



SUBMISSION OF ALL MEANS ALL

Better and Fairer Schools (Funding and Reform) Bill 2024 [Provisions]

Senate Education and Employment Committees

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Dear Committee Secretary

All Means All welcomes the opportunity to make the following submission to the Senate Education and Employment Committee (Committee) inquiry into the Better and Fairer Schools (Funding and Reform) Bill 2024 (Cth) (Bill).

BACKGROUND

1. All Means All – The Australian Alliance for Inclusive Education (**All Means All**) is a nationwide multi-stakeholder organisation working towards the implementation of an inclusive education system and the removal of the legal, structural, and attitudinal barriers that limit the rights of some students, including students with disability, to access an inclusive education in regular classrooms in Australian schools. It is a not-for-profit organisation.
2. Our work is guided by the human rights framework, including the principles embodied in United Nations Convention on the Rights of Persons with Disabilities (**CRPD**)¹ and other relevant international human rights treaties and instruments.
3. All Means All's members and stakeholders include people with disability and their families, educators, academic and other experts in Australia. We work to

¹ United Nations General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006, United Nations, Treaty Series, vol. 2515, p. 3.



actively foster connections and collaborations within and across specific stakeholder groups, to support the achievement of our shared objectives.

4. All Means All is the national Co-convenor and Co-chair of the [Australian Coalition for Inclusive Education \(ACIE\)](#), an initiative that brings together organisations from around Australia that share a commitment to advance inclusive education in Australia and across State and Territory education systems. It is a national coalition of 25 not-for-profit organisations, and has a combined representative membership of over 1.2 million.
5. All Means all is also a member of [Inclusion International](#), the international peak body representing people with intellectual disability and their families.
6. All Means All acknowledges the traditional custodians of the land on which we live and work, and we pay our respects to Elders, past and present, across the many Aboriginal and Torres Strait Islander nations across Australia.
7. We also wish to recognise the generations of people with disability, and their families and allies, who have worked to advance the understanding and realisation of human rights, equality, and inclusion for all. We honour and respect their vision and legacy.
8. All Means All notes that the timeframe for submissions for this Inquiry was incredibly short and inadequate. Many stakeholders, including many disability advocacy organisations, would have had limited time and opportunity to review, analyse or consult with members on the complex information contained in this Bill and its potential implications. The time frame to provide submissions has impeded any processes to accommodate information provision for those who may have specific access needs.
9. Students with disability are an equity cohort that will be significantly impacted. Adequate funding is of critical importance to enable much needed reform. It is thus grossly unfair that many people with disability, disability advocacy organisations and other related stakeholders will not be able to contribute to this inquiry at all or only in a limited capacity because the timeframe is so short.
10. We note in this context, the obligation of the Australian Government under the CRPD², to enable people with disability, including through their representative

² See Articles 4(3), 29 and 33(3) of the CRPD; see also Committee on the Rights of Persons with Disabilities, General Comment No 7: Participation of Persons with Disabilities, Including Children with Disabilities, Through Their Representative Organizations, in the Implementation and Monitoring of the Convention (2018) UN Doc CRPD/C/GC/7/CRPD/C/GC/7



organisations, to participate fully in decision-making processes that impact their lives.

THE IMPERATIVE TO ADEQUATELY FUND STUDENTS WITH DISABILITY

11. Numerous inquiries³ over many years have found that students with disability must contend with significant barriers when accessing school education. Students regularly experience ableism, discrimination, inadequate resourcing and expertise, gatekeeping and abuse. It is common for students with disability to have poor educational experiences and outcomes.

³ NSW Legislative Council, Children and young people with disability in New South Wales Educational Settings (2024); Western Australia Legislative Assembly, Education and Health Standing Committee, Report 6: A Different Kind of Brilliance – Report of the inquiry into support for autistic children and young people in schools (March 2024); Final Report of the Disability Royal Commission (2023); Senate Inquiry into the Issue of Increasing Disruption in Australian Classrooms (2023); Review of the National School Reform Agreement (Australian Government Productivity Commission, 2022); Review of the Disability Standards for Education (Commonwealth of Australia, Department of Education, 2020); Strengthening School and Systems Capacity to implement effective interventions to support student behaviour and wellbeing in New South Wales public schools (Pearce et al., 2020); South Australian Department for Education, Report of an Independent Inquiry into Suspensions, Exclusions, and Expulsions in South Australian Government Schools. South Australian Government, 2020); Review of Education for Students with Disability in Queensland state schools (Deloitte Access Economics, 2017); NSW Parliamentary Inquiry into Students with a Disability or Special Needs in New South Wales schools (NSW Parliament Portfolio Committee No. 3, 2017); NSW Audit Office Supporting students with disability in NSW public schools (NSW Audit Office, 2016); Victorian Review of the Program for Students with Disabilities (Victoria Department of Education and Training, 2016); Access to Real Learning: Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support (Commonwealth of Australia, Australian Senate Committee, 2016); Report of the Select Committee on Access to the South Australian Education System for Students with a Disability (Parliament of South Australia, 2015); ACT Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour (Shaddock, Packer and Roy, 2015); Review of the Disability Standards for Education (Commonwealth of Australia, Urbis, 2015); Review of the Experiences of Students with Disabilities in Victorian schools (Victorian Equal Opportunity and Human Rights Commission, 2012); Review of the Disability Standards for Education (Commonwealth of Australia, Department of Education, Employment and Workplace Relations, 2012); NSW Parliamentary Inquiry into the Provision of Education for Students with Disability or Special Needs (General Purpose Standing Committee No. 2, 2010); NSW Auditor-General's Report Performance Audit: Educating Primary School Students with Disabilities (NSW Audit Office, 2006); Australian Government Senate Inquiry into the Education of Students with Disabilities (Commonwealth of Australia, Senate Committee, 2002).



12. The decades of reviews into the education of Australian students with disability have failed to produce transformative change despite clearly establishing that children with disability have long been severely under-served by Australian education systems to the point of serious and significant neglect and the denial of their human rights to education.
13. The Disability Royal Commission had education as a specific focus of its inquiry. It heard a litany of evidence of direct experiences of poor and shameful education experiences which highlight the critical and urgent need for reform.⁴
14. Further, the direct experience as reported in annual surveys conducted by Children and Young People with Disability Australia (CYDA) since 2010 consistently reflect education systems which are failing students with disability and are in urgent need of reform.⁵
15. These inquiries and the direct experience of students with disability have all highlighted the critical need for broad ranging reforms. Adequate funding is essential to enable the education reform and improvements necessary to ensure a universally accessible, quality and inclusive education system for all.
16. Given the particular disadvantage that is experienced by students with disability it is extremely concerning to have legislation that will not ensure full funding of the School Resource Standard. Consequently, a floor of 20% and a proposed federal contribution of 22.5% are seen as inadequate.
17. Of particular relevance is the final report of the Disability Royal Commission which was handed down in September 2023, which was absolute in the need for critical reforms to occur in education for students with disability. This is clear in *Recommendation 7.12 Improving Funding*. Another key recommendation is *7.14 The development of a National Roadmap to Inclusive Education*, in which there was unanimous agreements from all Governments to implement.
18. We note the range of reforms that State, Territory and the Australian Governments have formally accepted. This is well illustrated in the

⁴ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report, Volume 7: Inclusive Education, Employment and Housing* (2023) <<https://disability.royalcommission.gov.au/publications/final-report-volume-7-inclusive-education-employment-and-housing>>

⁵ Children and Young People with Disability Australia, *How Deep Does It Go? Australian Students with Disability and Their Experience of Entrenched Inequity in Education* (2023) <<https://cyda.org.au/how-deep-does-it-go-australian-students-with-disability-and-their-experience-of-entrenched-inequity-in-education/>>



summary table formulated by The Centre for Inclusive Education at QUT (Schedule 1)⁶.

19. It is also noted that education is a specific focus of the Australia's Disability Strategy. A relevant Policy Priority being "*People with disability have increased opportunities in accessible and lifelong learning*"⁷
20. We are thus in a critical period of reform regarding education and students with disability. Adequate funding is a critical enabler of this much needed and critical reform. Despite Governments acknowledging and accepting many areas of educational reform for students with disability recommended by the Disability Royal Commission and it being a key identified area of reform, it has not been clearly articulated as to how these reforms will be funded.
21. It is known and experienced that funding for students with disability is currently inadequate. There has been fierce agreement and acknowledgement that funding is presently significantly inadequate to ensure students with disability can access a quality and inclusive education from all key education stakeholders.
22. Funding must be assured to not only improve current education provision for students with disability individually but to also enable much needed system-wide reforms to ensure inclusive education at all levels.

TRANSPARENCY AND ACCOUNTABILITY FOR PROGRESSING INCLUSIVE EDUCATION

23. To date there has been little transparency and accountability required of State and Territory Governments regarding spending of Commonwealth funding provided in respect of students with disability.
24. All Means All wishes to mention a specific issue regarding the Better and Fairer Schools Agreement. All Means All acknowledges the efforts in representing students with disability in formulating the Better and Fairer Schools Agreement. However, we are of the view that more comprehensive reporting should occur.

⁶ Centre for Inclusive Education (C4IE), *C4IE's Verdict on Government Responses to the Disability Royal Commission Recommendations for Education* (2024)
<<https://research.qut.edu.au/c4ie/2024/08/08/c4ies-verdict-on-government-responses-to-the-disability-royal-commission-recommendations-for-education/>>

⁷ Australian Government, *Disability Gateway: National Disability Strategy and National Disability Insurance Scheme (NDIS) Joint Report 2022* (2022)
<<https://www.disabilitygateway.gov.au/document/3106>>



25. It is noted that The Better and Fairer Schools Agreement specifically refers to students with disability as follows:

- Clause 12 states “the Parties affirm their continued commitment to the **implementation of Australia’s Disability Strategy 2021-31**”.
- Clause 73. Which states “for the purpose of this Agreement, priority equity cohorts are Aboriginal and Torres Strait Islander students, students living in regional, rural and remote locations, **students with disability** and students from educationally disadvantaged backgrounds”; and
- Clause 88 states “Review of the Measurement Framework for Schooling in Australia to ensure it remains a relevant tool, including by considering the range of student level outcome data captured, appropriate disaggregation of data, and possible new and updated measures. This Review will include consideration of the costs and benefits (with primacy given to any impact on teacher workload) of:

... “national measures of access, participation and outcomes for students with disability to establish a better understanding of the education experiences and outcomes of schooling for students with disability.”

26. It is noted that in Clause 76, students with disability are omitted from the specific equity cohorts that will be measured for Year 12 attainment and school attendance targets. We also note students from Aboriginal and Torres Strait Islander, regional and remote locations, and low socio-economic backgrounds were included. It is unclear why students with disability are not included, who have disproportionately poor statistics in both of these measurement areas.

27. Consultation with representatives from the Department of Education (Australian) has informed that students with disability are not included in this specific accountability as the States have reported they cannot provide data. It remains unclear why students with disability cannot be included as an equity cohort with mention that data collection mechanisms need to be developed.



RECOMMENDATIONS

All Means All strongly urges the following.

28. The Bill should set the Federal Government's minimum funding contribution to students in public education at 25% of the School Resourcing Standard funding (**SRS**), rather than 20%, with States required to contribute a minimum of 75%. This would safeguard the education of students in public education by ensuring that those students are guaranteed the base level of school resourcing they need to succeed.

 29. The additional 5% of Commonwealth funding is required and should be committed to undertaking desperately needed systemic reforms to improve the capacity of schools to implement inclusive education that benefits all students and address the significant equity gaps in Australian education, particularly affecting students with disability, those from disadvantaged backgrounds, and those who face additional barriers to education, including:
 - reduction in class sizes, an increase in non-teaching hours, professional development and capacity building to support inclusive practices, such as planning and delivery of targeted and individualised adjustments and supports for students who need them;
 - the need for widespread implementation of universal design for learning, ensuring that learning materials and environments are designed to be accessible and flexible for all students;
 - investment in delivering social-emotional and well-being supports, including for students dealing with trauma, socio-economic disadvantage, mental health or other barriers;
 - investment in the development of inclusive and culturally responsive school cultures;
 - the use of digital and assistive technologies in schools, such as communication devices, screen readers, and adapted learning tools, which are critical for students with disability to fully participate in their education; and
 - upgrade of school facilities to ensure they are universally accessible and include sensory-friendly environments.

 30. The Bill should also remove the allowance made in respect of the contributions of States and Territories, that permits them to count up to 4% of certain operational non-student-related costs as part of their SRS contribution. This allows States and Territories to artificially inflate their
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reported spending on public education without necessarily directing that funding towards improving student outcomes. While these may be legitimate education-related expenses, they do not directly contribute to student learning in schools and this effectively means that the true SRS level for students in public education will remain at 96%, thus not meeting the minimum level of required direct funding per student to ensure they have the school resourcing they need to succeed.

31. Increased accountability regarding progressing inclusive education should be embedded in funding agreements with States and Territories.
 32. In particular, All Means All recommends that future Australian Government funding agreements with States and Territories should explicitly refer to the requirements and objectives of the CRPD and the *Disability Discrimination Act 1992 (Cth)*, and impose specific obligations and limitations on the use of Commonwealth-provided funding in alignment with those requirements and objectives and directed to ensure that students with disability have access to quality, universally accessible and inclusive education systems across Australia.
 33. The Better and Fairer Schools Agreement should be amended to ensure "students with disability" are added to the list for Improvement Measures for Year 12 attainment and School attendance. This amendment would align with the Australian Government and state and territory governments supporting the vision for more accessible and inclusive education for school students with disability as articulated in Australia's Disability Strategy.
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SCHEDULE 1

DRC Recommendations	Government Responses to the Disability Royal Commission										
	AUS	NSW	VIC	WA	QLD	SA	TAS	ACT	NT [†]		
7.1 Provide equal access to mainstream education and enrolment		✓	✓	✓	✓	✓	✓	✓	✓	?	
7.2 Prevent the inappropriate use of exclusionary discipline against students with disability	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	
7.3 Improve policies and procedures on the provision of reasonable adjustments	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	
7.4 Participation in school communities		✓	✓	✓	✓	✓	✓	✓	✓	?	
7.5 Careers guidance and transition support services		✓	✓	✓	✓	✓	✓	✓	✓	?	
7.6 Student and parental communication and relationships	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	
7.7 Inclusive education units and First Nations expertise		✓	✓	✓	?	✓	✓	✓	✓	?	
7.8 Workforce capabilities, expertise and development	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	
7.9 Data, evidence and building best practice		✓	✓	✓	✓	✓	✓	✓	✓	?	
7.10 Complaint management	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	
7.11 Stronger oversight and enforcement of school duties		✓	✓	✓	?	✓	✓	✓	✓	?	
7.12 Improving funding	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	
7.13 National Roadmap to Inclusive Education	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	
7.14 Phasing out and ending special/segregated education	⊘	⊘	✗	?	⊘	⊘	⊘	⊘	⊘	?	
7.15 An alternative approach	⊘	⊘	✓	?	⊘	⊘	⊘	⊘	⊘	?	
Number of Government Special Schools	338	114	82	65	46	18	4	4	5		

Sources: Australian Government. (2024). Joint government response. <<https://www.dss.gov.au/disability-and-carers-australian-government-response-to-the-disability-royal-commission/joint-government-response>>; Australian Bureau of Statistics. (2023). Data on government and non-government students, staff and schools: Table 35B <<https://www.abs.gov.au/statistics/people/education/schools/latest-release>>



This submission has been endorsed by the following organisations:

1. [Australian Disability Clearinghouse on Education and Training \(ADCET\)](#)



2. [Children and Young People with Disability Australia \(CYDA\)](#)



3. [Community Resource Unit \(CRU\)](#)



4. [Down Syndrome Australia](#)



5. [Family Advocacy](#)



6. [Imagine More](#)



7. [Inclusive Educators Australia](#)



8. [People with Disability Australia](#)



9. [Purple Orange](#)





10. [Queensland Collective for Inclusive Education](#)



11. [Square Peg Round Whole](#)



12. [STAR Victoria](#)



13. [Women with Disabilities Australia](#)

