



Teach for Australia Associates

Address

by

**Wayne Martin AC
Chief Justice of Western Australia**

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I am honoured to be invited to address you and to have the opportunity to thank you for the enormous contribution you are making to the education of the next generation of Australians.

Education and the courts

You might be wondering why a judge is interested in education. The short answer to that is that education is absolutely critical to what we do in the courts because there is a direct correlation between disadvantage and the people that we see in our courts.

Very often the people we see in court have been subject to chronic disadvantage - very commonly intergenerational disadvantage which has been passed down from generation to generation. Education provides an opportunity to break that cycle - that tragic cycle of intergenerational disadvantage and trauma. Ideally, I want you to put me out of a job. I do not think that is going to happen overnight, but I do think the work you are doing is vitally important to the work that the courts are doing and I sincerely hope that in the longer term your efforts will reduce our work.

¹ Chief Justice of Western Australia. I am indebted to Ms Angela Milne for her assistance in the preparation of this address. However, responsibility for the opinions expressed, and any errors, is mine alone.

In these remarks I will endeavour to emphasise the importance of the work in which you are engaged and its potential significance for the judicial branch of government, and for our community.

The Traditional Owners

Because of the issues I am addressing it is more than usually important for me to commence, as I always do, by acknowledging the traditional owners of the land on which we meet, the Whadjuk people who form part of the great Noongar clan of south Western Australia, and by paying my respects to their elders past and present, and by acknowledging their continuing stewardship of these lands.

Australian characteristics - A fair go

As we approach Australia Day we often think about the essential characteristics of what it is to be Australian. John Howard famously referred to 'mateship' as one of the essential characteristics of Australians some years ago. It wasn't exactly clear what he meant by 'mateship' but it seems to be related to notions of respect for other members of our community, to notions of egalitarianism, of equality for all within our community and perhaps most significantly of all the 'fair go' which is promoted as a quintessentially Australian characteristic. We pride ourselves on being the land of the 'fair go'.

We describe ourselves as a meritocracy and like to think that those who have ability will prosper to the extent of that ability, and that everybody will be given the opportunity to realise the full extent of their potential.

So, how closely does this image correspond to reality? I think the answer is 'not very closely at all'. The data to which I will shortly refer establishes that the image we have created of ourselves does not correspond to the facts.

A land of opportunity

There is no doubt that Australia is a land of opportunity. I represent an example of the types of opportunities that are available in the sense that I was lucky enough to win a scholarship that sent me to an exclusive private school, from which I got a Commonwealth scholarship to attend university, from which I got another scholarship to do a postgraduate degree at another university in England. My education was largely paid for by other people.

I do not mean to suggest that my family was impoverished, although we wouldn't have been described as well off. One thing that was critically important within my family was the very high value which my parents placed on education. My mother went out to work, at a time when that wasn't done, to meet the cost of educating my sisters and I, and our parents ensured we got the most out of our educational opportunities. Our family had a value system, a culture and expectations that many of the students with whom you will work won't have.

Intergenerational disadvantage

The sad reality is that many children who come from disadvantaged backgrounds remain disadvantaged throughout their life. They are the

people that I and my colleagues see in our courts all the time, very often as a consequence of intergenerational disadvantage.

Education - the circuit breaker

Education is the great potential circuit breaker. But how good are we in Australia at using education to break the cycle of intergenerational disadvantage? How good are we at giving children born into a disadvantaged environment the opportunity to fulfil their potential notwithstanding the disadvantages that they suffer at home. The answer is not very good at all.

Community expectations

In most international assessments, and I will come to some of them in a minute, Australia ranks very poorly in terms of using education to redress the imbalance that some of our members of the community suffer as a consequence of nothing more than the socio-economic situation into which they were born or the place at which they were born.

A good example comes from an experience I had when I was out in an Aboriginal community on the edge of the Western Desert. It was June so it was very cold. I went to the local school and asked the teachers about attendance rates. They said, 'oh, it's winter. Kids don't like coming to school when it is cold'. They advised me that attendance rates were between 30% and 35%. I asked myself, if there was a suburb of Perth in which only one third of the students attended school, would we say 'that's okay because it's really cold and the kids don't like coming to school when it's cold'? I don't think so. If that

was happening in a suburb of Perth there would be truancy officers on every corner, knocking on every door until the attendance rates improved significantly.

So why weren't we doing that in this remote community? I believe the answer lies in that we, as a community, do not attach the same value to the education of those students as we attach to the education of students in suburban Perth. And if that isn't discrimination I don't know what is. I believe there is imbalance in educational opportunity by reference to factors like geography, demography, socio-economic status and family background. The data demonstrates this proposition.

The Bankwest Curtin Economics Centre Survey

The Bankwest Curtin Economic Centre (**BCEC**) analysed education inequality across Australia using a disadvantage index incorporating indicators drawn from various sources including the National Early Childhood Education and Care Collection.² The analysis in the report,

...makes it clear that many of today's young children will not receive a fair go in accessing education opportunities, for no other reasons than family background, demographic characteristics and geography.³

Their analysis, which was Australia wide, shows that an Indigenous child is 40% less likely to finish high school and 60% less likely to go to university than a non-Indigenous child.⁴ The likelihood of a child born in remote Australia going to university is one-third of that born in

² Bankwest Curtin Economics Centre, *Educate Australia Fair? Education Inequality in Australia: Focus on the State Series, No. 5* (June 2017) Key findings, xi.
<http://bcec.edu.au/assets/099068_BCEC-Educate-Australia-Fair-Education-Inequality-in-Australia_WEB.pdf> (accessed 15 January 2018).

³ Ibid Executive summary, vii.

⁴ Ibid.

a major city.⁵ Children in the 50 most disadvantaged localities in Australia are half as likely to be enrolled in pre-school at aged four; half as likely to attend pre-school for 15 or more hours per week; and seven times more likely to be vulnerable on two or more developmental domains than those in the most advantaged localities.⁶

Student attendance decreases the further students live from a major city.⁷ Children in the 50 most disadvantaged localities in Australia have non-attendance rates which are nearly five times higher than in the most advantaged localities.⁸ The gap in attendance between Indigenous and non-Indigenous students is fairly constant - not good, but at least constant - throughout primary school, but then rapidly deteriorates once high school commences.⁹ It follows that the gap in performance as well as attendance also gets wider once Indigenous children reach high school.¹⁰

Indigenous students are twice as likely to be developmentally vulnerable on one or more domains and three times as likely to be vulnerable when assessed in two or more domains.¹¹ Indigenous students in major cities have Naplan results about ten percentage points lower than non-Indigenous students and that gap increases substantially as the location becomes more remote.¹²

In relation to Western Australia, the study found that the State's higher education sector,

⁵ Ibid.

⁶ Ibid.

⁷ Ibid Key findings, viii.

⁸ Ibid Executive summary, vii.

⁹ Ibid.

¹⁰ For example, as evidenced by Naplan results. Ibid Key findings, ix.

¹¹ Ibid Key findings, viii.

¹² Ibid Key findings, ix.

... generally performs poorly in terms of accessibility for disadvantaged students with the lowest or near lowest equity ratios for Indigenous students, students from low socio-economic and non-English speaking backgrounds, and from regional and remote areas.¹³

Perhaps unsurprisingly the most disadvantaged educational areas within our State are remote areas, many with a high Indigenous population. The lowest ranking areas were Leinster - Leonora, Halls Creek, East Pilbara, Roebuck and Meekatharra. In those areas only 40% of the children attend pre-school for 15 hours or more, with the national average being 70%.¹⁴

This whole topic of education in remote areas is a very important one. It disappointed me that the recent furore over funding for the School of the Air didn't result in a broader debate. It could have provided a good opportunity for more serious consideration to be given to the whole question of the comparison between the types of education that are available to people living in regional and remote Australia as compared to people living in our major cities.

Interestingly, the other thing that the BCEC observed is that on the whole school funding is higher than the national average in the most disadvantaged areas. So, for example, in Carnarvon we spend about \$20,000 per child in school compared to \$14,000 for the national average, whereas in East Pilbara we spend \$54,000 per child.¹⁵ Unfortunately, that doesn't seem to correspond with improved educational outcomes. We are not seeing the intended benefits from education services in those areas. The levels of funding appear to

¹³ Ibid Key findings, x.

¹⁴ Ibid Key findings, xiii.

¹⁵ Ibid Key findings, xiii; 87.

have more to do with the cost of providing services in some of these remote areas, than with successfully addressing disadvantage.

The other point that the BCEC made is that in the most disadvantaged areas a very high proportion of children don't have access to the internet - only about half of the children in the most disadvantaged areas have internet access.¹⁶ Obviously that's a serious issue for their future employability when you look at the role that the internet plays in terms of getting people work-ready.

The BCEC also found - unsurprisingly to those of you who live in Perth - that the most advantaged areas are along the Swan River and the Indian Ocean from North Fremantle to Hillarys.¹⁷ There are high levels of disadvantage in the outer areas of Perth including Rockingham, Kwinana, Stirling and Gosnells; and the ten most disadvantaged areas have an average Indigenous population of 37.3%.¹⁸ The ten most advantaged areas have an average Indigenous population of 0.4%.¹⁹ So again you see a very close correlation between disadvantage and the proportion of the population which is Indigenous.

The BCEC suggests that the solution isn't just about funding and proposes that policy responses to these findings should include:²⁰

- a greater emphasis on the early years;

¹⁶ Ibid 87.

¹⁷ Ibid Executive summary, xiii; 86 – 87.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid Executive summary, vii; Summary and discussion, 111-115.

- innovative solutions to the problematic transition from primary school to high school where a lot of students seem to fall off the rails;
- local community involvement in schools;
- a school culture founded on a positive recognition of Indigenous students' needs, capabilities and identities;
- learning environments catering for different preferences and learning styles; and
- bespoke programmes, that is tailor-designed programmes, that target a number of equity groups that aren't receiving the same outcomes as other children.

The BCEC emphasises the importance of effective school outreach programmes to raise educational aspirations and extend educational opportunities. This really echoes the point I was making earlier concerning the importance of engagement strategies that will raise aspirations and indeed, hopefully, expectations amongst those students who don't have a family tradition of education and achievement as a result of entrenched intergenerational disadvantage about which I have spoken.

After that report was published there was a programme on the ABC featuring Charlie Klein, who is the Principal of the Tjuntjuntjarra Remote Community School in the Great Victoria Desert - not far from the area I went to, about which I spoke earlier. Mr Klein said that money isn't the key to success. The challenge, in his view, was developing a culture to stay in school. Perhaps understandably if he was recording attendance rates like the school that I went to, his view was that attendance was actually much higher than was recorded for

those living within the community. Mr Klein said that the transient nature of the people who live in these communities needed to be taken into account in attendance statistics, and in particular family movement for 'sorry' business and other cultural reasons. Families move around a lot in the desert areas and low attendance rates are almost inevitable, in Mr Klein's view.²¹

Teach for Australia data

Teach for Australia has also conducted analyses of these topics, and has reported that about a third of students from lower socio-economic households start school unprepared in at least one area of child development, and that gap widens over the course of their education.²² Students from disadvantaged backgrounds are more likely to start high school below international benchmarks for reading and less likely to catch up.²³ By 15 years of age, students from lower socio-economic areas are on average three years behind the students in high socio-economic households, and 40% of those children don't finish Year 12.²⁴

Internationally, Australia is slipping in education outcomes. For example, Australia ranked fifth in mathematics in the year 2000. In 2012 we were at 19th place, so we are heading backwards in terms of international best practice.²⁵ The average Australian student was three

²¹ Charlotte Hamlyn, ABC News, *WA schools hardest hit by remote disadvantage, nationwide study finds* (27 June 2017) <<http://www.abc.net.au/news/2017-06-27/wa-schools-remote-disadvantage-study/8657528>> (accessed 15 January 2018).

²² Teach for Australia, *What's the problem?* <<http://www.teachforaustralia.org/about-us/whats-the-problem/>> (accessed 15 January 2018).

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

years behind the average student in Shanghai in 2012.²⁶ This is a great cause for concern when 75% of the fastest growing occupations in Australia require science, technology, engineering and maths,²⁷ as we are just not matching international standards in these areas. You have probably heard Australia described as 'the lucky country'. If you look at those figures we are going to need to be very lucky indeed in a globally competitive environment.

'Dropping off the Edge' reports

Another group that has commissioned surveys in this area is the Jesuit Social Services and Catholic Social Services Australia. They produced 'Dropping off the Edge' reports in each of 2007 and 2015, in which they looked at 19 different areas of disadvantage.²⁸ In Western Australia they examined 140 different local government areas. The findings were - consistently with the other reports I have mentioned - that there is a complex web of disadvantage both throughout the country as a whole and in Western Australia. Dominant characteristics of the groups being most disadvantaged on at least five indicators were:²⁹

- low internet access;
- young adults being disengaged from employment and further education;

²⁶ Ibid.

²⁷ Ibid.

²⁸ Tony Vinson and Margot Rawthorne, *Dropping off the edge 2015: persistent communal disadvantage in Australia* (2015) <<https://dote.org.au/findings/full-report/>> (accessed 15 January 2018); Tony Vinson, *Dropping off the edge: the distribution of disadvantage in Australia* (2007); <<https://dote.org.au/findings/full-report/>> (accessed 15 January 2018).

²⁹ Jesuit Social Services and Catholic Social Services Australia: *Dropping off the edge 2015, #2015DOTE2015 Western Australia Fact Sheet* (2015) <<http://k46cs13u1432b9asz49wnhcx-wpengine.netdna-ssl.com/wp-content/uploads/DOTE-state-fact-sheet-WA1.pdf>> 2 (accessed 15 January 2018).

- low overall education levels;
- high levels of contact with the justice system (there is a clear correlation between educational disadvantage and intersection with the justice system, with the 2015 report showing that people living in the 3% most disadvantaged areas in Western Australia have prison admissions roughly *eight times* higher than the rest of the State);³⁰
- low family income; and
- high levels of unemployment.

The 2015 report noted that locational disadvantage is entrenched. Many of the local government areas appeared in the most disadvantaged category in both 2007 and 2015.³¹ Disadvantage is actually concentrated in a small number of communities and focused in regional, rural and outer metropolitan areas and Indigenous communities.³² The fact that these problems are focused and localised should make it easier to fix them.

Auditor General's report on the juvenile justice system

Let me give you an example from my own area. Ten years ago the Auditor General in Western Australia conducted an enquiry into juvenile justice. He looked at children in the juvenile justice system between the ages of 10 and 17. The 250 children who would have the greatest number of intersections with the justice system cost the State

³⁰ Ibid.

³¹ Ibid 3.

³² Ibid.

of Western Australia \$100 million (in 2008 dollars).³³ That is \$400,000 each. Of those 250 children, approximately 75% would be Indigenous children and a lot of those children would come from families that are very well known to the system. So we are spending \$100 million on 250 children who are easily identified from families well known to authorities, and all we can say with confidence is that those children are very likely to graduate into the adult criminal justice system when they turn 18. For \$400,000 we could send those children to Geelong Grammar School and to a Swiss finishing school and still have change. It costs \$360,000 per annum to put a child in the State's only detention centre at Banksia Hill.³⁴ That is close to \$1,000 per day - significantly more than the city's most expensive and luxurious hotel.

The other place chronically disadvantaged people go is hospitals. Hospitals are extremely expensive. Very often the care needs of chronically disadvantaged people are acute, and the treatment required, perhaps in an intensive care ward, is extremely expensive. The point I am making is that we are spending a lot of money mopping up the consequences of disadvantage when we could be spending money, effort and time much more effectively by preventing disadvantage in the first place. But of course this is not just an economic argument. This is a social equity argument. It's about actually realising the great Australian ideal of a fair go.

³³ Auditor General of Western Australia, *The juvenile justice system: dealing with young people under the Young Offenders Act 1994 -Report 4* (June 2008) <https://audit.wa.gov.au/wp-content/uploads/2013/05/report2008_04.pdf> 7, 16 and 24 (accessed 2 February 2018).

³⁴ The average cost per child in 2015-2016.

Office of the Inspector of Custodial Services, *Behaviour Management Practices at Banksia Hill Detention Centre* (June 2017) Inspector's overview, ii <[http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4010394a06fc7411ed8490b0482581760038e389/\\$file/394.pdf](http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4010394a06fc7411ed8490b0482581760038e389/$file/394.pdf)> (accessed 2 February 2018).

The Mitchell Institute

The Mitchell Institute at Victoria University found that socio-economic disadvantage has a greater impact on educational opportunity than any other factor.³⁵ Like other studies in this area, they suggest that funding cannot be the whole response. In their view, there have to be ways of connecting young people with education providers capable of supporting them.

The Conversation reports

The Conversation has done a number of reports on these issues. One report concerns how Australia compares internationally in relation to equality of education.³⁶ The author, Associate Professor Laura Perry,³⁷ makes the point that there are three key aspects to educational disadvantage. First, is the *opportunity* for students to access resources, facilities and effective teachers. The next is the *experience* of students, which includes relationships and interactions with other students and teachers. The third is educational *outcomes* in terms of character, skills and knowledge gained. These are the criteria which were used to assess educational disadvantage. Using those criteria, Australia has the largest gap in the number of teachers as between disadvantaged and advantaged schools amongst all the OECD countries, and one of the largest gaps in the number of teachers as

³⁵ The Mitchell Institute, Victoria University, *Educational opportunity in Australia – Fact Sheet 1: Socio-economic disadvantage and educational opportunity persistently linked* (26 October 2015) <<http://www.mitchellinstitute.org.au/fact-sheets/socio-economic-disadvantage-and-educational-opportunity-persistently-linked/>> (accessed 15 January 2018).

³⁶ Laura Perry, The Conversation, *Educational disadvantage is a huge problem in Australia – we can't just carry on the same* (15 March 2017) <<https://theconversation.com/educational-disadvantage-is-a-huge-problem-in-australia-we-cant-just-carry-on-the-same-74530>> (accessed 15 January 2018).

³⁷ Associate Professor and Associate Dean, Research, Murdoch University.

between urban and rural schools.³⁸ Lower socio-economic status schools in Australia have far fewer educational materials in terms of books, facilities and laboratories than high socio-economic status schools.³⁹ That gap between the two types of schools is the third largest in the OECD.⁴⁰ In relation to the quality of educational experience in Australia, one third of students in advantaged schools report high levels of noise and disorder compared to half the students in disadvantaged schools.⁴¹ Disadvantaged students are less likely to report supportive and engaging relationships.⁴² In relation to educational outcomes, the achievement gap between advantaged and disadvantaged students is very large - equivalent to about three years of schooling - consistently with the data that Teach for Australia has collected. Only 47% of Indigenous students met the minimum proficiency science standard compared to 77% of non-Indigenous students.⁴³

In other countries there are more radical approaches to bridging the gap between disadvantaged and advantaged schools. In Canada, for example, there is a deliberate policy of mixing students who would otherwise be going to advantaged schools in advantaged areas with students from schools that are less advantaged.⁴⁴

We don't have policies of that kind in Australia, but we do have significant gaps in the quality of education provided. We have a gap

³⁸ Above, n 36.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Laura Perry and Christopher Lubienski, *The Conversation, Australian schools: engines of inequality* (13 March 2014) <<https://theconversation.com/australian-schools-engines-of-inequality-23979>> (accessed 2 February 2018).

between public and private schools. Some of the private schools aren't so well funded but some of the well-funded private schools are of course very, very different to some of the public schools. Within the public system, the schools can also be quite different. A public school in a high socio-economic area is likely to be quite different to a public school in a low socio-economic area. Associate Professor Laura Perry concluded that we are not doing nearly as much as we should be doing to bridge the gap between the differing standards of education that are available in Australia.

There is another report by the Conversation, in which Associate Professor Misty Adoniou⁴⁵ again makes the same point, that is that the students who do poorly at school are often from disadvantaged homes, and performing poorly at school usually means you will remain disadvantaged - perpetuating an intergenerational cycle of disadvantage.⁴⁶ This report suggested that the starting point for change in this area was professional development. Which is the reason why what you are doing in this Teach for Australia programme is so important.

So how is this programme going to make a difference? The people in this programme are potentially the best teachers in the system. You have earned wonderful undergraduate degrees, and many of you will become, if you stay in the system, the best teachers. Under the current model of education you would all end up in the best schools because that's where the best teachers go. What this programme does is

⁴⁵ Associate Professor in Language, Literacy and TESL, University of Canberra.

⁴⁶ Misty Adoniou, The Conversation, *Equality in Education – what does that mean?* (11 February 2016) <<https://theconversation.com/columns/misty-adoniou-107235>> (accessed 15 February 2018).

reverse that assumption and spread your talents around and try and address that gap between the advantaged schools and the disadvantaged schools. In Australia, we are not prepared to undertake social engineering by shifting students from one area to another to address disadvantage. By this programme, instead of shifting the students we are shifting the teachers.

I'm not an educator, but it seems to me that one of the key things that you will need if you are going to make an impact is effective engagement with the students and in some cases that will involve language issues - if you are in parts of Perth where English is not ordinarily the first language or in remote parts of the State where English can be problematic for a lot of Indigenous students. You will come across a broader range of cultural backgrounds than those to which you are accustomed, and so you will need to engage with different cultures. Enthusiasm is, in my view, critical and can be infectious. So the enthusiasm that you young energetic teachers will bring to your work is really important, as is your capacity to mentor the students and build relationships with them - relationships that aren't just based exclusively upon the formal teaching process. Through those relationships you can endeavour to change the expectations and assumptions that your students are making about their future. But of course if you are not to set them up for failure, you also need to provide them with the capacity to achieve those changed expectations. So it's about changing the student mindset and then developing the capacity to achieve the goals emerging from the change of mindset.