



# THE HENRY PARKES ORATION 2010

## Public Education and the Common Wealth: Towards Sustainable Democracy

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The significance of Sir Henry Parkes in the history of Australia is not a matter that lies settled in the past. It will be affected by decisions of this and future generations.

Parkes is known as the ‘Father of Federation’.

But his reputation as a reformer in the colony of New South Wales pre-dated Federation. His vision of nationhood was inextricable from the action needed to cultivate the capacity of citizens to think freely for themselves. In 1879, he had introduced the bill that became the NSW Public Instruction Act of 1880. This established a minimum period of compulsory schooling and a Department of Public Instruction under a Minister of the Crown.

I am a direct beneficiary of that system of schooling in what soon became the State of New South Wales in the new Commonwealth. Under the Australian Constitution, the responsibility for ensuring that every child received a minimum period of formal education was left to the States. Their primary obligation, in meeting that responsibility, became the provision of free, public, secular schooling.

The NSW Public Instruction Act went beyond the provision of universal elementary or primary education. High schools were provided to fit those girls and boys who were ‘so disposed’ to proceed to University, and ‘...to take their place, if they should be fitted for it, amongst the first persons in the land’<sup>1</sup>. Across Australia, it was not until the 1950s that public schools became the main providers of secondary schooling. The high school I attended in the 50s, named after the St. George district in which it was located, owed its existence not to the vision of any saint but to that of Henry Parkes.

Schooling in New South Wales was then compulsory between the ages of six and fifteen. The vast majority received only two or three years of secondary school education.

But I had three years more schooling than most of my peers. I had the benefits of a full secondary schooling despite the fact that by the time I left I had lost both my natural parents. I entered school before, and I left it after, the compulsory period defined in law. I was enrolled at my local public school at the age of four by my widowed, working mother, who had no other form of child care. I then repeated the fifth year of primary schooling to catch up in age with my peers before high school. And I had a full five years of high schooling instead of the typical three that corresponded with the legal minimum. This was because I had gained entry to an academically selective high school.

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<sup>1</sup> *Public Instruction*. Report of speech delivered by The Hon. Sir Henry Parkes K.C.M.G., M.P. on the opening of the public school at Blayney, May 25<sup>th</sup>, 1880.

I was born into that common wealth that exists in a society that commits itself to the principle of providing education for its children in their own right, regardless of what privileges or burdens they may have inherited from their parents, or even whether they have parents. In adult life, I have felt keenly aware that the circumstances of my own early life have placed upon me a particular obligation to Sir Henry Parkes and to the public school system of NSW; and, in particular, to the teachers that saw me through to finish my schooling.

How remarkable it now seems that this self-educated man understood that ‘that there can be no good school anywhere without a good teacher’. In recent times, we have seen the corporate world investing heavily in research to reach precisely the same conclusion; and to advocate greater public investment in teaching. Parkes spoke at length to an audience at Dundas in 1869 of the need for ‘a body of men and women trained for the profession of teaching, admitted to the several grades of the service by their merits alone ... There will be no royal road to the school service. No man – from the Prime Minister downward – will be able to get a boy or girl made a teacher unless he or she is qualified for the calling’<sup>2</sup>.

Public schools had existed in the colony prior to the 1880 Act. Parkes was speaking at Dundas in 1869 at the opening ceremony of such a school. In his role as President of the then Council of Public Education, he told the gathering that what they were doing on that day was ‘...one of the most important things that can at any time be done in a state of civilised society’.

*... We are endeavouring to supply the means of sound instruction to those who, in a very few years, are to constitute the strength of the country... a Public school system in any country is an essential part of its institutions in the large sense of politics. It is part of the policy of the country. It is part of the intention and action of the Government; part of the very life of constituted authority.*

In his closing remarks, he drew the links between public education and the act of Federation to come:

*Whatever may be our form of Government ... Let us by every means in our power take care that the children of the country grow up under such a sound and enlightened system of instruction, that they will consider the dearest of all possessions the free exercise of their own judgment in the secular affairs of life, and that each man will shrink from being subservient to any other man or earthly power.*

Our obligation to Henry Parkes does not require us to defend the realities of the organisation and delivery of public schooling, past or present, or to deny the scope for ongoing reform. It does not require us to accept the proposition that the fact of schools being funded and operated by governments and open freely to all makes them good schools.

History shows that it has been a long and sometimes painful process to grow into what one of our finest education thinkers, Jean Blackburn, once called ‘the great idea of public education’. Henry Parkes had referred, that day at Dundas, to the “children of the country”. But when I started school in outer Sydney in the 1940s, “children of the country” did not include **all** the children of the country. Indigenous children were largely excluded from the educational largesse I enjoyed. So were many children with disabilities.

We are not required to accept that compulsory, free and secular education should have pride of place in our nation simply by dint of its having provided many of us with direct and material advantages. For many have profited personally from enterprises that are far from right and proper.

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<sup>2</sup> Speech of Henry Parkes, M.P., President of the Council of Education entitled ‘The Public Schools Act’, on opening the public school at Dundas, on Thursday, September 4, 1869.

***The obligation that is placed upon all Australians who have benefited personally from their public schooling is simply this - to use that education to think rationally about the significance of public education and its place in our society.***

My theme tonight is that this is a shared obligation that we have neglected in recent years. This is partly because the relationship between Henry Parkes's two great legacies – the nation's public schools and its federal system of government - has become unduly complex and dysfunctional.

One indicator of malaise is Australia's persistently poor completion rates for secondary schooling or the vocational equivalent. After sliding in international rankings compared with other OECD countries, Australia's position is now close to the bottom third in this regard. Those leaving school prematurely are concentrated in schools serving the poorest communities – the great majority in public schools. The recent report of the Bradley Review of Higher Education warned that the costs of failing to deal with this persistent problem go well beyond those directly disadvantaged. They put at risk Australia's capacity to sustain its much-vaunted economic performance.

In making schooling compulsory, governments had to make it universally affordable by parents, including those who could not meet even a nominal fee.

Perhaps such wide acceptance of compulsory schooling has blinded us to the need to think seriously about the responsibilities that governments embrace by making it so. These extend well beyond universal affordability. Access to schooling entails more than attendance, vital as this is. It raises the question of access to what?

Compelling children to attend school obliges governments, at the very least, to do all in their power to ensure that this will not expose them to risk or harm. In any decent democracy, it obliges governments to provide in school for all our children what could be called 'conditions of flourishing'. In this country, we have the capacity to equip all our public schools with the resources they need to assist students to learn about the world they share, to expand their capacity to consider how things came to be the way they are and what action they might take to improve their own lives and those of others. This was what Henry Parkes saw as the essential objective of public education – to confer 'the dearest of all possessions' – the capacity for informed judgment in the secular affairs of life'<sup>3</sup>.

As Henry Parkes told his audience at the Dundas school opening in 1869, it is the compulsory nature of schooling that obliges governments to provide secular schooling – 'so that all children can be partakers of it. What right would the State have to direct the religious instruction of children? But it has a right, and it is its solemn duty, to see that the children of the country are instructed so as to understand the laws, and be competent to take an intelligent part in the work of civil society'.

There were, in Parkes's day, those prepared to argue that their secular nature meant that public schools were operating in some morally empty space, or were by definition hostile to religion. Over recent years, we heard this line of argument revived by some politicians and lobbyists seeking to justify mounting public expenditure on non-government, largely religious, schools by portraying public schools as lacking in values.

Schools provide secular education outside the public sector. At least one such school in Sydney is, moreover, proud to advertise that it is an equal opportunity employer and selects its teachers on the basis of teaching ability, which Henry Parkes would have approved. But that school charges fees well beyond the financial reach of most families with school age children.

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<sup>3</sup> Henry Parkes, speech at public school opening, Dundas, 1869.

There are schools outside the public sector that are affordable, if not by the poor, then by many other families. These are mainly religious in character. Most can claim to assist their students to think rationally for themselves. But their prime reason for existence is religious formation.

The school place provided for me when I sat the NSW Leaving Certificate all those years ago, like the primary schools I attended before it, was not in a charitable institution for those with careless or absent parents; it was not a place provided by the grace and favour of a private fee waiver. It was a place provided for me in my own right, as for all my classmates, as citizens of the nation – the Commonwealth. The school was not where we met the children with whom our parents decided we should mix socially, and it was not there to save our souls. Its teachers had one primary mission – to assist its students to gain the knowledge, understanding, skills and values to learn to think for themselves. And, because Parkes and his colleagues had a canny grasp of the practical benefits for society of economies of scale, it was a school within a large system

In my experience, the legal obligation upon schools to accept students from all walks of life produces in teachers a capacity for invention that is bred by necessity. And that necessity tends to create a disposition towards broadmindedness, liberalism and a tolerance of diversity. Such virtues, however hard to sustain, are the lifeblood of a democracy. The requirements on public schools are conducive to keeping them ‘right for the times’. They cannot easily retreat into nostalgia for a real or imagined past or advance too far ahead of the understandings and expectations of the public they serve.

To distinguish public, secular and free schooling from privately owned and operated, fee-for-service schooling, religious and other, does not imply an attack on the legitimacy of either, and does not deny the necessity for their co-existence or their potential for reciprocity.

How can any democratic government ask us to believe, however, when it distributes the public funding that now covers the salaries of teachers in around 95 per cent of all Australian schools<sup>4</sup>, that the difference between public and non-government schools does not matter; or that it can simply be airbrushed away for political purposes, however bi-partisan? How can there be no difference between placing those publicly-funded teachers in a system of public schools where their services are freely available to children without fees or religious tests, and placing them in schools where their services are available only to those that meet such tests, set privately by non-government authorities?

To fail to understand such differences, or to wilfully claim that there are none in order to silence public debate, is to put the future of our democracy at risk. The fact that there may be a coalition of those willing to engage in collective dementia should not be confused with consensus.

We should neither deny, nor exaggerate, the differences. There are vast differences among schools within the public and the private school sectors. There are many public schools, serving well-off localities, with a higher socio-economic profile than some non-government schools in poorer localities. These realities also need to be understood by those responsible for education policy.

David Malouf has recently written of Australia’s having achieved nationhood in a rather ‘offhand’ way. He argues that our Federation did not come about through the flowering of a great utopian ideal, or the coming together after a long period of yearning by people who had known the anguish of division or that harboured any sense of manifest destiny<sup>5</sup>. But Parkes and his colleagues had inherited long traditions of freedom and social equality; and through their reforms

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<sup>4</sup> Governments cover the costs of teaching in all public schools, in all Catholic systemic schools and in at least half all independent schools. Taken together, this means that governments are providing teachers, or the public funding equivalent, in around 95 per cent of all Australian schools.

<sup>5</sup> (Malouf, D. “The States of the Nation”, *The Monthly*, August 2010.

they positioned Australia by the early 20<sup>th</sup> century as one of the world's most advanced democracies.

Over the years, the central government's powers have evolved well beyond its initial spheres of defence and trade. Key factors in this evolution were the States' ceding of their income taxing powers to the Commonwealth in World War II; and the increasing need for national economic policy and for national responses to various international pressures.

There are strengths in federal systems of government, but Australia has succumbed to a range of the recognised pitfalls. We have developed a bad case of "vertical fiscal imbalance". The Commonwealth has taken over collection of the bulk of taxation revenue, while the responsibility for much of the expenditure on essential services remains with the States. Where the Commonwealth has become a partner with States in key spheres, such as health and education, roles and responsibilities are often poorly delineated, irrational and conducive to cost and blame shifting and to substitution. The effects are poorly co-ordinated services with waste and duplication or, alternatively, gaps. Ambiguities tend to produce artificial and contrived forms of accountability for the achievement of policy goals; as well as countervailing policies.

The convergence of these factors has produced a fog over schooling in Australia. This has provided cover for policy moves that are radical by international standards. It has reduced schools funding to a policy imbroglio.

Few Australians understand, for example, that the recurrent grants from both levels of government to non-government schools now exceed the total salary bill for teachers for that sector<sup>6</sup>.

If a fair share and a fair go matter in relation to schooling, then they matter most in relation to access to quality teaching. But through the discontinuities of our Federal system and in a context where the public school share of total enrolments has been contracting, governments have been progressively ceding their responsibility for allocating publicly-funded teachers among students and schools to private school authorities. With few questions asked, a growing proportion of the publicly-funded teachers in Australia now works in schools where the price for access to their services is set privately according to what private authorities judge their target market will bear.

It has proven more possible to achieve highly controversial outcomes and shifts of public resources in Australia than it would be under a unitary system of government, or a system where the roles of the State and Commonwealth in education were clearly delineated. The complexities of our federal system work against public scrutiny and understanding.

It would be very difficult, for example, to sustain an argument that Australians knowingly voted for the shift of public funding that has effectively occurred - from universities to non-government schools. And it is the more extraordinary that this happened in a federal system where the Commonwealth has taken on formal responsibility for funding the provision of higher education, while the responsibility for schooling rests with the States. It has been able to happen because of the split-level arrangements that make it hard to track the effects, for example, of contradictory changes to the Commonwealth's indexation of schools and universities introduced by the Keating Labor Government in the 1990s. This was an unorthodox, if not inappropriate, use of indexation as a political and policy tool.

Over the decade 1997 to 2007, the cumulative effect of indexation was to reduce public funding of universities by the Commonwealth by well over \$5 billion. This was because indexation did not keep pace with salaries and other inflationary effects in universities. But indexation at a rate higher than the movements in such costs delivered the schools sector as a whole a windfall gain

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<sup>6</sup> *The National Report on Schooling* 2008 reveals that governments, Commonwealth and State together, provided around \$8.3 billion in public funding for non-government schools. That same report sets out the total expenditure of \$6.6 billion for teaching staff salaries in those schools.

closer to \$6 billion – of which around 60 per cent went to schools in the private sector.<sup>7</sup> This was because of the imbalance that had developed in Commonwealth funding for public and non-government schools. Through basing indexation of its own funding for schools on movements in States' funding of public schools, the Commonwealth has been able to deliver real funding increases for even those non-government schools operating at resource levels, from their private fees alone, well in excess of what could be justified on purely educational grounds.

History has shown that when such issues are raised in an election context, those with power and influence have been able to focus media attention on the interests of this small minority of schools, at the expense of the schools that serve the vast majority of students. One unfortunate by-product of Australia's federal system is that Commonwealth and state elections are held at different times, with the result that the country is, in a sense, permanently in election mode. This makes it difficult to find the political space within which to deal with politically complex and sensitive issues. The future of our public school system has become one of those issues.

We have a federal system conducive to political opportunism. There are many examples where the Commonwealth, with no responsibility for the direct provision of schooling, is reduced to opportunism to create avenues for influence. This explains a tendency for the Commonwealth to provide funding in the form of special purpose payments, with little understanding of or respect for State priorities. The practical effect is that even when public funds are properly directed towards the most hard-pressed public schools, they arrive in the shape of an ever-changing array of re-badged programs each with its set of hoops to be jumped through. An over-reliance on such programs – especially where the scale of their funding and their timelines are inadequate to achievement of their grand objectives – lead to fragmentation of funding and effort.

At worst, the deficit view of public schooling adopted by numbers of leaders at the national level on a bi-partisan basis has, in the words of one of our most distinguished education researchers, Richard Teese<sup>8</sup>, subjected them to the indignity of 'scavenging on the scrapheap' of failed educational reform – flagpoles one year, league tables the next.

Flaws in our Federal system of government are not, of course, the only factors that have affected the standing of our public school system.

Over recent decades, broad social, political and economic trends have taken us in the direction of a two-tiered education system, within which public schools are being positioned as the poor relation. The divides created by social geography within and beyond our cities have intensified social stratification among schools. Neo-liberal politics and economics have fuelled these trends in Australia, as well as in many other countries. They are characterised by arguments for reducing the role of governments, and increasing reliance on market-based competition and the commodification of services to achieve policy outcomes.

In this climate, however, spending public funds to expand private services and strengthen market forces can be justified as a means of achieving overall reductions in public spending. The Howard government claimed that increased Commonwealth funding to non-government schools would produce a shift in enrolments to the private sector with overall savings to the public purse. It achieved the first but not the second result, as confirmed by a 'before and after' snapshot of the financial effect of increasing enrolments in non-government schools over the decade, 1996 to 2006. This shows that, had public schools been used to accommodate the extra 200,000 students who enrolled in non-government schools over that decade, the additional cost to the public purse would have been around \$2 billion. But the actual public funding increase for non-government schools over this period was more than \$3 billion. This was because the rate of public funding increase to non-government schools over this period significantly outstripped the rate of

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<sup>7</sup> These are both conservative estimates. They relate to real increases arising from indexation only. They take no account of increases arising from explicit policy changes in either sector or from enrolment growth.

<sup>8</sup> Teese, R. "Suffer the children left behind", *The Age*, 16/8/2010.

enrolment increase; as well as the rate of public funding increase to government schools. This was a longstanding pattern that gathered momentum during the years of the Howard Government<sup>9</sup>.

Many countries have adopted neo-liberal policy approaches. But no other country has split responsibility for public funding of public and non-government schools between the national government and states in a federal system in a way so inimical to the health of public education. Australia sits around the middle of OECD countries ranked in terms of per capita investment in schooling. It now ranks third-lowest, however, in the developed world in terms of the public funding it allocates to public schools; and fourth highest in terms of the share it allocates to non-government schools<sup>10</sup>.

This is no counsel of despair. The fact is that the Australia's schools generally perform consistently well by international standards. This suggests that our teachers know what they are doing, and that a higher public investment in the supply of quality teaching and greater equality of access to it would be well justified<sup>11</sup>. But our system is heading in dangerous directions. The effects of inequalities now built into our school system are most damaging for those young people who most need the sustained and mindful support of government. And they threaten social mobility and feed a situation where too many young people are leaving school prematurely or without useful credentials - while the country faces a mounting skills shortage.

Australia's federal system has evolved in ways that are making it a toxic environment for public schooling.

But talk of public education becoming a 'residualised' system in Australia, with a declining share of overall enrolments and of those from better-off families, is misleading. It masks the reality. In Australia's hybrid school system, the public school system is, to borrow a biological metaphor, the host organism. Public schools could exist, though they never have, in the absence of non-government schools. But non-government schooling as currently operated is only viable because of the existence of public schools. In biological terms, non-government schools exist in a parasitical relationship with the host. This can be a mutually beneficial relationship in nature; or it can be a relationship that damages the host. It does not serve the interests of parasites for damage to occur to the organism on which their own existence relies.

I use this biological metaphor to illustrate that the future health of the public school system is the key to the health of the school system as a whole.

By all means, let us feel free to celebrate our cultural diversity – our religious and ethnic and other social traditions and loyalties. But let us agree this should not mean aspiring to a class-stratified school system where choice and competition are driven by gross resource disparities among schools. Let us agree not to confuse disparity with diversity.

Following the 1866 Public Schools Act, the galvanised iron buildings at Sydney's Cleveland Street School were demolished and replaced by substantial buildings in the Gothic Revival style.

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<sup>9</sup> When significant Commonwealth funding started to flow to schools in 1974, about 70 per cent went to public and 30 per cent to non-government schools, approximating their respective share of enrolments. By the end of the Howard years in 2007, this situation was completely reversed, with only 30 per cent of Commonwealth funding flowing to public schools. This was, in effect, a turnaround in Commonwealth funding of schools of 40 percentage points away from public schools, while the shift of enrolments away had changed over that period by only 12 percentage points.

<sup>10</sup> Patty, A. "Bad mark on school funding", *Sydney Morning Herald*, 9 September, 2010.

<sup>11</sup> Rorris, A. in Bonnor, C. (ed) (2008) 'Investment in Australian Schools - Somewhere between the virtuous and the vicious', *2020 School Education Summit – the public good and the education of children*.

Henry Parkes was there for the laying of the foundation stone of the school described by the press at the time as a 'palace'.

Parkes dreamed of a country in which '*each man will shrink from being subservient to any other man or earthly power*'. But around the country, in their churches and Sunday schools, our colonial forebears were giving voice to this verse in their hymnals.

*The rich man in his castle  
The poor man at his gate  
He made them, high or lowly,  
And ordered their estate.*

Rarely sung today, it always sat oddly among the other verses of 'All things bright and beautiful', which were devoted to the wonders of nature.

And in the very year – 1879 - when Henry Parkes was introducing his Public Instruction Bill and provision for high schools in New South Wales, a certain Mr Downer was striking a very different note in South Australia. A lawyer and one of that State's largest landowners, Mr Downer pronounced that to provide high schooling for people who had no business with it was interfering with the very laws of nature<sup>12</sup>.

It is time to ask which of our many traditions we want to honour, to sustain and to advance.

We can afford to think about whether or not the interests of a modern democracy are best served by sustaining our commitment to a federal system of government.

But I do not believe we can sustain a democracy without a commitment to a high quality, public school system that provides a framework of equal opportunity for all our children and young people to learn.

Urgent action is needed to put to right the relationship between the two great legacies of Henry Parkes, public schooling and our national system of democratic government. For both are critical to our common wealth. Such action cannot wait for the general Constitutional reform that is widely agreed to be needed.

A great great grandson of Sir Henry Parkes remarked drily in a recent conversation that one form of homage to his forebear that was **not** needed was another statue.

So let me propose here that, rather than statuary, we now need **statutory** action.

The Commonwealth's use of the powers it has gained through Section 96 of the Constitution has evolved to the point where it now provides almost 40 per cent of the nation's public investment in its schools<sup>13</sup>. Yet this has occurred through a dysfunctional and irrational sharing of responsibility with the States and Territories in our federation. Statements such as the National Goals of Schooling read more like mission statements than genuine commitments to democratic ideals of schooling.

The time is right for a Henry Parkes Act.

What is needed now is legislation which provides that, in all its dealings with schooling, the primary obligation of the Commonwealth is to maintain and safeguard strong and socially representative public school systems that are of the highest standard and are open, without fees or religious tests, to all children and young people.

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<sup>12</sup> Miller, P. *Long Division. State Schooling in South Australian Society*. 1986.

<sup>13</sup> Leaving aside the large, but temporary, Building the Education Revolution program.

The problem is that the recent splitting by the Rudd Labor Government of the legislative framework for Commonwealth funding of government and non-government schools has complicated and arguably made even less transparent the Commonwealth's financial effort across both sectors of schooling. Ironically, the *Schools Assistance Act*, itself enabled under Section 96 of the Constitution for the granting of funds to the States has now become the vehicle for the payment of funds directly to non-government school authorities only. Commonwealth funding for public schools is now provided through the broader *Federal Financial Relations Act*.

In these circumstances, and in the absence of an Australian Bill of Rights, a fine solution would be to use a stand-alone statute – a Henry Parkes Act – to set down the clear legal standard to be followed by the Commonwealth in all its actions relating to schooling, making explicit its primary obligation to public schools.

State and Territory governments would also need to incorporate this principle, either in their current Acts covering responsibilities for schooling, or by bringing in a stand-alone Act such as proposed for the Commonwealth.

Complementary legislation of this kind could follow from discussion and agreement between governments in national forums, especially the Council of Australian Governments (COAG). Perhaps it is time to put the idea to that forum, possibly through the COAG Reform Council.

The enactment of such complementary legislation across the nation would be an important step towards restoring the vital connection between public education and the democratic federation envisioned by Henry Parkes.