



Education and Training Reform Bill: Second Reading Speech

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Education and Training Reform Bill

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Member	LYNNE KOSKY, MP
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Introduction

I move that this bill be now read a second time.

Today represents a new milestone for education and training in this state. I am pleased, on behalf of the Victorian Government, to present the most significant education reform legislation since the original Act of 1872. This new bill builds on the strengths of previous legislation but also reflects the reality of contemporary education. Its main purpose is to set out a legislative framework that will underpin quality education and training delivery in Victoria, both now and well into the future. It establishes a robust framework for both education and training that compares favourably with the best across the OECD and will enhance economic, social and cultural prosperity.

As Minister for Education and Training, I am responsible for ensuring the provision of quality education and training opportunities for all Victorian students. The people of Victoria deserve, and expect, the best possible learning opportunities, whatever their background or circumstances. Our key education and training priority, therefore, is to ensure that all Victorian students are provided with a wide range of effective programs that cater to community and individual needs. It also means building a highly integrated and responsive education and training system that offers multiple pathways and allows Victorians to pursue the increasingly specialised qualifications and skills they require to lead the life of their choosing.

Of all the factors that have the potential to increase an individual's opportunities, education and training is the most enabling. It allows individuals to equip themselves to live fulfilling, productive and satisfying lives. It provides the opportunity for them to consider their place in our democratic Australian communities and to acknowledge their cultural and linguistic heritage. Not only does education provide the grounding for the development of skills and judgment, it supports people to be innovative and creative. Education and training enables individuals to contribute to Australian society by adding to our national prosperity, participating in our democratic processes and strengthening the cohesive and egalitarian nature of our communities. It is a private good that has immense public value.

The successful provision of quality education and training for all is the critical requirement of all modern democracies to enable their citizens to flourish personally and to maximise economic, social and cultural opportunity.

A quality education and training system does not respond only to contemporary needs and issues, it should also identify and anticipate future needs and challenges.

It is a fundamental community and social glue, while being a bridge to a more prosperous and harmonious future.

It is important to note in this respect that Victoria's training legislation is relatively recent, for example the *Vocational Education and Training Act* dates from 1990. As a result, much of the training legislation continues to reflect the needs and expectations of the community.

By contrast, many of the provisions in the current 1958 *Education Act* remained unchanged from 1872. As a consequence the most significant changes included in this reform bill relate to school education

where current legislation prescribes in minute and often archaic detail the operation of a government school over a century ago.

In developing this reform bill we have consulted widely with education and training stakeholders and the broader community over the past year. Informed by the views expressed and our own policy research, this bill represents the aspirations and expectations of the community for an education and training system set in the 21st century in the following ways.

- It includes, for the first time in education and training legislation, a set of overarching principles that reflect the democratic values that are the essence of our society and system of government;
- It provides for a seamless education and training system in Victoria that supports high standards and provides multiple pathways and lifelong learning opportunities;
- It replaces 12 Acts with one consolidated Education and Training Reform Act; and
- It provides reforms that will support flexible and responsive service delivery across Victoria.

Given the magnitude of the bill, I am sure the members of the House will appreciate that this speech will focus on its more significant elements.

The bill is organised into six chapters. The **first chapter** describes the general provisions of the bill, and describes two sets of principles. The first set of principles are those which I propose Parliament has regard to when enacting this legislation, while the second set underlie the government education and training system.

The first principle set out in the bill is particularly important. It requires that all providers of education and training, both government and non-government owned, deliver their programs and teaching in a manner that supports and promotes the **principles and practice of Australian democracy**.

This includes a commitment to:

- elected Government;
- the rule of law;
- equal rights for all before the law;
- freedom of religion;
- freedom of speech and association; and
- the values of openness and tolerance.

Australian civil society is defined, among other aspects by these key tenets. Our consultations with the community confirmed this view. Australian society is tolerant of a range of religious, political and social beliefs and values in the context of the fundamental principles of our democracy. Government has an obligation to foster adherence to the principles of Australian democracy by all education and training providers. Identifying this framework through the bill reminds all Victorians not only of the values we hold in common, but also of our shared responsibilities in promoting these values.

The **second chapter** of the bill contains the provisions relating to school education in Victoria. This chapter includes those applicable to government schools, government school councils, the government school teaching service, the Victorian Institute of Teaching and the Victorian Curriculum and Assessment Authority. In particular, the bill clarifies the responsibilities of the Victorian Curriculum and Assessment Authority, stating it is responsible for managing the delivery of the Victorian Certificate of Education and Victorian Certificate of Applied Learning as well as for authorising schools and training providers to offer these qualifications. This function extends to licensing or approving the use of its curriculum outside Victoria, including overseas. This is an important role – other jurisdictions are increasingly recognising and wanting to use Victoria's high quality qualifications.

The **third chapter** of the bill describes the provisions for post school education and training. This includes updated provisions from the *Vocational Education and Training Act 1990*, the *Adult Community and Further Education Act 1991*, and the *Tertiary Education Act 1993*. In this chapter the bill clarifies and confirms

the existing policy advisory role of the Victorian Learning and Employment Skills Commission in the skills and training area and updates its functions to provide a more strategic focus. To more clearly define its responsibilities, the name of this statutory authority will be changed to the Victorian Skills Commission.

Chapter four of the bill sets out the role and functions of the new statutory authority that will be responsible for the regulation of all schools, training providers and higher education providers, except existing universities. This statutory authority will also be responsible for the regulation of home schooling in Victoria, and will maintain a 'light touch' approach to the development of minimum standards. I will expand on this approach further on.

The **fifth chapter** outlines other general provisions relating to workplace learning, apprentices, enforcement, as well as the making of regulations and ministerial orders. This chapter also sets out the functions and powers of Ministers responsible for the education and training portfolio, as well as those functions that are identified as the responsibility of the Secretary of the Department. This part of the bill establishes the responsibility of the Department for the administration of education and training in Victoria, with its principal role being to assist the Ministers in administering the Act.

The bill updates and merges the existing powers of the Minister and includes a new power enabling the Minister to do all things necessary and convenient in connection with the functions conferred by this bill or any other Act. This is consistent with modern legislative practices and makes clear to the public the Minister's common law powers. In addition, the bill enables the Minister to approve or enter into arrangements for multi-sector provision in Victoria. This will ensure that innovative solutions to provision can be delivered in the future. For example, a TAFE Institute and a secondary school could jointly share or offer services to better meet the needs of their local community. This is part of our ongoing commitment to supporting multiple pathways for Victorian students.

The **sixth chapter** of the bill repeals the current 12 Acts for education and training and provides for transitional and consequential amendments arising out of those repeals.

Clause 5.9.3 of the Act provides that it is the intention of sections 2.2.2, 2.3.31 and 2.4.22 to alter or vary section 85 of the *Constitution Act 1975*. I make the following statement under section 85(5) of the *Constitution Act 1975* of the reasons why it is the intention of sections 2.2.2, 2.3.31 and 2.4.22 of the bill to alter or vary section 85 of that Act.

- (i) Section 2.2.2(2) provides that the Minister's decision to discontinue or continue a Government school cannot be challenged by prerogative writ, injunction, or other legal proceedings. The types of legal proceedings listed are those mostly available in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the *Constitution Act 1975* is because decisions to discontinue or continue a Government school are made following lengthy public consultation, and are based on projected demographic and other considerations such as other Government schools servicing an area, and the Minister's decisions on these matters should be final. It should be noted that section 2.2.2 reflects the current section 21A of the *Education Act 1958*.
- (ii) Section 2.3.31 prevents councils of Government schools from issuing legal proceedings against Government bodies without the consent of the Minister.

The type of proceedings listed include prerogative writs, injunctions, or other legal proceedings issued in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the *Constitution Act 1975* is because it is considered inappropriate for school councils established by the Government to issue proceedings against the State, or other school councils, or other bodies having a common interest with the State. In circumstances where disputes occur, then administrative action should be able to resolve the matter, rather than resorting to litigation and tying up our courts. It should be noted that section 2.3.31 reflects the current section 14B of the *Education Act 1958* in a slightly amended version.

- (iii) Section 2.4.22 prevents principals of Government schools from issuing legal proceedings arising out an appointment or non appointment of a person as a principal.

The type of proceedings listed include prerogative writs, injunctions, or other legal proceedings issued in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the *Constitution Act 1975* is to remove delays associated with a multiplicity of appeal and review processes, and because of the existence of rights of review under the bill with the Merit Protection Board. It is considered that the specialised Merit Protection Board established under the bill for these processes is the appropriate body to review these decisions. It should be noted that the section repeats the current section 30 of the *Teaching Service Act 1981*.

The current section 14B of the *Education Act 1958* prevents councils of Government schools from issuing legal proceedings against any person without the consent of the Minister. The term 'any person' was considered too restrictive, and the updated clause 2.3.31 improves the position of councils by enabling them to issue proceedings against non Government bodies without the Minister's consent. This change will permit councils to issue proceedings against third parties that are not Government bodies for matters such as contractual disputes.

Decisions to discontinue Government schools is also a subject worth mentioning. This Government is committed to a policy of not unilaterally or forcibly closing Government schools. Whilst we consider that the decision of the Minister to discontinue a particular school should be final, it is the processes that lead to that decision which will be critical. Our policy will not see Government schools being closed without community support and ensuring there are other appropriate education services in place for students.

I now turn to the significant reforms in the **first, second and fourth chapters of the bill**, focusing on these reforms in more detail.

Access

The Government believes that all Victorian students should have the opportunity to receive a quality education. **Chapter one** of the bill enshrines this principle by stating that all Victorians, irrespective of the education or training institution they attend, where they live or their social and economic status, should have access to a quality education that maximises their potential and achievement, promotes enthusiasm for lifelong learning and allows parents to take an active part in their child's education.

This is essential given the positive long-term effects a quality education can deliver for both the individual and wider society.

Leading on from this principle, the bill recognises the crucial role of the State in providing universal access to education and training. The State does this through the establishment and maintenance of a government education and training system. The importance of this role was recognised over 100 years ago when our public secondary system was first established. Victoria's first Director of Education, Frank Tate – who was very much the driving force behind establishing this system – saw something greater in the socially and economically enabling capacity of public education. He proclaimed that instead of throwing out 'a few ropes from the upper storey to accommodate a few selected scholars', Victoria must provide 'broad stairways for all who can climb'. This sentiment holds true today and this bill – and in particular this principle – reflects the Government's commitment to providing learning opportunities for all.

Building on this, the bill includes as a principle underlying the government education and training system, the right of every child to attend their designated neighbourhood government school. In the majority of cases, the designated government school will be the school that is nearest to a student's permanent residential address. However, infrastructure and facilities impose an enrolment limit on all schools and there will be occasions where designated boundaries mean the right of access is not to the nearest geographic location.

Choice

Although the neighbourhood school remains the cornerstone of communities and the choice of many parents, the reality for contemporary school education is that parents and students do choose between government and non-government schools, as well as between individual government schools and individual non-government schools. Further to this, parents and students choose between formal schooling and non-formal educational settings, as well as between training providers.

This bill recognises as a principle the right of parents to choose an appropriate educational setting for their child. Parents want and should be able to choose the educational environment that most suits the learning needs of their child.

Focusing on schools for a moment, the Government expects – as a result of this principle – that schools will need to diversify the courses and programs they offer to meet the needs of their community. We have already begun this in government schools through the reforms of the *Blueprint for Government Schools* and this work is ongoing. This Government is particularly committed to maximising choice in the government school system. By including this principle in the bill, we are reflecting the realities of 21st century education and acknowledging the diversity of choices within and across sectors.

Of course, the Government acknowledges the ability to exercise choice is not dependent only on the capacity of education and training providers to supply diverse educational experiences. Choice also depends on the geographic and economic circumstances of the family. This is why all education and training providers need to be of a high quality. For this reason, the bill establishes a new regulatory authority to ensure minimum standards for all school and post school providers are met. I will return to this aspect of the bill when I discuss chapter four.

Information

A necessary precondition for the exercise of parental choice is the availability of information on education and training providers. The bill includes a principle stating that information concerning the performance of education and training providers should be publicly available.

In selecting a school, parents and students often require information on school performance, extra-curricular activities and the school environment. School performance information is also required for the community to be assured that public funds are being used to their best advantage. For these reasons, the Education and Training Reform Bill also states that the school community has a right to information concerning the performance of its school. The bill requires that all schools take responsibility for providing such information via an annual reporting process. The bill sets the expectation that individual school information takes account of the particular circumstances faced by each school. This is not intended to create league tables that compare schools and systems, but rather to provide information to the local educational community of a school.

The bill also establishes a principle stating the right of parents and students to receive individual student achievement data from their school. Each student and their parents need to receive meaningful and easily understood information about that student's performance. The vast majority of schools already provide such information and the Government recently released a revised reporting framework to enhance good practice across all government schools. Enshrining this principle in legislation will promote good practice in all schools long into the future. Although a number of students turn 18 – becoming adults – during Year 12, there is a strong community feeling that all parents should be informed of their child's progress. However, recognising this is not appropriate in all cases, the bill will enable regulations to be made providing for exemptions where students are estranged from their parents or are not financially dependent on them.

Compulsory education

Compulsory education is the first provision outlined in **chapter two** and the bill makes clear the obligation of parents to ensure their child receives an education – at school or at home – up until 16 years of age. The world has changed since 1872 – which was when the current minimum leaving age of 15 was originally promulgated. Increasingly the demands of the labour market mean that young people require higher skill levels to find employment, even at entry-level positions. The evidence shows that people who complete Year 12 or equivalent are more likely to make a successful transition to further study or work. The evidence also shows that there are ongoing effects from leaving school early – not just for the individual but also for society and the economy. It is often the most disadvantaged students who are at risk of not finishing their schooling. The objective of a minimum compulsory school leaving age is to prevent students leaving school with no pathways or prospects.

The Bracks Government has invested significant resources over the past six years in strategies to increase the Year 12 or equivalent completion rate in Victoria. Raising the minimum leaving age to 16 years complements these efforts and sets the expectations of the Government and broader community.

Free instruction

Building on the expectations established in the provision for compulsory school education the bill guarantees free instruction at a government school or a place in a TAFE Institute or other public training provider until the completion of a Year 12 or an equivalent qualification, provided the student is under the age of 20 years, as at the 1st of January of the relevant academic year. This is a key element of the Government's commitment to deliver a quality education and training to all young people now and well into the future.

Victoria was the first of the colonies to introduce compulsory education, which was secular and provided free instruction through the passing of the Education Act 1872. The provision of free instruction was particularly controversial at the time, but paved the way for universal access to school education – now enshrined in every State and Territory's legislation. This legislation had a powerful impact – school attendance increased by approximately fifty percent when it was enacted.

The community expects free instruction in government schools and we have reaffirmed this in this bill. As I have already stated, access to education is important – particularly for the most disadvantaged in our community as it has the capacity to expand life opportunities. In this legislation, 'free instruction' in schools refers to teaching in the eight key learning areas identified in the 1999 *Adelaide Declaration on National Goals for Schooling*. This is agreed by all Australian jurisdictions.

The bill also enables government schools to seek voluntary contributions and charge for goods and co-curricular, or extra-curricular, activities such as text books or school camps. This reflects the reality of current practice in government schools and makes provision for communities that wish to make additional contributions to their school. Of course, we recognise that for some families voluntary contributions are not possible. It is for this reason that the bill includes several specific principles that schools must adhere to when seeking financial contributions. These are: contributions are to be voluntary and obtained without coercion or harassment; a child is not to be refused instruction in the eight key learning areas because the child's parents do not make a contribution; a child is not to be approached or harassed for contributions; in requesting voluntary contributions school councils must clearly articulate how the funds will be spent; and finally, any record of contributions should be confidential.

As I indicated earlier the Government has gone one step further and included in the bill a guarantee of a place at a TAFE Institute or other public training provider to the completion of year 12 or its equivalent if the student is under 20 years of age. We are the first Australian State or Territory to do so in legislation.

This bill recognises the differing needs of young people. A range of alternative pathways is required to ensure that as many young people as possible participate in education and training. This provision will support and encourage young people to complete their studies, particularly those at risk of disengaging from education and training without any qualifications.

Secularity and Religious Instruction

One of the three 'cardinal points' of the 1872 *Education Act* was to ensure the secular nature of government schools. The 1872 Act does not define secular, presumably on the assumption that the community had an agreed understanding of what secular meant. Today, secular has come to mean different things to different people. It is for this reason that the bill not only reaffirms the principle of secularity, but defines it in modern democratic language. In the **first chapter**, the bill makes it clear that the government school system is secular, and open to the adherents of any philosophy, religion, or faith. Further to this, the curriculum and teaching in government schools is *'not to promote any particular religious practice, denomination or sect'*.

In addition to this principle, the bill makes clear in the second chapter that the current provisions for voluntary religious instruction will continue in government schools. The bill also ensures that government school teachers are able to discuss and teach comparative religion within the context of secular subjects such as politics or history. In a democratic and diverse society such as Australia, there is a widely held view that schools should enable their students to understand the religious perspectives, beliefs and cultural understandings of the people who constitute the society in which they live. This will inevitably involve an exploration of various religious beliefs. This does not mean that teachers can promote a particular religious view, but that they can discuss and explore different religious perspectives as part of delivering the Victorian curriculum. For government school teachers to do their job properly and develop well informed young people, they need to be confident that they can cover all historical and contemporary issues, including religion. This bill will clarify ambiguities that exist in the current legislation.

New regulatory regime for all education and training providers

As indicated earlier in the overview of the bill, **chapter four** establishes and outlines the responsibilities of a new common regulatory authority for all schools, training providers and higher education providers, except existing universities. This authority will also have responsibility for monitoring home schooling.

We all know that a quality education makes a difference. Young people need a high standard of education to underpin their economic and employment security, and to enable them to keep learning in an ever changing and more challenging world. Parents, therefore, rightly expect that their children will be provided with a quality education. To ensure all schools, training and higher education providers are delivering a quality education we need to make certain they are meeting minimum standards so that all students have the opportunity to reach their potential. These are not 'lowest common denominator' standards, but a guarantee that all students can have access to a quality education, no matter what school, training provider or higher education institution they attend.

We have carefully considered the breadth of options and believe that establishing a new statutory authority, with responsibility for the registration and accreditation arrangements for all schools, training and non-university higher education providers is the best solution. This acknowledges the reality of successful 21st century education – the need to have a range of education and training providers that can deliver a variety of pathways for young people as well as lifelong education and training for the entire community. This is a key element of the statutory authority – and indeed the bill – as it will support a seamless Victorian education and training system. It is the first time such a regulatory authority has been established, not only in Australia but across the OECD. This is yet another example of Victoria leading the way as we did back in 1872.

The bill makes it clear that this new Authority will incorporate and build upon the current responsibilities of the Victorian Qualifications Authority and the Registered Schools Board, both of which will be abolished. This Authority will ensure all schools are accountable to the same minimum standards, so that all Victorian students can have the very best education to set them on their way to a successful adult life. On the advice of this new Authority, regulations will be made with respect to the minimum standards for school education, training and higher education providers (other than existing universities).

The bill makes clear these standards for schools will relate to the following areas:

- student learning outcomes;
- enrolment policies and minimum enrolment numbers;
- student welfare;
- curriculum programs;
- governance and probity; and
- review and evaluation processes.

The bill also makes clear that training providers will need to meet minimum standards that are consistent with the national standards for registered training organisations. These national standards currently apply to:

- student learning outcomes and welfare services;
- student enrolment, records and certification;
- teaching, learning and assessment;
- governance, probity and legislative compliance;
- quality assurance, review and evaluation processes.

The bill requires the Authority to establish registration processes for vocational education and training providers, consistent with the defined minimum standards.

With regard to non-university higher education providers, the bill requires the Authority to develop minimum standards that these providers will need to meet for registration and accreditation in Victoria.

The bill also gives the new Authority responsibility for approving the establishment of new universities in Victoria.

Finally, the bill makes the Authority responsible for approving providers to offer courses to overseas students and accrediting all education and training qualifications in Victoria.

The bill requires the new Authority to exercise a ‘light touch’ approach to regulation that is consistent with the modern regulatory practices operating throughout the OECD. This Authority will not be responsible for school, training or higher education provider improvement beyond the required standards. This is a matter for the owners and operators of education and training providers. The Government expects school system authorities, such as the Catholic Education Commission, and other appropriate school education organisations, such as the Association of Independent Schools, will be licensed by the new Authority to take responsibility for quality assurance. It is anticipated this might also apply to training and higher education organisations for the non-university sector.

Victorians want to be proud of and feel confident about their education and training institutions. A set of expected standards and a common, modern regulatory regime for all education and training providers will give the community this confidence. The Government's goal is to ensure that all of our education and training providers are accountable for providing the best possible education for their students.

As stated earlier, this bill acknowledges parental choice. Parental choice extends beyond school education providers – some parents also choose between formal schooling and home schooling. Although home schooling is chosen by relatively few parents, it is common throughout the democratic world and Australia is no exception. The bill recognises this choice and the commitment that home educators make to their children's learning. Equally, the responsible Minister also needs to exercise their responsibility under the Act to ensure all students receive a quality education. The current approach to home schooling provides no support to parents in terms of materials or guidance. Therefore, the bill requires the new statutory authority to develop a modern and transparent approach to registering and monitoring home schooling. This will be done in close consultation with parents engaged in home schooling.

This 21st century approach to statutory regulation allows education and training providers to get on with what they know best – learning and teaching free of antiquated compliance structures. The responsibilities of Ministers under the new Act will be supported through a regulatory approach that upholds standards and protects all Victorian learners.

Summary and concluding remarks

In summary, the Government has developed a student-centred bill that not only reflects the reality of contemporary education and training but will support the learning and development of future generations. It is a bill that acknowledges the traditions of Victorian education yet provides a platform that will serve the young people of this State for decades to come. It is a bill about good education and training outcomes for all Victorians.

The Education and Training Reform Bill facilitates diversity, choice, innovation and flexibility in the delivery of education and training. It ensures the right of all Victorians to a high quality education; it enshrines a commitment to democracy; it promotes access; and, most importantly, it places an obligation on providers, whether government, non-government or home schooling parents, to ensure all young people receive an education that will prepare them to participate fully in the world that awaits them.

Education and training is crucial to our individual and collective futures. It is the cornerstone of strong democracies in which all citizens can play a role in determining the type of society in which they wish to live and prosper.

As Minister for Education and Training, I have a responsibility to ensure that all Victorian students have the opportunity to achieve their potential in learning.

The successful provision of quality education for all is the glue which provides economic prosperity, social harmony and individual aspiration for all its citizens.

This important bill provides the means to enable this to happen.

I look forward to what I am sure will be a wide-ranging and informative debate.

I commend the bill to the House.

Authorised by the Victorian Government

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