

Transcript - ABC with David Bevan - November 1, 2017

Ann-Marie Hayes, Executive Director, Early Years in Childhood Development, Education Department [& Callers]

Proposal to fine parents in an effort to tackle school truancy

(Bevan: Truancy, have you ever skipped school ... when it becomes chronic of course you've got a really big issue because it, I imagine, can compound problems for that child and for that family so you get all sort of secondary and tertiary problems coming on top of the initial problem which kept the kid out of school in the first place ... our State Parliament has decided to turn its attention to this issue and they're debate legislation which ... would fine the parents perhaps as much as \$750 if a child doesn't attend school ... Ann-Marie Hayes ... she's explaining the Government position for us today ... what is the law as it stands at the moment ... then we'll ask you to explain what the changes would mean?)

... at the moment we have the capacity to use some statutory options to support families where there's really ... non-engagement ... that includes family conferencing and some prosecution but we are now ... looking at some targeted use of expiation notices ... this is really clear about this is the high end ... we have a lot of children and young people that may be missing school for a range of reasons and ... that's not chronic non-attendance, we're talking about where the attendance is impacting on the child's educational outcomes, child and young person's, and also when we're talking about the sorts of things currently where we have gone to prosecution ... we've had two successful prosecutions, is where it's been ongoing, wilful condoning of non-attendance ... it's not about your mainstream parent who's having issue or has problems at home or mental health issues, it's not about that. It's about making sure that when we've done all that we can to help and families aren't engaging that we have some other mechanisms or strategies to remind parents and the community that schooling ... it's an obligation for parents and it's a right for a child to have an education, so it's really framed in that way ... *(Bevan: Is it a Government bill that's being debated?)* Yes. *(Bevan: It is, okay ...)* It's part of the Education Bill. *(Bevan: And it came from recommendations from the Education Department?)* Yeah ... *(Bevan: Right, so this is what you want ... you want the ability to fine parents if their kids don't turn up to school?)* No ... that's too blunt. What we want is some statutory options that ensure that we can support, support, support, but when people are wilfully, and we mean really wilfully, and condoning non-attendance that we have other options other than to go straight to prosecution. *(Bevan: Yeah ... one of those options would be to fine parents if their kids don't turn up?)* Yes ... if they don't turn up after a number of other things ... *(Bevan: Oh yeah ... you're not just going to, you know, if the kid hasn't been there for a couple of days you're going to send them a bill for \$750 ... no ...but you want the option ...)* You want the option, you want to be able to say, we've got a range of often those sort of statutory, what it's shown, other jurisdictions have them ... and what the research seems to suggest is people take it more seriously if they think there's some sort of ... potential statutory outcome, that's what the research shows ... *(Bevan: Alright ...)*

David Knuckey, Director, SA Association of State School Organisations (SAASSO)

(Bevan: David Knuckey ... do you think this is a good idea?)

No. *(Bevan: Why not?)* It doesn't address the actual causes of children missing school which is, admittedly, a very, very important issue. Children can't get an education if they're not there and absenteeism has become an issue in this state ... to say that you just fine the parents and the problem's solved that's quite ridiculous. There's a multitude of reasons that children chronically miss school; bullying, special needs, coming from Indigenous backgrounds, single parent backgrounds, lower socioeconomic backgrounds. Fining the parents isn't going to help any of that ... also, we're not talking \$750, there's a dual aspect here, there's increasing the fine through the court to \$5,000 ... but issuing an on the spot fine ... do you think the people who are really affected by this, parents who are really disengaged, from families that are already struggling, do we think another \$300 fine is going to make any difference whatsoever, do we think they're actually going to pay ... we're with the union on this, it's just going to hurt families that are already suffering. You've already got families that are having to choose between heating and feeding their children. Do we really think that a \$350, \$450 absenteeism fine from the department's going to make any difference whatsoever? We need more resources in schools. Principals tell us they need more resources in school to deal with things like bullying, teachers tell us they need more training, we perhaps need more truancy officers, maybe we need some tougher laws on bullying which is one of the biggest impacts on children not attending school ... but fining the victim's parents.

(Bevan: ... but if I understand Ms Hayes correctly, from the Education Department, she's saying, 'look, we do all that other stuff, we do all the supporting stuff'--) Well no ... that's just it, not they don't ... reports released this year from the University of South Australia, principals are saying it doesn't work ... if you look at bullying, the absolute best outcome from current bullying policies is maybe a 20% reduction in bullying. That's the best we can hope to achieve. So we're not doing enough. If we were already doing all of that then who cares because you'll probably never get to it, but we're not doing that. *(Bevan: And do you argue that once you've given the department a stick they'll stop using carrots ...)* ... you've got to make it a lot easier ... they don't have to go to court, they don't have to go through a magistrate or anything like that, now it's just issue a fine, we've dealt with the problem.

(Bevan: So these are expiation notices, they don't have to go to court?) No ... certainly we know the Liberals have a policy that they want to increase the fines, but if you maintain it through the courts then that is a serious stick, that's in terms of ... if you are wilfully refusing to send your children to school for some reason then you're going to get a summons, you have to go to court, appear before a judge, there's going to be consequences. This is like a traffic notice. *(Bevan: Yeah, okay, I see where you're coming from.)*

John Gardner, Shadow Minister for Education

(Bevan: John Gardner ... what do you say?)

... I agree with David Knuckey on the point that he's just made; having an on the spot fine will do nothing to alleviate this situation and in many ways will undermine some of the positive work that is otherwise in the Education Bill. I do need to correct Ann-Marie Hayes on one thing, when you asked her what the current situation is. The current situation is that there is a fine that can be imposed by a court ... that's currently just a couple of hundred dollars maximum fine, it's not a stick at all ... that aspect needed to be changed, so the

Liberal Party supports, in fact we propose first increasing the maximum fine that a court can impose so it's going to be at a level where it will get a parent who is wilfully disengaged, refusing to engage with the school, it will get their attention; if you don't engage with a school then we'll take you to court and this is a serious penalty ... that's important and that's got bipartisan support. The second aspect is that these family conferences can take place ... this is where a truancy officer can call together the parent, the school, the staff, police if necessary, other support services if necessary ... the Liberal Party supports that but that's not actually in the current legislation. It is in the bill that's proposed ... that's new and that's supported. *(Bevan: Do you support the expiation notices, the fines?)* Absolutely not ... we've moved amendments to stop that because what you have if the expiation notices are in place, going to family conferencing or potentially in the worst cases prosecution, those are complex, difficult, time-consuming tasks and these students have complex needs and they need that time applied to them. If the option is available for a school or the department to just apply a simple expiation notice and think that they dealt with the problem of course that's not going to be a last case scenario as the department, as the Minister, the Government says, that's going to be used in the first case ... you'll have these fines which in the legislation are up to \$750 applied ... we're very concerned that they're going to be applied expeditiously rather than judiciously, they're going to be applied too often and they're not going to get to the root cause ... one other thing; resourcing in this area has been inadequate for a long time. We have 22 truancy officers for the whole state and more than a year ago Steven Marshall committed to increase that by 50% so that they can bring down their case load and those truancy officers will have the time to apply to those cases that they need ... I'm very pleased that the Government last week agreed to exactly the same increase that we proposed over a year ago ... there's lots of things we agree on but these on the spot fines will be a real destructive element of the bill and that's why we're encouraging the crossbenchers to support our amendments. *(Bevan: ... thank you ...)*

Back to Ann-Marie Hayes

(Bevan: Ann-Marie Hayes ... David Knuckey from the State Schools and John Gardner from the State Opposition, they think the fines are a dopey idea.)

Yeah, I heard that ... what I'd say is there is no intent for it to be a simple process ... if it went through, and obviously that's not my job, but if it went through there'd have to be lots of work to ensure that these are last-resort measures because ... *(Bevan: Does the legislation require lots of work to be done?)* ... it can because as you know you can put something in legislation and then the regulations and the way the department would put it into practice is very much, I think I'm in total agreement with both David Knuckey and John Gardner, that we really do want to work on the continuum of behaviour. There's no way that this would be, 'right, you haven't done this, here's an on the spot fine', there's no way we would use it like that ... *(Bevan: Well you say that but ... would the legislation allow you to do that?)* Not actually straight up, what it would say is you can put in an expiation notice then ... it would actually be, what are the regulations behind the expiation notice, and at that point you could put in safeguards that it is a last resort. *(Bevan: Yeah ... well why don't you put the safeguards in the legislation?)* I don't think they'd fit ... I can't say I ... absolutely understand legislation in the same way that Parliamentary Counsel were and I'm sure that as it comes to regulations we would be very careful, but that's the intent of it, it just adds to a suite-- *(Bevan: Why does the department need this ability, why can't you leave it to the courts because that is, you've got a stick but you're not handing over to another Government*

department the ability to throw out fines willy-nilly?) No ... that is an option obviously and Parliament will continue to discuss it ... what we are wanting from a departmental point of view is really to support parents who require the support where they are wilfully disengaging or condoning non-attendance, we want a suite of strategies ... this is just one suite that has proven to be helpful elsewhere. *(Bevan: Where?)* In other states, other jurisdictions where they've looked at it ... what we're saying is here's another ... strategy, it's not the only one, it couldn't be the only one and we haven't determined a mechanism for on the spot ... *(Bevan: Which states?)* I can get that information for you, I haven't got it to hand right this minute ... we did some research prior to the bill going through. *(Bevan: So you say it's worked in other states but you don't remember which ones?)* No I don't but I can get it for you straight away. *(Bevan: Okay ... that'd be good.)* New South Wales, actually has it ... *(Bevan: ... and how did it help in New South Wales?)* Well it gave them an extra-- *(Bevan: Yeah ... but no ... what are the stats?)* ... in NT from what I understand was it did actually help with some of Indigenous attendance ... it increased, I haven't got the actual stats in front of me but I do know that the NT felt it was an added, and the community actually, Indigenous community in parts of the NT, actually spoke to the Education Department and said, 'we want that because then people understand how important it is' ... *(Bevan: Oh, they were saying to the Government, 'we want you to fine us if we don't send our kids?')* Yeah ... *(Bevan: And what are the stats in New South Wales?)* I don't know the stats in New South Wales but I'm more than happy to get those for you, but I know they introduced it as another strategy, not as the only strategy and certainly not the mechanisms behind the on the spot fine are very much a last resort measure and that's what we would imagine here. *(Bevan: But it doesn't say that in the legislation.)* No it doesn't ... *(Bevan: Maybe it should.)* Yeah ... it's a targeted use of expiation notices ... targeted ... you only high end target. *(Bevan: But does the legislation say it's targeted?)* No ... it gives you the capacity to have expiation notices ... *(Bevan: Who hands out the fine, is it the principal?)* No, I don't imagine that we would expect our principals to hand out fines. *(Bevan: Who would hand out the fine?)* ... we haven't determined that yet because it hasn't got through Parliament ... *(Bevan: ... the legislation would say that wouldn't it?)* No it wouldn't be the principal ... *(Bevan: No ... but does the legislation say who would hand out the fine?)* No it doesn't ... *(Bevan: ... does the legislation identify anybody to hand out the fine?)* No, it actually says they would be one the strategies and then we would determine in regulations how you would do an on the spot fine. The mechanisms have not been determined. *(Bevan: Okay ...)* But they're often done in regulation as opposed to a broad idea that you would have an expiation notice.

(Caller Michelle: ... my kids are going through primary school ... I've done the governing council and the volunteer at school thing ... my biggest issue is fines probably won't affect the parents, what we should be doing is fining the principals and the leadership when they neglect to apply mandatory reporting to absentee and trancies ... I was at school, there was the kids that had gone 27 days with missing school in the first term, we were at parents and the teachers were expressing concerns about those families. The leadership decide, no we must deal with this internally, we need to get in touch with the parents, it took them nine months to finally get in touch with the parent ... what we found out was the parent ... had drugs and alcohol problems and those kids were basically dragging themselves up ... there was kids even under primary school level ... basically the grade three eldest child was having to make breakfast for everyone and lunches for everyone before he was even going to school ... the idea of increasing officers involved with truancy is great because that's the justification that schools are saying, 'oh we can't dump more work on them, we need to deal with it ourselves' ... we need to make truancy so that school attendance goes straight through ... when they've exceeded a certain number of days, like four or five, then the truancy officers

have to start taking action, it's got to be taken out of school hands ... fining parents because they've got alcohol problems and stuff like that won't help ... that'll still have to go through the court system, we'll be paying a fortune in prosecution fees ... it'll go to the courts ... those people don't have the capability of paying it, so in the end we end up paying for all the extra stuff ourselves and it's coming out of the Education Department.)

Back to John Gardner

(Bevan: John Gardner ... does the legislation give any idea about how these fines are to be handed out ... could you be fined ... as the legislation stands, could a parent be fined for their kid missing one day of school?) Yes, so the legislation makes it an offence for a child to be absent from school ... without a reason ... the legislation further sets out that any offence in the legislation, any offence under the Education Act, is expiable with an expiation notice up to \$750. The legislation has made it so broad that ... Ms Hayes, who is an Executive Director in the department, she and her other department people will be responsible for working on regulations as to how it's applied. Our job as a Parliament is actually to establish the law in a way that the community is best served. I don't believe for a second that our community is best served by giving these broad ranging powers to the Education Department. We actually are accountable to the people of South Australia and our job as legislators is to ensure that the Act is in a good position in the first place ... that's why we're moving amendments. *(Bevan: But Ann-Marie Hayes says ... they won't do anything silly with this.)* Oh, we'll take her word for it then. *(Bevan: Oh, really?)* No ... our job is to ensure that the legislation, I have absolutely no stress that Ann-Marie Hayes has no intention of writing the regulations in that way but our job in writing legislation is to ensure that a Minister who does not have ... such stringent oversight as we've heard of this morning ... the legislation is there to protect people, the legislation is there for all circumstances. *(Bevan: ... where is it at the moment, this bill?)* The bill has passed the Lower House, the Government accepted some of the Opposition's amendments on some measures but not on others ... it's going to be debated in the Legislative Council next week ... presumably in the last week of November they'll deal with amendments.