



**SUBMISSION OF THE
VICTORIAN INDEPENDENT
EDUCATION UNION**

**TO THE REVIEW OF
*EDUCATION AND TRAINING
LEGISLATION***

May 2005

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1.0 GENERAL COMMENTS

- 1.1 The Victorian Independent Education Union has some 14,500 members, comprising teachers, including systemic school principals, and support staff (clerical, teacher assistants, and others) in Victoria's independent and Catholic schools. The union also represents staff in English Language and private training colleges. VIEU is the only organisation in the non-government sector which draws its members, and represents them, from across the entire sector. VIEU represents its members both professionally and industrially, and relevantly to this Review, has members on the Victorian Institute of Teaching Council and the Victorian Curriculum and Assessment Authority.
- 1.2 VIEU welcomes the establishment of this Review of Victorian education and training legislation, and the opportunity to present this submission. The union concurs with the stated objectives of the Review focused on ensuring the contemporary relevance and effectiveness of the legislation and minimising obstacles to innovative practices.
- 1.3 In broad terms, VIEU considers the central piece of legislation, the Education Act 1958, to be an entirely inadequate and inelegant instrument to frame the operations of school education in modern Victoria. Its terms and many of its provisions are antiquated, it is overburdened with historical provisions that could be simplified or eliminated, it embodies no sense that government and non-government schools share constructively in the overall enterprise of Victorian school education, and the Act is devoid of objects and sets no conceptual framework of goals and values for education in Victoria. For instance, the S.26 requirement that the Minister make an annual report to Parliament is mandated only in respect of state schools despite more than one-third of students being educated in non-government schools.

More recent Acts, for instance, the Victorian Curriculum and Assessment Act 2000, the Victorian Qualifications Act 2000 and the Victorian Institute of Teaching Act 2001 are much more successful in responding to, and helping establish, the modern environment of Victorian school education as usefully depicted in the Discussion Paper of page 5. In particular, these Acts formalise and underpin the co-operative participation of all sectors and key representative organisations in the regulation and delivery of education in Victoria to all students.

- 1.4 VIEU notes that a concurrent review of governance in state schools will potentially impact on, at least, Divisions 3, 3A and 3B of Part I of the Education Act, and the completed review of the Registered Schools Board will impact on Division 1 Part II of the same Act. VIEU notes that while the findings of the 2003 Review of the Registered Schools Board have not been made public, they are being referred to this present review of legislation. VIEU remains committed to the substance of its submission to that review and it is attached to this current submission. In light of proposals to consider a more cognate regulatory framework embracing both government and non-government schools, this submission will rework the earlier proposals of the union within the context of this wider Review.
- 1.5 It is worth observing that other states have modernised their various legislative instruments in recent years/decades, including the central Education Acts in each state. These Acts typically set out an overall framework for school education, including objects of the Act, principles on which the Act is based, goals of education (or the intention of Parliament in one case) etc. This approach is reflected in the more recent Victorian Acts, as noted above, but is lacking in the principal Act.

By way of illustration only, the NSW Education Act 1990 contains the following:

4. Principles on which this Act is based.

In enacting this Act, Parliament has had regard to the following principles:

- (a) every child has the right to receive an education,
- (b) the education of a child is primarily the responsibility of the child's parents,
- (c) it is the duty of the state to ensure that every child receives an education of the highest quality
- (d) the principal responsibility of the state in the education of children is the provision of public education

While VIEU is not particularly proposing the above formulations for Victorian purposes (the union's position is discussed later in this submission), it will be seen that the interplay of the four principles above respond to various important policy pressure points and establish a framework that is integrated across the portfolio and the operation of the Act.

Again, the following objects are set down as framing the administration of the Act and the education of school-age children:

- (a) assisting each child to achieve his or her educational potential,
- (b) promotion of a high standard of education in government schools which is provided free of charge for instruction and without discrimination on the ground of sex, race or religion,

- (c) encouraging innovation and diversity within and among schools,
- (d) provision of an education for children that gives them access to opportunities for further study, work or training,
- (e) mitigating educational disadvantages arising from the child's gender or from geographic, economic, social, cultural, lingual or other causes,
- (f) provision of an education for Aboriginal children that has regard to their special needs,
- (g) development of an understanding of Aboriginal history and culture by all children,
- (h) provision of an education for children from non-English speaking backgrounds that has regard to their special needs,
- (i) recognition of the special problems of rural communities, particularly small and isolated communities,
- (j) provision of opportunities to children with special abilities,
- (k) provision of special educational assistance to children with disabilities,
- (l) development of a teaching staff that is skilled, dedicated and professional,
- (m) provision of opportunities for parents to participate in the education of their children,
- (n) provision of an education for children that promotes family and community values

VIEU submits that it would be appropriate for a rewritten Victorian Education Act to embody a suitable and agreed set of goals, objects and principles for Victorian education. The National Goals for Schooling, for instance, already in part frame Victorian education and elements of the vision and objectives statements on page 6 of the Discussion Paper are also relevant, as are components of the more recent educational legislation in the state already referred to.

2.0 SOME HISTORICAL FACTORS AND INTERSTATE DEVELOPMENTS

2.1 Prior to 1862 schooling in Victoria was primarily denominational (regulated by the Denominational Schools Board) with a small number of 'National' schools. From 1862 – 1872, the Common Schools Board regulated both denominational and National schools, with the former still predominant. With the 1872 Act, a system of primary state schools was established and funding withdrawn from all non-government schools. The Education Act did however provide for the continued existence of non-government schools (without funding) and to this extent, recognised a principle of parental choice. Secondary schooling was provided by the non-government sector exclusively until 1905. The establishment by government, in 1906, of the Teachers and Schools Registration Board to register teachers and schools in the non-government sector brought much needed regulation and standards to the sector (hundreds of inadequate smaller institutions were closed). Since then government and non-government schools have been separately regulated, with no co-ordination or commonality of requirements or procedures. This is despite the formal scope of the Council of Public Education, post 1910, embracing both sectors – the structural weakness of this body defeated its

purposes. The 1958 Act continued the bifurcated approach, with no overarching framework of purposes, objectives or values expressed in the Act to cover the two schooling sectors. From the 1960s and 1970s public policy changed to progressively implement Commonwealth and State funding support to non-government schools.

The Acts governing senior school curriculum, exams and qualifications, (VCAA Act, VQA Act) and the Victorian Institute of Teachers Act 2001 show a welcome policy development of simultaneous regulation of government and non-government schools.

- 2.2 All states now have established similar bodies to the Victorian Institute of Teachers. Collectively these Institutes and Registration Boards comprise the Australian Federation of Teachers Registration Authorities (AFTRAA), which is a suitable vehicle for exploration of national consistency in teaching standards. The creation, by the Commonwealth Minister, of a National Institute for Quality Teaching and School Leadership suggests that Victoria's interests are best served by the continued operation of its own Institute of Teachers operating within a co-operative national framework.
- 2.3 All states have statutory authorities which develop and implement curriculum and syllabuses, and control assessment. These bodies are cross-sectoral and in other states have teaching unions from both sectors as members of the Authority's Board, as well as government and non-government school authorities, parents, academics etc. While, periodically, there have been different Authorities for primary and secondary curriculum/assessment, and occasionally K-10 Boards, generally now all these functions are brought together in one Authority.
- 2.4 The registration of non-government schools shows a variable pattern: a separate Authority recently established in Queensland under the Education (Accreditation of Non-State Schools) Act, 2001 follows a century of such accreditation being handled by the Department and Minister. In NSW, such registration is undertaken by the Board of Studies (the general cross-sectoral curriculum and assessment authority), through a specialist committee - the Registration and Accreditation Committee which was given a strengthened role and defined membership in 2004 amendments to the Education Act. Compliance with curriculum requirements is a major, but not the only criterion for registration which generally follows a 6 year cycle, as in Victoria.
- 2.5 The above summary of historical and interstate circumstances provides a backdrop to the recommendations VIEU wishes to advance in this submission. In broad terms, VIEU proposes that a completely rewritten Education Act should also incorporate existing legislation dealing with Victorian Schooling (Education Act 1958, VCAA Act 2000, VQA Act 2000, VIT Act 2001). VIEU also proposes the new legislation establish 2 authorities, the continued independent operation of the Victorian Institute of Teachers, and a new authority to deal with curriculum, syllabuses, assessment, qualifications, and through specialist units or committees, the registration and public

accountability procedures governing non-government schools. VIEU considers it desirable for there to be broad commonality in public accountability measures across state and non-government schools and also considers that the principles, goals and values of relating to Victorian school education should be framed in the new Act to apply to all schools. Accordingly the relationship between schools in the two sectors needs more explicit clarification, and by way of further background the following three developments are mentioned (2.6, 2.7 and 2.8 below).

- 2.6 In 1982, a Victorian Working Party sponsored by the then Commonwealth Schools Commission explored the notion of an ‘integrated public system’. The Working Party was cross-sectoral. It attempted to explore the statement of public purposes in education and structural options whereby existing non-government schools, subject to meeting various criteria, might be characterised as public schools or at least move to formally participating in the public provision of education. The operation of such models in NZ, the Netherlands, Canada and elsewhere has provided ongoing interest in such a concept. While nothing came of this particular exploratory exercise, the issues of the public purposes of education, the governing principles which might apply across sectors and the relationships between schools of different sectors are of ongoing importance that are ignored in the current Education Act, while the other Acts explicitly regulate both sectors simultaneously.
- 2.7 The Review of school funding arrangements in the Australian Capital Territory undertaken by Ms L. Connors in 2002 provided a discussion and recommendation which dealt with the conceptual basis for a strengthened partnership between the Catholic and government systems of schools (and others if the same conditions existed).

While the focus of this Review was funding mechanisms, inevitably the level of public funding of Catholic schools, the Territory wide extent of its presence and its systemic nature prompted an examination of strengthened partnership arrangements. The following passages have potential significance for an application in Victoria:

- a) Just over half of all students enrolled in non-government schools in the ACT are in Catholic systemic schools. The operating characteristics of the Catholic system resemble more closely those of the government system than independent schools. The Catholic system has a centralised process for equitable resource allocation among its member schools designed to produce comparable resource standards that take account of differences in the communities served by individual schools. It also has internal planning processes, including for the development of new schools, that take account of the overall economic and efficiency of the system’s operation as a whole, and of movements in the school population.
- b) A system authority such as the Catholic Education Office has the potential to engage in population-based planning in concert with the

public school system, and in other forms of collaboration that can effect economies of scale and so contain the overall costs of schooling in the ACT. From the perspective of the ACT Government, there are good reasons to continue to treat the ACT Catholic systemic schools as a system rather than as individual schools for purposes of funding.

- c) Given the level of public funding invested in the Catholic system and the public reliance on it, there are also arguments for greater reciprocity, in terms of acceptance by the Catholic systemic authority, of more of the obligations and requirements that govern the operation of the government school system. This might also lead to benefits in terms of mutual opportunities for cost sharing and collaboration in areas of common endeavour.
- d) As was acknowledged on numerous occasions during the Inquiry, it is difficult for ACT independent schools to engage in the process of population-based planning. If a partnership agreement can be negotiated with the Catholic Education Office as proposed above, this might provide a basis in the future for such agreements to be developed with those independent schools that are willing and able to engage in such planning as partners with the ACT Government.

- 2.8 In 2004, the federal ALP issued a policy after considerable consultation, entitled ‘A Community Charter on Catholic Schooling’, within the context of agreements with the states to produce a national standard of resources based on the educational challenges of the National Goals of Schooling for the 21st Century.

The purpose of the community charter was ‘to foster a government-community partnership with Catholic system authorities; to marshal schools’ resources for the benefit of the whole community, as well as for schools and their common values; and to share the resources they need to engage in the full range of educational opportunities.

The community charter, consistent with the suggestions of the ACT Review, recognised ‘the size and comprehensiveness of Catholic school systems, the extent of public reliance on the services they deliver, the level of public funding for the systems, the contributors of the Catholic community and their capability for practical forms of reciprocity with government.’

The principles of the Charter (which were to be open to other non-government school authorities as well) included:

- a) Access

The Catholic ethos of the schools was guaranteed; fees to be regulated and determined as a partnership contribution to achieving the resource standard; admissions criteria to be transparent and embrace groups with special needs; collaboration and other co-operation with state

schools.

b) Student welfare

Policies, guidelines and agreements around safety, discipline and exclusion of students.

c) Educational Quality

Focused on shared standards with government schools around curriculum, teaching standards and school improvement.

d) Planning

Cooperation and joint planning in areas of common interest, eg sharing of specialist staff, diagnostic services for all students, development of community learning centres for homework and other educational programs and community access to school buildings and facilities for educational, sporting and cultural activities; cooperative efforts to achieve an appropriate balance between parental choice, the needs of students in all sectors and the effects of demographic change.

e) Accountability and reporting

Educational reporting against an agreed framework of national benchmarks, reporting on resources, and financial reporting.

2.9 VIEU draws attention to the following statement of principles set out in the National Goals of Schooling for the 21st century:

“Governments set the public policies that foster the pursuit of excellence, enable a diverse range of educational choices and aspirations, safeguard the entitlement of all young people to high quality schooling, promote the economic use of public resources, and uphold the contribution of schooling to a socially cohesive and culturally rich society.”

3.0 VICTORIAN INSTITUTE OF TEACHING ACT 2001

3.1 VIEU broadly supports the existing Victorian Institute of Teaching Act 2001, and does not advocate a change to the functions and operations of the Institute other than the items listed below. It does provide a model of cross-sectoral participation, with appropriate representation for teachers and their unions (as well as other organisations and authorities) in setting modern standards for the entire Victorian teaching force. It is focused on the development and strengthening of a coherent and united teaching force in a professional sense, is comparable to interstate developments and positions Victoria well to participate in, and provide leadership to, appropriate national developments around the teaching profession.

- 3.2 VIEU would support the existing provisions (with the amendments below) of the VIT Act being incorporated into a new Education Act. Teachers in both sectors meet the common standards and are regulated as one professional body. The operations of the Institute serve the needs of all schools in meeting National Goals through Victorian determined curriculum, pedagogy and assessment. Non-government schools, as a condition of registration must comply with the Institute's requirements for the teaching profession, as government schools must do also. The appropriateness of bringing these provisions together in one Act, while preserving the independent operation of the Institute which is still developing the full operation of its functions, is clear.
- 3.3 For completeness, VIEU submits that the Victorian Institute of Teachers Act 2001 should be amended in the following ways:
- a) S.25 to be amended to allow a right of inquiry or review to reverse an otherwise automatic exclusion from teaching of a person convicted of a sexual offence. The onus would be on the person to establish fitness to teach in the face of the conviction and the Act could specify relevant matters to be taken into account, such as details and seriousness of the offence, length of time since the offence and subsequent behaviour and evidence of good character, the age of the person at the time of the offence and the age of the person subject to the offence, evidence of psychological fitness to teach, evidence of good character etc. Jurisdiction to hear the review could be given to the Victorian Civil and Administrative Tribunal.
 - b) Part 11 of The Act should be amended to enable the Institute to take over the teacher registration files of the Registered Schools Board. Without this amendment, the VIT could be obliged to require teachers currently working and registered in the non-government sector to provide evidence of their qualifications.

4.0 CURRICULUM AND QUALIFICATIONS AUTHORITIES

- 4.1 VIEU considers that the separate operation of these two authorities is unnecessary and serves no good purpose. VIEU proposes that their functions be merged in the creation of a new education authority, perhaps to be named the Victorian Education Authority. This new Authority would be created under the new Education Act of Victoria, so under VIEU's proposals, both the VCAA Act and the VQA Act, and the Authorities themselves, would be abolished (by contrast, the provisions of the VIT Act would be carried over into the Education Act, but the Institute remain as it is).
- 4.2 The new Education Act should provide a scheme of purposes and goals for Victorian schooling consistent with the approach and content of the National Goals of Schooling in the 21st Century. The centrepiece of such goals is the modern curriculum to meet the needs of Victorian students and society. They apply to all schools and govern the pedagogical work of all teachers. The

goals as expressed should be flexible enough to accommodate a range of educational philosophies and practices such as those found in Montessori and Steiner schools whereby they meet the needs of their students within a common framework.

The requirements for curriculum in Victoria and the certification and assessment requirements for Victorian school qualifications should form a key part of the Victorian Education Act.

- 4.3 The existing Authorities should be merged in a new Authority which should have wide cross-sectoral membership as well as specialist and academic appointments to its Board. Specifically, the two teaching unions (AEU and VIEU) should be members by right of the new Authority, as occurs under legislation in every other state.

5.0 REGISTERED SCHOOLS BOARD

- 5.1 VIEU notes that the findings of the 2003 Review of this Board have not been made public but have been referred to in this present Review. VIEU draws attention to its Submission to the earlier inquiry. As the continued separate existence of the Registered Schools Board was not included in the terms of reference of the earlier Review, and was presumed, the VIEU Submission did not deal with this question at the time.

VIEU is strongly committed to the importance of a transparent process of school registration and relies on the detailed proposals made in its earlier Submission, which is attached.

The union stated at that time:

“It is the union’s view that it is appropriate that the requirements for registration of non-government schools should be linked to the principle that children and young people in Victoria have a right to access the full scope of educational opportunity. In addition, the quality of the provision of education extended to them must be assured through appropriate funding and accountability mechanisms.”

Attention is drawn to the discussion, in that Submission, of minimum student enrolments, building certification, student safety and welfare, curriculum provision, financial viability, planned provision, registration and funding, annual return and cyclical review, school improvement and membership of the RSB.

- 5.2 VIEU supports the functions of the Registered Schools Board being transferred to the proposed new Authority (Victorian Education Authority) which would also control curriculum, syllabuses, assessment and qualifications.

It would be appropriate for a specialist committee of the new Authority to

have the ordinary oversight of the school registration process. The new Education Act should specify the membership of the School Registration Committee and it could include some designated members of the Authority (perhaps the Chair and CEO), perhaps two other members from the Authority, and other persons drawn from appropriate representative organisations (of School Authorities, the teachers union and parents). Officers of the new Authority would service the Schools Registration Committee.

- 5.3 The criteria for registration of non-government schools should follow the recommendations advanced by VIEU earlier. The requirement for schools to be not-for-profit should be clear, as also should the requirement for school discipline policies to eschew corporal punishment.

The above discussion has proceeded on the basis that the registration of schools is a matter applicable to non-government schools only, as is currently the case. The Review however raises the question as to whether there should be 'a common and flexible regulation and quality assurance regime' for all schools. That question is now dealt with.

6.0 GOVERNMENT AND NON-GOVERNMENT SCHOOLS IN VICTORIA

- 6.1 Since 1872 a primary function of the Department of Education and Training has been planning, regulating, managing, resourcing and delivering government school education in Victoria. This provision has been ostensibly free and secular, and it has been compulsory to attend a government or registered school to approximately age 15.
- 6.2 Advocates of government schooling, and the implied or explicit purposes of public education provided through the state schooling system, focus on providing access by right to a free, democratic education, that is, an education that is open to all by right, that has no religious requirements and which embodies equal opportunity and anti-discrimination principles in relation to both students and staff. VIEU believes that such a schooling, provided by government, is a cornerstone of a modern society.

Advocates of the entitlement of parents to send children to non-government schools, particularly those with an explicitly religious ethos, and of an entitlement to have such schools publicly funded, focus on principles of democratic pluralism and choice. VIEU supports the inclusion of such schooling appropriately funded and considers that frameworks can be developed for such schools to more clearly participate in the provision of public education under community charters.

The fact that all schools are governed by the same requirements of curriculum and assessment, and teaching staff provides the foundations for a considerable commonality of operation and purpose, albeit within the context of the public purpose of state schooling indicated in 6.1 above. However, accountability procedures are matters of the organisational operation of the Department in the

case of state schools, and are both management and Registered Schools Board requirements in the case of non-government schools. There are no formal commonalities across these two sets of procedures. Notwithstanding this, both sets of schools should operate within the common framework provided by the National Goals of Schooling and the Victorian Premier's statement of these goals for Victorian schools.

- 6.3 VIEU notes one of the objectives of the present Review is to 'minimise the legislative obstacles to innovative service delivery'. Consistent with the developments noted in 2.6-2.8 above, VIEU believes that the new Act should facilitate stronger cooperative partnerships between schools from the two sectors, and build in current experiences of such partnerships. Attention is drawn to the following:
- a) Brookside Learning Centre, Caroline Springs, involving Caroline Springs College, Christ the Priest Catholic Primary, and Mowbray College (combined curriculum initiatives in sports/arts; shared borrowing across libraries; common gym and use of land; shared specialist staff and counsellor).
 - b) Ballarat Vocational Education Network, with all 9 secondary schools paying into a central fund to coordinate industry and vocational education links; Tuesday and Thursday programs across all schools available to students from all schools, with particular schools specialising in engineering, music and agriculture, for instance.
 - c) Mullum VET Cluster-Outer Eastern, with 20 schools (government, Catholic, independent) combining to offer specialist VET programs available to all (eg Aquinas – hospitality, Ringwood Secondary – Automotive, Tintern – Agriculture).
 - d) Myrtleford VCE, whereby Myrtleford Secondary College and Marian College provide studies, other than English, to students from either school and with close working relations between the two schools.
- 6.4 VIEU does not propose the adoption of an integrated schooling system as part of this Review. There would need to be much more public discussion and research into the implications and organisational arrangements of such an approach. In particular, the clarification of the determining characteristics of the public nature of such integrated schools would be necessary. VIEU believes, however, that the new Act should not be framed so as to impede exploration of the notion of an integrated public system, building on the notion of community charters. This would be consistent with the objective of this Review to minimise obstacles to innovative delivery options.

VIEU also considers that the obligation of the state to provide a high quality free education to all students across the state, free of religious tests or requirements and in which the principles of equal opportunity and non-discrimination, enjoyed by Victorian citizens generally, should fully operate.

VIEU notes that the Catholic Bishops of the United Kingdom have recently declared that the full operation of anti-discrimination legislation, without exemptions, will operate in Catholic schools. This is not yet the case in Victoria and is relevant to assessing the degree of publicness of non-government schools. VIEU believes that, consistent with the position of the Catholic Bishops of the UK, the full embracing of the equal opportunity and anti-discrimination laws of Victoria by non-government schools would strengthen their participation in the public nature of education in Victoria.

VIEU does support the notion that schools in the non-government sector are part of the public provision of education in Victoria, and that they are funded on this basis. The principle of freedom of choice has been implicitly recognised since 1872, it is not an unlimited freedom and must operate within the framework of regulation and democratic goals that characterise Victorian education generally. VIEU is strongly supportive of the approach reflected in 2.7 and 2.8 and supports the new Education Act being drawn to facilitate the capacity of community charters centred on public purposes and values, and on formal partnerships with the government school system, especially by systems such as the Catholic system, to be developed and recognised.

While all schools embody both public and private goals, the approach advocated here would respect the formal democratic objectives of the state schooling system but facilitate greater commonality in regulation and stronger partnerships based on shared public values across government and non-government schools.

- 6.5 The overriding policy consideration in establishing the terms and conditions of the licensing and funding provision should be to ensure that young people are educated to a standard and in circumstances equivalent to those deemed appropriate and necessary for all students in Victoria. While the notion of parental choice of schooling is an historical given in Victoria, and is supported by the VIEU, the policy purpose of licensing and funding is not to create a market or achieve a competitive climate as such, but to ensure a qualitatively acceptable provision for all young people, no matter where they are schooled.
- 6.6 The state, in consultative partnership with all sections of the community, including the formal participants in the education sector, has the right and duty to establish basic and key benchmarks of facilities, care, academic provision, access to public credentials and requirements for teaching standards.
- 6.7 The instrumentality of State which oversees the granting of the license and ensures conditions are observed should not operate as an instrument of competitive policy, should be participative and inclusive of organisations of schools, teachers and parents from the non-government sector, must perform a public purpose rather than essentially moderate private purposes and must be resourced to perform its functions well and transparently.
- 6.8 Mechanisms of accountability should be differentiated according to audience and purpose and should, in their operation, be supportive of the efficient

operation of the school or system. In broad terms they should be comparable to what the community and Parliament expect would be appropriate for schools generally. While broadly comparable forms of accountability to communities and government should exist for government and non-government schools, the mechanisms should respect the differences between individual independent schools, non-government systems and the government system.

- 6.9 VIEU proposes that there be a core of public accountability processes and requirements which are substantially identical across the two sectors. The Schools Registration Committee of the new Authority would oversight this process and register non-government schools. If Departmental schools were to be oversighted, to the extent of these common processes and requirements, by the same body, then the composition of the Committee would need to be appropriately expanded to include Departmental and AEU representatives. It may be desirable that major systems, such as the Government and Catholic systems, be supported in integrating their own system accountability measures with the requirements of public accountability under the new Authority. The Committee would then establish agreements with the system authorities for the administrative undertaking of the accountability procedures, including school review. This would allow the specific organisational culture and purposes of each system to be respected. Under this model, state schools would not be registered as such (for instance, the deregistration mechanism seems inappropriate in an extreme case as government schools must continue to provide the mandated universal access to schooling for all students).

7.0 SUMMARY AND CONCLUDING COMMENTS

- 7.1 There should be an entirely new Education Act which includes the legislative enactments and purposes currently covered in the VCAA Act, the VQA Act and the VIT Act, as well as the overhauled and renewed provisions of the current 1958 Act dealing with the goals of education, the establishment and governance of public education, the operation of the Department, the registration of non-government schools and public accountability procedures governing all schools. The Act should embody the approach to partnerships between the sectors discussed in this submission.
- 7.2 The Registered Schools Board, the Victorian Curriculum and Assessment Authority, and the Victorian Qualifications Authority should be abolished and a new Victorian Education Authority created. The Victorian Institute of Teachers should continue as a separate Institute.
- 7.3 Current free access to government schooling to Year 12, irrespective of age, should be maintained. Redefining such a right as access to education and training to the equivalent of Year 12 should be seen as broadening the entitlement, not allowing the imposition of fees for Y 11-12 schooling. VIEU would support compulsory schooling being expressed by level of attainment rather than age and considers there should be more public debate around what this attainment level should be.

- 7.4 Government schooling should embody the principles of modern democratic Victoria. Religion or denominationalism should not be a characteristic of such schools, but the current right of access to provide religious instruction at government schools outside the usual hours of instruction should remain on an opt-in basis. Where such instruction is offered, it should reflect the multi-faith, multicultural nature of Victorian society.
- 7.5 While allowing religiously based schools to participate in an expanded public system has clear models in various overseas jurisdictions, VIEU proposes that the present Review of legislation should support the emergence of community charters, reflecting the principles of modern democratic Victoria, and based on public values, partnerships and cooperative planning with the government school system. The principles set out in 2.7 and 2.8 should be adopted. This is especially so in the case of the Catholic system, but not exclusively so. An important illustration of the practical effect of this approach would be strengthened guidelines around the exclusion of students: schools and systems should be committed to their own students and exclusion should be a last resort (as expressed in current policies of the Victorian Bishops and the CECV). Agreements between schools and systems might also assist in the orderly support for students in difficult circumstances where appropriate.
- 7.6 Choice of schooling is a fact of Victorian education, and funding it is a bi-partisan commitment at state and commonwealth levels, although the levels of funding, and conditions governing it, are matters of public controversy. VIEU considers that choice and diversity (including within sectors) must be coordinated within the framework of public purposes and values in delivering education to the students of Victoria. Commonalities and partnerships should be strengthened. Common accountability criteria and processes, flexibly applied as discussed in the submission should be implemented through the integrated structure of the new Authority that is proposed. Agreed forms of public access to relevant information about the operation of all schools and systems should be supported respecting however the privacy of individuals and subject to appropriate protections for designated groups to be free from vexatious or deleterious comparisons. A right of parental and student access to relevant information concerning the student could be recognised, but consistently with the right and duty of schools and systems to implement their mandatory processes in welfare and discipline matters and respecting the privacy of other students.