

An Open Letter to The Hon. Peter Garrett, AM, Minister for School Education

11 November 2011

The Hon. Peter Garrett, AM
Minister for School Education, Early Childhood and Youth
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister,

Review of Funding for Schools

The National Children's and Youth Law Centre ("NCYLC") is Australia's national community legal centre for children and young people. NCYLC promotes the rights and interests of Australian children and young people through advocacy, information and education.

We are writing in regard to our concerns that the Review Panel has not sought to directly engage with children and young people in the Review of Funding for Schools.

On 18 April and 15 June, we expressed our concerns to the Review Panel, urging that children and young people be consulted as part of this review.

On 1 August we received a response from the Review Panel outlining that it had received thousands of submissions, including some from children and young people.

In all of its work, NCYLC takes a child rights-based approach. Founded on the Articles of the *Convention on the Rights of the Child* ("CROC") this approach reflects the understanding that children are holders of unique human rights. These include not only basic survival and development rights and the special rights associated with protection from harm, but also rights of participation including the right to be consulted and heard on issues affecting them. Australia, having ratified CROC in 1991, has accepted this approach.

It is of concern, therefore, that despite the receipt of a number of submissions from children and young people, there has been a distinct lack of any direct and substantive engagement by the Review Panel with children and young people. Children and young people are key stakeholders in the area of schooling. While the consultation process has included a broad range of stakeholders such as Indigenous representatives, disability representatives, teachers and parents, the absence of meaningful consultation with children and young people does not augur well for the development of good social policy and is disrespectful of the many children who may wish to exercise their right to have a say on the future of their education.

We note that children and young people were not consulted in the following reports:

- *Emerging Issues Paper*;

- *Assessment of current process for targeting of schools funding to disadvantaged students;*
- *Assessing existing funding models for schooling in Australia: Feasibility of a national schooling recurrent resource standard; and*
- *Schooling challenges and opportunities.*

Further, only one child rights or youth representative organisation was consulted in the 2010 Listening Tour undertaken by the Review Panel.

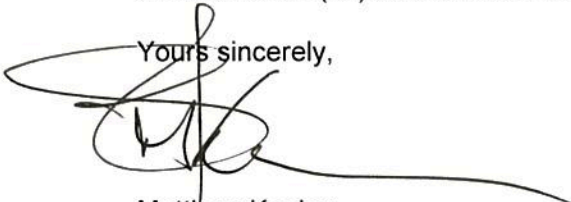
CROC provides that children have the right to express their views freely in all matters which effect them and that their views be given due weight in accordance with their age and maturity (Article 12(1)). The UN Committee on the Rights of the Child has recommended consultation with children at the local and national levels on all aspects of education policy, including on budgeting and school structures (General Comment No 12. (2009) 111).

Young people have successfully participated in past consultation processes by government bodies. Recently young people were consulted by the Federal Government for the Survey of Australian Youth Online, which was undertaken by the Joint Select Committee on Cyber-Safety. Direct engagement with children and young people is an important part of ensuring the consultation undertaken for this review has heard from all key stakeholders.

We seek an assurance that you or your Department's officials will consult with children and young people as part of the Federal Government's response to the review.

If the Centre can be of more assistance on this matter please do not hesitate to contact me on (02) 9385 9585 or via email at matthew.keeley@ncylc.org.au.

Yours sincerely,



Matthew Keeley
Director