the laudable objectives that Senator Allison is seeking to establish. So we do have some difficulties with that.

With regard to amendment (5), requiring that 95 per cent of teachers must be registered, we support this position in general terms. We have made public our support through our policy documents from the last national conference of the Labor Party and through the work of Labor senators in this place. We made it clear in the report *A class act: inquiry into the status of the teaching profession* in which the issue of registration was canvassed and it was a central recommendation of that report. We believe, however, that there ought be greater attention paid by government to the issue of teacher professional development. We have made a number of announcements in this regard. Perhaps I should remind the Senate of our position, particularly since Senator Hill was kind enough to ask me just a little while ago exactly what our position was on some of these matters. I remind government senators that, in a speech to the Sydney Institute recently, the shadow minister said:

... I am announcing a key part of Labor’s plan to lift the performance of schools.

Some argue that the performance of students at a school is largely predetermined by the socio-economic status of the student population and their families.

There is no doubt that students and teachers in poor communities often have to contend with severe social problems as well as the usual challenges all students deal with.

However recent research in the United States suggests that improving the quality of teachers through professional development dramatically lifts student performance.

The research was published last month in the Education Policy Analysis Archive by Linda Darling-Hammond, Professor of Education at Stanford University and Executive Director of the National Commission on Teaching and America’s Future.

Professor Darling-Hammond compared the performance of students in reading and mathematics across 41 American States against factors such as poverty, English-language proficiency, per pupil spending, class size and teacher quality.

Her findings are vitally important for education policy makers.
She found that:

The most significant predictor of student achievement in reading and mathematics in each year tested is the proportion of well-qualified teachers in a state: those with full certification and a major in the field they teach.

The strongest, consistently negative predictors of student achievement, also significant in almost all cases, are the proportion of new teachers who are uncertified and the proportion of teachers who hold less than a minor in the field they teach.

In all cases, the proportion of well-qualified teachers is by far the most important determinant of student achievement: it is highly significant in all equations for both subject areas in all years and at all grade levels.

So you can see from that research that there is a strong linkage between educational attainment and the qualifications and experience of teachers in terms of their teacher training and their academic background. The deans of education have also warned of the shortage of teachers that is looming in this country. We have seen this argument advanced through Senate estimates over a number of years. Despite the persistent optimism of the department that there was not a problem, we already know exactly what is happening in regard to a range of subject areas in Australia at the moment. We know that in particular regions of this country there is already an acute shortage in the mathematics area and shortages have been prevalent in other areas for some time. We know that in remote regions of this country there is a critical shortage of teachers.

We know that foreign governments value our teachers. I suspect they value our teachers a great deal more than this government does. The English government, the Canadian government and the New Zealand government have all run recruitment campaigns in this country to attract Australian teachers to their countries in a bid to avoid their teacher shortages. So it is an issue of some considerable significance. It is our belief—and it was an argument put forward in the status of teaching report—that there ought be a national system of registration, that there ought to be a body established to coordinate the professional development effort and to make recommendations to the Commonwealth in regard to the priorities of professional development it establishes. It is clearly an issue that has been debated here and it is an issue which I feel very strongly about.

Michael Lee indicated that the Australian Labor Party believes that teachers are a key determinant of student outcomes and that the majority of Australian teachers are very good indeed. But there needs to be an opportunity to improve and, given the ageing of our teaching population, new policies need to be put in place to encourage a renewal of the teaching profession in this country. A Beazley Labor government will implement two initiatives to improve the quality of teaching: teacher development contracts and teacher excellence scholarships.

Teacher development contracts will be a partnership between the Commonwealth government and teachers who share a commitment to improving student results by lifting teacher quality, restoring the status of teaching within this country. State authorities will offer teachers the opportunity to undertake a course of study to improve teacher skills and professional development. The majority of teachers will be asked to undertake work in addition to what they already do, and that is the nature of the teaching profession—there is a constant demand to undertake more and more, and we will not be any different in that regard. That is the way the work is allocated. There are only limited times. But we think teachers will respond well to encouragement, opportunities and leadership from government in order to lift the status of teachers.

We are seeking to also provide teacher excellence scholarships to high achieving school leavers to study education, with a focus on the areas of particular teacher shortage at the moment—that is, mathematics, science and information technology. We clearly are suggesting that this government is not doing enough to respond to the issue of teacher shortage and not doing enough to respond to the issue of professional development. We believe that, unfortunately, only a Labor government will be able to respond effectively to those measures.

The difficulty is that, again, the opposition do not believe that you can institute a piecemeal approach to these questions, and for
that reason we believe that it is not appropriate to support this amendment at this time. We would obviously like to see the registration of teachers on a national basis, in cooperation with the states. We do not believe that it can be done by a clause such as this. It will require a much higher level of debate and discussion with employing authorities across both sectors.

In the submissions that came before the Senate inquiry it was abundantly clear that all employing authorities in this country actually do support national registration. Many employers in the non-government sector—who you would think at first glance may not support the lifting of standards in education—in reality do support this. Even though it will, I suspect, increase costs for them, they understand that the future success of education will so heavily depend upon the quality of teaching.

With increasing mobility there is also a need to ensure higher levels of security within our schools. Parents want to know that the teachers teaching their children are the very best, are properly qualified and do not pose a risk to their children in the so many ways that we have seen all too often. So there is a need to ensure that teachers are not just professionally competent and highly ethical but also well qualified in the art of teaching, which can only be done, in my judgment, through a formal educational process. That is not to say this is the only way, but it is of course the only way in which we can undertake a proper competency based teaching regime in this country that does protect the reputation of our schools, the reputation of our teachers and ensure the highest quality in the teaching service. Unfortunately, we have seen all too many incidents where that has not always been the case, in both the government and non-government sectors. Parents are concerned about these matters, and they do want to see the very best for their children.

We do think that the best way to achieve that is through a national approach in which all the different sectors are represented and properly involved to ensure the security of a highly qualified teaching force in this country, particularly during periods of increasing mobility when we do not always know where people have come from, under what circumstances they have come into the profession or why they are moving around. We do think, nonetheless, that this is probably a very strong way to above all lift the status of teaching and provide the necessary means by which we can ensure that professional development is undertaken in a way that does mean that teachers and schools get real benefit from government resources and from support that should be coming from government.

Senator ELLISON (Western Australia—Special Minister of State) (10.57 a.m.)—Senator Carr has referred to the question of teachers and the professionalism of teachers and the assistance that is needed to keep that quality of teaching in Australia that we have become accustomed to at a level which everyone would want. I did mention in the second reading speech that the government has allocated $78 million to a quality teacher program. That shows the commitment of this government to existing teachers to maintain their professional standards. The government has placed on record that it believes that the teaching profession in Australia has a very important role. It is a most important part of our education system. It goes without saying that for us to have a good educational system we must have quality teaching and we must provide assistance to Australian teachers in that regard.

But referring more to the issue at hand—that is, the Democrat amendments—Senator Carr asked why we could not support Democrat amendment No. 4. Can I firstly say that we oppose all three amendments. We do so on the basis that we believe that the accountability framework contained in this bill is appropriate and that really the Democrat amendments miss the point. We are aiming to strengthen the link between funding provided under the Commonwealth schools programs and for improved outcomes for all Australians students. In essence, education authorities receiving Commonwealth grants will be required to commit to achieving performance targets against the national goals for schooling and to report publicly on their achievement. This focuses on the outcomes that we want in relation to education. The
Commonwealth minister may require authorities which fail to meet a performance target to take certain remedial action, and that makes sense.

With adoption by all education ministers in 1999 of the national goals for schooling in the 21st century, Australia has its first set of outcomes focused schooling goals. Ministers have also committed themselves to nationally comparable reporting of education outcomes in key areas of the goals such as literacy and numeracy, and also vocational education and training in schools. This again focuses on outcomes and not inputs, which is the theme of the Democrat amendments. The Commonwealth has been closely involved in establishing national goals, benchmarks and measures and now wishes to see this approach to improving student outcomes reflected in its own programs for schools. The strength of this approach is that it provides assessment and reporting of student achievement against nationally agreed standards but it does not mandate how schools should achieve those improved outcomes, and that retains flexibility for the particular school involved. What the Democrats are proposing is an inputs focused regime rather than one looking at the big picture, which is the monitoring of educational outcomes for Australian students. The Democrats seek to enshrine in legislation a range of bureaucratic measures which will administratively burden schools and education authorities alike. These measures will divert resources from the main game, that is, improving educational outcomes for Australian students. Instead, our schools will be too busy filling in administrative reports rather than providing quality teaching.

Perhaps I can refer in turn to these amendments. Firstly, amendment No. 4 by the Democrats talks of teacher registration criteria. Of course, we have differing circumstances in the states around Australia: some states have teacher registration and other states do not. Whilst we have states which do not have teacher registration, this amendment is inappropriate and we believe unworkable. In relation to amendment No. 5, we have the question of 95 per cent of teachers having to be of a certain quality. It stipulates a requirement that 95 per cent of teachers employed by the relevant authority be qualified teachers. If you have got 10 teachers, that means 9½, and we think that is too prescriptive. Again, we believe that the accountability arrangements that we have in this bill are appropriate. We are looking at the outcomes, the targets that are achieved in relation to the national goals for schooling.

Democrat amendment No. 8 talks about the sort of minutiae that would have to be involved: student numbers, reasons for exclusion of any student, staff recruitment policy, non-qualified teachers being employed and statistics by gender of the number of students who complete schooling. What we have in that educational accountability clause 23 is that any section 18 agreement must require the relevant authority to do a number of things which are outlined; that is, to participate in preparing a national report on the outcomes of schooling and to do a number of other things which will go towards measuring outcomes. Rather than saying, ‘You’ve got to fill in forms as to how many teachers fit into this category or not,’ and having those rather burdensome administrative requirements relating to inputs, we are looking at measuring outcomes to see whether targets that are being strived for are achieved. How do they compare to national benchmarks? We have national goals for schools for the first time, looking at schooling in the 21st century for Australians. It is important that you have all schools in Australia being able to measure themselves against those goals and against the benchmarks and standards that are set. But at the same time you leave autonomy for that school to work out how it can best achieve those goals in light of its particular circumstances. As we know, Australia is a very big country, small in population but big in area, and there are so many differing factors which affect local communities.

Senator Allison did touch on a particular school in New South Wales, I think it was. Can I say that the registration of schools is the responsibility of the state authorities. If a school is not registered by a state authority then it does not receive Commonwealth funding. We do not believe that constitution-
ally the Commonwealth government can venture into that aspect of registration, since that is a responsibility for the state government concerned. We believe that our accountability arrangements in this bill are very good. They are outcomes focused. For the reasons I have mentioned, we cannot agree to the Democrat amendments.

Senator ALLISON (Victoria) (11.05 a.m.)—I want to respond to some of the arguments the minister has put. To pick up on the last one, that registration is a responsibility of the state authorities: we agree. Mind you, we have been arguing for some time that there should be a national registration of teachers, and the teachers themselves want this to happen, but that is beside the point. Our amendment simply asks for information about school and teacher registration criteria to be included in the report. We are not asking the federal government to do it. We recognise that the states do in some cases and do not in others. It seems to us to be not such an onerous—I think the minister said inappropriate and unworkable—situation to ask the states whether they do or not. They can tick the box that says no if they do not have a registration system. At least we know about it. My amendments are about accountability and reporting; they are not about the sorts of things that the minister seems to be suggesting.

The minister opened his comments with claims that this government is looking after teachers with a $78 million quality teacher program, but I remind the minister that when coming to office this government abolished professional development funding for teachers across the board. So it is another case of ‘We’ll cut in one area and then a few years later, when everyone has forgotten about that, we’ll introduce a brand-new grants scheme and make a big announcement about it.’ That is what has happened. There is no extra money going into professional development at all.

I am pleased to hear the minister say that we must have quality teachers but he says quality teachers, not necessarily qualified teachers. My amendment No. 5 requires that 95 per cent of teachers employed be qualified teachers; that is one in 20. The minister says it is one-half in 10. There are not too many schools, apart from the very small ones, that would have 10 teachers, and I think one in 20 is a very high number. To have one in 20 teachers on your staff who are not qualified is very generous indeed. I must say I am inclined to withdraw this amendment and put one up that it be 100 per cent, because I think that all students have an entitlement to a properly qualified, trained teacher in the classroom.

We know that there are severe shortages of teachers in some areas—Senator Carr referred to this—and statistics came out two weeks ago that showed that 40 per cent of students in junior and secondary schools are being taught in mathematics and science by teachers who do not have those as their own basic training. So we are already disenfranchising almost half the students in junior and secondary schools in these two very important subject areas because, if you do not have a teacher who is properly qualified and properly trained in the particular area, they are going to show a lack of confidence and that lack of confidence will be passed on to students. If they are only two paces ahead of the students they are teaching, they are not going to teach that subject well. So I am astounded that there is not support for the idea that we should have trained teachers in classrooms. I think 95 per cent is certainly flexible enough to take account of some extraordinary circumstances. My concern is that, as we proceed into the next decade in which we know for sure that there will be serious teacher shortages, we will rely on people who are not trained teachers to actually be in charge of classrooms more and more. I worry about that very much. As I say, I am even inclined to change this percentage because it seems to me that one in 20 is indeed a very high number in classrooms of teachers who are trained.

The minister talks about this bill strengthening the link with funding programs and outcomes. We are all into outcomes, but just this week we have had this government reject the significance of one of the most important outcomes, that is, retention rates. We have seen a steady drop in retention rates in this country over the last few years, probably
since 1992 or 1994, and one of the questions I raised with the minister this week was about that retention rates problem. That, it seems, is not an outcome that the government is especially worried about. It was so easily passed off as being ‘these kids are going into vocational education’. We simply cannot say that is the case: the minister is not able to produce the figures to show that and, anecdotally at least, we know that that is extremely unlikely. So I reject the minister’s claim that this government is all about outcomes.

It is certainly about some outcomes. Minister Kemp has not talked a great deal about this lately, but we all remember the claims that he made that a third of year 9 students could not read. He developed these spurious claims from misreading a study which had been done into the longitudinal ability of students. Since that time he has used that report in this way to suggest that that is the case, particularly in government schools—and we all know that it is a nonsense. So I really take exception to the claim that the government is interested in outcomes. We have seen an emphasis on testing and on benchmarking and we all know that those kids in the classroom in primary schools and in secondary schools who are not reading well and who are not learning at the same rate as their peers need extra assistance. They do not need another test. They do not need someone else telling them how poor they are. What they need is direct assistance to overcome whatever problem they have.

I want to reiterate what amendment (8) does. It asks for there to be included in a report, which would be made public, whether or not there are, and what are the, school exclusion policies related to any category of student. The minister did not mention this, but it seems to me that this is one of the great concerns of the public sector, that it is the case—although I know it is not true across the board in the non-government sector—that many of our wealthier schools and most elite schools do exclude certain students, that they exclude students who are difficult to teach and that they exclude students that do not look like they are going to improve the overall year 12 scores. It is quite clear that there are some exclusion policies working and I think that, given that these schools are now getting an increase in federal taxpayers’ money, we should be entitled to say, ‘Who do you exclude and on what basis?’ We have also seen that many of the elite schools can pick and choose the students they would like to include by offering scholarships. We see a lot of very bright kids who would otherwise be in the public sector taken up by these schools in order to improve the schools’ final year scores. Some may argue that is good for the student concerned, but there are plenty of teachers I know in the state sector who say that having those bright students is very important for lifting the classroom and the results of other students as well, and that they do not necessarily do better in non-government schools.

That is what our amendments go to: the question of accountability and reporting. With so much money going into non-government schools, we are entitled to see what is going on in terms of who employs non-qualified teachers and the reasons for doing it. There may be reasonable explanations for employing teachers who are not qualified—I cannot think of too many myself. I am sure there are some emergency situations where this would be necessary, but it seems to me to be a dangerous and unsupported move to be suggesting that we do not care whether or not teachers are qualified and that all we are worried about is outcomes. I would strongly argue that you are going to get better outcomes with better qualified teachers and that putting non-qualified teachers into classrooms is not supportable. In that sense, I am disappointed that the ALP cannot support Democrat amendment (5). I am almost inclined to say that it should be 100 per cent instead of 95 per cent. One in 20 is a very large number, in my view. I think students in this country should expect better.

Senator CARR (Victoria) (11.15 a.m.)—So that there is no misunderstanding, the issue here is not that the Labor Party do not support 100 per cent of the teachers being qualified. Frankly, I cannot see any argument why there ought not to be 100 per cent of the teachers in Australian schools suitably quali-
fied. Parents and students have a right to that. Frankly, all the evidence points to the need for that to occur on a whole range of measures—in outcomes and in the performance of those teachers in the school community. It is absolutely critical. The problem with Democrat amendment (5) is that we do not think it is something we can introduce from opposition. You have suggested 95 per cent. Clearly, in some schools at the moment there are significant numbers of teachers who are unqualified. You would need to negotiate that through with employing authorities. There is not a teachers’ organisation in the country that does not support registration, but there ought to be a proper process in which such a measure could be introduced to allow transitional arrangements, and there will need to be discussions about a whole range of industrial relations matters. Frankly, that is not something which we believe can be done in this piecemeal way. We strongly support the principle, but we do not think it can be done in this particular manner, Senator Allison. We support the sentiments of your amendment, but not the implementation of it in this context.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—I will split the amendments. The question is that Democrats amendments (4) and (8) be agreed to.

Senator Carr—Mr Temporary Chairman, I seek leave of the Senate for these propositions to be put separately: not (4) and (8) together, but (4), (5) and (8) separately.

The TEMPORARY CHAIRMAN—I will put the amendments separately. The question therefore is that Democrat amendment (4) be agreed to.

Question resolved in the affirmative.

The TEMPORARY CHAIRMAN—The question now is that Democrat amendment (5) be agreed to.

Question put.

The committee divided. [11.22 a.m.]

(The Temporary Chairman—Senator P.R. Lightfoot)

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Question so resolved in the negative.

AYES

Allison, L.F.    | Bourne, V.W.* |
Brown, B.J.      | Greig, B.     |
Murray, A.J.M.   | Ridgeway, A.D.|
Stott Despoja, N.| Woodley, J.   |

NOES

Abetz, E.        | Bishop, T.M.  |
Brandis, G.H.    | Buckland, G.  |
Campbell, G.     | Carr, K.J.    |
Chapman, H.G.P.  | Collins, J.M.A.|
Conroy, S.M.     | Coonan, H.L.* |
Crossin, P.M.    | Crowley, R.A. |
Dennan, K.J.     | Eggleston, A. |
Ellison, C.M.    | Evans, C.V.   |
Ferris, J.M.     | Gibbs, B.     |
Gibson, B.F.     | Heffernan, W. |
Hogg, J.J.       | Hutchins, S.P.|
Lightfoot, P.R.  | Ludwig, J.W.  |
Macdonald, J.A.L.| McGauran, J.J.|

* denotes teller

AYES

Allison, L.F.    | Bourne, V.W.* |
Brown, B.J.      | Greig, B.     |
Ridgeway, A.D.   | Stott Despoja, N.|
Woodley, J.      |               |

NOES

Abetz, E.        | Bishop, T.M.  |
Brandis, G.H.    | Buckland, G.  |
Campbell, G.     | Carr, K.J.    |
Chapman, H.G.P.  | Collins, J.M.A.|
Conroy, S.M.     | Coonan, H.L.* |
Crossin, P.M.    | Crowley, R.A. |
Dennan, K.J.     | Eggleston, A. |
Ellison, C.M.    | Evans, C.V.   |
Ferris, J.M.     | Gibbs, B.     |
Gibson, B.F.     | Heffernan, W. |
Hogg, J.J.       | Hutchins, S.P.|
Lightfoot, P.R.  | Ludwig, J.W.  |
Macdonald, J.A.L.| McGauran, J.J.|
Question so resolved in the negative.

Senator MURRAY (Western Australia) (11.31 a.m.)—I wish to note a point of order. We were not advised, as far as I am aware, that there was to be an immediate division following the previous one. The one-minute bell was too short and I missed it. I am not going to ask for a recommittal, but I would ask Hansard to record that my vote was with my colleagues, the Australian Democrats.

The TEMPORARY CHAIRMAN (Senator George Campbell)—It will be so recorded.

Senator ALLISON (Victoria) (11.32 a.m.)—I move Democrat amendment No. 9 on sheet 1972:

(9) Page 28 (after line 24), after clause 28, insert:

28A Recognition of Commonwealth assistance for capital projects

If financial assistance granted to a State for the purpose of capital grants under a provision of this Act is:

(a) withheld; or
(b) the subject of a determination made under subsection 28(2);

because a State has failed to comply with any guidelines for the recognition of Commonwealth assistance for capital projects, the Minister must, within 30 days after the decision to withhold financial assistance or make a determination, cause to be published on the Internet a statement containing the following information:

(c) details of the failure by a State to comply with any such guidelines; and
(d) details of the amounts of funds, or the percentage reduction of funds, involved.

Amendment No. 9 refers to recognition of capital works projects, and relates to what has been dubbed the ‘toilet blocks’ issue. This is in response to Dr Kemp’s withdraw-
of the government who are asked to participate in these opening functions. I ask the minister: can he advise us how many invitations have been issued to members of the opposition to participate in school openings? When I was a member of the Labor government I did participate in a very large number of school celebrations for capital works projects and was only too happy to travel all over Victoria, but since we have been in opposition I have not received one offer to participate. For a senator who has an interest in educational matters, surely that is a little odd. So there is a general question about the way in which the government approaches this question and there is the specific problem of Dr Kemp himself. He appears to have this need to get personal recognition in this regard, and that is the cutting edge here. There is a difference between acknowledging Commonwealth contributions towards capital works projects and the need to give the minister some personal place at the table by way of plaques being issued. That I think is beyond the normal arrangements. The egotripping that it seems to imply strikes me as being unhelpful in the dialogue between the Commonwealth and the states regarding the importance of acknowledging Commonwealth contributions towards education in this country.

It is a problem, I suppose, that is increasingly occurring with the minister. If you thought about it for a moment, you would have to ask yourself: is this the most important issue that the minister has to discuss with the states? I suggest it is probably not. But it has gained a particular prominence, and that does trouble me. If he thinks that this is where the action is in education at the moment, he is sadly mistaken. There are very serious problems facing the country and, frankly, whose name is on the toilet door is not the highest of priorities at the moment. So, Minister, perhaps you could advise me: why has the government embarked upon this facile approach to acknowledgments when it comes to capital works projects?

**Senator ELLISON** (Western Australia—Special Minister of State) (11.38 a.m.)—Senator Carr knows perhaps better than anybody else with his involvement in education that the scheme in place has been in place for a long time—it was in place under the previous Labor government—and, in this regard, Victoria has repeatedly failed to meet the recognition requirement under the agreement either to arrange an opening or to seek agreement to a ministerial exemption for 400 projects over the three years 1997 to 1999. The Victorian education department was advised in March this year—

**Senator Carr**—Did you say ‘97?

**Senator ELLISON**—The advice that I have is from 1997. The Victorian education department was advised in March 2000 that funds may be withheld if openings were not arranged or exemptions sought. These are the same recognition requirements, as I say, that applied under the previous Labor government. To say that it is all about a plaque and that whose name goes on it is facile is not the point at all. What we have is a system where capital works are provided. The Victorian government receives some $50 million from the Commonwealth for capital works in government schools annually on conditions agreed to by the state and territory governments. As Senator Carr and other senators and members would know, when you have a function of this sort, it is a great opportunity for members of parliament to meet with the parents, teachers and students and other people related to the school to find out what is really concerning them. Functions of this sort at schools are great opportunities for members to attend and to get excellent feedback on what is going on. I have certainly benefited from that.

In June this year, the Victorian education department sought a blanket exemption for all projects for the 1997-99 period that had not met the recognition requirement to date. On 6 October this year, Minister Kemp wrote to the Victorian minister offering to exempt all but 26 major projects which were due for completion this year, and indicated an intention to reduce Victoria’s allocation by $2.5 million if there was no assurance by 20 October that openings for the 26 projects would be arranged and held within a reasonable time frame. So we are talking only about 26 major projects that were the subject of this correspondence. Whilst no response has yet
been received from the Victorian education department, the government is pleased to note that Minister Delahunty is reported to have confirmed that such an assurance will be given. It is appropriate that that assurance be given.

We have a situation here which is no different from that which operated under the previous Labor government. It is fair that the Commonwealth get recognition for the funding that it provides for education—and the previous Labor government held to that as well. It is not fair that you have a situation where state education authorities do not want to acknowledge the contribution by the Commonwealth government of the day. I would have thought that Senator Carr would be the first to acknowledge this, as a person who holds more to the centralist line of politics than to states’ rights. This is an issue or principle involving the acknowledgment of where the contribution comes from. The people of Australia are entitled to know where a contribution to schooling comes from, or for that matter, anything else, and whether an initiative is a Commonwealth initiative or a state initiative. I think that is a basic right of Australians to know. These functions provide an opportunity for parents, teachers and other people related to the school community to know exactly where the funding is coming from. I think that that is a very important issue indeed.

This is an amendment that the government cannot support. The Democrats are proposing to bring about a situation which could impinge on the bilateral relationships that you have between the Commonwealth and state governments; for instance, the publicaton sought would intrude upon the sensitivity of that relationship. Obviously, relationships between the Commonwealth and various state governments do become, from time to time, somewhat sensitive. I think that what the Democrats are proposing could well make that relationship even more difficult to manage. It is important for the good of all Australians that our federal system is managed properly, and this is not an amendment which would see the advancement of that proper management.

Senator Allison (Victoria) (11.44 a.m.)—I am astounded by the minister’s arguments on this amendment. If the government needs the opportunity to open up some new facility at a school to find out what is going on in that school, then government schools can expect very few visits from the government because there just are not enough capital works going on in government schools for the minister to actually find out what is going on. I would suggest that what normally happens is that someone blows in to cut the ribbon, there is an afternoon tea, and off they go again. Very rarely would they get a tour of the portable systems or the classrooms which are lacking computer facilities and the like.

I think it is extraordinary that the minister justifies his position on the basis that he knows what is going on. I spend a lot of time finding out what is going on in schools. Nobody has invited me to come to the school to open something in order to do so. The minister said that it is not fair that acknowledgment of the contribution is not made; I do not think it is fair that I do not get invited along to these opening functions. And I do not, and I do not think the opposition does either. But we are all part of a parliament and this is, after all, public funding. It does not come from the coalition’s coffers, so the government does not have the sole right to be the great benefactor when money is handed out.

The most spurious reason I have heard is that this will impinge on bilateral relationships. I remind the minister that we are not talking about stopping the minister withdrawing money. All this amendment does is to require him or her, within 30 days of the decision, to publish what is being done, the amount of money involved and the reasons why. This is an accountability measure; it does not stop the minister from doing anything. It does not intrude on some sensitive area of the relationship between Commonwealth and state. This is about asking the minister, before he withdraws money—in the case of Victoria, $2.5 million—to tell us about it and to tell us why the money is being withdrawn so we can make a judgment about whether it is reasonable or whether the government is simply grandstanding and
huffing and puffing about not being properly acknowledged for its contribution. I think it is a very silly objection to the amendment. I am faced with the same situation as the previous amendment—I do not think it goes far enough. I am considering rewriting it so that it does stop the minister withdrawing money, because I think that is pretty unreasonable and pretty silly. This is a very small and relatively inconsequential amendment. I see no reason why it should not be supported by the government.

Senator CARR (Victoria) (11.47 a.m.)—Minister, I noted in your explanation that you said that there was a problem with Victoria, going back to 1997—that some 300 projects had not acknowledged Commonwealth contributions. Have I got that correct, Minister? Is that the situation?

Senator ELLISON (Western Australia—Special Minister of State) (11.47 a.m.)—There were 400 projects. Of course, you can claim exemption under the agreement. Minister Kemp was not saying that all 400 projects should require Commonwealth involvement—that is why it is spurious to talk about toilet blocks and the like. A minor capital work would obviously be exempted. Out of 400 projects, only 26 projects were an issue. I am advised that the dates that I stated in the Senate are correct: 1997 to 1999.

Senator CARR (Victoria) (11.48 a.m.)—Minister, as you would obviously be aware, the Labor government has been in office only one year in Victoria.

Senator Ellison—It shows how bipartisan we are.

Senator CARR—So this is a bipartisan assault? That is what I like to hear. I never heard anything about this when Jeff Kennett was in office. I am interested that there were 400 projects during the Kennett period which did not acknowledge Commonwealth contributions. You would have thought, if this issue loomed as large in the government’s mind, that it would have been made a more public question in that period.

Senator Ellison—But you guys made it public.

Senator CARR—Minister, I happen to agree. I will make it very clear. I have long said on the record on this issue that there has to be appropriate acknowledgment of the Commonwealth’s contribution towards schools.

Senator Ellison—You agree with that, do you?

Senator CARR—I do agree with that, and I have always maintained that position. What concerns me is the way in which the government now seeks to implement that matter. I understand you asked for approval to participate in 26 opening ceremonies. Can we get a list of those 26, Minister?

Senator Ellison—I will take it on notice.

Senator CARR—Minister, how long do you think it will take to get a response to us on that matter?

Senator ELLISON (Western Australia—Special Minister of State) (11.50 a.m.)—I can tell you that the projects involved over a quarter of a million dollars. So that gives an idea of the significance. That is a common feature to them all.

Senator CARR (Victoria) (11.50 a.m.)—Thank you, Minister. I appreciate that we are now talking about the size of the projects and not necessarily just the locations. If that is the case, I would perhaps take a more benign view of the government’s concerns. But I would like to see the list. As you know, I have perhaps a slightly different view of the importance of geography in Victoria from that of a Liberal senator. I think, though, that the general principles you raise about these 400 schools under Jeff Kennett that refused to acknowledge the Commonwealth’s contribution is something that ought to be explored more fully and maybe that will be an issue that I will need to explore at the estimates
just to establish the reasons for that. It would seem that there has been some difference of view within the Victorian education department on this matter for some time. I trust that the 400 projects are of significant size and not all toilet block affairs.

The TEMPORARY CHAIRMAN (Senator George Campbell)—The question is that Democrat amendment No. 9 on sheet 1972 be agreed to.

Question resolved in the affirmative.

Senator ALLISON (Victoria) (11.52 a.m.)—I move Democrat amendment No. 10:

(10) Clause 36, page 35 (line 22), omit “may”, substitute “must”.

This amendment requires that, if a school ceases to be recognised by a state minister or starts to be run for profit, the federal minister must remove its name from the list of non-government schools—in other words, it would no longer be eligible for federal funding.

Senator CARR (Victoria) (11.52 a.m.)—I understand that Dr Kemp made quite a fuss about this in the House of Representatives. Can the minister show me a school that currently receives Commonwealth funding that was not registered by a state authority?

Senator ELLISON (Western Australia—Special Minister of State) (11.53 a.m.)—I mentioned before that a school must be registered by a state authority in order to receive Commonwealth funding.

Senator Carr—in light of your answer, I take it that you will be supporting this amendment.

Senator ELLISON—No, because it does not touch in any way on the issue of whether a school should be registered by a state authority to receive Commonwealth funding. Democrat amendment No. 10 refers to the list of non-government schools and deals with the question of removing a school from funding if that school fails to meet certain registration requirements. The amendment goes more into how that discretion is exercised and into the mechanics of the matter, but we do not see the need for it. At present the minister may remove a school from funding. I understand this amendment to say, in relation to clause 36, that the minister ‘must’ remove a school from funding. It states clearly in clause 36 that the minister ‘may’ vary the list to remove the name of a school from the list. This amendment takes away any discretion and we believe that discretion is appropriate in this context.

Senator CARR (Victoria) (11.55 a.m.)—The minister is saying that a school must be registered in a state to receive Commonwealth funding, but that he wants the discretion to continue funding should that school be de-listed. That is the essence of the minister’s argument. Schools are de-listed presumably for a range of reasons. I know of schools that have been deregistered because people have been fiddling the superannuation funds, for example. I know of instances where schools have been managed appallingly and where there have been actions that I believe should have drawn the attention of the police. Not all schools are well managed and not all schools are run on the most ethical grounds.

Is the minister saying that that there is a proposition before us whereby the government may choose to fund schools that have been de-listed? We know damn well how hard it is to deregister a school. It is done only in the most extreme circumstances, and it usually involves only the most serious impropriety. A school may choose to close because it is not financially viable—and we know of many schools that have met that fate. Given the extraordinary laxity of the state registration processes, deregistration strikes me as being a very unusual course. Senator Ellison is asking us to accept the quite extraordinary proposition that the minister requires discretion in the case of de-listed schools. Can the minister please provide additional information on this point, because I am a bit puzzled by his response.

Senator ELLISON (Western Australia—Special Minister of State) (11.57 a.m.)—Senator Carr is talking not about de-listing but about a situation when a school fails to meet the requirements of registration or listing. Under this proposal, there is no alternative but for the school to be deregistered or de-listed. We believe that would be undesirable because it could take up to two years for that school to be reregist-
ered. We think it is desirable for the minister to have discretion. If a school did not meet those requirements, funding could be withheld pending the school remedying the situation. That is highly preferable to what is proposed in this amendment. We obviously want not to punish the school but to remedy the situation. If you take that discretion away from the minister, there will be no involvement: it will be sudden death and instant deregistration. This amendment does not offer any flexibility.

We believe the minister should have the discretion to go to the school in question and say, ‘Look, you have not met this requirement; I’m holding back funding whilst you look at the situation and, until it is remedied, you won’t get your funding.’ It provides an opportunity to work in consultation with the school to fix the matter. I would have thought, based on their attitudes to other issues, both the Democrats and the opposition would consider it preferable to take a conciliatory approach and work something out rather than adopt the heavy-handed approach and just deregister. The school would then have to wait up to two years before it could reregister. It may be that the matter is capable of resolution. If that is the case, great: the minister and the school can work it out and things can be resolved to the satisfaction of all concerned. But if you take away that discretion, you will not have that possibility.

Senator ALLISON (Victoria) (11.59 a.m.)—Will the minister clarify what he means by that comment? If a matter is capable of resolution, it is surely for the states to resolve it, not the federal government. The minister suggests that schools would be taken off the list instantly. Presumably there would be a considerable lead-up period in which the states would consider removing the registration. Will the federal government conduct its own process in this respect? Why will it not simply work with what the state government has determined?

Senator ELLISON (Western Australia—Special Minister of State) (Midday)—For a start, this system has been in place for some time; Labor had it when it was in government. There is no lead-up time mentioned in this. Senator Allison makes the presumption that there would be this lead-up time. There is nothing to guarantee that. I think it is very risky indeed.

Senator ALLISON (Victoria) (Midday)—I would just make the point that this is one of the reasons for one of our other amendments going to the question of registration. If we knew what processes were in place and what each state’s policies and positions were in relation to registration, I would have thought it would make the job of determining what this process should be a lot easier. But I remind the minister that he did not support that amendment.

Amendment agreed to.

Senator CARR (Victoria) (12.01 p.m.)—by leave—I move:

(1) Clause 4, page 7 (after line 1), after the definition of level of education, insert:
listed school means a non-government school listed in Part 5 of Schedule 4.

(4) Clause 56, page 53 (lines 6 to 9), omit subclause (2), substitute:
(2) Funding for general recurrent expenditure of non-government schools with SES funding levels is worked out on a school by school basis (whether or not the school is in an approved school system or not), unless the school is a listed school.

(5) Page 54 (after line 2), after clause 56, insert:
66A Application
This Subdivision does not apply to a listed school.

(6) Clause 64, page 65 (after line 19), after subclause (2), insert:
(2A) All listed schools are to be funded as schools with year 2000 funding levels.

(7) Page 65 (after line 21), after clause 64, insert:
64A Authorising payments for listed schools
The Minister may make a determination authorising payment of financial assistance to a State for recurrent expenditure for a program year of an amount for each listed school not more than the amount worked out for the school by adding up:
(a) the amount worked out under section 67 for the school’s primary students (if any) for the program year; and
(b) the amount worked out under section 68 for the school’s secondary students (if any) for the program year; and

c) the amount worked out under section 69 for the school’s primary distance education students (if any) for the program year; and

d) the amount worked out under section 70 for the school’s secondary distance education students (if any) for the program year.

(9) Clause 119, page 104 (line 5), omit sub-clause (1), substitute:

(1) This Part has effect despite any other provision in this Act except to the extent mentioned in subsection (1A).

(1A) Sections 125 and 126 do not apply to a listed school.

(10) Schedule 4, page 118 (after line 6), at the end of the Schedule, add:

PART 5—LISTED SCHOOLS

Note: See section 64A.

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These are amendments that go to the heart of the opposition’s concern about this bill. They seek to keep category 1 schools at the year 2000 funding levels. The major problem with the government’s new SES funding system for the non-government schools is that it delivers the biggest funding increases to the wealthiest category 1 schools—schools like King’s, Scotch and Geelong Grammar. Every one of these 61 schools—every single one—will have their funding increased under this government’s plans. The increases will average $900,000 per school from 2004, when the SES system is fully operational. That means that schools will, on average, get $900,000 extra per year, every year. It seems to us that this is not justified.

The government tries to claim that it is only the ERI system that judged these schools to be wealthy. I find that to be an amazing proposition—a really amazing proposition. Everyone in this country understands the difference between schools like King’s and Geelong Grammar and the local parish school or your average government high school. Everyone knows. It is only the government that seeks to present to us the extraordinary illusion that these are needy school communities desperately requiring an additional amount of nearly $60 million. I find that the government’s dream-makers really have worked overtime on this one. If they honestly believe that they can sell this as a social justice measure then, quite clearly, they could sell ice to Eskimos. That essentially is what the government is asking us to accept—and, frankly, we find that that is unacceptable.

I think average Australian families could, and do, judge for themselves every day of the week the differences in the resources that are available to schools such as this and to schools that they send their children to. I know the differences between the facilities and resources that are available in the case of my own children and those that are available at these category 1 schools. Commonsense will tell you just what sort of sharp differences there are. The idea that the grounds of schools such as Scotch College, Trinity Grammar, King’s or Geelong Grammar could be compared with the pocket-handkerchief grounds of the schools in our inner-city metropolitan areas strikes me, frankly, as laughable. But that is what this government would try to have us do. We know that the fees at these schools are generally in the range of $11,000-plus per child; in the case of the boarding schools, it is up to $20,000 per year. Just think for a moment about what that means to the incomes of average Australians: $11,000 a year out of a person’s income for an average worker in this country, after tax, I suggest, would leave very little else. Frankly, it is not conceivable to suggest that average Australians could afford that sort of cost for their children. It is a simple fact of life that these are not schools for ordinary Australians.

I do not think anyone in the Labor Party would for a moment begrudge the rights of parents to provide the very best for their

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<td>The Japanese School in Perth</td>
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<td>157 Deanmore Road, Scarborough WA 6019</td>
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kids. We all want to do that. I do not believe a soul in the Labor Party would not acknowledge that each and every one of us as parents would like to provide the very best for our children and perhaps provide opportunities that we did not have ourselves. The question arises of whether or not it is fair for the government to be providing the level of support that it is when so many in this country are in such need and when public money could be much better spent assisting people in ways in which they are not currently assisted. In terms of evening up the balance, you would think it is a responsibility of the government to ensure equality of opportunity.

If you can afford $11,000 a year, chances are you will have the resources to send your children to those schools and have a whole lot more to spare. I understand that not every single person who goes to these schools is a millionaire, and I am not pretending for a moment that is the case. What I am suggesting though is that, for average Australians, going to King’s School is a very different experience from going to the local high school. If you have a couple of kids at high school, the realities are that you are probably working a great deal more in overtime, if you are lucky enough to get it, and you are scrimping and saving just to get your kids through the local high school, let alone being able to afford $11,000 extra in terms of resources per child. That is way beyond the means of most people. That is the reality of how people survive in this country at this time. Frankly, I am deeply dismayed that this government thinks ordinary Australians do have that level of resourcing available. You can see that in the government’s approaches to social security and a whole range of other public benefits. It is clear the government thinks it is not unreasonable to attack the rights and benefits of very poor people in this country, as if somehow or another, magically, resources will be produced to get by. But the government does not seem to blink an eye when it comes to handing out $60 million per year to some of the wealthiest people in this country. The contrast could not be sharper.

Schools should be allocated funding on the basis of need. We think public resources are not infinite. There are choices that have to be made. The government talk a great deal about freedom of choice, and we made our position very clear in the second reading debate. Since the Karmel settlements of the 1970s, the Labor Party has always supported the issue of the rights of parents to choose. That has been the stated policy and established part of the political dialogue in this country for 30 years. What we also say, though, is that the government cannot fund all conceivable options. The choices are limited insofar as parents themselves have resources. There is an inherent restriction on the rights of choice in terms of people’s wealth and standing within the community. Not everyone has infinite options, just as governments do not have infinite options in terms of the availability of resources. The other fact of life is that the choice may be exercised by some at the expense of others. A simple fact of life is that we cannot possibly fund everyone who wants to send their child to an individual school. We may have schools of one under those circumstances. That clearly cannot be done.

What we are seeking to do with these amendments is keep these 61 category 1 schools at their present levels of funding. I should make a few technical points clear. The list of category 1 schools and their names and addresses were sourced from the DETYA web site. I trust that the DETYA web site was accurate in all regards, and I have no doubt that the professional officers here would have made sure that was the case. I trust, Minister, you can assure me that that is the case.

Senator Ellison—Yes.

Senator CARR—The web site shows that the International Grammar School in Sydney is category 1 for its primary level and category 3 for secondary. It is very interesting that that happened. Our amendments, therefore, are intended to impact on the school only in respect of its primary students. Labor intends that these 61 category 1 schools will be treated exactly the same way as the 272 non-government schools that are funding maintained and in a similar way to the 1,600
Catholic schools which have opted out of the SES system and will also keep their present level of funding. All of these schools will continue to have their funding indexed at annual price increases.

Another important point to note about the category 1 schools is their capacity to tap into what is obviously quite massively generous fundraising pools which are totally unavailable to most schools in the government or non-government sector. For example, King’s School in Sydney has embarked upon a $16 million building program to fund a $3.5 million learning and leadership centre. I have here a copy of the brochure titled ‘Learning and leadership centre for King’s School’. It looks like a prospectus from the Stock Exchange; it is quite extraordinary. The $3.5 million learning and leadership centre will have colonnades to give the school a green heart, an attractive arrival point and quadrangles to give a beautiful ambience to the academic precinct. The Prime Minister did not answer Labor’s questions about how much ambience King’s might need, but the answer from the coalition’s point of view seems to be at least $1.5 million worth, because that is the extra funding this government is planning to give King’s each year from 2004. King’s School sent out a magnificent, personally addressed brochure seeking donations to its building program. The photocopy I have in front of me suggests to me this is quite an extensive exercise. Rather than just a brochure, perhaps it is a coffee table book. It has an extraordinary difference in attitude towards these issues.

As part of this package, probably the flashiest begging letter that has ever been seen in the history of education in this country was the table showing the donation to the King’s School Foundation Capital Appeal 2000. Under the heading ‘Table of gifts desirable’, it tells us that 177 desirable gifts have been received this year including one donation of $1½ million, one of $125,000, six of $100,000, three of $75,000, four of $50,000, three of $30,000, 11 of $25,000, and seven of $20,000. This year’s gift total is $2.87 million. That is a bit short of the target of $4 million but the year is not over yet, and I expect there will be quite a few Christmas presents sent to King’s School.

The point I am trying to make here is not that there is anything wrong with raising funds in itself. The point is that the government has tried to tell us that these are struggling schools, that this is a program of social justice and that they deserve more taxpayers’ help. Frankly, the lesson I draw from the fundraising exercise is that the elite school network has the capacity not only to pay high annual fees but also to donate very large sums over and above that. Parents or former students who are donating $500,000, $100,000 or $50,000 are clearly not struggling. A school that obviously thinks it is worth while to embark upon such a lavish expensive public relations exercise to raise funds is a school that knows its market very well indeed—perhaps a bit better than the coalition ministers that dreamt up this particular policy. (Time expired)

Senator ALLISON (Victoria) (12.17 p.m.)—I indicate that the Democrats will support these amendments, although we are disappointed by them and we do see some problems with them. The first is that they do not address the fundamental problems with the SES model’s methodology. It has quite a narrow focus, and I will talk about that at some length. But they also remove yet another group of schools from the model. This model that is supposed to be about needs based funding excludes the Catholic schools, excludes the funding maintained schools—those are the schools that would have otherwise lost money with the application of the model—and now, it is proposed, will exclude another group of 61 schools from the SES model. But we are given little choice in this debate since our amendments, which would have been more comprehensive and more sophisticated, have not been supported and the remaining ones are not likely to be. So we will support these amendments.

The impact of the amendments will be felt almost exclusively in the eastern states. It will affect only 61 schools and there are only 61 category 1 schools, and that is a small proportion of non-government schools. There is only one category 1 school in Queensland; none at all in the Northern Ter-
ritory, the ACT or Tasmania; one in Western Australia; and five in South Australia. In 1997, there were 37 schools in category 2 and 98 in category 3. This is still only a small proportion of non-government schools and, whilst the funding increases to category 2 schools are not as dramatic as those to category 1 schools such as King’s and Wesley, they still get, I would argue, disproportionately high increases.

Let us take Canberra Grammar, for instance—a category 2 school. Canberra Grammar will get an increase of $1.8 million a year by the year 2004. This school occupies 20 hectares. It has outdoor education, including trips to the Himalayas. The school has five ovals, all on site, in addition to tennis courts, squash courts, a heated indoor swimming pool, a full sports complex, and a fully equipped boatshed on Lake Burley Griffin. The year 2001 fees at this school will be $10,290. The Southport School in Queensland, again a category 2 school—the only one—will get an additional $2.3 million a year. Southport has an outdoor education centre with full rock climbing, canoeing, camping facilities et cetera and hires them out to other schools. It is currently raising funds for a $5½ million centenary centre, which will include rock climbing walls, a gymnasium, basketball courts and a full commercial kitchen. This school charges fees of more than $8,000 a year.

Pembroke School in South Australia is a category 2 school and it will get $1.9 million extra. It has an auditorium, a swimming pool and boat houses. Another category 2 school in South Australia is the Walford Anglican School for Girls, which will get an extra $645,000 a year and charges more than $8,000 per year in fees. In Victoria, St Margaret’s School, a category 2 school, charges just under $10,000 in fees. St Margaret’s has expeditions to Nepal and offers whitewater rafting, scuba diving et cetera. Tintern Anglican Girls’ Grammar School, a category 2 school, will get $1.6 million extra a year and charges fees of just under $10,000. Strathcona, another category 2 school, charges fees of more than $9,000. It will get another $327,000 a year and offers water polo, snow skiing, a heated swimming pool, three netball courts, two basketball courts, a gym, a boatshed and a darkroom. Penleigh and Essendon Grammar School, a category 3 school, will get an additional $3.89 million a year and charges nearly $9,000 a year. Again, the list goes on: it has gymnasia, a swimming pool, an astroturf hockey field, ovals, soccer fields and squash courts.

In Western Australia, the Hale School, at category 2, will get an extra $1 million a year. It charges $9,000 in annual fees. Hale has a boatshed, 36 practice cricket wickets, 12 tennis courts, four plexipave basketball courts, a gymnasium, an Olympic size eight-lane swimming pool, a rowing fleet on the Swan River, four football fields, two soccer fields, hockey fields including synthetic grass complex, four squash courts and two rugby fields. Scotch, also in category 2, which charges fees of $9,300, will get an extra $½ million a year under the SES. It has a 50-metre swimming pool, plus a physical education centre, also a weights room and a gym, and a 66-hectare property on the Murray River.

I could go on with category 2 and 3 schools for some time, but no doubt I do not need to. I would have to say that I cannot think of a single public school that can boast anything like those facilities, and that is really the issue we are debating here today. There is an enormous amount of money going to category 1, category 2 and in some cases category 3 schools which do so much better than our public sector schools do. I would also have a bit of sympathy for category 1 schools that will say they feel discriminated against under this amendment. After all, as I have just demonstrated, quite significant increases will flow to category 2 and 3 schools which will be untouched, even though in many cases the difference in resources and fees charged is not all that significant.

But we support the amendments, because it would be shameful to allow such a large amount of money to go to category 1 wealthy schools. There is so much need in the public sector, and there is much need too in special education. The needs in special education are nowhere near met. We think that the ALP’s plan to divert category 1
schools’ funding into special education is a good one, but it does not go anywhere near as far as we would like. Essentially, it does not tackle those inequities in the model. Having said all of that, we certainly will not oppose the amendments. We will be supporting them, because they do at least pull back some of the generosity of this bill for wealthy schools, and we think that is a good thing.

Senator BROWN (Tasmania) (12.24 p.m.)—The Greens’ position is that this legislation, whatever happens to it, is going to be far short of the mark as far as funding of education in this nation is concerned. There needs to be a large lift in funding. I am not talking about millions or hundreds of millions; I am talking about billions of dollars per annum for Australia to be up with the top spending countries in the world as far as the proportion of their moneys that goes into educating their youngsters is concerned, and that means preparing the nation for the future.

We have seen how easy it was for the Howard government—with, on that occasion, the support of the Democrats—in the GST package to put $2 billion to $3 billion per annum to the big mining, logging, transport corporations per annum in diesel and petrol fuel rebates. How much easier and better for this country it would have been— whichever way you look at it—for the decision to have been made in the Prime Minister’s office that that money would go to the young people of this country, to ensuring in particular that the public school education standards in this country are second to none in the world. The debate, however, is not even on that issue. It is as if it does not matter anymore. I might say it does matter, and it should matter and it ought to be an issue at the next elections.

But here we are left with the option of cutting some funding for wealthy private schools. Senator Allison has just given a list of the prodigious facilities at some of those schools which most people who are going into the public school system—or, indeed, into much of the Catholic school system, for that matter—could only dream about, extraordinary wealth. One may say good luck to those private schools. If the parents have the money and they can get million dollar donations and so on, then good luck to them. But at a time when the public system is starved of funds, is a huge amount short of where it should be, it is obscene that those same schools are being given millions of dollars extra under this government’s funding formula.

Maybe the minister opposite could consider this over lunch. How do you justify millions of dollars going to the schools that Senator Allison has just listed? King’s School has been talked about by Senator Carr. How do you justify that money going to those schools when there are other schools that do not have basic teaching facilities, sporting facilities, arts facilities, special education facilities? They do not even have the basics. Could you explain that to the chamber after some consideration over lunchtime? If you can, then this goes away as a critical issue. Of course, I can tell the chamber that the minister is not going to do that, because there is no explanation for it.

There is no principle of fairness, of justice, of regard for the nation’s youngsters which is going to enable the minister to justify diverting tens of millions of dollars of taxpayers’ money to assist schools which have unimaginably good facilities when there are schools all over the country which need refurbishment, which need more money put into teaching, which need a whole range of facilities and do not have them. How do you justify denying even one Australian child basic facilities while giving more money to other children who have facilities which are just extraordinary, by anybody’s standards? You cannot. I agree with Senator Allison: these amendments have to be supported, short of the mark as they are.

But the real test in this debate—and I will say a little bit more about this before the day is out—is going to be when we come back into this chamber afterwards to deal with these amendments which enable us to leave saying, ‘Well, something is being done. Some redress has been made to this outrageous indifference to public schools.’ Are we—the Greens, which I can assure you will; the Democrats; and the Labor Party—
going to insist on these amendments between now and Christmas? That is the real test.

Sitting suspended from 12.30 p.m. to 1.15 p.m.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—The committee is considering opposition amendment (1), Nos 4 to 7 and Nos 9 and 10 as moved by Senator Carr.

Senator CARR (Victoria) (1.15 p.m.)—These are key amendments that the opposition has moved. Our concerns were outlined in the period immediately before lunch. They go essentially to the fact that we think the priorities are not appropriate ones for government during a period when there are not infinite resources available. We think that the new method of allocating money to elite private schools is unfair and unjust. Our concerns are that the new system essentially does not take into account the resources that are in fact available to these schools which give them such a special and unique advantage over the rest of Australia’s schools. These arrangements take no account of facilities such as rifle ranges, aerobic studios and equestrian centres. They take no account of school fees which are as high as $12,000 a year. They take no account of multimillion dollar donations.

Frankly, they treat some millionaires as if they were poor. That is one of the major problems with these arrangements. The model is based on 1996 census data—so they are at least a little out of date—and it assumes that people who have children in elite schools are typical of the surrounding suburbs in which they live, which is not necessarily the case at all. You only have to think for a moment of the Western District of Victoria: there are some extremely well-off people who live amongst some very poor people. Western District graziers tend to be a little better off than the average citizen in the state of Victoria. As I have said before, in my suburb there are people who are extremely well off living cheek by jowl with those who are less fortunate. So we have essentially a government that has got its priorities all wrong.

I might be able to sum this up in another way by drawing attention to the problems that are being faced by students in the west of Melbourne, which I am very familiar with as well. Recently an academic by the name of Professor Richard Teese published a book called Academic success and social power. I recommend that the officials who are advising the government read this book. It is very informative. I trust that ministers would have time to read this document, because it demonstrates the enormous gulf in achievement in terms of outcomes and the extraordinary links between social class and success at school. It shows that, from a large sample of Victorian schools in 1994, boys from only two of the 37 western suburbs high schools produced year 12 pass rates in English over 80 per cent, with 14 having pass rates of less than 50 per cent. In mathematics seven had pass rates of over 80 per cent and two scored a pass rate under 50 per cent. Meanwhile all the private schools in this particular sample except one scored a high success band in both subjects. Professor Teese’s work has demonstrated that, on an empirical basis, you can see what many of us have argued for a long time: that academic attainment and social affluence are closely linked and, further, that education is a key in the socialisation process of reproducing social inequality in our society.

While Professor Teese’s work is essentially historical in its perspective, I think it has enormous contemporary lessons for us. What strikes me as offensive about this government’s approach is that it is attempting to introduce new levels of social engineering. This is engineering from the political Right, social engineering which of course is aimed at using government funding mechanisms to entrench privilege. That is at the core of our concern here with these measures. What troubles me is that this government has not understood just how deeply divisive its policies are, because most Australians understand that the facilities and the opportunities available to their children are not the same as those that are available in these elite schools. We are saying that there should be an evening up process, that there should be an allocation of moneys on the basis of need. We feel that this government’s proposals fail in that regard.
Senator ELLISON (Western Australia—Special Minister of State) (1.21 p.m.)—A lot of examples have been cited in relation to these category 1 schools and I will refer to just one example which shows a very different picture from what the opposition and the Democrats have been trying to paint. It is the Bethel Learning Centre, which Minister Kemp mentioned in question time—I think it was yesterday—a school in Liverpool, New South Wales, which operates from a scout hall. The parents of the children attending the school are really struggling. One would not think of it as category 1 school, category 1 being what we would call the wealthiest of schools. There are other examples where you have category 1 schools which have been regarded as being wealthy schools but, because of the problems of the ERI, they just do not fit into that.

I also want to correct something else which was said with reference to me and that was a comment made by Senator George Campbell when he mentioned that my former school, Trinity College, would get an extra $3.1 million out of these proposed funds. I think Senator Campbell was confusing that with Trinity Grammar in New South Wales, which Senator Denman said was getting an extra $3.1 million. The Trinity College I went to is a Christian Brothers school in Perth, Western Australia, and its funding will be allocated by the Catholic school system. I would be very surprised indeed if CBC Trinity was getting an extra $3.1 million out of this. So I would like to correct the record there. The examples I have given show just how people can get things confused and wrong and how, when we have this debate, which can stir up some emotion, we have to be very careful of what we say.

Category 1 schools generally will have an average per capita increase of $43 next year, rising to $198 by the year 2004, because we will be bringing in the SES funding formula in stages over that quadrennium. It is interesting to note that Senator Carr laboured the point about King’s College in New South Wales. In the year 2004, King’s College will bring a saving to the taxpayer of just under $6 million. Each year, there is a saving to the taxpayer of $2.2 billion from the non-government school sector. That is a choice that parents make and they do that with their eyes wide open, but the fact remains that the non-government school sector does present a saving of great magnitude to the Australian public purse. Category 1 schools are in the same basket as category 2 and 4 schools. They have had no increase to their funding since 1985. Throughout that period, they did not have the increase that perhaps others got. Quite frankly, the debate surrounding category 1 schools should really bear that in mind. As I have said, the major review of the ERI over four years found that it was a poor indicator of need and that is why the government is introducing this fairer system. There have been some category 1 schools that have certainly not come up as category 1 schools under the socioeconomic status funding arrangements.

We have in place a funding range of 13.7 per cent to 70 per cent of the Australian government schools recurrent funding—that is an index of funding for government schools. Next to that, we have put the percentages that I have mentioned. The richest non-government schools will get only 13.7 per cent of that recurrent funding. The poorest non-government schools will get 70 per cent. So there is a huge range there. We have recognised that schools at one end of the range do not need as much funding and so they get only 13.7 per cent, which is about one-fifth of the funding of the poorest schools. I think that range is an appropriate one to have. People point to specific examples; I have just pointed to one myself which illustrates a very different point of view. You have to look at it in a systemic fashion. That is what the government has done in a very dispassionate way, to work out what is the best system that will work. We have consulted with the non-government sector and come up with a system which looks at the occupation of the parents, the level of education of the parents and the income of the parents. When you apply that system, you come up with a score and that score then delivers you an appropriate level of funding. There is no emotion in it; there is no bias; it is a purely forensic exercise which is conducted in a fashion which is much fairer than the ERI. This SES funding formula does have the support of the
non-government school sector and that is why they have been urging the Senate and the other place to pass this legislation as quickly as possible.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—The question is that opposition amendments (1), (4), (5), (6), (7), (9) and (10), moved by Senator Carr, be agreed to.

Question resolved in the affirmative.

Senator ALLISON (Victoria) (1.28 p.m.)—The Democrats oppose division 5 and schedule 7 in the following terms:

(14) Division 5, page 74 (lines 2 to 22),
TO BE OPPOSED.

(25) Schedule 7, page 121 (lines 2 to 6),
TO BE OPPOSED.

These amendments oppose the new establishment grants, and those grants are $500 per capita in the first year of a new non-government school operation and $250 per capita in the second year. The minister has the discretion to award these grants to a school for one or more years, although I understand the maximum is to be two years. Our problem with these establishment grants is that, firstly, they are confined to non-government schools and, secondly, there is no criteria for awarding them, as I understand it. I would be obliged if the minister could expand on the bill in order to tell us what ‘eligible’ means, for instance. What does constitute an eligible school? Is it just a question of writing to the minister asking for it and it happens? What is the accountability for this measure and which schools are entitled to it?

Senator ELLISON (Western Australia—Special Minister of State) (1.29 p.m.)—Just for the record, the government opposes these amendments. Our proposals recognise the costs involved in setting up new schools and they will assist those new schools to become competitive. The Democrats want this to be extended, as I understand it, to government schools and, in effect, that will diminish the establishment assistance which is being proposed here for non-government schools and the formation of them and that detracts from the very intention of it. We have no objection to the formation of government schools; in fact, the very opposite to that—we encourage the formation of government schools—but that is a question for state governments as that is really in their bailiwick. What we are dealing with here specifically is the establishment of non-government schools for whom the Commonwealth government is the major supplier of funding.

Senator BROWN (Tasmania) (1.30 p.m.)—That is the choice that the Commonwealth is making, but the Democrats’ amendments are to change that choice, and that is a choice we have to make in the Senate. What the minister did not explain is why the same establishment grant should not go to the public school system. The funding, as we know, is tilted towards the private school system and is loaded against the public school system and is drifting further and further in that direction. Is the minister saying that we should just accept here a handout to the non-government school sector which the government school sector is not going to get? The excuse for that is, ‘We will leave that to the states. Maybe we can talk the states into giving their public school system $500 a head and then $250 a head after that where they have established new schools.’ Of course that is not going to happen. This is a very biased handout from a very limited amount of money against the interests of public education in the country, and it is unsupportable.

Senator ALLISON (Victoria) (1.32 p.m.)—I indicate to the minister that amendments Nos 14 and 25 do not make government schools eligible. My question that I want the minister to concentrate on is: what is eligibility? Are all schools automatically eligible for these grants? If he could just answer that question. On application, is there any eligibility criteria, or do they simply apply and get them?

Senator ELLISON (Western Australia—Special Minister of State) (1.32 p.m.)—The eligibility applies to all new non-government schools since May 1999. I think that answers Senator Allison’s question. With reference to Senator Brown’s previous comment, there is a small thing called the Constitution in this matter and that bestows upon the state governments that responsibility in relation to
education, and government schooling is squarely within the responsibility of the state governments. If we were to intrude into the area, Senator Brown, all sorts of problems would arise, and I daresay the states would be the first to raise that very issue. Any establishment of new government schools is really a question for the states. It is not a question of the Commonwealth not wanting to deal with it; it is a question of the Constitution and what is legitimately the responsibility of the states. It is unfair of anyone to suggest that this is something that we could get around or that we should be doing. The Constitution speaks for itself.

**Senator BROWN (Tasmania) (1.34 p.m.)**—The minister might like to point out in the Constitution where it says that the Commonwealth is responsible for private sector schools and the states are responsible for government schools. It is not there. This is a fiction which extends the logic that states pay for education, which is in the Constitution, to a concoction—an invisible component—in the Constitution which says that the Commonwealth pays for the private school sector and can hand out money through that fiction to the detriment of the public school sector. I reiterate: the Commonwealth is the generator of funding for the education system in this country and is responsible for the outcomes. Sure, the states deliver the money through to the public school system but, with these clauses, money, for example, that goes to the private school system is not money that is available to be sent through that conduit—the state governments—into the public school system. It is as simple as that. That is why I support these amendments. This money ought to be going, if the minister wants to refer to the Constitution, through to the state governments to be spent on the public sector, which has been increasingly starved of funds and which has seen Australia falling further and further behind in the delivery of a world’s best public education system.

**Senator ALLISON (Victoria) (1.35 p.m.)**—Just to clarify again, these amendments are about opposing the new establishment grants. I understand, however, that the opposition will not support us on this, so we will move amendments Nos.1 to 5 on sheet 2021, which will provide for publication of information relating to the granting of this establishment funding. The minister must then name the school, the amount of money received and the reasons for the grant. I am alarmed at the fact that the administrative guidelines state that schools do not even need to make application for these assistance grants. I think this is just an accountability measure. There is no criteria, as the minister has admitted; all schools are entitled to it. It is quite a substantial sum of money; it is not available to public schools. I will leave my comments at that.
lishment grants—part of 14 and 25. But they need to be put separately because they are amendments not opposing.

The TEMPORARY CHAIRMAN—Senator Allison, you have lost your division 5 and schedule 7 amendments. Do you still want to move amendment No. 12?

Senator ALLISON (Victoria) (1.39 p.m.)—That is a good point, Mr Temporary Chairman. I will withdraw Democrat amendment No. 12. I move Democrat amendments Nos 1 to 5 on sheet 2021:

(1) Page 51 (after line 10), at the end of Part 5, add:

Division 3—Grants of transitional emergency assistance

54A Grants of transitional emergency assistance

(1) The Minister may make a determination authorising payment of financial assistance to a State to provide transitional emergency assistance for a government school in the State for one or more program years if the Minister is satisfied that, because of any unexpected circumstance, the school:

(a) is in severe financial difficulty; and

(b) has a special need of that assistance in the program year or years.

(2) However, the sum of the amounts paid to the States under subsection (1) for a program year must not be more than the amount in the table in Schedule 6 for the program year.

Division 4—Grants to provide establishment assistance

54B Grants to provide establishment assistance

(1) The Minister may make a determination authorising payment of financial assistance to a State to provide establishment assistance for a government school in the State for one or more program years.

(2) The total amount authorised to be paid to the States under subsection (1) for a program year must not be more than the amount in the table in Schedule 7 for the program year.

(2) Clause 75, page 74 (after line 22), at the end of the clause, add:

(5) The Minister must not make a determination under this section unless the proposed grant of assistance meets the requirements of subsection (6).

(6) The requirements to be met for the purposes of subsection (5) are as follows:

(a) the proposed grant meets the criteria prescribed in the regulations;

(b) the Minister is satisfied that the proposed grant has been the subject of community consultation which included an assessment of the impact of the new school proposal on neighbouring schools.

(7) The Minister must cause the following information about grants made under this section to be published on the Internet within 30 days after making a determination:

(a) the name of the new school;

(b) the amount of the grant;

(c) the reasons for the grant;

(d) the duration of the assistance provided under the grant.

(3) Heading to Schedule 6, page 120 (lines 3 and 4), omit "for non-government schools".

(4) Schedule 6, page 120 (line 5), omit “section 74”, substitute “sections 54A and 74”.

Schedule 7, page 121 (line 4), omit “section 75”, substitute “sections 54B and 75”.

Amendments Nos 1 to 5 on sheet 2021 provide for the publication of information relating to the granting of these establishment funds, so the minister must name the school, the amount of money received, the reasons for the grant, and so on.

Senator CARR (Victoria) (1.40 p.m.)—The opposition’s position here is that we support these amendments. The funding of emergency assistance is, we believe, extremely helpful and is a fallback measure for schools that unexpectedly need assistance. What we are concerned to do is ensure that establishment grants can be used for essential equipment and resources in new schools, such as libraries, books and canteen facilities. We are anxious to see this extended to government schools. We expect that the government will increase the pool of money available should these amendments be car-
ried. We trust the government will find itself able to support these amendments.

Amendments agreed to.

Senator ALLISON (Victoria) (1.41 p.m.)—I move Democrat amendment No. 13 on sheet 1972:

(13) Clause 74, page 73 (after line 14), at the end of the clause, add:

(3) The Minister must cause the following information about grants made under this section to be published on the Internet within 30 days after making a determination:

(a) the name of the new school;
(b) the amount of the grant;
(c) the reasons for the grant;
(d) the duration of the assistance provided under the grant.

Under this amendment the minister must cause the following information about grants to be made available and published on the Internet within 30 days of making that determination: the name of the school, the amount of the grant, the reason for the grant and the duration of the assistance provided under the grant.

Senator CARR (Victoria) (1.41 p.m.)—The opposition will be supporting the Democrats’ amendment on this matter.

Amendment agreed to.

The TEMPORARY CHAIRMAN—We will now proceed to Democrat amendment No. 15 on sheet 1972. Do you still intend to move that, Senator Allison? It does not appear on your revised sheet.

Senator ALLISON (Victoria) (1.42 p.m.)—No, we wish to withdraw that. It is, to some degree, in conflict with the opposition amendment. I move Democrat amendment No. 16 on sheet 1972:

(16) Clause 116, page 101 (after line 11), at the end of the clause, add:

(3) Without limiting paragraph (2)(a) or (b), the report must include information about the distribution between government and non-government schools of grants that are made under this provision.

Amendment agreed to.

Senator ALLISON (Victoria) (1.43 p.m.)—I move Democrat amendment No. 17 on sheet 1972:

(17) Page 101 (after line 11), after clause 116, insert:

116A Review of SES funding model

(1) The Minister must cause an independent review of the SES funding model as a basis for determining the allocation of funds to schools to be undertaken as soon as possible after the second anniversary of the commencement of this Act.

(2) The review must examine the following issues:

(a) the fairness of the SES funding model and the need for changes to the model to reflect:

(i) socio-economic criteria; and
(ii) the total resources available to a school;

(b) schools’ compliance with the National Goals for Schooling;

(c) the adequacy of the AGSRC as a basis for determining funding levels for both government and non-government schools;

(d) the resources required to deliver an agreed community standard of schooling to each Australian child, with particular attention to the most socio-economically disadvantaged populations;

(e) a desirable and fair balance of government resources in both the government and non-government sectors.

(3) A person who undertakes such a review must give the Minister a written report of the review.

(4) In this section: independent review means a review undertaken by persons who:

(a) in the Minister’s opinion possess appropriate qualifications to undertake the review; and

(b) include one or more persons who are not employed by the Common-
This amendment calls for a review of the SES funding model to be undertaken as soon as possible after the second year of operation. We have included terms of reference in this amendment, including looking at the fairness of the SES funding model and the need for changes; socioeconomic criteria; the total resources available to the school; and the school's compliance, importantly, with the national goals of schooling. We think it is important to have an independent review, and that is what this amendment puts in place. We are suggesting that it be conducted by persons not employed by the Commonwealth or a Commonwealth authority in order to deliver that independence.

Senator BROWN (Tasmania) (1.44 p.m.)—I draw the committee's attention to the fact that the Greens amendment comes next and is stronger. The Greens amendment calls for the establishment of a review now, with the intention of a speedy report back to parliament. It says:

(1) The Minister must cause an independent review of the SES funding model as a basis for determining the allocation of funds to schools to be undertaken as soon as possible after the commencement of this Act—
not two years down the line—
for the purposes of ensuring that the following policy objectives are met:
(a) the funding model is fair to all schools;
(b) government schools receive a share of Commonwealth funding in proportion to their enrolment share;
(c) the enrolment benchmark adjustment is abolished;
(d) privileged schools operating at funding levels well above the average funding levels of government schools do not receive increases in Commonwealth funding.

It is very explicit. It calls for an independent review of these matters and a return to the parliament in the near future. I recommend that amendment to the committee. I also ask Senator Allison to look at the advantages of the Greens amendment as against the Democrat amendment, because, quite clearly, if the Democrat amendment gets up then the Greens amendment will be lost.

Senator ALLISON (Victoria) (1.46 p.m.)—I wish to indicate that we are certainly interested in a review taking place quickly, but our amendment is a review of the operation of the act. We have other amendments which could extend the current ERI model and allow time for there to be proper debate and proper examination of alternative models. I think it is a bit difficult to have a review without having the operation of the act in place. However, we would be not unhappy to support the Greens amendment if that had some chance of being supported in this chamber. I understand the opposition is not supporting either of these review amendments.

Senator CARR (Victoria) (1.47 p.m.)—That is the case; the opposition do not support either of these amendments. Frankly, we essentially do not believe we can run these sorts of reviews effectively and properly from the opposition. We believe these are matters that require resources far beyond the scope that is available. We are also concerned about measures that actually could be used by the government to undermine confidence and security of funding for needy schools in either sector. We are concerned that that is exactly how this measure would be used by governments should they choose to do so. We believe these are issues that are more effectively addressed in terms of the Labor Party amendments which address the more basic question about the category 1 schools.

Amendment not agreed to.

Senator BROWN (Tasmania) (1.48 p.m.)—I move Greens amendment No. 3:

(3) Page 101 (after line 11), after clause 116, insert:

116A Review of SES funding model
(1) The Minister must cause an independent review of the SES funding model as a basis for determining the allocation of funds to schools to be undertaken as soon as possible after the commencement of this Act, for the purposes of ensuring that the following policy objectives are met:
(a) the funding model is fair to all schools;
(b) government schools receive a share of Commonwealth funding in proportion to their enrolment share;
(c) the enrolment benchmark adjustment is abolished;
(d) privileged schools operating at funding levels well above the average funding levels of government schools do not receive increases in Commonwealth funding.

Senator Allison has kindly indicated she will support this amendment. I am disappointed that the Labor Party is not going to. I think that concentrating the government’s mind on what it is doing here and allowing public input into this process is worth while. Having a review does not in any way detract from, deter or prohibit any other measure that the opposition might like to take. I think the more we make available public input into this debate, the more likely we are to get a better resolution. If we follow the opposition’s logic, then so long as the coalition is in government we will not have an inquiry. The opposition I guess is predicing its hopes on winning the next election, and I think many in the education system would think that that would help in terms of ensuring public education. But the idea of a review to bring fairness into the system is a good one and it should proceed, and so should the review that Senator Allison was talking about two years down the line. It is disappointing that the opposition is not supporting this.

Amendment not agreed to.

Senator ALLISON (Victoria) (1.50 p.m.)—by leave—I move Democrat amendments Nos 18 to 23:

(18) Clause 122, page 104 (lines 29 and 30), omit “apart from”, substitute “including, for the purposes of the 2001 program year.”.

(19) Clause 123, page 105 (lines 15 and 16), omit “apart from”, substitute “including, for the purposes of the 2001 program year.”.

(20) Page 105 (after line 28), after clause 124, insert:

124A 2001 funding levels of existing non-systemic schools

(1) This section applies for the 2001 program year to a non-systemic school including in the list of non-government schools because of subsection 122(1) apart from a school that is covered by section 128 of 129.

Note: Section 128 deals with special schools (except schools in approved Catholic systems). Section 129 deals with certain new schools.

(2) The funding level for the school for the 2001 program year is the funding level for that school for the 2000 program year increased in accordance with the annual inflation figure published by the Australian Statistician for the year ending on 30 September 2000.

(21) Clause 125, page 106 (line 29), omit “1 January 2001”, substitute “1 January 2002”.

(22) Page 106 (after line 29), after clause 125, insert:

125A 2001 funding levels for existing systemic schools

(1) This section applies for the 2001 program year to each systemic school in an approved school system that is included in the list of approved school systems because of subsection 123(1) apart from:

(a) a school in an approved Catholic school system; or

(b) a school that is covered by section 128.

Note: Section 128 deals with special schools (except schools in approved Catholic systems).

(2) The funding level for the school for the 2001 program year is the funding level for that school for the 2000 program year, increased in accordance with the annual inflation figure published by the Australian Statistician for the year ending on 30 September 2000.

(23) Clause 126, page 107 (line 32), omit “1 January 2001”, substitute “1 January 2002”.

These amendments deal with a proposal for a 12-month extension of the present ERI funding arrangement for the non-systemic schools. We believe there needs to be a greater level of public debate. There should be a national education board set up—and this is in our next amendment, No. 24—which would be able to examine the whole matter of funding for schools and advise the minister in a way which I think is more representative of all sectors. We certainly
could not argue that the SES model has been representative. My understanding is that very little input into this legislation was invited from the public sector. This extension would provide for annual inflation. It would not stop any increases that would normally have been due had the ERI proceeded for another year. We think this is a fair approach. It does give us a bit more time to consider other models. I urge senators to support these amendments.

Senator ELLISON (Western Australia—Special Minister of State) (1.51 p.m.)—The government is opposed to these amendments. They are an extension of the ERI. I am not going to go down the path that we have gone down before on many occasions about how discredited the ERI is, but I do know that this is dependent on the CPI and not the AGSRC index. If the Democrat amendments were passed, they would result in a cut in funding to non-government schools. For that reason, coupled with the proposed extension of the ERI discredited funding formula, the government opposes these amendments.

Senator ALLISON (Victoria) (1.52 p.m.)—I point out to the minister that that is not the case. The funding level for the schools for the 2001 program year is the funding level for that school for the 2000 program year increased in accordance with the annual inflation figure published by the Australian Statistician for the year ending 30 September 2000. So that is not correct. We have thought about this issue, and it is not removed from AGSRC but simply inflated. That would include new enrolments and the normal cost of living increases.

I must respond every time the minister says that the ERI is a hugely discredited model. It is not. We have lived with it for some time. There are some schools unhappy with it; I know that. They would like to shift to a more generous category and I can understand that too. I also know that there are some barriers to schools in terms of the amount of fundraising they can do and still stay in the same category. But under no circumstances, in my view, can we say that this is hugely discredited and must go. It would certainly not hurt for us to continue this model for another 12 months.

Senator BROWN (Tasmania) (1.53 p.m.)—Senator Allison asked the minister—and I will, again, if that was not clear to him—to substantiate the statement he made that the amendments would see a drop in public school funding, taking into account the matters that Senator Allison listed.

Senator ELLISON (Western Australia—Special Minister of State) (1.54 p.m.)—You just have to refer to Democrat amendment No. 20, which states:

(2) The funding level for the school for the 2001 program year is the funding level for that school for the 2000 program year increased in accordance with the annual inflation figure published by the Australian Statistician for the year ending on 30 September 2000.

That is not the Australian government schools recurrent funding index that I have been talking about. It is something quite different. It is a different level of indexation. There would be a cut in funding to non-government schools, because the rate that is mentioned there is a lower rate than the AGSRC rate. I am arguing that you would be reliant on a CPI factor which is much lower than the AGSRC. That is the reason for that.

Senator BROWN (Tasmania) (1.55 p.m.)—I asked for the figures.

Senator ELLISON (Western Australia—Special Minister of State) (1.55 p.m.)—I can confirm these figures subsequently but, between 1996 and the year 2000, the CPI was 10 per cent and the AGSRC was 30 per cent. So there is a very big difference. I will confirm these figures, but I understand that, in round terms, they are the ballpark figures.

Senator ALLISON (Victoria) (1.56 p.m.)—Can I suggest to the minister that there is not much point in going back four years and looking at the CPI adjustment there. He is still incorrect in saying that schools would lose money. They would not. They would certainly have an increase on the 2000 figures, and he cannot be sure what the AGSRC is going to be over that period either. It may well be very close to the CPI adjustment. We are quibbling here over a small amount, if anything at all, and, since there is not any support in the chamber for
these amendments, we probably should move on.

Senator BROWN (Tasmania) (1.57 p.m.)—The point Senator Allison makes is a good one. The minister indicated that these amendments would see a drop in funding for the public school sector but he has not been able to substantiate that.

Senator Ellison—Yes, I have.

Senator BROWN—He has been able to assert it, but he has not been able to substantiate it.

Senator Ellison—What’s the difference between 30 and 10, in round figures? Twenty.

Senator BROWN—A 10 per cent adjustment is a 10 per cent adjustment, in reply to that interjection from the minister. He has not been able to provide this committee with the figures, although he has had these amendments for quite some time. It is not good enough to just say, ‘Well, it’s going to lead to a reduction in funding for the public school system.’ These amendments could very easily be made on his advice. We could change these amendments to use the AGSRC figure or the inflation figure, whichever is the greatest. The point Senator Allison makes is the conclusive one: the Labor Party is not going to support either the Democrat amendments or the Green amendment in this matter.

Amendments not agreed to.

The TEMPORARY CHAIRMAN (Senator Watson)—Senator Brown, do you wish to proceed with your amendment in relation to clauses 125 to 130?

Senator BROWN (Tasmania) (1.58 p.m.)—It is essentially the same as the amendments we have just dealt with, so I will leave that be. I will not proceed with it.

Senator ALLISON (Victoria) (1.58 p.m.)—I move Democrat amendment No. 24:

(24) Page 109 (after line 19), after section 130, insert:

131 National School Education Board
(1) The National School Education Board (the Board) is established.

(2) The function of the Board is to inquire into and make recommendations to the Minister about the following matters:

(a) the development of a non-government schools funding model based on a combination of:

(i) socio-economic criteria; and

(ii) total resources available to schools; and

(b) guidelines for school planning and viability; and

(c) schools’ adherence to the national goals of schooling; and

(d) the use of per capita funding formulae in relation to the needs of school and the communities they serve; and

(e) the adequacy of the AGSRC as a basis for determining the funding levels for government and non-government schools.

(3) The Board consists of not less than 10 persons appointed in writing by the Minister and representing the following interests:

(a) government schools;

(b) non-systemic schools;

(c) systemic schools other than approved Catholic school systems;

(d) approved Catholic school systems;

(e) primary education;

(f) secondary education;

(g) distance education;

(h) special schools;

(i) parents’ organisations;

(j) education bureaucracies.

(4) In making appointments to the Board the Minister must ensure that the Board reflects a balance of interests and includes at least one representative from the Commonwealth and from each State.

(5) Members of the Board are to be appointed on such terms and conditions, and are to be paid such remuneration and allowances, as are determined in writing by the Minister.

(6) The Board is to select a Chair and may determine its own procedures.

(7) The Board may appoint such officers and engage such employees as the
The Board may arrange with an Agency Head (within the meaning of the Public Service Act 1999) or with a body established by an Act, for the services of officers or employees of that Agency or of that body to be made available to the Board.

The terms and conditions of service or employment of persons appointed or engaged under subsection (7) are such as are determined by the Board.

The Board must give written reports to the Minister. A report on the term of reference mentioned in paragraph (2)(a) must be given to the Minister before the end of September 2001.

The Minister must cause copies of a report received under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after receiving it.

This amendment is not entirely dependent upon the previous amendments of the Democrats. It would still be useful to have a national education board which would, according to our amendment, comprise representatives of all school sectors—both government and non-government interests would be represented—and advise the minister on a fairer funding model. We are in desperate need of that kind of advice.

Senator CARR (Victoria) (1.59 p.m.)—The opposition do not support this measure, and I think I should explain why. The issue of the establishment of a national board is one that we have quite strong views on. We are quite supportive of the need to establish a replacement for the NBEET arrangements that were abolished by this government. NBEET was an organisation which provided the government with cross-sectoral, independent advice on all aspects of educational policy. The National Board of Education, Employment and Training—if I recall rightly, that was its official title—was abolished by this government and was of course part of another policy the government had chosen to follow which demonstrated how they wished to make a break from what had essentially become the conventions of educational policy in this country. There have been independent advisory bodies in this area for every government. Going back almost to Menzies, you will find that there have been various bodies established in various sectors, but nonetheless the principle of independent advice to government on educational policy had long been established by governments of all political colour prior to this government taking office.

The Australian Labor Party’s national platform established our commitment to this principle at the previous national conference and again at this year’s national conference held in Hobart, where we said: Labor will establish an educational advisory council to provide independent, cross sectoral advice to the federal government on all aspects of education policy.

We think it is important that advice is provided to government, that it is independent and that it is able to integrate all the different sectors of education so that we do not get one sector of education working against the interests of another sector or undermining the objectives of another sector. I suggest to Senator Allison that the proposal we have before us is yet again a second-best option. Frankly, it is piecemeal and is not able to meet the objectives that ought to be sought with regard to the establishment of a body of this type. It ought to be able to provide advice across a whole range of sectors, but frankly this is not something you can set up from opposition.

We think that it is important that we have consultative bodies and that the minister does consult with them, which is of course not the pattern with the current regime. It is no good having bodies which are simply established and ignored or have their reports essentially shelved. This is a great government in terms of warehousing in this great city. I am sure we have done a lot for the warehouse industry. All the reports that this government has received over the years that gather dust in the archives of this country will make very interesting reading one day. Unfortunately, they will not be read in the lifetime of this government, because frankly this government is not interested in a broad range of advice. It has a particularly narrow view of the directions it wants to follow. As
we have seen in previous discussions, they are views that Dr Kemp laid down in the early 1990s which were essentially directed at opposing the growth and prosperity of public education in this country. Unfortunately, the proposition that the Democrats are advancing is, in our judgment, not appropriate to address that fundamental problem.

Senator BROWN (Tasmania) (2.03 p.m.)—I want to record my disagreement with Senator Carr on that matter. It reminds me that, just the other day, a motion I brought before this place to have a look at a better Australian flag was knocked back by the Labor Party on the basis that it would be better to wait until there was a change of government, because the process in that direction would depend on there being a different government in place. If you take the logic of what Senator Carr said to its conclusion, you end up shelving the whole process of public input into government because the government is one that you do not like. I take the opposite viewpoint.

I think that inquiries, agencies, boards or commissions that allow public input do put pressure on government. I agree that it is not going to make government come up with good policies or desirable policies in such things as education, but it inevitably puts pressure on government to stem the economic rationalist direction it may be taking—a direction that this government takes on almost everything it does, including, as we are seeing here today, education. That is important. It also gives those people who are utterly frustrated, those who work themselves so hard in the public school system against the odds for so little recognition, as far as the government is concerned in so many cases, some way of being able to vent their frustration and to put forward positive proposals for the education of Australia’s children. It is a really important matter, and I do not agree with the opposition’s position here, which says, ‘Let’s not have the public inquiry system.’ I think the government needs to be pushed and avenues of public input need to be opened, not closed or abandoned.

Amendment not agreed to.

Senator CARR (Victoria) (2.06 p.m.)—by leave—I move opposition requests (1) and (2) together.

(1) Schedule 8, page 123 (table, column 2), omit “110” (wherever occurring), substitute, “440”.

(2) Schedule 8, page 123 (table, column 3), omit “527” (wherever occurring), substitute “1000”.

This is the last of the opposition requests and possibly the last of the amendments to be considered on this bill. These requests go to the issue of the spending of money for special education. Special education is an issue of major concern for the non-government sector. It has been raised with the opposition at every meeting that we have had for some years. I know that, within the government school system, this is an equally great matter of concern. Amongst educational authorities and practitioners, I do not believe it is possible to have a discussion on special needs within schools without coming to the question of funding for students with disabilities. Enrolment at schools for the disabled has been increasing. I think there is an obligation upon governments to provide the best opportunities available for all students to reach their full potential. Surely there could not be a group within the educational community that would deserve our attention more than this one with regard to special needs.

In 1996, the coalition promised to increase special education funding by $16.5 million. Frankly, Minister, that promise has been broken. Since coming to office the government has, instead, conducted a protracted review of processes and the result is profoundly disappointing—putting it mildly. If ever there was a mirror taken out in politics it was in this area—that is, you get the big mirror out and you look into it. That is how the government has dealt with this very serious problem. Between 1983 and 1996 the Labor government sought to encourage non-government schools to accept more students with disabilities through an 11-step per capita payment system. This incentive based system lost some of its effectiveness with the passage of the Disability Discrimination Act, so Labor has no objection to the fundamental approach of the government in this bill in
providing a standardised per capita payment for students with disabilities that is at a single rate for government school students and a single rate for non-government students. What we do object to, however, is the priority given by the government to increasing the public funding for the wealthy category 1 schools, schools which will be struggling to work out what to do with their extra money, with not an extra cent for students with disabilities in government schools.

We need to remember that we are talking about students for whom education is a profound challenge, who have to overcome difficulties that most of us would find overwhelming just to get through the school experience. I find it hard to understand how a minister could seek cabinet approval for a plan to give per capita increases of $1,351 to students at King’s; $1,707 at Trinity Grammar; $1,070 at St Andrew’s Cathedral School; $2,039 at Geelong College, $1,526 at the Presbyterian Ladies College and $1,860 at Geelong Grammar when he has decided to give nothing—not an extra cent—to government school students with disabilities. That speaks volumes for the priorities of the Howard government. Anyone facing an educational disadvantage should not look for assistance, even a fair go, to this government. What the Labor Party says is that we seek to use the extra funding which the government wants to give to the 61 category 1 schools, some $145 million over the four-year period from 2001 to 2004. We want to give that money to students with disabilities in the government and the non-government school sector.

What we are saying is that we are offering assistance to the 85,000 students with disabilities in government schools and that we will quadruple the per capita funding amount. For the 18,000 students with disabilities in non-government schools, including more than 13,000 in the Catholic school system, Labor’s plan will double the proposed per capita funding plan. That strikes me as basically a fair arrangement. You could reasonably expect no-one to object to that. Perhaps even Dr Kemp will find it within his political wisdom to accept a degree of fairness such as we have outlined today.

Senator ALLISON (Victoria) (2.12 p.m.)—I indicate the support of the Australian Democrats for these amendments. I do not want to speak at length, but I would put in a special plea for this money to be used not just for students with disabilities. I would ask the minister to look at those students in our schools who have learning disabilities that are not currently recognised as disabilities. There is no question that this is a needy group and it goes largely unrecognised. For many students, the recognition of a learning difficulty, whether it be dyslexia or some such problem which stops a student learning at the same rate as their peers, is long overdue. It does not matter how many times you test students like this, it does not matter how many times you humiliate them with their disadvantage in attaining better educational outcomes, this group is sorely underrecognised in the government as being needy of assistance. Without amending the amendments, I make my own request to the government that this area be looked at in the future. There is a great need for us to provide for such students.

Senator ELLISON (Western Australia—Special Minister of State) (2.14 p.m.)—It is ironic that the opposition should be proposing this because during the many years that it was in government it did nothing to assist disadvantaged students in needy non-government schools. Under the ERI system, if a school which was at the poorest end of the scale—a category 12—had a student with a disability, there was no extra funding. If you had a student with a disability in a school which was in, say, category 2, category 3 or category 4—one of the lesser categories—that school would get extra funding up to category 12.

We have SES funding that goes to the non-government sector, and we have explained at length how that works. In addition, we have flat funding of $527 for each student with a disability attending a non-government school. Even if a school is getting the top amount of SES funding, a student with a disability can still get the additional $527. That did not happen under the

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old system: if you were in a category 12 school, that was the extent or ceiling of funding. That is what happens in the non-government sector.

The government sector is quite different. State governments are given a per capita grant for every child with a disability attending government schools, and that grant will be the same—$110—across the board. The Commonwealth strategic assistance per capita funding for students with a disability is only a small proportion of the total funding provided to government primary and secondary schools. State and territory authorities decide how much funding from all sources goes to individual schools—I have already explained that the state authorities have that responsibility. The government cannot accept the ALP amendment to increase the strategic assistance amounts for government and non-government students to $440 and $1,000 respectively. This amendment requires additional funding that Labor proposes to obtain by taking funding out of the general recurrent grants for some non-government schools, and, on that basis, the government cannot agree to it.

The bill, as it stands, simplifies administrative arrangements for funding for students with disabilities and removes the inequitable differences between allocations under current arrangements whereby the most disadvantaged non-government schools receive no additional funds for students with disabilities. They are the category 12 schools to which I referred. On that basis, the government will oppose these requests.

Senator CHRIS EVANS (Western Australia) (2.17 p.m.)—I rise to speak in support of the ALP requests. I will not delay the committee for long. I have not spoken before in this debate but I want to contribute to this discussion as Labor’s disability spokesperson. This is a very important debate because it highlights the government’s failed priorities. The government has seen fit to direct a large amount of money to the wealthier schools in this country and has failed to meet its own election commitments to support students with disabilities in the government and non-government sectors.

I should declare my interest at the outset. I have two children who attend government schools. I am a supporter of the government system and I also support parent choice. I cannot accept that the government has got its priorities right. There is no question in my mind that it has got its priorities very wrong, and this debate brings those wrong priorities into sharp focus. In 1996 the government indicated to parents of students with disabilities that it would allocate an extra $16 million or so to assist those students. Those parents and children are still waiting. Instead, the government has given them an education bill that fails to deliver on its promise to support students—many with severe disabilities—who are struggling against all sorts of barriers to participate in the education system. But the government can find millions of dollars for the most wealthy schools.

My colleague Senator Carr has been accused of having a class consciousness and of bringing the politics of envy into this debate. That is unfair. We must ask: what do we want to do as a community in terms of our priorities? Do we want to direct funding to those families struggling to get their children into the system so that they can have an education, despite their disabilities; or do we want to direct that funding to the wealthier schools in Australia so that they can add to their rifle ranges, gymnasiums or what have you? I think it is clear what priorities the Australian population would choose. Anyone who has dealt with families who have children with disabilities knows the struggles that they face every day—including the struggle to get their children accepted into the education system.

It is interesting to note that some 80 per cent of children with disabilities are currently schooled in the public education system. We would all be aware that, even then, it is not easy: some schools have difficulty accepting students with disabilities. Families often have to fight to get access to the school system because of the special needs of their child. A couple of recent encouraging decisions—including one by the Human Rights and Equal Opportunity Commission—recognise the rights of those children. However, I
think it is of concern that the government has not proceeded with the draft disability education standards that would have enshrined the right of those families and children to access education. Parents are still having to fight to make sure that kids with a disability can access education in this country. The government’s failure to proceed with those education standards and its cuts to the Human Rights and Equal Opportunity Commission make it harder for families with children with a disability to assert their rights to education and to some opportunity in our community.

A most telling point is that the government has introduced some new systems—as the minister said quite rightly—that seek to streamline the way in which we fund students with disabilities and the amounts that we pay to schools. The bottom line is that there is not one extra dollar for government schools. The government has decreased the amount paid to secondary schools for children with disabilities who attend those schools and redistributed that money to increase the rate paid to children attending primary schools. We are not quite sure of the rationale behind that move. But I know that, at the end of the day, this bill—which will provide millions of dollars to the richest schools in our community—will reduce funding to high schools that cater for children with disabilities. That is what this bill does. At the same time as we pour millions of dollars into schools with enormous resources, we are reducing the funding paid to government high schools for the children with disabilities who attend those schools. If that is not an example of wrong priorities, I do not know what is. That is why I think these requests are important. They highlight the concern about wrong priorities and they highlight the needs of children with disabilities and their families. It is very important that the Senate support these requests.

We have not sought to increase the burden on the taxpayer. All we have sought to do is say that the money that would otherwise go to that group of wealthy schools—those schools that clearly do not need that extra assistance to provide a very good quality education to the children who attend there—should go to those schools and those students who have the most disadvantage: those students with disabilities who are struggling to participate in the education system. As I say, 80 per cent of those students are in the government system; 20 per cent are in the private system. I have no doubt that all schools have tremendous issues when it comes to taking students with disabilities. But how we handle issues such as this is a mark of our community and our society. If we prefer to take the government course of pouring money into immensely wealthy schools while at the same time effectively reducing the subsidy for high school students with a disability, I think it sends exactly the wrong message about what we value as a community. That is not a priority that I think the Senate ought to endorse.

Labor’s requests reverse that emphasis. They send a signal that we are interested in students with disabilities, in supporting them and their families and in providing access and choice for them. The government is big on choice. This is about providing some choice and some opportunity for children with disabilities. I think that is a much more worthy goal for this Senate to endorse than that proposed by the government. So I commend the requests to the Senate. As I say, I think they provide a much better prioritisation of what we should be doing with our education dollar.

Senator CARR (Victoria) (2.24 p.m.)—Frankly, I am astounded at the government’s response to our propositions here. Minister, you were minister for schools for some time, and you would have received, directly, deputations from all the different sectors in education. Minister, don’t you recall those non-government school bodies coming in and talking to you about the plight of the disabled in the schools of Australia? Haven’t you heard from the Catholic Education Commission on this issue? Haven’t you understood exactly why—

Senator Ellison—That is why you’ve got $527.

Senator CARR—No. Minister, what we have here is simply this: you have got your priorities dead wrong. Here we have the case of Geelong Grammar. It has two magnificent
ovals, an all-weather synthetic hockey field, tennis courts, netball and basketball courts, and squash courts; a new recreation centre, featuring a 25-metre indoor swimming pool—eight lanes to FINA standards—a separate diving pool, a fully equipped gymnasium with a weights room and an aerobic studio. Are you really saying that schools like Trinity Grammar in New South Wales can receive an extra $3.1 million per year, every year? Here we have Newington College in New South Wales, $1.8 million; King’s School in New South Wales, $1.5 million; Wesley College, $3.9 million; Haileybury College in Victoria, $2.9 million; Ivanhoe Grammar, $2.4 million; Geelong College, $2.3 million; Geelong Grammar, $1.7 million; Mentone Grammar in Victoria, $1.6 million; Scotch College, $1.8 million; and St Peter’s in South Australia, $1.5 million. You are saying that those schools are in greater need than are the kids in wheelchairs in this country, Minister. That is the problem. That essentially is the problem. You have not understood that basic fact. When we are talking about needs, you have got it all wrong. You cannot possibly, in all seriousness, argue that the schools such as I have named are in greater need than the kids in wheelchairs. Minister, frankly, I am appalled that you should try to present to this Senate a proposition like this.

What we are saying is simple—and obviously you have not understood it, so I will need to repeat it to you. We are saying to you that the 61 richest schools in this country ought to be able to do with less. We are saying that the $145 million that is going to those elite schools ought to be spent on students with disabilities in both the government and the non-government sector. We say that the kids in wheelchairs are worth a lot more than you obviously are prepared to give them. We are saying that 85,000 students with disabilities in government schools ought to receive four times the amount of money. Under this proposal, they can. They ought to be able to receive four times the amount of money that you are offering them. We are saying that the 18,000 students with disabilities in the non-government sector, which includes 13,000 in Catholic schools, ought to be able to double the amount of money you are prepared to offer them. The sum of $145 million is far too much to give to the elite category 1 schools—and that is what you are doing. Minister, I would ask you to think again because, frankly, you have missed the plot entirely here. You cannot possibly claim in all seriousness that, as a social justice measure, giving money to millionaires at these schools is what should be the priority for government. You are clearly wrong.

Senator ELLISON (Western Australia—Special Minister of State) (2.28 p.m.)—The situation is again being distorted by the opposition. Quite frankly, the situation was—and I will repeat it—that if a disabled student were attending a category 1 school—that is, a rich school, and we will use King’s School as an example—then that school would have received an additional $2,972 for that student with a disability. If you then go to the other end of the scale of the non-government school sector, a category 12 school, which is the poorest school, would not have received one extra cent for that student. So the rich school would get an extra $2,972 for each student with a disability and the poor school would get no extra money. We saw that that was not a satisfactory situation and that the ERI situation had to change. So this bill provides across-the-board funding of $527 for each student with a disability at a non-government school. So it does not matter which category they are in: there is a flat rate payment, and that is in addition to the SES funding we provide. So I reject totally what the opposition is saying. It had 13 years in government to fix this and it did not.

Senator CARR (Victoria) (2.30 p.m.)—Minister, you ought to address the issues that I have put to you. It is very simple. It is no good looking back. Minister, you have had plenty of time. You have been in government now for four years. Our model provided opportunities—there were 11 steps in our program to make sure that there were improvements. Minister, it is not good saying what went on in the past.

The TEMPORARY CHAIRMAN (Senator Watson)—Senator Carr, address the chair. You are speaking to the minister.
Senator CARR—That is very nice of you. I am concerned that you appreciate just how difficult the situation is for students with disabilities, not try to worm your way out of it, not use these weasel words you are going on with. The snivelling approach we have seen from government on this issue is just not good enough. We are entitled to expect better. We are entitled to see that this $145 million that will go to these elite schools be spent more on genuine social justice measures. We are entitled to ask government to reconsider its position. We are entitled to say that the 85,000 students with disabilities in government schools ought to have four times the amount of money that is currently going to them. There should be twice the amount of money that will currently go to the 18,000 students in non-government schools. And that is possible, Minister. It would require a change of priorities by government. Minister, how about you look forward and stop trying to hide behind this cloak of looking back?

Requests agreed to.

Senator ALLISON (Victoria) (2.32 p.m.)—I move Democrat amendments revised (6) and (7):

(6) Clause 22, page 24 (after line 14), after paragraph (a), insert:

(aa) to give the Secretary of the Department a response to a Financial Questionnaire required by the guidelines made for the purposes of administering this Act; and

(7) Clause 22, page 24 (line 15), omit “the certificate”, substitute “the documents required by paragraphs (a) and (aa)”.

These amendments simply provide for the department to continue collecting the financial questionnaire from each non-government school. This is the data on fees and other school income that allows the ERI to be calculated but would be redundant under the SES. In our view, regardless of whether we move to the SES, it is still extremely important information that the department should have. It allows us to use the estimates process, for instance, to discover what resources non-government schools have and compare resourcing within and between government and non-government sectors. Without that information base, DETYA funding decisions would be weakened.

Senator CARR (Victoria) (2.33 p.m.)—These two amendments will be the last considered in the committee stage of this bill, although I may well be able to speak later on, if need be. We are supporting these measures, which will essentially mean that this bill will be amended 25 times and with requests on two occasions. That is the result of our work last night and this afternoon. We believe that these amendments make this bill much fairer and place this government under an increased obligation to re-evaluate its priorities. There will be a great deal of speculation about the future of the bill itself. The opposition’s position is very clear on this matter. It is up to the government, as much as the opposition, to see that this bill passes speedily. It is up to the government, as much as the opposition, to ensure that the money flows to schools from 1 January next year. Both of us have responsibilities in this regard. But it is up to government to re-evaluate its priorities. We trust that over the next fortnight the government will have an opportunity to do just that. This is obviously a matter that will engage this chamber’s time for a considerable period after that, but I do ask, Minister, that you talk to Dr Kemp about his obligations in this matter. I trust that he is able to see the importance of ensuring that we have a much fairer education bill in order to distribute money from 1 January next year.

Amendments agreed to.

Bill, as amended, agreed to, subject to requests.

Bill reported with amendments and requests; report adopted.

NOTICES

Presentation

Senator Lundy to move, on the next day of sitting:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report:

The Government’s information technology (IT) outsourcing initiative in the light of the Auditor-General’s report no. 9 of
I know that creates a range of very difficult issues for the government and for the opposition generally in the sense that any extension of entitlements always comes at a great cost to the taxpayer and one has to be conscious of that cost when considering any extensions of entitlements. But I think there are issues that are well worth the Senate treating very seriously in relation to those personnel. It is not good enough to just suggest that their claims ought to be dismissed solely on the basis of cost. We have to have a very serious look at the issues involved and try and work our way through what principles are at stake and how we can move forward on those issues. I know the committee spent a great deal of time attempting to do that, and I think their report is well worth all senators reading in the context of this debate. I am sure senators would have seen the submissions from the various nursing organisations and others that have been circulated. I was particularly impressed, as I say, by some of the submissions from the war nurses. I have been most moved by their submissions.

I know Senator Schacht is keen to explore those issues in more detail and has a closer understanding of the subject than I have, even if his punctuality is sometimes in question. With those remarks, I will allow Senator Schacht to explore those issues in much greater detail.

Senator SCHACHT (South Australia) (2.41 p.m.)—I thank my colleague Senator Evans for saying a few words while I came from my office. I did not expect the previous bill to be so expeditiously completed by my colleague Senator Carr, with the help of other senators. The bill carried out the promise the government made at the time of the last budget that it would introduce into the parliament improvements in entitlements for veterans in a number of areas. Most of these were as a result of committees of inquiry or reviews that had taken place in the previous 12 to 15 months in one case and for a couple of years in an-
other case, where there had been controversy in the veterans’ community about areas of entitlement.

One of the areas of controversy is the issue of the health of Vietnam veterans and their children. The government, with the support of the opposition, completed a morbidity study of Vietnam veterans and a validation study. Initially, Vietnam veterans were asked to put information to the department about the standard of their own health and their health problems. That showed considerable areas of concern in the health of veterans and their families. As a result, a lengthy validation study was conducted which came forward with a number of areas of concern, which led to the government in the budget improving entitlements to cover the areas of concern confirmed by the validation study. The validation study showed that in a number of areas Vietnam veterans have amongst their offspring a higher level of children born with the genetic defects of cleft palate, cleft lip and spina bifida. One of the most troubling things of all is that there is a much higher level of suicide amongst children of veterans up to the age of 35. I think it is over double the normal rate within the Australian population. All of us are concerned, and there have been many efforts in recent times, both in the community and in the government, to deal with the issue of youth suicide and suicide in this community. What the validation study showed was that, if you are a child of a Vietnam veteran, up to the age of 35 you are twice as likely to commit suicide as would be indicated by the national average. That really is a very disturbing figure. I also mentioned that among children of Vietnam veterans there is a higher rate of physical disabilities like spina bifida and cleft palate.

It is clear to many of us that those disabilities of cleft palate, cleft lip and spina bifida may well be the result of the use of chemicals in the Vietnam war such as the defoliant, Agent Orange. There has been much controversy over the last 25 years over the use of such chemicals in defoliant spraying in Vietnam, where soldiers of both sides were not given adequate protection. Some of the anecdotes from the various commissions that have looked at this show that soldiers were expected to prepare and use Agent Orange in a way that would now be considered a criminal offence in Australia. That is irrespective of those who were out in the jungle and may have accidentally been sprayed or were in the jungle after the spraying and collected directly and indirectly the effects of Agent Orange.

So we have the government in this validation report and in accepting the recommendations, which the opposition support, dealing for the first time with the children of a veteran whose health has been affected by the service of the veteran in a particular war. As far as I am aware, that has not been an issue that we have dealt with before in the long history of veterans’ entitlements since 1919. It is a new area, a necessary area to move into. I only hope that the evidence that may come from the study that is now being conducted on Gulf War veterans, into what is called Gulf War syndrome in America, shows we have not also created a problem that, because of chemicals being used there directly and indirectly, there may now be some ongoing genetic effect on those veterans and subsequently on their families. Either way the government supports this proposition. I do not believe this will be the end of these issues for Vietnam veterans and their offspring in those areas of disability clearly created by some genetic defect from service in Vietnam. I think we, as a parliament, all have to keep this under review as further medical evidence and research evidence turns up. So, on behalf of the opposition, I make it clear that we have no argument with these recommendations. We welcome them and we look forward to seeing them come into operation. We will monitor them closely to ensure that we get the best benefit for our veterans.

The other area in this bill dealing with improvement is as a result of the Mohr report, as it is called, on the issue of service activity in South-East Asia between 1955 and 1975. The Mohr report is entitled The review of service entitlement anomalies in respect of South-East Asian service. The review was brought about by the activity of veterans’ organisations for many years—and also by
the opposition in the last couple of years, particularly in estimates committee hearings—over the anomalies that existed where clearly some people got access to veterans’ entitlements and their service was considered active service while other people serving in the region did not get the same entitlements. I believe the report by Major General Mohr is an excellent one. When it came out, the opposition announced that we accepted all the recommendations of the report, and we encouraged the government to accept all the recommendations.

The government has accepted most of the recommendations on service anomalies except in one area where it rejected the recommendation that those who served in civilian medical teams in Vietnam should not have their service counted as an entitlement under the Veterans’ Entitlements Act. I will come back to the nurses issue in a moment. I just want to touch on those other areas that have now been cleared up in this report and have been accepted. In particular there is the case of those who served in the Australian Navy in the Malayan Emergency during the mid- and late-fifties. It always seemed to me very odd that those who served on Australian ships patrolling the coast of Malaya during that period, at times for several months on operational duty, were not considered as being on active service. Yet, if a Royal Australian Air Force serviceman flew into the Butterworth air base, spent two or three days at the base and flew back to Australia, that would be considered as active service and that person would be entitled to the full benefits under the Veterans’ Entitlements Act.

I do not deny the right of that Royal Australian Air Force person to receive those entitlements but I think that, if those people are eligible, then clearly those naval people who served on those Australian ships along the coast for a much greater period of time should be given equal treatment. Wherever humanly possible, there should always be, under the Veterans’ Entitlements Act, equality and equitable treatment of all veterans where they were in equal service. Clearly the naval people were in equal service, so we support the government in coming round to accepting that recommendation. There are other areas of service in that period. I think there were some RAAF people who served at Ubon in Thailand during the Vietnam War. Their service has now been granted. I think there were other servicepeople in other areas between 1955 and 1975—in the Indonesian confrontation et cetera—and those cases have all been cleared up.

Unfortunately the government did not accept one significant recommendation of the report about those who served in the so-called civilian medical teams in Vietnam in the 1960s. It seems extremely strange to me and to the opposition that the government would reject the recommendation of the review that they appointed. There has been no adequate response from the government other than to say, ‘We don’t agree with this because it could set a precedent somewhere else.’ Under the Veterans’ Entitlements Act, we already have determinations that people who were not under direct military command should have entitlement to benefits. I remember that for a long time after the Second World War merchant seamen claimed they should get entitlement under the Veterans’ Entitlements Act because, although they were merchant seamen on merchant ships, they were at great risk, whether they were in the North Atlantic, in the Pacific Ocean or in the Indian Ocean. Many merchant seamen lost their lives when their ships were sunk as a result of enemy action. It was my colleague Mr Sciacca, when minister in the early 1990s, who finally accepted and granted Australian merchant seaman entitlement to full veterans benefits under the Veterans’ Entitlements Act. I believe that is the correct position. I certainly have not been lobbied by any merchant seamen veterans in the last couple of years since I have been shadow minister, so I presume they are satisfied with what they have received. As a result of that decision, I have not seen the Veterans’ Entitlements Act and the veterans community fall apart, nor have I seen a mad rush of people claiming that there has been a diminution of the standing of veterans in our community.

It has also been mentioned elsewhere that people who were in dangerous areas during
the Second World War and in other wars—people in the Red Cross, the Salvation Army and those sorts of people—have also been granted the entitlement. The government may say, ‘Yes, but they were serving under some form of direct Australian military command.’ That is the ruling: you have to be shown to have been under some form of direct Australian military command to be eligible for veterans entitlements. The government’s argument is that the civilian doctors, nurses and aids who worked in Vietnam—just over 400 of them—were not under direct military command. That is true, but at times during their period of service they helped and provided service to Australian soldiers and to South Vietnamese soldiers, who were our allies. I understand that at times they dealt with enemy soldiers who had been captured and needed medical attention. I also understand that from time to time they helped American soldiers. I would have thought that that alone presents a prima facie case that they were assisting the Australian war effort in Vietnam.

Further, when the Senate Foreign Affairs, Defence and Trade Legislation Committee dealt with this bill, the Nursing Federation, on behalf of 120-odd nurses, gave very compelling evidence about the service of Australian nurses as part of these teams. I heard the evidence live. When I reread the evidence and their statements, I found it impossible to believe that the government would still deny these people veterans’ entitlements. Their lives were at risk. We had evidence given by the nurses that on the first day they arrived in Saigon a representative of our embassy gave them a short briefing to say that when they went out to the hospitals in the countryside there would be a price on their head from the enemy. That was the only briefing and the only counselling they received. In two days, they went from working in a hospital like the Austin Hospital in Melbourne to working in a hospital in the countryside in Vietnam. Some of them served several months with hardly a day off. When they returned, they left Vietnam on a Saturday night or a Sunday and they were back at work at the Austin Hospital on Monday morning. They got paid the same wage that they had been paid in Australia, plus $8 or $9 a day living allowance. They did have their meals provided, but they lived in accommodation and in circumstances that could only be described as very rugged.

Most of those nurses have developed similar complaints for which we have readily granted entitlements to Vietnam veterans. This government is penny-pinching when it says that these 400 who served in Vietnam, despite all of their service, do not deserve entitlements under the Veterans’ Entitlements Act because they were not under direct Australian control. I think that is sophistry at its worst. I remind the government that it was the Liberal and National parties of this parliament who made the commitment to send 50,000 Australians to Vietnam and encouraged nurses to volunteer at a civilian level. The Labor Party opposed it, but we do not in any way criticise the people who served their country in Vietnam. We criticised the government at the time and, in the last 30 years, the rationale for our involvement in Vietnam has been exposed as utterly fraudulent. I would have thought the shame of this government in its predecessors committing us to Vietnam would have made them very willingly accept the recommendation of the Mohr committee to give the nurses and the medical people access to the Veterans’ Entitlements Act.

Recently in an interview with John Laws, the minister has said, ‘They don’t need to be under the Veterans’ Entitlements Act because they can apply to get their complaints dealt with under the Commonwealth compensation act. It has been pointed out by the Nursing Federation that, as they were in service in Vietnam in the 1960s, the only act they can get access to for compensation is the Commonwealth compensation act of 1930. Then when they used that act to try to get compensation for post traumatic stress disorder, they were told, ‘You cannot get it because the act of 1930 does not allow that at all as a complaint.’ So we give entitlements to veterans who served in Vietnam in the military command but, because of an outdated Commonwealth compensation act of 1930, we do not give them to nurses who clearly now have that complaint. That is the anomaly that is really sticky. The only way
out of that for the government is to amend this act and to accept the Mohr committee recommendation.

The opposition feel very strongly on this. Therefore, in the committee stage, we will be moving an amendment to accept the Mohr report and have those 400-odd people who served in Vietnam given the benefit. I have to say to this government: even if you think the argument is only 50-50 or only 70-30, you would surely give the benefit of the doubt to those young Australian men and women who risked their lives to respond to the call from the Australian government to go and serve in Vietnam in medical hospitals. I would have thought that that case was unbeatable. I think it is a bureaucratic piece of sophistry to say that they are not eligible. According to the evidence before the committee, many of those nurses now are suffering, are not able to get work and are reliant upon pensions, and they cannot use the compensation act of 1930. When you read the determinations that have been made, it is obvious that that is unsatisfactory. Therefore we look forward to the committee stage when we will move that amendment, and we will insist on that amendment.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (3.01 p.m.)—I rise on behalf of the veteran affairs’ spokesperson of the Australian Democrats, Senator Andrew Bartlett, to convey the views of the Democrats on the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000. In relation to Senator Schacht’s speech, I commend him on how strongly he feels about the issue he has referred to. The Democrats are of a similar view, and we will be supporting the Labor Party amendment when it gets to the chamber. I certainly again commend the Labor Party on their passion on this issue and point out the irony that we are debating this speech on the eve of the very important national day of remembrance tomorrow. Perhaps this is an appropriate time for the government to reconsider the amendment and its approach. During the Vietnam War the Australian government provided—

Senator Schacht interjecting—

Senator Abetz interjecting—

Senator STOTT DESPOJA—We did hear Senator Schacht in silence, Mr Acting Deputy President.

The ACTING DEPUTY PRESIDENT (Senator Hogg)—Continue, Senator Stott Despoja. I am sure Senator Schacht and Senator Abetz will be quiet.

Senator STOTT DESPOJA—I will listen to Senator Abetz in silence, I promise. We provided medical services to the Vietnamese population—civilians and service personnel—between 1964 and 1973. On occasion they also treated Australian service personnel. The program was administered by the then Department of External Affairs. Senator Schacht has referred already to the Mohr review, the review of the service entitlement anomalies in respect of South-East Asian service from 1955 to 1975, which was released to the parliament on 2 March this year. One of the recommendations was that the Australian civilian surgical and medical teams operating in Vietnam during the Vietnam War be deemed as having qualifying service for repatriation benefits. That was one of the recommendations.

The Democrats urge the government to act on the recommendations of that review. Unfortunately, in the 2000 budget, the government chose to ignore this recommendation and not extend those repatriation benefits to members of the Australian civilian surgical and medical teams in Vietnam. I should note that the government acted on nearly all the other recommendations contained in that review; for example, extending repatriation benefits to around 2,600 veterans for qualifying service and another 1,500 for operational service during the Malayan emergency and other South-East Asian conflicts between 1955 and 1975. This reflects blatant discrimination against the civilian surgical teams, and it appears that this is the only recommendation that was ignored by the government that arises out of that review.

Many of the civilian nurses who served in Vietnam are suffering from the same illnesses and medical conditions as the troops, and their health is deteriorating. The Australian Nursing Federation has said it is apparent that many of the nurses are now suffering
from the same health conditions as the Vietnam veterans, including non-Hodgkin's lymphoma, thyroid disease, auto-immune disorders, multiple sclerosis and post traumatic stress disorders. They are having difficulties pursuing claims under the Safety, Rehabilitation and Compensation Act 1988 administered by Comcare, in part because of the length of time before conditions appear, leading to protracted disputes. An ANF submission provided to the Senate inquiry details some of those conditions and problems on page 5. The civilian surgical and medical teams were there to provide medical services to the South Vietnamese population—our allies. In light of the sort of war Vietnam was, with a lot of guerilla activity, that was clearly an essential task in generating goodwill between our troops and the South Vietnamese population. They also provided medical assistance to our troops on occasion.

I note from the official history of Australia’s involvement in South-East Asian conflicts between 1948 and 1975, Medicine At War, in the chapter called ‘Battle casualties and the staffing crisis, 1969-1970’ that at one time the one Australian field hospital was almost left without an anaesthetist—there is a thought. The official history said:

At the eleventh hour the problem was solved when Watson managed to obtain the services for the week of an Australian civilian anaesthetist, Dr Rosemary Coffey, who was serving with one of the Australian civilian medical aid teams in Vietnam.

By and large, the civilian medical personnel did work with the South Vietnamese civilian population. They also on occasion treated Vietnamese troops. Both a soldier who shot enemy soldiers and a nurse who removed shrapnel from Vietnamese children served Australia’s then interests and incurred the danger and damage of war.

Senator Bartlett has received a lot of letters—in fact, we all do in this place—and of course all Democrat senators have received a number of letters on this issue, but Senator Bartlett in particular. He wanted me to note one from a veteran, which he also sent to the Prime Minister’s office. It was a letter received from a veteran who had seen an article by Mark Ludlow which appeared in my home town paper, the Adelaide Advertiser, on 11 October. I believe this issue has also now been mentioned in the Herald Sun and the Courier-Mail. The veteran says in his letter:

They worked in appalling conditions in villages, hamlets and orphanages: no hygiene facilities, little medical supplies and at constant risk to their personal safety. They would beg and borrow what they needed. We assisted them in these efforts. Despite all the adversity, anguish and torment, these people proved Australia really cared! Their dedication and duty of care is as yet unsurpassed. They are truly Australia’s unsung heroes.

As Senator Schacht pointed out, this issue has twice been raised on the John Laws program. The Minister for Veterans’ Affairs, Mr Bruce Scott, went on that program and insisted that they should be looked after under the Safety, Compensation and Rehabilitation Act. The Australian Nursing Federation, who have been most active on this issue, were on the John Laws program on 2 November correcting a number of the statements that the minister had made. The Safety, Compensation and Rehabilitation Act is not designed, as the Veterans’ Entitlement Act is, to recognise war injuries such as post-traumatic stress disorder or the skin cancers which sometimes are accepted as being related to service. The nurses received no counselling or debriefing after their periods of service in Vietnam. Basically, they got off the plane and next day went back to work in Australian hospitals. It is particularly disappointing, therefore, that the coalition is not acting on this issue. The government’s only argument seems to be—as stated in the Department of Veterans’ Affairs ‘Budget Fact Sheet 2000-2001’—that, for repatriation benefits for civilians, it is:

... required that they be attached to the Australian Defence Force.

The civilian surgical and medical teams worked under the then Department of External Affairs. That makes no difference whatsoever to their exposure to chemicals, to the stress or to the war related injuries they incurred side by side with service personnel. There is agreement that members of the civilian surgical teams incurred danger; that
they were in war zones. But the sticking point is that they were administered by the wrong department—by the Department of External Affairs, which no longer exists. That department has been replaced by the Department of Foreign Affairs and Trade. The Australian government does exist, the Department of Veterans’ Affairs does exist, and the obligation we owe these people certainly exists.

Some of these nurses who worked as part of the civilian surgical and medical teams have been awarded the Vietnam Logistics Support Medal and the Australian Active Service Medal on the basis that they were:...

...integrated with the Australian Defence Force for extended periods of time and performed like functions with their Australian Defence Force counterparts.

So surely the government’s rationale is a complete furphy. As I have quoted from the official history, at least some of the nurses definitely worked in Australian military hospitals treating Australian military personnel. That is established—it is on record. We believe that the minister and the government are hiding behind a technicality. The arguments are a furphy, especially when the established history tells us that they were working not only in military like situations but also in military hospitals and, on occasions, treating military personnel. The fact that a department no longer exists is quite a spurious argument given that, as I said on behalf of Senator Bartlett, clearly these people and their concerns still exist. These civilian doctors and nurses assisted the Australian defence forces in wartime, and they incurred danger from hostile enemy forces during that time. They have a right to apply for repatriation entitlements under the Veterans’ Entitlements Act.

As I have said, the Democrats will be supporting the amendment to be moved by the opposition to see that this situation is rectified. We urge the government to see sense and to adopt this recommendation—that has been ignored thus far—from the Moore review. What more timely opportunity than to announce such support on the eve of 11 November. I hope the government will recognise that this is not only an important symbolic issue; it also is an issue of equality, an issue in relation to health and an issue of recognising the achievements of these people—our unsung heroes, as the veteran whom I quoted said in his letter.

Senator HUTCHINS (New South Wales) (3.11 p.m.)—I welcome the opportunity, in following the shadow spokesman on veterans’ affairs, Senator Schacht, and also the Deputy Leader of the Australian Democrats, Senator Stott Despoja, to speak on this legislation. I point out that I have not been following the progress of the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000, and I was not a member of the committee that assessed the legislation. But I was fortunate, in a way, that this matter was brought to my attention by the officers of the Australian Nursing Federation—in particular, Debbie Richards. Miss Richards also made sure that I received a copy of the Australian Nursing Federation’s submission to the Senate committee inquiry into the veterans’ affairs legislation. To a large degree, as I understand it, the submission was prepared with a lot of persistence—as you would know, Mr Acting Deputy President Hogg, if you saw the submission. It was prepared with the assistance of two ladies who served in Vietnam, Miss Dorothy Angell—I suppose that is an appropriate name for a nurse serving in a war environment—and Miss Maureen Spicer. These ladies, along with the Australian Nursing Federation, sought to bring to the attention not only of the federal government but also of the community the plight of these nurses. As Senator Schacht said and Stott Despoja reiterated, about 400 doctors, nurses and some others served our country and our allies in Vietnam.

Along with many people in this house and in this country, I have never had to grab a gun and serve my country overseas in any warlike environment. I have never been shot at and have never shot at anybody. I have been lucky, as have a lot of Australians, to have lived in a very peaceful environment. I know, as Senator Schacht has said, our commitment to Vietnam was done voluntarily by the government of the day. A number of Australians who served there were volunteers and of course a number were con-
scripts. But, equally, a number of these doctors and nurses volunteered to represent their country in a time of conflict. As you can see from the submissions and the historical documents, we were asked by our allies to provide this level of medical assistance through USAID, which was the facilitating body through SEATO. We were at war with the North Vietnamese. We were supporting our allies in the United States, the South Vietnamese government and a number of other countries throughout South-East Asia which believed that it was important to make sure that South Vietnam’s political integrity was protected.

As Senator Schacht said, at the time the Australian Labor Party did not support the commitment. However, as Senator Schacht and others would recall, that was by far not a universal view within the Labor Party. As I recall, before 1966 there was a certain amount of support for making sure that the incursions into South-East Asia by communist inspired forces were rejected. As more and more documents start to tumble out, I may disagree with a number of my Labor colleagues, but I do believe that we were facing a serious threat to political stability in our region and I do believe that in the end it may be seen that the right decision was made.

However, as I was saying earlier, the Australian Nursing Federation’s submission shows how these men and women were despatched to South Vietnam, were despatched to a danger zone and were exposed to hostile forces, and their instructions were, as has been stated by Senator Schacht, to win the hearts and minds, which was a view that had been adopted by the Americans. It was with kid gloves as well as a mailed fist. As Senator Schacht has said, when these men and women arrived in South Vietnam they were told they were targets, and of course they were targets because they were flying our flag, representing our country and representing what the majority of people may have thought at the time were the liberal democracies against an incursion by a totalitarian regime in North Vietnam. They were representing our interests. The fact that they did not have khaki on should not mean they are overlooked by the government. These men and women did what they were asked to do. They were, as I said, in dangerous positions. They were in hostile zones and they were targets.

If I can quote the working conditions from the Nursing Federation’s submission. Section 4.1 of the submission states:

The working milieu for the civilian medical teams at all of the provincial hospitals in South Vietnam was peopled with children too starved for revival; teenagers whose lungs had been honeycombed with tuberculosis, or whose bodies had been peppered by claymore mine fragments, or burned by napalm; emaciated young women ravaged by constant childbearing, hard labour and malnutrition; the elderly and infirmed and, Vietnamese military and paramilitary personnel—friend or foe.

It was not the task of the doctors and nurses on these teams to accuse, label or lay blame. Their task was to diagnose, to operate, to care, comfort and treat; to inject and transfuse, and let others ask the questions ... The teams were to offer help to all those who came through the gates of these hospitals.

So these were the conditions which these men and women worked under whilst they were performing their duties as medical personnel. We should be very proud that they did this in such appalling conditions in an area which would be so foreign to them. As Senator Schacht has said, these men and women in many cases simply packed up working in hospitals in Melbourne and were in the paddy fields in South Vietnam 24 hours later, doing our bidding, flying our flag and doing what they thought was in the best interests of this country, which was to use their skills and training to advance the cause of Australia and its allies. This is something that we should be proud of rather than, as has been so well put, not proceeding with assisting them.

As I understand it, the government set up an inquiry headed by former Justice Mohr to look at who may access veterans’ benefits. Quite conclusively, Mr Justice Mohr recommended that these men and women be treated as veterans. In fact, of all the recommendations that were made to the minister, only one recommendation was not proceeded with, and that was the one dealing with the
civilian doctors and nurses who served in Vietnam. I think that is appalling, particularly as these men and women did carry our flag, did represent our country and put themselves into positions that none of us have ever been confronted with. I have a copy of the submission. Shortly, I will be reading an excerpt from Dr Brian Smith on his experiences whilst he was serving in Vietnam.

As has been highlighted, a number of Australians who did not necessarily wear khaki have been recognised as veterans for the purposes of the legislation. Senator Schacht spoke about merchant seamen. I used to work with an old bloke; his name was Dick Sargeant. He passed away. Dick was a merchant seaman in the Pacific during World War II. Dick was actually sunk twice by the Japanese, because he was doing some carting along the Australian coast. On one occasion, he and another fellow were the only survivors of the sinking of their ship. He was only a young bloke at the time. Dick had to wait a long time before his contribution to the war effort was recognised. He was sunk not once but twice. He went on to live a very rewarding life and, if someone like Dick Sargeant were around today, he would go over and box the parliamentary secretary’s ears and tell him that the government should adopt the Mohr recommendation and let these women and men be rightfully acknowledged.

We must look at righting some of the wrongs that have occurred because of this view about those who did not wear khaki. We remember that, in 1983 or 1984, the Hawke government compensated Aboriginal and Torres Strait Islander servicemen from World War II who had not been paid the same money as white Australian servicemen from that period. I used to know a fellow called Wally Lombo, who lived down at Bundeena in the southern suburbs of Cronulla. He also was a serviceman in World War II. I do not think Wally was ever discriminated against in terms of wages, but he was quite black. I do not know if they ever escaped paying him or not. But we ended up paying $7.4 million to Aboriginal and Torres Strait Islanders who had served in World War II.

In 1992, Prime Minister Keating, on a trip to Papua New Guinea, said that he would reconsider the position of the fuzzy wuzzy army, those natives of Papua New Guinea who helped out the Australian troops during our times there when we were making sure that Japan did not invade this country. And we have already recognised the position of, say, merchant seamen. So there is a logical opportunity for us to reconsider the definition of men and women who served our country overseas and in combat zones and who can be identified as having been in a war zone. I will read one of the harrowing tales from the report. This is from an unpublished PhD thesis by Ms Angell. This quote is from an interview with some civilian nurses and doctors:

... We were coming back down the highway after curfew, as you know it was 5.00 o’clock and we were past 5.00 o’clock, and we thought we’d make it, and our car was shot at by the VC.

... We were on our way somewhere in the jeep, we were in convoy and the car in front blew up.

... One of the other girls and I, we went to Mass on Bien Hoa airbase ... we’re about two thirds of the way through the service (and) she felt sick, she felt awful and she said ‘I don’t think I can stay here, will you drive me home?’ Just as we got to the gate (of the airbase), which would have been about 1000 metres from the chapel, there was this most ungodly bang. The VC used to set timers on (their) rockets (so that) when they went off, they would be a long way away from them. One of the rockets landed on the chapel and blew it to pieces and everybody inside—there were about 20 people killed. We were just so lucky.

... There was a rocket attack and a whole lot of houses across the road from us got bombed. One of the guys and I went across to see if there were any survivors went (into this house) and there was a woman lying in the bed, she had one child across here (indicating the chest) and a baby in her arms, they were black you know, like third degree charcoal. It took me awhile to get over that. I sort of kept having flashbacks and for a while after I’d wake up in a sweat.

... The Tet Offensive was definitely very exciting and there were lots of bullets whizzing around quite close to us. Someone put a couple of mortars into the army barracks just down the road, and the Americans fired at nothing until dawn. We were all laying in the corridor (of the house)
with our heads in rubbish bins, but we were more frightened of our allies than our enemy.

If that is not clear evidence of being in a war zone then I do not know what is. These men and women suffered war. You have already heard that they suffer the same symptoms as other Vietnam veterans. We would be very mean-spirited and dishonest if we did not look after these men and women. It is up to the government to change its mind on this and to be generous. We are on the verge of 11 November. Tomorrow at 11 o’clock we will remember all those men and women who suffered, and who are still suffering, in war. We will commemorate. We will not forget them.

What we will be saying to the government in these amendments when it comes to the committee stage is, ‘Let’s not forget these brave men and women who did carry the flag for our country in South Vietnam, who did believe they were acting in the best interests of their country and who offered their services to make sure that the flag was flown for their country and what their country represented.’ All we ask from the government is to be generous and to recognise these men and women in this area, because they have been recognised in parts of other legislation in terms of medals. All you need to do now is go that one step further. I do not know anyone out there who is saying that these 400-odd people should not be looked after by our government. There is only one roadblock, and that is the federal government. In the spirit of conciliation, Parliamentary Secretary, we ask you to get up this afternoon and accept our amendments. Look after these 400 people and you will be remembered.

Senator CROSSIN (Northern Territory) (3.31 p.m.)—I rise to speak on the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000, but before I get into the body of my speech I want to recognise my colleague Senator Hogg, who is currently chairing the Senate. He indicated that he was going to speak in the chamber this afternoon. Unfortunately, because time is against us, he will not be able to do that. But I do know that Senator Hogg has had a long involvement in these matters and was on the Senate committee that looked into this legislation. He has reassured me and my colleagues that he will make some comments on the bill when it goes to the committee stage—comments that I know will be very profitable and worth while.

As a senator for the Northern Territory, I have a large number of Defence Force families in my electorate. Over the past two years, I have become very aware of the sacrifices and particular hardships suffered by defence personnel and their families which arise from the nature of their employment. I have represented ADF personnel on a number of issues concerning their employment conditions during this time. Like most Australians, I appreciate the important role of the Australian Defence Force, and I am sure all Australians endorse the principle that we as a nation should show our recognition of the difficulties that members suffer and offer our thanks for the sacrifices they make by providing appropriate conditions of service to ADF personnel. It is, of course, equally important that we ensure adequate health care and other services to our veterans community in recognition of their service to this country. The hardships that veterans suffer as a consequence of their service have not always been adequately recognised. This is particularly the case in relation to the significant psychological and health impacts on Vietnam veterans, which have only recently received the official recognition they deserve.

The bill we are considering today contains a number of measures which address these impacts. The ALP is supportive of these measures, which will provide greater support for both veterans and their families. The amendments in schedule 1 of the bill will extend access to psychiatric assessment and counselling services to dependants and former dependants of Vietnam veterans, and this is to be welcomed. Equally, the opposition supports the extension of the veterans’ children education scheme to the children and former children of Vietnam veterans, who would not otherwise have been eligible. This measure is a response to the finding of the Vietnam Veterans Health Study that the incidence of suicide in the children of Vietnam veterans is three times that of the gen-
eral community. Given the correlation between higher education and a lower risk of suicide, extending this benefit to the children of Vietnam veterans at risk of self-harm is clearly merited.

We are also supportive of the provisions in the bill to extend the benefits available to certain veterans who served in South-East Asia between 1955 and 1975. However, we are extremely disappointed that the government has chosen to ignore one of the main recommendations from the inquiry report that it commissioned in this area. The beneficiaries of this measure in the bill include all those recommended by a government commissioned report into service entitlement anomalies for this period—with one notable exception. It is the decision to reject this one solitary recommendation in the Mohr report that I want to spend some time talking about today.

To look at the service anomalies dealt with in this bill, a review was conducted. The government received the report of this review in February this year. The Mohr report recommended that a number of categories of people serving in South-East Asia between 1955 and 1975 be recognised as having performed qualifying service for repatriation benefits. Among those recommended were of course the Australian civilian surgical and medical teams serving in Vietnam between 1964 and 1972. But we know that the government, while accepting most of those recommendations, has chosen to reject this recommendation alone. For the civilian nurses and medical personnel who have been waiting for their Vietnam service to be recognised, it must feel like the real battle is happening right here and right now in Australia. In this instance, the real enemy is the uncaring federal government, which seeks to rely on technicalities to undermine the intention of the Vietnam Veterans’ Entitlements Act, thereby denying those people access to repatriation benefits.

At this point, I think it is worth looking at the contents of the report to see why Justice Mohr made the recommendation he did in respect of the civilian nurses and surgical teams. The preface to the Mohr report gives context to the general rationale for providing repatriation benefits. The preface says:

Repatriation benefits are awarded in response to the dangers and hazards involved in undertaking service in warlike or non-warlike areas, and the stresses incurred from combat conditions against an enemy.

There can be little doubt, as Senator Hutchins has pointed out in his contribution this afternoon, that civilian nurses and surgical teams meet these criteria. However, it was the task of Mr Justice Mohr to establish whether these men and women could be deemed to have performed qualifying service under the terms of the Veterans’ Entitlements Act. In the chapter which deals with Vietnam, the report notes that civilian nurses and doctors in Vietnam worked under arrangements made by the Department of Foreign Affairs and Trade, known then as the Department of External Affairs. However, the report goes on to note that these civilian teams were awarded the Australian Active Service Medal, an award made on the basis that ‘they were employed in Vietnam and were integrated in the ADF for significant periods of time, performing like functions with their ADF counterparts’.

Mr Justice Mohr did his best to establish whether these civilian teams could be regarded as having performed qualifying service for repatriation benefits. In questioning a witness appearing for the Department of Veterans’ Affairs during the inquiry, Judge Mohr explored the status of these civilian employees. The transcript excerpt included in the Mohr report makes for fascinating reading. The DVA representative is emphatic that the award of the Australian Active Service Medal in no way has any bearing on qualifying for repatriation benefits. Yet he later agrees that the integration of civilian surgical and medical teams with the ADF—the very reason they were given the award—would form the basis for eligibility. However, at other points in the transcript the witness refers to the requirement of being under direct military command. This, of course, is the point on which the government majority report on the bill seizes, in singling out Judge Mohr’s recommendation that civilian medi-
During its own inquiry into this matter, the Senate Foreign Affairs, Defence and Trade Legislation Committee heard from the President of the Civilian Nurses, Dorothy Angell. Ms Angell told the inquiry that, although the civilian nurses were administratively under the command of the Department of External Affairs, operationally they were under the command of both the South Vietnamese government and the military advisory command for the whole of Vietnam. She also provided evidence that the nurses worked under very difficult conditions, treating both allied and enemy soldiers as well as civilians. They saw horrific sights in the course of their duties and were only given a week’s leave from their duties every six months. On any analysis of the situation it is reasonable to say that these nurses worked under the same conditions as their counterparts directly employed by the ADF.

Let us look at the issues that are not under dispute. These civilian teams were sent to work in a warlike zone by the Australian government. They were exposed to danger. In fact, the Senate committee heard that the nurses in Vietnam had a price on their heads. They had little in the way of pre-service or post-service counselling. In fact, the committee heard that when some of these nurses returned to Australia, they were rostered onto normal duties almost as soon as they arrived. Ms Angell, one of the nurses who served in Vietnam, appeared before the committee and stated:

When we left Vietnam on Friday, it was literally leaving Vietnam on Friday, going on an am shift as if we had been working at the Alfred all along.

It was also reported that some of the civilian nurses who went to Vietnam are suffering a number of illnesses or conditions which are limiting their capacity to work and thereby causing financial hardship. Many of the conditions which the civilian nurses are now suffering from are the same conditions suffered by ADF Vietnam veterans.

Given the evidence presented to both the Mohr and the Senate inquiries, it seems unjust that these nurses are denied access to the repatriation benefits available to others. These nurses have been given pretty shoddy treatment by this government—a government which has seen fit to accept every recommendation of the Mohr report on service entitlement anomalies except the recommendation that the civilian medical teams be deemed eligible for repatriation benefits; a government which has shown its contempt for women on many occasions. In this respect I can’t help but concur with the comment made by my colleague Senator Schacht during the Senate inquiry when he suggested that perhaps the government might have looked more favourably upon the Mohr recommendation had there been a few more male nurses among the ranks.

The government in its majority report has justified rejecting this recommendation on the basis that the civilian nurses, doctors and allied health professionals who served in Vietnam were not under the direct command of the ADF. The government has made this argument on the basis that, technically, that is what is required under the Veterans’ Entitlements Act. But we as legislators have both the capacity and the responsibility to amend legislation when there is a good case to do so. The opposition are strongly of the belief that this is such a case and, on this basis, we will move an amendment so that the civilian nurses and members of the civilian surgical teams who served in Vietnam will qualify for repatriation benefits and gain the recognition, at long last, that they so rightly deserve.

Senator ABETZ (Tasmania—Parliamentary Secretary to the Minister for Defence) (3.43 p.m.)—In starting the summation of this debate, I thank honourable senators for their contributions. For the record, I will go through these matters in some detail on the next occasion that we meet. The emotive speeches from the other side sound very hollow when you remember that the Vietnam War ended in 1972, and the Labor Party were in government for some 13 years. They had the capacity to address these matters but they did not do so. We were the ones to initiate the inquiry, as a result of which Vietnam veterans are now going to get a boost of $32 million. I am delighted that I can make this short contribution to set the record straight. I
conclude my remarks on this occasion by simply noting that Remembrance Day is to-mor-row. I am sure that honourable senators from all sides wish our veterans well. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

GENE TECHNOLOGY BILL 2000
Report of the Community Affairs
References Committee
Additional Information

Senator LUDWIG (Queensland) (3.44 p.m.)—On behalf of the Chair of the Community Affairs References Committee, I present additional information received by the committee in respect of its inquiry into the Gene Technology Bill 2000.

ADJOURNMENT

The PRESIDENT—Order! It being 3.45 p.m., I propose the question:

That the Senate do now adjourn.

Kerr, Sir John

Senator BRANDIS (Queensland) (3.45 p.m.)—Tomorrow we mark the 25th anniver-sary of the dismissal of the Whitlam gov-ernment on 11 November 1975. No political event in our history, I dare say, created more controversy at the time. None was so dra-matic. For some Australians, none caused more lasting bitterness. Certainly none gave rise to more myth making.

With the perspective of history, we can—and, in fairness to the protagonists, we should—judge those events dispassionately. We should sort the essential from the super-ficial; the facts from the myths; the law from the politics. When we do so, the events of 1975 amount to this: a historically important constitutional crisis created by a deadlock between the executive and the parliament was resolved by the popular will at a general election. That general election—the democratic resolution of the crisis—was forced by the then Governor-General after it had been refused by the Prime Minister.

Both men were custodians of a high public trust. Both were constitutionally and morally obliged to put the interests of the nation ahead of personal advantage. The Prime Minister breached that trust; the Governor-General honoured it. The Prime Minister put his political interests as a party leader ahead of his constitutional obligations as a head of government. He put politics above the Con-stitution. The Governor-General reluctantly, but conscientiously, intervened to stop the Prime Minister’s unconstitutional behaviour, at a terrible personal cost to himself.

For years, that Prime Minister, Mr Whitlam, has claimed to be the victim of the events of 1975. I must say, I think he did rather well out of them. By the stroke of a pen, Whitlam’s reputation was redeemed. No longer would he be remembered primarily as the leader of the most economically illiterate, incompetent government in the history of the nation. In an instant, he was instated by popular culture as a figure of political gran-deur. None of the policy failures, the scan-dals, the sheer opera bouffe incompetence that marked the Whitlam government will last for so long in the historical imagination as the iconic image of Whitlam’s speech from the steps of Old Parliament House that November afternoon. For a man whose whole public life was dedicated to striking heroic poses and uttering lapidary cadences, it was, paradoxically, a triumph: a triumph of rhetoric over reality, of gesture over sub-stance. Unburdened by the prosaic responsi-bilities of government to which he was both temperamentally and intellectually unequal, Whitlam was left free to pursue a hugely enjoyable career as a political martyr.

This afternoon I want to say a few words about the man who was the real victim of the dismissal: Sir John Kerr. For a generation, Whitlam has made good on his malign threat that nothing would save the Governor-General by leading a campaign of abuse, calumny and vilification against him, more savage, I think, than anything this nation has witnessed. The purpose of that campaign—advertent and declared—was to destroy Sir John Kerr’s reputation. No significant figure in our history has been so consistently lied about; none has had his motives so misrepre-sented. The time has come for the truth about Sir John Kerr to be known, for he was, in every sense, a better man than the one who made it his life’s work to humiliate him.

I came to know Sir John and Lady Kerr when I was a student in England in 1982.
This was the time at which, according to popular myth, Sir John Kerr was in exile. That is the first myth that should be exploded. Sir John and Lady Kerr had a deep love both of England and of France and they enjoyed the time they spent in those countries with all the enthusiasm and cultivated appreciation that was so characteristic of both of them. Anyone who has any doubt about that need do nothing more than consult Lady Kerr’s charming memoirs, *Lanterns Over Pinchgut*, to sense their joy in those years, strengthened by the deep love they so obviously felt for each other.

Even more pervasive has been the myth that Sir John Kerr was bitter. After what he and his wife had been subjected to, he certainly had every right to be. Wounded he was, deeply. Conscious of the verbal and physical violence against himself and his wife he was, certainly.

Senator Conroy—Did you offer him a drink?

The PRESIDENT—Order! Senator Conroy, I draw your attention to the standing orders.

Senator BRANDIS—But perhaps the most remarkable feature of the man I came to know was his very lack of bitterness or anger towards those who had degraded him. I can best illustrate that with an anecdote about a small event, but in many ways a revealing one.

Senator Conroy—You are a disgrace; a hypocrite and a disgrace.

The PRESIDENT—Order! Senator Conroy, withdraw those remarks.

Senator Conroy—I withdraw.

Senator BRANDIS—Quite often in those days a small group of Australian students consisting of myself, Tom Harley, Donald Markwell—now the warden of Trinity College at the University of Melbourne—and Timothy Potts, who was, until recently, the Director of the National Gallery of Victoria, welcomed distinguished Australian visitors to Oxford. On one occasion we entertained Gough Whitlam. On many occasions, we entertained Sir John and Lady Kerr. We kept a visitors book—an autograph book really—in which we invited our guests to record their visits. As it happened, Sir John Kerr’s first visit came only a couple of weeks after Gough Whitlam’s. We realised that, if we were to ask Sir John to sign the book, he would be placing his signature immediately beneath Gough Whitlam’s and that that might cause embarrassment. In the end, we decided to ask him anyway.

How it happened I am not sure—perhaps he was not listening very carefully—but when I made the request of Sir John Kerr that would have placed his name in such close juxtaposition to Whitlam’s, he misunderstood what I was saying. He thought I had said that Gough Whitlam was also to be in Oxford that day and that I was proposing that they meet. I will never forget his response. He said, after only a short moment of reflection, ‘Oh well, Gough and I are both human beings; we’ve both got to live on the same planet.’ He said that he would like to meet him again. It was only then that the mistake was corrected. I think Sir John was a little sad that he would not have the opportunity for what might have been a chance occasion for a personal reconciliation. It is a small tale but how much it tells us of the measure of the man, after all he had suffered at the hands of Whitlam.

There are many other stories I could tell of the real Sir John Kerr. Even today, so long after his death, I can scarcely speak of him without emotion: both anger at the way in which a good and decent man has been demonised and gratitude for the abundance of his kindness, the generosity of his friendship and the sheer pleasure of his company. Like all of us, he too had flaws, but they were flaws born of generosity of heart rather than flaws made of meanness of spirit. There is only one word fit to describe the way he bore himself in the years after 1975 and his forgiveness, even towards those who had punished and calumniated him merely for doing his duty as he saw it. He was a noble man.

Senator Conroy—Vain and drunk.

The PRESIDENT—Senator Conroy, if you have something to say, you can speak at the appropriate time, not during the speech of another senator.
Senator BRANDIS—As it happens, there is this weekend another anniversary—although it is not the anniversary of a particularly famous event. Sixty years ago this Sunday, on 12 November 1940, Sir Winston Churchill delivered to the House of Commons the eulogy of his predecessor in the office of Prime Minister, Neville Chamberlain—a man around whom there had also raged, in Churchill’s words, ‘fierce and bitter controversies’. Churchill said of him:

The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, for we are so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, however the fates may play, we march always in the ranks of honour.

Every one of those words could apply equally to my beloved friend Sir John Kerr. He faithfully discharged his oath of office, he bore himself nobly in the face of almost unendurable provocation, and he marched always in the ranks of honour.

Education: Funding

Senator TCHEN (Victoria) (3.53 p.m.)—For the last few days of sitting, we have been enthralled by a parade of Labor and Democrat senators competing with each other to resurrect class warfare, so long abolished from Australian politics, into the debate on Commonwealth funding for primary and secondary education. I do not really want to reopen this debate at this point, as I am sure that all senators are weary of the topic. Certainly I have no wish to compete with the histrionic commitment to education that Senator Carr is capable of demonstrating on call. Perhaps he would clarify this in due course. But then, on the other hand, both those senators complained that they do not get invited to represent the minister on such occasions. So was it a case of sour grapes? I assume that Senator Carr made that complaint with tongue in cheek—or was he offering to emulate former Senator Mal Colston? Perhaps he would clarify this in due course. I would just note that the Prime Minister has observed on a number of occasions that the Liberal Party, unlike our political opponents, is indeed a broad church. So the opportunity is certainly there, even for Senator Carr.

One of these schools that I visited recently, on 25 October, was the Annunciation school in Brooklyn, an inner western industrial suburb of Melbourne. The Annunciation school is a small primary school in the Catholic education system. It has 111 students. The project, to which the Commonwealth had contributed, had cost $379,000. Of that, the Commonwealth had contributed $221,000. The project was mainly refurbishment of existing classrooms but also included a new toilet block, about which the principal, Mr Dan Mogg, was particularly pleased—and, Senator Allison, please take note. The other school I want to refer to is the Buckley Park Secondary College in Essendon, which I visited on 16 October—again, in a western suburb of Melbourne. Buckley Park is a government school in the Victorian school system, with just over 500 students. Here the new facilities were a full-size gymnasium and refurbishment of a music and drama auditorium. The project cost about $1 million: the Commonwealth
provided $½ million, and the State of Victoria contributed nearly $323,000.

The important point I want to make is not that the Commonwealth funds both non-government and government schools, even though the latter are understood to be fairly and squarely state responsibilities—although that point is well worth making, given the rhetoric and distortion we have been subjected to in the last few days. The really important point that I wish to raise is that public funding had not been enough in either of these two cases. For the Annunciation school, the shortfall was nearly $157,000. The school community raised $60,000 towards that. I would remind the Senate that the school has just over 100 students and, therefore, it cannot have more than 100 sets of parents; also, that the area of Brooklyn is one of the poorest in metropolitan Melbourne—and yet the school community raised nearly $60,000. For the Buckley Park College, the school community raised just over $100,000 for the project. Indeed, I was told that the school initially raised $90,000 but the state education department, under its guideline, would only fund the school for a basic gymnasium. So the school raised another $10,000 to add on a changing room.

The point is that all of these schools have been proactive and involved in their communities. They have dedicated teachers who are committed to the welfare of their students beyond the six hours per day five days per week that they are required to do to be paid. They have dedicated parents who see themselves as part of the school and the school as part of the community, and both teachers and parents go out and make sure that the community feels the same way about the school. And that, I want to say to Senator Carr and Senator Allison, amongst others, is why Dr Kemp asks government members like me to attend these openings, not to score points, not to be seen to better our electoral chances but to honour these parents and teachers for their unselfish efforts, to let them know that they are appreciated. I can only hope that they were not listening to the parliamentary broadcast of this debate on the state grants bill because these parents and teachers are well above any argument about who gets what. When they see a need, they roll up their sleeves and get on with it, confident that the government and the community will support them.

I found the same thing in all the schools I visited at Dr Kemp’s behest—both government schools and non-government schools alike. So I say to my colleagues on the other side: our children’s education is too important an issue to play your party politics with. Let us follow the example set by these dedicated teachers and parents. Amongst them, I would like to particularly mention Mr Geoff Quinn, the principal of Buckley Park College, who provides an unusual but I think not untypical example. Mr Quinn, having presided over the development, planning and opening of the new gymnasium—for him a 10-year personal project—retired from teaching the following week in late October. He and Mrs Quinn have joined Australian Volunteers Abroad. Next year they are going to Zambia to represent Australia and work with the local community for two years. These are the sorts of dedicated teachers we have, and they should be an example for us. Colleagues, I put it to you: let us get on with our work.

Senate adjourned at 4.00 p.m.