

# Education Act Review

## Discussion Paper 3

**The Rann Government is currently changing the Education Act. This has been going on since 2007. Late in 2008, the latest chapter, which deals with the future of Local Governance was released as 'Discussion Paper 3'.**

The agenda for these legislative changes is determined by the government.

There are two forms of 'consultation' employed for each amendment bill.

1. A Discussion Paper is released and for a period of several weeks, any person or group is free to complete the questionnaire section of the paper. Generally, less than a hundred replies are received, including those made by the members of stakeholder groups.

With a million people in the state, in excess of 200,000 school children and tens of thousands of parents and grandparents – a response rate of this number cannot be considered reflective of the community's perspective.

2. The primary form of consultation and the driving force of content in the Discussion Papers (and subsequent bills) is the Legislation Reform Stakeholders Advisory Group. It was formed by the Education Minister in 2007. Initially, the group had approximately 33 members:

- 17 representing sections of DECS or the government
- 9 representing the non-government school sector
- 3 representing unions
- 3 representing independent parent groups (of which SAASSO is one)

While there is no doubting the relevance of these groups or the expertise of those people who represent them; the obvious weighting toward the views of members of the government determines that this 'consultation' is primarily an internal process.

For some aspects of the laws pertaining to public education, this internal process may be acceptable – but for Local Governance; which is about the roles of parents and the community (those outside the government) in public education – it is just not good enough.

In December, SAASSO made a submission to the Education Minister regarding Discussion Paper 3. This was not a submission on the content, but on

**'Rather than a true review, we instead have the suggestions of a small group of people'**

the reform process itself. SAASSO had concerns about the process before Discussion Paper 3 was developed – these were conveyed to the Minister in a meeting in June 2008. These concerns multiplied when the paper was released and we saw what areas were being slated for change and equally important, the areas being ignored.

Below is an excerpt of the submission. You can download the complete version from the SAASSO website [www.saasso.asn.au](http://www.saasso.asn.au)

### Overview

SAASSO has two main objections to the current reform of the Education Act as it pertains to Local Governance:

### *This is not the right time*

The Federal Government is proposing many new initiatives as part of a journey to federalising education. Governance reform at a state level may prove futile when a federal construct is possible. As the Business Council of Australia states, 'It is time to question whether bureaucratic management of schools by state education departments is sufficient to deliver the kind of leadership that influences teachers' practice significantly or improves student learning outcomes'.

### *This is not the right way*

The Business Council of Australia also believes that 'Reforms to the governance of the education system should be aimed at removing all unnecessary duplication between government

bureaucracies and, whenever possible, devoting a greater proportion of overall resources to the delivery of education services to our schools'.

While Australia's quality of education has declined in the last decade, other countries such as New Zealand have improved and even overtaken Australia. New Zealand has embraced Local Governance to the point where they have done away with their education department.

Radical ideas such as these, however, are not being explored as part of the current legislative reform process. Rather than a true review, we instead have the suggestions of a small group of people (the members of the Legislation Reform Stakeholders Advisory Group) determining reform. >

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### Inherent Limitations Of Current Reform Process

The purpose of the current reform process is to seek 'the views of the education and early childhood development sectors and wider community. SAASSO believes that a reform process should be based on fact, rather than 'views'.

Reform is being driven out of the Legislative Reform Unit or the Minister's Office; it is not clear which - vague language, such as, 'it has been suggested' is used, without identifying 'who' is doing the suggesting. Regardless of the origins of these arbitrary reform proposals, the filter through which these ideas are refined is the Legislative Reform Stakeholder Advisory Group.

While arguments could be made that this narrow, opinion base may be appropriate for certain aspects of legislative reform, Local Governance is about de-centralisation - to review a de-centralised system through a small group of people from a centralised system is incongruous.

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### Some Specific Complaints About Discussion Paper Three

SAASSO has received complaints and criticisms from parents and Governing Councillors regarding the current discussion paper:

The release of this document so late in the year will result in reduced feedback from parents and Governing Councillors. As one parent expressed it, 'If the

Government wants real feedback from parents, they couldn't have picked a worse time to release this – if they don't want real feedback from parents, they couldn't have picked a better time'.

Some of the language is blatantly biased – telling only one side of the story, with no actual data to back up the assertions made. Just two examples are:

'Some parents and members of schools have expressed the view that they do not want the responsibility of saying the service in their community should close.'

How many parents? From where does this data come? Conversely, how many parents do want the responsibility? How many parents have expressed the view that they do not believe their rights are being observed? Why is this not even mentioned?

'There have been instances where parents have privately expressed the view that a school should close, but have voted to keep it open in the interests of being seen to support their community.'

It beggars the imagination how the authors of this document could possibly know what parents privately express, or what they were thinking at the time they voted. Regardless, we ask how many instances such as this have there been; three? And again, what about the counter viewpoint; how many parents have voted to close a school, while feeling 'railroaded' to do so?

SAASSO represents 90 per cent of South Australian state school Governing Councils. Representatives from a number of these schools sit on SAASSO's State Council and Board.

SAASSO trainers hold workshops with scores of councils each year and the SAASSO office receives in excess of 100 phone enquiries per week – and the two previous viewpoints have not once been 'expressed' to SAASSO.

### Key Issues Not Addressed in Discussion Paper Three

For at least three years, SAASSO, together with numerous schools, has informed (or been asked to inform) the Minister and DECS of serious ongoing problems with the practice of Local Governance in our schools – none of these problems are even hinted at in this proposed reform.

The proposals refer to an unknown number of parents, wanting less responsibility, but there is nothing to address the countless number from perhaps more than a hundred schools who have complained of having their rights ignored in recent years.

For too many, Local Governance is openly opposed or treated as tokenism:

- Too many Governing Councils are denied the opportunity to set the strategic direction of their schools
- Too many Governing Councils are afforded no involvement in the school budget
- Too many schools are given a budget and told they must approve it that night, having not been involved in the development process
- Too many schools are told that OSHC is not part of their role
- Too many schools do not see budget reports

Too often, Governing Councils bring issues such as these to the attention of DECS, only to have nothing happen....

### **Summary**

Whether the Act even requires reform is unknowable as Local Governance has not been comprehensively implemented in South Australia.

It has been said repeatedly that part of the role of this reform is to 'bring the Act in line with current practice'. It would be a travesty if that were to apply to Local Governance. If ignorance, lack of

Before any ideas were posed to the Legislative Reform Advisory Group and before any discussion paper, an external review of the existing system was conducted, which studied the effectiveness of the existing system and examined worldwide trends – it was based on data and review, not the consensus opinion.

SAASSO asks the Minister to suspend legislative reform of governance until we can base it on experience and fact, rather than select opinion. Such an

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training, personal opposition and bureaucratic resistance were to re-write the Act, it would be a failure of the Rann Government.

The tragedy of Local Governance in South Australia is that it has been too reliant on individual attitudes and personal opinions; if school leaders recognise the benefits and embrace and support parent and community involvement, Governing Councils are of incalculable benefit. If key individuals oppose such involvement, or are ignorant of the Act or unfamiliar with practices, Governing Councils fail. We need reform based on experiences and fact, not opinion.

### **Conclusion**

SAASSO asks the Minister to regard the governance of our schools as seriously as she did the transformation of the SACE Board.

external review would not only be beneficial to the students of our state, but may also be invaluable at a national review level.

SAASSO asks the Minister to join with us to conduct an external review of Local Governance in our state.

Before we make sweeping changes to where we are going, let us first determine, honestly, where we are and identify the true reasons for that situation.

One thing is clear – the problems being experienced on Governing Councils across our state have little to do with the Education Act.

*As of the publication date (February 23, 2009), we have not received a response from the Minister. ■*