



# Review of **Education and Training Legislation**



**Victorian Government White Paper**  
September 2005

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# Message from the Minister

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Earlier this year I released the *Review of Education and Training Legislation Discussion Paper*. This document provided an historic opportunity to canvass the views of the community on a number of key questions. The Victorian Government is proud of its achievements in education and training over the past five years; nevertheless, we need to be constantly aware of – and respond to – the changing needs and values that underpin our education and training system.

The Premier recently released the report *A Third Wave of National Reform*, setting an ambitious agenda for building the capabilities of all people – young and old – through a more flexible and responsive education and training system. In order to effectively respond to challenges such as this, legislation must reflect the views of contemporary society and focus on future generations.

Modernising the legislation has been overwhelmingly supported by the wider community through official submissions to the review process, as well as through informal feedback. I would like to thank everyone who has expressed views and offered suggestions for change. These contributions have greatly assisted our thinking and provide a sound basis for reform.

The purpose of this *White Paper* is to inform the community on the Government's position following the analysis of submissions. In developing this stance, the Government has considered a range of views and examined policy research from around the world. The paper explores core principles and presents a set of proposals for inclusion in the new *Education and Training Reform Act*.

We have been encouraged by the degree of interest in the process of change so far, which shows how much Victorians value education and training. Our challenge is to ensure a modern Education and Training Act, which equips all our young people for a bright future and assures the community of the standards required of all Victorian schools and training providers.

A handwritten signature in blue ink, which appears to be 'Lynne Kosky'.

**Lynne Kosky**  
**Minister for Education and Training**

# Contents

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<b>Message from the Minister</b>	<b>1</b>
<b>Section 1: Why New Legislation?</b>	<b>3</b>
<b>Section 2: The Government's Response</b>	<b>6</b>
<b>Section 3: Roles and Responsibilities of Statutory Authorities with State-wide Responsibilities</b>	<b>16</b>

# Section 1: Why New Legislation?

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## A vision for education and training

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Education and training are vital elements in Victoria's future. Not only does education provide the grounding for the development of skills and judgment, it also supports people to be innovative and creative.

Education and training enable people to understand, explore and contribute to the great ideas and achievements of human progress – scientific breakthroughs, the arts, the history of civilisations, the development of cohesive communities and the importance of individual liberty. Knowing about these things allows us, in an informed way, to consider our place in the world, to acknowledge our cultural and linguistic heritage and enables each individual to participate fully in society by reaching their potential.

Education and training are also important to our standards of living in a direct economic sense by playing a key role in developing the capability of our people – young and old – so that they can more fully and actively engage in the 'new' economy. This was a central element of the Premier's *A Third Wave of National Reform* (August 2005).

Technology and innovation have made our agricultural, manufacturing and service industries more efficient and productive. To remain competitive and offer jobs and prosperity, industry will continue to rely on educated, creative and flexible people. Innovation and creativity are rightly regarded as great Australian – and in particular, Victorian – strengths. For Victoria's future and for its citizens, the quality of education and training will be critical.

Victoria's schools and training providers must respond to these challenges. They must provide the highest quality of education and training to all Victorians, regardless of their cultural and linguistic background, their level of income or their religious beliefs.

## The need to respond

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Since coming to office, the Bracks Government has undertaken a significant program of education and training reform. Challenging targets have been set for schools and training institutions in terms of literacy and numeracy standards, retention of young people to Year 12 or equivalent and young people in rural and regional Victoria engaged in education and training. Significant investment has supported schools and training providers to achieve these targets. The Government's aggressive approach to education reform is motivated by an understanding that failing to achieve these standards puts at risk our future economic, social and cultural capacity.

Steps have been taken to identify and intervene in those schools that are not achieving the required outcomes for their students. The Achievement Improvement Monitor (AIM) has been expanded to encompass Year 7 with plans to incorporate Year 9 from 2006. The community has received reports on achievements of Victorian schools in the Victorian Certificate of Education (VCE) and against national literacy and numeracy benchmarks. Most recently, the school curriculum has been reformed, through the development of the Victorian Essential Learning Standards, so that it now specifies what is essential at each level of schooling. The Government has also announced new report cards for students in government schools that will tell parents

and students in plain English how their learning is progressing and what might need to be done to improve it. In addition, there has been a suite of initiatives to reinvigorate TAFE provision.

At the same time, parents are making choices about the schools their children attend. Parents now believe that visiting schools, assessing their educational programs and selecting the school that best suits their children is a responsibility of good parenting. They are choosing not only between government and non-government schools, but also between government schools.

When parents make enrolment choices they are increasingly concerned not only with the programs that individual schools provide, but also with their performance. They want to know about the results schools are achieving in the VCE and/or AIM; the quality of their vocational education and training (VET) programs; what pathways are provided for students into higher education, training and employment; and how effective schools are in curbing bullying and disruptive behaviour. Parents want their children to be happy and successful at school and they are choosing the schools they believe will provide the best results for their child – young people want the same thing.

Modern communities expect governments to respond to changes in expectations and attitudes, as well as to the challenges of increasingly competitive economies. The legislation governing school education in Victoria is largely out of date and includes sections that are inconsistent, contradictory and difficult to interpret.

For these reasons, Lynne Kosky, MP, Minister for Education and Training, released the *Review of Education and Training Legislation: Discussion Paper* (February 2005). The paper sought community and stakeholder responses to a series of critical questions regarding education and training in Victoria. These responses have helped to inform the current review of Victoria's education and training legislation, ensuring that it is relevant to contemporary society and provides a principled, yet flexible basis for improved education and training in the future.

## Community feedback

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The *Discussion Paper* sought responses to eight questions:

- 1. Should the principle of free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?**
- 2. Should the secular nature of government school provision be affirmed as a guiding principle in new legislation?**
- 3. Should people's right to choose between school education providers, registered or recognised by the Government, be established as a guiding principle in new legislation?**
- 4. Should education and training providers be required through legislation to operate and deliver a curriculum consistent with Australian democratic principles?**
- 5. Should the right of public access to information about provider performance be established as a guiding principle in new legislation?**
- 6. Should the right of parent and student access to information about individual student achievement be established as a guiding principle in new legislation?**
- 7. Should a common and flexible regulation and quality assurance regime be established for all schools?**
- 8. Are there any existing responsibilities of statutory authorities that should be changed?**

While views on these issues were expressed from differing perspectives, the Victorian community and those directly involved with education and training generally agreed on fundamental issues.

For example, there is general agreement that a common regulatory framework for both government and non-government schools is desirable, provided it allows schools to concentrate on teaching and learning, does not constrain the majority of schools who already exceed quality standards, and does not introduce regulation for the sake of regulation.

There is general agreement that education and training legislation should include a set of principles upon which the practice of education and training can be based. The exact nature of those principles, not surprisingly, generated a range of views.

The principles of free and secular instruction in government schools are widely supported, as is the principle of compulsory attendance. How these principles might apply in practice elicited a range of different opinions. For example, should the school leaving age be raised or remain at its current level of 15 years? Both positions have supporters.

What exactly does 'free instruction' in government schools mean? There is a range of views on what it should mean, but considerable support for the current position that government schools should provide free instruction in the nationally agreed eight Key Learning Areas. People supported the notion that financial disadvantage should not prevent a student from having access to a high-quality education, which does not rule out schools being able to levy charges for certain materials, books and activities, and to seek voluntary contributions from parents.

There is considerable agreement that accredited courses in comparative religious studies should be able to be taught in government schools, provided teachers do not promote any religious view as part of their teaching. There is also widespread consensus that the current practices relating to religious instruction in government schools should continue, while emphasising the essentially secular character of the government school system. The Government is strongly supportive of this approach.

The complex issues of choice of school and the availability of information about school performance attracted considerable attention. The broad question of choice between government schools and those schools owned by various religious faiths and independent foundations has been acknowledged in legislation since 1872. While most formal responses applauded the notion of choice of schools and programs within the government system, many emphasised that parental and student choice of a government school can be affected by socioeconomic and geographic circumstances.

Most respondents supported the provision of comprehensive information about the performance of Victorian schools to parents and to the community. Nevertheless, some of those directly involved in education were concerned about the nature of that information as it applied to individual schools and emphasised the importance of providing data that accurately reflects the circumstances in which individual schools operate and the difficulties they face.

In summary, the fundamental principles underpinning Victoria's approach to education and training have wide community support. This *White Paper* considers how these principles might best be applied in practice.

# Section 2: The Government's Response

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## The role of government

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A government's fundamental responsibility is to govern for all its citizens. Education and training legislation must respond to the needs of students, parents and the broader Victorian community. Government has an obligation to ensure that all schools, regardless of who owns and operates them, deliver a quality education that provides students with every opportunity to excel in the 21st century.

Government also has an obligation to respond to the needs and aspirations of its citizens who regard the ability to choose schools both as their right in a democratic society and as an obligation to ensure their children have the best possible education.

For government, this means that parents need ready access to meaningful information about schools and training providers. It also means that parents have a right to the best possible information about their children's progress and expert advice from teachers about how that progress can be improved. Government's own accountability for the efficient and effective use of public funds also requires that there is full and open reporting of the performance of all education and training providers who receive government funding.

This section sets out the future direction the Government is seeking to take on the first seven questions raised in the discussion paper. The eighth question on the roles and responsibilities of statutory authorities is examined in Section 3.

## Discussion paper issues

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### 1. Free instruction and compulsory attendance

**Consultation question:** Should the principle of free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?

There are three matters for discussion:

- Should the principle of free instruction be affirmed as a guiding principle?
- Should the principle apply to a certain age, such as the school leaving age?
- Should the principle apply to a certain attainment level, such as the completion of Year 12 or its equivalent?

#### **Free instruction**

The principle of free instruction applies to government schools. The original Victorian *Education Act 1872* provided for free instruction in certain core subjects. Currently, a schedule to the *Education Act 1958* ensures free instruction in eight key learning areas. This schedule will now refer to the eight Key Learning Areas agreed by all states and territories and the Commonwealth as part of the 1999 'Adelaide Declaration of National Goals for Schooling'.

Respondents to the *Discussion Paper* were strongly of the view that instruction should be free in government schools. At the moment, most students remain at school until age 17 or beyond and instruction remains free until students leave school. Free instruction means that government provides the cost of teachers' salaries and allocates additional funds to schools for curriculum, other recurrent costs and maintenance of the school's buildings and equipment.

Schools have always supplemented the funding provided by government with fees for various books and other materials, as well as charges for camps, excursions and other activities. More recently, schools have also asked for voluntary contributions from parents to supplement government funds and compulsory levies. The available evidence suggests that the majority of parents contribute to their children's schools by paying the various charges, by voluntary contributions and by participating in a variety of fundraising activities.

Few argued, in response to the discussion paper, that voluntary contributions be made illegal and many suggested that new legislation should make it clear that government schools will be able to charge some fees and seek voluntary contributions.

Concern was expressed about parents whose circumstances prevented them from making voluntary contributions and it was suggested that these situations could be better managed by those who have responsibility for the government school system.

Parents in disadvantaged circumstances may receive the Education Maintenance Allowance, half of which goes to the school in lieu of payment of fees and voluntary contributions. Students undertaking vocational education and training programs and apprenticeships are expected to pay the costs levied by the providers of those programs; however, concessions are available.

The Government is committed both to the principle of free instruction in the eight nationally agreed Key Learning Areas and to legislating this to be the case to the end of Year 12 in government schools; but recognises that schools will continue to charge some fees for materials, camps, excursions and the like and to seek voluntary contributions from parents. The Government will continue to provide support for those parents of school students in disadvantaged circumstances through the Education Maintenance Allowance program.

The Government is also determined to ensure there are sufficient places at TAFE Institutes for all students seeking to access such providers for Year 12 or its equivalent. Enrolment and other fee concessions will be available for eligible students who opt for this pathway to future study and employment.

### ***Compulsory attendance***

The question of free instruction is historically directly related to government mandating compulsory attendance at school. The 1872 Act established both an obligation on parents to send their children to school and an obligation on government to ensure universal access to schooling. The school leaving age still stands at 15 years, as originally prescribed in the 1872 Act.

This age is lower than the Organisation for Economic Cooperation and Development (OECD) average, which is 16 years and, perhaps more importantly, lower than the current reality of Victorian school education. In 2004, over 86 per cent of students, mostly aged 17 years or above, remained at school until Year 12. The majority of those young people who did not remain at school were undertaking apprenticeships, vocational education and training programs at a TAFE or similar institution, or were employed.

The objective of retaining compulsory participation is to prevent students leaving school with limited prospects or pathways. In these circumstances, there is a case for raising the age of compulsory attendance to reflect the current reality and to bring Victoria more into line with international practice.

## What we propose to do

### Free instruction

- Affirm in the Act the principle of free instruction in government schools.
- Ensure the Act provides a guarantee of free instruction at a government school or a guaranteed place at a TAFE Institute to the end of Year 12 or its equivalent, provided the student is under the age of 20 years on the 1st January of the relevant academic year.
- Ensure the Act clarifies that free instruction in schools applies to the eight Key Learning Areas identified in the 1999 'Adelaide Declaration's National Goals for Schooling' and agreed by all Australian jurisdictions.
- Enable government schools to continue to charge fees in specified areas and to seek voluntary contributions.

### Compulsory participation in education and training

- Raise the minimum compulsory school leaving age to 16 years.

## 2. The secular nature of government schools

**Consultation question:** Should the secular nature of government school provision be affirmed as a guiding principle in new legislation?

There are two matters for discussion on this issue:

- The conduct of religious instruction in government schools.
- The study of comparative religion in government schools.

### **Religious instruction**

Government schools are – and will continue to be – secular, in the sense that they neither promote one religion ahead of others, nor promote any religious view at all. The *Education Act 1872* specifically prohibits teachers in state schools from instructing or promoting any specific faith to students. This position is widely supported in the community and by those directly involved in Victorian school education.

Under the current legislation, however, religious instruction can be conducted in government schools. Many schools have programs conducted by volunteers accredited and registered through the Council for Christian Education, the World Conference of Religions in Schools, the Catholic Education Office and the United Jewish Board. Parents who do not want their children to receive religious instruction are able to opt out under the current legislation and schools are required to provide other lessons for these children during the religious instruction time. Regulations allowing religious instruction in government schools were first introduced in 1905. The current arrangements were introduced in 1950 and have received general community acceptance. These should continue.

There is substantial community support for affirming the secular nature of government schools as a principle in the legislation and for continuing to allow schools to conduct voluntary religious instruction.

Many schools not owned or operated by the Government are also secular in tradition and are not underpinned by a specific faith. While all schools in the government system will uphold the principle of secularity, many non-government schools do so either totally or in great part.

### **Comparative religious studies**

In a democratic, multicultural society such as Australia, there is reasonable agreement 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 some exploration of religious beliefs.

One unintended consequence of the 1872 prohibition is uncertainty about whether teachers in government schools may teach subjects about religion at all. Even courses in comparative religion, which do not promote a particular view but rather explore the histories and practices of several religions in a non-partisan way, might well be prohibited. This would have the effect of preventing government schools from teaching VCE-accredited courses, such as *Texts and Traditions*, or teaching history and politics effectively at a number of schooling levels. This anomaly should and will be addressed.

## **What we propose to do**

- **Affirm in the Act the principle of secularity in government schools using language appropriate to contemporary Australian society. For example:**  
*‘The government school system is secular, and open to the adherents of any philosophy, religion, or faith. The curriculum and teaching in government schools is not to promote any particular religious practice, denomination or sect.’*
- **Ensure in the Act that voluntary religious instruction is still able to be taught in government schools and the current arrangements enabling parents to opt out of religious instruction for their children continues.**
- **Ensure the Act explicitly permits the teaching of comparative religion in government schools and remove legal ambiguity surrounding this practice.**

## **3. A curriculum consistent with democratic principles**

**Consultation question:** Should education and training providers be required through legislation to operate and deliver a curriculum consistent with Australian democratic principles?

There is general agreement that schools in Victoria ought to operate and teach according to the principles of democracy that guide Australian society. The more difficult issues are around how the term ‘democratic principles’ might be defined and who might define it. The community has indicated in its responses to the discussion paper that democratic principles should be embodied in education.

Australian society is defined, among other aspects, by a belief in elected government; by a commitment to the rule of law and to equal rights for all before the law; and by belief in freedom of religion, freedom of speech and freedom of association. Australian society is tolerant of a range of religious, political, social and cultural beliefs and values in the context of the fundamental principles of our democracy.

Within this democratic context, the Act should describe the expectations of the community for all education and training, including government and non-government schools. Government has an obligation to foster adherence to the principles of Australian democracy in all schools.

## What we propose to do

→ Include as a principle in the Act the expectations of the community that all registered education and training providers, including government and non-government schools, must operate within the framework of Australian democratic practice. For example:

*'All providers of education and training, both government and non-government owned, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy, including a commitment to:*

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

## 4. Choice of school

**Consultation question:** Should people's right to choose between school education providers, registered or recognised by the Government, be established as a guiding principle in new legislation?

### **Right to choose**

Until the late 1970s, children attending government schools were strictly 'zoned' to their neighbourhood school by the Department of Education and Training and parents had no choice but to accept the Department's decision.

The community has since become accustomed to the reality of choice; parents regard the selection of a suitable school for their children both as a right and an obligation of responsible parenting.

In practical terms, the ability of some parents and students to choose their schools is limited by a number of factors. The first of these is location: for example, the choice of schools is more limited in more remote areas. The second factor is priority of access: even in urban centres, students may not always gain entry to their school of choice if it is not their local school. A third factor is the socioeconomic circumstances of families.

### **The path forward**

A single approach to the provision of schooling will not meet contemporary needs and desires. Customised programs and multiple pathways will help ensure more Victorians follow a path of lifelong learning and employment. Many parents will want their children's schools to acknowledge their cultural, religious and linguistic background. This may lead to a choice of school outside the government system.

A satisfactory response to such a variety of needs will have several dimensions. The diversity of government schools will need to expand to ensure that parents have a range of choices, not only between government and non-government schools, but between government schools themselves. This process has already begun. Government schools throughout Victoria are now considering how they might best operate to deliver quality teaching and learning, including particular specialist programs, to their individual school communities. This is a result of the Government's *Blueprint for Government Schools* (2003).

Every student must have the right to attend their designated neighbourhood government school. This is consistent with the principle of universal access that underpins public education. The organisational arrangements that facilitate this right should be managed by the government school system. The Minister would have the power to grant government schools, such as selective or specialist providers, exemption from this obligation.

## **What we propose to do**

- **Ensure in the Act that all students have the right to attend their designated neighbourhood school.**
- **Acknowledge in the Act both the reality of choice and parents' right to choose the schools their children attend in the statement of purpose for the legislation.**
- **Maximise choice for parents within the government school system.**

## **5. Parent and community access to information**

**Consultation question: Should the right of access to information about provider performance be established as a guiding principle in new legislation?**

In order to make constructive choices about their children's schooling, parents require reliable information that can be easily understood. Parents and students want to compare schools on a range of levels, including the programs provided by the school, the learning achievements of the school's students and how effectively graduates access universities, post-school training providers and employment. The Government has already provided significant information to parents, students and the community. For example, the annual *On Track* research data provides information about the post-school destinations of students.

### ***Examples from abroad***

Comparative school information is already available to parents in many overseas jurisdictions.

Schools in the Netherlands, for example, must provide parents and students with a yearly school prospectus that details the school's activities, objectives and results. They must also devise a school plan, describing the actions that are being taken to improve the quality of education and update it every four years. All schools – both public and private – are subject to inspection and are issued with a report card by the Inspectorate. These report cards list details about the school, as well as results of school leaving exams and the percentage of students at the school who successfully move on to the next level at the end of the school year.

All public schools in California are required to prepare a School Accountability Report Card, which is distributed to parents and made publicly available. The report provides details on the school's drop-out, suspension and expulsion rates, as well as information on the results achieved in English, reading and mathematics.

In England, schools are inspected at least once every six years with the results published. Scottish schools are also inspected, with published inspection reports made available to the school, parents, the education authority, local MPs and the general public.

The openness with which the schools within these jurisdictions report on their performance gives parents the capacity to make informed choices about where to send their children to school.

### ***The nature of information***

The nature and quality of information available to parents and the Victorian community is central to meeting the requirements of parents and of public accountability. Communities want and have a right to know if schools are not meeting the standards necessary to provide a quality education for the 21st century. While there is little disagreement about this principle, there is a range of views about what information should be made publicly available.

Many of those directly involved in education believe that, while information about the overall achievements of Victorian schools should be publicly available, information about individual schools can be misleading.

There is a generally held belief that individual school information should take account of the circumstances faced by each school. Many see an assessment of the value each school adds to the learning of their students, in addition to the currently available range of published data, as essential to providing the community with performance information in a meaningful context.

A satisfactory response to these competing perspectives and expectations will have several dimensions. It will need to acknowledge the importance of meaningful information in assisting parents to make choices about their children's schooling, while recognising that additional demands for information can be an administrative burden for schools. It will also need to acknowledge the accountability owed to the Victorian community by both schools and government, while taking into account the different circumstances faced by individual schools. All schools in Victoria, both government and non-government, receive a mix of Commonwealth and State government funds. Governments are accountable to the community for the effectiveness of public expenditure.

## What we propose to do

- Establish in the Act the right to information as a guiding principle.
- Ensure that individual school performance information is made available to the school community.
- Ensure that school performance information is comprehensive, detailed and takes account of individual school circumstances.

## 6. Parent and student access to information

**Consultation question:** Should the right of parent and student access to information about individual student achievement be established as a guiding principle in the legislation?

There is general acceptance in the community that parents and students should be provided with comprehensive information about the progress students are making in their learning. Victorian schools currently provide this information through written reports to parents and regular parent–teacher interviews.

Even though it is regularly provided by schools, no legislative right to this information exists. Establishing this right in legislation will confirm current practice and ensure that good practice continues in future. In response to submissions, the Government will also establish a right for students to gain access to information about their own progress. In doing so, it will be important to maintain student and parental rights to privacy and therefore make clear that access to information is limited to the individual student and parent/s.

## What we propose to do

- Establish in the Act the right of parent and student access to information about individual student achievement.

## 7. A common regulatory regime for schools

**Consultation question:** Should a common and flexible regulation and quality assurance regime be established for all schools?

### **Quality standards**

At present, non-government schools are required to meet certain minimum standards in order to be registered and to operate in Victoria. Government schools are effectively ‘registered by’ their owner, the Department of Education and Training.

Minimum standards are not 'lowest common denominator' standards, but a guarantee that all students can have access to a quality education, no matter what school they attend. The community must be able to have confidence that all schools, regardless of whether they are government or non-government schools, will provide a quality education of a standard suitable to the environment faced by young people in the 21st century.

The development of a common regulatory regime for Victorian schools has the capacity to provide a greater degree of confidence in education to parents and the community, while ensuring schools have the flexibility to focus on the best ways of meeting the needs of all their students. There is general agreement in the community that such a regime should exist. Those involved directly in education generally hold a similar view, but are uncertain about the nature of such a regulatory regime and who should establish and enforce it.

Defining a set of expected standards will provide parents and the community with a level of confidence about the quality of education their children will receive, whatever the school they attend. Minimum standards will be defined or clarified for:

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

### ***Monitoring standards***

As noted in many submissions, the task of setting and monitoring standards for schools will be an important role in Victorian school education. Good practice requires that responsibility for this role be vested in a statutory body to ensure a level of independence from government. Such an Authority should report directly to the Minister for Education and Training, consistent with the responsibility the Minister has for all students and all schools in Victoria. An Authority of this kind would:

- advise on minimum standards for all schools, government and non-government
- monitor the implementation of those standards in schools
- provide information to the Victorian community about the performance of Victorian schools, especially in relation to whether the standards are being met.

Consistent with modern approaches to regulation throughout the OECD, the new Authority's approach should be 'light touch'. It should not be responsible for school improvement, which is a matter for the owners and operators of schools. Indeed, where the owners and operators of schools and school systems have suitable processes in place to monitor school performance, the Authority should endorse those processes and receive reports from school owners about the degree of compliance with the quality standards. The Authority should retain the right to conduct 'spot audits' of schools in relation to particular areas of the standards.

The Authority should also have responsibility for monitoring home schooling and advising the Minister for Education and Training on the most appropriate regulatory response.

## What we propose to do

- Ensure through the Act that all schools, regardless of ownership, meet the standards necessary to provide a quality education appropriate for a 21st century democratic society.
- Ensure the establishment of a new common regulatory regime for all Victorian schools. This regime is to be based on a set of minimum standards which all schools are required to meet.
- Establish a Statutory Authority with responsibility for recommending to the Minister for Education and Training:
  - minimum standards for the registration of government and non-government schools
  - minimum standards for home schooling
  - information about Victorian schools that should be disseminated to the community.
- The Authority will also make determinations on:
  - the registration and deregistration of a school
  - policies and procedures for school registration and deregistration
  - policies and procedures in the event that a school does not meet the standards for initial or ongoing registration
  - policies and procedures with respect to providers of accredited courses to overseas students.
- Ensure the Authority's regulatory approach will be 'light touch' in character with the responsibility for quality assurance and school improvement resting with school owners and operators licensed for those purposes.

# Section 3: Roles and Responsibilities of Statutory Authorities with State-wide Responsibilities

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This section deals with the implications of the legislative changes for the roles and responsibilities of the statutory authorities currently operating in Victorian education and training.

The requirement that young people remain at school until the age of 16 years, coupled with the guarantee of free instruction in a government school or a place in a TAFE Institute up to the age of 20, places the emphasis on pathways to further education and employment. As a consequence, statutory authorities with current responsibility in post-compulsory education and training will need a clearer definition of their role.

Similarly, a common regulatory regime based on minimum standards for all schools and the corresponding establishment of an Authority to develop and monitor these standards, will have implications for those Authorities currently responsible for registering schools and other providers of education and training.

These changes will affect the roles and responsibilities of the Registered Schools Board, the Victorian Qualifications Authority and the Victorian Learning and Employment Skills Commission. Changes to these roles and responsibilities will also have some implications for the Victorian Curriculum and Assessment Authority.

## Registered Schools Board

The Registered Schools Board is currently responsible for the registration of non-government schools. Its role, under the changes proposed in this paper, would be subsumed within the roles and responsibilities of the proposed Authority established to develop a common regulatory regime for all schools.

### What we propose to do

- **Abolish the Registered Schools Board and transfer its role, functions and responsibilities to a new Qualifications and Registration Authority to develop a common regulatory regime for all schools and training providers.**

## Victorian Qualifications Authority

The Victorian Qualifications Authority (VQA) is responsible for:

- developing and monitoring standards for education and training after Year 10 (excluding higher education)
- accrediting new qualifications

- approving the education and training providers who deliver registered courses and issue recognised qualifications
- approving providers to offer courses to overseas students.

The VQA performs two significant functions:

- It ensures a degree of impartiality and transparency by maintaining a ‘watching brief’ over accreditation processes in both school education and vocational education training.
- It maintains an overview of the Victorian qualifications framework and is able to accredit new qualifications, where it perceives gaps emerging. The development of Victorian Certificate of Applied Learning (VCAL) is an example of this function.

### **Policy advice**

The VQA also has broader post-compulsory policy advice functions similar to the Victorian Learning and Employment Skills Commission (VLESC). While contestable policy advice is an element of contemporary government, it is arguable that having three agencies – the VQA, the VLESC and the Department of Education and Training – within the one education and training portfolio, all offering policy advice on post-compulsory education and training, represents unnecessary duplication of functions.

The main responsibility for policy advice rests with the Department of Education and Training, although from time to time the Minister or Secretary may give a reference to the VQA on policy matters directly related to its responsibilities.

### **Provider and school registration**

In the training area, the VQA has delegated its provider registration functions to the Department’s Office of Training and Tertiary Education as a result of Commonwealth–State agreements (as is the case with course accreditation).

In the area of school registration, while the VQA does not register schools in its own right, one of its functions is to approve providers of the qualifications it accredits.

Establishing a new Authority incorporating the current responsibilities of the VQA and the Registered Schools Board will combine the registration and accreditation arrangements for all school education and training providers. It will also deliver a regulatory framework for school education and training provision based on modern quality assurance practices rather than traditional compliance.

## **What we propose to do**

- **Establish a new Qualifications and Registration Authority incorporating the current responsibilities of the Victorian Qualifications Authority and the Registered Schools Board.**
- **Reduce duplication of policy functions by ensuring the new Qualifications and Registration Authority deals with policy references directly related to its responsibilities.**

## Victorian Learning and Employment Skills Commission

Currently, the Victorian Learning and Employment Skills Commission (VLESC):

- has a broad advisory role to government on post-compulsory education, training and employment
- is the state-training agency and executes responsibility for the state-training system within the context of its broader role
- provides funding for training and further education
- regulates the apprenticeship and traineeship system
- monitors the outcomes of post-compulsory education and training
- supports the Local Learning and Employment Networks (LLEN).

### *State-training system*

Prior to the establishment of the VLESC, the State Training Board, from its establishment in 1987, executed responsibility for the state-training system and regulated the apprenticeship and traineeship system. The formal involvement of industry representatives and the VLESC's status as a statutory authority continue to provide considerable advantages in terms both of the appropriate targeting of vocational education and training provision to medium- and long-term industry needs, and of the credibility of the Commission's deliberations.

### *Policy advice*

The VLESC's role in the provision of policy advice on post-compulsory education and training has generally been advice about the non-school sector. As with the VQA, changes requiring young people to be involved in education or training until the age of 16 years mean that the notion of 'post-compulsory' school education has changed. In these circumstances, it is appropriate to formalise the Commission's role in providing policy advice in the non-school area of education and training.

The Commission's role in relation to the Local Learning and Employment Networks (LLEN) should continue in order to ensure that they are formally accountable for their operations and outcomes.

### What we propose to do

- Retain the Victorian Learning and Employment Skills Commission's role in relation to the state-training system.
- Clarify the existing policy advisory role for the Victorian Learning and Employment Skills Commission in the non-school education and training area and eliminate direct references to a role specifically designated as 'post-compulsory' consistent with other proposed legislative changes.
- Retain the Commission's role in relation to the Learning and Employment Networks (LLEN).
- Change the name of the Victorian Learning and Employment Skills Commission to the Victorian Skills Commission to better reflect its newly defined responsibilities.

## Victorian Curriculum and Assessment Authority

There has been some uncertainty about the respective roles and responsibilities of the VQA and the Victorian Curriculum and Assessment Authority (VCAA). It needs to be clear that management of the delivery of the VCE and VCAL is with the VCAA and that this Authority determines which schools and training providers can offer these credentials. This includes ensuring it can license or approve the use of its curriculum outside Victoria, including overseas.

The VQA's role is to recognise particular credentials as being of sufficient standard whether these be the VCE, VCAL, International Baccalaureate or other qualifications that schools and training providers might wish to offer. The VQA also ensures that the body issuing the credentials has a suitable quality assurance regime to maintain these standards. Clarifying these responsibilities requires some rewording in the proposed new legislation.

### What we propose to do

- **Maintain the Victorian Curriculum and Assessment Authority's current role and responsibilities for curriculum and assessment policies.**
- **Clarify that responsibility for managing the delivery of the Victorian Certificate of Education and the Victorian Certificate of Applied Learning rests with the Victorian Curriculum and Assessment Authority, as does permitting schools and training providers to offer these qualifications.**

## Other statutory authorities

It is not proposed to make any substantial changes to the:

- Adult, Community and Further Education (ACFE) Board.
- Victorian Institute of Teaching (VIT).
- Merit Protection Boards.
- Disciplinary Appeals Boards.

