

2010-2011-2012

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Australian Education Bill 2012

No. , 2012

(Education, Employment and Workplace Relations)

**A Bill for an Act in relation to school education and
reforms relating to school education, and for
related purposes**

Contents

Part 1—Preliminary	3
1 Short title	3
2 Commencement	3
3 Objects of this Act	3
4 Definitions	3
Part 2—Improving the performance of schools and school students	5
5 Improving the performance of schools and school students	5
6 Developing a national plan	5
7 Reform directions for the national plan	5
8 Developing benchmarks and supporting improvement.....	7
9 School funding	7
Part 3—Miscellaneous	9
10 Act does not create legally enforceable obligations etc.	9
11 Regulations.....	9

1 **A Bill for an Act in relation to school education and**
2 **reforms relating to school education, and for**
3 **related purposes**

4 **Preamble**

5 The Parliament of Australia acknowledges the following matters.

6 All students in all schools are entitled to an excellent education,
7 allowing each student to reach his or her full potential so that he or
8 she can succeed and contribute fully to his or her community, now
9 and in the future.

10 The quality of a student’s education should not be limited by where
11 the student lives, the income of his or her family, the school he or
12 she attends, or his or her personal circumstances.

Section 1

1 The quality of education should not be limited by a school’s
2 location, particularly those schools in regional Australia.

3 It is essential that Australian schooling be of a high quality and be
4 highly equitable in order to create a highly skilled and successful
5 workforce, strengthen the economy, and increase productivity,
6 leading to greater prosperity for all.

7 If Australia is to be a prosperous nation with a high standard of
8 living in the 21st century, the performance of Australia’s schools,
9 and school students, must continuously improve, particularly as
10 school performance in countries around the world and in
11 Australia’s region is also improving.

12 It is also essential that Australian schooling provide school
13 students with opportunities to engage with Australia’s region.
14 Through this engagement, Australia can maximise economic,
15 cultural and social opportunities during the Asian century.

16 To address these matters, future arrangements will be based on the
17 needs of Australian schools and school students, and on evidence
18 of how to provide an excellent education for school students. These
19 arrangements will build on successful reforms to date.

20 Schools will also need to adopt the opportunities offered by digital
21 education and new evidence-based methods of teaching and
22 learning.

23 Strong partnerships across the broader community are necessary to
24 support all school students, including partnerships between
25 teachers, parents and families, and employers.

26 As Australia’s schools are diverse, the Australian Government will
27 recognise the role of the Governments of the State and Territories,
28 non-government education authorities, other partners and schools
29 in delivering school education, and work with them to support and
30 lift the performance of schools and school students.

31 **The Parliament of Australia enacts:**

Part 1—Preliminary**1 Short title**

This Act may be cited as the *Australian Education Act 2012*.

2 Commencement

This Act commences on 1 January 2014.

3 Objects of this Act

The objects of this Act are:

- (a) to acknowledge the matters referred to in the Preamble; and
- (b) to set out the following goals for Australian schooling to address those matters:
 - (i) for Australian schooling to provide an excellent education for school students;
 - (ii) for Australian schooling to be highly equitable;
 - (iii) for Australia to be ranked, by 2025, as one of the top 5 highest performing countries based on the performance of Australian school students in reading, mathematics and science, and based on the quality and equity of Australian schooling.

4 Definitions

In this Act:

government school means a school in a State or Territory that is conducted by, or on behalf of, the Government of the State or Territory.

non-government education authority means an authority that is associated with the operation of a non-government school and is not an authority of the Government of a State or Territory.

non-government school means a school in a State or Territory:

Part 1 Preliminary

Section 4

1 (a) that is not conducted by, or on behalf of, the Government of a
2 State or Territory; and

3 (b) that is not conducted for profit.

4 ***recurrent funding*** means funding relating to the ongoing operating
5 costs of schools.

6 ***school*** includes:

7 (a) a government school; and

8 (b) a non-government school.
9

1 **Part 2—Improving the performance of schools and**
2 **school students**
3

4 **5 Improving the performance of schools and school students**

5 This Part sets out how the Commonwealth will address the matters
6 referred to in the Preamble, and achieve the goals referred to in
7 paragraph 3(b).

8 **6 Developing a national plan**

9 The Commonwealth will work with the Governments of the States
10 and Territories, and non-government education authorities, to
11 develop, and implement, a national plan to:

- 12 (a) improve school performance and the educational outcomes of
13 school students; and
14 (b) drive continuous school improvement; and
15 (c) provide opportunities for school students to develop
16 capabilities to engage with Asia;

17 by addressing the reform directions set out in section 7.

18 Note: States and Territories, and non-government education authorities, that
19 agree to implement the national plan will be provided with school
20 funding in accordance with section 9.

21 **7 Reform directions for the national plan**

22 *Quality teaching*

- 23 (1) All teachers will have the skills, and support they require, to
24 improve their performance over time and to deliver teaching of a
25 high quality to all of their school students. The work of teachers
26 will:
27 (a) reflect rigorous professional standards and best practice; and
28 (b) be based on evidence of successful teaching methods.

Section 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Quality learning

- (2) Australian schooling will provide a high quality educational experience with an environment and curriculum that supports all school students to reach their full potential.

Empowered school leadership

- (3) Leaders in schools will have the resources, the skills, and greater power, to make decisions and implement strategies at the local level to obtain the best outcomes for their schools and school students.

Transparency and accountability

- (4) Support will be provided to schools to find ways to improve continuously by:
- (a) analysing and applying data on the educational outcomes of school students (including outcomes relating to the academic performance, attendance, behaviour and wellbeing of school students); and
 - (b) making schools more accountable to the community in relation to their performance and the performance of their school students.
- (5) Data collected on schools and school students will:
- (a) be of a higher quality; and
 - (b) contain more detail; and
 - (c) be more consistent; and
 - (d) be more available to the public;
- than data currently collected on schools and school students.

Meeting student need

- (6) Australian schooling will place the highest priority on:
- (a) identifying and addressing the needs of school students, including barriers to learning and wellbeing; and
 - (b) providing additional support to school students who require it.

8 Developing benchmarks and supporting improvement

The Commonwealth will work with the Governments of the States and Territories, non-government education authorities, and other partners, to do the following:

- (a) develop benchmarks for assessing the performance of schools and school students;
- (b) implement arrangements to support the following:
 - (i) increased transparency in relation to schools;
 - (ii) assessing and improving school performance;
 - (iii) gathering and sharing evidence about the most effective methods of improving the performance of schools and school students.

9 School funding

For any Government of a State or Territory, or non-government education authority, that reaches agreement with the Commonwealth on its implementation of the national plan referred to in section 6, the Commonwealth will provide funding for schools or school systems, through grants of financial assistance to States and Territories, based upon the following principles:

- (a) every school student will have the opportunity to have an excellent education;
- (b) base recurrent funding will be allocated according to a formula that calculates an appropriate amount for every school in recognition of the costs of providing a high quality education;
- (c) educational disadvantage associated with any of the following circumstances will be recognised and addressed through providing additional recurrent funding in the form of loadings:
 - (i) having a disability;
 - (ii) being an Aboriginal person or a Torres Strait Islander;
 - (iii) having a low socioeconomic status;
 - (iv) not being proficient in English as a result of the ethnic background or immigration status of a student or a student's family;

Part 2 Improving the performance of schools and school students

Section 9

- 1 (v) the size of a student's school;
- 2 (vi) the location of a student's school.

1 **Part 3—Miscellaneous**
2

3 **10 Act does not create legally enforceable obligations etc.**

4 (1) This Act does not create rights or duties that are legally
5 enforceable in judicial or other proceedings.

6 (2) A failure to comply with this Act does not affect the validity of any
7 decision, and is not a ground for the review or challenge of any
8 decision.

9 **11 Regulations**

10 The Governor-General may make regulations prescribing matters:

11 (a) required or permitted by this Act to be prescribed; or

12 (b) necessary or convenient to be prescribed for carrying out or
13 giving effect to this Act.