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Choice and national schools policy

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This paper draws from a submission made by the author to the 2004 Australian Senate inquiry into schools funding (Preston 2004). It primarily provides a critique of the new 'SES' scheme for Commonwealth general recurrent funding of nongovernment schools, and examines some of the major policy information and implementation documents. 'Choice' is largely dealt with indirectly in the context of the policy itself.

Funding arrangements for nongovernment schools are a matter of legitimate concern to all Australians, especially all those with an interest with schooling (including government schooling) and its outcomes. The nature and social roles of nongovernment schools - at local, regional, state and national levels - impact on the nature and social roles of government schools, and have consequences for many aspects of communities' social, cultural and economic wellbeing.

In considering the legitimate concern all citizens should have in the social roles of nongovernment schools and government policies that influence (even determine) those roles, it is salutary to bear in mind the way Victorian nongovernment secondary schools, until 1913, tenaciously and successfully prevented public sector provision of matriculation (and thus access to the University of Melbourne), except in marginal cases such as country agricultural high schools and teacher training schools (Selleck 1982). Even after 1913 they were able to ensure restrictions on the establishment of public secondary schools to prevent any serious competition with independent schools until the 1940s. Frank Tate, director-general of education in Victoria in the early decades of last century, opposed the private school monopoly on matriculation. In his 1905 annual report he gave the extension of public secondary education a high priority, and wrote that some of those who opposed him did so

because they regard such an extension [of matriculation to state schools] as an attack upon their own class privileges and interests. . . At present we merely throw out a few ropes from the upper storey [to selected pupils, whereas what should be provided are] broad stairways for all who can climb. (quoted in Selleck 1982, p. 157)

It took another seven years for him to have some success.

This reminds us that schooling is, in part, a 'positional good' - that is, one individual's or group's success in schooling is, in part, at the expense of others. This is most clear in the case of year 12

results and access to university courses with insufficient places to meet demand, especially those courses at particular universities that lead to the most lucrative, powerful and high status positions available to graduates. In this respect schooling differs from health, which is not a 'positional good' in the same way - generally everyone benefits from the improved health of others. Even with scarce or rationed services such as elective surgery, an individual is equally benefited by expansion of services as being able to queue-jump a waiting list.

Thus it is not correct for the DEST Q&A website on the SES Funding Arrangements for Non-government Schools (DEST 2004a) to respond to the question, 'What does this mean for Government schools?' with 'Nothing'. This is especially so given the particular incentives inherent in the SES scheme that are discussed below. Governments should take responsibility for the indirect and unintended consequences of their policies.

The prima facie purpose of the program has some public support: there would be broad agreement (and minority disagreement) that nongovernment schools should receive some public funding on a needs basis according to students' families' capacity to make a financial contribution. Yet the program has fundamental flaws, including perverse incentives. As currently constituted it could not be considered good policy. It appears to be an excellent example of what neo-classical economists call successful 'rent-seeking', where relatively powerful interests are rewarded through the political process at the expense of other groups and the general public (Buchanan 2003, p. 15).

There may well be other factors in the development and implementation of these flawed programs. For example, there may be a psychological milieu of 'group think' ('Group think' and related phenomena were discussed in Conclusions 3 and 4 in the United States Senate Select Committee on Intelligence 2004, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq: Conclusions*). Critical perspectives (devil's advocates) may be unwelcome and certainly not part of the structure, with the default position to agree and to develop a coherent rationalisation around an original position. There may be a reluctance to be critical of the work or positions of others, especially by busy officers where many individuals (departmental officers and politicians and their staff) are involved but few have the time to give careful critical attention, especially to matters such as perverse incentives, opportunities for manipulation by core beneficiaries, intended beneficiaries who are left unserved, unintended consequences, and other externalities.

Whatever the explanations for these powerful but flawed policies being as they are, a substantial consequence of them has been, and probably will increasingly be, rewarding the already socially and educationally advantaged, enriching their positional good in schooling at the expense of others.

In addition, when considering nongovernment school funding in Australia it is important to note that Australia is unique internationally for providing high levels of public funding to nongovernment schools that charge fees and do not accept all comers. Elsewhere around the world, where nongovernment schools receive substantial public funds (or are fully funded), they cannot require the payment of fees and in other ways are constrained and accountable in ways that Australian nongovernment schools are not.

Background to the SES scheme

From 2001 non-Catholic nongovernment schools have been funded under the SES scheme. In 2004 the Catholic school systems came into the scheme. The Catholic schools, like the other nongovernment schools before them, received substantial additional payments, and no school lost (or will lose) per student real levels of funding.

The SES scheme replaces a scheme (Education Resources Index or ERI) that had been operating in various forms since the early 1970s, which was based on an assessment of schools' actual

private income (fees in particular), with low fee schools receiving higher levels of government funds. The previous system was seen to have two major flaws: nongovernment schools manipulated their financial accounting so that they appeared to received lower levels of private funding than they in fact did (it was 'manipulable' and became 'complex' and 'intrusive'), and it inhibited 'private effort' - presented on the DEST website as 'income from fetes and working bees' (DEST 2004a), but essentially increasing fees.

The SES scheme allocates a score to individual nongovernment schools derived from an average of socio-economic (SES) measures of the ABS Census Collection Districts (CDs - about 225 dwellings/households) in which a representative sample of the school's students live. Thus a school with students who primarily live in high SES CDs will have a high score and receive a relatively low level of Commonwealth funds per student, and a school with students who primarily live in low SES CDs will have a low score and receive a higher level of Commonwealth funds per student.

The SES scheme assumes that the average socio-economic level of CDs are reasonably accurate indicators of the socio-economic status of nongovernment school students who live in those CDs. The model accepts that there will be variation of household SES levels within CDs, but assumes that there will be no consistent pattern according to school attended, so that among a school's student population, those whose SES is higher than average for the CD they live in will be balanced by those whose SES is lower than the average of their neighbours.

This might be reasonable if there was a system of schools that were local, comprehensive and 'common', but the schools the scheme funds vary a great deal among themselves according to these criteria, and even taken together they generally enrol a minority of students in any locality, and these students are generally of higher SES than the average of students in the locality and particular CDs (see later).

The SES scheme has fundamental flaws.

The SES model's questionable validity

While some validation studies were carried out (DEST 1999), the core validity of the model is questionable and it contains a powerful incentive for fee increases as a mechanism of exclusivity as well as increasing school income (see following subsection). The most thorough of the validation studies (Ainley and Marks 1999) compared the SES ratings of a large number of nongovernment schools (Catholic and non-Catholic) according to a number of ABS Census-based indexes (including that proposed for the SES funding scheme) and an index based on data on the backgrounds of students in participating schools from the 1995 sample of the Longitudinal Surveys of Australian Youth (LSAY). They found that the SES model had a correlation of about 0.85 with the LSAY index. This measure of 0.85 was stated as 'high by most standards in social research' (p. 7), but I consider it may in fact be quite low for this particular situation. A perceptive individual rating schools after spending time with a representative sample of students may well obtain a higher correlation with LSAY. The less than perfect (1.0) correlation was attributed to the different purposes of the LSAY data collection and the SES index, and a number of technical matters (pp. 9-10) - rather than any lack of validity in the SES index as an indicator of the actual SES of schools. What is, perhaps, more important than the validity of the scheme as a whole (over all Australia's nearly three thousand nongovernment schools), is the pattern of significant benefit and significant disadvantage that it confers upon particular groups of schools. It is not a result of random or unimportant factors that the correlation is well below 1.0.

Before considering the situation with Census collectors' districts (CDs), the national patterns of student backgrounds between the different schools sectors will be considered. This indicates an aspect of the problematic basis of the SES scheme.

Table 1. Proportion of students in Government, Catholic, other nongovernment and all primary and secondary schools with very low family incomes, high family incomes, and who are Indigenous, Australia, 2001

| | Government | Catholic | Other nongovt | All schools |
|--|------------|----------|---------------|-------------|
| <i>Very low family income (less than \$400/week)</i> | | | | |
| Primary | 13% | 7% | 7% | 12% |
| Secondary | 11% | 6% | 6% | 9% |
| <i>High family income (more than \$1,500/week)</i> | | | | |
| Primary | 20% | 31% | 41% | 24% |
| Secondary | 23% | 39% | 52% | 31% |
| <i>Indigenous students</i> | | | | |
| Primary | 4.6% | 1.7% | 1.5% | 3.8% |
| Secondary | 3.8% | 1.1% | 0.9% | 2.5% |

Source: Preston 2003 (original source: ABS 2001 Census custom tables)

Table 1 indicates that

- compared with both Catholic and other nongovernment schools, government schools have almost twice the proportion of students with very low family incomes (below the level of income of two parent families on benefits)
- the proportion of students with high family incomes in Catholic primary and secondary schools is more than 50 per cent higher than the proportion in government schools
- the proportion of students with high family incomes in other nongovernment primary and secondary schools is more than twice as high as the proportion in government schools
- compared with both Catholic and other nongovernment schools, government schools have around three times the proportion of Indigenous students.

This general pattern is reflected *within* CDs. The differentiation between the three sectors (government, Catholic and other nongovernment) apparent in Census data would certainly be reflected between different subsectors, such as between high fee and low fee nonCatholic nongovernment schools. There are, on average, 52 primary students and 37 secondary students in each Australian CD - quite a large number of students. The large majority of these will usually attend government schools, the next largest group will attend Catholic schools, and, on average, only about 12 per cent will attend other nongovernment schools.

I have done some preliminary analysis of 2001 Census data that illustrates some of the issues. The data is from the 2001 census for every CD (245 in total) in the Penrith Statistical Local Area (SLA), secondary students with family incomes over \$1500 a week (roughly the top third of family incomes for all Australian secondary students), by type of school attended (government, Catholic and other nongovernment). The Penrith SLA has a higher proportion (36 per cent) of secondary students with high family incomes than there are in Australia as a whole (31 per cent - see Table 1). In Table 2 the CDs are sorted into sextiles according to the ABS Index of Relative Socio-Economic Disadvantage. In the most disadvantaged sextile of CDs, 16 per cent of secondary students have high family incomes, while in the least disadvantaged sextile of CDs 49 per cent of secondary students have high family incomes. What is striking in the data is that the proportion of students with high family incomes attending the different types of schools varies very little between the sextiles, with no discernible trend. That is, where-ever they live, students with high family incomes are much more likely to attend nongovernment (especially

nonCatholic) schools than students with low family incomes (Table 3). There are high income families in very low SES CDs, and they appear just as likely to send their children to higher fee schools as are high income families in high SES CDs. This indicates that, at all CD SES levels, students attending nonCatholic nongovernment schools, and, to a slightly lesser extent, students attending Catholic schools, have a higher SES than the average of all students (including those attending government schools). Again, this pattern would be reflected *within school sectors* where different schools in the same sector drew from the same CD – high fee/status schools would enrol students with higher family incomes than would lower fee/status schools in the same sector. This makes clear the incorrectness of the statement on the DEST Q&A site (DEST 2004a) that ‘the SES approach measures the socio-economic status of parents whose children are enrolled at a school’.

There *is* a trend apparent for secondary students with both low and medium family incomes, with a much smaller proportion in the most disadvantaged sextile likely to attend other nongovernment schools (3 and 4 per cent respectively) than the in the least disadvantaged sextile (11 and 13 per cent respectively). The trend is not as strong in the second to fifth sextiles. It is possible that income disguise may be a factor, but probably only partially, so the data indicates that a significant (if still small) proportion of students with low family incomes, living in high SES CDs, can be attending nonCatholic nongovernment schools (as well as Catholic schools). (This data is not shown in the tables.)

Table 2. Proportion of secondary students with high family incomes (over \$1500/week) in each sextile according to disadvantage of Census Collection Districts in the SLA of Penrith, attending government, Catholic and other nongovernment schools, 2001

| | Government schools | Catholic schools | Other nongovt schools | All schools (%) | All schools - number of students with high family incomes | All schools - number of students at all family income levels |
|-----------------------------------|--------------------|------------------|-----------------------|-----------------|---|--|
| 1st sextile (most disadv) | 54.7 | 32.9 | 12.4 | 100.0 | 181 | 1122 |
| 2nd sextile | 44.4 | 38.8 | 16.8 | 100.0 | 294 | 1176 |
| 3rd sextile | 51.8 | 35.5 | 12.7 | 100.0 | 541 | 1603 |
| 4th sextile | 53.5 | 35.3 | 11.2 | 100.0 | 887 | 2378 |
| 5th sextile | 50.0 | 35.8 | 14.2 | 100.0 | 838 | 2175 |
| 6th sextile (least disadvantaged) | 48.1 | 33.2 | 18.7 | 100.0 | 1188 | 2417 |
| Total | 50.3 | 35.0 | 14.7 | 100.0 | 3935 | 10910 |
| | | | | | (36% of students at all family income levels) | |

Source: ABS 2001 Census custom tables

Table 3. Proportion of secondary students with low, medium and high family incomes in government, Catholic and other nongovernment schools in the SLA of Penrith, 2001

| | Government schools | Catholic schools | Other nongovt schools |
|----------------------|--------------------|------------------|-----------------------|
| Low family income | 72.1 | 23.1 | 5.8 |
| Medium family income | 60.3 | 29.6 | 10.1 |
| High family income | 50.3 | 35.0 | 14.7 |
| All incomes levels | 59.5 | 29.9 | 10.7 |

Source: ABS 2001 Census custom tables

In conclusion, it is quite possible for a high fee school to select out high family income/high SES students from low SES CDs, and for a low fee school to draw from (target) low family income/low SES students from high SES CDs. The geographic location of schools in relation to CDs of particular SES levels, and the willingness the families involved to travel greater or lesser distances and, of course, the fee level of the school and its mission, ethos and policies, are all relevant.

Yet none of this is taken into account in the SES model. The potentially relevant discussion in the Simulation Project Report (Steering Committee for the Simulation Project 1998, pp. 45-46) glosses over the issues with abstract illustration and statements about the general structure of SES within and between CDs that may not apply to families with students at nongovernment schools. It is revealing that the discussion is in response to a 'question': *'Our school draws the most disadvantaged students from within a CD. Therefore the measure based on the average of a CD is unfair to us.'* (p. 45). Note there is no query where a school 'draws' the most advantaged from within a CD. 'Draws' has neutral connotations. 'Targets', or 'selects' may be more accurate for many schools, and makes clearer the real differences between schools whose students live in a similar mix of CDs (thus the schools get the same SES score), but the respective student populations have very different actual SES.

It has been argued (by Louise Watson 2004, for example), that the main issues are the political decisions (a) to allocate a particular quantum of funds to nongovernment schools and (b) to determine the differential between the highest and lowest funded schools, and that concerns about the correctness of the *ranking* of schools is of minor significance beyond the particular schools involved. That is a reasonable point. However, the misrepresentation of the model as validly indicating SES of student populations, and the serious anomalies for many individual schools, remain. So do the inherent perverse incentives and lack of proper control that are likely, over time, to exacerbate inequities and have consequences that are damaging to Australian society.

Perverse incentives to increase fees and to select high SES students from low SES communities

A very significant feature of the SES model is that it has powerful and inherent incentives for nongovernment schools to increase fees and select high SES students from relatively low SES localities wherever possible.

Over time this will make the SES model even less valid, and will reward schools that exclude low income difficult students, and it will disadvantage those nongovernment schools that genuinely want to meet the needs of the most educationally and socially disadvantaged.

On the DEST website the Government claims that:

Under the SES arrangements funding for nongovernment schools serving the neediest communities will be significantly increased. Further, schools which extend their services to lower income communities will benefit financially. The new arrangements will give all parents a real choice of schooling options, regardless of their economic circumstances.

This is largely just rhetoric. For a start, low fee schools generally received lesser proportional increases when the SES scheme was introduced than did high fee schools. Second, these arrangements cover only a minority (about 32 per cent) of Australian school students. In any community, but especially in lower income communities, many, if not the very large majority, of students will be attending government schools.

The SES scheme, unlike the scheme it replaced, contains no incentive to constrain the level of fees. In fact a virtue of the scheme is claimed to be that it does not inhibit 'private effort'. Certainly there is an incentive for students to be drawn from low SES CDs. However, the most powerful incentive is for the higher SES students to be *selected* from the roughly 50 primary school students or 40 secondary school students in any CD. High fees, combined with targeted marketing to lower SES neighbourhoods, will ensure the highest level of Commonwealth funding, high levels of private income, and the exclusion (because of high fee levels) of students from low income families who are likely to be more difficult (and expensive) to teach well and to have lower test and final school results. Thus the schools that benefit most from the scheme will not be those which 'extend their services to [actual] lower income communities', but those which extend their services to the higher SES neighbours of lower SES families.

Rightly, the DEST site (2004a) notes that the SES scheme does not prevent schools from competing 'in the marketplace' (though competing 'fairly', as claimed by DEST, is another matter). The way schools compete now, and will increasingly under the SES scheme, is illustrated by a report in *The Australian* (Laurie & Taylor 2004), 'Students forced out to save school's rank'. The report began: 'Struggling year 12 students will be forced to sit final exams as independent candidates to avoid damaging the reputation and academic ranking of a private Perth college'. The school, Carmel Adventist College, received a substantial funding boost with the introduction of the SES scheme (an increase of \$555 per student in 2004 compared with what would have been their entitlement under the previous scheme - DEST 2004c). The school is responding to Commonwealth-promoted 'league tables' of schools according to academic results (irrespective of what the students bring to learning in terms of prior schooling or family support or some measure of ability and aspirations). The school principal is reported to have written to parents saying that 'the recent focus on league tables has forced management to consider students who are not performing academically . . . (that they) sit their TEE examinations privately and not under the banner of Camel Adventist College'. The article reported the WA education minister commenting, 'If one school's doing it, you can be sure others are doing it'.

This case illustrates that when some schools have not been able to choose perfectly at the time of initial enrolment, they do so when the student comes to sit their final exams. The parents and the students concerned have little choice.

Such cases are no aberration. They are inherent when part of a system, such as schooling, that is for many participants about 'positional goods' - the zero sum game of getting the official and unofficial school results to achieve the competitive university place, job or social status ahead of others. Markets and 'choice' (whether by schools or by parents/students) in such a situation operate to increase polarisation and lock out the losers - residualised schools and disadvantaged students. The *evidence* points to this, while the *rhetoric*, such as that on the DEST website and in ministerial statements, gives a contrary picture.

Ecological fallacy

Justification for the SES model for funding nongovernment schools is, in part, based on an 'ecological fallacy' (see Freedman 2001, though his concern is primarily with statistical methodologies in social science). In the DEST Q&A (DEST 2004a), the response to the question, 'How can we be sure that the SES model is better?' begins, 'SES-based methodologies for the distribution of funding have been widely used in education for some time'. However, use of SES-based methodologies have been for very different sorts of programs, notably the long-running Disadvantaged Schools Program (DSP), and the still operating Country Areas Program (CAP).

The ecological fallacy is apparent where funding or administrative arrangements directed to (or through) individuals falsely assume that the circumstances of the individual's locality (the individual's 'ecology') are significantly relevant to the individual's situation and thus entitlement.

Whether or not an ecological fallacy occurs depends on *specific empirical circumstances*. The ecological assumptions underlying DSP- and CAP-type programs are quite reasonable given the *facts* of both the nature of the programs, and who actually is affected by them. However, the SES model informs a very different funding program (general recurrent grants to nongovernment schools that generally enrol a minority of students in any locality), and those directly affected (generally higher SES than other families in their locality) are quite different.

The starkness of the fallacy as far as the SES model is concerned is illustrated by the frequent situation in rural Australia, where, with the implementation of the SES model, the high wealth (and high income in most years) broad acre property owners' children's city boarding schools receive higher levels of Commonwealth funding because of the low SES of station hands and rural settlement dwellers in the same CD. Yet the very high fee schooling of the property owners' children that the SES scheme supports is a mechanism ensuring that there is *not* the sort of social mixing that would give some ecological validity to supporting those property owners' children's education because of the low SES of their neighbours. There would be ecological validity if the property owners' children attended a local school along-side their neighbours, as may occur at a primary school receiving CAP funding. The *separation* of higher SES students from their neighbours through attendance at nongovernment schools (and, sometimes, selective or specialist government schools) is common throughout Australia in localities from low to high SES, and involving nongovernment schools from low to high fee.

Thus any justification of the SES scheme on the basis of neighbourhood SES when it is recognised that the students concerned have a higher SES is quite invalid.

Corruptibility

One of the criticisms of the previous ERI system was that it was corrupted by schools disguising income and otherwise organising their finances to maximise the levels of public funding received. This is delicately put on the DEST website on the SES Funding Arrangements for Non-Government Schools:

The government's decision to abolish the Education Resources Index (ERI) was based on a major review which found that the ERI was . . . **manipulable** - schools could be relatively advantaged or disadvantaged depending on their familiarity with the ERI. . . (DEST 2004, emphasis in original)

There is the obvious point that when other institutions, organisations or individuals engage in such practices to receive higher levels of public funds than they are legitimately entitled to or to reduce tax or other liabilities to governments, punitive action is taken, rather than changing the system so that the higher levels of funding can be more easily obtained.

The SES system seems to be open to similar corruptibility in at least one significant area. That is, the home addresses of students in the samples used to determine the SES score. Clearly schools

have an incentive to record as 'home' the home of the many students with joint parenting arrangements or other multiple homes that is in the lower SES CD. Over time schools and parents will understand the significance of this, and, perhaps, the homes of grandparents or others, or perhaps a parent's work address, will be 'home' for the student if they are located in a lower SES CD than other options for the student's 'home'.

There is no mention in documentation I have seen (including the *Administrative Guidelines*, DEST 2004b) that 'residential address of parents' will be audited, and no guidelines regarding which address should be used where students have more than one home.

The 1998 Simulation Project report noted that if a school's catchment changes, 'the school could elect to 're-map' its community and obtain an updated SES score' (Steering Committee for the Simulation Project 1998, p. 50.). This is reflected in the current Administrative Guidelines, where, under the heading 'Review of Nongovernment Schools' SES Scores', it is stated that schools 'may seek a review' if they believe that their 'SES score has not been determined correctly', or 'their SES score is no longer accurate because of a significant change in the SES of the school's community' (DEST 2004b, p. 62). This implies that if a school's catchment changes to *higher* SES it is under no obligation 'seek' an updated SES score, and DEST will take no responsibility to ensure that schools' SES scores are or remain accurate according to the methodology. As funding is being maintained in real terms even if SES scores are over-estimated or increased, this may not appear to be a major issue in practice. However, the position implicitly encourages schools to find ways of lowering their SES score and thus increasing the amount of public funds to which they are entitled. This may be done legitimately according to the scheme, such as actively recruiting students from low SES CDs who can afford the school's fees, or in a manipulating or corrupt way such as selectively or falsely recording student addresses. Such poor administrative policies should not be tolerated.

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