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CONTROL OF STATE SCHOOL CURRICULUM IN SOUTH AUSTRALIA: ISSUES ARISING FROM THE VESTING OF AUTHORITY IN THE DIRECTOR-GENERAL, AND WITH PARTICULAR REFERENCE TO THE PERIOD 1970-1985.

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FOR SYLVIA

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ABBREVIATIONS AND CONVENTIONS

The following general abbreviations are used in the thesis

AEC	Australian Education Council
ACER	Australian Council for Educational Research
AMA	Assistant Masters' Association (United Kingdom)
CAE	College of Advanced Education
CAP	Curriculum Action Project
CAR	*Curriculum Authority and Responsibility* (1985)
CDC	Curriculum Development Centre
CEO	Chief Executive Officer
CLVA	Colonial Laws Validity Act (1865)
CPPS	Croydon Park Primary School
CURASS	Curriculum and Assessment Committee (of AEC)
EDSA	Education Department of South Australia
EDVIC	Education Department of Victoria
ERA	Education Reform Act (1988 United Kingdom)
ETSA	Electricity Trust of South Australia
GMS	Grant Maintained Schools (United Kingdom)
GRG	Government Record Group
HMA	Headmasters' Association (United Kingdom)
HMI	Her Majesty's Inspectorate
ML	Mortlock Library
NUT	National Union of Teachers (United Kingdom)
OSTP	*Our Schools and Their Purposes* (1981)
PRG	Private Record Group
PSACB	Primary Schools Advisory Curriculum Board
SAASSO	South Australian Association of State School Organizations
SACAE	South Australian College of Advanced Education
SAIT	South Australian Institute of Teachers

SAPD	South Australian Parliamentary Debates
SAPP	South Australian Parliamentary Papers
SBCD	School-Based Curriculum Development
SBDMG	School-Based Decision-Making Group
SBM	School-Based Management
SR	State Records
UKPD	United Kingdom Parliamentary Debates (Hansard)

The following standard abbreviations for law reports are used in the thesis when cases are cited

AC	Appeal Cases (British)
All ER	All England Reports
ALR	Australian Law Reports
CLR	Commonwealth Law Reports
KB	Kings Bench Reports (British)
LT	Law Times Reports (British)
NZLR	New Zealand Law Reports
SASR	South Australian State Reports
WN	Weekly Notes (NSW)

The following conventions are adopted in the thesis

Case citations are presented in standard form. For example:

Ansett v Commonwealth (1977) 139 CLR 54 at 87
(a) (b) (c) (d) (e) (f)

(a)	Name of case
(b)	Year of case
(c)	Volume number
(d)	The report in which the case appears (Commonwealth Law Reports)
(e)	First page of the case in the report
(f)	The page number of the quotation cited

Square brackets [ ] inserted in quotations indicate the writer's interpolation.

Round brackets ( ) in quotations are original.

Emphasis in quotations is original unless otherwise stated.

One citation will be given where several short adjacent excerpts from an author are incorporated into the thesis writer's sentences.

Government commissioned reports are cited in the text under the name of the chairperson of the relevant committee.

The writer has sought to use non-sexist language in the thesis. Nevertheless, some quotations incorporated into the text do contain sexist language.

The bibliography is undifferentiated in order to facilitate ease of use.

ABSTRACT

South Australia is unique amongst Australian States insofar as s82(1) of the Education Act 1972 vests the Director-General of Education, rather than the Minister of Education, with *de jure* control of State school curriculum. This locus of control is at odds with the well-established democratic convention that Ministers control the directive policy components of their portfolios. The thesis describes how this mode of curriculum control came about, its nature and implications, and mounts a challenge to its legitimacy.

I begin with an analysis of the views of three ex-Ministers of Education, an ex-Director-General, and the then incumbent Director-General, regarding the locus of curriculum control, which serves as a heuristic for analysis in subsequent chapters.

The genesis of curriculum control in South Australia is traced from the mid-nineteenth century, and arguments presented in Parliament for and against various loci of curriculum control are critically examined. This is followed by consideration of the core question of whether or not curriculum control by 'experts' (ie technocratic control) can be rationally justified in an accountable representative democracy.

Attention is then focused on how technocratic control of curriculum actually operated in the pivotal period 1970-1985, when a brief experiment with school-based curriculum development was succeeded by a process of gradual re-centralization.

This is followed by a consideration of two types of accountability implications of *de jure* technocratic control. First, a model of political accountability is presented against which accountability structures for South Australian school curriculum is gauged. The wider accountability implications of the study are also sketched out. Attention is then drawn to legal accountability implications arising from curriculum control by the Director-General. Legal limitations on the Director-General's discretionary curriculum authority, and the potential for judicial review, should a determined Minister seek to 'dictate' curriculum policy to a Director-General, are carefully scrutinised.

The major conclusion of the thesis is that on theoretical and practical grounds, there is a persuasive case for the South Australian government to re-examine s82(1) of the Act, with a view to discarding it.

DECLARATION

This work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text.

I give consent to this copy of my thesis, when deposited in the University Library, being available for loan and photocopying.

Alan Smithson

Oct 1997

Date

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PREFACE

My interest in this thesis topic was first aroused some twenty years ago, when over 70% of a group of third-year pre-service teacher education students indicated that they believed control of South Australian school curriculum* was vested in the Minister of Education. Although these students were in error, their mistake was hardly surprising, given the long-standing democratic convention that Ministers are generally responsible and accountable for policy decisions arising from their portfolios. However, when informed that South Australia differed from all other Australian States insofar as it was not the Minister of Education, but the tenured Director-General of Education, who was vested with control of State school curriculum, many students quickly offered a plausible rationalization for this locus, by arguing that the Director-General (unlike the Minister), was after all a career professional educator possessing the necessary curriculum expertise to justify such control. Over the next several years student responses remained generally consistent with around 70% of those questioned, erroneously believing that the South Australian Minister of Education controlled and was accountable for, State school curriculum.

* Marsh and Willis (1995,6) are probably right in claiming that 'it is unlikely that any one definition can capture the myriad of emphases now associated with the term' (curriculum). However, Skilbeck's definition incorporates the essential elements of the term as it is used in this thesis:

> 'Curriculum' will be used here to refer to the learning experiences of students, insofar as they are expressed or anticipated in educational goals and objectives, plans and designs for learning, and the implementation of these plans and designs in school enviroments (Skilbeck 1984, 21).

Let me now turn to an important point made by Kogan, namely, that:

> We cannot consider the ways in which society provides education without involving the perennial issue of political philosophy: who will decide on behalf of society what collective action shall be taken, how the power of the decision-maker is made legitimate, and how far decisions are democratically made (Kogan 1978, 12).

Since theory must necessarily inform practice, it is important that political philosophy comes to grips with both theoretical and practical aspects of Kogan's 'perennial issue' as it relates to curriculum control, for how this and related issues are handled will perforce affect all South Australians. Consequently, in view of the misunderstanding by students previously alluded to, and presumably by others in society, an essential task of this thesis will be to address the core theoretical question of whether or not a tenured administrator, in this case the South Australian Director-General of Education, should continue to be vested with *de jure* control of State school curriculum.

As Parry and Moran (1994, 3) point out, 'The ambiguities of the notion of "the rule of the people" lie at the root of different views about the extent to which the idea of democracy has been recreated.' These ambiguities have generated two broad theories of democracy (Held 1987), each having very different implications for citizen participation.

On the one hand, supporters of 'participatory democracy' (eg Held 1987, B. Barber 1984, Pateman 1970), advocate the maximum possible level of participation of citizens in actually determining policies and laws. At the same time, these theorists realise that such a vision of 'democracy is not a condition which has been achieved, but one which still has to be striven for' (Parry and Moran 1994, 4). On the other hand, supporters of a more limited theory of democracy (eg Sartori 1987, Nordlinger 1981, Schumpeter 1943), point to what they believe 'democracy may "realistically" achieve' (Parry and Moran 1994, 4). This theory of democracy specifies a more limited and modest role for citizens who are not expected to aspire to actually govern themselves. Their role is mainly one of electing representatives and thereafter leaving

them to get on with the business of governing. In other words, the 'realists' believe that there is but one way to govern a complex industrial society democratically:

> The only way such a world can be governed is by political leadership. And the only way in which it can be governed democratically is through a system of *accountability* which thus becomes the guiding concept rather than 'participation' (Parry and Moran 1994, 5).

It is also claimed that Western industrial societies have 'evolved a satisfactory method of accountability in the form of competitive elections,' and that this justifies a form of government which Parry and Moran (1994, 5) call 'accountable representative democracy.' The word 'accountable' is therefore no mere appendage, but crucial in the phrase 'accountable representative democracy.' Dictators in so-called people's 'democratic republics' often claim to 'represent' the people, though they are not accountable to them (Flew 1977, 78-79). However, no democracy is frozen in time, and Parry and Moran (1994, 11-12) point out that even 'the long established democracies have continued to experience substantial political change, and this political change bears, in highly complex ways, on the question of democratization.' These changes may or may not be construed as a process of democratization, since much will hinge not only on the theory of democracy subscribed to, but also on what one holds to be the appropriate role of the state:

> ... what to one person will appear as political reforms designed to limit the arbitrary power of the state to another will seem to be measures designed to restrict the responsibilities of democratic government (Parry and Moran 1994, 12).

There is little doubt that Australia can be fairly described as an 'accountable representative democracy.' However, B. Barber (1984) describes such democracies as 'weak democracies,' since concomitants of formal representation are that, links between representatives and voters are relatively weak, and public service administrators are responsible to the public only indirectly, through their responsiveness to the people's elected representatives. Of course, the question of whether or not such responsiveness is a satisfactory state of affairs will depend largely on which theory of democracy one subscribes to, and is a question which will not be addressed here.

Indeed, I do not intend to defend either view of democracy in this thesis, since it is unnecessary for me to do so. Rather, I shall take the system of accountable representative democracy (with its recognisable warts) currently existing in both South Australia and Australia generally, as a given. Under such a system, centralized control of major policy areas affecting citizens is, in a *de jure* sense at least, in the hands of Cabinet Ministers, and administered by public service administrators who are accountable to their political masters. However, control of State school curriculum in South Australia is in the hands of the Director-General, and as such is out of kilter with other States and Territories.

Consequently, a major aim of this thesis will be to analyse this mode of curriculum control, and appraise it in terms of the traditional normative requirements associated with the system of accountable representative democratic government currently existing in this country, as distinct from a different notion of how the system of government *ought* to be. Important questions to be directed at this mode of curriculum control in South Australia include: can it be rationally justified?; what would be the likely turn of events, should a serious disagreement over curriculum policy arise, between Director-General and Minister of Education?

The thesis traces developments since the mid-nineteenth century which show how control of school curriculum by a professional educator eventually came to be accepted in South Australia, and examines the various reasons advanced in Parliament to support this normative position. In addition, the nature of this mode of curriculum control is considered, and particular attention is paid to how such control was exercised in the period 1970-1985, when emphasis shifted from an erstwhile system of strong centralized control, to a more relaxed decentralized system of so-called school-based curriculum development (SBCD), followed in turn by the onset of a period of re-centralization occurring in the wake of economic downturn and allied cuts to educational funding. The thesis also examines the accountability implications arising from control by the Director-General, implications which have hitherto often been misunderstood or overlooked.At this juncture let me emphasise the point that this thesis focuses on those aspects of curriculum

control resulting from s82(1) of the Education Act 1972, which vests control of State school curriculum in the Director-General. Consequently, other aspects of curriculum control, important though they may be, will not be considered. For example, control of curriculum arising from Federal influence through such mechanisms as tied or categorical financial grants, and fluctuations in general purpose funding, will not be addressed. Similarly, South Australian universities undoubtedly exert an influence on school curriculum in at least two important ways. First, universities influence school curriculum, particularly at the upper high school level, by virtue of their influence in helping to determine the nature of the public examination system, and their own entrance requirements. Second, pre-service and in-service teacher education courses offered by universities, have an obvious impact on school curriculum. However, these influences will not be addressed. A final example is that the encroaching impact on curriculum by commercial interests (Barlow 1997), which are currently penetrating schools in ways never before experienced, will not be a feature of analysis.

A further disclaimer is that the important issue of what constitutes a 'good' school curriculum, in the sense of what curriculum content should be taught, and what teaching methods should be adopted, will not be addressed in this thesis, where emphasis is on the nature of curriculum control. Having said that, I realise, of course, that the nature of curriculum control can exert a determining effect on curriculum content and methodology, as is decidedly the case in totalitarian societies.

Relatedly, it may well be true that *de jure* control of school curriculum by a tenured administrator could, on occasions, produce a 'better' curriculum policy than one produced under a democratic process, though it is problematical whether or not this would occur. Even so, as we shall see, citizens in an accountable representative democracy could be forgiven if they are reluctant to tread this path. At the same time, this is not to deny that *de facto* control of policy-making by administrators does occur, and for a variety of reasons, such as the abdication of responsibility

by a weak minister. Nevertheless, the implications of *de facto* control are very different to those of *de jure* control.

Chapter one, which introduces the thesis topic, is based on a series of audio-taped interviews with three ex-Ministers of Education, one ex-Director-General of Education, and the then Director-General in office, which were conducted in 1983, together with correspondence between myself and the then incumbent Ministers of Education, conducted in the period 1984-1987. These 'views from the top' were characterized by responses which were sometimes inconsistent, and often less than convincing, thus raising crucial questions regarding the locus of curriculum control in South Australia and the implications of that control, questions which provide the basis for analysis in subsequent chapters.

Chapter two seeks to place the issue of curriculum control in South Australia in broad historical perspective. It traces how the idea that a professional educator should control school curriculum was slowly nurtured since the mid-nineteenth century, to be finally triumphant when the Education Act 1915 vested the Director of Education with curriculum control. This was re-affirmed without demur when s82(1) of the Education Act 1972 vested the Director-General of Education with control of State school curriculum. The deliberations of relevant Select Committees, together with parliamentary debates canvassing the relative merits of curriculum control by an elected Minister, an expert educator, a central committee, and local elected boards, are closely scrutinised.

In chapter three, the question of whether or not technocratic control of school curriculum by educational 'experts' can be rationally justified, is addressed. It is one thing to endow a tenured administrator with *de jure* control, and quite another to justify such a locus of control. The conclusion reached is that the case for such control is far from convincing, and that in South Australia such policy should be under democratic control.

Chapter four examines how control of school curriculum was exercised in the wake of the *Freedom and Authority Memorandum* (FAM) (1970). The early 1970s saw a period of SBCD given impetus, and continuing encouragement, by the then Director-General A.W. Jones, who fostered the notion that a decisive shift of curriculum authority to State schools constituted a significant democratic initiative. However, it is argued that notwithstanding the democratic rhetoric, SBCD such as existed, comprised a micro-technocratic brand of decentralized administrative control in which the school's professionals, particularly school principals, were the major beneficiaries. Moreover, SBCD tended to be somewhat deceptive in the sense that school principals were often eager to ensure that their curriculum initiatives met with departmental approval, thus giving rise to claims that SBCD represented an indirect form of centralized control.

Chapter five traces how the rapidly changing economic climate of the late 1970s and early 1980s gave rise to developments in South Australia which pointed to a significant reassertion of direct macro-technocratic centralized control of curriculum. The Keeves Reports (1981, 1982) were described accurately by several observers as highly technocratic documents indicative of a changing *zeitgeist.* In particular, the Keeves Committee unreservedly supported curriculum control by the Director-General, in preference to control by the Minister of Education. Further, despite claims to the contrary, the Keeves Reports were in substantial accord with the determinative policy initiatives expressed in *Our Schools and Their Purposes* (OSTP) (1981), the Education Department's major curriculum policy statement in the 1980s. OSTP, together with *Curriculum Authority and Responsibility* (CAR) (1985), which spelt out in more detail the Education Department's curriculum requirements, became the blue print for re-centralized technocratic control.

Having considered how technocratic control of South Australian school curriculum came about, and attempts to theoretically justify such a mode of control, and how such control actually operated in the period 1970-1985, I devote chapters six and seven to a close analysis of

accountability implications arising from this mode of control

Chapter six examines accountability as a problematical concept, offers a model of accountability against which the 'democraticity' of accountability structures in South Australia is gauged, and focuses on the political dimension of accountability as it pertains to South Australian State school curriculum. Attention is also drawn to the wider significance of the South Australian case study. The conclusion reached is that, from a democratic perspective, accountability for school curriculum in the State leaves much to be desired.

Chapter seven examines legal accountability implications arising from s82(1) of the Act. It is by no means obvious how a court would rule, should it be required to do so, in the event of a curriculum policy dispute between a determined Minister of Education seeking to 'dictate' curriculum policy to a recalcitrant Director-General bent on exercising independent curriculum authority under s82(1).

Chapter eight is a short concluding chapter suggesting that there are sound theoretical and practical reasons why s82(1) of the Act should be dropped from the statute book. However, given the potentially controversial nature of school curriculum, South Australian governments may well be tempted to leave the current locus of control undisturbed.

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CHAPTER ONE

CONTROL OF, AND ACCOUNTABILITY FOR, SOUTH AUSTRALIAN STATE SCHOOL CURRICULUM: SOME VIEWS FROM THE TOP

INTRODUCTION

This chapter focuses on interview material gathered in 1983, when three ex-Ministers of Education (Hudson, Hopgood and Allison), ex-Director-General A.W. Jones, and the then Director-General in office John Steinle, were asked to comment on the locus of control for South Australian State school curriculum. The interviews were extensive and covered a wide range of topics and issues. However, only those aspects pertaining to curriculum control and accountability are included here*. Correspondence between myself and incumbent Ministers of Education during the period 1984-1987, addressing the same topics, is also considered. Consequently, this chapter is intended to serve as a heuristic, or 'curtain-raiser' as it were, in the sense that these high level responses serve as a point of departure for a close analysis of the nature of control of State school curriculum, and its accountability implications, in subsequent chapters of the thesis. At the same time, attention is drawn in this chapter to what I consider to be inconsistencies and weaknesses in the respondents' replies.

INTERVIEW WITH EX-MINISTER OF EDUCATION HUGH HUDSON, CONDUCTED 6 MAY 1983

Mr Hudson was Labor Minister of Education from 2 June 1970 - 24 June 1975.

* The original interview tapes are in the possession of the writer

On being a Minister of Education in the Cabinet

AS: What in practical terms is a Minister's real influence and power?

HH: It depends, I suppose, to some extent on the person. I tended to keep out of curriculum issues. First, because they tend to be issues in which you waste a lot of time and energy without much gain. Secondly, because the responsibility for curriculum is strictly for the Director-General, so far as the Education Act is concerned... Thirdly, because I wanted to see the whole process of curriculum professionalised as much as possible, and the more I kept out of that area the better the chance there was of that.

AS: How much truth is there in the suggestion that Ministers of Education do not, or cannot, undertake the roles they are meant to play?

HH: I think that a tremendous amount depends upon the particular character of each Minister... There is a fundamental problem that exists within a government education system in a democratic community. If the strict theory of democracy is preserved, you have a situation where everybody is supposed to be accountable to the public through Parliament, and the Minister is the means whereby that takes place. Now if everybody is accountable for every bloody decision that is ever taken, everything has to be written down, and obviously that kind of situation reacts against the development of a professional teaching force within the government system. So if you are going to professionalise government education, and create a strong ethical responsibility to the profession amongst both administrators and the schools, then to some extent the traditional form of accountability gets modified, and must be modified, and the Minister has to prevent the members of Parliament from attempting to intervene on matters which should be matters of professional responsibility. At the same time, there is a nice old balance, and the professional educators have to be responsive to the felt needs of the community to some degree... But one of the problems in education is that every Tom, Dick and Harry, for miles around, regards themselves as experts in curriculum, as to what should be taught in schools... If you listen to all of these people then you would just have a balls-up on your hands.

AS: What in your view are the main roles of the Minister of Education?

HH: Well I don't see him as an educational leader. I see his main roles in the resources area, and in taking appropriate actions to ensure the future effective leadership of the department.

AS: When you became Minister did you have any clear views of educational policies you wished to put into effect?

HH: I wanted to see moves towards greater professionalism within the teaching service. I wanted the devolution of power from the department into the schools... You can get a Minister who comes along, and he is going to reform all sorts of things. For example, he is going to get all sorts of extra things taught in schools, and get this and that done. He can only do that by attempting to impose his own ideas, and ultimately it becomes anti-professional.

AS: What in your view are the chief differences between the role of the Minister of Education and the Director-General?

HH: There is a professional area in the education field which primarily should be the concern of the Director-General, and of other officers, and of the schools.

The Minister and Governance of South Australian State Schools

AS: Why were school councils reconstituted under the Education Act 1972?

HH: I thought it was important to undermine the predominant role of the principal, by trying to get some staff involvement... Now it seemed to me that one way of getting teachers in a school more involved in a manner that the principal would find hard to counter, was to have some teacher representation on the school council itself. After all, the logic of the FAM is that you don't just delegate all authority to the principal, and the process stops there. There has to be sensible delegation within the school itself.

AS: School councils are 'advisory,' and were set up to be so. Do you think that the role should be changed?

HH: I do not think they should be responsible in the professional areas, and I think that if you do that you would introduce conservative forces that would be difficult to overcome in the future when change is needed... I think the school council tends to be a fairly conservative organization. You may get good school councils operating in certain schools in the metropolitan area, but in the rural areas it will be rat-shit, and any progressive effort within the

school will often be dampened down if the school council has been given full power on curriculum matters.

AS: S82(1) of the Education Act makes the Director-General responsible for curriculum in government schools. Do you agree with this clause?

HH: Yes!

AS: How can s82(1) be justified? What would be the argument supporting it?

HH: That the curriculum is a professional matter. That every Tom, Dick, and Harry, is not an expert in determining what subject areas should be taught in schools, and how these things should be taught.

AS: How do you respond to the suggestion that basically there is a deep anti-democratic implication in that claim?

HH: Of course!

AS: It becomes technocratic politics rather than democratic politics?

HH: Yes it may be. But it is still the case that if the department makes a balls of it, it will come unstuck... I would point out that at the South Australian ALP Conference in 1981, an educational policy was adopted which would make the Minister responsible for curriculum. It was over my strenuous opposition, and in 1982 it was changed back to the Director-General again. That is how the argument got accepted. In any profession, if something is a profession, there are professional matters of competence. You do not attempt, democratically, to tell lawyers how to do something which is purely within their competence. You are quite at liberty to lay down laws which govern the broad limitations on the way in which they operate, the fees they charge, the way they handle their trust accounts, and a whole series of matters of that nature. But you do not attempt to lay down by legislation how they conduct the professional side of the business.

AS: I think you are correct regarding areas of professional competence, but curriculum is not entirely an area of professional competence (HH: Of course, of course), and therefore we can distinguish between curriculum policy decisions and technical or professional decisions.

HH: Look, quite. There is not a sharp distinction, absolutely sharp.

AS: The danger is that if curriculum is seen solely as 'professional,' lay people could be ruled out - even politicians?

HH: That is a possible danger, but it is not a danger that exists at the moment. The danger that exists at the moment is in a department that is only really at the weaning stage in developing professionalism. It is only ten years ago that it started to cease being an absolute hierarchy, run like the bloody army... The danger at the present time is that the community will interfere excessively in the curriculum area, not the other danger ... but to the extent that you have a democratic system, with the media built the way it is, the danger that you are worried about is not very likely.

AS: It may not be likely, but you did concede earlier that basically there was a strong anti-democratic element in it?

HH: Well if you are going to take every bloody decision with full democratic participation, the end result will be bedlam.

AS: But I am not suggesting that the alternative is full democratic participation or 'direct democracy.' If you extend the logic of the argument that the Director-General should control curriculum policy, a farmer rather than the Minister of Agriculture should surely make agricultural policy decisions.

HH: Well look, let's be clear about what we are talking about. Curriculum policy decisions will have resource implications, so you can always, as Minister, stop some particular development by saying: 'You can go ahead and do it if you want, but you won't get any bloody resources for it.'... The fact that the Director-General had the responsibility did not mean that the Minister was not consulted, but it certainly does mean that if the coots come along and say we've got to introduce courses in consumer affairs, in law, and this and that, and the net result is going to be that the curriculum is so crowded out that nothing gets done properly, then it's a tremendous assistance for it to be a professional decision. The Minister can get out from under when he needs to get out from under.

[Hudson's response is interesting. First, his belief that starving a Director-General of funds to implement a curriculum policy constituted a viable political option, echoed the view expressed by the Keeves Committee in 1982. However, Hudson was soon to retreat from this position.

Second, he seems to be conflating a 'professional decision' (ie a legitimate decision made by a professional) and a 'decision made by a professional', which may or may not be a professional decision. It will be argued in chapter three that curriculum policy decisions are not the preserve of professionals. Third, Hudson clearly believed that it was important for the Minister to be able to 'get out from under,' ie that in response to public pressure for curriculum change, the Minister could at least claim: 'Curriculum is the Director-General's responsibility.'].

AS: We know that the Director-General is authorised to control curriculum, but the Director-General is not democratically accountable for curriculum.

HH: Yes, that is true if you say the only thing that is important is the political accountability of the Westminster system, but I am not taking that position in any event. The ethical responsibility that competent professionals have in the educational area, means that they know that curriculum change and curriculum policy development have to have a measure of support, at least within the community, or otherwise it won't get off the ground, and the 'sex education' example is a case in point... Now while the Act may say that the Director-General is responsible, the professional accountability, the ethical accountability of the departmental officers, means that if they want to do something that is likely to create difficulties, they will tend to prepare the ground, and have them onside. But look at cases where the Minister is responsible for curriculum, and Queensland is one of these. Now when Fletcher was Minister of Education, he wanted to introduce 'self-education' courses, and he wanted to change the 'religious education' program in the way we were doing it here. But because he was responsible, and because Cabinet demanded to be involved, he could never get the bloody decision taken. So what happens when you've got the democratic process working, particularly with a government that is elected by 30% of the electorate, you get nothing. There is no perfect system.

[It would appear that Hudson is perhaps more concerned with the public being consumers of curriculum policy, having been 'sold' such policy by shrewd departmental professionals, than with the public actually determining such policy, either directly, or through their elected representatives. Also, it is by no means self-evident what 'ethical accountability' implies, or

whether 'professional accountability' has any relevance for curriculum policy decisions, as distinct from professional curriculum decisions].

AS: Would it be correct to say that if a South Australian government disagreed with a Director-General's curriculum policy, and could not persuade the Director-General to change it, then in order to reassert control of curriculum it would have to fire the Director-General, refuse to supply the necessary resources, or alter the legislation?

HH: The relevant choice is to alter the legislation. The other two choices are not relevant... No government is going to say 'We won't provide the department with the resources because it won't do what we want it to do on curriculum.' [Note the change in Hudson's stance on this issue].

AS: It is all very well to talk about ethics and professional accountability, and making decisions within a framework of broad consultation (HH: Well, if you are going to talk about democratic accountability, then I am going to talk that way, you know). Well, alright, but within the framework of professional ethics and broad consultation, it could still be argued that the locus of curriculum authority is misplaced.

HH: Well the other step you can take is to legislate for Curriculum Boards as they have in New South Wales, and that is another disaster area, because nobody can move unless the Curriculum Boards agree, and these boards are filled up with all the various bureaucratic interests that exist. So there is no simple answer on this. But let's be very clear on it. If you give the Minister curriculum power it will end up being bad news: not so much when there is a Labor government, but whenever there's a Liberal government it will be bad news. And it can be bad news if some goons in the Labor Party decide that they want to direct the Education Department what to do, direct the schools what to do, and there are enough of those people around.

AS: Is it bad news if you give control to school councils?

HH: Yes!

AS: But control of curriculum by the Director-General is more in line with technocratic politics?

HH: Well it is in a way, and it would be very much technocratic if the people involved took no notice whatever of any ructions that were created as a consequence of their frequent decisions. But, of course, that's not the way that in fact it works. The danger in our society is not that curriculum decision-making becomes too technocratic or too professionalised. The danger in our society is that it becomes too democratic.

Comment

In conclusion, Hudson certainly seemed to be rather more concerned about the possibility of democratic excesses than with the fact that South Australian school curriculum was under the direct control of an appointed, tenured administrator, rather than a Minister accountable to Cabinet, Parliament and ultimately to voters.

Further, Hudson is certainly correct in his contention that 'There is a professional area in the education field which properly should be the concern of the Director-General and other officers.' However, in justifiably seeking to ensure that professional educators are given their due in the curriculum decisional context, he my well have sought to push too much under the 'professional' rubric. For instance, when asked to justify s82(1) of the Act, Hudson replied: 'The curriculum is a professional matter. That every Tom, Dick, and Harry is not an expert in determining what subject areas should be taught in schools, and how these things should be taught.' It is true that curriculum content and methodology are primarily professional matters, but is a curriculum policy decision about whether Vietnamese or Japanese should be taught in government schools solely a professional matter?

It is also interesting to note that Hudson believed that control of curriculum by the Minister of Education would 'end up being bad news,' though he placed rather more confidence in Labor Ministers than in Liberal Ministers.

INTERVIEW WITH EX-MINISTER OF EDUCATION DR DON HOPGOOD, CONDUCTED 3 MAY 1983

Dr Hopgood was Labor Minister of Education from 24 June 1975 - 18 September 1979.

On being a Minister of Education in the Cabinet

AS: What in practical terms is a Minister's real influence and power?

DH: He is certainly constrained, and I suppose the policy which the Labor governments pursued in the 1970s was, in some ways, to further restrict ministerial power, because we encouraged the schools, to a degree, to do their own thing, to develop their own policies in many areas.

AS: How much truth is there in the suggestion that Ministers of Education do not, or cannot, undertake the roles they are meant to play?

DH: It depends really on people's expectations. I am sure there are those who really believe that the Minister should have complete control over setting of curricula, and that sort of thing... I have never seen the system as operating in that way... On the other hand there are all sorts of initiatives that can be taken by Ministers, and were taken in our day, which will influence the way in which overall curriculum development heads.

AS: What in your view are the main roles of the Minister of Education?

DH: The main role as it is seen by the education community, and I guess by the broader community, is winning resources, and a strong Minister who is able to do that ... will be largely applauded. I think the second thing is the way in which various policy initiatives can be developed.

AS: When you became Minister did you have any clear views of educational policies you wished to put into effect?

DH: Yes, I think I had some fairly clear ideas ... I was certainly committed to the fairly broad liberal concept of education, and not wanting to have a too narrowly vocational emphasis on what we were doing. Fitting children for the whole of life rather than purely the vocational component of it. [S82(1) of the Act would have limited Hopgood's role here to one of advising the Director-General on such a curriculum policy, rather than the other way round].

AS: What in your view are the chief differences between the role of the Minister of Education and the Director-General?

DH: The Director-General is responsible, of course, for the administration of the department ... He is also formally responsible for curriculum matters ... The previous Liberal government came into power saying a lot about the 3Rs. One of the things that was being said was that under the Act the Minister has no responsibility here. It is for the Director-General to determine that point of detail about the content of curriculum. So that's the role, the Director-General is in effect the number one professional, and I see that as entirely appropriate.

The Minister and the Governance of South Australian State Schools

AS: Why were school councils reconstituted under the Education Act 1972?

DH: I don't think there is any doubt that the intention was that some degree ot school-based policy-making should be reserved to the schools.

AS: What do you think should be the role of school councils?

DH: I think they have an important role in policy formulation, in terms of translating to the professionals on the job, the nature of that local community and its expectations ... and they should have some active role in the implementation.

AS: But would you go so far as to say that they should control school-based curriculum policy-making?

DH: Well I think they should have a very strong input into it.

AS: But 'input' can mean, say, advisory or consultative input, which in fact is what they have now.

DH: Yes, that's right. I think I would probably go as far as to say that they could have the right of veto in certain circumstances, as long as the teachers as a body, also had the right of veto.

AS: S82(1) of the Education Act makes the Director-General responsible for curriculum in government schools. Do you agree with this clause?

DH: Yes!

AS: How can s82(1) be justified?

DH: Well, I think that the problem here is the possibility of political censorship, and that sort of thing, in areas like the humanities subjects and so on. There has to be some means whereby there are assurances to the public that the specific ideological concerns of the political party in power are not being disseminated through the schools. And in some respects, the State's number one educator, the Director-General, has a responsibility to have some control at that point.

AS: Would you say, then, that giving control the Director-General in some way 'de-politicises' curriculum policy?

DH: Well that's the theory of it, yes.

AS: How would you respond to the suggestion that it does not de-politicise it at all, it replaces the politics of the many (democratic) with the politics of a particular individual?

DH: In the sense that he is not accountable, and you can't get to him?

AS: That's right. It replaces democratic politics, with all its shortcomings, with bureaucratic or technocratic politics.

DH: Probably technocratic rather than bureaucratic. There could be a sense in which that is very true. You see, what in fact it does, I would have thought, is put decision-making, or the responsibility for it, not so much in the hands of an individual, but in the profession as a whole, which the Director-General oversees. Because it is all done through a series of committees, of which the Director-General is the titular head, and of course, that committee system has become increasingly formalised. [It is difficult to see how the 'profession as a whole' could be responsible for curriculum decisions. S82(1) vested responsibility in a named officer, so legally the buck stopped there. Also, the committees to which Hopgood referred were merely 'advisory' to the Director-General. Similarly, school councils performed an 'advisory' function to the school principal on curriculum matters, but it would be wrong to suggest that school councils were thereby responsible for school-based curriculum decisions].

AS: A response to that is that whilst it is all very well for a Director-General to solicit advice, the locus of responsibility still rests with the Director-General, and he could in fact decide to override such advice. What safeguards are in the system to ensure against the misuse of power by a single individual?

DH: Yes, well I think probably it is true to say that in the formal sense there are very few safeguards. In practice, of course, that's not the way in which Director-General Steinle is operating. He has always operated on the basis of collective decision-making... But I think it is probably true, if you want to argue, that we may have been lulled into a false sense of security, because we have had someone holding the reins of power who believes in consensus and consultation. Well that's probably right.

AS: You would not go so far as to say that the Director-General is in any sense 'qualified' to control curriculum policy?

DH: Not in the individual sense, in the collective sense it would be interesting to get a Crown law opinion on this. [This seems an odd response, since the question of whether or not an individual or group is 'qualified' to make decisions, as distinct from being legally empowered to make decisions, is surely epistemological rather than legal]. If you see the Director-General as a collective sort of thing in the sense that the Minister is seen as a collective thing...

AS: Yes, but individual or collective, the question is not whether the Director-General is empowered, which he is, but whether he is 'qualified' to discharge that policy function. In what way is the Director-General qualified to determine curriculum policy?

DH: Well I think I would have to say that it is probably unlikely that this is even a major criterion in the selection of the Director-General. So to that extent your fears are well based. But there are all sorts of factors that come into the selection of such an individual, and his specific expertise in relation to s82(1) is probably not one that looms large.

AS: Giving curriculum policy making authority to the Director-General is a dangerous precedent in a democracy. If it can be justified why not take responsibility for agricultural policy away from the Minister of Agriculture and give it to a farmer? We could even dispense with democratic politics altogether and hand policy-making over to 'experts.'

DH: The traditional justification for doing it, of course, is the nature of the processes being undertaken, and the individuals who are involved in the process, namely, young minds who are being 'educated' - whatever that means. I mean basically the Minister of Agriculture, or his Director-General, is dealing with things like what advice should be given to farmers in relation to, say, the sort of clover that should be sown to pasture. That is seen as being relatively

value-free, and the ultimate customers are adults who are reasonably well placed to be able to look after their own interests anyway. I am sure there are other areas we can look at which are probably much more akin to the education sort of area, where there are, you know, values that are strongly influential.

AS: Is the Director-General an 'expert' on whether Vietnamese or Japanese should be taught in government schools? These are the value decisions that Ministers should make in a democracy?

DH: All I can say to that is that traditionally those Director-General type decisions have been taken collectively. They have been seen overall as a matter for the profession as it were ... rather than for the individual.

AS: If the government does not like the Director-General's curriculum policy, then it seems to me that they are left with three possibilities: fire the Director-General; refuse to supply resources; alter the legislation?

DH: That's right, yes, if they're dealing with an intransigent Director-General.

Comment

In conclusion, Hopgood, like his predecessor Hudson, saw the main role of the Minister of Education as being one of winning resources rather than designing and implementing policies. Also, like Hudson, he believed that the Director-General should have responsibility for curriculum, though he did not see curriculum decisions as being the sole responsibility of the Director-General, but rather the responsibility of the 'profession as a whole,' arising from the 'collective' nature of curriculum decision-making practised by the then Director-General Steinle. However, Hopgood's preference for what could be described as 'professional oligarchic' curriculum policy-making, as distinct from 'professional autocratic' policy-making by the Director-General alone, leaves the fundamental question of whether professionals should control curriculum policy in abeyance. It has been pointed out that s82(1) of the Act vested the Director-General alone with curriculum responsibility, and as we shall see in chapter seven, this responsibility cannot be delegated to, or shared with, Curriculum Boards, or with other collective bodies.

Unlike Hudson, who believed that school councils should remain advisory, Hopgood was prepared to grant more authority to these bodies, even to the extent of permitting them to exercise a veto, but this seems to sit uneasily with Hopgood's belief that curriculum should be controlled by 'the profession as a whole.'

Hopgood's response to the suggestion that if it is permissible to vest curriculum policy control in a professional educator, then why not give agricultural policy control to a professional farmer, suggests that he may have misunderstood the point of the question. Perhaps he should have been asked a policy question such as: 'Who should make a decision about whether government subsidies should be paid to farmers?' Surely this requires a political decision rather than a 'professional' decision made by an expert farmer.

Finally, Hopgood's response to the question of whether or not he thought the Director-General was 'qualified,' as distinct from empowered, to make curriculum policy, was characterised by prevarication. His claim that it is unlikely that the question of whether the Director-General was 'qualified' to make curriculum policy 'is even a major criterion in the selection of the 'Director-General,' leaves it unclear whether or not he believed it was possible for a Director-General to be qualified in this respect.

INTERVIEW WITH EX-MINISTER OF EDUCATION HAROLD ALLISON, CONDUCTED 13 DECEMBER 1983

Mr Allison was Liberal Minister of Education from 18 September 1979 - 10 November 1982.

On being a Minister in the Cabinet

AS: What in practical terms is a Minister's real influence and power?

HA: I found that the first thing the Education Department as a whole expected me to do, was to fight for funds to make sure the on-going programs could be maintained... So the first thing I did as Minister was simply to hold firm on the commitment I had made to maintain the programs.

AS: How much truth is there in the suggestion that Ministers of Education do not, or cannot, undertake the roles they are meant to play?

HA: Your main problem in education is that it is such a huge, fragmented organization, fragmented in the sense that you have seven or eight hundred schools across South Australia... I found that another problem was the entrenchment of ideas, principles and people ... the longer a government is in power, the more entrenched the public service administration becomes, and the happier they sit. They know they can predict how a Minister is going to think, how a government is going to react, so they will tailor their programs.

AS: What in your view are the main roles of the Minister of Education, other than fighting for resources which you have already mentioned?

HA: The Minister is the 'figurehead' of the department. If people have confidence in the Minister generally, they will be happier with the way the educational system is going, just as they have confidence in the Director-General. I think the main aspect of being Minister is that you carry the can... The Minister has to be responsible for any decisions which he makes ... everything which comes across the ministerial desk for approval should be carefully scrutinised, particularly by a new Minister... I found that a degree of sloppiness had emerged as a result of things that happened from 1970 onwards, and the Education Department's acceptance of Director-General Jones's FAM was one which created problems for the whole of the department for the decade after. What happened, I think, was that freedom became licence ... the Director-General is statutorily responsible for curriculum, yet Director-General Jones handed out, in a two page document, the licence to all school staffs to go out and do their own thing. He said that if it sits comfortably in your classroom, and you are happy with it, you do it. And a lot of teachers took it that they were then given the right not only to experiment, but also to say 'This is what we will be doing.' I think ... that the 3Rs had to be given increasing importance... So I felt that there was a need for the department generally to be re-motivated...

After I had visited 60 or 70 schools I began talking quite seriously to Director-General Steinle about what teachers were asking for: curriculum development areas in English and maths. There was a program of 3-5 years in getting curriculum units out. Teachers in the schools

were saying: 'Look, we want these units, get them out to us quickly, and make them available to us free of charge...' There was a high degree not only of acceptance, but of demand, from schools. I spoke to the Director-General about this, and asked how the programs for maths and English were coming along, so that we could get the core of subject curricula into schools. I asked these questions when I first became Minister because the maths teachers, and other associations, had been lobbying me as a 'shadow Minister' for two or three years, saying that they did not have enough money to bring these curriculum development programs forward, fast enough ... when I became Minister I said that we had better do something about it, because that is the area we should be concentrating on: core curriculum ... We found the independent sector of schooling was waiting as anxiously for these curriculum materials as was the State sector...

I would hate to be indicted for wanting core curricula simply because core curricula are a whim. I am simply referring constantly to core curricula building blocks, you know. I am fired up tremendously on this, not by accident, but by observation, by personal experimentation [when he was a teacher].

AS: You seem to have answered my next question already. When you became Minister did you have any clear views of educational policies you wished to put into effect?

HA: Well part of the problem, as you may imagine, was that I am strongly motivated towards establishing core curricula, but that these core curricula are really within the province of the Director-General. He is statutorily responsible for the curriculum - not accidentally - but statutorily. I do not think this is good because it really means that if you have a doctrinaire Director-General, and I am not suggesting that we do have, but if you did, then he could exclude a number of other ideas. My aim was not to have a mass of core curricula in all subjects, but to have core curricula in those essential areas: English, maths, and languages. I might have been seen as a dangerous Minister, wishing to interfere in curriculum areas. I don't think so at all, I think I was extremely constructive ... [Given Hudson's view on curriculum control, he would have disagreed vehemently].

AS: What in your view are the chief differences between the role of the Minister of Education and the Director-General?

HA: The Minister is there to devise policy as far as he can, and then to pass the policy changes on to the administrators to implement. The Director-General and public service generally will carry on administering soundly, irrespective of which government is in power, but when it comes to a policy and a philosophy then the Minister has to impress upon the senior administrators that this is really what we want to do, and that we are going to do it.

The Minister and the Governance of South Australia State Schools

AS: What do you think should be the role of school councils?

HA: Advisory to the principal... I think they should have some say in resolution of school problems, including criticism of staff structures. I don't know whether I would go so far as to give them control, because in South Australia where you have a centralized administration and centralized funding, and only a supportive funding program from school councils, which varies considerably from one council to another, depending on affluence, to give councils a degree of control would make administrative problems even greater for the Minister, for Cabinet, and for the Director-General.

AS: You have said that the Minister 'carries the can,' and emphasised the significance of 'core curriculum,' and you also spoke of the dangers of a 'doctrinaire Director-General'...

HA: I don't know that we've ever had one. But if you had one he has statutory powers which frighten me.

AS: Let's get to the heart of it: do you think that the Director-General should have such statutory control over school curriculum?

HA: Yes. The other danger is that you could have a government superimposing a politically doctrinaire system, and I think the Director-General should have the power to resist that, but the real question is whether a Director-General would have the courage to resist a dominant government and Minister... The real problem is where you get someone like Director-General Jones who relinquished power to the classroom... You could have a more doctrinaire approach in the classroom, given that freedom was given to all classroom teachers.

AS: If the Director-General controls curriculum, it severs the accountability link to the Minister who you said 'carries the can,' because the Minister can then say that the Director-General has statutory authority (HA: So don't ask me!), so I am not responsible. As I see it there is no democratic accountability for school curriculum policy.

HA: Right!

AS: Surely, if you are concerned about accountability, how can you live with the notion that s82(1) effectively precludes democratic accountability for curriculum policy?

HA: I found that hardest so far as the core curriculum was concerned. I wasn't worried about the majority of subjects, but I simply felt, and will continue to feel, that we should tackle the problem in the early years of primary school ... and carry the program through in the 'communication skills' ... and teach the children that these are the tools of trade, and they are also the teachers' tools of trade. Let's look at the number of teachers who go through, who don't have to do English as a compulsory subject, and who don't have to do maths as a compulsory subject. Yet I am insisting that these are the common skills, and you can see why there might be a body of resistance from teachers, who might be expected to undertake a greater role in fostering these. For example, in marking out errors in every subject, instead of saying: 'That's the job of the English or maths teacher to do that.'

AS: Can I interrupt you and say that if you really believe core curriculum to be important, then the Minister must have control of curriculum to be able to introduce it. This would mean rescinding or amending s82(1) of the Act. Could I ask you directly, do you agree that s82(1) makes democratic accountability for curriculum policy impossible?

HA: Yes, it takes it out of the hands of the elected members, the elected Parliament, and places it in the hands of a completely independent person.

AS: So my second question is: if you were to become Minister again, and wanted to introduce core curriculum, the only way you could do it (HA: Would be to change the statute), would be to rescind or amend s82(1)?

HA: Yes, and you would be instantly faced with ..(AS: The wrath of the professionals?) Well the Institute of Teachers, yes. The Institute took that issue up with me, and I made it quite

clear that any interest of mine in curriculum was in this core area where you must have 'keystones'...

AS: If I understand you correctly, I think you may have shifted ground, because earlier you said that you thought that the Director-General should control curriculum, but when I said that if a Minister wanted to. .. (HA: I was referring to the content of curriculum). I mean curriculum policy. If a minister says: 'My policy is that I want to introduce a core curriculum into government schools'... (HA: It should be done. The content is what the Director-General is statutorily responsible for. If he chooses to leave the curriculum keystones out, then you are shot aren't you?).

AS: S82(1) gives control of curriculum policy to the Director-General.

HA: Yes it does. So he could reject core curriculum on the grounds of policy too?

AS: Yes, do you still think that the Director-General should have control of curriculum policy?

HA: No, I think it is excessive. There should be some ministerial input. There should be some input from the government of the day.

AS: Could I ask you why you did not move to rescind s82(1)?

HA: Because we already had sufficient problems with the Institute of Teachers, and with the teaching profession generally. I mean it is like saying would you like another thump in the teeth when you've already got two black eyes?

AS: If you were to become Minister again, would you seek to rescind s82(1)?

HA: I would seek to re-negotiate with the Director-General, and with the teaching profession, and I would seek to do it by reason rather than by ministerial edict.

AS: But would you get rid of s82(1)?

HA: Yes, or put in a supplementary clause. You don't have to get rid of a clause, you can put riders on it.

AS: You would be surprised how many people are not aware that curriculum policy in South Australia is not under democratic control.

HA: Yes, well that's what I found to be my biggest problem.

AS: In the Liberal Party Policy Document it says that a Liberal government will continue to support control of curriculum by the Director-General because it 'frees curriculum from political interference.' In relation to what we have been discussing, could you elaborate on what you meant by that?

HA: Imposing doctrinaire political subject matter on schools by a government, at government instruction...

AS: Were you thinking in terms of Queensland's handling of MACOS (Man: A Course of Study) and SEMP (Social Education Materials Project) ?

HA: No, I would have frozen MACOS and SEMP.... My opposition to MACOS and SEMP was less the content of it than in the omissions.

AS: Surely, control of curriculum by the Director-General does not free curriculum from political interference at all, it simply substitutes technocratic politics for democratic politics?

HA: You remove one form of restraint.

AS: You remove one form of politics. Democratic politics is removed because governments cannot be trusted with curriculum control, to be replaced by technocratic politics because a professional Director-General can be trusted?

HA: Probably at the back of my mind was the concern that educators, as a group, are first in school, then into college or university, and then back to school, and that their experience of the outside world, the business/commercial world, tends to be more limited. To place curriculum control solely in the hands of the Director-General, who I assume will take his counsel from his own professional field, would make it difficult for new curricular activities to be introduced. And it would also tend to militate against innovations being introduced spontaneously by the Director-General and senior staff.

Comment

In conclusion, Allison, like Hudson and Hopgood, saw the main role of the Minister of Education as that of 'winning resources,' which would seem to raise the possibility that the resources 'tail' could wag the curriculum/educational policy 'dog'. However, unlike his Labor government predecessors, Allison was passionately interested in curriculum issues, and did not

see this as the preserve of the professionals. He had been keen to introduce 'core curriculum,' but was frustrated in this ambition by virtue of s82(1) of the Act.

Also, unlike Hudson and Hopgood, who both approved of s82(1) unreservedly, Allison was, to say the least, ambivalent about this locus of control. Indeed, as the interview progressed he shifted his position on the issue. On the one hand he feared the prospect of a 'doctrinaire' Director-General, because he said that s82(1) vested the Director-General with 'statutory powers which frighten me.' In this regard, Allison believed that Director-General Jones had acted imprudently with the release of his FAM in 1970, which had allegedly licensed 'all school staffs to go out and do their own thing.' But Allison was mistaken, since the FAM devolved authority to school principals, not to teachers. Allison agreed that vesting of curriculum control in the Director-General, vitiated the possibility of 'democratic accountability' for curriculum policy, because it 'takes it out of the hands of the Parliament, and places it in the hands of a completely independent person.'

On the other hand, Allison believed that if control of curriculum rested with a Minister, there was a risk of 'political interference,' which he defined as 'imposing doctrinaire political subject matter on schools by a government, at government instruction.' At the same time, he believed that the Director-General should 'have the power to resist that.' Nevertheless, Allison would certainly have introduced core curricula to government schools had he possessed the authority to do so. However, to use Allison's expression, this would have been 'extremely constructive,' rather than 'political interference.' But in any case, the sort of 'political interference' which Allison feared, could surely be countered at election time, should a sufficient number of voters be displeased with a government's curriculum policy.

It is interesting to note that if Allison were to become Minister for a second time, he would seek to rescind or amend s82(1), because he saw control by the Director-General as 'excessive,' and he believed that there should be 'ministerial input.' He also readily conceded

that any attempt to tamper with s82(1) would be likely to elicit a hostile response from the professionals, particularly the Institute of Teachers.

Finally, despite Allison's contention that the Minister's role is that of 'devising policy' whilst administrators 'implement' it, and his contention that the Minister 'carries the can,' the plain fact is that the Minister does not carry the can for curriculum policy. Like Hudson, Allison could also 'get out from under' on curriculum matters. For when it was suggested that the Minister could say to citizens who were dissatisfied with a Director-General's curriculum policy, 'I am not responsible,' Allison agreed, saying, 'So don't ask me!' - hardly a satisfactory response in a democracy.

INTERVIEW WITH EX-DIRECTOR-GENERAL A.W. JONES, CONDUCTED 15 JUNE 1983

Mr Jones was Director-General 1 March 1970 - 1 September 1977.

AS: What, in your view, are the main roles of the Minister of Education?

AJ: His main role is to represent the Education Department in Cabinet and, of course, that is where Hudson was very good indeed... I always think accountability is a two way process, and just as I was accountable to the Minister to run the department efficiently, he was accountable to me to get the money that was necessary to run it. So I think that is his chief role in Cabinet, and to see he gets the best deal possible in the budget. Then, of course, there is the public relations side of it, and Hudson was very good at that.

AS: Do you think that there should be any changes in the ministerial role?

AJ: No, I think the Minister has ultimate authority. Hudson was always careful to point out to me that my authority was only delegated to me by him, except in the matter of curriculum ... I don't think Ministers should get into the workings of the department itself, but I think they definitely have ultimate responsibility on policy. Their government has been elected to govern, and they have certain planks in their platform, and it is the responsibility of the Minister to implement those planks.

AS: What, in your view, are the chief differences between the role of Minister of Education and the Director-General?

AJ: The Minister's role is obviously associated with government and with Parliament. The Director-General's role is that he only has one move upwards, that is to the Minister.

AS: Does the Minister sanction policies and push legislation through Parliament, whereas the Director-General advises the Minister, and implements policy?

AJ: Oh yes, I put it this way: I think the Director-General is the 'formulator of policy,' which may have been initiated or triggered anywhere... The Minister is the 'formaliser,' he gets it into print in the statute books, and that's it. So that to me is the big difference.

AS: Why were school councils reconstituted in 1972?

AJ: I think the major idea was to bring more parents into them, and also to have the staff represented.

AS: Their major role, of course, is still advisory?

AJ: Yes, they cannot instruct teachers.

AS: Should they be advisory, or should they have decisional teeth?

AJ: The school council should have a voice, but not the final say. In a German community I think they are quite entitled to say: 'We would like to have a Lutheran headteacher.' They are entitled to say that, but whether they get one is another matter.

AS: So you think that the school council's major function should be advisory?

AJ: Yes, I think their major functions should be advisory.

AS: What about curriculum?

AJ: I think they should have a definite voice, but not final authority. You can imagine what you would get in a Lutheran community for instance: 'We are not going to have Darwinism taught here.'

AS: Do you think that s82(1) of the Act, which vests the Director-General with curriculum control, can be justified in a democracy?

AJ: Well, the banning of books by the Bjelke-Petersen Government in Queensland, could not have happened in South Australia. Unless the Act was changed, of course... But in Queensland the Director-General does not control curriculum, whereas here the Director-

General does, and Hudson wanted it left that way too. He did not want it in the hands of politicians. But I suppose the politicians have the right to make decisions, if they are elected. If a government is elected it has the right to make decisions which are not popular with the majority... So if you get down to the fundamentals of a democracy, then I suppose it is wrong, but my word, I think it is a very good safeguard to have... The only way you can change it if you have curriculum in the hands of a Minister, is at election time [This is not strictly true, since the Premier could replace a Minister, or Cabinet could force a change of policy on a Minister].

AS: How do you respond to the suggestion that parents should not be involved in curriculum policy-making because they are inexpert?

AJ: I am in favour of them being involved... I think lay people, and they are selected lay people, of course, have ideas, and in a sense they represent a section of the community. So long as they do not have absolute authority.

AS: What would make you baulk at giving lay people absolute curriculum authority?

AJ: The same as I would baulk at having, as they had previously, only professional people determining curriculum on the Advisory Curriculum Boards. I had them changed... Now lots of people in the department did not want that: 'That's our job to look into curriculum.' I would allow the laity to have a voice, as I said, but not the sole voice. The same as I would not allow the professionals to have the sole determining influence.

AS: But in a real sense the professionals do have the determining influence, because if school councils are advisory, then the locus of final decisional authority for school-based curriculum policy-making must inevitably lie with the professionals in schools?

AJ: But I am not sure where they are in school-based curriculum development in South Australia at the moment. Don't school-based courses have to go back and be approved by the Advisory Curriculum Boards? [As we shall see in chapter four, the question of approval for curricula developed at the school level, was not finally resolved until the release of *Curriculum Authority and Responsibility* (CAR) in 1985. However, even if approval at the central level had been necessary, the result would simply have been to shift the locus of authority from the professionals at school level to professionals at central departmental level.

The reason being that Advisory Curriculum Boards were simply 'advisory' to the Director-General].

AS: Let's take it back to your Director-Generalship, say 1976. School councils were advisory, and school-based curriculum policy-making must have been controlled by the professionals.

AJ: Yes, but there would have been a voice. You see school councils can ask questions of the principal. They can seek information from the principal. They cannot instruct the principal in any way, but they can offer advice, and I think the good principal would put a new curriculum before the school council for advice.

AS: Perhaps a wise principal would, but there is no obligation to do so, and there is no obligation to act on the advice of school councils. Therefore the locus of curriculum authority is with the professionals (principals).

AJ: That's right. [This concession seems to have weakened Jones's previous claim that he 'would not allow the professionals to have the sole determining influence' on curriculum].

AS: In the final analysis, then, would you come down on the side of the professionals and claim that they should make the policy decisions on curriculum?

AJ: I suppose I lean that way.

AS: Control of curriculum by the Director-General would seem to preclude democratic accountability for curriculum ... the Director-General is not accountable to the public.

AJ: Yes he is, well in a sense. The Director-General only acts on the advice of the Advisory Curriculum Board, which is a body appointed by the Minister. Now I think that if you read the Act very carefully, the Director-General could not act on his own. I'm not sure of that, the wording was changed. it stated at one stage that the Director-General shall have an Advisory Curriculum Board to advise him, but then it was changed, I think to 'The Director-General will approve the curriculum on the advice of the Curriculum Board.'

AS: My reading of s82 of the Act suggests that the Director-General can override the advice of the Advisory Curriculum Boards. If so, and we did not have enlightened Directors-General such as yourself and Steinle, the Director-General could say: 'This is my curriculum policy under s82(1) of the Act.' If the Minister did not like it, and could not bring persuasion successfully to bear for the Director-General to change it, then the Minister would either have

to dismiss the Director-General, or amend s82(1), or starve the Director-General of resources necessary to implement the policy. Even so, where is the democratic accountability for curriculum? The Minister could say 'I am not accountable for school curriculum.' Both Hudson and Hopgood agreed on this point. Would you disagree with them?

AJ: No, I think that's right, but you'd better have another look at the Act.

AS: Are you saying that the Director-General cannot override the 'advice' of the Advisory Curriculum Boards?

AJ: Well I think that is the way it is worded, but I'm not absolutely sure... Anyhow, if they appoint such a nitwit as Director-General it's on the head of the government isn't it? If they have a bad Director-General that's their fault.

Comment

In conclusion, Jones, like the three ex-Ministers, saw the chief role of the Minister as being that of winning resources. In this regard, his allied claim that the Minister is 'accountable to the Director-General' for obtaining resources necessary to run the department, is rather odd. It is true that a Minister could be expected to provide adequate resources to ensure the effective running of the department, but it is hard to see how the Minister could be accountable to a subordinate Director-General for this. What legitimate sanctions could the Director-General invoke, should a Minister fail to provide the necessary resources? Perhaps the best that a disgruntled Director-General could do, would be to deny the Director-General's own accountability to the Minister, on the grounds that one should only be held rationally accountable for functions, which are capable of being discharged.

Further, on the question of whether or not democratic accountability for curriculum policy existed in South Australia, Jones was, to say the least, vacillatory. He first suggested that the Director-General was so accountable on the grounds that the Director-General was required to accept and act upon curriculum 'advice' offered by the Advisory Curriculum Boards, which were set up by the Minister. However, he failed to explain how the tenuous links between Minister, Advisory Curriculum Boards, Director-General, and ensuing curriculum policy

decisions, combined to make the Director-General accountable (and to whom) for such decisions. It is hardly surprising that Jones subsequently agreed with the view expressed by all three ex-Ministers, that s82(1) severed the democratic accountability link to the Minister.

Perhaps the most interesting viewpoint expressed by Jones was his aforementioned claim that the Director-General could not override the curriculum policy advice of the Advisory Curriculum Boards. To assess Jones's interpretation it is necessary to examine the relevant clauses in s82 of the Act, which are as follows:

> 82(1) The Director-General shall be responsible for the curriculum in accordance with which instruction is provided in Government schools
>
> (2) For purposes of assisting the Director-General to determine the curriculum in accordance with which instruction shall be provided, the Minister may appoint an Advisory Curriculum Board for Primary Education, and an Advisory Curriculum Board for Secondary Education, and such other advisory committees as the Minister may determine on the recommendation of the Director-General.

It is sometimes the case that, when a superior in a hierarchy offers 'advice' to a subordinate, such advice can acquire a status which is rather more compelling than that of normal advice, to the extent that a subordinate ignores it at his or her peril. But this has no significance here since s82 did not place the Director-General and Advisory Curriculum Boards in a hierarchical relationship, and so Jones obviously did not have such an interpretation in mind. If Jones is correct in his interpretation of s82(2), namely, that the Director-General must accept the advice of the Advisory Curriculum Boards, it would have the effect of nullifying or, at least, rendering s82(1) superfluous. The reason being that the Advisory Curriculum Boards would become the curriculum policy-making bodies, and irresponsible and unaccountable ones at that. Consequently, the Director-General would become a mere conduit for curriculum policies over which he or she had no effective control. Jones's interpretation seems implausible. For s82(1) to make any sense, the Director-General must be able either to accept or reject the advice of the Advisory Curriculum Boards, and this must surely have been the intent of Parliament. The legal status of s82 of the Act will be analysed fully in chapter seven.

INTERVIEW WITH THE THEN DIRECTOR-GENERAL JOHN STEINLE, CONDUCTED 11 AUGUST 1983.

Mr Steinle was Director-General 18 September 1977 - 30 March 1988

AS: What, in your view, are the main roles of the Minister of Education?

JS: I think the main role is for the Minister to see with considerable clarity what the aims of his or her government are, and to work towards policies which can be realistically implemented and funded, and to accept responsibility for convincing the public of the need to take the directions that the government of the day decides, and to win financial and human resources for those policies to be implemented.

AS: The winning of financial and human resources, that would be a major task in times of economic restraint?

JS: I think that is probably, at any time, the major task of the Minister.

AS: Do you think there should be any change in the ministerial role?

JS: I think the role is right.

AS: What, in your view, are the chief differences between the role of the Minister of Education and the Director-General?

JS: I think the Minister gains acceptance of policies from government, and the funding to implement those decisions, and it is for the Director-General to actually implement them. If these two things are kept clear you get efficient administration. If the two are blurred, then you get inefficient administration.

AS: Would you say, then, that the major functions of a Director-General are advisory and implementary functions?

JS: Yes I would.

AS: Why were school councils reconstituted in 1972?

JS: It was part of a general thrust ... to push decision-making out closer to the people... I suspect it was also very shrewd thinking on Minister Hudson's part, that the greatest resource he had to put pressure on government for more money, was parent and teacher pressure...

AS: The school council's current role is mainly an advisory one. What do you think should be the role of school councils?

JS: It's very simple in my view. If you take a kind of artificial continuum, and on the one end you put the old-style State school, which was directed almost minute by minute, day by day, in what it did, from the central department. Put that at one end of the continuum, and at the other end you put St. Peter's College, which the rhetoric says is completely autonomous... If you use this continuum, school councils have moved away from being penny-raising organizations for schools on the State side of the continuum. In my view, they are moving increasingly towards the other end of the continuum which is the St. Peter's model. I see the time, but it won't be in my day, when within certain guidelines, which are community guidelines and expectations, school councils will be responsible for the entire running of their schools... So you will get a decentralization based on school councils ultimately... I reckon that in twenty years time, maybe, you won't see much difference between St. Peter's College and Adelaide High School, except that 'Saint's ' might have better grounds.

AS: The heart of it is curriculum. Do you think school councils should control school-based curriculum?

JS: No I don't, I think there have to be safeguards... I think the model that we have worked for in OSTP (1981), is the model for the rest of this century... The notion of clear, specific curriculum guidelines which must be adhered to, so that any parent knows that over a child's school lifetime that child will go past a set of given marker points, at varying rates, but that they can rest assured that those marker points will be there... There will be an agreed, and quite explicit, 'road map.'

AS: You stress the need for 'safeguards,' would that mean that school-based curriculum decision-making, within parameters established by OSTP, being controlled by the professionals?

JS: Oh no, I wouldn't say that. The movement of the school council towards the more autonomous end of the continuum would be within the twin areas of curriculum and staffing.

AS: Would you go so far as to say that within the guidelines, established by the department, school councils ought to be able to say, 'Working within these guidelines, we want this curriculum policy adopted,' and the school would have to implement such policy?

JS: I think that's how it will go, and that is how the school systems of the world will move.

AS: S82(1) of the Act gives you, as Director-General, *de jure* control of school curriculum. Are you happy wielding such power?

JS: I think there are only two States where the Director-General has that power [Steinle was mistaken, South Australia is alone in this regard], and I can understand people's reservation about that. It puts a great deal of responsibility in that chair. But it has to be in one of two places: it has to be with the Director-General or in the Minister's office, I think, in reality. So long as it is hedged about with proper accountability machinery, and with proper advisory machinery, I think it is the better way to go, because I think the alternative is the Queensland model, and I think schools have been very politicised in Queensland... And if there is political domination of the curriculum then there is political domination of the schools, and I think that is disastrous.

AS: I see that point, but do you think that vesting the Director-General with control of curriculum policy can be justified in a democracy?

JS: Well, of course, one has to be a little careful. If you are talking about the Director-General as a person, then the answer is no. Perhaps if you see it as a 'Directorate-General,' in the sense of a piece of machinery, then I believe it can be. If you see it in terms of an 'ombudsman,' and that style of machinery, then I think it is justifiable. If it were, as it once was, in the hands of, say, Director-General Mander-Jones, then I don't think it can be justified. I don't think that is healthy, nor is it administratively sensible. But if you have a 'Directorate of Curriculum' which is at the heart of your operation and central to it, and the Director-General is simply the kind of signing authority for that, then I think it can be.

AS: If I try to generalise and say that if we had agricultural policy determined by a professional Director-General, and not by the Minister, and apply that model to the whole government, giving policy control to chief administrators, it would effectively mean that democracy would disappear?

JS: Yes, as I say, I can see that if you see it in terms of, you know, these are the by-laws signed by the Town Clerk. If you put it in that kind of context you are right. But if you see it in terms of a process, and for simplicity sake you hang it on one person and say, well yes, it is the Director-General who is vested with the power, then I think that is a different thing from taking the kind of Town Clerk approach, where there are real decisions made by him in a personal kind of way rather than in a process.

AS: A few minutes ago you said that there are only two possibilities: either control of curriculum by the Director-General or by the Minister.

JS: I didn't say two possibilities, I said 'in reality.'

AS: Surely there are other possibilities. Control by the Director-General or Minister is what you would expect with a centralized model. With a decentralized model, you could have control by school councils.

JS: Oh yes, I'm sure, but what I am saying is that I don't think it is a realistic model. I don't think that teachers have the capacity or training to do it.

AS: In what ways should schools be accountable?

JS: I think they should be accountable to their immediate community.

AS: How would you define accountability?

JS: To me, in school terms it is simply that they have to be finally placed in a position where they are automatically required to say what they intend to do, to assess how far they have progressed in doing it, and to make their results known to the 'customers,' who are the parents in that particular community.

AS: Would you add that the people to whom they are accountable must possess a control mechanism, because if they are unhappy with what the school is saying or doing, they need to be able to make accountability stick? Do you think that is important?

JS: Yes I do.

AS: There is a lot of talk about accountability when people really mean responsibility but they are not the same things.

JS: They are not the same thing, no. I think there needs to be teeth in it.

Comment

Like all the aforementioned interviewees, Steinle saw the main role of the Minister as being that of winning resources. He also indicated that, in his view, the Minister's and Director-General's roles should be 'kept clear,' and that the main functions of the Director-General were the traditionally accepted ones, namely, 'advisory and implementary.' However, when the issue of the Director-General's curriculum policy-making role was raised, Steinle's reasoning underpinning his support of control by the Director-General rather than the Minister, proved interesting.

First, he argued that 'the alternative' to control by the Director-General was the 'Queensland model,' which he criticised on the basis that under the Bjelke-Petersen government in the 1970s, it had led to 'politicisation of the curriculum.' However, the plain fact is that, so far as a centralized system is concerned 'the alternative' to control by the Director-General is, quite simply: control by a Minister. Steinle was both remiss, and highly selective, in choosing the so-called 'Queensland model', which was almost certainly an a-typical example of 'ministerial control.' His criticism of what he saw as shortcomings which could occur under a system of ministerial control is fair enough, but it was hardly fair to pose it as 'the alternative,' and he should perhaps have complemented his criticism, by pointing up the sort of shortcomings which could occur under a system of control by a Director-General. Indeed, such control can also lead to 'politicisation of the curriculum,' albeit of a different kind: politicisation by a technocrat, as distinct from a democratically elected Minister, and this danger was alluded to by both Hopgood and Allison.

Second, Steinle's attempt to justify control of curriculum by the Director-General is worthy of scrutiny. He conceded that control of curriculum policy by the 'Director-General as a person' could not be justified in a democracy, but maintained that control by a 'Directorate-General, in the sense of a piece of machinery,' could be so justified (This claim does not seem to be far removed from Hopgood's support of s82(1) on the basis that it could be interpreted as placing responsibility for curriculum in the hands of a 'collective' ie the 'profession as a whole'). The

idea seems to be that there is safety in numbers. At the same time, Steinle did not go so far as Jones and suggest that the Director-General was under an obligation to accept and act upon the advice of the Advisory Curriculum Boards.

To buttress his argument Steinle invoked 'ombudsman' and 'Town-Clerk' analogies, both of which, for different reasons seem inappropriate, and should be rejected. The ombudsman's role is not a policy-making role at all, since the ombudsman's function is to investigate the veracity of complaints made by citizens harbouring grievances against government departments or officials. On the other hand, the Director-General is charged by statute to make curriculum policy decisions affecting South Australian government schools. Consequently, there would seem to be no warrantable grounds for claiming similarity between the role of ombudsman and that of Director-General.

It is by no means clear what purpose Steinle's 'Town-Clerk' analogy was supposed to serve. He obviously knew that traditionally, local Council by-laws are enacted by policy-making local Councils, and not by Town-Clerks, whose legitimate role is that of advising Councils on policy matters, and implementing by-laws. Hence, if a Town-Clerk 'enacted' by-laws within the traditional model it would be because the Town-Clerk had usurped the Council's policy-making role by becoming the *de-facto* policy maker, and/or the Council had abdicated its policy-making responsibility, neither of which could be construed as satisfactory courses of action in a democracy. Obviously, Steinle could not have such a scenario in mind since it would serve no useful purpose.

The most likely interpretation of Steinle's analogy is that in which a local Council actually vests by-law policy-making authority in the Town-Clerk by divesting itself of such authority (In much the same way as Parliament divested itself of its curriculum policy-making authority by enacting s82(1) of the Act). If Steinle's analogy is pushed home it means that if a Town-Clerk, vested with authority to enact by-laws, enacted such by-laws 'as a person' it would be unjustifiable, but that if the Town-Clerk enacted by-laws after wide consultation and the

soliciting of advice, or what Steinle referred to as a 'process,' with the Town-Clerk as merely the 'signing authority for it' (in the same way as Steinle described the Director-General as the 'signing authority'), then it would be justified.

Surely, the idea is completely implausible. What Steinle failed to realise is that if a local Council vested authority to enact by-laws in the Town-Clerk, it would not only serve to effectively vitiate the Council's *raison d'être,* by rendering its policy role otiose, but it would also sever the democratic accountability link to local Council voters, for by-laws, thus leaving them with no accountability lever to exert against the Town-Clerk, who, after all, is the employee of the Council, not the electorate. Regardless of whether or not the Town-Clerk operated autocratically (and Steinle believed that Director-General Mander-Jones operated in this way during the 1960s), or consultatively in enacting by-laws, it would still be the case that the policy-making authority to enact by-laws would be vested unambiguously in a named officer, the Town-Clerk. Similarly, s82(1) of the Act vests curriculum control in a named officer: The Director-General, not a 'Directorate-General.'

With regard to the issue of control of curriculum by the Director-General, it must be conceded that it is probably more prudent for a Director-General to act consultatively than unilaterally. In this regard, Steinle is correct in suggesting that curriculum policy-making, during his Director-Generalship, operated as a 'process' or 'piece of machinery,' and it is certainly true that he operated on the basis of advice from the Advisory Curriculum Boards. Indeed, Hopgood stated that Director-General Steinle 'always operated on the basis of collective decision-making,' and that 'we may have been lulled into a false sense of security, because we have had someone holding the reins of power who believes in consensus and consultation.' Hopgood's latter comment is insightful, and bears directly on Steinle's attempt to justify control of curriculum by a 'Directorate-General' as distinct from the Director-General. In his attempt, Steinle was simply expressing a reasoned preference for a particular *modus operandi* under the existing locus of control deriving from s82(1), but this should not be confused with justification of that locus of control in the first place. It will be argued in chapter three that

s82(1) of the Act cannot be justified in a democracy. The consultative curriculum policy-making Director-General, and the Director-General who acts unilaterally can both be fairly described as 'autocrats,' since it is the locus of decisional authority which is the primary determining characteristic of autocratic decision-making. But it is conceded that there can be significant differences in the way autocrats operate.

When asked to comment on the role of school councils, Steinle indicated that he did not believe that school councils should control school-based curriculum, arguing that there needed to be 'safeguards' and 'clear specific curriculum guidelines,' such as those incorporated in OSTP. At the same time, this claim seemed to sit uneasily with other comments he made. For example, he was enthusiastic about the alleged movement of State schools along the continuum towards the prestigious private school end, and when asked what he thought the role of school councils should be, he replied that in about twenty years time we would probably have a system in which 'school councils will be responsible for the entire running of their schools,' in much the same way as St. Peter's College. Further, he believed that the movement of the school council towards the autonomous end of the continuum 'would be within the twin areas of curriculum and staffing.' But when he was questioned about the possibility of a decentralized model in which curriculum was controlled by school councils, Steinle stalled, and said that he did not think that it was a 'realistic model,' the reason being that he did not think that 'teachers have the capacity or training to do it.'

It is true that teachers are represented on school councils, but they comprise a minority group, and school councils, like the governing bodies of private schools such as St. Peter's College, are primarily lay bodies, so it is surprising that Steinle should single out teachers. This aside, his response reveals a mistrust of teachers as school-based curriculum policy-makers. Not only did he think that teachers lacked 'training' which, of course, can be remedied, but more disturbingly, he thought they lacked the 'capacity.' Given Steinle's view of the capacity of teachers, one can only wonder what he thought about the capacity of lay people as curriculum policy-makers, since most of the laity also certainly lacked 'training.' If Steinle is correct, it

did not augur well for his prediction that within twenty years 'school councils will be responsible for the entire running of their schools.'

Finally, given Steinle's view of the capacity of teachers, coupled with his supportive comments about OSTP, which established 'clear specific curriculum guidelines which must be adhered to,' which he believed would be the 'model for the rest of this century,' and which was devised by senior departmental professionals, it is difficult to escape the conclusion that Steinle believed that curriculum policy-making should be in the hands of senior departmental curriculum experts. However, it will be argued in chapter three, that attempts to justify curriculum policy-making by 'experts' have not proved persuasive.

CORRESPONDENCE BETWEEN THE WRITER AND SUCCESSIVE INCUMBENT MINISTERS OF EDUCATION IN THE PERIOD 1984-1987

To save unnecessary duplication, the ministerial responses have been added as an Appendix, rather than incorporated into the body of the thesis.

Smithson to Minister Arnold, 7 October 1984 [in response to the Minister's letter of 5 October 1984]

.... I am disturbed at your suggestion that you and the Director-General considered that my paper contained some 'fundamental flaws' ... Perhaps, therefore, you would be kind enough to inform me of the specific nature of the flaws so that I can address them.

There are a couple of other issues arising from your reply which I would like to raise. You suggest that whilst you have 'some sympathy' for the idea that 'curriculum control should rest with a person checked by a democratic process,' the alternative suggested 'would take us back to the fragmented model of school council control.' I have three points to make in reply. First, I do not know whether you think that the alternative of 'school council control' precludes the possibility of checks by a democratic process, or whether you simply dislike the idea of

fragmentation. But the fact of the matter is that the two alternatives you posit are both basically the same insofar as democratic checks are concerned. The centralist version involves normal ministerial accountability, whilst the decentralist version would involve democratically elected (and accountable) school councils, providing s82(1) of the Act was revoked. Secondly, the two alternatives you mention are merely polar opposites, and as such do not necessarily preclude some sort of democratically acceptable centralist/decentralist mix. Thirdly, and perhaps most importantly, you are quite mistaken in believing that S.A. could possibly return to a 'fragmented model of school council control,' for the simple reason that S.A. has never had such a method of control in the first place. Indeed, S.A. school councils have never, *de jure,* performed more than an 'advisory' function so far as school curriculum (or academic staffing) are concerned.

I also note that you believe that my 'argument ignores the practice by which curricula are negotiated and gives no recognition of the network of consultation which this involves.' This comment suggests that you have failed to grasp the thrust of the paper, for your claim is both inaccurate ..., but more significantly, quite irrelevant to the major point. Namely, it does not matter how much 'consultation' takes place, or how much advice the Director-General solicits, or whether OSTP took 3 days or 3 years to prepare. The fact remains that in S.A. the locus of authority for curriculum policy (ie the Director-General) is quite misplaced in a democracy: it precludes the possibility of democratic accountability for such policy. If I am wrong, then perhaps you could explain to me: who in S.A. is democratically accountable for State school curriculum, given control by the Director-General under s82(1)?

Smithson to Minister Arnold, 11 January 1985 [in response to the Minister's letter of 29 Nov. 1984]

...I note what appears to be an about face on your part from the position you adopted in your letter of 5 October 1984, in which you said: 'While I have some sympathy for your point of view that curriculum control should rest with a person checked by a democratic process...'

However, if I interpret your recent letter correctly, you now seem to be suggesting that curriculum really is under democratic control. I refer to the section of your recent letter which says that there are '... sections of the Act which make it clear that the elected Minister of Education is democratically accountable for educational policy (presumably you see this as including curriculum policy) in S.A. and that the Director-General is among other matters responsible to him for curriculum content.'

If you are suggesting that the Minister is really accountable for curriculum policy on the basis that s82(1), which makes the Director-General 'responsible' for curriculum, also makes him 'accountable' for curriculum (this seems to be implied in the point in your letter where you draw my attention to one of the definitions in the OED of 'responsible' as being 'answerable, accountable to another for something'), then I believe you to be in error. The matter seems to hinge on the political intent of s82(1) of the Act.

I think there can be little doubt that my interpretation expressed in my paper is the correct one, namely, s82(1) was deliberately inserted into the Act to place control of school curriculum beyond Party political (and hence ministerial) control, by placing it in the hands of the Director-General. You will note that s82(1) made the Director-General 'responsible' for curriculum whereas s12(a) made the Director-General 'responsible to the Minister for ...' in addition, I offer the following evidence in support of my interpretation:

(1) When the Act went through Parliament in 1972, ex-Minister of Education Coumbes specifically commended s82(1) because it meant that the Minister could 'not influence the contents' of the curriculum (SAPD 1972, Vol 3, 3271).

(2) I have transcribed taped interviews with ex-Ministers Hudson, Hopgood and Allison, who all agree that s82(1) removed curriculum policy from ministerial jurisdiction. Indeed, Allison went so far as to claim that s82(1) was a direct barrier to his being able to implement his policy of 'core curriculum.'

(3) The Keeves Committee believed that s82(1) placed control of curriculum policy beyond ministerial control, and that this was desirable since the Director-General (tenured) is less likely to buckle under minority groups pressure than an elected Minister (Keeves 1982, 60-61).

(4) ... You are doubtless aware of your own Party's considerable soul-searching on the matter of s82(1), and you will recall that Labor Party policy in 1981 contained a policy objective to decrease the curriculum authority of the Director-General, and 'place guidelines for curriculum with the Minister' (clause 6.1). However, this clause was dropped in 1982.

In view of this sort of evidence, I suggest that the nature and implications of s82(1) are palpably clear.

You also seemingly take me to task for my alleged failure to develop an adequate concept of 'democracy' upon which to ground my argument. I have to disagree. I believe that my paper makes it quite obvious that I am simply applying generally recognised democratic accountability criteria to the generally recognised Australian version of the Westminster model of democratic government, namely, direct accountability links running from the Education Department, through the Director-General to Minister/Cabinet/Parliament, and hence to voters. Moreover, I fail to see how any serious concept of democracy could successfully argue for policy control (in this case curriculum) being taken out of the jurisdiction of elected officers (Ministers etc), and given to an appointed and tenured senior administrative officer, which is the effect of s82(1).

With regard to your claim that I am unaware that State Acts of Parliament etc. 'provide for sanctions to be exerted against public servants who fail to carry out functions for which they are accountable,' and that 'many precedents can be cited,' my response is quite simply that the 'sanctions' and 'precedents' to which you refer are irrelevant to the issue which was the focus of attention in my paper, namely, accountability for curriculum policy. You are presumably

referring to breaches of procedures etc., involving functions for which public servants actually derive their authority from the Minister, hence they are accountable to the Minister, and can be punished for transgressions. On the other hand, I am referring to a very different matter, namely, a case in which the Director-General's authority derives not from the Minister, but from s82(1) of the Act. Indeed, short of changing the Act, the Keeves Committee seemed to believe that the only constraint a Minister/Government could place on the Director-General, if they disapproved of his curriculum policy, would be to 'constrain resources' (Keeves 1982, 61).

Now let me turn to your final point. You claim that I 'fail to distinguish between curriculum policy and curriculum content when you write about responsibility for the curriculum under the Education Act,' and you go on to say 'You appear to have overlooked the sections of the Act which make it clear that the elected Minister of Education is clearly accountable for educational policy in S.A. and that the Director-General is among other matters responsible to him for curriculum content.' First, I never suggested in my paper that the Minister had no responsibility/accountability for curriculum. Indeed, I specifically refer to ministerial accountability under s12(a) of the Act which makes the Director-General 'responsible to the Minister' (s82(1) specifies no such responsibility) for maintaining a proper standard of efficiency and competency in the teaching service. I take it that is what you are referring to when you use the expression 'curriculum content.' Also, I did not make the global claim in my paper that the Minister was not accountable for what you refer to as 'educational policy,' if by that you mean in such areas as staffing, finance, school building programs etc. My claim is the quite specific one which I can best summarise as follows:

> S82(1) of the Act, which gives control of curriculum to the Director-General, necessarily removes control of curriculum policy (as distinct from other aspects of educational policy, and the Director-General's responsibility 'to the Minister for maintaining a proper standard of efficiency and competency in the teaching service' required by s12(a)) from the jurisdiction of the Minister. Therefore, the normal democratic accountability link from Director-General to Minister, and hence to Cabinet/Parliament/voters, is severed. It is a simple point of logic that it makes no sense for the Minister to be democratically accountable for curriculum policy if such policy is beyond the Minister's direct jurisdiction, which is the case as a result of s82(1).

Could you therefore please inform me whether or not you agree with my analysis of the nature and implications of s82(1), so far as democratic accountability for State school curriculum policy is concerned?

Smithson to Acting Minister Hemmings, 24 January 1986.

Thank you for your letter of 22 January 1986. I was interested to learn that you do not agree with my analysis of 'the nature and implications of s82(1) so far as democratic accountability is concerned,' and that you believe that my 'analysis is too simple to be helpful to more perceptive understandings of the governance of schooling.' However, it is worth pointing out that if you are correct in your claim that I have got it wrong, then I am certainly not alone in this regard, for as I indicated in my letter of 11 January 1985, there are others, including at least three ex-Ministers, and the Keeves Committee, who are also in error. it would appear therefore - given the importance of curriculum policy control and accountability for such policy - that there is urgent need for government clarification on this crucial issue.

I have to admit that I find one aspect of your letter quite puzzling. When you write that 'Constitutional convention, while extremely important to our system of government, is not the only dynamic in it,' I take it that you are implying that I think that it is the only dynamic, and that the argument in my paper somehow hinges on an appeal to 'constitutional convention,' otherwise your claim appears to make no contextual sense. Well quite apart from my having no idea which particular constitutional convention you have in mind, you are simply wrong. My argument neither centres on, nor relies upon, an appeal to 'constitutional convention,' it focuses unambiguously on statutory provision, namely s82(1) of the Act, and I fail to see how the current 'legislative and practical context,' to which you refer, in any way vitiates the legal control of curriculum policy by the Director-General... The nub of it is that I fail to see how there can possibly be any democratic accountability (as distinct from bureaucratic or technocratic accountability) for curriculum policy in our State schools so long as s82(1) remains on the statute books.

As to your comment that 'the operation of democratic government in Australia today is far more complex and sophisticated' than the model alluded to in my letter of 11 January 1985 suggests, I have to say that my paper, as distinct from my brief comment in my letter relating to that paper, clearly shows that the Australian democratic system is not as simple and uncomplicated as you seem to think I believe it to be. Indeed, democratic government in South Australia is apparently so 'complex and sophisticated' that, in at least one instance, a senior tenured public servant has been endowed with statutory authority to make curriculum policy, yet I know of no democratic theory - simple or complex - which would support such policy control by a tenured chief executive officer. Such control would seem to be incompatible with democratic theory *per se,* since if pushed to its logical limit: ie senior tenured administrators being given policy control *tout court* (agriculture, defence, public health, foreign policy etc.), then there would obviously be no need for democratic government at all. Further, this claim would hold no matter how much 'public participation in administration generally and in education in particular' took place, for the simple reason that it would be the tenured administrators who would be the final arbiters of which views would prevail, and hence which policies implemented.

Moreover, as I have implied, democratic government in this State appears to be so 'complex and sophisticated' that, if you are correct, a number of people, myself included, have difficulty in understanding it... Surely, the complex and sophisticated nature of democratic government in South Australia should not be such that some of us seemingly experience so much difficulty in ascertaining exactly where the locus of democratic control of, and accountability for, curriculum policy lies. This brings me to the main point, and indeed, the purpose of, my letter ... whilst your letter made it clear that you disagreed with my analysis, you neglected to correct my apparent mistake by informing me precisely what the true nature of the situation is ... this omission can be easily remedied. I think that we can round off what, for me at least, has been a fascinating, if somewhat protracted, exchange of correspondence, if you would be kind enough to furnish me with answers to just three straightforward questions...

Could you please tell me:

(1) Precisely who, in your view, is ultimately responsible and democratically accountable for State school curriculum policy?

(2) More significantly, wherein lies the authority for that responsibility and accountability?

(3) Finally, what in your view is the precise function of s82(1) of the Act?

Smithson to Minister Crafter 27 August 1986.

Thank you for your letter of 12 August 1986. I agree with you that no useful purpose would be served in my writing back to say that I disagree with you over this or that issue.

At the same time I have to say that I believe your failure to address the three questions which I put to you in my letter of 24 January 1986 - particularly question (2), which is surely not as problematical as you seem to believe - to be quite revealing.

Comment

Whilst it was easy to elicit responses from the three ex-Ministers in face to face interviews, this was certainly not the case with written responses from incumbent Ministers. For example, my letter to the Minister of 11 January 1985, was not replied to until 22 January 1986, and then only after several letters of reminder had been sent.

It is true that in his letter of 5 October 1984, Minister Arnold confessed to having 'some sympathy for your point of view that curriculum control should rest with a person checked by a democratic process,' but thereafter, as Hyams et al (1988, 454) have noted, the ministerial responses were 'clearly designed' to protect s82(1) of the Act. It is not known whether the incumbent Ministers found the suggestion that s82(1) severed the democratic accountability link for school curriculum policy, potentially politically sensitive, or whether they believed that such accountability really did exist, but their attempts to show that this was the case seem less than convincing. In addition, their position contrasts markedly with those of the three ex-Ministers interviewed, all of whom agreed that s82(1) did in fact sever the democratic

accountability link between Minister and eventually voters. Moreover, failure by Minister Crafter to offer answers to the three questions posed in my letter of 24 January 1986, can hardly be construed as an oversight.

Ministers Arnold and Crafter both revealed a proclivity to cite dictionary definitions (of 'accountability' and 'democracy'), and it is true that concepts cannot always be confined to a single interpretation. But it is no less true that concepts can be given clarity by reference to their contextual settings. Consequently, Crafter's citing of Athenian democracy and democracies such as Great Britain and Germany (in his letter of 12 August 1986), would seem to serve no useful purpose, since I was obviously analysing the South Australian situation, and hence, by inference, referring to that version of democracy commonly described as 'accountable representative democracy,' as practised at Federal, State, Territory, and Local levels in this country. There are certainly those who believe that such representative government is not very democratic at all, preferring instead more 'direct' or 'participatory' versions, but as I indicated in the Preface, there is no necessity for me to take sides in a debate on the relative merits of particular versions of democracy. I was simply applying traditional accountability requirements of an accountable representative democracy, to curriculum policy control in South Australia.

CONCLUSION

My initial curiosity regarding the justification of s82(1) of the Education Act 1972, which placed curriculum control in the hands of the Director-General, prompted me to solicit responses from a number of high profile actors during the relevant period, as to why they thought s82(1) was justified. However, analysis of the foregoing 'views from the top' led me to conclude that, whilst all respondents, with the exception of ex-Minister Allison, supported the current locus of curriculum authority, their attempts to justify this locus were sketchy and unconvincing. Consequently, there would seem to be a manifest need for clarification, and this has prompted a close examination of not only how s82(1) came to be on the statute book,

but also what arguments can be marshalled in an attempt to justify it, and what implications flow from such a locus of authority.

The following chapter will trace how curriculum control came to be vested in the tenured administrator rather than the Minister.

CHAPTER TWO

THE ISSUE OF CURRICULUM CONTROL IN SOUTH AUSTRALIA: AN HISTORICAL PERSPECTIVE

INTRODUCTION

This chapter will seek to show how a technocratic form of school curriculum control (ie control by technical experts) was slowly nurtured in South Australia since the mid-nineteenth century, such that s82(1) of the Education Act 1972, which endowed the Director-General of Education with *de jure* control of school curriculum, should be seen more as the predictable culmination of a sequence of events, rather than merely an atomistic or democratically aberrational development.

As we shall see in this chapter, educational debate in South Australia in the second half of the nineteenth century, seems to have been premised on at least four important assumptions. First, the idea that curriculum was solely a technical matter, an idea which grew steadily as the education system developed. Concomitantly, increasing governmental control over curriculum was accompanied by a strong faith in the right of educational experts to determine its nature. The second, and related assumption which gained ground during the period was that curriculum should be free from so-called 'political interference.' As we shall see, mistrust of governmental - and particularly ministerial - control of curriculum was never far from the heart of political debate on education. The third assumption was that in view of the purported need for 'continuity' in the developing system of public education, it would be imprudent to

place curriculum in the hands of Ministers of education, since they were merely 'birds of passage.' The fourth assumption was that the evolving education system should be centralized, for there was a deep and abiding mistrust of the abilities and competencies of local lay initiatives, and local government bodies.

In its wider sense, 'politics' is concerned with the organization and power of individuals and/or groups in relation to each other as they seek to assert their wishes and reconcile their differences, and as we shall see, there is little doubt that these four assumptions had a profound effect on the nature of curriculum politics in South Australia in the late nineteenth century. Moreover, as Gouttman (1979,4) points out, politics pertains both to the dominant ideology of a society, and the institutional arrangements and policies established to promote and maintain its ethos. The legislative - administrative structures of government ostensibly reflect values promulgated by the dominant politico-social ideology. Gouttman goes on to argue that in stable societies such as Australia the formulation of institutional ends is 'congruent with, or at least, not in opposition to or irreconcilable with the infrastructural ideology' (Gouttman 1979,6). That is to say, people selected to control and administer education in the State are likely to be amenable servants of the dominant social ideology and the social groups most advantaged by the values of that ideology. However, compliance with ideological orthodoxy is necessarily neither conscious nor totally committed, especially in periods of social flux. At the same time, serious heterodoxy is unlikely to be tolerated over the long term. As a result, only people deemed ideologically amenable, and certainly not antagonistic, are likely to be entrusted to chart the course of educational events in both its political and administrative dimensions.

What this meant in political terms in South Australia was that 'The dominant class comprised men of capital,' and that 'decisions in education reflected the contemporary thought and perceived needs of this social class' (Gouttman 1979,9). This idea is succinctly subsumed in Bereday's (1964, ix) aphorism that 'Educational facts are deeply enmeshed in a matrix of other

social circumstances,' and any analysis of curriculum control in South Australia should not overlook this crucial consideration.

The first direct legislative initiatives in school curriculum in South Australia were Governor Robe's Ordinance No. 14 of 1846, and Ordinance No. 11 of 1847. Ordinance No. 11 of 1847 was enacted 'For the Encouragement of Public Education,' whilst Ordinance No. 14 of 1846 authorized the payment of £2221 'to be applied in aid for the purposes of Christian Religion and Education,' to be divided amongst the 'different denominations of professing Christians in proportion to the respective numbers of their population...' But its opponents sent a memorial to Queen Victoria protesting about the legislation:

> The Legislative Council not elected by, or responsible to the community for which it legislates and does not represent their opinions and interests, has during the present session introduced a measure professly for the support of religion (SR, GRG, 2/5/8 Memorial to Her Majesty Queen Victoria, sent on 26 Dec. 1846, quoted in Gouttman 1979, 10.)

For the record, the 'memorialists' failed in their attempt to elicit support from the sovereign. The point to be emphasized here, however, is that in this instance religious and educational elements were closely fused, and the issue of 'responsibility to the community' for political action in education was already a controversial one, and was to prove enduring.

Ordinance No. 11 of 1847 gave the power to establish a Board of Education comprising from 3 to 5 nominated members, with authority to 'certificate' teachers, thus entitling them to receive payments from the government. This, of course, was an effective, if somewhat indirect way, of influencing what was taught in schools. Gouttman (1979, 124) argues that this Board '... was the embryonic stage of what was later to become the Department of Education.'

THE SELECT COMMITTEE OF 1851 AND THE EDUCATION ACT 1851*

On 29 December 1851 the Legislative Council repealed Robe's Ordinance No. 11 of 1847; the main reason being the desire to remove government support for 'denominationalism' (ie support for Protestant Christian sects) in the education system. By this time the Legislative Council had become more 'representative.' Indeed, Westminster's Australian Colonies Act 1850 had conceded 'Representative Government,' and this legislation removed the Governor's sole prerogative to initiate legislation in the Legislative Council, and placed that power with both the Governor and Legislative Council. Moreover, with two-thirds of the new 24 member Legislative Council elected (only 8 were appointed by the Governor), the Governor's ability to control legislation was seriously eroded.

Further, as Gouttman points out, the 'embryonic centralization' of the colony's educational administration generated by the Ordinance of 1847 was strengthened by the Education Act 1851, which replaced it. Opponents of the Ordinance of 1847 were against government aid to denominational bodies, not against centralization. 'Indeed, centralization implied control and efficiency, and thus, a means of monitoring the colony's educational system' (Gouttman 1979, 134-135). The setting up of a Central Board of Education, the specification of curriculum in licensed schools, and provision for the establishment of teacher training, all of which were provided for in the Education Act 1851, not only 'prepared the way for the later bureaucratization of education' (Gouttman 1979), 135), but also helped shape the nature of this centralized control.

In his first speech to the newly constituted Legislative Council in 1851, Governor Sir Henry Fox Young promised that 'A Bill will be introduced to give rise to the erection and maintenance of district schools...' (*The Adelaide Times,* 21 August 1851). But the elected

* The Act passed through Parliament in 1851 and was assented to in January 1852. It is usually referred to as the Act of 1851.

members of the Legislative Council were resentful of Fox Young's 'paternalistic attitude,' and their determination not to be merely compliant servants of the Governor in matters of religion and education, was apparent when Davenport, in a speech in the Legislative Council, pointedly drew attention to the fact that 'the first religious and education bills had been carried in the House against the wishes of the people' (Gouttman 1979, 161-162). In his speech Governor Fox Young had suggested that the colony's education system should be organised on a district council basis, rather than on rigidly centralized lines. This implied that he envisaged local communities having a say in the nature of school provision in the various districts. Indeed, Ordinance No. 11 of 1847 had thrown the burden of responsibility on local communities or interest groups to first establish a school and provide a teacher, prior to government financial assistance being forthcoming. The Governor, somewhat dissatisfied with the level of local initiative, presumably wished to hurry things along by dividing the colony into educational regions on district council lines, with such councils becoming responsible for the supervision of their schools. Further, the Governor was keen for his idea of local government control of schools to be considered by a Select Committee of the Legislative Council, established in October 1851 to 'consider the propriety of bringing in a general education measure' (Gouttman 1979, 163).

The Select Committee, (comprising 7 members, all of whom had been vehemently opposed to government grants to religious bodies during the previous election campaign), showed no enthusiasm for the Governor's decentralist proposals. Only six witnesses were called, and of the three actually questioned about the role of district councils in education, none were enthusiastic. When asked 'What powers would you give to the district boards of education?' Mr Waymouth replied: 'Merely powers to settle the school fees, holidays etc. I would not have the Boards able to dismiss the masters on their own authority.' (SAPP 1851, no. 14, 4). Another witness, Mr Bonwick, in answer to the same question replied: 'Very little...Visitation and liberty of reporting, but no interference with the masters.' (SAPP 1851, no. 14, 8).

When the Committee asked the Inspector of Schools, Dr Wyatt, what he considered should be the role of district boards of education, he adopted a technocratic position and made it plain that he disliked the idea of lay interference in the work of professional educators:

> Local committees should be established in the outer districts...exercising all the influence they possess in inducing parents to send their children to school, and occasionally visiting without interfering in the management. It would be bad for such a committee to have any internal control, when a master, duly qualified, has been appointed to a school...I am afraid that there would be most interference where there was the least degree of intelligence in the members of the local committee, or the district council, as the case may be (SAPP 1851, no. 14, 14-15).

Gouttman sums up the situation as follows:

> A number of witnesses...felt that councils lacked the expertise necessary to oversee schools, and that this activity should be left to the Central Board of Education and its inspectorate. The Committee's acceptance of this position ensured that educational administration in South Australia would, in future, be centralized and bureaucratized. The self-interest of 'professionals' scored a decisive and seminal victory over the Governor's wishes. Thus, the first government report on education in South Australia enshrined a demarcation between the school and the community it served. It is true that it was still the responsibility of interest groups to establish schools. However, once this had been accomplished, the rules and regulations of the Central Board of Education would dictate the nature of school organization and curriculum (Gouttman 1979, 171).

Gouttman is almost certainly correct in this view, with the proviso that strictly speaking it was not the 'Committee's acceptance of this position,' but the Legislative Council's acceptance of the Committee's substantive recommendations which 'ensured that educational administration in South Australia would, in future, be centralized and bureaucratized.' This point is made because many a South Australian committee of inquiry has had its major recommendations ignored. For example, the recommendations of the Select Committee on Education of 1861 were not reflected in the provisions of the abortive Education Bill of that year. Perhaps Gouttman made the point because he believed that the Committee had been stacked to achieve a preconceived outcome.

In view of the determination of the Legislative Council to resist being a rubber stamp for the Governor, and the existing firm faith in the virtues of centralized control, it is hardly surprising that when it presented its report to the Legislative Council on 9 December 1851, the

Committee advocated a distinctly modest role in education for local district councils. Recommendation 8 (SAPP 1851, no. 14) suggested that district councils 'should have no control over schools to be established under the Bill, and that their functions in this matter should be limited to visiting and reporting to the Central Board or Inspectors.' Instead, the Committee preferred that the major powers be vested in a Central Board of Education. The conservative nature of the Committee's recommendations was influenced not only by the 'nature of the collective ideology of the Committee, but also by the individuals asked to give evidence, and by the means used to obtain that evidence' (Gouttman 1979, 172). In addition, 'no evidence seems to have been obtained from the less socially and politically powerful working classes - the very people whose children, it was felt, needed to be attracted to the colony's education system' (Gouttman 1979, 172).

Whereas Ordinance No. 11 of 1847 was for the 'encouragement of public education,' the Education Act 1851 was 'An Act to promote education in South Australia,' thus indicating the colony's increasing concern with education, and its determination to take on a more positive role. In its recommendations presented to the Legislative Council in December 1851, the Committee advised that the major powers, mainly to licence schools, and in particular, power to 'determine the instruction which shall be given in the licensed schools, should be entrusted to a Central Board of Education' (SAPP 1851, no. 14, Recommendation 5). S5 of the Education Act 1851 gave effect to this recommendation:

> That the Central Board of Education shall alone have power, for the purposes of this Act, to licence school houses and teachers, to withdraw licences...and to determine the kind, quality and extent of instruction to be imparted at schools (other than Normal or Training Schools hereafter mentioned) established, or to be established, under the provision of this Act: and such instruction shall be given to all scholars, unexclusively, who shall be of age and capacity to receive it.

S15 required that:

> ...the Inspector of Schools for the time being shall correspond with all district boards of education, and shall personally, and not by deputy, but attended by an assistant where necessary, visit, inspect, and report on all schools established, or to be established, under this Act; and that such reports be addressed to the Central Board of Education, and be published for general information.

S9 of the Act gave effect to the Committee's recommendation that district council functions should be limited to a modest 'visiting and reporting':

> And be it enacted that the district councils shall be authorized to visit and report to the Central Board upon the various schools within their respective districts.

Commenting on the essentially modest communicatory role envisaged for district councils at this time, Pike had this to say:

> ...preoccupied by their own incomplete powers, colonial legislators were no more ready to delegate a purposeful authority to district boards than to a federal assembly...(Pike 1957, 461).

Pike is probably right, nevertheless he seems to have overlooked the fact that the Legislative Council was quite prepared to 'delegate' control of curriculum to the Central Board of Education. The irony, of course, is that for all the Legislative Council's apparent concern for responsible government, it was not prepared to delegate responsibility for schools to 'district councils' (ie to democratically elected responsible bodies), yet it was prepared to delegate to an appointed body, namely a Central Board, 'not exceeding seven members, to be selected by the Governor and Executive Council.'

However, the nature of Parliament almost guaranteed that the attitudes and values embodied in the Act of 1851 would prevail for some time, since 'it is clear that the people were in the hands of leading colonists and men of property who had wide and settled interests in the colony' (Jaensch 1973, 90). Presumably, therefore, it was taken as axiomatic by the Legislative Council that appointees to the Central Board would be the 'right' sort of people: those to whom the shaping of educational futures in South Australia might be safely entrusted. Relatedly, it needs to be recognised that the 1851 Act marked an important step in the centralization of educational control, but not in the professionalization of that control, which came later. Reid is correct in his claim that:

> There is no obvious reason as to why the insights about education of the pastoralists, merchants and elite craftsmen (none of whom had ever taught) who populated the Parliament and Central Board of Education, should have been superior to those of the teachers whose job it was that they sought to control. (Reid 1997, 243).

Even so, this is not to say that those who 'populated the Parliament' should not exercise democratic control of the developing school system.

In conclusion, the very first government report in education in South Australia, issued by the Select Committee in 1851, was highly significant. First, it effectively nipped in the bud Governor Fox Young's incipient decentralist initiative regarding the control of schools, since it rejected his preference for district councils to administer schools in their localities. Nor should it be overlooked that this rejection came only one year after the passing of the Australian Colonies Act, prior to which the Governor's powers had been formidable. Second, the Select Committee, along with Inspector of Schools Wyatt, believed that district councils lacked the expertise necessary to control schools, and that consequently, the crucial function should be entrusted to the Central Board of Education and its inspectorate. However, the Committee offered no cogent argument as to what sort of expertise it considered necessary to run schools, or why it believed that an appointed Central Board would possess this unspecified expertise whilst democratically elected district councils would not. Finally, we are left with a crucially important but unanswered question concerning the relationship between the Legislative Council and the Central Board: to whom or to what body was the Central Board ultimately accountable?

SELECT COMMITTEES, ABORTIVE BILLS AND THE EDUCATION ACT 1875

Select Committees on Education were set up in 1861 and 1868 by the House of Assembly (the bicameral parliamentary system was established with the introduction of responsible government in 1857), but their relevance for this thesis is limited. The Committee of 1861,

which could achieve a quorum on only 5 of the 14 sessions held, nevertheless 'accomplished its task of conserving the spirit of the 1851 Act' (Gouttman 1979, 229).

The Committee of 1868 was set up, against the background of the economic depression (and fiscal restraint) of 1864-1866 caused by the rural drought, to 'inquire into the workings of the present Education Act, with the view of suggesting such alterations as shall tend to its greater efficiency' (SAPD 1868, vol. 13, 107). The word 'efficiency' clearly implied that it was primarily a cost cutting exercise and that no radical new educational initiatives were contemplated. Its recommendations if implemented, would have involved shifting some of the burden of educational expense from central government to local bodies. Among the Committee's recommendations were the following:

> First - That districts should be founded for educational purposes, having the power to levy rates and to establish and provide for the maintenance of elementary schools.
>
> Second - That the proceeds of the school rate and school fees should be supplemented by government to an amount equal to the rate and school fees.
>
> Third - That the schools maintained by the local rates and grants from the government should be under the management of school committees elected or appointed directly by ratepayers (Report of the Select Committee to Inquire into the Working of the Education Act, SAPP 1868, no. 56, hereafter referred to as Report 1868).

The idea behind an 'educational rate' was that if people had to pay such a levy they would probably 'take a greater interest in education' (Report 1868, 21). However, a likely concomitant of such a policy was pointed out by one witness (Mr Moore) to the Committee:

> ...in levying a local rate, you are bound to allow local management. It would be very bad where the local rates are levied, to centralize all the power in the hands of one body, such for instance, as the Board of Education (Report 1868, 48).

The fact of the matter was that the Committee's proposal for decentralization ran counter to the gradual movement of the colonial administration towards centralization, and Gouttman may well be correct when he argues that the Committee had adopted a policy which it suspected would be shelved when presented to the House. It had already been made clear in the Legislative Council that 'that body would not accept a diminution in its control of

education' (Gouttman 1979, 275). In any case, the attitude of the 1868 Committee to decentralization was somewhat ambivalent, since it also proposed that the expenditure of the proposed local rates should be 'under the general control of the Board of Education' (Report 1868, 1).

An Education Bill (Hart's Bill) was introduced to the House of Assembly in 1871 with the expressed aim of removing roaming mobs of children from the streets of Adelaide (SAPD 1870, 412-413). It also contained provision for drastically altering the composition of the Central Board of Education by breaking the government's right to nominate its members. Gouttman describes the situation thus:

> A major feature of the Bill was an attempt to reconstruct the Central Board of Education by including representatives of Corporations and district councils in its membership. This attempt to share the administrative responsibility for the licensed system [ie schools licensed by the Central Board], was in line with the recommendations of the 1868 Select Committee on decentralization. The chairman of the new Board, however, was to be the Commissioner of Crown Lands, thus ensuring a traditional centralist control over education (Gouttman 1979, 292).

However, Gouttman's appraisal of these proposed changes to the Central Board appears inadequate. The fact that the chairman of the proposed new Board was to be the Commissioner of Crown Lands would by no means have ensured a 'traditional centralist control over education.' Indeed, it was argued in the House of Assembly that the Commissioner would likely be an innocuous figure: that since the Board would consist of 'men of considerably more experience on the subject [of education] than himself, the Commissioner of Crown Lands, whoever he might be...would find himself out of place, and unequal to those particular duties' (SAPD 1871, 863). The major proposed change - and Gouttman fails to mention it - was that 'three-fourths of the Board should be elective' (SAPD 1871, 864), and since these members would be 'elected by the district councils' (SAPD 1871, 413) the government monopoly of appointing the members of the Central Board would have been broken. Structurally, at least, the government would not have had the numbers to control the Board's activities.

It is also hard to understand what Gouttman had in mind when, in the above extract, he claims that the reconstructed Central Board involving as it did, 'an attempt to share the administrative responsibility for the licensed system was in line with the 1868 Selected Committee on decentralization,' especially when within a few lines he refers to 'ensuring a traditional centralist control over education' (Gouttman 1979, 292). The mere fact that local district councils would be empowered under the proposed legislation to elect members to the new Central Board did not necessarily mean that this was in any sense a decentralist measure. After all, it was the Central Board of Education, and as such it would have continued to exert centralized control over school provision. The proposed change should certainly be seen as an attempt to open up the Central Board to non-Adelaidian members, but for Gouttman to imply that this involved decentralization is rather like suggesting that since voters in all Australian States elect the Federal Parliament, then that body is a decentralized body.

On the other hand, the 1868 Select Committee would have been the harbinger of a very tangible measure of decentralization had its recommendations been accepted, since district councils would have been able to 'establish and provide for the maintenance of elementary schools' (Recommendation 1), and that such schools 'should be under the management of school committees elected or appointed directly by ratepayers' (Recommendation 3).

In addition, it could be argued that, in a sense the government would not have been 'sharing' the administrative responsibility for licensed schools with district councils (as Gouttman suggests) at all. Once the Central Board had been reconstituted, it alone - as an independent instrumentality - would direct operations, not the government or the individual district councils. Indeed, Hart's Bill simply proposed that 'District councillors and members of Corporations should be entitled to visit and report' (SAPD 1871, 413), and 'visit and report' seems to have been a typical nineteenth century formal sop to lay involvement and accountability outside the institution. But even if this view is rejected, Gouttman is still remiss in failing to point out that, on his interpretation, any 'sharing' would not have been sharing on an equal basis. Because members elected by district councils would outnumber

government appointees by 3 to 1: numerically, at least, the government would have been very much the junior partner. Hart's Bill failed mainly because it was 'indecisive,' failing to be 'presented as a positive measure designed to change the 1851 Act' (Gouttman 1979, 299) and also, according to Pike (1958, 63), because of the controversial issue of bible reading in licensed schools.

The similarly abortive Blyth Education Bill of 1873 is important in two respects for this thesis. First, it proposed that a Department of Education be established under a ministerial head (SAPD 1873, 260), a proposal which foreshadowed heated parliamentary debates on the issue in 1875. Secondly, the Bill also proposed that schools should concentrate on Elementary Education (ie 3Rs) for boys and girls, though pressure on the government resulted in Geography, Singing, English Grammar, and Rudimentary Drill being added to the curriculum (*The South Australian Register,* 5 September 1873). This was the first time South Australia had experienced proposed legislation setting out specific requirements for school curriculum. Moreover, the Bill was finally lost by 3 votes at its Second Reading in the Legislative Council on December 10 1873. It failed primarily because Blyth resolutely refused to withdraw his support for 'free elementary education for all children' (Gouttman 1979, 306).

Shortly after the defeat of Blyth's Bill the Central Board of Education applied to the government for the appointment of an additional inspector. What followed is sometimes referred to as the 'Hosking Affair' (Vick 1981, 330), a rather unsavoury incident involving the government appointing James Hosking as third inspector, without consulting the Central Board on the matter. In retaliation, a resentful Board refused to employ Hosking, and the government responded by demanding the resignation of the Board. Four members did so and the remaining three were duly dismissed. (For an account of the incident see (Vick 1981, 276-281 or Gouttman 1979, 314-317). The issue was clearly one of principle: faced with a Board which denied access of a government appointee to his rightful duties, the government was determined to show that it could exert its authority over one of its instrumentalities.

The question of what was the relationship between the government and the Central Board of Education, and in particular to whom or what body was the Central Board accountable, has already been raised. Vick (1981, 281) believes that the Hosking Affair provides an unequivocal answer, since it showed that the Central Board was 'no longer "essentially independent of the government": if it did not accept government directives it could be replaced by one which would.' Whilst there is a deal of truth in Vick's claims, it does seem to stand in need of some qualification. It is true that a government could legally dismiss an appointed Board for, say, incompetence, gross or persistent default in the performance of its prescribed duties, or for acting *ultra vires.* The latter being the case in the Hosking Affair, where the Board had clearly exceeded its authority in refusing to accept Hosking, who had been properly appointed - formally at least. Hence, the government had legal warrant to exert its authority and dismiss the Board. But could the government have dismissed the Board so easily if, say, it had simply been dissatisfied with the way the Board determined the 'kind, quality and extent of instruction to be imparted at schools' established under the 1851 Act? After all, s5 of the Act empowered the Board to control curriculum so the authority of the Board in curriculum matters stemmed from statute, and not directly from a particular government: to this extent, at least, the Board was 'independent of the government.' Consequently, it may not have been easy for the government to dismiss a Board which was simply discharging its statutory authority to its own satisfaction, but in ways or with results with which the government disapproved. In such a situation, had the government failed to convince the Board to alter its curriculum policy, then in order to avoid the possibility of political embarrassment arising from a public outcry, or to pre-empt the possibility of a legal challenge by the Board to the Privy Council (for wrongful dismissal), the government would have surely found it more prudent either to amend or rescind s5 of the Act, rather than risk the embarrassment of attempting to dismiss the Board.

Vick (1981, 330) argues that the Hosking Affair 'was grasped - if not created - by the reformers to achieve ends which had been thwarted by the conservative Legislative Council' in 1873, when Blyth's Bill lapsed. Once the 'new' Board was established it quickly issued

Regulations for Inspectors which undermined the Chief Inspector's (ie Wyatt's) position, and effectively transferred the headship of the department to the Board. Wyatt protested, arguing that his responsibility was to the Chief Secretary, not to the Board, but the Chief Secretary supported the Board on this point, and in answer to a question in the House of Assembly: 'Who is now the head of the Education Department in South Australia?' he replied: 'The Chairman of the Board of Education, J.A. Hartley. The Department is under the control of the Chief Secretary' (SAPD 1874, 17).

Chief Inspector Wyatt, bitterly disappointed at this effective demotion after 'twenty-eight years' as 'head of department,' requested permission to retire in 1874, and the 'new' Board acceded to his request (SR GRG 24/6/1874/530). Hartley then consolidated the Board's and, indeed, his own power by abolishing the position of Chief Inspector, and making all three inspectors directly responsible to the Board, which he effectively controlled:

> These changes in the administrative structure welded the Board and the officers of the department into an integrated body. Henceforth this can be referred to as the Education Department (Vick 1981, 284).

During 1874-1875 the 'new' Board under Hartley's chairmanship, extended its influence into the classroom by extending its control over curriculum. 'It produced new regulations which defined the content of teaching more closely, adding a detailed statement of the content to be dealt with by each class to the broad definition of the subject areas to be covered' (Vick 1981, 287). And the Board sought to ensure compliance in this regard by exercising more rigorous control over its inspectorate than hitherto (SR GRG 50/1/vol 6/1874/2903, 2924, 3352).

Despite these changes and the increased authority of the Board, problems remained. For example, the senior professional staff of the department still posed a threat to the Board since 'honorary, part-time members could not expect to have as effective a grasp of daily business as full-time officers' (Vick 1981, 284). The problem was solved within a year when Hartley, who had been the Board's part-time honorary Chairman, became the full-time salaried

President of the new Council of Education, set up by the Education Act 1875. Also, questions were raised in the House of Assembly regarding the legality of the positional powers of the Chairman of the Board, and whether the Chairman was legally the head of the Education Department (SAPD 1874, 565). In view of such problems, coupled with the desire on the part of the Board to extend its powers in order to implement its policies, the Board submitted proposals to the government suggesting that the Education Act 1851 was 'no longer suited to the requirements of the colony,' and that a new act was required.

The government reacted favourably to this suggestion, and the Education Act 1875 quickly followed. This Act effectively placed control of school curriculum in the hands of a Council of Education which was to comprise 'not less than seven persons' (s3), with a 'President who shall be a salaried officer appointed during pleasure' (s4). A crucial section of the Act was s6 which defined the powers of the Council as follows:

> The Council, subject to the provisions hereinafter contained, shall be entrusted with the expenditure of all sums of money appropriated by Parliament for elementary education, and shall have authority to establish and maintain public schools, to appoint and remove teachers and School Inspectors and other officers, to make and prescribe regulations for holding meetings of this Council and the performance of its duties under this Act, for defining the course of instruction and character of school books, for the establishment of scholarships open to be competed for by scholars at public or other schools, the training, examination, appointment and classification of teachers, for the fixing of salaries and fees to be paid to teachers for the examination of scholars, the discipline to be enforced and observed in schools, the times and mode of teaching, for defining the duties of boards of advice...

This key section gave firm control of elementary school curriculum to the Council, since it was responsible for 'defining the course of instruction' and the appointment and removal of teachers and school inspectors. Moreover, s6 also stipulated that the Council was to be controlled like 'any other department of the Public Service.' However, this is hardly the case, since here we have an example of the Council being authorized to actually determine a major school policy (curriculum), as well as discharge the more traditional public service function of administering policy.

This brings us to both a lacuna and, interrelatedly, what I consider to be a serious error in Gouttman's doctoral thesis. First the lacuna: a major objective of his thesis was to explain how, during the period 1834-1875, the South Australian school system gradually came under centralized control, and his final chapter ('Summation') largely focuses on this development. Yet nowhere in the thesis does Gouttman consider the precise *nature* of this centralized control or its crucial implications. He treats 'centralization' as though it were essentially a uni-dimensional concept, which is certainly not the case (Hanson 1972, Chapman 1973). Now to the related error. Gouttman correctly points out that:

> One of the major proposals of the Bill was the reorganization of public education. The Central Board of Education was to be replaced by a Council with a Minister of Education as chairman [ie President], and a full-time, paid, Vice-President to administer its daily affairs (Gouttman 1979, 321).

Surprisingly, however, what Gouttman fails to mention is that the 'proposal' in the draft Bill to which he refers, namely, for the 'Minister to be President' of the Council (SAPD 1875, 389), and that there should be a 'full time, paid, Vice-President to administer its daily affairs,' was completely dropped from the draft Bill - in the face of vehement opposition in the House of Assembly - and replaced by s4 of the Education Act 1875:

> 4. The members of the Council shall be appointed by the Governor, and (except the President, who shall be a salaried officer appointed during pleasure) shall hold office for the term of two years...

Moreover, when Gouttman goes on to say that 'The Bill had been fashioned to suit the mood of the Legislative Council and it was not surprising that the legislation had a smooth passage through that House' (Gouttman 1979, 324), which was certainly true, it is nevertheless surprising that he fails to mention either the change to the draft Bill (ie the inclusion of s4), or that the change took place as a result of heated debate in the House of Assembly. The reader will recall that s6 of the Act gave the Council power to 'define the course of instruction' in schools, and a crucial feature of this heated debate in the House of Assembly was that it centred on the proposed nature of the centralized control: more particularly, on whether curriculum should be under the jurisdiction of the Minister (ie under centralized democratic

control), or under the control of an independent Council (ie under centralized non-democratic, or at best quasi-democratic control).

At this juncture it is perhaps appropriate to consider in some detail why debate in the House of Assembly on the issue of centralization, which Gouttman overlooks, was so important. The section in the draft Bill making the Minister of Education President of the proposed new Council was seemingly designed to incorporate the advantages of both the New South Wales and Victorian school systems then existing. 'In NSW full power was in the hands of the Council, and in Victoria in the hands of the Minister' (SAPD 1875, 389). However, House of Assembly member Cavanagh argued that it would be unwise to have the Minister of Education as President of the proposed Council of Education:

> What would the President, if he was Minister of Education, say when he came to the House and was found fault with on some matter? In what position would he be to have to say that it was the fault of the Board? and if the Board were supposed to do just what he told them, and were not to act upon their own responsibility, they would be no use (SAPD 1875, 514).

The 'new' Board of Education, which was eventually replaced under the 1875 Act by the Council of Education, had made its position clear in a report to the government in 1874, about what it wanted in the new Act:

> With reference to the question of administering the Act by a Minister of Education, we believe that the work would be more effectively done by a Board or Council, which would not change with changing Ministers. At the same time, we think it would be for the public advantage that there should be a paid Chairman or President as the permanent head of the department... (SR GRG 50/1/vol 6/1874/2670).

This, in fact, is what appeared in the Act, but the weakness in this position was exposed in the House of Assembly by Ross, who argued that:

> ...when the House were delegating such large powers they should see that such powers were given to a Board that would act somewhat in accordance with and respect the views of the people...the same argument that would hold good with regard to the existing Board would hold good with respect to the Council of Education it was contemplated establishing under the Bill, and that argument was the objection to

> centralization, its inaccessibility to complaints, and that it was really irresponsible* (SAPD 1875, 395).

Minister of Agriculture and Education Ward was 'quite at a loss to see the force' of the objection to the Minister having a seat on, and presiding over, the proposed Council (SAPD1875, 528), but Ross was quick to point out to the House that the proposal was 'very objectionable' since it:

> produced a system in which the power of the Minister was a poise to the Council, and the power of the Council acted as a counterpoise to the power of the Minister...It would prove thoroughly ineffective, thoroughly obstructive, and, although wielding responsibility it would be thoroughly irresponsible (SAPD 1875, 557).

Ross also tackled head on the view expressed by two government ministers that it was imprudent to give ultimate control of the school system to the Minister:

> The Commissioner of Crown Lands and Minister of Agriculture and Education [a joint portfolio] seemed to bring forward as a very strong argument against the Victorian system that if complete power were given to the Minister it would make the system too political, and there would be frequent changes. He begged these hon. members to bear in mind that the system of education would be conducted by Act of Parliament and under regulations which would have the force of law...His [ie ministerial] power would be more circumscribed by legislation and regulations than that of any other Minister...If the Minister of Education went outside the Act or the regulations he would act illegally...and to thrust any irresponsible Council between himself and the officers of his department would only impair his authority and obstruct him in the discharge of his Ministerial duties. He [Ross] objected on broad principles to a great department of government being managed partly by a Minister and partly by a Council. The two ideas were not compatible. One or other must be supreme...A struggle for supremacy between a Minister and the Council would inevitably take place, and whichever way the scales might turn the result would be the same - impaired usefulness combined with diminished responsibility and ineffective service to the State. He [Ross] thought that we had outgrown Councils in connection with a department of education (SAPD 1875, 557).

Nor did Ross like the idea of an appointed Central Board (rather than the Minister) controlling education since 'a Board is irresponsible altogether' (SAPD 1875, 558). Further, somewhat

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* It is clear from the contextual use of the words 'responsible' and 'irresponsible' in the parliamentary debates of the period, that the users had in mind the capacity (or lack thereof) for redress, or the ability (or lack thereof) to ensure that sanctions could be exerted against those failing to discharge functions for which they were responsible. In short, being responsible meant what today we would describe as being accountable.

portentously, given that *de facto* power was subsequently consolidated in the hands of the Council President Hartley (later to become Inspector-General of Schools after the abolition of the Council in 1878), Ross cautioned that:

> The work would become far too laborious for any Council remunerated by fees to execute efficiently. (Hear, hear). The duties would consequently drift into the hands of the Secretary [in fact into the hands of Council President Hartley] or some one member of the board [ie Council] who would carry out his own views with all the authority of the Council, but with no individual responsibility. He would in fact have all the power and authority of a responsible officer without any of the responsibility...If we were to have a great system of national education...we must have a department with a proper staff of officers over which a responsible Minister should preside - (Hear, hear) - and as education was a technical matter to a certain extent, the Minister should be provided with a professional man of superior attainments as Secretary-General - (Hear, hear) - who should supervise the working of the system...(SAPD 1875, 558).

Ross realised that education had both technical and policy dimensions, and that the legitimate role of the Secretary-General was 'to supervise the working of the system.'

There can be little doubt that the Karmel Committee (1971) was accurate in its assessment that the Education Acts of 1875 and 1878 bequeathed to South Australia its 'monolithic structure of education' (Karmel 1971, 2.12). The 1875 Act in particular, produced a pronounced shift in the locus of control of the emerging school system from the local to the central level, for under its terms the old district councils surrendered control of their schools. Yet it was largely left to Ross to raise in Parliament issues regarding the precise nature of, and dangers associated with, centralized control, and the need for educational accountability. Also, whereas the Commissioner of Crown Lands and the Minister of Education believed that ministerial control of the education service would make the system 'too political' (SAPD 1875, 557), Ross was one of the few members to question the wisdom of seeking to check the power of an elected Member by handing power to an appointed body. It is also worth noting that handing power to a Council would not necessarily make the system less political. It would merely produce a different sort of political control: the political views of the appointed Council, rather than those of the democratically-elected Minister, or government, would determine the course of curriculum development.

Minister of Education Ward was not only concerned that ministerial control of education would make it 'too political,' he also believed that:

> If the Ministry were a permanent institution, a Council could be dispensed with; but however long the tenure of office of any Minister might be, he would not be permanent...(SAPD 1875, 560).

Here, of course, Ward slides from talk about the 'Ministry' to talk about any 'Minister,' and whilst it is true that individual Ministers come and go, so far as anything in democratic politics is 'permanent,' the ministry is, and was even in 1875, a permanent institution, and it has proved durable. In any case, Ward's argument can be directed with no less force against the Council itself (it was abolished within three years of its inception), the members of which, under s4, were to be appointed for two years. House of Assembly member Playford also argued the case for permanency, claiming: that a Council 'would be more permanent;' that 'men could be appointed to it having a practical knowledge of education;' that 'frequent changes of government that occurred would be inconvenient;' and that the 'Minister might not at all times be the most fit and proper person to occupy such a position' (SAPD 1875, 558).

This claim has a distinct technocratic ring to it. More significantly, surely the point of democratic government (as distinct from autocracies and oligarchies of a more 'permanent' kind) is that it provides an electoral mechanism for the regular installation and removal of governments in orderly fashion (Popper 1962 vol. I, 124). Relatedly, Playford's point that the Minister may not be a 'fit and proper person' for the position, is vulnerable to the rejoinder that the democratic remedy for this problem would be either for the head of government to replace such a Minister, or the voters to do so at election time.

The importance of the contribution of Ross to the debate was that he correctly ascertained that the Council would have authority without being accountable for it, and that it is unwise to seek to democratically check the power of a Minister of Education by endowing an appointed Council with statutory control of curriculum policy making. White supported Ross's position in the House, and summed up the position accurately:

> The Minister of Education being in the House they could call him to account for anything that was done wrong...but that could not be done with an irresponsible Board...(SAPD 1875, 560).

Failure of, at least, some members of the House to grasp this simple but crucial point was reflected in Johnson's attempt to refute the arguments of Ross and White by resorting to a *reductio ad absurdum:*

> If the argument in favour of one person was a good one, why not do away with Corporations and leave their work to the Mayors? (SAPD 1875, 561).

However, Johnson's claim is an obvious *non-sequitur:* councillors on Corporations are elected officers and therefore responsible or accountable to their electorates, whereas the Council to which Ross and White were objecting was to be appointed and hence, 'irresponsible' or democratically unaccountable. The fears of Ross and White were well founded, and Hawker has drawn attention to the fact that, in South Australia, Ministers of whatever portfolio did not always have legal control over their boards:

> In his capacity as Commissioner of Public Works, Reynolds controlled directly three departments and was placed at the head of the Boards managing the Railways, Roads and Waterworks, but over the Boards he had no legal jurisdiction...They could act without his consent, and even against his express wishes as long as they were in possession of funds (Hawker 1968, 177-78).

Once the highly controversial issue regarding the proposed nature of centralized control had been resolved in the House of Assembly, the 1875 Bill did, as Gouttman noted, have a smooth passage through the Legislative Council, where the Chief Secretary told members why the government had chosen to give the new Council 'control of the department':

> If the responsible Minister for the time being were made the head, the whole machinery of the system might be changed with a change of Government ...one Minister succeeding another might hold entirely different views...and nothing could be less conducive to the work than a succeeding Minister should upset perhaps the work of previous years. A Council would form a perpetual succession...(SAPD 1875, 1013).

Perhaps someone should have reminded the Chief Secretary that Ministers are members of governments, and therein lies a significant check on ministerial power. In any case, surely an

incoming government has the right to initiate new educational policies: that is what democratic politics is all about. As well, the Chief Secretary's reference to the need for 'perpetual succession,' supported yet again the idea of 'permanence' championed by Playford and Minister of Education Ward in the Lower House. Such support for permanence of the centralized type proposed stems, at least in part, from a confidence that the right sort of people would be appointed to the Council. Indeed, in describing the setting up of a Central Board of Health in 1873, Hirst (1973, 134-135) writes that members of Parliament ' could not see a Central Board [of Health] with strong powers as a foreign or tyrannical body. Would it not be composed of Adelaide gentlemen like themselves...?'

S17 of the Act of 1875 made provision for the Governor, at his discretion, to 'appoint a board of advice for any school district,' to be composed of local worthies nominated by the government. Further, the main function of the boards was the familiar tokenistic 'visit and report' type, as distinct from the more substantive supervisory/control functions exercised by elected local committees of public schools which existed in Victoria at that time, and to which Ross drew the attention of the House of Assembly as exemplars; but to no avail (SAPD 1875, 395-396). The fact of the matter was that local boards of advice with real power were never seriously contemplated in the 1875 parliamentary debates. Further, Minister of Education Ward scoffed at the idea that such boards should be elected rather than appointed, saying that: 'Nothing could be more disastrous to educational progress...if every district had to elect a board of advice...[Moreover] What are these boards of advice? He did not ask for them as boards of control. Nothing could be more mischievous...as responsible Minister he maintained his power of veto' (SAPD 1875, 526-527). Hirst (1973, 120-152) offers convincing arguments to suggest why centralization triumphed in South Australia, concluding that 'a strong central government was acceptable because it harmonized with the shape of social and economic life. But...there was nothing in economic or social life that made the establishment of strong local bodies an administrative impossibility...In education where local decisions and participation had been important before 1875, localism was deliberately swept away' (Hirst 1973, 152).

In conclusion, the foregoing analysis of debates in the House of Assembly in 1875 reveals a major gap in Gouttman's analysis of the Education Act 1875, insofar as he fails to consider the nature and implications of the developing centralized control of schools which he describes, and to which he attaches so much significance. His view of centralization is limited, inasmuch as he overlooks the fact that the developing centralization was 'irresponsible' and in that sense non-democratic. Hirst is also vulnerable to the same charge, for in the section of his book, 'Centralization Reconsidered' (Hirst 1973, 143-152) he too treats 'centralization' as an undifferentiated concept. Further, whilst Hirst (1973, 141-142) legitimately cites Ross as a decentralist champion of local participation in education, it should not be overlooked that Ross advocated a partnership between central and local control of education (SAPD 1875, 397). Hirst also fails to mention Ross's major contribution to the debates, namely, his qualified support for 'responsible' ministerial control of education (democratic control) as against control by an 'irresponsible' Council. In this regard Ross offered what today would be described as a 'checks and balances' view of democratic control of education, and in so doing was certainly well ahead of his time. The main point is reiterated for emphasis: in giving control of school curriculum to an appointed Council, rather than a responsible Minister, the Act of 1875 vitiated direct democratic control of, and accountability for, such curriculum. The force of Ross's argument against the setting up of a Council proved ineffective, and for three years the Colony of South Australia was destined to experience the disadvantages to which he had forcefully drawn attention, before the experiment was dispatched to the pages of history in 1878.

A final point needs to be made. So far as control of curriculum is concerned, the role of the Education Department under John Anderson Hartley in the years ahead was to prove crucial. S7 of the Act of 1875 left most of the details of the education system to be determined by Regulations:

> This minimised the potential for opposition to the Bill by leaving out many contentious issues which might have provided a focus for attack and alienated some 'establishment' supporters (Vick 1981, 324-325).

At the time, Ingleby (SAPD 1875, 508) warned the House that the 'Regulations might take a form very much in opposition to the wishes of the House.' This proved to be correct, and twenty years later Miller (1895, 151), with the wisdom of hindsight, observed that many supporters of the 1875 Bill 'would not have done so had they foreseen the way the power to use the Regulations would be applied' (cited in Vick 1981, 325). In the hands of the professional educator Hartley, the Regulations were to prove a powerful vehicle for increasing technocratic control of curriculum. It is hardly surprising that Reid (1997, 276-277) should describe the period after 1875 as being characterized by a 'sharp departure from educational governance by the "interested amateur" approach. From 1875, the new approach to decision-making was based on the hegemony of the expert.'

THE EDUCATION AMENDMENT ACT 1878

Within three years of the passing of the 1875 Act, fears which Ross and others had expressed in Parliament were raised again in sharper focus. Opening the debate in the House of Assembly on 18 June 1878, Rees (SAPD 1878, 144-145) described the Council of Education as a 'Frankenstein,' a body of 'irresponsible gentlemen,' and 'the great evil of the whole system.' According to Rees, the Colony's three years experience of the Council had manifestly revealed the shortcomings of a Council of Education. But what of the potential shortcomings of having a Minister at the helm? Rees considered this question, offering the following cogent argument:

> ...it might be said look at the power and patronage which might be misused by a Minister not very particular in his doings. What was the answer? The Minister was responsible to Parliament and the Parliament responsible to the people...[then quoting English writer Matthew Arnold, Rees continued] 'If public schools are a necessity, then an Education Minister is a necessity. Merely for administrative convenience he is indeed indispensable. But what is yet more important than administrative convenience is to have what an Education Minister alone supplies - a centre on which to fix responsibility' (SAPD 1878, 145-146).

Basedow agreed with Rees that the Council ought to be abolished, and he injected a technocratic element into the debate with his suggestion that if the Council was to be retained

it 'should be composed of professional and not laymen' (SAPD 1878, 183). He obviously believed that curriculum was solely a professional matter, since he thought that 'fixing the aims of the school [curriculum policy-making] and the plan of instruction [administering curriculum policy] were matters which should be dealt with by the head of the department' (SAPD 1878, 183). However, Basedow gave no indication of what sort of professional expertise would be necessary to justify the professional head of the department 'fixing the aims of the school' (this issue will be addressed in chapter three).

Parsons entered the debate supporting Rees, arguing that final responsibility for the school system should fall to the Minister, and that the President of Council's position was 'at least very undesirable':

> He received and dispatched correspondence, and was the person, and the only person, who was familiar with the details of the department. He was master of the situation, and though not the nominal was the actual head of the department...A person in the position of President of Council of Education could do what no Minister of the Crown would dare attempt, and what no Cabinet would sanction, because he was always able to make the Council a buffer and to use the Minister as a foil (SAPD 1878, 191).

Whilst Parsons believed that the Minister was simply a 'lay figure with automatic motions - someone behind [the President of Council] pulling the strings,' he did not see the problem as reducible to individual psychologies. Rather, he saw it as primarily a structural problem:

> The fault did not lie altogether with the Minister, the President, or the Council - it was a vice inherent in the system itself (SAPD 1878, 193).

Parsons was all 'for converting the Education Office into a government department, with a Minister at its head...only in this way could the requisite power and responsibility be focused' (SAPD 1878, 193).

Premier Boucaut heroically sought to parry the charge of lack of ministerial responsibility (accountability), arguing that:

> Had he been the Minister of Education he would have held himself responsible just the same as if there had been no Council of Education. Of course on all matters of detail he would throw himself on the Council, but in all questions of principle the Minister was responsible and had control of his department by virtue of that proviso (SAPD 1878, 203).

It was one thing to have a Premier swear that he would, of course, do the gentlemanly thing. It is quite another to have the power to coerce a defaulter. In other words, it is all very well for Boucaut to say that 'he would have held himself responsible [this could only mean holding himself morally responsible] just the same as if there had been no Council of Education,' but the fact remains that there was a Council and it had statutory powers, including control of school curriculum. Parsons's point (one which had also been made by Ross and others in the House of Assembly in 1875) was that the Council was 'irresponsible,' and that what was required was a Minister who could be held democratically responsible (accountable) to Parliament, and ultimately to voters, for the educational service, even if an electoral system is a rather blunt instrument of accountability. Consequently, Boucaut's further point about bowing to Council on matters of 'detail' (presumably this meant administrative detail) but not on questions of 'principle' (presumably this meant policy) needs qualification as it relates to school curriculum. The fact remains that s6 of the 1875 Act gave control of curriculum policy (ie 'principle') to the Council, such that policy was not under ministerial jurisdiction anyway. Parsons and Ross were acutely aware of this, but the point seems to have escaped the attention of Premier Boucaut.

Ex-Minister of Education Ward supported Boucaut on the 'detail'/'principle' issue, thus revealing that he too failed to grasp the significance of s6 of the Act as it related to matters of 'principle' (SAPD 1878, 234), but Ward and Boucaut did not go unchallenged in the House. Attorney-General Bundey vigorously contested the contention that the Council was subordinate to the Minister on matters of 'principle':

> [Council] had got certain powers by Statute that they could exercise and that no person could prevent them from exercising...The hon. member for Gumeracha [Mr. Ward] had said that under the Act [1875] the Minister of Education was superior and the Council subordinate; but he thought he could show that was not the case...the principle of the present Act...was founded in his judgement upon a false principle - that of making the

> Council of Education paramount and the Minister not even a conduit pipe - a mere dummy...(Mr. Ward - 'The Government can remove the Council') That did not matter, as it did not affect the principle. If the Council had such powers the Minister of Education was utterly unnecessary...(SAPD 1878, 236-237).

Bunday, of course, was quite correct, for whilst it is true that the Council could be ultimately removed by the Government, this made the Council neither subordinate to the Minister, nor accountable to Parliament. The crucial point is that so long as the Council continued in existence, and so long as its statutory authority was not withdrawn by the Parliament, it could wield such authority, against which the Minister *qua* Minister was powerless to intervene. As we shall see, the vexed question of the nexus between democratic accountability and the wielding of statutory authority was to be raised again almost one hundred years later as a result of s82(1) of the Education Act 1972.

Colton summed up the argument for ministerial control of the education system succinctly when he pleaded that, 'the House must not allow the anomalies which have been pointed out to exist, and the Council to be so thoroughly irresponsible to the Minister,' and that consequently, the House should 'bring in a measure to place the whole educational system under the control of a responsible Minister' (SAPD 1879, 296). Given his disappointing setback in the House of Assembly in 1875, Ross must have relished the 1878 educational debate, before eventually pointing out to the House, that he 'had heard no single argument adduced for the abolition of the Council that he did not bring forward when the Bill was in discussion in Committee then [ie in 1875]' (SAPD 1878, 304).

Undaunted, Council supporters pressed on doggedly. Premier Boucaut counselled caution before Parliament 'swept away the Council' (SAPD 1878, 391), and Cooke injected a new element into the House of Assembly debate when he argued that the Council should be retained because:

> ...a Minister might take an entirely wrong view of education, and it would be some time before he could be called to task (SAPD 1878, 392).

However, Cooke is vulnerable to the counter example: what if the Council took an 'entirely wrong view of education?' It is somewhat paradoxical for Cooke to claim that 'it would be some time' before an elected, and essentially transient Minister could be 'called to task,' yet fail to address the problem in the then existing context of an appointed and 'permanent' Council having statutory control of school curriculum. Further, from a democratic standpoint, it is a distinctly dubious proposition to imply that the shortcomings of a democratic system of decision making can be legitimately checked by seeking to build irresponsible (non-accountable) authoritarian safeguards (ie authority endowed in the Council) into the system.

Smith, another Council supporter in the House, believed that 'If they established a martinet [Minister] in place of the Board [Council] he was doubtful as to whether the work would be more efficiently performed' (SAPD 1989, 393). At least two brief comments seem warranted here. First, Smith is question-begging for he juxtaposes a presumably less efficient martinet Minister against an implied more efficient Council: would it not be worse if the 'permanent,' irresponsible Council proved to be a less efficient collective martinet? Second, work might conceivably be more 'efficiently performed' by an appointed Council than by a democratically elected officer or other elected body, but this is not necessarily the case, nor does it justify control by such a Council. Leastways, a democratic electoral system has the merit of providing an effective and orderly means of removing inefficient decision makers.

Parsons returned to the debate to vigorously oppose the suggestion that the 'existence of the Council was desirable as preventing undue political interference being brought to bear on educational matters' (SAPD 1878, 396). Similar claims were made by members in the Legislative Council, where both Santo and Young argued that the Council of Education acted as a check on 'political influence' (SAPD 1878, 1774-1775). On the most charitable interpretation of such claims one can only conclude that if a democratically elected Minister was to exercise control over, say, curriculum policy, then this would constitute 'undue political interference' whereas control by the Council would not constitute such interference. This would seem absurd, for it would simply mean that the non-democratic politics of the

unaccountable Council would determine curriculum policy (and, indeed, other vital educational matters) at the expense of democratic politics under ministerial control.

The democratic argument against an irresponsible Council ostensibly carried the day in the South Australian Parliament, and s1 of the Education Amendment Act 1878 dissolved the Council and transferred all its 'powers, rights, privileges and authorities' to the 'Minister controlling Education.' Thus the contentious question of whether an appointed and irresponsible Council, or an elected and responsible Minister should control the Colony's developing school system - including control of curriculum - had been resolved in a *de jure* sense, at least, in favour of the Minister. At the same time, a number of associated issues remained: the question of possible 'political interference' by Ministers in educational matters (SAPD 1878, 396); the alleged need for 'continuity' of educational control in the face of Ministers being 'in office today and out tomorrow' (SAPD 1878, 393); the issue of what to do about incompetent Ministers (SAPD 1978, 193) and Ministers who took an 'entirely wrong view of education' (SAPD 1878, 392); and the closely related issues of the nexus between the administrative head of the Education Department (the Inspector-General) and the political head (the Minister), coupled with the pervasive idea that shortcomings in democratic control of a school system can be justifiably remedied by the injection of authoritarian safeguards, which had still not been finally laid to rest. As we shall see, in a *de facto* sense the issue of ministerial control of the school system had not been decisively resolved by the Act of 1878.

THE COMMISSION ON THE WORKING OF THE EDUCATION ACTS 1881-83

Fears had been expressed in the late 1870s regarding Hartley's alleged 'dictatorial conduct' (*Register*, 4 Nov. 1875), and his 'love of power' and 'red-tape' (Boucaut Papers on Education, ML PRG 1046/4/1876/13). Indeed in 1878 Premier Boucaut sought to defend Hartley, then President of the Council of Education, against charges made in the House of Assembly 'that the President had put the Minister against the Council and the Council against the Minister' (SAPD 1878, 391), thus consolidating the President's power. Boucaut contended that 'Mr

Hartley had the advancement of the system at heart, and he had struggled hard for it. The complaints against him had arisen because he had been so zealous and industrious...he had laboured as much as any mortal man could labour for the advancement of education' (SAPD 1878, 392). Boucaut's claims were doubtless true, but his spirited defence obfuscated the real issue by focusing on Hartley's good intentions and prodigious endeavours to improve schooling, rather than on the question of whether he had, as had been alleged in Parliament, played off Minister and Council against each other, or had otherwise 'exceeded his functions' (SAPD 1878, 394)).

Even though the issue of Hartley's alleged excesses was smoothed over in 1878, matters came to a head in 1880 when, in his Inspector-General's* Report of that year, Hartley, seeking to have his name cleared, called for an inquiry: 'the best way to dissipate the mists of prejudice which envelop our work will be to make a thorough inquiry into it.' As a result, a Select Committee was set up in 1881 (which in 1882 became a Royal Commission) to 'inquire into and report upon the Education Acts.' Progress reports were issued in 1881 and 1882, before the Final Report was produced in 1883.

Several witnesses giving evidence to the Committee in 1881 complained that the school system was badly overcentralized and that the Inspector-General wielded too much autocratic power. For example, when the Committee questioned local teacher Mr Mitton, he complained: 'What I wish to say with respect to the Inspector-General in relation to the Minister of Education is, that he is practically irresponsible' (SAPP 1881, no. 122 - Progress Report of the Select Committee on Education, Minutes of Evidence, 2647). Mitton also said that the Inspector-General 'has more power than it is safe to entrust to any individual. No individual in the colony has as much power as the Inspector-General' (SAPP 1881, no. 122, 2690).

* On the dissolution of the Council in 1878, Hartley, who had been President of the Council, became Inspector General of Schools and permanent head of the Education Department.

Similarly, Mr Griffiths, President of the Teachers' Association, and giving evidence on its behalf, said that 'The opinion [of the Teachers' Association] is that there is too much centralization; that power is in the hands of one...' (SAPP 1881, no. 122, 3286). When the Committee pointed out that the Inspector-General was 'not the head of the department,' Griffiths was quick to reply: 'He is the permanent head of the department' (SAPP 1881, no. 122, 3288). It is also worth noting that Griffiths stressed that he was 'not speaking about Mr Hartley, but the office of Inspector-General. Those with me think that so much power should not be placed in the hands of one individual' (SAPP 1881, no. 122, 3291). The problem, of course, as both Mitton and Griffiths recognised, was that whereas the Minister, as *de jure* head of the Education Department, could be checked in a variety of ways (eg by the Premier, Cabinet, Parliament, and ultimately by voters, or by taking power from the Minister and decentralizing the system), the Inspector-General being the permanent executive head of the department, was much more difficult to rein in.

One way to have checked the power of Inspector-General Hartley would have been to have had him bound by Regulations, and School-Inspector Mr Witham, who gave evidence to the Committee, drew attention to this alleged shortcoming in the system: 'There are no Regulations at present affecting the head of the Department. They begin with inspectors' (SAPP 1881, no. 122, 815). This view was also expressed by headteacher Mr Noye when he gave evidence to the Commission in 1882:

> The Regulations are defective as a whole. Examples: there are no Regulations controlling the actions of the 'Inspector-General'...teachers should ask - and have a right to ask - for some guarantee against the irresponsible power of the executive head of the department. It was not because I had anything against the head of the department, but I found no Regulation to control him (SAPP 1882, vol. 2, no. 27 - Progress Report of the Royal Commission on Education, Minutes of Evidence, 4277).

Whilst technically under *de jure* control of the Minister, Hartley was, in effect, the real power in the system, and he was not bound by Regulations governing his office or duties. At the same time, in the hands of Hartley, the Regulations became an important instrument for

controlling subordinates, educational policy in general, and curriculum policy in particular. And let there be no mistake about it, Hartley controlled the Regulations:

> ..if I [Hartley] were asked what one person was more responsible than anyone else for the Regulations, I must take the responsibility, because I am a permanent officer and Ministers change (SAPP 1882, vol. 2 no. 27, 6515).

Some idea of the considerable extent to which Hartley had influenced the development of school curriculum can be gleaned from his evidence to the Commission in 1882 (SAPP 1882, vol. 2, no. 27, especially 6900-6960). For example, in answer to the Commission's question of whether the public schools should concentrate solely on teaching what was known as the 'compulsory standard' (ie competence in reading, writing and arithmetic), Hartley made the telling point that restricting education to the 'compulsory standard' was inconsistent with the requirements of the Education Act 1875:

> ...clause 6 of the Education Act, says, that the Council shall have power to make and prescribe regulations for defining the course of instruction. If that course be already defined by the Act, namely, reading, writing, and arithmetic, what is the use of giving the Council power to define the course of instruction? (SAPP 1882, vol. 2, no. 27, 6938).

This extract shows that Hartley certainly grasped the crucial distinction between curriculum prescribed by statute and curriculum prescribed by Council wielding statutory authority, and he almost certainly appreciated the implications of it insofar as it affected his own *de facto* power to initiate curriculum reform. Perhaps this is why Hartley failed to point out to the Commission that after the Education Amendment Act 1878, which transferred the Council's powers to the Minister, the Minister himself could have prescribed the curriculum, but did not do so. Concomitantly, Hartley and others were perhaps coming to the view that curriculum was a professional matter, and in this respect we should not overlook the fact that the dissolved Council had not been a body of professional educators, but had consisted of lay people.

Be this as it may, the fact remains that Hartley was the principal initiator of curriculum policy initiatives, and he significantly expanded the school curriculum through a series of Regulations having their authority grounded in sections 6 and 12 of the Act of 1875. For instance, Regulation 184 had established a system of 'exhibitions' for pupils who were successful in examinations in: Reading, Spelling, Arithmetic, Geography, History, Grammar, Latin, Euclid, and Algebra (SAPP 1882, vol. 2, no. 27, 6900). Hence, Hartley was resolute in his intention to try to prevent curriculum from being restricted to the 'compulsory standard,' for to do so would, in his opinion, be a 'distinctly retrograde step' (SAPP 1882, vol. 2, no. 27, 6945). Few would deny that Hartley was a new breed of administrator: dedicated, bureaucratic in outlook, confident in his own abilities, and above all, thoroughly professional in approach.

In its Final Report in 1883, the Commission virtually ignored the substantive criticisms of the extent of the Inspector-General's powers, and of the structure of the school system, which had been levelled by Mitton, Griffiths and Noye, preferring instead to concentrate on criticisms levelled by witnesses who had taken exception to Hartley's manner and personal style. The Commission pointed out that given a total of 927 staff under the Inspector-General's control 'it is scarcely conceivable if he had been vigorous in his administration that there should not be some who were dissatisfied and others who complained.' Graciously the Commission conceded that 'We think it is probable that the Inspector-General may have spoken hastily, or even sharply, on some occasions, but of his desire to be fair and act justly we entertain no doubt whatever' (SAPP 1883-84, vol. 3, no. 27a, 29). The Commission did add that 'witnesses, who have had complaints to make of the system or the administration, have volunteered evidence that they have nothing to find fault with in the treatment they had received from the Inspector-General' (SAPP 1883-84, vol. 3, no. 27a, 29). Nevertheless, it failed to address these complaints, namely: overcentralization; too much power in the hands of the Inspector General; the fact that the Inspector-General was not accountable; and that his position was not governed by Regulations. Its silence on these issues suggests that the Commission was well satisfied with the nature and extent of the centralized control (including

de facto professional control of curriculum by the Inspector-General) as it was developing, so the seal of approval was inevitably stamped on the *status quo.* The Commission's Final Report also represented an unequivocal vindication of Inspector-General Hartley and his administration (SAPP 1883-84, vol. 3, no. 27a, 27-29).

It is true that the ghost of decentralization had briefly raised its head when Mr Elliot had suggested to the Commission that it would be better to replace 'boards of advice;' which had been set up by the 1875 Act, with 'boards of control,' with 'paid officers directly responsible to them,' and with 'power to superintend and direct the working of the educational system' (SAPP 1881, no. 122 - Appendix to the Minutes of Evidence, 223). Not surprisingly, given its pro-centralization stance, the Commission was unresponsive to such a radical suggestion, and merely commented in its Final Report:

> We have carefully considered the statements which have been made as to the restricted nature of the duties of boards of advice, and have compared the regulations in force in South Australia with those of the other colonies. We are of the opinion that our boards have larger and more responsible powers than those of any other colony (SAPP 1883-84, vol. 3, no. 27a, 16).

The Commission was, of course, entitled to its opinion, but it is not easy to concur with it. After all, we should not forget that the major function of South Australian boards of advice was the distinctly modest 'visit and report' variety, whereas boards existing in New South Wales at that time possessed power to 'suspend any school teacher for misconduct,' and they also had a 'duty of inspection' of schools (SAPP 1883-84, vol. 3, no. 27a, 6758-6759).

Further, it is worth mentioning that members of boards of advice in South Australia were generally prepared to defer to professionals on curriculum issues. Mr D. Murray (a former member of the Council of Education, and Chairman of the Conference of Delegates from Boards of Advice), told the Commission that boards should not be 'allowed to interfere too much with the internal arrangements of the school.' He maintained that 'with reference to the standards and so on,' such boards were 'not competent to give an opinion,' and hence should not have the power to 'interfere with the *modus operandi* of the education of the children,'

though he did 'not think the board members ask for it' (SAPP 1881, vol. 4, no. 122, 2608-2612). He also remarked that a board 'making suggestions as to singing, and a text book on agriculture, is approaching a little interference' (SAPP 1881, vol. 4, no. 122, 2612), before drawing attention to a proposition at a recent Conference of Delegates from boards of advice held in Adelaide:

> [the proposition] 'that sewing should be added to the compulsory subjects in which girls must pass before being exempt from attending school, and that more time be given to teaching sewing than is allowed at present,' was not carried, as the delegates thought they would be interfering too much with the functions of teachers (SAPP 1881, vol. 4, no. 122, 2613).

It would seem to be a sad state of affairs that the mere proposition of offering curriculum policy advice (ie 'that sewing should be added to the compulsory subjects...') should be construed as 'interference.'

Chapter three will address the issue of the role of lay people in curriculum decision-making. Suffice to say at this point that there is an important distinction between curriculum policy decisions and technico-professional curriculum decisions: a distinction with profound implications for curriculum decision-making in a democracy.

JOHN ANDERSON HARTLEY: EXEMPLAR PROFESSIONAL ADMINISTRATOR

Before proceeding to consider the impact of Inspector-General Hartley on the South Australian school system, we should perhaps pause briefly to consider why proposals for a measure of decentralized control of education had proved abortive during the 1870s and 1880s.

Hirst (1973, 121-123) rejects the argument offered by Portus (1937), Hancock (1961) and Austin (1961) that 'sparsity of settlement' was inimical to the development of strong local government, such that centralized government became inevitable. In particular, with regard to education, Hirst argues:

> Portus and Austin argue that settlement was too sparse for local people to control education, yet the very existence of a school indicates that settlement is not so sparse that ten, fifteen or twenty children cannot come together in one place. If children could walk or ride each day to school, what was to stop their parents and their neighbours from gathering once a month to conduct school affairs...The history of district councils in South Australia shows clearly that there was nothing to prevent the rural population from coming together to control local affairs (Hirst 1973, 123).

Hirst also rightly draws attention to the fact that 'From 1875 all public education was controlled from Adelaide. The assumption of this responsibility marked the greatest increase in the power of the central government in the period 1870-1917' (Hirst 1973, 135-136). So if sparsity of settlement was not the root cause of centralization why then did it prevail? According to Hirst (1973, 144) one powerful reason was that 'The affluence of the central government made local contributions unnecessary.' Perhaps more significantly, because 'landed property' was extremely well represented in the South Australian Parliament, the attractiveness of assigning control to central government was enticing since people of property could thereby avoid direct taxation: 'While the central government could raise money readily without taxing land or income. Parliament was unlikely to turn responsibilities over to local government whose only source of income was a rate upon land. Local government was synonymous with direct taxation' (Hirst 1973, 145). However, a depressed South Australian economy in the 1870s and again in the 1880s meant that the central government was confronted with the problem of shrinking revenue, which prompted successive governments to 'look to district councils to relieved the burden on the central government.' Indeed, 'Playford's Act of 1887, which forced all settled districts into councils was designed and supported as a financial expedient.' But such 'concessions to local autonomy were prompted solely by the financial crisis and were subsequently revoked...The financial crisis of the eighties gives some inkling of how much more eager the central government would have been to foster local government had it been permanently short of funds' (Hirst 1973, 146).

Vigorous debate on the relative merits of local versus central government which characterised British politics in the second half of the nineteenth century had no counterpart in South

Australia where the 'advantages of central control were generally accepted unreservedly' (Hirst 1973, 147).

> But what robbed debate about central and local control of its reality was the absence of the feeling that South Australia was a collection of separate regions or localities. Parliament itself was not so much a gathering of representatives from all over the colony as an extension of the life of the metropolis. The colony was represented by Adelaide...As the debates on education in particular indicate, the almost universal assumption among the parliamentarians was that South Australia could be treated as one community...It was difficult to see South Australia as a collection of separate localities and easy to think of the central government as the 'local' government for the whole colony (Hirst 1973, 149-150).

Hyams and Bessant (1972, 51) suggest that centralization triumphed in the nineteenth century because colonial governments and citizens alike believed that universal and uniform education could only be achieved through central rather than local control, and that 'up to the final quarter of the century this impression had been established through popular apathy as much as through government paternalism.' They also suggest that local school boards were 'generally less than enthusiastic in undertaking the tasks which had been entrusted to them,' and that whether they were appointed by the central authority or nominated locally made 'little difference to the low level of vitality of these bodies, and most displayed either a patent incompetence or a marked disinterest' (Hyams and Bessant 1972, 51).

> Thus, by a combination of official design and local default, the participation of school boards in the control of education was slight. Power resided conspicuously at the centre. But even the notion of ministerial control was difficult to translate into practice...Ministers of Education came and went in rapid succession. In these circumstances the power effectively accrued to chief executive officers of the department...The most notable advances appeared to occur when the permanent head of the department was also the leading professional educationist (Hyams and Bessant 1972, 64-65).

This brings us to Inspector-General Hartley, a formidable and indefatigable administrator who, during his term of office, raised the standards of primary education in the colony and also kept tight rein on teachers, inspectors and schools. Hartley, who had been headmaster of prestigious Prince Alfred College in Adelaide, was the major influence on the Central Board of Education from 1871-75, and was President of the Council of Education created by the Education Act 1875 to replace the Central Board. With the passing of the Education

Amendment Act 1878 he became Inspector-General of Schools (and permanent head of the Education Department), a post he held until his untimely death in 1896.

Exonerated by the Royal Commission in 1883, Hartley lost no time in tightening control of the colony's education system. In January 1885 'new Regulations were issued broadening the syllabus and reflecting Hartley's matured opinions on elementary education' (Saunders 1972, 158). But Hartley's autocratic manner continued to engender criticism, the most incisive of which was offered by W. Catton Grasby in his pamphlet *Our Public Schools,* published in Adelaide in 1891:

> ...nominally, all power is in the hands of the Minister of Education. But, beyond making the Minister a foil to shield himself [ie Hartley] from responsibility, it is questionable whether the various Ministers exercise any control over the policy of the department, except through finances. Virtually for eleven years the Inspector-General of Schools has been an autocrat...He has said plainly that no Minister interferes with him in his control of the schools. There are advantages in this. Teachers are able to realise the beauties of Russian depotism. Probably no department in the Government service is more free from political interference than the Education Department...As a man, what I have written may not do Mr Hartley's splendid work justice: but I have only to deal with him as an official...In judging Mr Hartley's splendid work we must not look at the mistakes by themselves, but in connection with the great scope for errors which his position has given him (Grasby 1891, 10-11).

Perhaps the strained personal relations between the two men influenced Grasby's judgment of Hartley, but there can be no denying Hartley's 'dictatorial conduct' (*Register* 4 Nov. 1875), and his penchant for 'red-tape, love of power, uniformity, doctrinarism and non allowance of human weakness in teachers and scholars' (Boucaut Papers on Education ML PRG 1046/4/1876/13). More significantly, Grasby was correct in pointing out that the formidable power attached to the position of Inspector-General was used most skilfully by Hartley to make himself the *de facto* curriculum policy-maker, to the detriment of ministerial authority. Saunders (1972, 157) argues along much the same lines as Grasby, claiming that Hartley organized the education system on 'centralized and authoritarian lines, establishing his own paramountcy over the Council, the Minister, the inspectors and the teachers...' In fact when Hartley died he had served under thirteen ministers 'yet there was little doubt in the public mind as to who really controlled the department' (Saunders 1972, 157).

Grasby's claim that 'no department in the Government service is more free from political interference than the Education Department,' echoed once again the same worries about 'political interference' which had been a feature of the 1878 parliamentary debates on education, and Grasby is obviously referring to interference by elected government officers, in particular, the Minister. But Ministers are charged specifically to determine policy, so Hartley's usurpation of the policy-making function, so far as it related to curriculum policy, could be construed simply as a different sort of political interference, namely: non-democratic and technocratic political interference with the Minister's legitimate policy-making role. This would still be the case even if the Minister had abdicated responsibility through voluntary dereliction.

Hartley effectively denied powers to local boards of advice, and those few supporters still cherishing hopes that such boards would provide an effective local check on centralized power (*Register* 25 Jan. 1879) were, for reasons previously mentioned, doomed to disappointment. Hartley was no champion of formal bodies which could constitute a check on his own formidable powers, though he was not averse to having boards of advice gainfully employed. Indeed, when he was asked by the Commission on the Working of the Education Acts in May 1882 whether 'The powers of South Australian boards of advice are limited?', Hartley had skilfully avoided the question by replying: 'we in this colony give the boards as much work to do as is done in New South Wales' (SAPP 1882, vol. 2, no. 27, 6761). However, it is self-evident that boards can, at one and the same time, be given a great deal of work to do, yet still possess very limited powers. Further, Regulations governing the boards and their activities were actually drawn up by Hartley himself and, given his strong centralist philosophy, their powers were never permitted to conflict or interfere with his. In a real sense the boards became 'servants of the department' (Saunders 1972, 158), and the senior officers of the department generally had a low opinion of the abilities of local board members. (Saunders 1972, 159-161).

Hartley was not alone in seeking to minimise the role of boards of advice. Despite a few isolated parliamentary voices raised in their support, succeeding governments showed a persistent distrust of local boards, which resulted in a refusal to grant any effective control of education to such boards, elected or otherwise. In 1892 half-elective boards were established 'but their powers were as circumscribed as those of their predecessors' (Saunders 1972, 160).

Boards of advice had themselves been active in seeking to extend their powers, and towards this end, conferences of delegates from the boards had been convened in 1883, 1891 and 1892, but generally with disappointing results. For instance, recommendations made by the 1892 conference to the government were belatedly rejected in 1893. This prompted J. Bonython, President of the standing committee of the Associated Boards of Advice, to: resubmit the recommendations for reconsideration; castigate the head of the Education Department for slighting the boards and their efforts; and suggest that if the department's attitude to the boards did not improve, it would soon be 'difficult to find gentlemen who will be willing to act upon the boards' (SAPP 1893, no. 61, 1-2). The demise of the boards of advice in the 1890s is well summarised by Saunders:

> The boards were bound by petty regulations to confine themselves to petty duties, though even these were often onerous in terms of travelling and time...Under these circumstances, boards needed every evidence of co-operation and understanding. Instead they were ignored, scorned and denied an effective role. Local interest declined. At the end of 1892 only fifty-eight boards were complete out of a possible ninety-two (SAPP 1893, no. 44, 7). By 1896 the situation had worsened in that only forty-three of a possible ninety-four boards were complete (SAPP 1897, no. 44, 7). The boards of advice as agents of decentralization were defunct (Saunders 1972, 161).

The reader may recall Hyams and Bessant's (1972, 51) suggestion that 'local school boards...in each of the colonies were generally less than enthusiastic in undertaking the tasks which had been entrusted to them.' Hyams and Bessant offered no reason why such should be the case, but given the background just described, it is perhaps easy to understand why apathy came to permeate South Australian boards of advice.

Hartley also wielded tight control over school inspectors (Condon 1976, especially letters 1, 14, 17, 104, 147 and 217). The Inspector-General's letter to Inspector Dewhirst is cited as evidence:

> J.A. Hartley to Inspector Dewhirst, 14 July 1990 (Letter no. 17)
>
> Dear Sir
> Referring to recent conversations on the necessity of maintaining a uniform standard in our examinations I think it only right to give you the earliest possible information of the result of my visits to Franklin St. [school]. The percentage is 60.07 as against 86.09 last year. Such a serious discrepancy appears to indicate a difference between your mode of examination and mine.
>
> Yours truly,
> John A Hartley
> Inspector-General (Condon 1976, letter no.17)

As Hyams et al (1988, 117) point out, such a letter as this 'must have been the cause of some chagrin on the part of Dewhirst,' who was after all the most senior inspector in the colony. 'He could but take comfort in the fact that his colleagues were subject to the same imperious treatment.'

Teachers were no less under strict control. Rigid application of Regulations, backed by a rigorous inspectorial system designed to enforce uniformity in the classrooms and regimentation of the teaching force, were paradigm features of a system designed to raise educational standards. For example, Darnell's copy-books were compulsory for the teaching of writing, the use of other copy-books being proscribed (*Correspondence Files of the Inspector-General of Schools 1879-1896,* SR GRG 18/3/1880/85). Also, annual examinations of schools, meticulously supervised by the inspectorate proved an effective vehicle for achieving control, and 'the impression is that by 1885 the teachers were submissive servants of the department' (Saunders 1972, 162).

Although Hartley had the education system firmly in his grip, there were some restrictions on his power. After 1878 he was an appointed professional administrator and permanent head of the Education Department. As such, nominally at least, he was under the jurisdiction of a

responsible Minister. More significantly, he was often under severe financial constraint, since Parliament was niggardly in releasing money for education in times of economic depression such as the late 1880s. Government insistence on economic stringency hampered Hartley to the extent that sometimes he seemed 'to breathe an atmosphere of "What will it cost?"' (Grasby 1891, 49). Despite this restriction on his power, Hartley's capacity to stamp his authority firmly on the school system was not seriously diminished. Ironically, the necessity to economise was to aid Hartley in his quest to centralize the administration of the department. 'If public money had to be carefully husbanded, the central authority could justify retaining power in its own hands. Hartley kept costs down, at the expense of the boards of advice and of teachers' (Saunders 1972, 172).

How are we to appraise the contribution of Inspector-General Hartley? The military connotation in Hartley's official title is certainly apposite. He was autocratic in his administrative style, and fashioned a regimented centralized administrative structure for the school system, which was not dissimilar to structures developing in other colonies at the time, and which was to prove enduring. Few would argue that Hartley was not an exemplar professional administrator. 'Within South Australia Hartley's influence was profound,' and 'his name was held in awe long after his death' (Saunders 1972, 179). Further, his influence on the developing West Australian and Victorian school systems was considerable, such that on his death in 1896 'no one appears to have disputed his pre-eminence in Australian education' (Saunders 1972, 183). Consequently, when Alfred Williams took over the reins of the Education Department, it was hardly surprising that he set about consolidating his mentor's achievements: 'the department remained centralized and the changes were introduced within the framework Hartley had erected' (Saunders 1972, 180). But there was another strand to Hartley's legacy, and although he does not elaborate on the point, Saunders' concluding comments on Hartley alert us to it:

> In the long run we may regret the extent of his success. The pattern of centralization he established persisted, its inhibiting factors becoming more important as the department grew in size and became more impersonal. An able man at the helm could institute change, but experimentation and spontaneity at the classroom level were hampered and

> local participation in the educational process was restricted. Education became the responsibility of the department, not the community (Saunders 1972, 183-184).

Apart from possible regrets one may harbour about a rigid centralized system hampering 'experimentation' and 'spontaneity' at the classroom level, one may also have regrets regarding the type of centralization which was developing under Hartley, a centralization which virtually excluded contributions by the community. It was the appointed chief executive officer - not a responsible Minister acting on behalf of the community - who determined which curriculum policies were good for the colony. There is no gainsaying that a powerful executive officer can often impose his or her will on a weak Minister, but it is worth recalling that Hartley had served no less than thirteen Ministers, yet his influence upon curriculum policy went unchallenged by them. In other words, it was the Inspector-General not the community or its democratically elected representatives who decided curriculum policy. Hartley was exercising a directive policy-making function in addition to the more traditional administrative function.

Under Hartley, local participation in the curriculum policy-making process was virtually non-existent, and he manifestly failed to foster it. Indeed, Hartley's administration was no less inimical to democratic decentralized participation in curriculum policy-making as it was to democratic centralized control of it by an elected Minister. It is conceded that Hartley's control was *de facto,* and Douglas and Jones (1992, 23) offer at least a partial explanation for this. They point out 'that while the bureaucracy was constantly expanding, there was initially little fear that it was beyond the control of Parliament. Indeed the thrust of nineteenth century reform was towards the establishment of career bureaucracies, relatively insulated from political interference in their day to day activities.'

In South Australia there was an added element since the twin ideas that curriculum was a technical and therefore professional matter, and that 'political interference' in curriculum policy matters could be avoided by endowing a professional with control, were slowly gaining ground, a development which Hartley did nothing to dissuade.

In sum, Hartley was certainly an exemplar nineteenth century administrator. Perhaps more importantly, he was *de facto* controller of the colony's curriculum policy, and as such the archetype technocratic curriculum policy-maker, though South Australia would wait a while longer for the *de jure* seal of approval to be added.

THE POLITICS OF EXPERTISE: THE ROYAL COMMISSION ON EDUCATION 1911-13 AND THE EDUCATION ACT 1915

Developments in the governance of the South Australian school system between Hartley's death and the Education Act 1915 are summarised by Hyams et al as follows:

> On Hartley's death in 1896, governance of the system was assumed by a Board of Inspectors who essentially continued the former Inspector-General's work until the appointment of Alfred Williams as Director of Education in 1906. Williams and his successor Milton Maughan, however, retained the powers of chief executive officer to govern by administrative fiat. Criticism by teachers of the dangers associated with one-man rule continued unabated - particularly as the bureaucratic machinery of the expanding system became increasingly cumbersome. Recommendations on the issue by the 1911-13 Education Commission, translated into legislation in 1915, did not redress the fundamental problem of accountability of the departmental head but rendered the system even more hierarchical (Hyams et al 1988, 116).

The truth of the matter, as we shall see, is that the Act of 1915 not only did 'not redress the fundamental problem of accountability of the departmental head,' it actually exacerbated the problem. We could also add that the Act of 1915, in implementing the Commission's recommendations, added a strong technocratic dimension to curriculum control in the State.

When Stanton, Secretary to the Minister of Education and Secretary to the Department of Education, gave evidence to the Commission in December 1911 he expressed dissatisfaction with the idea that a 'Board of Inspectors' should control the education service, preferring instead someone 'Napoleonic' to be in charge (SAPP 1912, vol. 2, no. 27, 3902-3903). When further asked if he objected to the idea that, instead of the Director of Education being in control as currently existed in 1912, an 'expert Council' be set up comprising the Director of Education, plus three experts in 'technical,' 'secondary' and 'primary' education, plus four other

experts 'taken from the best men you have in the Education Department today' (SAPP 1912, vol. 2, no. 27, 3927), with responsibility for 'arranging the curriculum,' Stanton replied that he did 'not see any objection to that' (SAPP 1912, vol. 2, no. 27, 3945). Given Stanton's stated preference for a 'Napoleonic' form of educational control it is somewhat surprising that he should be amenable to this suggestion by the Commission. Perhaps he believed that since the other seven expert members of the proposed Council would be departmental employees, under the jurisdiction of the Director of Education, then a 'Napoleonic' Director could effectively dominate the Council. Also, Stanton had previously told the Commission he believed that only one of the eight members should have access to the Minister, and this would presumably be the Director of Education (SAPP 1912, vol. 2 no. 27, 3939). Be that as it may, the main point is that the Commission's questions were clearly premised on the notion that either a single expert (the Director-General), or a Council of eight experts should make the key curriculum policy decisions.

In March 1912 the Commission also asked Director of Education Williams whether he approved of the idea of a Council of eight experts managing the Education Department, being empowered to 'appoint all sub committees to deal with such questions as buildings and curriculum' (SAPP 1912, Vol. 2, no. 27, 4164). Williams replied: 'It would require a great deal of thought. I will consider it' (SAPP 1912, vol. 2, no. 27, 4164), but he never responded further on this important issue. One thing which Williams did make clear to the Commission was his disapproval of the position of Secretary to the Minister. Williams's suggestion that 'the Director of Education should be both Director and Secretary...there should be no medium between him and the Minister on any question of importance' (SAPP 1913, vol. 3, no. 75, 8235), was a recommendation obviously advantageous to his own position.

When Mr Pavia (President of the South Australian Public School Teachers Union, and headmaster of Norwood District High School) gave evidence to the Commission, he advocated the setting up of a 'Curriculum Board' consisting of three headteachers elected by teachers and three inspectors, with powers 'to deal with the curriculum. It should have the

power to modify or alter or add existing subjects' (SAPP 1912, vol. 2, no. 27, 4174). He believed that three headteachers 'acting in conjunction with three inspectors, would likely do more good in considering curriculum than a board consisting chiefly of officials' (SAPP 1912, vol. 2, no. 27, 4174), especially since 'At present only the official view is taken. The teacher is not consulted at all' (SAPP 1912, vol. 2, no. 27, 4177). However, Pavia's natural desire that headteachers, such as himself, be given a significant voice in curriculum matters as a counterpoise to control either by the Director of Education or a coterie of senior departmental officials, is nonetheless itself a technocratic position. Faith in the technocratic ideology that the expert professional educator (either singly or as a board) should control curriculum policy was simply assumed. It was neither argued for nor challenged, either by witnesses to the Commission or the Commission itself.

Not surprisingly, the Final Report of the Commission unequivocally championed a technocratic solution to the problem of curriculum control, firmly supporting the view 'that it is the duty of the Director of Education to frame curriculum' (SAPP 1913, vol. 3, no. 75, ix). To aid the Director in this task the Commission suggested the setting up of a high powered 'advisory board,' an expert quartet comprising the Chief Inspector as chairman, the Superintendent of Secondary Education, the Superintendent of Technical Education, plus one other member who was to be elected by all the Education Department teachers. This advisory board should be 'appointed to deal with curriculum in primary, secondary and technical schools' (SAPP 1913, vol. 3, no. 75, ix). The Commission failed to state why the proposed advisory board, which after all was to 'deal with curriculum in primary schools,' should lack a primary education specialist appointee. Perhaps the reason can be deduced from a further recommendation made by the Commission which stated:

> That the Director of Education be responsible for the curriculum in all primary, secondary and technical schools; that with respect to the curriculum of primary schools he have the assistance of an advisory curriculum board, which shall meet at least once a year to consider the curriculum and that the board consist of the inspectors and assistant inspectors and a representative of the primary school teachers (SAPP 1913, vol. 3, no. 75, xxxvii).

The Commission failed to consider problems which could arise as a result of the overlapping functions of the two advisory boards with regard to primary curriculum.

The Commission's recommendation of a single representative of the primary teachers must be seen as tokenistic, for the Commission had revealed its position in the question asked of Mr P Board (Director of Education in New South Wales): 'Does the Teachers' Union [in NSW] want to interfere with you in fixing up your curriculum?' (SAPP 1913, vol. 3, no. 75, ix). Use of the word 'interfere,' as distinct from, say, 'participate' or 'collaborate,' suggests that the Commission believed teacher involvement in framing the curriculum was at best only quasi-legitimate. The Commission thus placed its support firmly behind a superordinate dominated or macro-technocratic mode of curriculum control.

Given that the Commission recommended no major role for teachers in curriculum development, it is hardly surprising that it envisaged no key role for local lay boards of advice. The Commission rightly pointed out that such boards:

> ...had not been a success. The result is not attributable to the gentlemen who have constituted the boards, but rather to the Education Act which circumscribes their power...We believe they [parents] would take a much greater interest in school work if the parents of the children attending each school were allowed to elect a local committee to carry out such duties as are now performed by boards of advice (SAPP 1913, vol. 3, no. 75, xii).

Now if the Commission believed that the lack of success of a system of boards of advice, was due solely to 'circumscribed power,' then the obvious remedy would have been for the Commission to have recommended an extension of the powers of such boards. The Commission failed to do so, and merely advocated the setting up of local committees for each school, which would undertake the same mundane duties as the existing boards of advice. It would be safe to conclude that the Commission also believed that parents and lay school boards should be minimally involved, and certainly wield no curriculum authority. Such authority was to legitimately rest with the Director of Education.

Further evidence that a technocratic ideology dominated the Commission's thinking stems from the fact that it wished to see the setting up of a 'Council of Education for the purpose of advising the Minister from time to time with regard to developments in education and matters of educational policy' (SAPP 1913, vol. 3, no. 75, xxx). The Commission's dual recommendations that the Director of Education - not the Minister - should control curriculum, and that the proposed Council of Education should be advisory to the Minister - not the Director of Education - sit uneasily together. After all, it would make little sense in having the Council advise the Minister on curriculum policy when the Minister had no jurisdiction over such policy. A plausible conclusion would therefore seem to be that the Commission believed that curriculum policy should be the exclusive preserve of the professional Director of Education and his expert advisory 'curriculum board,' and consequently, that such policy should not be encompassed under the global rubric 'matters of educational policy' to be considered by the proposed Council of Education, which was to advise the Minister.

Finally, it is difficult to see how the Commission could justifiably conclude on the basis of evidence presented to it, that the Director of Education should control curriculum. It has already been suggested that perhaps the Commission's technocratic posture was simply a reflection of tacit 'commonsense' assumptions about the rightful locus of curriculum control. The latter part of the nineteenth century witnessed an increasing acceptance in South Australia of the notion that curriculum was a professional matter, and should therefore be under expert control, and hence free from 'political interference' (ie from Ministers and lay boards of advice). For whatever reasons, the fact remains that in 1913 the Commission gave this view its official seal of approval, though it failed to articulate a rationale for its stance.

The report of the Royal Commission prompted a new Education Bill in 1915, the framers of which were even more eager than the Commission had been to fashion a strong statutory role for the Director of Education. Early in the parliamentary debate the Treasurer informed the House of Assembly that 'he [the Director] will have the direction of the whole system, but not

the performance of the detailed work which will necessarily fall on the superintendent of each branch' (SAPD 1915, 796). The Treasurer also argued that the Minister of Education had 'multifarious duties' and was 'always more or less a bird of passage' such that he 'cannot possibly have that command over the whole Education Department which the Director can' (SAPD 1915, 798). Then, as now, there was a deal of truth in this claim, though the Treasurer failed to address the accountability implications of endowing the Director with such formidable power. Mr Ryan, who had chaired the Royal Commission, asked the Treasurer why the draft legislation failed to incorporate the Commission's recommendation that the Superintendents, as well as the Director of Education, have access to the Minister. The Treasurer fudged on the point saying:

> Under this Bill they will certainly have access to the Minister...it will be quite within the power of the Minister to call in the superintendent of any particular branch of education and secure the information he desires (SAPD 1915, 796).

However, A. H. Peake was quick to point out to the Treasurer that 'A Minister can call in a junior clerk, but that does not say that the junior clerk has access to the Minister' (SAPD 1915, 796).

As well as having a somewhat idiosyncratic notion of 'access to the Minister,' the Treasurer also seems to have had a restrictive notion of 'decentralization':

> We want to decentralize to some extent our education system. The school committees will achieve that, and will furnish an influence that will be eminently desirable. Each committee will take a very deep and keen interest in its school (SAPD 1915, 798).

The palpable failure of the, by then, moribund boards of advice had been in no small part due to the apathy of board members arising from the minimal powers devolved to them, and whilst Parliament was seeking to revitalise local lay involvement by replacing the boards of advice with school committees, the Treasurer did not envisage any significant shift of decisional authority from the Education Department to such committees. Consequently, the desire to decentralize, to which the Treasurer referred, really reduced to school committees taking a less

than impressive 'deep and keen interest in its school' and continuing the modest functions hitherto carried out by the old boards of advice. Indeed, later in the debate Mr Angus warned that the committees 'will be just as effective as the boards of advice unless we give them some power of control. If we are going to hedge them in with Regulations and conditions, and they are going to be simply schoolyard scavengers and petty repairers of the properties, they will not succeed any more than have boards of advice' (SAPD 1915, 1063). Messrs. Coombe and O'Connor echoed sentiments similar to those of Angus (SAPD 1915, 1114 and 1122).

Smeaton expressed disappointment to the House that the Bill did 'not provide for the appointment of a Curriculum Board,' as recommended by the Commission of 1913, and he quoted with approval the President of the Teachers' Association who had said:

> 'Teachers strongly feel not that they should have the responsibility of forming the curriculum, but that their opinions should receive consideration...The curriculum is a burning, if not a vital question, to every one concerned, and, by the way, those chiefly concerned in this matter are teachers, and the department, who are not looking at the question from the same point of view' (SAPD 1915, 1217).

Smeaton's disappointment was short-lived, for the Treasurer introduced a new section to the Bill which was finally incorporated as s28 of the Act of 1915:

> DIVISION V - Courses of Instruction
>
> (1) The Director shall determine the courses of instruction for each branch of education in the public schools.
> (2) For the purpose of assisting the Director to determining the course of instruction in primary education there shall be a Board to be called the 'Advisory Curriculum Board.
> (3) Such Board shall consist of-
> (a) the Superintendent of Primary Education, who shall be Chairman;
> (b) two Inspectors appointed by the Governor,
> (c) two teachers appointed by the Governor, after nomination in the prescribed manner by headteachers of the prescribed grades (SAPD 1915, 1560).

As we have seen, there had been impassioned warnings in Parliament in 1875, and again in 1878, against the dangers of 'irresponsible' control of the education service, coupled with insistent pleas for ministerial control if the developing centralized system was to be 'responsible' (democratically accountable). Despite these tocsins the 1875 Act had given *de*

jure control of curriculum to an appointed, lay, and largely non-accountable Council. The 1878 Act had sought to remedy the democratic shortcomings of 1875 by giving *de jure* control of curriculum to a 'responsible' Minister, though Hartley had proved *de facto* to be the real controller of curriculum. However, in 1915, Parliament showed itself impervious to the cogency of the democratic arguments of 1875 and 1878, and once again pursued the non-democratic path by giving *de jure* control of curriculum to an appointed, professional, and largely non-accountable chief executive officer. This was clearly a technocratic initiative.

Over fifty years later the South Australian Karmel Report was to claim that:

> Probably the most significant modification made by the 1915 Act lay in the organization of administrative functions. An Advisory Council was established at the centre and school committees replaced the boards of advice at the local level. Reorganization which took place within the Department itself was designed to reduce the extreme concentration of decision-making power which had prevailed in the past. The Director retained an overall responsibility but he delegated power to superintendents, each charged with the management of a Division of education - at first primary, secondary and technical. In addition to these reforms, there were created a Teachers' Classification Board and an Advisory Curriculum Board, both providing for the representation of teachers in their membership (Karmel 1971, 2.35).

Just how significant is this 'most significant modification by the 1915 Act' as described by Karmel? On Karmel's own admission 'The Advisory Council never managed to wield much power. It became little more than an instrument for departmental publicity.' Further, 'On the whole, there was little parent involvement [through the new school committees] in anything other than the more peripheral activities of the school' (Karmel 1971, 2.41). Moreover, so far as the Advisory Curriculum Board was concerned, its power can be seen in proper perspective when attention is drawn to a brief exchange which took place in the Legislative Council when s28 was being debated:

> Chief Secretary -...there must be some final authority to determine whether the curricula recommended are suitable, and that authority can only be the Director. We must leave the final decision to the Director.
> Hon. E. Lucas - What would happen if he disapproved of the curricula recommended by the Board?
> Chief Secretary - Only one thing could happen, and that is that the recommendation would go back to the Board, and it would revise its decision.
> Hon. E. Lucas - If it insisted on it, what would happen then?
> Chief Secretary - There can only be this, that the Director would have to say 'I cannot agree with you, and the curriculum must be so-and-so.' A Board so closely associated

> with our educational system is not likely to recommend anything that the Director would disagree with...
> Hon. F.S. Wallis - The Curriculum Board might have a strong leaning in one particular way, and the Director in an opposite way. There should be provision for the Minister to have a say in the matter. We are not dealing with individuals but with positions.
> Clause passed (SAPD 1915, 2284).

This brief exchange points to the heart of the matter. Arguably, Karmel had missed the real issue, for there can be little doubt that the 'most significant modification made by the 1915 Act' was that it heralded a decisive shift in the locus of *de jure* control of curriculum policy in South Australia, a shift which has remained undisturbed to the present time. The changes in the 'organization of administrative functions' listed by Karmel surely pale into insignificance when compared to the removal of statutory control of curriculum from the Minister and endowing it upon the Director of Education. Notwithstanding Karmel's claim that the 'Director retained an overall responsibility,' so far as curriculum was concerned s28 dramatically extended it: thereafter the Director had total responsibility for curriculum. Ryan was alert to the profound implications of s28, and he warned the House of Assembly that the Minister would be 'very wise to cut this clause right out. It is an innovation throughout the Commonwealth...' (SAPD 1915, 1560).

Finally, the Act of 1915 should be interpreted as a major landmark in determining the technocratic nature of curriculum control in South Australia, though I know of no writer who has drawn attention to this point. The fact that s28 caused no major stir in Parliament (or outside), indeed it produced hardly a word of serious protest, bears adequate testimony of the extent to which technocratic ideology or consciousness had pervaded thinking on the issue of curriculum control. Thus it was seen as normal and natural that Director of Education McCoy should both determine as well as administer a new *Course of Instruction* for primary education in 1920.

1915-1960s: WITH EMPHASIS ON THE EDUCATION INQUIRY COMMITTEE (BEAN COMMITTEE) 1942-49

Hyams et al (1988, 209) describe the period from 1915 up to the 1960s as one in which the education system was 'buffeted by major international crises - World War I, the 1930s economic depression and World War II - each restricting educational provision and each generating some educational controversy in the South Australian community.' The tempo of educational debate certainly quickened in the 1940s, as a broad spectrum of the public came to believe that post-war reconstruction in South Australia, would require new approaches to education if full economic and social advantage was to be taken of the hard-won peace. It was against this backdrop that a Committee of Inquiry was set up under the chairmanship of Mr. E.L. (later Sir Edgar) Bean, whose activities extended from 1942 to 1949, and which presented a First Report in May 1945, followed by a Final Report in August 1949.

Before focusing on the Bean Committee it is worthwhile taking a brief look at the turn of events in Victoria and New South Wales during the 1930s, where developments in the control of curriculum ran counter to those which had taken place in South Australia. The major change in the pattern of educational decision-making and control in these two States involved a shift away from *de facto* control by Directors of Education, and towards more forceful oversight by Ministers. Also, according to Hyams and Bessant (1972, 161), the 'exigencies of the depression years contributed to this growth of ministerial authority where the minutest control was exercised over every aspect of educational expenditure by the Treasuries.' At the same time, the trend towards consolidation of ministerial power was criticised by Dr K.S. Cunningham, who in 1943 delivered a paper to the Canberra University Association, in which he bemoaned the tendency he saw 'for the control of education to become political control in the sense that educational policy depends more and more on political action and approval' (quoted in Hyams and Bessant 1972, 155).

In Victoria in the early 1930s, an ongoing bitter conflict between Director of Education Hansen and Education Minister Lemmon had taken place, over who should control education. The outcome was that the Minister eventually came to discharge not only traditional ministerial functions, but also many of the administrative functions of the Director as well. The Minister even 'developed the practice of issuing instructions directly to the departmental officers without informing or consulting the Director' (Hyams and Bessant 1972, 156). By the time Hansen retired through ill-health in mid-1932, the direction and control of education in Victoria was firmly in the hands of the Minister and Parliament. 'The time had passed when initiative and drive in the Victorian Education Department was to come from the Director of Education' (Hyams and Bessant 1972, 158).

Similarly, in New South Wales, Minister of Education Drummond, who had inherited from his predecessors A. Bruntnell (1922-25) and T.D. Mutch (1925-27), the belief that the Minister should control the Education Department, stamped his authority firmly on the education system during his two terms of office (1927-30 and 1932-41). As Hyams and Bessant (1972, 160) point out, Drummond believed that a chief executive officer 'might advise, help or modify policies, but the responsibility for the initiation of policies lay with the political head, for the Minister was ultimately responsible for the work of his Department to Parliament and electors.' In this regard the *Armidale Express* (3 June 1936) suggested that:

> 'It would be a strange inversion and perversion of democratic principles to give a permanent official the power to dictate to his Government. The officials can advise the Minister when he is bringing in his new policy, but it would be a sorry day for democracy if the public servant becomes the public master' (quoted in Hyams and Bessant 1972, 160).

Regardless of whether or not it is a 'strange inversion and perversion of democratic principles' when the 'public servant becomes the public master,' the fact remains that so far as school curriculum was concerned, this was precisely the *de jure* situation existing in South Australia in the post-1915 period, a situation with which the South Australian community seemed quite at ease.

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South Australia already had experience with a non-accountable Board (a result of the 1851 Act) and Council (a result of the 1875 Act) before finally jettisoning the idea in 1878 in favour of ministerial control of curriculum, but Drummond in New South Wales would have no truck with the idea of a Council of Education to control the school system. He realised such a Council would be:

> ...divorced from parliamentary control...'Responsible directly to none, it would in time lack a sense of responsibility altogether.' For Drummond ministerial responsibility to the people went with responsibility for policy direction and control (Hyams and Bessant 1972, 160).

As had been the case in South Australia, so too in Victoria and New South Wales, fears were expressed of political influence (by Ministers and Parliament) in the education system and hence on curriculum. We have seen how Dr. Cunningham was critical of such influence, and in similar technocratic vein *The Argus* (27 September 1930) noted that:

> 'There is a feeling of resentment among them (senior officers of the Department) at the extent to which political influences prevail over the considered recommendations of expert officers of the Department' (quoted in Hyams and Bessant 1972, 161).

Also in 1930, the Victorian Chief Inspector, James MacRae, adopted a technocratic stance when he criticised a situation in which '"political intervention in matters that should be the exclusive concern of the professional heads of departments" had taken place, most notably the attempt to reorganise post-primary education' (Hyams and Bessant 1972, 161). According to MacRae, the powers of the Minister should be 'restricted to matters of general policy, such as supervisory expenditure, and purely professional matters, such as changes in curriculum...left entirely to the Director and his senior administrative officers' (Hyams and Bessant 1972, 162).

Halleday too, promulgated a similar technocratic position in the South Australian Legislative Council in 1941. First he cited a statement made by Mr. H.C. Robinson in *Australian Educational Studies,* who had said that 'In each Australian State education is controlled and directed by two men, the permanent Director and the Minister who is a politician; the former is almost bound to accept the policy of the latter, for through Parliament the Minister is responsible to the people' (SAPD 1941, 1292). Incidentally, Robinson's statement is

inaccurate in at least one respect, namely, the all important locus of policy control for curriculum in South Australia was in the hands of the Director not the Minister. Halleday continued by advocating what he believed to be a crucial change:

> It would be much better if wider powers were given to the Director to enable him to formulate his own policy and release him from the political control to which he is subject to-day. I believe this, because our Directors of Education, superintendents, and teachers have a practical knowledge of the education of children, and they are in a better position than politicians to decide our education policy (SAPD 1941, 1292).

Like Robinson, Halleday too seems not to have been fully cognisant of the precise nature of statutory control of curriculum in South Australia, for he was advocating, in the South Australian Legislative Council, a situation which already existed.

An argument against the technocratic position as it pertains to broad policy decisions will be mounted in chapter three. Meanwhile, suffice it to say that MacRae's claim that 'changes in curriculum' are a 'purely professional' matter is distinctly dubious, since it conflates the notion of curriculum policy decision (ie *telos* or ends-type decision) with that of administration of curriculum policy decisions (ie *techne* or professional decisions). From the ideological standpoint this can lead to the erroneous conclusion that all curriculum decisions are solely professional or technical decisions (which is what MacRae appears to be claiming), which in turn could serve to legitimise the exclusion of lay people (perhaps even Ministers of Education) from participation in 'curriculum decisions,' since on this basis all such decisions should be the exclusive preserve of curriculum experts.

South Australians concerned about school governance were well aware of the bitter struggles which had taken place in New South Wales and Victoria, and were presumably relieved that South Australia had escaped similar traumatic experiences. Against this background, coupled with a desire to plan for post-war educational reconstruction, the Bean Committee was convened in 1942. The significance of the Bean Report for this chapter is twofold: first, it addressed yet again the long-standing question of whether the Minister or an appointed Education Commission should control educational policy; second, it ostensibly considered the

question 'should the administration be decentralized, and, if so, to what extent? ' (First Report, SAPP 1945, vol. 1, no. 15, 28). The latter issue will be considered first.

The Bean Committee argued that 'No general principles can be laid down about decentralization in the abstract...Some powers are best exercised, and some work is best done, by a central authority' (First Report, SAPP 1945, vol. 1, no. 15, 29), but then promptly proceeded to ignore this sensible claim by lapsing into an abstract discussion of the global merits and demerits of 'general decentralization.' The main point though, is that the Committee never addressed the question 'should the administration be decentralized, and, if so, to what extent?' The best it could offer was a promise that 'In a subsequent report, however, we will suggest certain reforms which will have the effect of decentralizing some of the work of the Department' (First Report, SAPP 1945, vol. 1, no. 15, 29). The promise was unrealised, for the Committee failed to subsequently address the issue, and the Final Report of the Committee (August 1949) made no mention at all of decentralist measures.

Let us now address the first, and for our purposes, the more important question. In its First Report the Bean Committee noted that 'Almost all powers under which the State system of education is carried on are vested in the Minister...' Continuing with:

> The only power of importance which the Act [1915] confers upon the Director personally is that of determining the course of instruction for each branch of education in the public schools (First Report, SAPP 1945, vol. 1, no. 15, 28).

Since the Committee made no criticism of this locus of statutory curriculum control, it is reasonable to assume that the Committee concurred with it. The Committee then considered suggestions for an Education Commission to take over the functions currently discharged by the Minister. It commented on this proposal as follows:

> A change which is undemocratic in the sense that it would remove education to a large extent away from the control of a person elected to Parliament by the citizens and approved by Parliament as Minister, is not lightly to be recommended. A strong case is necessary to justify such a change (First Report, SAPP 1945, vol. 1, no. 15, 30).

The Committee, no doubt mindful of recent events in New South Wales, considered and subsequently rejected the three main arguments put to it in favour of an Education Commission. The Committee argued:

> ...in our view it is desirable that the final decision on matters of policy should remain with the Minister. Whatever the powers of the Minister may be, Parliament and the people look to him as being responsible by virtue of his office, for the public education system of the State...His powers should be commensurate with his responsibility. He should not be called upon to answer for a system which is largely out of his control (First Report, SAPP 1945, vol. 1, no. 15, 30).

This claim can hardly be denied for there is no sense in making a Minister accountable for policy decisions over which he or she has no control. However, if the Committee believed that 'final decision on matters of policy should remain with the Minister,' then why did it fail to extend its own logic to the question of control of existing curriculum policy? Indeed, the Committee apparently saw no anomaly in its position regarding the proposed Education Commission, and that regarding the Director of Education. On the one hand the Committee rejected the notion of collective lack of accountability associated with a proposed appointed and 'non-democratic' Education Commission, preferring instead that 'matters of policy should remain with the Minister.' On the other hand, the Committee accepted without protest the currently existing individual lack of accountability arising from curriculum policy being under the statutory jurisdiction of an appointed officer: the Director of Education.

The Bean Committee was never criticised for this blatant paradoxical stance, nor did it seek to justify why, on general 'matters of policy,' it preferred control by an elected Minister to control by an appointed Education Commission, yet on the particular matter of curriculum policy it was prepared to condone control by an appointed Director at the expense of control by an elected Minister. We can only speculate as to the reasons lying behind the Committee's posture on these crucial issues. Despite its ostensible support for democratic control of policy by a Minister, perhaps the Committee believed - as others before it - that control of curriculum by the Director really would free it from 'political interference.' Perhaps also, the Committee had tacitly accepted a technocratic ideology on curriculum control, namely, that curriculum policy was a technical or professional matter, and as such should not fall under the global

rubric of 'educational policy.' Support for this interpretation derives from the fact that the Committee recommended that an Educational Policy Board be set up to 'advise the Minister on a broad range of policy issues.' However, when the Committee outlined the seven areas of responsibility for the Educational Policy Board there was no mention whatsoever of curriculum (First Report, SAPP 1945, vol. 1, no. 15, 30-32). The Final Report of the Bean Committee (August 1949) has no special significance for the issues raised in this chapter, and will not be considered.

Having placed the issue of curriculum control in South Australia in broad historical perspective, I will now address the question of whether or not a professional expert, such as the Director-General, should control curriculum policy.

CHAPTER THREE

CAN TECHNOCRATIC CONTROL OF STATE SCHOOL CURRICULUM BY PROFESSIONAL 'EXPERTS' BE RATIONALLY JUSTIFIED?

INTRODUCTION

> The case for government by elites is irrefutable insofar as it rests on the need for expert and specialist knowledge. The average citizen is no more qualified for the detailed administration of government than the average politician is qualified to practice medicine or to split the atom. But in the choice of basic goals, the fundamental moral judgments that shape the life of society, the judgment of trained elites is no more valid than the judgment of an educated people. The knowledge of the navigator is essential to the conduct of a voyage, but his special skills have no relevance to the choice of whether to take the voyage or where we wish to go (Fulbright 1963, 4-5).

Chapter two described how, from the latter part of the nineteenth century onwards, a strong technocratic strain permeated school curriculum discourse in South Australia. S28 of the Education Act 1915 empowered the permanent head of the Education Department to 'determine the course of instruction for each branch of education in the public schools,' and this locus of control was re-affirmed without dissent by s82(1) of the Education Act 1972. We also saw in the previous chapter that technocrats can wield either *de jure* or *de facto* authority. In either case, they are almost always well anchored in hierarchical professional communities (in our case the 'curriculum community' of the South Australian Education Department), and they often remain invisible or opaque. Consequently, unlike traditional or mainstream political activity, technocratic activity is often 'portrayed as the "quiet revolution," it subtly manifests itself as a transformation in the very nature and terrain of politics' (Fischer 1990, 20).

In the previous chapter, attention was drawn to the Bean Committee's contention that to remove education from parliamentary control 'is not to be lightly recommended,' and that a 'strong case is necessary to justify such a change.' This chapter addresses the question of whether or not technocratic control of State school curriculum can constitute such a 'strong case.' In other words, should State school curriculum be left to experts?

I know of no theorist who has sought to marshal an argument in favour of control of State school curriculum by a Director-General or CEO, hence one option open to me would be to seek to construct the strongest case I could in support of such control, and then proceed to critically examine it. However, rather than test my skills in this regard, which harbours the risk of my being accused of merely setting up a 'straw-person' argument, it would seem more prudent to select the strongest case I have been able to find supporting curriculum control by experts, and make this the major focus of my analysis. Consequently, I have chosen to centre attention of Barrow's (1976) argument in support of curriculum control at the school level by the headteacher. Although written some thirty years ago, it still represents the most comprehensively argued case in support of technocratic control of curriculum currently available.

It is true that control of a school's curriculum by the headteacher differs from control of a school system's curriculum by the Director-General, but the basic difference would seem to be one of extent of control rather than the nature of control. In other words, the main difference is a quantitative one, hinging on the scope and scale of operations, rather than a qualitative difference. The technocratic argument that the head should control curriculum at school level has broad generalizability, and can be used to buttress the claim for control of curriculum at State or system level by the Director-General. Moreover, there would seem to be no argument supporting control of curriculum by the Director-General that would not also apply to the head at school level, and no argument against such control by the head which would not apply with equal force to the Director-General. Hence, so far as the global claim that experts should

control curriculum is concerned, Barrow's argument is pivotal. However, before considering Barrow's position let us first examine the concept of technocracy, and address the notion that technocrats or other experts should control policy generally.

TECHNOCRACY: EXPERTS AND POLICY CONTROL

The term ' Technocratic policy-making' is used here to describe a mode of decision-making grounded in the belief that there are those who are technically competent, or who possess special expertise, to determine ends-type policies* (or what Fulbright called 'basic goals'), and who, on this basis, should be endowed with authority to determine such policies in the interests of the people. This interpretation would seem to cover both modern technocrats and Plato's pre-scientific and pre-industrial 'philosopher kings,' for as Segal (1985, 29) remarks, modern technocrats 'may well be viewed as the technological equivalents of Plato's philosopher kings,' a view with which Wrong (1976, 266) apparently concurs, when he points out that ' The birth of modern science led to a revival of the Platonic dream of the union of knowledge and power.' Technocratic policy-making always threatens whenever experts to whom we rightly ascribe knowledge of how to do things, in the sense of achieving predetermined goals (teachers and administrators for example), are illegitimately credited with policy-making expertise in what ends or goals should be pursued. Technocratic policy-making is no less applicable to situations where professionals who, whilst conceding a distinction between policy and technique, nevertheless engage in transforming what should rightly be ends-type policy decisions into technical problems requiring professional solutions/decisions (Bridges 1979, Broadfoot 1985, Fischer 1990).

Within their own respective spheres of expertise, professional experts do command legitimate authority. De George (1976, 79), for example, describes 'epistemic authority' as legitimate

* The expression 'ends-type policies' is used to differentiate between such policies and 'administrative policies' devised by an administrator in order to achieve objectives specified in ends-type policies. Unless there is a clear indication to the contrary, the term 'policy' used in this thesis refers to ends-type policy.

authority 'based on knowledge.' Similarly, Wrong (1976, 263) describes 'competent authority' as authority grounded in technical competence. Significantly Wrong warns us

> It would be as great an error to deny the reality of the competent authority of the expert within his sphere as it is to make analogical use of it to legitimate power that inevitably and necessarily rests on the control of resources other than expert knowledge (Wrong 1976, 272).

Indeed, for Wrong (1976, 272), '"technophobia" distorts reality just as much as the most "non-reflexive" technocratic consciousness.' The problem would therefore seem to be that of keeping experts in their rightful place.

Fischer (1990, 14-15) points to the way in which 'expert knowledge and technocratic practices have become key political resources sustaining increasingly undemocratic forms of decision-making' in contemporary society, and he believes that ' The post-industrial scenario portrays an apolitical decision-making system that often appears to have a life of its own.' At the heart of Fischer's argument lies the claim that:

> Technocracy, in classical political terms, refers to a system of governance in which technically trained experts rule by virtue of their specialized knowledge and position...[and] there has been a remarkable degree of consensus over what constitutes the basic elements of technocracy itself. The main element is a use of 'technical expertise'... But technocracy is more than expertise per se. Expertise can be organized to serve a variety of social functions and interests. Technocracy in this respect, refers to a theory of government decision-making designed to promote technical solutions to political problems. The theory, in turn, supports a political project that advocates experts as the dominant basis for organizing political power. Technocracy in short pertains to the use of experts and their technical disciplinary knowledge in the pursuit of political power and the 'good society' in the spheres of both the state and the economy (Fischer 1990, 17-18).

For the most part, such technical experts, whilst wielding formidable political power, are nonetheless 'unelected representatives' who 'constitute a basic challenge to values that have traditionally organized the political system itself... technocracy shapes, if not subverts, the very ways we think about and understand politics.' In short, ' The historical coherence that defines technocratic thought is a deep-seated animosity towards politics - particularly

democratic politics - coupled with an unswerving commitment to scientific decision-making' (Fischer 1990, 20-21):

> As Stone (1988, 4) puts it, the common mission of this 'rationality project' is to rescue 'public policy from the irrationalities and indignities of politics, hoping to conduct it instead with rational analytical, and scientific methods' (Fischer 1990, 21).

The technocratic strain in society is by no means a recent development. Since Saint-Simon, technocrats have seen politics as a process that 'can and ought to be reduced to a matter of technique, that is...political decisions should be made on the basis of technical knowledge, not the parochial interests of untutored value preferences of politicians' (Putnam 1977, 387).

The gradual acceptance in South Australia, in the late nineteenth and early twentieth centuries, of the proposition that the Director of Education - a professional educator and expert administrator - should control curriculum policy, which was considered in chapter two, is perhaps best understood in the context described above by Fischer and Putnam. Ironically, it was the South Australian Parliament which effectively divested itself of authority when it placed curriculum policy control in the hands of the Director of Education in 1915, for there is no evidence to suggest that the Director had been pursuing such authority. What is clear, is that by 1915 the terrain of curriculum politics in South Australia had become characterised by the politics of expertise, which is not to say that curriculum policy had become 'apolitical.' Because technocrats tend to see traditional democratic politics as a problem, as distinct from a solution, technocracy or the politics of expertise, represents a 'deep-seated challenge to democracy and its political form of decision making' (Fischer 1990, 23-24). However, appearing to stand aloof or detached from the political fray, technocracy purports to represent the public interest in its search for solutions to socio-political (including curriculum policy) problems. Moreover, ' The public interest is said to be safeguarded by the "impartial conscience" and "neutral competence" of the technical expert' (Fischer 1990, 24):

> The public interest is thus defined in instrumental functional terms. As instrumental techniques replace political substance, the 'means' of policy become the 'ends.' In the process, the essential political question - production for what? - is at best relegated to secondary status. At worst it is simply ignored (Fischer 1990, 24-25).

At the same time, it would be a mistake to conceive of contemporary technocrats as posing a threat of a technocratic takeover. For whilst they may see themselves as genuinely serving the public interest, their rise to power would seem to be less the result of a new unrepresentative elite grasping for power, and more a matter of 'modern ideological and technical realities ushering experts to the fore' (Fischer 1990, 170). This too, helps us understand the South Australian Parliament's decision to vest curriculum control in the hands of the Director-General of Education. Also, Laird (1990, 22) has recently argued that the disempowerment of citizens rather than the empowerment and political ascendancy of experts is the paradigm feature of modern technocracy. For Laird, the crucial issue is who loses power, rather than who gains it, and for him a concomitant of technocracy is a shift of power away from citizens. S82(1) of the Education Act 1972 effectively denies both South Australian citizens and their political representatives the sort of decisive voice in curriculum policy matters that we could reasonably expect in an accountable representative democracy.

Central to the technocratic view is technical rationality, which has permeated the socio-political world with the rapid growth of modern bureaucracy, and Max Weber (1958) saw scientific reason coupled with instrumental rationality as crucial in the development of technical rationality. Just why technical rationality developed as a basic organizing principle of economic and social life has been a matter of heated debate - particularly between Weberians, Marxists and Critical Theorists - though this issue need not concern us here. What is important for our purposes is that technical rationality and the growth of bureaucratic administration have occurred simultaneously. The rise of technical rationality nurtured in its bureaucratic cradle, has seen technical experts increasingly assigned the task of harnessing the bureaucratic organization to the technological mission of the modern state, and this has helped foster what Wrong (1976, 267-268) describes as a spate of 'new class' theories which 'cast experts...variously defined, in the role of builders of a new rationally designed social order.' According to Wrong, Saint-Simon's 'producers,' Comte's 'priests of positivism,' Burnham's 'managers,' Galbraith's 'Techno-structure,' and Touraine's 'Technocrats,' have all been portrayed as 'carriers of a movement towards a planned society in which technical rationality

prevails.' In short, technocratic theories and ideologies advocate, either manifestly or by implication, the application of principles of technical rationality - primarily mediated through the vehicle of technically competent professionals attached to major public and private bureaucracies - to the management and organization of society through institutional innovation and planned society change. Such technocratic professionalism almost inevitably poses a potential threat of overt or, more usually, surreptitious social control:

> Through the translation of basic normative questions into technical issues pertaining to instrumental means, technical rationality and its 'value-neutral' methodologies, disengage decisions from the social and political contexts that give them meaning. By focusing instead on pragmatic systems - related accommodations, they draw attention away from the professions' social control functions. In this way, technical rationality and its methodologies serve to mystify the political dimension of the professional role (Fischer 1990, 359).

Developments in the control of school curriculum which were outlined in the previous chapter, together with statements by Hudson, Hopgood, Jones, and Allison, which were considered in chapter one, suggest that a degree of mystification regarding the professional role in curriculum decision-making has almost certainly occurred in South Australia. And, as we shall see later in this chapter, it has also occurred well beyond.

So much for this brief sketch of the nature of modern technocracy and its latent threat to democracy, but it is also worth remembering that the idea of experts controlling policy decisions is by no means new, dating back at least to Plato. Indeed, Arendt (1961, 111) makes the following comment on Plato's political philosophy: 'Here the concept of the expert enters the realm of political action for the first time, and the statesman is understood to be competent to deal with human affairs in the same sense as the carpenter is competent to make furniture or the physician heal the sick.' Whether or not Plato believed that philosopher kings were competent in the 'same sense' as carpenters and physicians is arguable, since he believed that philosopher kings were superior to mere technical experts such as carpenters. The reason being that philosopher kings were possessors of 'moral knowledge,' and this *episteme* or knowledge of the 'forms' of 'the Good' endowed them with the wisdom to perceive the forms of social justice and, hence, the 'ideal' society and the proper way to pursue it. Passmore

(1970, 41) argues that such knowledge for Plato, consisted of the 'apprehension of relationships between ideal forms,' and as such was 'not to be acquired by any kind of empirical observation, involving the use of the bodily senses.' In the *Republic,* Plato:

> ...introduces a supreme form, the form of the Good, the knowledge of which he takes to be a sufficient and necessary condition of all wisdom. That it is a necessary condition, he explicitly argues: 'This form of the Good must be seen by anyone who hopes to act wisely, either in public or in private.' That it is a sufficient condition he takes for granted: to know the form of the Good is to *be* good, indeed to be perfect (Passmore 1970, 41).

It is beyond the scope of this thesis to undertake a comprehensive exegesis of Plato's political philosophy as it relates to the nexus between democracy and authoritarianism. Consequently, emphasis here will be confined to a consideration of his argument presented in the *Republic* in favour of an authoritarian mode of policy-making by 'experts,' as expounded by Bambrough, Tiles and others. Moreover, Plato's position will be considered not only because he offered what many would regard as the seminal argument in favour of ends-type policy-making by experts, but also because Barrow's argument in favour of school-based curriculum policy control by the headteacher, is clearly a neo-Platonic position.

In terms of Plato's political program, his 'ideal state would be run by those who have *episteme* in the absolute sense, ie they understood the principles which govern how everything should be, and thus their *episteme* rests on a firm grasp of the Good itself.' (Tiles 1984, 60). As well, philosopher kings in the ideal society would be incorruptible, operating on the basis of disinterested service to the governed. Plato makes this clear in the *Republic* when Socrates addresses Thrasymachus: 'And so with government of any kind: no ruler, insofar as he is acting as ruler, will study or enjoin what is for his own interest. All that he says and does will be said and done with a view to what is good and proper for the subject for whom he practises his art' (Plato, Cornford translation 1961, 23).

It is worth emphasising that, although Plato distinguished between knowledge of 'the Good' and mere technical expertise, he nevertheless invested in his philosopher kings a special moral

knowledge or expertise which legitimated their authoritarian (non-democratic) policy-making role in the ideal society. Later attempts to make technical expertise the basic skill or knowledge base required for all decision-making, including policy-making (such as the 'technicist' approach of Saint-Simon), retain Plato's fundamental idea of control by experts, and this perhaps explains why Arendt took the view that the expert statesman is competent in the 'same sense' as the carpenter or physician. It is also probably why Segal (1985, 29) suggests modern technocrats 'might well be viewed as the technological equivalents of Plato's philosopher kings.' One thing seems certain, namely, that 'in all technocratic theories the ultimate legitimation of power of experts or technocrats is seen as resting on the model of competent authority' (Wrong 1976, 269). Further, Wrong (1976, 271-272) argues that such theories and ideologies 'treat the habits of mind of professionals as applicable to the organization of society as a whole,' so it is hardly surprising that a technico-scientific intelligentsia is seen as 'the agency *par excellence* aiming at institutional innovation and planned social change.'

However, with broad social policy, where moral principles and value-judgments impregnate decisional contexts, it would be unwise to embrace too readily the notion that 'expertise' can provide a sufficient basis for determining such policy. But Plato's 'expertise' (and the technocratic) approach to policy-making suggests that there are 'correct' solutions to policy dilemmas, and that those with the requisite knowledge or expertise should be charged to make policy decisions, and, significantly, be unaccountable for them to the laity or 'inexpert' public. A weakness of this argument is that it frequently mistakes the nature of the expert's knowledge and thereby overlooks the distinction between ends-type policy decisions and technico-professional decisions, a distinction dating back at least to the ancient Greek *telos/techne* distinction. It is a mistake which ex-Minister Hudson made when, arguing globally in defence of s82(1), he maintained 'That curriculum is a professional matter. That every Tom, Dick and Harry, is not an expert in determining what subject areas should be taught in schools...'

It is true that in technical matters where expertise is easily recognisable, distinctions may be drawn between expert and lay person, and this is why major surgery is restricted to properly qualified surgeons. But matters of community policy are not simply technico-professional matters in which there is a clear area of expertise. So whilst critics of democracy can rightly point out that technico-professional decisions require expert knowledge, they often mistakenly conclude that policy-making should be entrusted to experts. In this regard, Wexler (1975, 187) asks whether experts who can answer 'simplex questions,' which are questions 'in which all relevant factors can be measured in the same units' (eg 'will the log reach across the stream?'), can also answer our 'complex questions,' which are questions 'in which all the factors cannot be measured in the same units' (eg 'should we wade across or fell a tree to bridge the stream?'). Wexler concludes:

> Can an expert 'answer' our difficult complex questions? It would seem not. These questions are not difficult for lack of information: they are difficult because we must compare two or more different values... Can an expert decide whether we would rather be fairly wet or fairly tired? (Wexler 1975, 188-189).

Of course, experts are frequently asked 'complex questions,' and often answer them, but Wexler maintains that 'Their licences do not really entitle them to do so' (Wexler 1975, 189), and this constitutes a powerful reason why, in a democracy, Parliament is charged to determine' complex' policy questions impacting on citizens.

Confusion between 'means' and 'ends' often stems from the improper use of analogy in which the community is likened to the 'ship of state' whose 'navigator' is the expert statesperson. As Fulbright rightly points out, the analogy is inappropriate since no matter how considerable the navigator's technical skill, the navigator cannot, by virtue of it, determine the value question of where the ship must ultimately go. This is precisely the argument levelled at Plato by Bambrough (1971) who claims that Plato uses analogies to represent:

> ...a question about what is to be done (as an end) as if it were very like a question about what is to be done (as a means) in order to achieve some given or agreed end. He obscures the fact that in politics as well as at sea, the theoretical knowledge and the practical ability of the navigator do not come into play until the destination has been decided upon (Bambrough 1971, 195).

Tiles (1985, 62-66) may well be correct in his claim that Bambrough has misunderstood Plato's use of analogy, he nevertheless concedes that Bambrough is correct in arguing that it is a logical mistake to claim that there can be 'knowledge' of answers to questions about 'what is to be done.' Bambrough (1971, 202) also points out that answers to questions about what is to be done, lead 'to decisions which are recorded in sentences which are grammatically indicative, but whose logical mood is imperative rather than indicative.' On the other hand, knowledge claims are expressed in sentences whose mood is 'logically indicative,' and is exemplified by such questions as 'what is the case?' Answers to such questions are expressed in sentences which are both grammatically and logically indicative (Bambrough 1971, 202):

> It remains a cardinal mistake to think that understanding what is to be done [ie Wexler's 'complex questions' or Bambrough's grammatically indicative and logically imperative questions] is like understanding what is the case [ie Wexler's 'simplex questions' or Bambrough's grammatically and logically indicative questions]. Is this not precisely Plato's mistake?... Yes it is a cardinal mistake, and yes Plato did make it (Tiles 1984, 62).

It is a mistake which is also made by technocrats. Tiles (1984, 65-66) also points out that Plato considers the objects of ethical and political enquiries (Plato's 'forms'), 'as though they were a super-physical reality in virtue of which any account of the Good itself, the Just itself, etc., must be either right or wrong, true or false.' Tiles, however, sees 'nothing which corresponds to devising an experiment in natural science, which would settle any questions we might have about these super-physical realities.' The only available test regarding questions about super-physical realities is the 'consistency test.' At the same time, Tiles (1984, 66) argues that 'no valid reason can be given to think that undertaking to unify our objectives into a consistent whole will lead to precisely one admissible answer, and that only one consistent account can be given of the Good itself.' In short, Plato gives us no sound reason to believe that disagreement about ends can necessarily be eliminated, in the sense that of two rival conceptions of the Good itself, one must be contradictory and therefore in error. Hence, as Tiles concludes:

> ...we do not have to follow Plato in embracing despotism. For to accept that there are wrong answers is not necessarily to accept that there must be just one right answer.

> And if there is no one right answer, then we have very good reason to continue to embrace democracy (Tiles 1984, 66).

With the democratic 'ship of state' it is the citizens, or their elected representatives, not 'experts,' who must make the policy decisions and identify the 'harbours' they seek to reach. It would be foolish to claim that on issues capable of stimulating disagreement or moral protest, the popular view is necessarily right, but it is no less foolish to suppose that it is always wrong, and democratic policy-making which permits 'free discussion in such cases holds out a better hope that reason will prevail than if the official 'expert' view were the only one expressed' (Benn and Peters 1959, 344).

It should be emphasised that if a society's ends-type policy decisions lie in the hands of experts, then authoritarianism inevitably undermines democracy. On this point Passmore poses the normative hypothetical of whether or not people should be permitted to marry for love. He believes that on this issue psychological and sociological data and experiments are certainly pertinent:

> But it is quite another matter to say that there is some expert or class of experts whose investigation can finally decide the answer to it... Yet unless all such questions are 'matters of expert decision,' it at once becomes apparent that at the very heart of a 'technically perfect' society - in its decision upon what functions shall be exercised and who shall exercise them - there lies not the technical perfection of an elite but the exercise of despotic power (Passmore 1970, 283).

This is precisely the position adopted by Plato, who had no time for democracy, and he is by no means alone in promulgating an authoritarian Utopia governed by experts. Bell describes Saint-Simon as an important 'technocratic visionary,' adding that Saint-Simon believed that:

> In a technocratic society politics would disappear since all problems would be decided by the expert. One would obey the competence of a superior just as one obeys the instructions of a doctor or an orchestra conductor or a ship's captain (Bell 1973, 263).

Here we encounter once again the legitimizing - though misleading - power of ancient analogies. Also, Saint-Simon would seem to be mistaken in his belief that politics would disappear in a technocratic society run by experts. Democratic politics would almost certainly

disappear, since there would be no rational justification in seeking to check the policy-making authority of the 'expert,' by appeals to an in-expert *demos.* What would probably occur is that technocratic politics would prevail, namely, politics characterised by disputes between rival experts as to which policies should be adopted. For example, economic policy could well be determined on the basis of political struggles between, say, economic rationalists and neo-Keynesians.

It is not being suggested that choice of values is merely arbitrary, or that any system of values is as good as any other. What is being suggested is that whilst the logical possibility of knowledge of political ends by experts cannot be ruled out *a priori,* any claim that a political judgment is 'right' needs justification in the sense that good reasons would need to be adduced in support. But what reasons count as 'good' reasons? The worth of empirical claims may be tested by appeals to, say, 'correspondence' or other theories, but in the political realm, where value-judgments impregnate policy decisions, what counts as a good reason will largely depend on what theory of moral value is held. What a philosopher holding one theory of moral value will count as good reasons, may well be rejected by a philosopher holding a different theory, who offers quite different, yet no less valid 'good' reasons, and disagreement on such policy issues as abortion and euthanasia are classical examples.

Currently, it would appear that we have no generally acceptable agreement on what shall count as 'good' reasons. Consequently, it would seem to make good political sense for citizens to seek to protect themselves against those entrusted with control over policy decisions. Democracy, which provides for the orderly removal of governments through a system of regular elections, is a tangible recognition of the need for such protection, but neo-Platonic or technocratic government, which permitted a coterie of 'experts' to make policy decisions for citizens, whilst at the same time remaining unaccountable for them, would afford no such protection. This is presumably why many theorists (eg Russell 1960, 54-66, Popper 1962, vol. 1), have viewed the possibility of rational political authority comparable to that of the

technical expert or professional, with extreme scepticism, such that they mistrust all political power, not merely that wielded by dictators and demogogues.

Plato certainly realised that corruption of the philosopher kings was a possible threat to sound government, but he sought to pre-empt the problem by forcing them to undertake a prolonged period of education and training. However, Kant disagreed with Plato, since he believed that education and training did not constitute adequate safeguards against corruption:

> That kings should philosophize or philosophers become kings is not to be expected, nor is it to be wished, since the possession of power inevitably corrupts the untrammeled judgment of reason (Kant, Beck translation 1949, 330).

Realizing that Kant's prudential argument, being too deterministic, does not crush Plato's case for absolute rule by expert, incorruptible rulers, Boyce Gibson claims that:

> Plato is interested in principles, not in statistical probabilities, and because he will have no second best, he builds on the remote chance of finding a ruler proof against all temptations... He can 'see the dark objects,' once he has become accustomed to them, a thousand times better than the cave-dweller whose vision has been adjusted to them all his life (Boyce Gibson 1939, 18-19).

Consequently, Plato's strongest case in favour of policy-making by experts needs to be addressed, namely, that if it were possible to select the most expert, benevolent and incorruptible amongst us, then they should rule, irrespective of the wishes of the *demos* or citizenry. This strong expert or technocratic case could be presented in the following form:

> (1) The value of a form of political policy-making can be determined by the expert policies it is likely to produce:
> (2) Expert, benevolent, incorruptible policy-makers can determine expert and benevolent policies without being accountable to citizens:
> (3) Given (1) and (2) then policy-making should rest solely in the hands of expert, benevolent, incorruptible policy-makers.

Against assumption (1) it can be argued that whilst expert, benevolent rulers may cater for political consumerism, in the sense of providing material benefits for their subjects, the fact that they are essentially subjects, as distinct from democratic citizens, implies their political

passivity. Moreover, such experts are likely to leave their subjects experientially deprived, and hence, fail to develop intellectual and moral capacities. In this respect, John Stuart Mill argued that there is a 'twofold division of merit which any set of political institutions can possess':

> It consists partly of the degree in which they promote the general mental advancement of the community, including under that phrase advancement in intellect, in virtue, and in practical activity and efficiency; and partly of the degree of perfection with which they organise the moral, intellectual, and active worth already existing, so as to operate with the greatest effect in public affairs. A government is to be judged by its action upon men, and by its action on things; by what it makes of the citizens, and what it does with them; its tendency to improve or deteriorate the people themselves and the goodness or badness of the work it performs for them, and by means of them (Mill 1972, 195).

In other words Mill (1972, 208) believed that a government can be judged both on the basis of 'how far it promotes the good management of the affairs of society by means of the existing faculties... of its members,' that is on its business performance; and the degree to which it promotes 'the general material advancement of the community,' namely, 'advancement in intellect, in virtue, and in practical activity and efficiency.' Of the two crucial functions Mill gives primacy to the educative function:

> ...the most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves (Mill 1972, 193).

For Mill (1972, 207-218) democratic governments ('the ideally best polity'), were far more likely to achieve this goal than were autocracies and oligarchies which, as Plato realised, would have good reason to fear criticism levelled at them by educated and informed citizens. It is hardly surprising that Mill (1972, 207) attacked the idea of wise despots as one of the most 'dangerous of chimeras.'

There is always likely to be a degree of on-going tension between competence in policy-making and democratic policy-making, but even if it were to be conceded, for the sake of argument, that experts and technocrats could exhibit greater competence in the business

performance of government, there are things which they cannot do for citizens, but which they must do for themselves:

> What is wrong with absolutism is ... that it prevents those over whom it is exercised, however benevolently, from attaining their human maturity. This is as true of Plato's absolutism as of any other: for though his philosopher-guardians could secure for their subjects, every imaginable benefit, they could not make them free (Boyce Gibson 1939, 20)

Against assumption (1) therefore, it can be claimed that so-called expert policy-makers and technocrats fail to develop the intellectual and moral capacities of citizens, and fail to provide them with the opportunities for exercising personal freedom and responsibility:

> If, then, when it is said that the ideal of a society founded on technical perfection is dehumanizing, what is meant is that it weakens men's 'humaneness,' the accusation seems to be thoroughly justified (Passmore 1970, 280-281).

Rational individuals would doubtless choose to place themselves in the care, or under the jurisdiction of others, from time to time (placing themselves under the care of a surgeon, for example), and for cogent reasons. But technocracy inhibits freedom of choice. This is why Parry (1972, 37) believes that even if it was possible to recognise authentic philosopher kings should they appear, it would still be better to rule oneself, or at least support a system of representative democratic government. After all, 'the effect of the enlightened despot is to satisfy material demands and produce a contented but "irresponsible" mass.'

Cohen's (1970, 259) claim that the good of a people cannot be known 'antecedently' by the expert or technocratic ruler, nor independently of people expressing their interests or preferences, is a powerful rejoinder to assumption (2). Cohen rejects the notion that some people allegedly 'know what the state is for and what is good for it.' Cohen argues that such 'knowledge' is impossible to obtain. The reason being that in order to determine which members of a society have the greatest capacities to contribute to the 'common good,' there must be some notion of what forms the common good will take.

It is impossible, Cohen argues, to know what these forms should be, prior to the expression of interest and preferences by the societal members generally, and hence, cannot be used in allocating the right to express those interests and have them fairly considered:

> In sum, the well being of the body politic cannot be ascertained in advance of the directive decisions made by its members, and therefore, cannot be used to determine who shall have a right to participate in those fundamental decisions (Cohen 1970, 260)

Also, in the words of Lindsay (1943, 270), 'only he, the ordinary man, can tell whether the shoes pinch and where; and without that knowledge the wisest statesman cannot make good laws.'

Arguments marshalled against the two assumptions are considered sufficient to fatally weaken the case in favour of the expert or technocratic policy-maker, but even if we accept assumptions (1) and (2), the question arises as to whether or not the inference drawn in (3) is valid. It is generally accepted that the surgeon's knowledge of a certain cure for the patient does not entail the right of the surgeon to force the patient to submit to the cure. Superior knowledge does not, of itself, entail the right to rule. De George expresses it as follows:

> Finally, epistemic authority [or Wrong's 'competent authority'] carries with it no right to command. Knowledge by itself gives no one the right to teach, to act for another, or to impose his views on them (De George 1976, 87).

This claim can be anchored in Popper's (1962, vol. 1, 64) notion of 'critical dualism,' or the 'dualism of facts and decisions,' which simply means that 'it is impossible to derive norms or decisions or proposals from facts.'

BARROW'S TECHNOCRATIC ARGUMENT FOR CONTROL OF CURRICULUM AT SCHOOL LEVEL BY THE HEADTEACHER*

Whilst it is considered that the foregoing argument is sufficient to undermine the claim that

*This section is based on a debate between the writer and Robin Barrow, conducted in the pages of the *Journal of Philosophy of Education* in 1981 (vol. 15 no. 2, 215-233), and 1983 (vol. 17, no. 2, 275-284).

macro policy-making in general should be under the control of so-called experts or technocrats, there are still those who apparently believe that both policy and administrative dimensions of school curriculum should be solely under professional control. As we saw in chapters one and two, this belief is usually grounded in the claim that 'curriculum is a professional matter,' and that we should therefore vest control of it in those whose training, experience and professional competence, best qualify them to exercise such control: teachers/headteachers, curriculum experts and, so far as South Australia is concerned, the Director-General of Education. A good example of the claim for professional control of curriculum decision is found in the English Taylor Report:

> 6.13. In their written submission to us, most of the teachers' associations claimed that teachers alone should exercise this power of decision on the ground that, to quote the evidence of the Assistant Masters' Association, the curriculum 'best falls within the competence of professionally trained, experienced and practising teachers.' On our visits we took the opportunity to ask head and other teachers if they could justify such claims. The answers we received stressed the professional training and experience of teachers and their objective understanding of the abilities, aptitudes and needs of the children they teach. It was claimed that these qualities offered the best basis for curricular decisions and it was suggested that people not engaged in education tended to over-simplify complex educational problems.
> 6.14. We do not believe that these arguments justify regarding the curriculum at school level as the responsibility solely of teachers nor are we convinced that it is right for teachers to carry this responsibility alone (Taylor 1977, 49).

Bridges (1979, 160-161) views the Assistant Masters' Association's (AMA's) unsuccessful attempt to justify control of school-based curriculum decision-making as an abortive exercise in mystification, and he convincingly argues that the Taylor Committee was quite right to reject it: 'teachers do not have exclusive possession of relevant expertise' such as 'knowledge of subject areas'; 'knowledge about children'; 'knowledge of the most appropriate pedagogy'; and, tellingly so far as policy is concerned, 'knowledge of what ought to be taught.' Nor are teachers, or anyone else, including Plato for that matter, 'Experts on the Good Life.' Bridges (1979, 162) also rejects ethical absolutism in favour of ethical pluralism, with the important implication that 'the attempt to resolve the question of curriculum content by reference to the wisdom of the experts dissolves into an attempt to resolve it politically by reference to the competing values of those who can reasonably claim a say."

It is now generally conceded that authority in the modern organization should, in Max Weber's terms be 'legal-rational' (rational in the sense that authority should be appropriate in pursuing the ends sought by the organization or institution in question). Where objectives are clearly specifiable, as in some industrial or manufacturing organizations, this may pose no special difficulty, but so far as schools are concerned, there is often much disagreement about curriculum aims and objectives as they relate to the fashioning of the educational end-product.

Plato readily appreciated that social and curriculum goals are inextricably enmeshed, since the determining of curriculum ends cannot be divorced from that of determining social ends. And just as it is doubtful whether 'expertise' alone can provide an adequate basis for resolving social ends, the same would seem to apply to curriculum ends. There is always likely to be political argument over what sort of people schools should be aiming to turn out after ten years or so of education, and this is as it should be in a democracy. However, accompanying such educational goal diffuseness, a strong ethos of 'professionals know best' has developed (much encouraged by teacher orgnizations such as the AMA), often to the extent that technico-professional facets of curriculum become the main or sole basis for far-reaching policy decisions. The major beneficiaries in the allocation of curriculum decision-making authority on this basis have been the professionals, especially headteachers, and in South Australia as we have seen, the Director-General of Education. Also, as we shall see in chapter four, South Australian school principals became important curriculum policy-makers in the years following the major school-based curriculum decision-making initiatives stemming from the Director-General's FAM (1970), and the Karmel Report (1971). It is also worth noting that curriculum policy based on professional expertise or administrative rationale, makes it difficult for the public, or its elected representatives, to retain or effect democratic control of such policy, in either individual schools or school systems.

It is true that the authority of teachers and headteachers in curriculum matters is well grounded in law and tradition, but there is doubt whether all such authority can be rationally justified, and hence whether it is prudent to vest these professionals with such global authority. If we

take the headteacher, for example, it is not to be denied that the head has the legal right to exercise curriculum authority, but the question posed here is: what qualifies the head to exercise such curriculum authority? Barrow (1970) seems to think that the head's curriculum authority can be rationally justified, and his argument in support of this position will now be considered in some detail.

Although Barrow's argument is deemed inadequate, it is important to examine it closely since it represents the most thoroughly argued case currently available in support of the head being vested with curriculum policy-making authority at the school level. His argument is intended to support:

> ...a conception of the head as one who has a special competence related to the business of determining the objectives of the school, and who must have control over the staff, finance and curriculum organization (Barrow 1976, 65).

It is clear that Barrow does not have in mind the modest proposal of restricting the expression 'determining the objectives of the school' to administrative policy in the sense of selecting appropriate administrative means to achieve broad ends-type policy goals determined by, say, the Minister of Education in a centralized system, or representative school councils in a decentralized system. Indeed, the head under such an executive model would have little room to exercise Barrow's 'philosophic competence' on curriculum policy matters. Barrow ambitiously argues that the head must have:

> ...freedom to control the curriculum and the freedom to allocate resources ... the curriculum meaning the content of the education provided must be understood in the widest sense, such that questions about whether to teach Latin, or whether to adopt an integrated approach ... are all curriculum questions (Barrow 1976, 76).

Though the major thrust of Barrow's argument is clear, the two foregoing excerpts show that he does slide from a legitimate concern for control of 'curriculum organization' to 'control [of] the curriculum' *per se*, which is a vastly different matter since it subsumes ends-type policy control.

Barrow argues that the head's 'superior position is defined by his ability to direct and run the school, which means his competence in respect of selecting educational objectives, deciding priorities and determining policies' (Barrow 1976, 68). This ability is grounded in what he calls 'philosophic competence' which:

> ...may be characterised in terms of such formal requirements as consistency, coherence, concern for good reasons, and impartiality. But perhaps the two most important strands are the ability to recognise different kinds of questions for what they are and the ability to avoid conceptual muddle (Barrow 1976, 71).

Valuable though 'philosophic competence' may be, Barrow offers no guidance as to how a school can protect itself in its day to day activities against a head who, having been endowed with authority to control the decisional areas he stipulates, turns out to possess little philosophic competence, much less, say, than other staff members.

However, this is to challenge Barrow on his own terms. More importantly, even if Barrow's head was able to 'recognise different questions for what they are,' and 'avoid conceptual muddle,' Barrow is still left with the major task of justifying the precise basis on which curriculum policy choice is to be made, and he clearly fails to come to grips with this problem. He offers no criteria on which to base a choice between conflicting policies which are 'consistent,' 'coherent,' 'impartial,' and reasonably argued, but which reflect different moral viewpoints, yet unless he can do so his argument cannot get off the ground.

Moral philosophers, and others, may well possess philosophic competence but they can nevertheless adopt different, yet no less defensible standpoints, on the basis of whether they operate on, say, teleological or deontological premises, and attempts to resolve such differences collapse in meta-ethical impasse. Indeed, there is not a single important issue in moral philosophy on which philosophers are not divided, and Gribble's citing of Atkinson's (1965, 176) views reveals a serious weakness in Barrow's claim that possession of philosophic competence by the head warrants control over curriculum policy:

> 'Take any moral position and its opposite can be maintained without logical error or factual mistake'...Looking around the battleground of modern ethics, Atkinson concludes that no recent moral philosopher has found a way round the point that irreducible differences are possible in morality, that 'justifications' in this field have 'the remarkable propensity of failing to exclude opposed alternatives' (Gribble 1969, 121).

Developing his argument, Barrow continues:

> ...good policy decisions are those which are made consistently, impartially, in the light of relevant reasons and which are not arrived at as a result of conceptual muddle and confusing forms of knowledge ... Deciding what should be done *is* the process of evaluating relevant information (Barrow 1976, 72-73).

All this may well be true, yet Barrow does not address the crucial question of justification, for he fails to specify what shall count as 'relevant reasons' and 'relevant information,' and on what basis an 'impartial' policy choice can be made. As has been already suggested, what shall count as relevant reasons will depend largely on the moral standpoint one adopts in the first place, and currently there is no generally accepted agreement as to what shall count as relevant reasons where choice is between different value-judgments.

Notwithstanding these problems, Barrow insists that the head's expertise 'is the expertise that determines what should be done' (Barrow 1976, 73), but in doing so he makes the same cardinal mistake which Bambrough lays at Plato's door. Namely, Barrow represents the question about what should be done (as an end) as if it were a question about what shall be done (as a means) in order to achieve some given or agreed end. Barrow's error becomes even more apparent when he defends his claim by drawing a Platonic-type analogy between the head's role in deciding educational objectives, including curriculum policy, and the doctor who 'should have authority in respect of medical matters,' and the mathematics teacher who 'should have authority in matters pertaining to the teaching of mathematics' (Barrow 1976, 84). Barrow continues:

> Similarly the argument for a head as originally conceived in this chapter is quite simply, but quite decisively, that by definition he will have the right sort of expertise that makes him an authority in the sphere of selecting educational objectives... (Barrow 1976, 84-85).

However, Barrow fails to sustain the analogy, but in any case it cannot serve his purpose. First, it simply does not follow from defining the term 'head' as Barrow does, that any actual head will possess any special competence in policy-making at all, no more than it follows from defining the 'head' as 'an authority in disciplining students,' that any real head will exhibit a taste for corporal punishment. Nor, to press the *reductio ad absurdum,* does it follow from defining the 'head' as a 'layer of golden eggs,' that the funding of the school can be provided by definition.

With regard to the empirical question, Barrow admits that if 'particular heads are not superior in respect of philosophic competence then the grounds for their final responsibility to take decisions are taken away' (Barrow 1976, 87). But this seems something of a token gesture, and does not appear to outweigh his obvious support for the principle that philosophically competent heads should control curriculum policy, and that heads of schools do in fact possess such competence: 'I shall argue, finally, that there is good reason to demand that we should continue to have heads, thus conceived' (Barrow 1976, 87).

It would be unwise to take the competence of a doctor about to operate as a mere matter of definition, and there is no better reason to take the competence of the head as a matter of simple semantics. Rather, we seek to ensure that the definitional relationship between 'doctor' and 'possessor of medical expertise' is mediated in the real world by the way in which doctors are trained and certificated. On this basis a person is only recognised as a 'doctor,' and thus endowed with 'competent' or 'epistemic authority' in medical matters, if that 'doctor' has demonstrated certain specified competences. It is here that Barrow's analogy collapses, for he seeks to establish that heads have expertise in policy-making, not by pointing to tests which demonstrate the possession of such expertise in policy-making, but by simply defining the head in a certain way.

Secondly, even if Barrow was able to secure the analogy he seeks to press between what should correctly be described as qualified doctors and qualified mathematics teachers, and

hence qualified heads (and to do this Barrow would need to show precisely on what basis heads were qualified), the analogy would not serve Barrow's purpose. So far as medicine is concerned, the doctor's expertise is in technical matters, not in policy or evaluative matters, and it is the patient, not the doctor, who determines the values which the doctor serves (just as it is the citizens in a democracy, not 'navigator'-guardians, who give direction to the 'ship of state'). Also, whilst it is true that the qualified mathematics teacher possesses expertise in the content of mathematics, and the methodology of teaching it, expertise in these areas, and knowledge of their effects, do not endow the mathematics teacher with expertise *qua* mathematics teacher in respect of the policy decision on whether mathematics should be taught. And if it is to be taught, which of the effects to be achieved, by the ways in which it is taught, are the preferred effects. If, for example, it was to be found that the most effective method of teaching children mastery of number was necessarily achieved at the expense of their love of, and interest in, mathematics, then any decision regarding the use of that methodology would fall outside the sphere of expertise of the mathematics teacher, and it would be quite in order for a policy decision to be made precluding its use (For a practical example of this problem see Stapp 1970, 236).

In sum, there is no viable analogy between the authority of the doctor and mathematics teacher, and the authority Barrow seeks to justify being vested in the head. The authority of the two former professionals flows from, and is justified by, technical competence, whereas the competence required of the head in curriculum policy-making is evaluative rather than technical, and is thus qualitatively quite distinct.

Of the rival conceptions of the head's role, Barrow believes that only one 'deserves consideration,' namely, one in which:

> ...the head should not retain the final responsibility or right to make the decisions, but that he should be confined to the role of an executive officer whose task is to see that the wishes of the decision-making body (the staff or some part of it) are carried out (Barrow 1976, 84).

Just why Barrow opts for what seems to be an all-or-nothing position is not clear, for there would appear to be no good reason for seeking to 'confine' the role of the head to that of executive officer. Indeed, if heads are as talented as Barrow suggests, there is every reason why they should share in policy-making. Coulson (1976, 104) gets to the heart of it in pointing out that, as the school's executive officer, the head's right to dominate policy should end, and 'his leadership should rest upon rational influence rather than institutionalized supremacy;' nor should it be overlooked that rational influence is bi-directional.

Barrow (1976, 85) admits that given the fact that a 'particular code or hierarchy of values cannot be established as indubitably correct,' then different philosophically competent heads 'may steer their schools in different directions,' but he does not seem to grasp the wider implications of this important point. Given this possibility, a situation might arise in which, say, four philosophically competent heads could introduce four different curriculum policies, yet each be unanimously opposed by their respective staffs, who offer no less acceptable policies. Schematically the situation could be expressed:

School 1 Head introduces policy A, but the staff advocates policy D;
School 2 Head introduces policy B, but the staff advocates policy C;
School 3 Head introduces policy C, but the staff advocates policy B;
School 4 Head introduces policy D, but the staff advocates policy A;

Whilst such a situation would hardly impress supporters of democratic school-based policy-making, Barrow could reply that it would be unlikely to arise, either because a head would probably seek to accommodate such unanimous opposition, or, as his analysis suggests, because the justification for the head possessing decision-making authority in the first place, is that the rest of the staff, like Barrow's 'geography teacher' (or indeed any teacher), do not possess philosophic competence, or possess it to a lesser degree than the head.

Barrow's (1976, 85) twin claims that 'in principle at least, if one man has such competence and his colleagues do not, he is *ipso facto* to be entrusted with responsibility for making decisions,' and that 'the only grounds for entrusting policy-making to the staff as a whole, in principle,

would be that all staff were equally endowed with philosophic competence,' are worthy of close attention.

For argument's sake let it be assumed that possession of philosophic competence constitutes a necessary and sufficient basis on which to ground policy-making authority. Consequently, on Barrow's analysis, the only justification for entrusting the head with such authority would be if it was possible to ensure that the head actually possessed it to a degree which the head's professional colleagues did not, and that the head retained this superiority over time (a point which Barrow ignores). Both these propositions are empirical, yet Barrow offers no empirical support for them. Further, such propositions are implausible, and it is far more plausible to assume that a person's level of philosophic competence will vary over time, not only with the various issues under consideration, but also with such things as fatigue, emotional states, and capacity to profit from mistakes. Given this interpretation, what in principle should be concluded from Barrow's analysis (a different conclusion to that which Barrow himself draws) is that the person(s) with the greatest philosophic competence at a particular point in time, ought to take the policy decision. The problem can thus be reformulated: 'How do we find the person(s) with the greatest philosophic competence at a particular point in time?' Surely the answer is 'Only by assessing the arguments relevant to the topic at issue.' This is because philosophic competence is presumably not a quality which can be measured directly, and the strength of its presence can only be gauged by examining the nature of its effects, namely, a person's abilities in rational argument. Thus the claim that the most philosophically competent person should take the policy decision is tantamount to claiming that the best argument should prevail, and surely the best way to seek to ensure that the best argument prevails - though there can obviously be no guarantee of this - is to consider the arguments in a suitably constituted group decisional context, and reach a majority decision, that is, a democratic decision.

Barrow (1976, 85), however, will have none of this, and he rejects the notion that sound decisions 'are more likely to be reached as a result of open meetings, where many points of

view are put forward and examined ... than by reliance on the decision-making prowess of one man.' The basis of his rejection is that 'the fundamental question' (ie the Platonic question) is: 'Who ought to decide policy?' (not the question of 'How can we seek to minimise the possibility of poor policy decisions?'), and Barrow's answer is that the philosophically competent head alone should decide. On this basis, therefore, the head is justified in overriding even unanimous staff opinion, since:

> If the head is defined by reference to his philosophic competence then that constitutes an argument...for him, in specific instances, to resist consensus. For consensus may sometimes be the outcome of prejudice, ignorance, inability to see the force of an argument and so on (Barrow 1976, 87).

It cannot be denied that consensus, or majority decision, may sometimes be blighted by the factors Barrow mentions, but what of the counter example when the 'real' (as distinct from the definitional) head's decision is based on ignorance and/or prejudice? A head's possession of philosophic competence is no guarantee that prejudice will not cloud his or her judgment. What protection does a school have against a head lacking philosophic competence? This question highlights Barrow's folly in seeking to solve the policy-making problem *a priori.* Incidentally, Tversky and Kahneman point out that possession of competence is no necessary protection against prejudice and bias in decision-making:

> The reliance on heuristics and the prevalence of biases are not restricted to laymen. Experienced researchers are also prone to the same biases...Although the statistically sophisticated avoid elementary errors, such as the gambler's fallacy, their intuitive judgments are liable to similar fallacies in more intricate and less transparent problems (Tversky and Kahneman 1977, 336).

The crucial question when considering the relative merits of group decision-making is not, as Barrow supposes, whether 'all staff are equally endowed with philosophic competence,' since obviously they are not, but whether it is reasonable to suppose that most of the staff have enough competence to follow or present an argument. If this assumption is accepted, and after all it is a democratic assumption, it would seem to follow that, given the differential endowments of knowledge and competence, some staff members would make greater

contributions than their colleagues on some policy issues, whilst with others the positions would likely be reversed.

From the practical standpoint of selecting heads, much hinges on being able to identify people with philosophic competence, and Barrow raises the question of what happens if the head is badly chosen, that is, if the head does not possess such competence, and he asks 'how do you judge people's philosophic competence when it is conceded that you cannot do so by looking at the answers they come up with to see if they are "right?"' (Barrow 1976, 89-90).

In view of the foregoing discussion this concession would seem to vitiate the force of Barrow's case, but more revealing is his faltering reply to his own question:

> First, whilst conceding that there is a point beyond which it is difficult if not impossible to judge between people's philosophic competence, one may nonetheless insist that it is sometimes very clear that people lack it to a profound degree; some people patently cannot avoid conceptual muddle, disentangle different kinds of question, proceed consistently and coherently and so on. Second, this is surely where training in education for headship comes in. If we cannot confidently pick out the man with the greatest degree of philosophic competence, we could at least attempt to provide some kind of course designed to promote it, for those whom we are going to appoint as heads (Barrow 1976, 90).

Taking the second point first, it is of course desirable to seek ways to improve educational leadership, but let there be no delusion regarding the limitations of leadership training schemes, and the theories on which they are based (see Hosking and Schriesheim 1988), and scepticism of such schemes purporting to produce experts in what Barrow describes as determining broad 'educational objectives, deciding priorities and determining policies,' and knowing 'whether to teach Latin,' would surely be well founded. Also, since we 'cannot confidently pick out the man with the greatest degree of philosophic competence,' it is curious that Barrow is prepared to vest the head with so much decisional authority: perhaps it may be more profitable to seek better ways of determining a school's curriculum policy.

Barrow's first point is interesting insofar as he only claims that it is 'sometimes' clear that people lack philosophic competence, and 'some people' cannot avoid conceptual confusion, so

is it not surprising that he advocates that a single person, the head, should control the three key decisional areas of staffing, finance, and curriculum? Not really, for the logic of Barrow's position suggests that 'sometimes' must be interpreted as usually, and 'some people' as most people, unless, of course, Borrow is more concerned with authoritarian/technocratic convenience than with philosophic competence constituting the legitimate basis for decision. However, a more charitable interpretation is that Barrow must assume that the majority of the school's teaching staff (he does not consider parents or community members as policy-makers) lack philosophic competence, because if he did not, his claim that the head alone should control the decisional areas he specifies would lose its force; in a democratic society anyway. For if the majority of staff did possess such competence, then presumably the worst that could happen would be that the staff would simply reach a different philosophically competent decision (in Barrow's sense) to that of the head, as for example, in the case of the four hypothetical schools mentioned earlier. As a subsidiary consideration, it is important to realise that collective decision-making encourages and nurtures those developmental and educative effects on which a democratic society, if it is to progress, must necessarily rely. Since participation in policy-making encourages intellectual growth and moral development, to which John Stuart Mill attached so much significance, it would seem desirable that the school should serve as a model for the democratic values it seeks to promote. However, Barrow's argument is premised on a low regard for the curriculum policy-making abilities of ordinary teachers, and even less for parents and citizens who do not get a mention.

So far as determining curriculum policy is concerned it would appear that Barrow fails to make a convincing case in support of the head's control. If anything there are experts in pointing to the likely consequences of policies were they to be implemented, but whether the consequences so pointed out are 'good' or 'bad' is not so much a question of 'expertise' as of interests (head's, staff's, parents', pupils', community members'), and most adults are deemed capable of recognizing their interests, or leastways this is a democratic assumption. It would appear then, on Barrow's analysis, that impartiality between interests is a special talent of the

philosophically competent head, either that or Platonic type of ability to ascertain people's real interests when they themselves cannot.

The first alternative is to regard the head as a Rawlsian 'ideal observer' (Rawls 1971, section 30), objectively detached from the flux of common disputes; but given the pervasiveness of human fallibility and proneness to error, this is an implausible proposition to say the least. A more realistic, and certainly more democratic way of pursuing impartiality would be to have equal representation of interested parties in the decision-making context as for example, was recommended in the Taylor Report (Taylor 1977, 30-31), which proposed quadripartite governing bodies for each government school, comprising equal numbers of: local education authority representatives; school staff (teachers and supporting); parents (with where appropriate secondary pupils); and representatives of the local community.

Barry expresses the argument for democratic decision-making succinctly:

> If we start from the premise that members of social groups with distinctive interests will tend to act politically in a way that they believe will be conducive in advancing those interests, we may conclude that the more equality of power is approached the more nearly will equality in the consideration of interests: 'No vote no roads.' This is not to say that simple majority rule can be expected in all circumstances to lead to just constitutions: the coincidence of majority will and the requirements of justice is particularly at risk where there are separate and hostile groups divided by 'race,' religion or some other bases of communal conflict. But we can, starting from such a premise, then ask in a realistic way what special constitutional provisions are required in particular cases...(Barry 1973, 147-148).

The idea that impartiality is more likely to be forthcoming in decisional contexts where there is equal representation of interests (ie an 'equal power theory of right') has been persuasively argued by Woolcock (1984) in his doctoral thesis.

The second alternative is to regard the head as an omnipotent, omniscient policy-maker, but democrats have good grounds for suspicion when it is suggested that it is the expert or technocrat who knows their 'real' interests better than they themselves, and that consequently, it is another who must be vested with final decisional say. In effect, this is what Barrow is

suggesting about the policy-making abilities of the school staff (and by implication parents and community members), but he attempts to forestall any charge of authoritarianism with a caveat:

> 'Authoritarianism' is an emotive term that picks out the manner in which an individual proceeds; the phrase an 'authoritarian head' suggests an individual who rides roughshod over his staff, tyrannically subduing them to his will, etc. Nothing I have said amounts to a plea for authoritarian heads in such a sense (Barrow 1976, 89).

This is correct, but there is another sense of 'authoritarian.' As Plato realised, an essential assumption of authoritarian decision-making is that initiative should be unrestricted only at the top, and that this is where the best brains are located. The authoritarian denies that the 'people' have the capacity to judge wisely on crucial policy issues, and consequently seeks to retain the power of final decision. The head may well be a crude authoritarian, and ride 'roughshod over his staff' in a way that Barrow deplores, but this is not to deny the existence of 'soft' or velvet-glove authoritarianism. Nowadays, many heads denounce the authoritarian practices described by Barrow, and perform ritual genuflections to 'consultative' and 'participatory' procedures, yet retain the right of final say on virtually all matters. Moreover, such heads frequently adopt relaxed 'democratic' leadership styles, 'involve' staff in policy-making; not as an indispensable constitutional device, but at their discretion, perhaps for therapeutic effects (see Arnstein 1969, Krause 1968). Such heads may well concur with majority opinion, particularly if it coincides with their own proclivities and purposes, and an obvious advantage of soft authoritarianism is that it is less transparent than hard authoritarianism, and thus less likely to evoke outright opposition (see Bacon 1978, Taylor 1983). However, and this is the crux of the issue, whether or not a policy-maker can be described as authoritarian in the 'soft' sense, hinges less on leadership style and more on what transpires in the event of a serious dispute between leader and followers. If Barrow's head is deadlocked in dispute with staff, then that head must either shift position or coerce the staff. If the head takes the former course, then as John Stuart Mill (1972, 205-207) points out, movement is in the democratic direction, but if the latter course is taken, movement is firmly in the autocratic direction.

Despite good intentions, kindness, and relaxed style, the benevolent or 'soft' authoritarian is authoritarian nonetheless.

It could be argued that since a head is in fact democratically appointed and accountable in a formal sense, any charge of authoritarianism is misplaced, and that if a head decides to act unilaterally then such action would simply be authoritative (ie democratically legitimised). But this claim relies on a confusion between what can best be described as decisions democratic in origin and democratic in effect, the former referring to the procedures being adopted and the latter to the objectives sought or achieved (see Cohen 1970, 199-201). On this basis the head is democratically appointed (ie democratic in origin) and accountable, but it is also important to know in what sense the head's actual performance can be described as democratic in effect.

Pennock (1962, 128) offers some purchase on this question with a schema in which he relates leadership to major decision-making modes using a simple typology. At one extreme of the decision-making continuum is 'autocracy' in which the autocrat 'dominates,' and at the other extreme is the 'voluntaristic' or 'anarchistic' mode in which all members have 'equal primary political power.' According to Pennock (1962, 127), 'The democratic ideal keeps pushing the democratic reality in the direction of equality not only of *access* to power but also equality in the *exercise* of power.' Pennock (1962, 131) continues with: 'What I am arguing is that a bias away from domination and towards cooperation is implicit in the notion of democracy.' The group decisional context is highly dependent on the quality of group processes, and if it strives to be democratic in effect the emphasis is firmly on the give and take of rational argument rather than lobbying votes. Moreover, if the head is genuinely concerned with rational influence, as distinct from merely operating on the basis of hierarchical authority, then the situation must be reciprocal, and the head must be prepared to be influenced. So given the error elimination function of group decision-making, there is good reason for the head, even Barrow's head, to be prepared to be bound by collective curriculum policy decisions.

If, as has been argued, the head has no special expertise in determining curriculum aims and goals, and in deciding differences between policy preferences of interested parties (not only staff, but parent and community members etc.), yet the deciding of such differences is necessary if the school is to develop its internal curriculum policies, then a head democratically appointed but authoritarian in effect cannot justifiably do the job. Even if Barrow's head possesses philosophic competence, he or she cannot, on the basis of it, justifiably perform the task of determining curriculum policy, despite Barrow's claims, for it fails to endow the head with any relevant 'expertise' on which to base such decisions. Hence, the head cannot reconcile the disparate interests brought to bear on policy issues (or in the case of zero-sum issues, decide between mutually exclusive positions). Thus Barrow's claim that philosophic competence enables the head to make curriculum policy decisions amounts to an implausible claim that the head possesses a preponderance of wisdom about relative values, different beliefs, different forms of knowledge, different experiences, and different interests.

More pointedly, White (1981, 255) makes good sense when, like Plato before him, he suggests that 'decisions about curriculum framework [ie curriculum policy] are inescapably connected with *political* views about the nature of the Good Society.' In other words, rational curriculum policy decisions cannot be made in advance of considering what kind of society is desirable. Also, if White (1981, 255) is correct in his claim that heads and teachers 'have no professional expertise which justifies them in making such decisions, since they have no special right, which the rest of the population lacks, to make decisions - ie political decisions - directly affecting the shape and character of our society,' then this adds a further blow to Barrow's argument. Curriculum policy decisions are political decisions.

If the arguments levelled against Barrow are sound, it follows that there is no good reason why teachers, as fellow professionals, should not join the head and participate directly, or through representatives, in school-based curriculum policy-making. But it is also being suggested that arguments levelled against technocratic claims that the head alone should control curriculum policy, are equally forceful when pitted against the more general claim that professionals

should control curriculum policy decisions. In short, and the point needs to be emphasised, lay people, be they parents or community members (or their representatives), are often the missing factor in the school-based curriculum policy equation.

The Taylor Committee (Taylor 1977) realised this, and there is something to be said for school-based curriculum policy being under the control of quadripartite-type governing bodies or school councils, rather than the head. In this way such policy decisions would certainly be more democratic in origin, that is, closer to grass-roots, and more likely to be democratic in effect since such bodies would preclude the structural engineering of permanent minorities (tokenism), make it more difficult to play politics, and encourage governors or councillors to consider seriously the arguments of co-participants, since they could not smugly relax in the knowledge that they 'have the numbers.'

Stripped to its essentials, Barrow's technocratic claim that the philosophically competent head, not the teaching staff, should make curriculum policy decisions, means that he believes that the head makes better value-judgements. What he appears to overlook is that in a democracy elected representatives furnish the value-judgment component to policies. Kogan expresses it as follows:

> ...policy-making is decision making on the basis of normative criteria, which is saying, in effect, that value -judgments are the essence of policy-making, while the objective construction of their consequences is the essence of administration (Kogan 1974, 74).

In a democracy it is the elected representatives who are 'authorized, licensed by the electoral process to sanction value-judgments' (Kogan 1974, 74). Even Barrow's philosophically competent head is ultimately accountable to elected representatives (eg State Ministers of Education) who are in turn accountable to the electorate. However, since Barrow argues that the philosophically competent head is justified in overriding teachers on the grounds of their lack of sufficient philosophic competence, what is his stance regarding the head's accountability to elected representatives and hence to the electorate? Surely, he would have to

argue that ordinary citizens, being lay people, lack philosophic competence or expertise in the curriculum policy area, in the same way as the school's teachers. Consequently, although Barrow does not argue this point, the logic of his position suggests that philosophically competent heads should not be accountable to voters (indirectly via the Minister), and hence curriculum policy should be exempt from democratic control, and that if they are accountable to anyone then it should be to ultra-philosophically competent or expert 'curriculum guardians.' Let us not forget though, that in democratic theory ordinary citizens are presumed competent enough to render a rational electoral verdict. Furthermore, if Barrow's claim was to be generalized to the extent that the philosophically competent should control policy decision *per se,* and applied across the board to such areas as defence, foreign affairs, agriculture, health etc., then democracy would be superfluous and technocracy would prevail.

Although arguments offered thus far are regarded as sufficient to show that Barrow's position is untenable, there is a further argument to consider: an argument directed not at the specifics of Barrow's proposals, but at the weakness of the Platonic tradition of policy-making within which Barrow has couched his case, and which if it can be sustained, has broad implications when decision-making structures are being designed.

Addressing his attention to the realm of macro-politics, Popper (1962, vol 1, 121) has argued that in view of human fallibility and perversity, it should be asked whether political theory should not face at the outset the possibility of bad policy-making: 'Whether we should not prepare for the worst leaders, and hope for the best.' His approach both to policy-making and political leadership is essentially a 'checks and balances' approach, which 'forces us to replace the question: *Who should rule?* by a new question: *How can we so arrange political institutions that bad or incompetent rulers can be prevented from doing too much damage?*' The latter question reflects Popper's awareness that democracy alone, of all forms of decision-making provides mechanisms for its own correction. First, since people are fallible, and possession of power can corrupt, poor rule and misrule are inevitable correlates of any form of policy-making, but democracy seeks to minimise these problems through the mechanism of an

electoral system allowing peaceful and regular systematic change of governments. Secondly, democratic decision-making, with its emphasis on discussion and free play of critical opinion, acts as a crucial mechanism for error elimination, and thus shapes and is free to correct policies. Popper (1962, vol l, 25), also points out that there are certain questions which 'are clearly authoritarian in spirit. They can be compared with that traditional question of political theory "Who should rule?" which begs for an authoritarian answer such as "the best," or "the wisest"...'

If one poses an analogous micro-political question: 'Who should determine a government school's curriculum policy?' (given parameters established by a legislative framework), it is hard to avoid an authoritarian reply such as the Director-General of Education, senior administrators, the head, etc, for the question assumes that there is some authority which can be consistently relied upon to determine such policy. Alternatively, if attention is focused on the Popperian-type question: 'How can decisional structures be organized to afford protection against poor curriculum policy decisions?' then a new approach to policy-making opens up. But this question has not received the attention it has deserved so far as schools are concerned. The logical criticisms of the reliability of ultimate authorities are powerful (Popper 1962, vol 1, 3-30). Also, Swartz (1977, 426-427) has pointed out that historically 'all attempts to demonstrate the reliability of any authority lead to circular arguments, contradictory arguments, or an infinite regress.'

Appointment to a headship, as Barrow concedes, is no guarantee of good leadership, yet the idea persists that curriculum policy-making talent is possessed by heads (or the Director-General of Education in a centralized state system), who need to be given a relatively free hand to work their curriculum will. Yet the problem of minimizing poor rule is encapsulated in Locke's (1974, 63) claim of an inferior head: 'unless his failing is gross it is difficult to relieve him of his post.'

The point to be stressed is that the shift from the Platonic (and Barrow's), or authoritarian problem (Who should rule?), to the Popperian (implicitly adopted by the Taylor Committee with its quadripartite recommendation), or non-authoritarian problem (How can we so arrange institutions to protect ourselves against poor decisions?), represents what could be described as a 'progressive' problem shift (after Lakatos 1970, 116-122). The shift of emphasis from the authoritarian to the non-authoritarian problem of curriculum control is considered 'progressive' since it is based on more plausible assumptions about human fallibility, and the problems posed for policy-makers arising from difficulties associated with choice of moral principles and value-judgments. It can thus be argued that it is more progressive, more worthwhile, to grapple with the problem of checking fallible authorities than with the problem of 'Who should rule?'

Democratic policy-making is premised on the belief that authorities must exist, if only to permit people to resolve conflicts of interest without violence, and in order to permit sound knowledge inputs by relevant experts into the policy decisional context. At the same time, a critical attitude to authorities is imperative (Russell 1963, 132), and people need to be particularly wary of those purporting to be 'experts' in determining ends-type policies, be they curriculum policies or any other sort. Cognizance of Popper's progressive problem shift would seem to offer an opportunity of providing a school with curriculum decision safeguards, such as those offered by the Taylor Committee's quadripartite proposals mentioned earlier, which would enable fallible authorities to check one another: a democratic mode of curriculum policy-making.

Finally, Popper's view of democratic decision-making as it pertains to schools was criticised by R.S. Peters in 1966, who questioned the need to devise institutions to protect ourselves against poor leaders. With the role of the head in mind Peters wrote:

> There can surely not be anything particularly objectionable about a reasonable, competent man, with a sense of public responsibility and a desire to work with others on some common task, being prepared to take office for a period, if he is appointed by properly constituted procedures with a clearly defined sphere of competence (Peters 1966, 317).

Here, of course, Peters is simply begging the very questions which Popper was at pains to address at length. More particularly, what Peters fails to consider is that the appointment of the head may well be democratic in origin, but what safeguards are to hand should the head's actions be authoritarian in effect? In short, Peters gives no clue as to what to do if the head fails to conform to his commendable prescription. However, a decade later we find that Peters (1976, 5) had radically altered his view, and adopted a Popperian position on this matter. He claims that 'it is difficult to do more than query the autonomy allowed by our system of education to the head: for it is difficult to see why he or she should have such a major say in making such difficult decisions.' Peters concludes in typical Popperian fashion:

> In schools, as in states we must be delighted if we get a head whose personality and competence are such that everything goes swimmingly. But the crucial test comes when the genius leaves. And the institution must also be so designed that it can cope with a successor who may not be so saintly (Peters 1976, 8).

Ironically, as we shall see in chapter four, the early 1970s saw the South Australian Department of Education dramatically increase the curriculum policy authority of State school principals in the wake of the Director-General's FAM (1970). However, designing schools of the type advocated by Peters on Popperian principles, of necessity, involves limiting the school-based curriculum policy-making authority of the head. Optimism indeed suggests that we 'hope for the best' heads, but prudence surely demands that we 'prepare for the worst.'

BARROW'S (1981) REJOINDER TO THE FOREGOING CRITICISM, AND A FURTHER RESPONSE TO HIS REJOINDER

Barrow's (1981, 229) major charge against me in his response to my criticism of his position (Smithson 1981), is that I have 'completely misread' his paper 'in one crucial respect.' He was, he protests, primarily engaged in a 'conceptual exercise' which allegedly led me into error in attributing to him the belief that 'the philosophically competent head should control a school's curriculum policy' (Smithson 1981, 215). The inference, of course, is that my criticism is thereby vitiated, and presumably this is why he failed to address most of my substantive

arguments. Even if I was to accept Barrow's rejection of the passage I cited in support of my claim (ie Barrow's statement: 'I shall argue, finally, that there is good reason to demand that we should continue to have heads, thus conceived'), it would hardly work to his advantage, and is certainly not fatal to my argument. The reason being that I can simply replace it with his unequivocal statement two pages later in his paper which clearly vindicates the conclusion I initially drew:

> Finally, I shall argue that we do need heads, as I have defined them, and conclude with a few words about what this view implies for the selection and appointment of heads (Barrow 1976, 65).

Unfortunately, Barrow does not 'argue' this case at all. What he does is make the unremarkable claim that those entrusted to 'run schools' should possess certain competences, which gives him his 'definition' of the head, but then for the most part proceeds in his analysis as though the head does possess such competences. In short, Barrow conflates talk about merely definitional or conceptual heads with talk about real heads, and his analysis suffers as a consequence. More tellingly, there seems little point in embarking upon a conceptual analysis of the role of the head which is divorced from reality, a point which I tried to make clear in my reference to defining the head as a 'layer of golden eggs.' So when Barrow (1981, 229) says that he is 'seeking to elucidate what would be involved in being a head *if* a head were to be conceived of as one suited to run a school,' his reader is entitled to inquire what would be the point of such a conceptual exercise if not to improve, amongst other things, school-based curriculum policy-making practice? In other words, Barrow's claim that he was not advocating control of the school's curriculum policy by the real philosophically competent head, but merely indulging in a conceptual exercise, suggests that he cannot have had very much confidence in the power of his conceptual argument.

What I tried to show in my paper was that philosophic competence, even when coupled with possession of relevant factual information, does not constitute a necessary and sufficient basis on which to anchor an argument for the head's control of curriculum policy-making.

Consequently, when human fallibility, plurality of values, and diversity of interests are also taken into account, the lesson to be learned from Barrow's analysis is a negative one, namely, it is unwise to place school-based curriculum policy-making in the hands of the head, and that such policy-making, when controlled by broadly representative governing bodies of the type proposed in the Taylor Report, offers greater safeguards against poor rule and mis-rule.

In his response to my criticism, Barrow (1981, 230) seeks to clarify his position on value-judgments, and few would quarrel with his claim that the fact that 'nobody knows the answers to evaluative questions such as "how ought we to live our lives?" does not entail the conclusion that one view about that, still less about more immediate questions, is as good as any other.' He then advances a further claim with which most would agree:

> Thus I do not think that there is an ascertainable correct answer to the question 'who is the best living footballer?': but nonetheless there are some who have certain expertise that demands respect in relation to this matter, and others who do not (Barrow 1981, 23).

However, Barrow chose an anodyne example, for even though there are many excellent footballers, choice of the best living footballer is clearly less problematic than if he had asked 'Who is the best living cleric?' But given that Barrow's conceptual analysis was chiefly concerned with the policy-making role of the head, it would have been better if he had posed (after Bambrough) a 'What should be done?' type question, rather than a 'What is the case?' type question. Indeed, a more germane question for him to have posed would have been a policy question such as 'Should football be permitted to be played?' or 'Should the offside rule be changed?' However, let us consider Barrow's question.

Presumably, Barrow would expect those who have an 'expertise that demands respect' in this area, to have at least a mastery of some particular content such as the qualities and skills needed by a good footballer, together with knowledge of qualities, skills, and performances, of likely candidates. This, however, as Barrow would agree, is insufficient for us to conclude that such expertise 'demands respect,' since its possessor may be muddle-headed, or, in

Barrow's terms lacking in 'philosophic competence' and 'discriminatory power.' The expert's choice of the best living footballer is to be respected then because (a) the expert is an expert in the relevant content area, namely, knowledge of the qualities and skills of football and eminent footballers, and because (b) the expert's choice is arrived at by philosophically competent means (not by tossing a coin etc). Obviously, parallel considerations should apply to the head. The head's choice of curriculum policy is to be respected because (a) the head is an expert in the content of curriculum policy-making (whatever this implies), and because (b) the head's choice of curriculum policy is arrived at by philosophically competent means.

Now if philosophic competence is necessary in all value-judgements, what is the particular content of which the head is supposed to have a mastery in order to possess an expertise in curriculum policy-making which demands respect? Barrow (1976, 73) is aware of this requirement, for he points out that 'competence without content is as vain as content without competence is useless.' His subsequent exposition reduces this content to 'information,' some of which is the sort 'which we would expect anyone concerned with education to have' (Barrow 1976, 73), ie teachers as much as heads. A second category is a rather hopeful 'degree of familiarity with all the subjects and disciplines that compete for curriculum time' (Barrow 1976, 74). If we had any nagging doubts about the lucidity of this dual claim, all is resolved in a final heroic reduction:

> He [the head] is the theoretician rather than the practitioner in that his task and his skill lie in critical reflection on various possibilities and in determining policy in the light of information (Barrow 1976, 75).

The idea of simply 'determining policy in the light of information' will not suffice, and we must not be seduced into believing that expertise in the knowledge areas which Barrow specifies in any way qualifies as expertise in the content of curriculum policy-making. If curriculum policy questions are minimally questions about which individual's/group's interests ought to prevail, which individual's/group's notion of the 'good' or the 'right' ought to triumph,

or what compromises or degrees of tolerance ought to predominate, then in what sense, if any, does the philosophically competent head, or anyone, have expertise in that content?

Barrow's philosophically competent head can only be an expert in policy-making if the head is treating curriculum policies technically or administratively, as means to achieve ends that have been determined elsewhere. It does not apply if the head is determining the ends, and this point needs to be emphasised. If the head determines the curriculum ends, then the head's expertise must be in knowing which curriculum ends or policies are 'right,' not merely in what the various policies are, or entail in their administration. All the head's philosophic competence ensures is that the head does not permit 'expert' choosing of the 'right' policy to be frustrated by extraneous factors. Surely, the whole idea of someone being an expert in 'right' policies must be treated with scepticism. If I am in error, then why confine philosophically competent heads to schools? Should they not extend their sphere of operations to the wider political realm to become technocratic 'philosopher kings' who could bring 'expertise' in determining 'right' policies to bear on such issues as abortion, euthanasia, IVF etc? It would seem a clear case of today the schools, tomorrow the world.

It is also worth noting that Barrow's (1981, 231) arguments for denying both A.S. Neill and the deschoolers' 'policy-making' competence can only be arguments for denying them competence in the administration or implementing of policy. He agrees with Neill's basic value of 'happiness,' therefore between him and Neill the major value question is settled. What remains is technical or administrative: how do schools construct curricula which best promote happiness? Having confused one type of question with another, Barrow - on his own criterion of philosophic competence - appears to be found wanting.

At this juncture I should clarify my position regarding Barrow's authoritarianism. He resented what he believed to be my imputing 'antidemocratic or authoritarian motives' (Barrow 1981, 229) to him, but I intended no such imputation. The point I sought to make, though from Barrow's perspective I obviously failed, was that Barrow's position regarding philosophically

competent heads and curriculum policy-making, logically entails authoritarianism since it cannot be reconciled with democracy. Plato knew full well that his position regarding philosopher kings could not be dovetailed with democracy, but Barrow seems to have overlooked the point. Put simply, if the philosopher king/philosophically competent head has expertise in choosing political/curriculum ends, and hence in policy making, and the *demos* do not, and if possession of this expertise justifies the authority of the philosopher king/philosophically competent head, then, as Plato realised, it is impossible for such an expert to be rationally held democratically accountable by those lacking such expertise. The *demos* would simply have no rational basis on which to render judgment.

What then is the strength of Barrow's case? He is probably correct in claiming that those who lack philosophic competence almost certainly make bad policy decisions, though they may occasionally stumble upon a good policy. But the point is a general one, for those who lack philosophic competence will argue badly, and therefore reason badly, for any kind of conclusion, be it about how we ought to act; about a theorem in geometry; about a diagnosis in medicine; or for choosing the best living footballer. Philosophic competence is justifiably a necessary condition for good reasoning, in the sense of proceeding validly from premises to conclusions, but it in no way ensures 'good' or 'true' premises. In brief, Barrow seeks to squeeze more from the argument for philosophic competence than the argument warrants, and in this regard his problem with philosophic competence puts one in mind of Euthypro's problem with 'piety' (Plato 1969, 19-41).

Barrow (1974, 140-144) certainly recognizes that questions about right reasoning in knowledge areas (maths, medicine, etc.) differ markedly from right reasoning in practical ethics, and hence in curriculum policy-making, yet his conceptual argument supporting the policy role of the head ignores the implications. Good reasoning in factual matters cannot guarantee good decision-making at the level of policy or choice between values. There is little point in Barrow seeking to evade the powerful implications of Popper's 'critical dualism' (ie decisions or proposals cannot be derived from facts), with a question-begging claim that 'by

definition' a conceptual philosophically competent head will possess expertise which makes that head 'an authority in the sphere of selecting educational objectives' (Barrow 1976, 85). Also, when it comes to real heads, we must remember that: they will make value-judgments which may conflict and which lead to different policy choices; they can be corrupted by power; they cannot deduce decisions from facts; and they are fallible. Barrow (1974, 140) himself, in an earlier paper, warned that we should not seek to place trust in allegedly 'infallible experts,' so a prudent democratic safeguard would be to have a system of checks and balances on the school's curriculum policy-making process, and Taylor-type governing bodies would provide a school with better safeguards in its curriculum policy-making then if the head controlled such policy.

Let me now clear up a couple of points regarding my own position. Barrow (1981, 231) seemed to think that I believe 'democracy is necessarily tied up with regarding everyone as equally competent.' He is simply mistaken. I would hardly be concerned to press the Popperian argument for checks and balances against poor policy-making arising from human fallibility etc, if I thought that everyone was equally competent, but in any case my position was made palpably clear in my paper (Smithson 1981, 221-226). Secondly, Barrow (1981, 232) claims that my 'view that a democrat must want participatory democracy in a school is curious and false.' He has obviously misinterpreted my position in this respect, for I hold no such view. What I chose to do was simply argue that *if* there was to be any school-based curriculum policy-making in government schools, then it would be more prudent, and certainly more democratic, to place such policy-making under the control of Taylor-type governing bodies, rather than under the control of the head. It was Barrow's championing of the head's case in the first place which prompted me to respond by offering the democratic school council/governing body alternative. Further, there is no obvious reason why such an alternative should not take the form of a manageable representative system, and as such would likely be preferable to a somewhat unwieldy 'direct' participatory democratic structure in the school.

However, there are those who believe that there should be 'checks and balances' to offset possible shortcomings arising from school-based curriculum policy-making and who would consequently prefer to have a more balanced system involving a centralized/decentralized partnership or mix. There are others, of course, who would much prefer to see a strong centralized system with curriculum policy under such rigid control that there would be limited scope for school-based curriculum policy-making at all. Even so, such a system should be under the democratic control of some accountable figure such as a Minister of Education. As we have seen, though, control of State school curriculum policy in South Australia is under the jurisdiction of the Director-General, an appointed chief administrator. As such it constitutes technocratic, as distinct from democratic, control. In addition, such control is analogous at macro or system level to control by the head at micro or school level, and is therefore as vulnerable to the arguments marshalled in this chapter against the proposition that the philosophically competent head (or Director-General) is thereby an expert curriculum policy-maker.

Barrow's summary of his position places in sharp focus a crucial difference between his view and mine. He is prepared to countenance 'autocratic' control of a school's curriculum policy, whereas I believe that such control should be democratic. Barrow wrote:

> To some people the above issue (should schools be democratically organized?) is of burning importance. I cannot see it that way. At the theoretical level, it seems to me to make little difference who calls the shots provided that they are called in a competent manner. I do not recognise any obvious or weighty point of principle. In practice, therefore, I would see no reason to complain at variations between schools, some autocratically led by wise and inspired heads, others given over to democracy. All that does matter, both in theory and practice, is that decision-making should be carried out by those with the requisite qualities, which must include philosophic competence (Barrow 1981, 233).

Who could disagree with such vapid good sense, ie that good decision-making requires good decision-makers. However, it seems that Barrow is altogether too complacent in this facile claim, for it clearly does little to inform the practice of school-based curriculum policy-making (or general policy-making at macro governmental level), in the sense of coming to grips with the problems of actual decision-making, and the factors which should be considered

when decision-making structures are being designed. It is also worth noting that Barrow does not juxtapose 'wise and inspired' autocratic heads with 'wise and inspired' democratic governing bodies, thus begging an important question and obscuring a crucial consideration. The real choice is between autocratic heads who we hope will prove wise and inspiring, or democratic governing bodies which we hope will be likewise. The nub question is Popperian: 'Which mode of policy-making offers better safeguards against lack of wisdom and inspiration?'

The point is that in schools, as in states it matters enormously 'who calls the shots,' for the calling of the shots can have a determining effect on the type of shots being called, and on the effects they produce. It is true that democratic structures and procedures can produce authoritarian effects, and that people involved in democratic policy-making may fail to internalise democratic dispositional traits such as the give and take of argument and respect for the other person's view, and whilst there can be no guarantees preventing this, democratic policy-making generally holds out better prospects in this regard than does authoritarian policy-making (see Argyris 1973, 5-48, Cohen 1970, chap.12).

The idea of a wise and benevolent autocrat is, indeed, one of the most 'dangerous of chimeras.' Freedom is an important democratic value, and as we have seen, there are things that autocrats, for all their benevolence, cannot do for people, but which they must do for themselves:

> What sort of human beings can be formed under such a regimen? What developments can either their thinking or their active faculties attain under it?... Nor is it only their intelligence that suffers. Their moral capacities are equally stunted. Whenever the sphere of action of human beings is artificially circumscribed, their sentiments are narrowed, and dwarfed in the same proportion (Mill 1972, 203).

De Tocqueville, no less critical of authoritarian power, claims that whilst it may dispense bountiful material welfare, it is:

> ...an immense and tutelary power, which takes upon itself alone to secure their gratification, and to watch over their fate. That power is absolute, minute, regular,

> provident and mild ... For their happiness such a government willingly labours, but it chooses to be the sole agent and only arbiter of that happiness... What remains but to spare them all the care of thinking and all the trouble of living (De Tocqueville 1948, 318).

So much for states, but since schools reflect the societies which nurture them, why should schools not serve as models for the democratic values they seek to promote? Democratic policy-making, for all its recognizable shortcomings, does emphasise the give and take of argument, and the free play of criticism; it is a structural recognition of human fallibility and value pluralism; it acts as a crucial mechanism for error elimination, and thus shapes and is free to correct policies, be they at school or government level. When this is borne in mind, Barrow's claims regarding philosophic competence (and, indeed of technocracy itself) can be kept in proper perspective.

SOME FURTHER CLAIMS THAT PROFESSIONALS SHOULD CONTROL CURRICULUM

During the period with which this thesis is mainly concerned, Barrow was by no means alone in championing the head's curriculum policy role. Indeed, the 1970s saw the head's power in this respect frequently accepted as a 'given,' having acquired, to use Hodgkinson's (1978, 181) term, the status of a 'metavalue' : 'a concept of the desirable so vested and entrenched that it seems to be beyond dispute or contention.' An example of this can be seen in the British Headmasters' Association (HMA) publication *The Government of Schools* (1972), which conveniently lumped together professional and policy questions under the benign expression 'policy in educational matters,' in order to argue that the head should control such policy:

> Our most fundamental objection to the determination of school policy in educational matters by majority vote of the staff is that such a concept involves an implicit denial of the existence, or at least the importance of, a genuine profession of teaching. A crucial choice at the bedside of a sick man is not made through a ballot of junior doctors; the experience, knowledge, skill and judgment of the consultant is recognised and the responsibility of deciding how best to treat the patient is placed firmly on his shoulders. We believe that many decisions in school require a corresponding, though more diffuse expertise ... we see no reason to suppose that the prospect of wisdom would be enhanced if the power of headmasters to make decisions were transferred to committees of teachers (HMA 1972, 7).

The reader will doubtless recognise that this argument supporting the 'fundamental objection' is so fatally flawed, that I need not detain myself long in seeking to counter it. It is simply not true that the determination of school policy by a 'majority vote' is an implicit denial of the existence or importance of a genuine profession of teaching. What needs to be distinguished here is the difference between 'policy in educational matters' and 'professional matters.' A question such as 'Should sex education figure in the curriculum?' is an educational, and indeed, a political matter (a policy matter), but the fact that it raises issues of moral principle makes it very different to a technical or professional question such as 'What are the various methods of birth control?' The distinction between policy and technical matters is not always easy to make, but to lump them together as does the HMA can only serve to obfuscate. Further, the HMA seems to think that determination of policy by 'the staff' is the only plausible alternative to control by the head. This is hardly the case, since parents and community members can mount a strong democratic claim for inclusion.

More importantly, the HMA conveniently commits the old error of failing to make manifest that it is not the doctor, but the patient who determines the ends which the doctor serves. Also, if the analogy between the head and the medical consultant is pressed home, the HMA would have to claim that the head knows better than the whole range of individual specialist teachers what particular 'subject treatment' each pupil requires, which is absurd. Peters points to the heart of it when he asks:

> ... do heads possess an excess of specialized knowledge on all aspects of school life and on the curriculum, which gives them a right to override the views of their staff? Vice-chancellors of universities would not dream of dictating to the staff about such matters. Is the head of a school in a fundamentally different position? (Peters 1976, 4).

Similarly, the National Union of Teachers has claimed that professional staff should determine the school's 'educational aims,' (NUT 1973, 12) and that 'curriculum should remain the preserve of the school's own teachers' (NUT 1978, para 4.5), claims which cannot be justified when presented in such global terms, but which nevertheless serve to de-legitimise the claims of lay people, or their representatives, to their rightful place at the school's curriculum policy

table. Also, attention has previously been drawn to the Assistant Masters' Association's claim to the Taylor Committee that 'curriculum decision' should be 'the responsibility solely of teachers' (Taylor 1977, 49). One can readily understand the political motivation of these powerful professional organizations (HMA, NUT, AMA), but if they are permitted to get away with such dubious claims, it would inevitably consolidate professional power over curriculum policy.

Let us consider a further example. Holt believes that the 'real issue':

> ...is the need for the head and staff of a school to form a broad base for curriculum decisions both by giving parents and the community more information about the way the school works and by extending the scope of deliberations so as to give them a chance to offer their views and to take them into account. My own experience suggests that what most parents would like is not to interfere in professional matters, but to feel that the school is interested in their opinions, and tries to keep them informed. Certainly, the Taylor Report is an overreaction... (Holt 1979, 97-98).

The major problem, according to Holt, is not the political one concerning the rightful locus of power over a school's curriculum policy decision, to which the Taylor Committee addressed itself, but simply a technical communication problem of supplying, 'more information,' extending 'deliberation,' soliciting 'opinions,' and keeping parents 'informed.' The corollary is that the locus of curriculum policy-making authority is properly placed and should remain undisturbed. Clearly, then, Holt either chose to ignore the significance of the Taylor Report, or failed to grasp the radical nature of the report's major recommendations which sought to effect a greater measure of democratic control over curriculum policy at the school level, whilst at the same time permitting professionals wide discretion over 'professional matters.' Holt's failure to make the policy/professional distinction by conflating 'curriculum decisions' and 'professional matters' makes it appear that, to place school-based curriculum policy-making under the control of Taylor-type school councils, would represent an unwarranted interference in 'professional matters.' But this is certainly not the case.

These examples, whilst indicating a measure of professional friction and rivalry between heads and teachers regarding who should control curriculum, also point to the inherent

dangers of professionals seeking to colonise curriculum futures, once the distinction between technico-professional decision and policy decision becomes blurred.

For the reason already given, Barrow's argument has been the major target in this chapter, but attempted technocratic justifications of professional control of curriculum continue to surface from time to time, and Young (1990, 158-161) has pointed to technocratic elements in the writings of action research theorists Klafki (1975), Carr and Kemmis (1983) and Grundy (1987). Further, before concluding this chapter, I will consider one of the most recent and comprehensive arguments, advanced to justify control of curriculum by teachers.

Harris (1994, 68) believes that there are 'certain things within schooling which should be the province of teachers, and central among these are determination of the curriculum and assessment of its mastery.' Moreover, those entrusted with such a crucial enterprise should be 'Teachers of a certain sort' (Harris 1994, 65). By this he presumably means teachers committed to 'participatory democracy' (Harris 1994, 66), but no doubt there are teachers committed to other forms of democracy such as 'accountable representative democracy,' and who hold different views about the desirable end-product of schooling. This suggests that any 'determination of the curriculum' by teachers is likely to be characterized by disagreement and conflict. But let us leave this point aside for the moment.

Harris concedes that the 'provision of formal schooling, along with its curriculum is politically determined' (Harris 1994, 71). He also contends that 'if "someone" is determining curricula on political grounds then there is surely an opening here for making a case that teachers ought to have a privileged place in this process' (Harris 1994, 72), especially since he believes that, because teachers have 'knowledge of educational issues,' they should have a 'privileged voice' as 'recognized experts in those areas' (Harris 1994, 73). Harris frequently refers to the 'privileged' position of teachers in curriculum determination (Harris 1994, 31, 72, 73, 80, 85, 89, 103), and possession of relevant 'expertise' seems to be crucial in underpinning this

position, so let us examine more closely both the precise nature of this 'privileged' position, and how he seeks to justify it.

In the concluding chapter of his book Harris sharpens his case 'Why teachers should control curriculum,' and immediately leaves his reader in no doubt as to what he believes should be the teachers' role in curriculum matters. He offers an 'argument for teacher control of the curriculum (and even further, control of the purposes and goals of schools itself)...' (Harris 1994, 101). He then:

> ...proposes that all people's knowledge and understanding of all things is not equal or equally valid ... within sociohistoric moments some agencies or apparatuses are better placed to determine what knowledge and values are to be promoted; that people do not come to their knowledge and values freely or naturally but rather in a contested yet patently unequal if dynamic power situation; and that within sociohistoric moments some people become better placed to be critical and in a sense 'transcend' the dominant forms and substance of consciousness and value formation. Given all of that, what I am seeking is teachers, as a sub-set rather than the totality of people who have become better placed to be critical, being more prominently situated with regard to determining the knowledge and values to be legitimated and promoted within societies (Harris 1994, 101-102).

Harris's emphasis on teachers being 'better placed to be critical' may well be true, but even when coupled with his claim that teachers are simply 'more prominently situated with regard to determining knowledge and values to be legitimated and promoted within societies,' it falls far short of constituting a justification for teacher 'control of the purposes and goals of schooling itself.' Much hinges on whether or not Harris can translate being 'prominently situated' regarding determining 'knowledge and values' into a valid argument for teacher control of curriculum. How does Harris attempt this translation?

First, Harris argues that:

> They [teachers] have, through their own schooling and pre-service teacher education programs, been more widely and deeply exposed to knowledge sources than has the broad base of society in general, and they are, at the least, bearers of advanced levels of content they are to teach. (Their additional schooling could, on its own, serve to constitute them more deeply and fully as ideological subjects: thus my continual championing of teachers undertaking the sort of studies which can place their expert content in its wider, social, cultural and historical setting and which might give teachers a reflexive awareness of their own role with regard to the transmission of knowledge) (Harris 1994, 103).

What this seems to reduce to is no more than the unremarkable claim that teachers are knowledge experts with regard to curriculum content, and that they might also be able to place this content knowledge in wide cognitive perspective. However, it provides no support for teacher control of curriculum policy.

Second, Harris continues with:

> In addition to this, teachers (virtually uniquely) have expert knowledge in how to convey and transmit content. This is highly complex and advanced knowledge, which ought neither to be underestimated nor trivialized ... teachers are also experts in transmitting content and structuring experiences that facilitate learning. And finally, as noted earlier, teachers are 'special' bearers of knowledge in that they are committed in principle and bound in practice to sharing their knowledge and to fostering and promoting human betterment through this process. It might be added here that in all these respects teachers differ markedly from both the elected representatives and the public service bureaucrats who together constitute the process of government (Harris 1994, 103).

Here we have the equally unremarkable claim that teachers possess expertise in teaching methods. Further, Harris seems to be implying that teachers are somehow privy to knowledge regarding what constitutes 'fostering and promoting human betterment,' and that teachers, as distinct from 'elected representatives and the public service bureaucrats, are 'special' bearers of this knowledge. Unfortunately, Harris fails to elaborate on the precise nature of this 'black-box' type of 'knowledge.'

Harris (1994, 105) concludes his case for teacher control of curriculum by pointing to a stark choice. Rejecting any claim that 'the citizenry as a whole' can possibly take responsibility for 'shaping the purposes and conditions of schooling,' he says: 'This leaves us, realistically, with expert educationists and the government.' It is by no means obvious that Harris's dichotomy represents the full range of 'realistic' possibilities, but more importantly, what does Harris say about this choice?

> Of these, the teacher-as-intellectual, being the end product of an extensive occupation - specific as well as a rigorous general education program, appears better suited to the task than members of the government who have their own political agenda to follow and who are also less specifically selected and educated. Although a choice between representatives of government and intellectuals who are educational experts with regard

> to who should formulate educational policy, construct school curricula and determine notions of the good life should be minimally difficult to make, perhaps any last lingering doubts might be dispelled by attending to Chomsky's (1971, 256) observation that 'Intellectuals are in a position to expose the lies of government...' (Harris 1994, 105).

Harris's final flourish in quoting Chomsky seems to do little to dispel any lingering doubts. At best, the exposing of 'the lies of government' would only enable us to get the facts correct, but this alone cannot tell us which values-impregnated ends-type curriculum policy or policies ought to be adopted, and which not. In a nutshell, Harris's argument is that teachers are 'educational experts' and have had a 'rigorous general education,' and that this warrants their being charged to 'formulate educational policy' and 'determine notions of the good life.' But does his argument add up to a convincing case for teacher control of curriculum policy? The only concrete educational expertise which Harris points to is teacher mastery of curriculum content (presumably subject matter), and teaching methods. However, even if it be conceded that teacher possession of such expertise warrants a high degree of autonomy (but not absolute) in the choice of such content and teaching methods, it certainly does not follow from this that they should also control curriculum policy.

It seems to me that, as with Barrow, Harris's argument founders on the shoals of justification. For Harris to convincingly claim that teachers should control curriculum policy, and he obviously believes this since he argues that they should control 'the purposes and goals of schooling itself,' he would need to show precisely what qualifies them to do so. In other words, he must show that they are 'educational experts' in the sense of possessing expertise in what curriculum policies are the 'right' or 'correct' policies, that is, in the 'content' of curriculum policy-making itself, and this expertise must not be confused or conflated with expertise in the content of subject matter to be taught, and teaching methods. Moreover, regarding the question of why the value-judgements of teachers should deserve a privileged status, Harris has nothing to say. If we replace 'medical' where Harris uses the term 'educational,' (in the previous indented quotation) the vulnerability of his position becomes clearly apparent. Indeed, citizens in a democracy would be justifiably sceptical if doctors

were to claim that they were 'medical experts with regard to who should formulate medical policy' and that on this basis they were 'experts' in knowing whether or not cloning or euthanasia should be permitted.

Notwithstanding a degree of vagueness regarding J. White's (1988) own proposals for curriculum policy control by governments, to which Harris (1994, 32-33, 65-66, 72-73) draws attention, this does not strengthen Harris's own case for teacher control, and White makes the telling point that:

> There are no grounds for allowing any *section* of the population to determine aims, since any serious account of the latter will bring with it some picture of how society is to be, and since this picture is no private and fleeting vision but is intended to inform the workings of public institutions, *every* citizen, and not only a sectional group, has an interest in the subject. There is thus no reason why teachers should have any privileged voice; or parents; or teachers and parents together (J. White 1988, 229).

In fairness to Harris, he does point out that teacher control of curriculum 'does not mean acting in isolation from parents, pupils, employers and other legitimately interested parties,' and that if teachers 'go along with increased local control and management of schooling,' they would do well to 'combine and share their particular skills with, and at the same time listen to and learn from, the community the school serves' (Harris 1994, 110). However, Harris has already decided that in the 'realistic ' choice between 'government' and 'expert educationists,' it is teachers as the latter who should discharge a 'vanguard role' (Harris 1994, 65, 106, 108) in 'determining and articulating the form and content of curriculum and the purposes and conditions of school' (Harris 1994, 115). Consequently teacher interaction with the legitimate interest groups Harris refers to, would appear to be at best consultative, with teachers retaining control of final decision. Harris's brand of curriculum control is grounded in the view that 'teachers know best,' and can therefore be described as technocratic.

Should Harris's vision ever come to fruition which teachers would be curriculum policy-makers? All teachers determining, say, a State's centralized curriculum policy, or all the teachers in a school determining that school's curriculum policy? Or would some teachers

represent others in such systems? Either way, it is doubtful that teachers would have a single, let alone indubitably correct, view of the 'good life' or which curriculum policy should be adopted. This suggests that the process of arriving at a curriculum policy decision would be an exercise in technocratic, as distinct from democratic, politics. But even if teachers adopted fruitful decisional structures and processes, to whom, if anyone, would teacher curriculum policy-makers be accountable? Harris is silent on the crucial issue of accountability, but if teachers are to be treated as 'experts' in these matters, it would seem to make little sense for them to be accountable to an inexpert public, or indeed to governments, since Harris has already given priority to teacher policy-makers over governments. This suggests that the only group capable of holding Harris's teachers rationally accountable for their curriculum policies would be a single individual or group of super-competent teachers or professors of education. Such an accountability scheme would be technocratic in nature.

I have challenged Harris's argument because its technocratic nature poses a threat to more democratic forms of curriculum policy control. Also, because there is a chance that it may encourage teachers, and teacher educators, to cherish unwarranted aspirations as to the teacher's legitimate role in curriculum policy-making. Indeed, in his recent doctoral thesis ('Controlling Teachers: A Labour Process Analysis of Teachers' Work'), Reid (1997, 5, 8) readily embraces Harris's argument for teacher control of curriculum, and does not even address the question of whether or not control of school curriculum policy by elected governments (or school councils possessing the necessary authority), constitutes a legitimate form of teacher control.

If we look at the issue of curriculum control more globally, Harris's attempted micro-guardianship justification is but one of the latest in a long line stretching at least as far back as the archetype macro-guardianship advocate Plato. The traditional problem of the proper relationships between experts and citizens is on-going, and as Dryzek and Torgerson (1993, 130) remind us, 'Efforts to link reason and democracy remain dubious so long as guardianship can claim sole custody and protection of the shrine of reason.' They go on to suggest that

Popper's arguments in *The Open Society and Its Enemies* (1962) effectively undermine 'the rationality of guardianship,' and we might add, this applies be it at the philosopher king level, or the more modest 'teacher-as-intellectual' level advocated by Harris:

> To Popper, the complexity of human affairs means that no single wisdom accessible to any small group of people can ever encompass the range of pertinent considerations surrounding a public problem [including school curriculum]. Thus the appropriate orientation to public policy is one of tentative trial and error in which policy proposals and their effects are open to criticism from a variety of viewpoints. Such an orientation is possible only within democratic politics (Dryzek and Torgerson 1993, 130).

What, we might ask, can 'inexpert' citizens contribute to a debate on proposed curriculum policies? Curriculum policy problems constitute what Fischer (1993, 172) and other political scientists (eg Harmon and Mayer 1986) call 'intractable' or 'wicked problems,' as distinct from 'malleable problems' such as connecting sewers and gaslines. Wicked problems are those 'with no solutions, only temporary and imperfect resolutions.' That is to say 'wicked problems lend themselves to no unambiguous or conclusive formulations and thus have no clear cut criteria to judge their resolution' (Fischer 1993, 173). Wicked problems subsume both normative and political problems. The former because basic disagreements are almost bound to occur, and the latter because eventually a policy choice has to be made. Pickel (1993, 149) points out that 'The less powerful, applicable, and reliable the expert knowledge, the more important will be the normative and political considerations.' As we have seen, curriculum policy decisions cannot be reduced to mere 'technical' problems requiring 'expert' solutions, since they engender disagreements about fundamental values requiring political solutions. The argument for democratic control of curriculum policy is powerful.

In the quest to reduce tension between what Dryzek and Torgerson (1993, 130) refer to as both 'reason and democracy' and 'experts and citizens,'* several theorists have pointed to what they see as a need to bring experts into closer proximity with decision-makers in a process referred to as 'deliberative democracy' (Dryzek and Torgerson 1993, 132). This might well prove an

* This tension is referred to by other theorists as between 'bureaucracy and participation' (Alford 1969, Abrhamsson 1977, Etzioni-Halevy 1983) or between 'democracy and expertise' (Fischer 1990), or between 'competence and participation' (Thompson 1976).

attractive democratic alternative to those brands of technocratic school-based curriculum policy-making offered by Barrow and Harris. For example, Renn et al (1993) envisage the coming together of 'stakeholders,' 'experts' and 'citizens' in decisional contexts, and this is precisely why the English Taylor Report was a document well ahead of its time, and why it proved controversial. The proposed governing bodies for individual schools would have brought 'stakeholders' (parents and students) together with 'experts' (teachers and administrators) and 'citizens,' into a collective curriculum policy decisional context, characterized by mutually beneficial 'dialectical exchanges' (Fischer 1993, 183). This is not to suggest that ends-type curriculum policy decisions necessarily have need for technical or expert input (eg a policy forbidding bullying). But since teachers must implement such policies, they could still justify inclusion in the policy-making context as 'stakeholders' as distinct from 'experts.'

CONCLUDING REMARKS

What I have tried to show in this chapter is that arguments presented in support of technocratic control of policy-making in general have been found wanting. More particularly, it has been argued that cases presented in favour of technocratic control of curriculum policy-making by so-called 'experts' have proved far from convincing. Moreover, the argument mounted against Barrow is generalizable to the extent that it can also serve to counter the macro claim that an 'expert' Director-General should control South Australian State school curriculum policy.

I should not be interpreted as advocating school-based curriculum policy-making. My mission has been to argue that if such policy-making is to be undertaken at all, then it should not be under expert control, whether it be Barrow's 'philosophically competent' heads, or Harris's 'teachers-as-intellectuals.' It should be under the control of democratic governing bodies such as those recommended in the Taylor Report. However, as we shall see in the following chapter, Director-General Jones displayed a technocratic approach to school-based

curriculum policy-making and the relationship between 'experts and citizens,' which was clearly reflected in his FAM 1970.

De facto technocratic tendencies in education have not gone unnoticed in other countries (Apple 1979, Wood, 1984, Broadfoot 1985). Indeed, for an interesting summary of the 'growing power of the mandarins [in the Department of Education and Science] and the secret service [Her Majesty's Inspectorate]' in English education, see Lawton (1980, chapter three). It is also worth drawing attention to an advertisement for a school administrator by an English local education authority, which claimed that the appointed official would be:

> ...responsible for the determination and execution of policy in respect of the educational needs of the 16+ age group (*Times Educational Supplement* 24 Sept. 1982, 85).

A classic expression of technocratic ideology.

Broudy (1981, 248) points to the potential mystification of curriculum policy-making in view of the fact that 'Professionalization produces a cadre of personnel skilled in procedure and esoteric terminology in which to discuss it.' Consequently, 'it is not surprising that curriculum policy, which in ordinary language means a reasoned viewpoint about goals and materials of instruction, turns into a hermeneutics of curriculum management.' In an attempt at demystification, Broudy asks:

> Does any form of legitimation provide grounds for a kind of authority that transcends the political authority of the electorate, local, state or national? ... Is there a difference between 'What is good physics, good biology, good literary criticism, good history' and 'What are these "good" curriculum items good for?' We do have a formalized method for answering the first question, namely, the consensus of the learned within the respective fields of scholarship, not excluding scholarship in education. The second question is a political one and in a democracy has to be answered politically. In many quarters the difference between the two questions and the validity of the answers to them are overlooked or ignored (Broudy 1981, 252).

It is disturbing to realise that, should the argument for control of curriculum policy (or any ends-type policy) by 'experts' ever be sustained, then as Plato was well aware, it would have devastating consequences for the legitimacy of democracy itself. As it is, arguments for

government/community control of curriculum are powerful, and Bibby makes good sense when he argues that the 'community' should control curriculum.

His reasoning is that:

> ... the decision about educational aims is co-extensive with questions of the nature of society and of its members. Educational problems thus take us to the foundations of moral judgments. At the same time, the interpretation of fundamental values (as of all values) is an on-going enterprise, as we learn more of the nature of what we seek (Bibby 1985, 10).

For Bibby (1985,10), the crucial task 'is to devise a structure which enables the community to make these decisions.'

White (1981, 256) also believes that decision-makers cannot make rational or responsible curriculum policy decisions 'without considering what kind of society they think is desirable.' Further, since government schools impose their curricula on captive pupils, White believes that:

> The question now is: what moral right do heads and teachers have to impose on children ... their own views about the good life or the good society? ... Heads and teachers are not - any more than other people are - moral experts, reliable experts on values such as these ... When it comes to deciding whether there should be a welfare state or whether there should be conscription, in a democratic society we accept ... that each citizen has an equal right to a voice. I do not see in what way the question: what should be the broad framework of school curricula? is relevantly different in this respect from the question should we have a national health service? These are the reasons why, in my view, school curriculum ought to be politically controlled. (White 1981, 257).

The most worrying aspect of arguments presented by theorists such as Barrow and Harris, regarding the policy-making abilities of expert educators, is the danger that they, or arguments of similar ilk, will be harnessed to foster the notion of expert ends-type policy-makers generally. Whereby experts to whom we rightfully ascribe knowledge of 'what is the case,' or of how to achieve administratively, previously determined ends, are surreptitiously and illegitimately transformed into policy experts in what ends ought to be pursued. This is not, of course, to suggest that either Barrow or Harris cherish any such ambition.

There is little doubt that a strong technocratic strain permeates the wider political structures of western industrial democracies, and Habermas (1971, 1975, 1979) has frequently pointed to it. He argues that 'The scientization of politics is not yet a reality, but it is a real tendency for which there is evidence' (Habermas 1971, 62). Such 'scientization,' legitimated by technocratic ideology, helps insulate or remove value-impregnated policy questions from the arena of public debate, and even control, as policy decisions, of all kinds, become less visible and increasingly locked into bureaucracies where they are transformed into 'technical problems.' Needless to say, such a development strikes at the roots of democratic decision-making:

> The dependence of the professional on the politician appears to have reversed itself. The latter becomes the mere agent of a scientific intelligentsia, which, in concrete circumstances, elaborates the objective implications and requirements of available techniques and resources as well as of optimal strategies and rules of control ... and thus the problems of decision in general are reduced step by step, then the politician in the technical state is left with nothing but a fictitious decision-making power (Habermas 1971, 63-64).

It is true that many of us may not be entirely 'convinced that technocratic consciousness has submerged pre-existing economic divisions and conflicts as pervasively as Habermas seems to believe (Giddens 1979, 212), but the threat seems real enough. For instance, Fischer (1990, 23-24) believes that technocracy is 'clearly a deep seated challenge to democracy and its political form of decision-making.' Further, Burris (1993, 180), who believes that 'technocratic organizations must be democratized,' argues that for Lyotard (1984), technocracy has 'become so dangerous to democracy and human society that a fundamentally new concept of science and rationality is needed' (Burris 1993, 50), and that 'Habermas has at least pointed towards some of the issues that need to be addressed if technocracy is to be democratized' (Burris 1993, 177).

CHAPTER FOUR

CONTROL OF SOUTH AUSTRALIAN SCHOOL CURRICULUM IN THE WAKE OF THE FREEDOM AND AUTHORITY MEMORANDUM (1970)

INTRODUCTION

> The 1970s was a significant decade in Australian education in that it marked a period where there was increasing emphasis on school-based curriculum development by the various State and Territory authorities. However, the official advocacy of school-based curriculum development did not last long. During the 1980s a markedly changed economic climate and an increasing emphasis by governments upon education meeting the 'needs' of the economy accompanied a return to a more centralized focus for curriculum within a corporate, or in D. White's (1988) terms, a 'management approach to education' (Prideaux 1993 (a), 158).

This chapter will examine the nature of school curriculum control in South Australia during the 1970s, a decade profoundly influenced by Director-General of Education A.W. Jones and the South Australian Karmel Report (Karmel 1971), and characterized, as Prideaux points out, as a period of experiment with school-based curriculum development (SBCD). The subsequent chapter will focus on the retreat from SBCD, and the significance for this of *Our Schools and Their Purposes* (OSTP), *Curriculum Authority and Responsibility* (CAR), and the Keeves Reports (Keeves 1981, 1982).

Connell provides a useful description of the educational management of Australia's State school systems in the early 1960s:

> At the head of each State system was a Director-General, responsible to a Minister of the Crown and assisted by directors in each segment of the organization who, in turn,

> were supported by a substantial school inspectorate, some in central office positions, others in the field ... Such an administration had three significant characteristics. In the first place, it was an expert body. From inspector through to director-general, every officer except the secretary was a trained teacher appointed to the central administration after a period of practical classroom experience... Secondly, it had developed ... a managerial approach to education ... Education, in effect, tended to be conservatively managed by administrators who had been successfully nurtured by the existing system. Change came slowly ... Thirdly, it was also part of the managerial approach to confine the machinery of significant educational decisions to the central administration ... Matters of substance such as educational policy, primary and secondary school curricula ... were to be determined from above on advice from the appropriate sources. In such a managerial atmosphere, educational change came to be thought of largely as some form of structural change. It was, principally, a matter of changing educational organization and administrative procedures ... (Connell 1993, 33-35).

The 1960s saw several theorists (Barcan 1961, Jackson 1962, Horne 1964, Walker 1964) take Australia to task for its reluctance to shake loose the allegedly debilitating rigidities imposed by unyielding, highly centralized, State education bureaucracies. For example, writing in 1964, Horne maintained:

> ...the greatest single reform that seems to be needed in Australian education - and one of the most important reforms that could be made in Australia - is its decentralization ... to allow principals of schools greater initiative, to develop a sense of professional responsibility among teachers, to allow variety and experiment, and to allow community participation (Horne 1964, 219).

A convention certainly existed, lasting well into the 1960s, that any significant change in an educational system had to be mandated 'from above' (Connell 1993, 199). Moreover, the orthodox view of the early 1960s was that education was largely seen as a non-controversial area of government. In particular, neither politicians nor citizens saw much need to challenge the hegemonic curriculum control of senior Education Department administrators. Indeed, as we saw in chapter two, the notion that educational experts had the legitimate right to control South Australian State school curricula had become pervasive, and other States adopted a similar stance:

> ...an attitude had developed concerning the nature and function of experts. Educational administrators in Australia were professional teachers who had steadily worked their way up ...into the central administrative apparatus. It was natural for them to feel that the making of decisions about education was the province of persons who were professionals thoroughly conversant with administrative procedures and able cautiously to take account of all appropriate interests and circumstances [However] ... it was rather doubtful whether the professional experts were thoroughly capable of determining and acting on appropriate social policies (Connell 1993, 199-200).

In this regard, Walker (1964, 215-217), who maintained that in the mid 1960s neither central nor school administrators in Australia were properly trained in administrative theory or practice, predicted that 'the whole question of the administration of education is due for a major airing at both "system" and school levels.' Relatedly, Bassett et al (1963, 97) were of the view that controls on school principals should be reduced to a minimum in order that 'the headmaster's freedom and responsibility for creating a particular type of school policy is greatest.' This echoed a claim made a year earlier by the Director of Primary Education in New South Wales, who had insisted that a 'new era for the principalship' would emerge 'with the lifting of direction and encouragement of individuality' in schools (O.R. Jones 1962, 293).

Against this background, a climate for educational change, both in South Australia and across Australia generally, gradually developed as the 1960s progressed, and Connell (1993, 198) suggests that 'the educational ferment of the late 1960s was a cocktail of political, social, and educational issues.' There can be little doubt that the 'mining boom' which occurred in the mid 1960s, and which resulted in Australia's overseas trading balance in minerals expand from a modest $5 millions in 1965 to $1998 millions in 1973 (Connell 1993, 191), was a major economic stimulus. Further, it would not be an exaggeration to suggest that on the coat-tails of this economic expansion was carried a rising tide of educational aspirations of many Australians, which in turn reflected a readiness of governments to increase investment in education in an attempt to fuel further economic growth. Consequently, whereas in 1964-65 the total outlay on education (as a % of GDP) was 3.7%, by 1975-75 the figure had risen to 6.5%. The figure actually peaked in 1977-78 with 6.8% (Connell 1993, 270), but with economic cutbacks in the late 1980s and early 1990s, it had fallen to 3.0% in 1995.

A further stimulus to educational change was the so-called 'crisis' in Australian education. Indeed, in his book *The Crisis in Australian Education* Cathie (1967, 1), pointed to the rapid expansion in secondary school enrolments coupled with a shortage of teachers, unacceptably large classes, inadequate school accommodation, and inappropriate curricula, as constituting a crisis, requiring a major injection of financial resources, coupled with a change of attitudes, if

the crisis was to be successfully countered. Consequently, with the approach of the 1970s, serious questions regarding the necessity for centralized control of school curricula had forced their way onto the political agendas of Australian States and Territories. Developments in South Australia will now be examined.

SOME INFLUENCES ON CURRICULUM CONTROL IN THE EARLY 1970s

Prideaux (1993, (a) 159) argues that 'the first official signs that South Australia's hitherto centralized system of curriculum development should change came in the early 1970s from the Director-General's *Freedom and Authority Memorandum* and *The Report of the Committee of Enquiry into Education in South Australia* 1967-1970 (the Karmel Report).' He also maintains that 'The statements were essentially cautious in their advocacy of SBCD especially the Jones Memorandum.' Prideaux is doubtless correct in his assessment, but there were also other influences which impacted on the decentralization of curriculum control in South Australia. The chief influences will now be considered.

The Freedom and Authority Memorandum 1970

According to Connell (1993, 203) 'The most striking indication of the changing climate in educational administration was the issuing of the *Freedom and Authority Memorandum* [FAM] by A.W. Jones, the Director-General of Education for South Australia in 1970.' However, as Barr (1981, 162) points out FAM 'did not arise out of any eureka-like discovery; it was not a new concept, nor even original.' Indeed, Jones's predecessor, J.S. Walker, had told the 1968 Annual Conference of High School Headteachers that headteachers were 'going to get educational freedom till it hurts' (Walker 1968, 3). Walker followed this up by telling newly qualified teachers at a Diploma granting ceremony in March 1969, that they would be granted 'true professional freedom ... to try out new ideas' (Walker 1969, 91). Nevertheless, Jones's major contribution was that he 'took the significant step of deliberately putting these

ideas into the form of an official policy and publication' (Connell 1993, 204). The FAM, circulated to all South Australian state schools in August 1970, is reproduced in full below:

TO PRINCIPALS OF ALL DEPARTMENTAL SCHOOLS
FREEDOM AND AUTHORITY IN THE SCHOOLS

I have been asked to define more clearly what is meant by the freedom you and your staff have been exhorted to use in the schools. I shall be grateful if you will make the contents of this memorandum known to your staff.

Let me say at the outset that you as Head of your school, by delegated authority from the Minister and the Director-General, are in undisputed control of your school.

Within the broad framework of the Education Act, the general curriculum advised by the curriculum boards and approved by me as Director-General of Education, and the general policy set by the Director of your Division and communicated to you by circular, you have widest liberty to vary courses, to alter the timetable, to decide the organisation of the school and government within the school, to experiment with teaching methods, assessment of student achievement and in extra-curricular activities.

Grouping, setting, streaming, development of tracks, block timetabling and ungrading are all acceptable schemes of organisation. Cooperative teaching, team teaching, tutorials and independent study are all acceptable methods for teaching and learning.

In any experiment or variations the general well-being and education of the students must be the prime concern. Consequently any major change should be with the full knowledge of parents.

In exercising your authority and freedom to run your school as you think fit, of necessity you must have the backing of your staff. Without their support and participation and their adequate preparation, any departures from tradition will have little chance of success.

Just as you have professional freedom and delegated authority, so too the same privileges should be extended to your staff, who in turn must accept your ultimate authority in the school and the stake that parents and students have in what goes on in the schools.

Staff members will more readily follow a course of action if they have been taken into confidence and have shared in formulating the policy. They will be less effective and less enthusiastic if they feel that communication is all one way and their voices are not heard.

With any innovation it is expected that the motive is to meet more effectively the needs of students. A sound reason for rejecting, say, a trial of "setting" English or Mathematics or indeed of classes in any given subject, might be that there were insufficient teachers of the appropriate kind available at the one time to organise it. An unsound reason would be that "setting" is perhaps more difficult to arrange administratively.

No experiment must commit the Education Department to supply more staff, more accommodation, more equipment or more funds without prior consultation. Nor must parents be put to expense without their concurrence.

The question of government in a school is of prime importance, and should therefore make provision, especially in secondary schools, for student opinion to make itself known. Ways of bringing this about will differ with the size and nature of each

> school, and the relative age and maturity of the student concerned. Methods are best left for the schools to work out.
>
> Finally, the sooner the old concept of the fixed timetable and strictly regulated movement as the blueprint of the school day disappears, the better.
>
> The timetable should reflect a great variety of individual approaches. The timetable should be the servant of the curriculum, and both be servants of the student.
>
> (Signed)...(A.W. JONES),
> DIRECTOR- GENERAL OF EDUCATION

Press reaction to the FAM was immediate and generally favourable. In its editorial, 14 August 1970 ('Freeing the Schools'), *The Australian* commented:

> South Australia's decision to free its government schools from rigid centralized control that is so much a feature of Australian education is a reform of the highest national significance. It implements in one bold step a policy which all education systems seem certain to find inevitable in the long term but to which no other State is prepared to make such an unequivocal commitment ... South Australia's results will be watched with intense interest throughout Australia, and further afield. Their implications for ... the entire Australian community are almost impossible to overstress.

Similarly, *The Bulletin,* 19 August 1970, was fulsome in its praise of the FAM:

> The biggest change in ways of running Australian schools since the second half of the nineteenth century is about to be tried in South Australia. It does away with the over-centralization that has been the distinctive curse of Australian education .....

Writing in *The Australian* on 19 August 1970, Schoenheimer maintained that it was no accident:

> ...that in South Australia a newly elected Labor Government should feed down through the department proposals for teachers to take powers and responsibilities, to re-make curriculum in the schools

However, as Barr (1981, 167) points out: 'Jones believed that the press had got it wrong. The implication was that this was a politically inspired move, instead of one which drew its origin from educational administrators.' Jones was almost certainly correct, for whilst it is true that Minister of Education Hudson had encouraged Jones to release the FAM (Barr 1981, 167), it is

no less true that the FAM was an administrative decentralizing curriculum initiative, and as such was properly under the jurisdiction of the Director-General, who exercised control as a consequence of s28(1) of the Education Act 1915.

The FAM was certainly an equivocal document, not without some 'extravagance of its language' (Morrison 1979, 281). After having first told school principals that 'you, as Head of your school by delegated authority from the Minister and Director-General, are in undisputed control of your school,' the Director-General then proceeded to circumscribe this 'undisputed' control:

> Within the broad framework of the Education Act, the general curriculum advised by the curriculum boards and approved by me as Director-General and the general policy set by the Director-General and the general policy set by the Director of your Division and communicated to you by circular you have the widest liberty to vary courses...

The conservative nature of Jones's expression 'liberty to vary courses' is exposed in contradistinction to a more radical expression such as, say, 'liberty to initiate or choose courses,' and his conservative posture was reinforced in 1974 when the 'Primary School Advisory Curriculum Board [PSACB], conscious of the need of schools to know what the limits of their freedom are in matters of curriculum,' outlined a 'general framework of curriculum' with the intention of providing schools 'with as much freedom in curriculum matters as is consistent with the Board's policy of stating expected outcomes and a common core of experience' (Education Department of South Australia (EDSA) 1974, 6). However, this required 'common core of experience' was never specified (Golding 1978 (a), 13). Further, Golding (1978 (a), 12), a member of the PSACB in 1973, pointed out that the President of the South Australian Institute of Teachers, who was the Institute representative on the PSACB, expressed serious misgivings about SBCD, to the extent that he 'questioned whether all schools or heads of schools were ready for this responsibility.' In addition, although a moratorium on centralized curriculum development occurred in 1972 in the wake of the FAM, the Education Department nevertheless initiated new curricula in Religious Education R-12, Health Education R-12, Mathematics R-12, and Language Arts R-7 (Golding 1978(a), 14-15).

As Prideaux (1981, 2) points out, there is 'evidence that these official inconsistencies caused some difficulties for schools and teachers at a time when they were newly emerging from a whole tradition of centralized decision-making.'

It is clear that the SBCD initiative of Jones in his FAM involved administrative decentralization, as distinct from political decentralization of authority. By this is meant that delegated authority was simply passed down the bureaucratic hierarchy to school principals. It is important to grasp the distinction between this form of decentralization and political decentralization, involving the 'devolution or delegation of authority by the State legislature to other publicity elected policy-making bodies or officers' (Smithson 1987(b), 12), such as elected school councils or governing bodies. (The significance of this distinction for the accountability of State school curriculum will be examined in chapter six).

It is no less clear that the major beneficiaries in Jones's administrative decentralist SBCD initiative were school principals (largely at the expense of the then existing inspectorate) who, ostensibly at least, were thereafter in 'undisputed control' of their schools. It is true that principals were encouraged to take their teachers 'into confidence,' and seek the 'backing of their staff,' but in the final analysis Jones reminded teachers that they 'must accept your [ie the principal's] ultimate authority in the school.'

Those looking to the FAM for any support of political decentralization to the school 'community' or its representatives, were destined for disappointment. There was no mention of school 'communities' whatsoever, and although parents were mentioned on three occasions, Jones envisaged no significant decision-making role for them in his SBCD formula. In his book assessing the influence of the FAM, Jones acknowledges criticism levelled at the parental role which he outlined in the FAM:

> From questions asked at meetings and from correspondence, parent groups considered that there was too little emphasis on parental and community involvement. To say that 'any major change should be with the full knowledge of parents' was insufficient; surely, they said, parents should be involved in deciding the change and not just be informed about it. For staff to accept 'the stake that parents ... have in what goes on in

> schools' was not strong enough; it was too passive and insufficiently encouraging. Again, 'Nor must parents be put to expense without their concurrence' seemed to put the parents in a subordinate position and in a docile role (Jones 1978, 6).

Although Jones noted this criticism he did not respond to it, which is somewhat surprising, given his advocacy of lay/school council involvement in decision-making at the school level in the years following the release of the FAM, the South Australian Karmel Report (1971), the Federal Karmel Report (1973), and the reconstituting of school councils which occurred as a result of the Education Act 1972.

In a critical review of Jones's 1978 book, Morrison (1978, 280-281) suggested that Jones never really tackled the 'question of how much authority can be delegated to a school' in a system in which schools are 'responsible eventually to a centralized legislature.' In addition, Morrison believed that in the FAM the 'Director-General gave principals the appearance of more power than they could, in fact, exercise and exposed them unfairly to the criticism of parents and teachers.'

The South Australian Karmel Report 1971

Within six months of the release of the FAM, the massive 600 plus page *Report of the Committee of Enquiry into Education in South Australia 1969-1970* (Karmel 1971) was published. It drew attention to the fact that the last thirty years of the nineteenth century had 'bequeathed to each State its monolithic structure of education' (Karmel 1971, 2. 12), and that although there were 'some signs of change in several States':

> ... there is a long-standing tradition in Australian schools that the curricula and the syllabuses and the courses of study which they follow will be prepared and distributed by central authority, whether this be an education department, a public examinations board or a similar body (Karmel 1971, 18. 1).

Also, mindful that the deadening influence of a hundred years of centralized curriculum control cannot be easily sloughed off, the Karmel Committee recognised that 'The long history

of centralized decision-making has bred an unhealthy lack of initiative ... the weight of past policies drags heavily' (Karmel 1971, 17. 44). In this regard, the Committee admitted that the majority of submissions to it 'took it for granted that there would be central prescription, either by the Education Department or by the Board [ie Public Examinations Board], of the subjects to be offered and the content of those subjects' (Karmel 1971, 18. 3). Also, as Golding (1978 (a), 9) pointed out, such expectations were perfectly 'reasonable in the early 1970s in the light of the composition and activities of the Advisory Curriculum Boards' (see Karmel 1971, 18. 14), and the role of the Public Examinations Board in controlling the upper years of the secondary curriculum (Karmel 1971, 18. 25).

Undaunted, the Karmel Committee adopted a progressive stance, reproduced the FAM in full, and declared that it was 'fully in accord with the thinking of the Committee' (Karmel 1971, 17. 42). As well, the Committee realised that current Regulations made under the existing Education Act would need to be revised, otherwise an innovative principal 'may well be inhibited by the present Regulations under which he is required to follow the appropriate course of instruction determined by the Director-General from time to time' (Karmel 1971, 17. 42). The Committee recommended that 'All Regulations made under the Education Act should be reviewed in order to eliminate those which are not essential to the smooth running of the schools and which may limit the exercise of initiative at school level' (Karmel 1971, 17. 45). More significantly, the Committee certainly went further in its advocacy of SBCD than the FAM had done, witness the following excerpt:

> We believe that, subject to acceptance of the purposes of schools as these are determined by the South Australian community and expressed in statements of goals provided through the Education Department, and after consultation with the school council and the parents, teachers in the schools should be free to choose subjects, to choose the content of subjects, to organise the school as they think best for the children and to use whatever teaching methods appear to be most suitable for the teachers, the subjects and the pupils (Karmel 1971, 18. 5).

The reader will recall that the FAM had informed school principals that they had the 'widest liberty to vary courses,' whereas here the Karmel Committee was advocating that teachers should be 'free to choose subjects and content of subjects.' Choice of subjects necessarily

implies that Karmel believed that teachers should have a crucial curriculum policy-making role, in addition to their normal professional role of determining suitable curriculum content and teaching methods. However, as we shall see, the Committee never made up its mind whether school principals or teachers should be the major beneficiaries of curriculum authority arising from SBCD.

The Committee realised that if centralization was to be relaxed and SBCD pursued, then some degree of decentralization would be necessary. The Committee grasped the nettle:

> Two types of decentralization require consideration. The first involves the inclusion in general policy decisions of people outside the Department [corresponding to what I have referred to as 'political decentralization'] ... The second involves the devolution of authority within the Education Department itself [corresponding to what I have referred to as 'administrative decentralization'] ... In the case of decentralization by an increased autonomy at school level, delegation may be to the headmaster alone, thus preserving the principle of hierarchy, or delegation to the headmaster of powers to be used in consultation with other teachers ... (Karmel 1971, 17. 12).

We need not concern ourselves with the Committee's first type of decentralization for at least two reasons. First, the Committee seemed confused, since it is not clear from its Report what it considered would be required for this type of decentralization to occur. The Committee did realise that it would require the 'inclusion in general policy decisions [eg curriculum policy] of people outside the Department,' but it seemingly believed that such decentralization at the central level 'would require the setting up of some body apart from the Education Department with a power and duty to advise the Minister' (Karmel 1971, 17. 13). What is clear, is that the three possibilities considered by the Committee under this type of decentralization were the creation of: a 'Ministry of Education;' or an 'Education Commission;' or an 'Advisory Council of Education' (Karmel 1971, 17. 14-17.29). On sound reasoning the Committee rejected the notion of recommending the creation of either a Ministry of Education or an Education Commission, but it did recommend that an Advisory Council of Education be set up. However, this is beside the point, since each of the three bodies considered by the Committee would simply have been central bodies in their own right, and hence not products of decentralization at all. Also, with regard to the proposed Ministry and Advisory Council, both

these bodies would, as the Committee appreciated, have been advisory to the Minister. It is difficult to see how the setting up of such central advisory bodies could possibly be construed as an exercise in decentralization. Surely, even if an Education Commission had been recommended and established, it would simply have transferred centralized control of education from the Minister to the Commission, which 'would take the place of the Minister in administering the Education Act' (Karmel 1971, 17. 7). Such an occurrence would not have constituted a genuine exercise in decentralization at all, it would merely have resulted in a transfer of centralized control under a Minister, to centralized control under a collective body.

However, once we turn to the second reason why we need not concern ourselves with the Karmel Committee's 'first type' of decentralization, it is clear that it does not matter whether the Committee's 'first type' of decentralization is viable or not. So long as authority for control of curriculum remained locked within the Education Department, namely vested in the Director-General, as a result of the Education Act (1915-1966), then regardless of how much 'first type' or 'political decentralization' occurred, it could not effect a necessary decisional impact on curriculum policy. At best it could effect only an 'advisory' impact on departmental curriculum policy-making. This point is worth emphasising, since the setting up of newly constituted school councils as a result of the Education Act 1972, which occurred without any corresponding change in the existing locus of curriculum control, necessarily meant that school councils could only be 'advisory' so far as school curriculum was concerned.

Further, given that the Committee believed it 'to be inconsistent with the principle of parliamentary democracy to remove education from ministerial responsibility and accountability to Parliament' (Karmel 1971, 17. 20), it is surprising that the Committee did not adopt a more critical posture regarding the existing inconsistency arising from the Education Act (1915-1966), which vested the Director-General, a tenured administrator, with statutory control of curriculum thus precluding such control by an elected, responsible, and accountable Minister.

The Committee not only placed emphasis on the need for children to receive education suited to a 'parliamentary democracy' (Karmel 1971, 3. 26-3. 28) but also believed that the community should be encouraged to participate, if the erstwhile centralized system was to be relaxed:

> The educational system is inextricably woven into the fabric of the society in which it operates. We believe that the community should not merely be interested in it, but that it should be involved in it - in defining its purposes, it determining its priorities, in assessing its performance... The involvement of the community in the educational system has many aspects. Parents frequently participate in school organizations, but it is important that their participation should go beyond fund-raising to the essential nature of the school itself (Karmel 1971, 19. 34-19. 35).

To its credit, and realizing that effective participation relies heavily on access to relevant information, the Committee recommended that the Education Department should make 'information freely available to the public' (Karmel 1971, 17. 07).

This was quite heady stuff for 1971, but what do we find when we set the Committee's practical recommendations against its pulsating rhetoric? After all, the crucial issue hinges on the powers to be extended to the community, and to parents in particular. The existing primary school committees and secondary schools councils in 1971 possessed only limited powers, which were 'generally speaking related to superintendence of the physical conditions of the schools' (Karmel 1971, 17, 52). The Committee recommended that all government schools should have a school council, the membership of which 'should include: The headmaster ex officio and members of the staff elected by the staff ... Parents of present scholars elected by the parents ... Two student representatives on each secondary school council ... Members of the community outside the school, their number being smaller than the number of members who are parents' (Karmel 1971, 17. 58). Further:

> The powers of primary and secondary school councils should be extended to enable them to discuss matters of general educational policy within the school, and headmasters should make available to councils such information as will help in their deliberations (Karmel 1971, 17. 58).

The proposed role of the school councils was modest to say the least. The Committee saw the councils as communication agencies or conduits for the expression of viewpoints, with powers being merely 'discussional' or 'deliberative.'

If school councils were to be confined to an advisory capacity, who did the Committee envisage would be the curriculum decision-makers in its proposed new system of SBCD? The FAM gave its imprimatur to school principals, but the Committee was more ambivalent insofar as it seemed to vacillate between championing the school principal and the teachers. On the one hand the Committee had this to say about the role of the school principal:

> We do not see the headmaster as an authoritarian exercising strict control over his staff. We see him as a person whose ability, experienced and training enable him to make virtually all the decisions about the running of his school, but who makes such decisions in consultation with his staff (Karmel 1971, 17. 47).

Given the diffuse nature of curriculum policy aims and goals, and the pervasiveness of human fallibility, the Committee's claim is rather surprising. However, the argument offered in the preceding chapter against Barrow's claim that the 'philosophically competent' principal should control school-based curriculum policy-making, also illustrates the weakness of the Committee's position here. Moreover, the Committee was perhaps unwittingly giving an implied seal of approval to velvet glove authoritarianism, whilst at the same time eschewing the notion of the crude autocrat. This is because the authority for making 'virtually all the decisions about the running of his school,' has an authoritarian locus, though the principal may, of course, exercise such authority consultatively. It is true that the Committee, in elaborating on its notion of decentralization of authority to the school level, had claimed that:

> ... delegation may be to the headmaster alone, thus preserving the principle of hierarchy, or delegation to the headmaster of powers to be used in consultation with other teachers... (Karmel 1971, 17. 12).

But on the basis of the analysis presented here, both 'delegations' are to the headmaster, and thus preserve the principle of hierarchy. For in answer to the question: 'Who at the school level would have final say on school-based curriculum policy decision?' There is but one

answer: the school principal. The Committee seemed to be confusing the locus of control with leadership style, that is, with ways in which control could be exercised by the principal.

On the other hand, in seeking to make its position clear, the Committee as we have seen, believed that, given certain safeguards imposed by the Education Department, teachers should be 'free to choose subjects,' to choose curriculum content and methodology, and 'to organise the school as they think best for the children.' The Committee went on to add that it was the responsibility of the department to 'ensure that teachers have available, to choose from as they see best, good courses of study, teaching aids, textbooks, teaching and learning materials' (Karmel 1971, 18. 6). The Committee also envisaged 'a steady continuation during the next decade of the movement towards greater autonomy in curriculum and teaching methods for the individual school and teacher,' and that such a movement would 'require a considerable increase in in-service education for the teachers.'

Regardless of whether the Committee envisaged school principals or teachers as being the major beneficiaries of SBCD authority, or whether the Committee believed that such curriculum authority should be in some way shared, the Committee's position on curriculum had a distinct technocratic ring to it in the sense that it believed that both curriculum *telos* and *techne* (ends and means) should be in the hands of professionals. The reason being, that the Committee did not recommend that, at the central level, curriculum should be under the jurisdiction of an elected Minister rather than a tenured professional administrator, whilst at the school level, it recommended professional control of curriculum, and that community involvement should be of an advisory nature, channelled through reconstituted school councils.

Finally, it should not be forgotten that the Karmel Report was framed so as not to alienate any major interest group. There was something in it for the Education Department, principals, teachers, students, parents and the 'community.' Consequently, it is not surprising that Barr

(1981, 171) should describe the Report as 'uncontroversial,' and that 'very few recommendations were allowed to wither.'

Premier Dunstan's Policy of Industrial Democracy

The Karmel Committee believed that:

> A long experience during the impressionable years of schooling, of overriding authority and of forms and procedures that are unalterable, is a poor training for the kind of citizens such as democracy requires (Karmel 1971, 3. 27).

The Committee also recommended that students should be given experience in 'participatory decision-making' which 'will make it easier to fulfil many of the roles of the post-school years' (Karmel 1971, 3. 27). However, unless industrial decisional structures have some congruence with those of the school, then it would appear that even if students were educated to exercise personal and group responsibility, and display those qualities of 'self-control and self-discipline' deemed desirable in the democratic citizen (Karmel 1971, 3. 27), they could likely experience frustration in the workplace. In other words, without some democracy in other social organizations, especially the workplace, there would be little point in pursuing it in schools.

In February 1971 Premier Dunstan issued a major policy statement in which he claimed:

> The South Australian Government believes that democracy - people's rule - cannot be achieved by confining the principle to the representative institutions of Government, ie Federal and State Parliaments and Local Government Corporations. Democracy only truly exists where decisions affecting a citizen's life are taken only after that citizen has been given, as nearly as is practicable, an effective say in the decision. Governments only affect a small proportion of a citizen's daily life. Decisions affecting him far more occur in relation to the workplace, community groups and organizations (Dunstan 1976 (a), 1).

Dunstan pursued the same theme in the 'Chifley Memorial Lecture' delivered in Melbourne in July 1976, where he emphasised that in his view 'democracy cannot be confined to the provision purely of representative government,' that it must be extended to 'the whole of the

activities of people's lives,' and that 'we must set about changing the citizen's role in the community to one of greater participation in the decisions which affect his future' (Dunstan 1976 (b) 21-22). Despite the vigour of Dunstan's rhetoric, his policy of 'industrial democracy' was not received with much enthusiasm by the private sector, and in his 'Mount Eliza' speech in April 1978, Dunstan sought to alleviate private sector concerns by conceding that 'No major industrial democracy initiatives that involve structural changes will be brought about by legislation in the private sector until the 1980s' (Dunstan 1978, 5).

Shortly after this speech both Dunstan's health and political fortunes rapidly declined culminating in his resignation as Premier in 1979. Before the end of the year, the Labor Government had been ousted, and the incoming Liberal Government brought the short-lived policy of 'industrial democracy' in South Australia effectively to an end.

Notwithstanding the fate of Dunstan's industrial democracy policy generally, Golding (1978 (a), 13-14) argued that 'The general social policy of the Dunstan Government in South Australia towards industrial democracy has no doubt contributed towards the SBCD movement in that "grass roots" participation in curriculum decision-making is seen as an example of the democratizing of the Education Department.' For example, Regulations governing duties of teachers were amended to reflect the 'industrial democracy' policy. Under the new Regulations it was incumbent on school principals to:

> ... promote the continuing professional development of the teachers on the staff and encourage their participation in decision-making on school policy and problems; and they should foster community participation in the school program and in educational development generally. They [school principals] shall be responsible for the curriculum in the school; for the development of its objectives and for the periodic review; they shall speak on behalf of the school on matters of school policy (EDSA 1976 Reg. 121 (lb) quoted in Golding 1978 (a), 14).

In addition, staff meetings were to be seen as:

> ... an integral part of the decision-making process and of communication within the school, and they will be conducted to give full opportunity for involvement of all staff members. Attendance at such meetings shall be obligatory ... (EDSA 1976 Reg. 121 (1c) quoted in Golding 1978 (a), 14).

Further:

> [Teachers] can expect to participate in the formulation of the policies in that school, and when these have been determined, they shall see that such policies are properly implemented (EDSA 1976 Reg. 121. 2)

The Australian Schools Commission

In December 1971 the Federal Government appointed an 'Interim Committee for the Australian Schools Commission' to 'examine the position of government and non-government primary and secondary schools' in Australia, and to make recommendations on the 'financial needs of schools, priorities within those needs, and appropriate measures to assist in meeting those needs (Karmel 1973, 1. 1 (b)). The Interim Committee sought to construct what Johnston (1983, 22) has called a 'social-democratic consensus.' He argues that the Committee:

> ... tried to depoliticise education by creating a framework which would gain the consent of as wide a constituency as possible [Which is precisely what the South Australian Karmel Committee had sought to do]. The Committee was faced with the task of drawing upon a repertoire of ideas and proposals that would bring together parent bodies, teacher organizations, federal and state policy-makers and administrators ... To achieve this fragile alliance was indeed an immense ideological task, and the only way to accommodate such diverse groups and interests was to produce a report that contained a complex set of concepts, appeals and justifications. Seen in this light, the ambiguities and tensions within the document were not accidental, or the result of inadequate conceptualization. They were a necessary consequence of the attempt to create as wide a consensus as possible for future educational policies (Johnston 1983, 22).

This strategy proved to be continuing, prompting Johnston (1983, 17) to describe the Schools Commission's ongoing discourse as 'a discourse for all seasons.' Moreover, it seems certain that without the injected 'ambiguities and tensions,' there was a real danger that 'important groups and interests would be excluded from the alliance and the uneasy unity would be imperilled' (Johnston 1983, 22). Johnston then describes how Schools Commission discourse comprised a powerful case for devolution of responsibility and increased participation at school level. Indeed, the Commission never reneged on its belief that:

> Responsibility should be devolved as far as possible upon the people involved in the actual task of schooling, in consultation with the parents of the pupils whom they teach and, at senior levels, with the students themselves. Its belief in this grass-roots

> approach to the control of schools reflects a conviction that responsibility will be most effectively discharged where the people entrusted with making decisions are also the people responsible for carrying them out (Karmel 1973, 2.4).

Having advocated both devolution of responsibility and community participation in the work of the school (Karmel 1973, 2.4, 2.6, 2.19), the Interim Committee realised that the case for devolution necessarily involved a redistribution of power to the school level. At the same time, as Johnston (1983, 27) points out, 'the Commission, in trying to establish a new consensus could not afford to alienate groups by stressing these implications.' Consequently, the Committee adopted two broad strategies designed to ensure that no interest group would feel neglected or left out. The first strategy is described by Johnston as being that of using 'disclaimers' to reassure various interests and thus nurture the fragile consensus. For example, the Committee sought to reassure professional educators that parental and community participation would not pose a dire threat to their professionalism:

> ...the professionals in schools must expect to share planning and control with parents and interested citizens, safeguarded by limitations where professional expertise is involved (Karmel 1973, 2. 6, quoted in Johnston 1983, 27).

And again:

> Schools have much to gain from the involvement of the community in educational programs. Complete parental control over the educational welfare of their children could limit the perspectives of the school and deny the authority of teachers in professional matters (Karmel 1973, 2. 19, quoted in Johnston 1983,27).

The second strategy described by Johnston, was that of pitching claims at a high level of generality, such that:

> The school and community relationship was never described in a substantive concrete manner. Implications for practice were not spelt out and a whole series of questions were left in a vacuum ... Did parent participation mean consultation or power-sharing? What do we mean by the 'community?' What is the nature of professional expertise? (Johnston 1983, 28).

Given its proclivity for judicious use of ambiguity, disclaimers and generality, the Schools Commission cannot be said to have adopted the sort of technocratic approach to SBCD which the South Australian Karmel Committee had taken in 1971. Nevertheless, it is clear that 'devolution of authority, particularly curriculum authority was one of the central features of the early Schools Commission policies' (Marsh and Prideaux 1993, 32). Hence, the Schools Commission can be justifiably cited as an influence on SBCD in the 1970s, not only in South Australia, but in Australia generally. The question left unanswered by the Schools Commission was: who would gain control of curriculum decision making at the school level?

Also, it should not be overlooked that although the Schools Commission expressed support for devolution and SBCD, it had no direct control over State school systems. There is no doubt that tied financial grants associated with the 'Disadvantaged Schools Program,' and the 'Innovations' section of the 'Special Projects Program,' were used to fund various SBCD initiatives, but in a broader sense, much of the Commission's support for SBCD could best be described as hortatory and catalytic.

The Curriculum Development Centre (CDC)

Although the CDC was not established as a statutory authority until 1975, and thus cannot fairly be described as exerting an early influence on SBCD in South Australia, its influence during the later 1970s and early 1980s should not be underestimated. The inaugural Director of CDC, Malcolm Skilbeck 'was a driving force in SBCD-oriented projects at CDC' (Marsh and Prideaux 1993, 32), such that 'SBCD became one of the Centre's important thrusts for the 1980s' (Connell 1993, 555-556). Indeed, Connell assesses the impact which CDC exerted on SBCD as follows:

> ...the CDC provided a general stimulus to curriculum development throughout Australia. Its field services, through its networks of curriculum developers, workshops, working parties, conferences, and relationships with local education systems ... raised the level of interest and competence in curriculum construction among teachers and curriculum branch personnel throughout the various educational systems in Australia ... Above all, the CDC provided intellectual leadership for curriculum studies in Australia. That was its most significant contribution (Connell 1993, 559-560).

THE EDUCATION ACT 1972

We have seen how a variety of influences, both within and outside South Australia, which had crystallised in the late 1960s and slowly gathered pace, had by the early 1970s, created a *zeitgeist* for change in the nature of curriculum control in South Australia. The two most crucial influences were Director-General Jones's FAM (1970) and the Karmel Report (1971), since they served both to influence the nature of new Education Act 1972, and shape curriculum development in the 1970s.

Part 7 (Courses of Instruction) and Part 8 (School Councils) of the Act 1972 were the important parts so far as curriculum control was concerned. As we saw earlier, s82(1) of the Act made the Director-General 'responsible for the curriculum in accordance with which instruction is provided in Government schools.' However, s82(1) simply confirmed the locus of curriculum control which had been initially established by s28(1) of the Education Act 1915 (ie 'The Director shall determine the courses of instruction for each branch of education in the public schools'), and which had been slightly modified by s9 of the Education Act Amendment Act (No 2) (1966), which replaced the title of 'Director' of Education with that of 'Director-General' of Education. Curriculum control then, to use the term favoured by the South Australian Karmel Committee, was firmly consolidated 'within' the Education Department.

With regard to school councils, s83 of the Act made provision for the establishment of school councils for 'any Government school or schools,' but the Act did not specify either the composition of the new councils, or what the powers of the school councils would be, other than to indicate under s84(1) (d) that such councils would 'have such powers, authorities, duties and obligations as may be conferred, imposed or prescribed by or under this Act.' The composition and role of school councils were subsequently outlined under the Regulations. So far as the composition was concerned, the fact that the Regulations prescribed that 'the number of parents on a school council shall be greater than one-half of the total membership of the council,' ensured not only numerical parental superiority, but also that councils would be

predominantly lay bodies. Those aspects of the role of the council impacting upon curriculum were as follows:

> (1) to exercise a general oversight over the well-being of the school;
> (2) to advise the headteacher as necessary on the correlation between the work of the school and the educational needs of the district ...
> (3) to consider in broad outline the general educational policy within the school, of which the headteacher shall keep the school council continuously informed, and advise him of the considered view of the local community regarding educational developments within the school (Regulations Under the Education Act 1972-1974, 39-40)

The Karmel Committee (Karmel 1971, 17. 58) had recommended what can best be described as a discussional or communicatory, as distinct from decision-making, role for school councils so far as curriculum was concerned, and the Regulations pursuant to the Education Act (1972) clearly gave effect to that recommendation. Thereafter, the school council was formally restricted to an 'advisory' role on curriculum, for although the Regulations relating to school council functions have been subsequently amended, the curriculum role has remained advisory:

> 205(1) The functions of a school council are -
> (a) to ascertain the educational needs of the local community and the attitude of the local community to education developments within the school and to advise the headteacher on these matters;
>
> (2) A council may -
> (a) from time to time express to the headteacher its views in relation to the local community's perception of the school and the headteacher must, in carrying out his or her functions or duties as headteacher, have regard to those views; (Regulations Under the Education Act 1972-1974 as amended 20 January 1994, 40a).

It should be emphasised that, whilst s82(1) of the Act remains in force, any decentralization would have to be administrative decentralization. Political decentralization to, say, school councils is impossible, since school councils lie outside the direct line of authority running from Director-General to school principals and teachers. This means that school councils are necessarily restricted to an advisory role, such that any SBCD would be under the jurisdiction of school principals and teachers.

Such delegation of curriculum authority by the Director-General could be effected under ss13(1) and (2) of the Education Act (1972-1974) which state:

> 13(1) The Director-General may, with the consent of the Minister, delegate, by instrument in writing, any of his powers or functions to any other officer of the Department or any officer of the teaching service.
> (2) Any such delegation shall be revocable at will and shall not prevent the exercise of any power by the Director-General himself..

As we shall see from his public statements following the release of his FAM, Director-General Jones seems to have been less than clear as to the implications of s13(1) and (2) and s82(1) of the Act, so far as decentralization of curriculum decision-making authority was concerned.

AN AMPLIFICATION OF DIRECTOR-GENERAL JONES'S STANCE ON SCHOOL-BASED CURRICULUM CONTROL

The FAM has to be seen as a paradigm policy document so far as curriculum was concerned, if only because such control was vested in the Director-General, and the Director-General had indicated in the FAM in a general, if somewhat ambiguous, way how he proposed to exercise that authority. This point should not be overlooked, and Prideaux (1993, (b) 170) is no doubt correct when he suggests that in South Australia, SBCD 'was not a "grass-roots" phenomenon arising from teachers and school personnel, but rather had its origins and impetus in official statements from senior levels of the Education Department.' It is no exaggeration to claim that:

> The FAM was the signal for important changes ... in respect to relationships between central and local authorities. It was the beginning of the 'guidelines' era. Henceforth, 'directives' became 'guidelines,' and school principals and their teachers got rather more encouragement to act as responsible decision-making professionals (Connell 1993, 205).

Director-General Jones was not only vested with statutory control of school curriculum, he also exercised an important advisory role to the Minister. And although he had been generally in agreement with the recommendations contained in the Karmel Report (1971), the Director-

General strongly disagreed with the Karmel Committee's recommendation that a central Advisory Council of Education be established. Such a Council could presumably have posed a *de facto* threat to the Director-General's *de jure* curriculum authority:

> This Council was to comprise 22 persons, of whom the Director-General was to be one, and had the purpose of advising the Minister upon any matter relating to education which might be referred to it by the minister, or which it might raise of its own volition. Jones saw the body as comprising a potential threat to his direct access to the Minister ... He recommended against it, and it was not taken up (Barr 1981, 170).

In a 'philosophical investigation' of the FAM, in which he sought to assess its impact on South Australian education, Kaminsky (1981, 188) quickly slid from talk about the intent of the FAM being to 'decentralize education in South Australia,' to a claim that its 'effect' was to 'accomplish a democratization of educational institutions in South Australia, an accomplishment which is commendatory in itself.' What Kaminsky failed to realise is that there is no necessary connection between 'decentralization' and 'democratization,' since clearly, an autocrat could decentralize an administration without democratizing it. Though if the autocrat could get people to believe that this constituted democratization, it would serve an important ideological legitimating function in bidding for the consent of the governed. Perhaps Kaminsky believed that there is a necessary connection between the two concepts, or he might have intended using the terms differently. However, whatever the explanation, Kaminsky left his reader to guess at it. More importantly, it is arguable whether any significant democratization (as distinct from decentralization) of South Australian State schools actually occurred as a result of the FAM. It is true that a deal of pulsating democratic rhetoric pervaded the South Australian school scene in the wake of the FAM and the release of Premier Dunstan's policy of 'industrial democracy,' but the espousal of democratic principles was frequently accompanied by soft, neo-authoritarian practices, as is demonstrated in Quirk's (1978) empirical study, which will be examined in the subsequent section of this chapter.

The lacuna in Kaminsky's analysis was that it was conducted almost entirely under the mistaken belief that the FAM could be satisfactorily appraised as a discrete document, neatly severed from its historical context. Kaminsky makes no mention of the South Australian

Karmel Report (1971), the Education Act 1972, the Schools Commission, or Premier Dunstan's policy of 'industrial democracy.' More importantly, Kaminsky totally ignores statements made by Director-General Jones subsequent to the release of his FAM in 1970. At least two significant consequences flow from this omission.

First Kaminsky's analysis failed to appreciate that Jones was confused over the implications arising from the distinction between the political and administrative dimensions of school governance. As we have seen, the former relates to authority exerted over State schools by the State legislature, or delegated by it to other elected policy-making bodies or officials outside the Education Department, whilst the latter relates to authority delegated by the legislature to appointed officers within the departmental hierarchy. It is true that the FAM was concerned with the administrative dimension, but Kaminsky failed to realise that Jones later sought to clarify his position with regard to the political dimension.

A second consequence of excising the FAM from the context of Jones's later statements, was that Kaminsky remained unaware that Jones failed to make the vital distinction between what I have described as ends-type (*telos*) policy decisions, and technico-professional (*techne*) decisions. The distinction is well-known, though its crucial implications are frequently overlooked. The distinction enables us to distinguish between the political function of the ends-type policy-maker, who is normally authorized through the electoral process to sanction value-judgments, though this is not to suggest that such policy-makers are in any technical sense 'expert' or 'qualified' to make such judgments, and the technico-professional functions of educational administrators and teachers, which are based on possession of administrative and pedagogic expertise respectively. Failure to make this distinction can easily serve to advantage the ends-type policy-making role of administrators and other professionals, at the expense of politicians and other lay people, and hence, to advantage technocracy.

Was Director-General Jones's initiative democratic, as Kaminsky believed, or could his position be more fairly described as technocratic? In a speech on 'Democracy in Australian

Schools' delivered in 1975, Jones sought to capitalise on the notion of democracy as an honorific term:

> The democratic school holds that the touchstone of all it does is the welfare of the children it serves; reaches consensus through discussion amongst staff and others (Jones 1975, 2).

The movement of the claim is persuasive: first the appeal to his audience's democratic dispositions; then the emotional invocation of the welfare of children and the service function of the school (though David Ireland (1979, 13), in a fictional context, has drawn attention to problems arising for the 'served,' once some people 'became [public] servants in order to be leaders'); and finally the reassuring, if implied, appeal to the cohesiveness and legitimacy of consensual decisions involving professionals and 'others,' presumably lay people. From this promising start Jones proceeded to rightly point out the necessary connection between 'political' decentralization and lay-involvement in decision-making, but quickly fell into error when he claimed that 'parents and interested people' should be involved in decision-making 'in the same way' as teachers are with principals:

> It is political decentralization that is important if the right kind of relationship is to exist between the school and the community if democracy in schools is to flourish, and if schools are to give effect to the thoughts, feelings, needs, objectives and will of the people involved ... I put it to you [principals] that parents and interested people, and in some cases students, should be involved in decision-making processes in the same way that I hope teachers are with principals (Jones 1975, 7).

However, since teachers are departmental employees under the administrative control of principals, whereas 'parents and interested people' are not, it is difficult to see how the latter could be involved in decision-making 'in the same way' as teachers. Perhaps Jones was simply confusing political and administrative decentralization.

Jones went on to say that 'all must have a say in educational matters,' and to stress the importance of lay participation 'in the making of a policy in a school or in making of a school decision in key areas of curriculum' (Jones 1975, 8-9). But his bold indictment of the status quo ended in a rather lack-lustre:

> If our schools are to be democratic, then parental bodies, individual parents, industry and people from the community must be allowed to discuss educational questions, and draw attention of professional staff to attitudes, hopes and beliefs of the community that the schools serves. It is then the responsibility of the professional staff to be sensitive to the needs expressed in making educational decisions such as the kind of programs that are to be made available in schools (Jones 1975, 9).

Stripped to its essence, the participatory role for lay people proposed by Jones, amounts to no more than a 'freedom of speech' version of organizational democracy, which is conservative by any standards, and certainly nothing for him to puff about. His claims also expose the limitation of his notion of 'consensus through discussion': After all, consensus means general agreement, not just 'having a say.' Jones also leaves dangling the crucial 'checks and balances' question: what happens if professionals are not 'sensitive' to the expressed needs of lay people?

In 1977 Jones returned to the theme of responsiveness of decision-makers:

> ... it is in the interests of the decision-maker to receive information from all who will be affected by the decision, and if this is done ... there is a good chance that the decision will be a democratic one (EDSA 1977, 20).

Here, Jones was not only making some weighty and optimistic assumptions regarding the proclivity of the decision-maker to respond positively, but also fails to offer any basis for differentiation between his so-called 'democratic' decision-maker, and a 'benevolent autocrat.' Any democrat would be entitled to feel uneasy when realising that these 'democratic' practices, which for Jones appeared to represent the apogee of citizen participation in curriculum decision-making, can be equally applicable to the regimes of benevolent (macro and micro) autocrats; for they too may permit, even encourage, discussion, solicit advice, and consult their subjects (or school staffs and parents), but at the same time retain the right of final decisional say on all matters. The nub of it, as Benn (1981, 665) well realised, is that the 'basis of democracy' is 'in distrust of power,' so at the very least there needs to be some direct and positive relationship between consultative inputs and policy decisional outputs. Even so, it would still be a somewhat impoverished government/curriculum policy-making *for* the people version of democracy, such as described with approval by Lucas (1976, 10), and with

disapproval by Flew (1977, 78-79). It is only when policy-making is directly related to the principle of political equality that it can be classed as democratic in the stronger sense of government/curriculum policy making *by* the people. Clearly then, democrats could justifiably reject Jones's brand of democratic curriculum decision-making at school level which centres on trusting professionals to make disinterested or objective curriculum decisions in both its policy and technico-professional dimensions.

Jones's suspicion of the participatory role of lay people in SBCD was abiding and, as his 1976 Whyalla speech shows, he baulked at the prospect of power-sharing backed by statute, preferring instead to place his trust in professional benevolence:

> The school council's role is mainly an advisory one: it may seek information from the professionals; it may take part in the decision-making process; it may question what the professionals are doing, but in the final analysis decisions on educational matters must be left to the professionals. Principals and teachers must be trusted to make the professional decisions. Otherwise, why spend all that money in training them? Why pay them such high salaries? It is important that appropriate limits be established. Certainly as I have argued, school councils, individual parents and interested people, should discuss educational questions and draw attention of professional staff to the attitudes, hopes and beliefs of the community that the school serves. However, in the final analysis the professionals - the principals in consultation with their staffs must make the decision on educational matters having regard of course to the views of parents as expressed by their school councils (Jones 1976, 11).

Jones's Whyalla speech reveals his confused position on SBCD in some amplitude, and it also exposes the weakness of his argument in support of his normative stance on the decision-making role of 'professionals.' What Jones repeatedly failed to do over the years, was to get clear the distinction between ends-type policy decisions and technico-professional curriculum decisions, discussed earlier. So whilst Jones was justified in pointing out that 'professionals' 'must be trusted to make the professional decisions' (subject to adequate safeguards of course), it must be remembered that not all 'educational' decisions can be reduced to 'professional' decisions (curriculum policy decisions for example, as distinct from professional curriculum decisions involving curriculum content and methodology). Consequently, Jones is not justified in making the more global claim that 'professionals' should make 'decisions in educational matters.' Conflating educational and professional decisions as Jones does, simply

obscures the crucial distinction under discussion. His blurring of the distinction between curriculum policy decisions and professional curriculum decisions, by his use of the disarming rubric 'decisions in educational matters' serves a useful ideological function for power-holders, since it makes it appear that 'full participation' by lay people in SBCD would represent an unwarranted interference in professional matters, which is not necessarily so.

In other words, contrary to Jones's apparent belief, curriculum policy decisions do not fall exclusively within the ambit of professional responsibility, but also fall within the legitimate purview of lay people. It is true that the existence of s82(1) of the Act did, and still does, preclude political decentralization involving the devolution of curriculum authority to lay people, including parent dominated (numerically) school councils, but this is not to say that, should the South Australian Parliament amend s82(1) in order to effect a shift of curriculum authority to school councils, this would necessarily constitute an unwarranted interference in professional curriculum matters. Such a devolution of curriculum policy authority to school councils would be legitimate, but whether or not it would be a prudent move is another question which does not concern us here.

I know nothing of Jones's personal motivation, so I do not for a moment suggest that he deliberately blurred the distinction discussed above, in order to advantage the professional decision-maker at the expense of lay people; he may simply have been unaware of it. What I do suggest though, is that the upshot of his actions was that technocratic school-based curriculum policy-making could hardly fail to be advantaged at the expense of democratic, which Jones appeared to champion. Murphy seems to have reached a similar conclusion, arguing that:

> ... significant parental involvement in local decision-making seems marginal. This means that the decentralization movement in Australia has been translated into a devolution of professional authority but not of lay control. Consequently, local professionals now dominate all school decision-making (Murphy 1980, 16).

So much for Jones's position on the role of lay people in SBCD, but what of the role of the 'professionals?' In his FAM Jones had said that teachers should 'share in the formulation of policy.' Kaminsky (1981, 195) drew attention to this in his paper, claiming that any view which claims that the FAM was concerned with the extension of 'privileges' can only be 'jaundiced.' His preferred and more 'charitable' interpretation asserted that 'the explicit statement of discretionary rights is the strongest aspect of the FAM.' However, there is certainly no explicit reference to discretionary rights in the FAM, and ambiguities in it are such that any implicit support for a discretionary rights interpretation could certainly be contested. What is abundantly clear in the FAM, however, is that Director-General Jones was indeed thinking in terms of privileges, and he said so unequivocally:

> Just as you [principals] have professional freedom and delegated authority, so too the same privileges should be extended to your staff...

More significantly, Jones sought to clarify his position in subsequent public statements, and his clearest statement on the precise nature of 'sharing' in the formulation of policy is revealing:

> The staff must participate in the government of the school, but the Head must make the decisions and not let his staff run him. There is no place for dictators in the schools today, whether Heads or Assistants. Teachers must be involved in the great work we are doing. We want them to share in the decisions in the great issues of the day through their advice and active interest (Jones 1971, 5).

For all Jones's reassuring talk of 'democracy' in South Australian schools, to the key question 'where is the locus of decisional authority for school-based curriculum policy decisions in schools?' there was but one answer: in the hands of school principals. But this was hardly surprising. After all, the FAM had told principals that they were in 'undisputed control' of their schools. Further:

> Despite the qualifying third paragraph [of the FAM], many principals have taken the view that they are the sole determinants of their school's educational program, and that external agencies (including central and regional office personnel) merely perform an advisory and service role which they are able to reject if they wish (Director, Personnel, quoted in Jones 1978, 32).

Shinkfield (1975, 10-11) also argued that telling principals they were in 'undisputed control,' brought with it the risk of dictatorial principals, and Director-General Jones (EDSA 1977, 81) conceded this in his 'Postscript' to the FAM, when he wrote that 'A few principals, allegedly, did not read past the second paragraph which concerned their undisputed control of the school.' But even if we ignore the few crude dictatorial principals in South Australian government schools in the 1970s, the potential for benevolent dictatorship in schools did not disappear. It is true that such principals could adopt 'democractic' leadership styles, permitting both staff and community 'involvement' and 'participation,' but they would be under no obligation to act upon staff/community initiatives. In any case they could always draw on a veto should this seem necessary. An obvious advantage of such 'consultation' and 'participation' was that it was less abrasive than the cruder versions of authoritarianism which had dominated South Australian schools prior to the 1970s, and was thus less likely to elicit opposition. However, 'democratic' participation of the type advocated by Jones, in which no power equalization or sharing necessarily took place, could only be described as 'democracy by courtesy of the school principal,' and it probably helped to strengthen, in various subtle ways, the control of principals over SBCD. This view would seem to be borne out by the following claim:

> The power of veto had a discouraging effect on teacher participation in policy formation and decision-making. A strict application of such vetoing, gave the impression to teachers that it was pointless arguing for change that went against the principal's own views. They felt that:
> (a) only ideas that the principal agreed with would be allowed to pass, regardless of staff support;
> (b) therefore, assistants might just as well let the principal make the decision in the first place, as he would veto it anyway if he disagreed (Secondary Teacher, quoted in Jones 1978, 29-30).

Krause (1968, 136) drew attention to such dangers when he pointed out that bureaucracies are users of ideologies aimed at target groups for the specific purpose of energising them towards acting in the interests of administrators. He called it 'participation as bureaucratic ideology.' Such participation - without a change in the locus of authority - is but a pale shadow of organizational democracy. Indeed, it legitimises soft authoritarianism, because the interchangeable use of reassuring terms and expressions such as 'involvement,' 'consultation,'

'participation,' and 'having a say,' suggest that a shift in the locus of decisional authority has occurred, when in fact none has taken place. It is hardly surprising that Pettit (1980, chap. 8) should pose the question of whether or not 'devolution' of decision-making in Australian schools in the 1970s was 'the classic con job?,' or that Pusey (1981, 228) believed that control of Australian education in the 1980s will be 'more ideological than hierarchical in the old-fashioned bureaucratic sense.' Gouttman (1982, 117) also offered a timely reminder that 'it is imperative for understanding the nature of South Australian education to come to grips with those ideological influences which have dictated education thought and policy.'

I have been critical of the type of 'participation' promulgated by Jones, but do not say that such participation was of no value. Certainly, his brand of consultative participation did not shift the locus of curriculum authority at the school level, and it was also often manipulatory. But since most decision-makers will usually seek to avoid the heavy tactical advantage of consistently being seen to be operating autocratically, they will be at least 'encouraged' to give reasons for their decisions, especially decisions which (controversially) override majority opinions of co-participants. Minimally, if participants are to retain confidence in such a participatory process, this means at least conceding something to the interests expressed by those over whom power is exercised, and this is not to be underestimated.

In other words, since consultative participation makes it difficult for decision-makers to persistently ignore with impunity the views of those participating, it can lead to compromise, and can thus function as an effective strategy of 'encroaching control' leading to a more effective level of participation, based on power equalization. Indeed, as we have seen, Pennock (1962, 131) has argued of decision-making, that 'a bias away from domination and towards cooperation is implicit in the notion of democracy,' and that consequently, 'the democratic ideal keeps pushing the democratic reality in the direction of equality not only *access* to power but also equality in the *exercise* of power' (Pennock 1962, 127).

In practical terms, if a principal is genuinely concerned with rational influence in a participatory SBCD context, then the principal must be prepared to be influenced (after all, participation does function as an error-elimination mechanism), which is a good reason why a principal might be prepared to be bound by collective SBCD decisions. It is here that reaching 'consensus through discussion' takes on a deeper significance than Director-General Jones seems to have intended.

There is no doubt that some South Australian school principals in the 1970s used the FAM as an excuse to function as old-fashioned autocrats, but others genuinely sought to respond to Jones's challenge to share their power with teachers in a more cooperative brand of SBCD. A good example is that of Morialta High School principal Laslett, who showed a genuine commitment to a power-sharing version of SBCD when he wrote:

> What if the staff strongly favour a change in policy to which I am completely and resolutely opposed? Frankly I cannot imagine such a situation arising in the climate of decision-making I am describing. If it did, I would seek a position elsewhere (Laslett 1979, 38).

A principal committed to such SBCD could perhaps display such commitment in no better way than to forfeit the right to veto any curriculum policy decision properly reached by a school's properly constituted decisional body. Providing, of course, that such decisions do not involve statutory violations or infringements of established Education Department policy. In this regard, in the late 1970s Banksia Park High School pioneered an innovation in SBCD in which the principal had no right of veto on decisions made by the staff in general, or by a properly constituted representative body of the staff:

> Item 8.2 of the constitution states: 'No member of the council [the principal was a member of the council] shall have the right of veto over any decision of the council' (Quirk 1979, 67. The council in question was the staff council, and should not be confused with the school council.).

The principal who retains the right of veto over curriculum (or other) decisions, where the precise conditions under which it may be used remain vague or unspecified, can justifiably be

regarded with suspicion by colleagues. Staff commitment to such a brand of SBCD is likely to be less than enthusiastic, since they will not know, until after a collective decision has been reached, whether or not they have been wasting their time. If a principal feels that it is imperative to retain a right of veto, then the conditions under which it could be used should be stipulated in advance of deliberations.

Before concluding this section, some further observations on Director-General Jones's attitude to lay involvement in SBCD are perhaps worthwhile. Jones did not have 'full participation' (ie 'where each individual member of a decision-making body has equal power to determine the outcome of decisions' (Pateman 1970, 70-71), in mind, when in 1975 he spoke of lay participation 'in the making of a policy in a school or in making of a school decision in key areas of curriculum' (Jones 1975, 9). Incidentally Jones dropped this key statement when his speech on 'Democracy in Australian Schools' was published in a collection of papers and addresses entitled *Ebb and Flow* (EDSA 1977). Otherwise, he would not have restricted himself to advocating transparently cosmetic and superficial advisory/discussional varieties of participation, which correspond to what Pateman (1970, 69-70) has called 'pseudo' and 'partial participation.'

In fairness to Jones, he obviously realised that s82(1) of the Act, which endowed the Director-General with control over State school curriculum, also precluded the possibility that school councils could operate in any curriculum role other than an advisory one. Also, he may have been justifiably circumspect in his initial approach to the role of lay people in SBCD because of the long history of tight centralized control of school curriculum, together with the obvious lack of experience of lay people in curriculum development. Perhaps he also believed that the laity (especially parents) needed time to gain experience in discussing curriculum matters, as a prerequisite to any serious power sharing in SBCD. This is an unlikely explanation, however, because on more than one occasion, when referring to the role of school councils, he said that it was important that 'appropriate limits' be established (Jones 1976, 11, EDSA 1977, 11), and for Jones, despite the gloss, these limits did not extend beyond an 'advisory' capacity. Further,

at no point during his Director-Generalship (or subsequently) did he recommend to the government that s82(1) should be amended in order to permit political decentralization and the devolution of curriculum authority to school councils.

What, then, of Jones the democrat? Nearly thirty years ago McDermott drew attention to what he described as the role of 'disinterested' professionals who, it is believed:

> ...have no general interests antagonistic to those of their problem beset clients. We may refer to all this as the disinterested character of the scientific technical decision-maker, or more briefly and more cynically, the principle of the Altruistic Bureaucrat (McDermott 1969, 27).

McDermott was simply drawing attention to an important, and potentially dangerous (for democracy) facet of the role of Platonic 'philosopher kings' - twentieth century bureaucratic style - and Director-General Jones was, in this respect at least, heir to the Platonic tradition. His brand of 'democratic' school-based curriculum policy-making could best be described as curriculum policy-making *for* the people by professionally qualified officers, (be they school principals and/or teachers), which suggests that a more fitting description of this position is that he was an advocate of technocratic curriculum policy-making at the school level.

McDermott went on to claim that 'complex technological systems' (and school systems fall into this category):

> ...are extraordinarily resistant to intervention by persons or problems operating outside or below their managerial groups, and this is so regardless of the 'politics' of a given situation. Technology creates its own politics (McDermott 1969, 29).

And, we might add, nurtures technocracy. In this respect, Gouttman (1976, 2) has argued that in South Australia during the 1970s, irrespective of the Education Department's claim to decentralization and SBCD, 'the decisions of those in the top links of the chain of command' are 'more important than those further down' (both at system and school level), and nothing illustrates this better than the FAM.

CURRICULUM CONTROL : FROM RHETORIC TO REALITY

As a result of s82(1) of the Education Act 1972 and the Regulations outlining the advisory role of school councils, SBCD in South Australia simply had to be under professional control, since no provision had been made for political decentralization of curriculum authority to bodies or officers outside the departmental hierarchy. The role of principals was particularly important since the FAM had specifically devolved curriculum authority to them, albeit accompanied by an exhortation to involve teachers. Sturman agrees that SBCD in South Australian was necessarily under professional control, and he consequently places South Australia under his 'professional model' namely:

> The professional model postulates that the educational system should be primarily left to the school professionals (principals and teachers) on the grounds that they are best able to determine the needs of students ... School councils, where they existed would be advisory, uninvolved in any 'professional' issues, and would be expected to act as a service to the school, supporting that school in its local community (Sturman 1990, 282).

Further, since it was the professionals in South Australian State schools who would control SBCD (including curriculum policy-making), then for reasons already advanced, it would be fair to describe such SBCD as technocratic.

The background to SBCD in South Australia has been examined, and Director-General Jones's post FAM rhetoric has been analysed, but what evidence is available enabling us to build a composite picture of the nature of SBCD which actually developed in South Australia in the 1970s? Writing in 1982, Cohen and Harrison (1982, 26) point out that: 'Despite the duration of at least a decade of opportunities for implementing SBCD in several States in Australia, there have been almost no Australian studies documenting its implementation.' Consequently, the task is necessarily reduced to one of seeking to piece together such empirical studies and other evidence, as are available, in order to try to determine the nature of SBCD as it developed in South Australia.

In a study of 89 secondary and 97 primary teachers in NSW, Simpkins (1972, 14) found that the 'Teachers perceived decision-making in their schools to be delegated to teachers only with respect to their immediate classroom tasks. For other school tasks, teachers perceived authority for decision-making to lie within the official hierarchy...' Such a finding is hardly surprising given the history of centralized control not only in NSW, but also in Australia generally. Simpkins also found that curriculum inertia seemed to have accustomed many teachers to accept this *modus operandi,* such that:

> Many teachers preferred to have those in higher authority continue to exercise major decision-making authority in determining the basic outline of curriculum [ie curriculum policy]. Thus, in task activities central to defining basic school goals and means, many teachers were content to see those in administrative positions exercise major decision-making authority ... An example is the determination of the basic outline of the curriculum (Simpkins 1972, 16).

Almost a decade later, Perrott (1981, 4) found that there were still 'prevailing attitudes' militating against successful SBCD in NSW, and that NSW primary teachers were 'still greatly influenced by centrally produced guidelines' (Perrott 1981, 6). Much the same could be said about the situation in South Australia.

The first of a limited number of empirical studies into the nature of SBCD in South Australia, was conducted by Quirk (1978), who undertook a limited survey of some 135 schools (26 high schools, 72 primary schools, 33 junior primary schools, 4 special schools) in the Central Northern Region of South Australia. In fact, Quirk surveyed all the schools in the Central Northern Region with over 100 students, in the course of which he interviewed some 400 teachers and principals. Quirk's brief, as an officer seconded for 12 months to the 'Unit for Industrial Democracy' in the Premier's Department, was to 'assess the present extent and efficacy of participative decision-making within schools' (Quirk 1978, 5).

Although Quirk's survey focused on decision-making generally within the schools, and was not confined to curriculum decisions, nevertheless, his findings do have significance for SBCD. For example, in the junior primary schools, there was a feeling that 'There are some

decisions on curriculum, especially where newer teachers are concerned, that have to be made by the principal. Young teachers expect this guidance.' This suggests that many junior primary teachers received a deal of curriculum direction from their principals, and this would seem to be borne out by the fact that 'just over half the teachers interviewed said they expected to be involved in making decisions only about their own classroom ... a further 16% commented that they expected to be completely directed and would have no say in decision-making in the school' (Quirk 1978, 33). Teachers in primary schools and high schools did not record such a limited appraisal of their role in decision-making affecting the whole school (Quirk 1978, 63, 99). It is also worth noting that there was a feeling in junior primary schools that 'Teachers are generally not involved in making decisions about policy' (Quirk 1978, 35).

In the primary schools surveyed, Quirk found a higher level of staff involvement in decision-making. A typical viewpoint expressed was that: 'Acceptability of decisions is high because most issues are decided by staff, and decisions implemented because staff have been involved' (Quirk 1978, 52). Quirk (1978, 54-55) also records that it was not uncommon in primary schools for proposals introduced by principals to be rejected: 'The principal makes his position known and puts forward suggestions to be considered. Some of these are approved while others are voted out.'

Quirk (1978, 75) found that there were basically three types of meetings in the high schools surveyed: 'whole staff' meetings; 'faculty' meetings; 'senior staff' meetings. He found that the 'whole staff' meetings did not play such a prominent role in the high schools as in the junior primary and primary schools. Indeed, he found that in the high schools, the major decision making forum was the 'senior staff' meeting:

> The most common procedure has been for information to be disseminated in whole staff meetings and decisions on school policy and organizational problems are usually made at the senior staff meeting. These decisions are passed on at faculty meetings where the major focus has been on curriculum matters, subject content and teaching practice (Quirk 1978, 75).

Most high schools had facility for staff viewpoints to be aired at senior staff meetings, and several schools ran 'open' senior staff meetings enabling other staff members to attend and 'speak on those matters which they consider are of sufficient importance to warrant their attention' (Quirk 1978, 77). Quirk also found that high school teachers expected to have:

> ... a good deal of say in teaching methods, and would be involved in discussion at the faculty level about the content of courses ... In the majority of cases these expectations were met ... but there was less chance to influence policy, particularly if most matters were discussed or decided at the senior staff meeting (Quirk 1978, 98).

Teachers in junior primary and primary schools normally teach the full range of subjects in the curriculum, which suggests that it is easier for principals to exert influence on curriculum decisions relating to subjects in these schools, than it would be for principals in high schools, where teachers see themselves as subject specialists. Also, unlike primary schools, high school curricula are subject to the external influence of public examinations.

Quirk (1978, 25, 46-47, 81) was well aware that agenda control was an effective, and subtle, means by which to influence, if not control, decision-making, and he found that in 66% of the junior primary schools (22 schools), and 64% of the primary schools (46 schools), the principal had virtually total control of the agenda for general staff meetings. He gave no figures for high schools, but did note that, in the majority of cases, principals controlled agendas. Prideaux (1988, 66) also notes that 'control of staff meetings' was a major form of 'indirect curriculum control by principals' in the primary schools comprising his study.

Quirk (1978, 29, 55) also drew attention to the fact that in all junior primary and primary schools, principals indicated that they retained the right to veto staff decisions, but also reported that the vast majority of principals indicated that they had never used it. Quirk (1978, 87) also pointed out that, whilst the majority of high school principals retained the power of veto, and used it rather more frequently than did principals in primary and junior primary schools, several high school principals had in fact forfeited the right to veto (no number given). However, on the contentious issue of the veto, Quirk remarked insightfully:

> If the principal, for example, prepares the agenda, chairs the meeting, controls the discussion, provides the bulk of the content, summarises any other points of view, and then makes the decision and issues a directive, the chances of any need of a veto being required would be almost nil (Quirk 1978, 55).

He went on to add:

> The question of whether the principal should have the 'right' of veto or needs it for protection does not really arise in most schools. If major decisions are made by the principal and are issued as directives, or if there is a consultative process in which the decision is made by the principal, the staff is unlikely to make any decision about which he would feel uncomfortable or would consider vetoing. Similarly, in those schools in which there is a mixture of the consultative [ie principal consults staff before principal decides] and participative [ie shared decision-making between principal and staff] process, the principal is likely to permit the participative approach only when the decision is one in which there is little danger that a veto would be necessary (Quirk 1978, 58).

What do Quirk's survey findings suggest? First, that although 'senior staff meetings' in high schools were a crucial forum for determining 'school policy,' nevertheless a deal of SBCD took place at 'faculty' level. This in turn suggests that faculty (or departmental) heads discharged crucial roles in SBCD in high schools. Second, that school principals in all schools, especially primary and junior primary schools, exerted much influence in SBCD. Jones was keen to attribute this to the influence of his FAM, and on at least two occasions (Jones 1978, 17; 1980, 112), he drew attention to a national survey reported in Cohen and Harrison (1977, 4), which suggested that South Australian high school principals were the main influence on SBCD by the mid 1970s:

> In a survey reported in this publication [Cohen and Harrison 1977], South Australia was the only State that ranked the principal first. This appears to be the result of the FAM giving the principal 'undisputed control' of the school. The ranking of the principal in other States is shown in brackets NSW (7th), Vic. (4th), Queensland (2nd), W.A. (4th), Tasmania (3rd); for Australia as a whole the principal ranked 6th. The authority ranked first in the other States is shown in brackets - NSW (Education Department and Head of Department), Vic. (Teachers), Queensland (Head of Department), W.A. (Head of Department), Tasmania (Head of Department). Rankings out of eleven by South Australia of interest are Education Department (7th), External Exams (5th), and students (11th). (Jones 1978, 17).

It may be that the principal being ranked first could be attributed to the influence of the FAM. On the other hand, Barr (1981, 167) believed that 'Jones tended to ascribe rather more to the

influence of the FAM than can reasonably be claimed;' a view also expressed by Morrison (1979, 280). More significantly, however, subsequent research by Maddock and Hyams (1979) and Cohen and Harrison (1982), suggests that in South Australian high schools, at least, the principal was not the major influence on SBCD.

In their empirical study of several South Australian high schools, Maddock and Hyams (1979, 51-52) pointed out that 'The FAM not only urged principals towards more autonomy from the central education office, but also suggested that they accordingly grant a greater measure of freedom to their subordinates within the school.' In view of this imperative, Maddock and Hyams posed the questions: 'Does power reside principally with the principal, is it expressed collectively, or is it held in varying degrees by specific categories of school staffs?' Consequently, their survey ' sought to classify the perceived roles not only of principals, but also of deputy principals and senior subject teachers as well.' Maddock and Hyams concluded that the major influence:

> ... is likely to come from senior subject teachers. The fact that principals are generally not regarded as exercising an equivalent measure of such leadership has important implications for the study of school organization. For example, is it a function of the relative size and complexity of a high school that the administrative role of the principal is emphasised at the expense of his professional role? Certainly the study by Gross and Herriott (1965) indicates that principals in elementary schools exercise strong professional leadership (Maddock and Hyams 1979, 56).

Quirk's South Australian study would seem to confirm Gross and Herriott's finding.

In their study of curriculum decision-making in Australian high schools, Cohen and Harrison (1982, 24) recognised that Jones's FAM had 'legitimised SBCD' in South Australia, and that 'by 1978 all States had shifted major responsibilities for curriculum decision-making to the schools.' But they wanted to find out 'who made the decisions and how' (Cohen and Harrison 1982, chap. V). When they compared the 'perceptions of Authority in Curriculum Decision-Making by State' (Cohen and Harrison 1982, 99), they found that for the States overall the three curriculum decision-makers who ranked the highest (as measured by respondents indicating a 'substantial' influence), were 'internal' to the school, namely: 'departmental heads'

59% (South Australia 61.5%), followed by the 'principal' 47.3% (South Australia 54.1%), and the 'deputy principal' 31.2% (South Australia 15.6%). These were followed by two decision-makers 'external' to the school, namely: 'external examination bodies' 27.1% (South Australia 31.2%), and the 'Education Departments' 25.7% (South Australia 17.4%), which in turn were followed by a further 'internal' influence, namely, 'teachers' 23.5% (South Australia 18.3%).

As can be seen, South Australia had a higher ranking for influence by the principal than the national average. Indeed, South Australia ranked the influence of the principal higher than did any other State (Tasmania had the second highest ranking for the principal with 49%), but whether or not the finding reflected the influence of the FAM is impossible to tell.

In a more detailed analysis of the 'external influences' (as distinct from 'decision makers') impacting on curriculum, Cohen and Harrison (1982, 159) found that the major influences (as measured by respondents indicating 'a lot' of influence) were: 'external syllabuses' 30% (South Australia 20%); departmental curriculum guidelines 27% (South Australia 25%); the 'moderation/examination system' 24% (South Australia 17%); 'texts available' 21% (South Australia 24%); 'underlying subject structure' 20% (South Australia 19%). However, South Australia was the only State to rank 'departmental curriculum guidelines' as the major 'external influence' on curriculum decision-making.

It is interesting to note the comparison between this statistic and the fact that, in ranking 'curriculum decision-makers,' South Australian respondents had placed the influence of the 'Education Department' somewhat lower than the national average (25.7% national; 17.4% SA). Cohen and Harrison offer no explanation for this apparent anomaly, but it is a reasonable conjecture to suggest that South Australian respondents perceived 'departmental curriculum guidelines' to be the major 'external' influence on decisions which were actually made by the school's 'internal' decision-makers, as distinct from the Education Department being seen as an 'external decision-maker' in its own right, imposing its decisions on schools. In other words, 'curriculum guidelines' at least, suggest an element of choice, whilst 'prescribed curriculum,'

does not. If so, then 'curriculum guidelines' could comprise a subtle form of curriculum control.

Commenting generally on the external influences on school curriculum, Cohen and Harrison state:

> The evidence cited from the national survey ... indicated that external influences upon schools remain substantial, particularly in the three largest States. This casts doubt upon the extent of implementation of SBCD to which many curriculum changes have nevertheless been attributed, perhaps without justification (Cohen and Harrison 1982, 160).

This point is well taken, but they went on to conclude:

> Although SBCD is widely proclaimed as being in practice in Australia, the CAP (Curriculum Action Project) study indicated that SBCD is not in fact being implemented in the vast majority of Australian secondary schools (Cohen and Harrison 1982, 263).

It is difficult to see how Cohen and Harrison can justifiably reach this definitive conclusion on the basis of their findings, especially when such findings are set against their own definition of SBCD which is broad enough to permit any curriculum decision-making at school level, where 'some' of the staff are participants, to be fairly described as SBCD:

> School based curriculum decision-making (SBCD) is the participation of some or all of the staff of a school (sometimes involving parents and/or students) in decisions about the curriculum of that school (Cohen and Harrison 1982, 5).

Before proceeding, it is worth contrasting Cohen and Harrison's definition of SBCD with that of Prideaux:

> SBCD is defined as the process of curriculum decision-making that takes place at a school wide level. It includes selection adoption and adaptation, and creation. It may also involve school and community. It is not just individual teacher based decision-making (Beeson and Gunstone 1978, Goodlad 1975, Postle 1978). While it may initially involve individuals or sub groups of the whole school, the important criteria for SBCD is that it is a school wide process of accepting responsibility for curriculum (Walton 1978, 16) (Prideaux 1988, 30).

Prideaux (1988, 530) found that in the schools comprising his study, all the teachers 'expressed a preference for the adoption and adaptation of central guidelines,' and he describes this as a 'minimal function of SBCD.' Moreover, the reader will recall that Jones's FAM devolved curriculum authority to principals. Consequently, in the event of, say, a South Australian primary school principal acting unilaterally in determining the school's curriculum policy, could this be classed as an exercise in SBCD? Logically and in common sense terms, it would surely have to be, and such a decision would be a 'school-based' curriculum decision of profound importance, even though determined by a single individual. However, whilst it is by no means certain that it would qualify as SBCD under Cohen and Harrison's definition, it would seem to qualify as a 'minimalist' version of SBCD under Prideaux's definition, 'initially' at least.

This comparison of definitions of SBCD is offered to simply illustrate the truism that SBCD means different things to different people, and that as a consequence there will always be differing views as to the nature and extent of SBCD in South Australia during the period under study. However, as we shall see in the 'conclusion' section of this chapter, the definitional problem does not prove insuperable so far as the purpose of this chapter is concerned.

Let us now set Cohen and Harrison's findings against their own definition as a test against their claim that SBCD was 'not in fact being implemented in the vast majority of Australian schools.' They recorded the 'Perceptions of teachers and department heads concerning internal influences upon departmental curriculum decision-making' (as measured by respondents indicating 'a lot/some' influence). They found that for Australia overall, influences on such departmental (ie departments in schools as distinct from the Educational Department) curriculum decision-making were as follows: 'head of department' 92%; 'department members' 81%; 'individual teachers in the school' 75%; 'groups of teachers in the school' 64%; 'total staff meetings' 48%; 'the principal' 45% (Cohen and Harrison 1982, 163). These national percentages suggest that some degree of SBCD was operating in the majority of Australian

secondary schools. Either that or the respondents were badly mistaken in their perceptions, which is unlikely.

Similarly, Cohen and Harrison (1982, 163) recorded that 63% of all teachers and departmental heads surveyed, indicated that 'school-prepared syllabuses or curriculum' exerted 'a lot/some' influence on departmental curriculum decision-making, and that:

> ... it would appear that in relation to 'school-prepared syllabus or curriculum,' generally perceived as an important influence, respondents from NSW, SA and NT perceived this as a greater influence than those from QLD, TAS, and ACT, who in turn perceived this as a greater influence than those from WA and VIC (Cohen and Harrison 1982, 164).

Further amongst the 'open ended survey items,' perceptions of the extent of 'autonomy' available (where 'autonomy' 'means that the school/teachers have freedom to determine the curriculum, or it means school-based curriculum development' (Cohen and Harrison 1982, 206)), ranged from 'full autonomy' to 'partial autonomy' to 'little autonomy':

> There were marked differences across the States, with percentages of respondents who claimed to have full curriculum autonomy varying as follows: Queensland 23%; New South Wales 44%; Western Australia 49%; Tasmania 56%; South Australia 63%; Northern Territory 67% Victoria 74%; and the ACT 88%. Conversely, the percentage of respondents reporting 'little or no autonomy' was highest in Queensland 35% and lowest in the ACT 0% (Cohen and Harrison 1982, 213).

Given Cohen and Harrison's finding that 'external influences upon schools remain substantial,' it may well be that the perceptions indicating ' full autonomy' were tinged by hubris. Even so, the fact that only 35% of Queensland respondents felt that they had 'little or no autonomy' does suggest that the majority of respondents nationwide felt that they had at least partial autonomy so far as SBCD was concerned.

What Cohen and Harrison may legitimately be able to conclude from their survey is that if 'external influences' were indeed 'substantial,' then the extent to which SBCD had permeated the nation's high schools in the late 1970s was perhaps less than had been expected, or the public had been led to believe by the public statements of power-holders such as Director-

General Jones. This is precisely the view of Golding (1978(a)) regarding SBCD in South Australia primary schools, and was reflected in the sub-title of his paper: 'How to let go while still holding on.' Prideaux's research into SBCD in South Australia led him to reach a similar conclusion, and it is to his findings that we now turn.

There is little doubt that Prideaux's (1988)* doctoral research, which focused on SBCD in three South Australian primary schools in the early 1980s, constitutes the most in-depth study of SBCD yet undertaken in South Australia. Prideaux (1988, 6-9) cites four important factors impacting on SBCD in South Australia which created problems inimical to its effective introduction.

First, SBCD was a 'top-down' reform, emanating primarily from the release of the FAM (subsequently reinforced by Director-General Jones and other senior departmental administrators), rather than a 'grass-roots' development. Also, the '"suddenness" with which SBCD changes were thrust upon schools' tended to cause 'confusion and stress,' and 'Prideaux (1985) reported teachers' lack of interest in SBCD in South Australia because central office staff did not produce clearly enunciated policies and reasonable time schedules for implementing them' (Marsh and Prideaux 1993, 34). Also the Primary Principals Association (1979, 18) was widely critical of SBCD, arguing that crucial changes were required if it was to become more effective, and we have seen how the President of the South Australian Institute of Teachers, who was the Institute representative on the Primary Schools Advisory Curriculum Board, questioned whether schools were ready for SBCD responsibility. Further, senior departmental officers Pallant and McGuire (1979, 1) reported that 'large scale local curriculum development is not desired by schools,' though the evidential basis for this claim was not revealed.

* The reader will note that references are made to subsequent articles by Prideaux. These articles are based on the original thesis findings, and are cited for this reason.

Second, the status of SBCD was by no means clear, witness the fact that Director-General Jones's on-going encouragement of SBCD was accompanied by several central curriculum projects which sent 'mixed-messages' to principals and teachers (Golding 1978(a), 14).

Prideaux's (1988, 7) third factor was the 'limited nature of curriculum decentralization in South Australia.' In particular, the failure to politically decentralize the system, and Prideaux (1988, 8) points out that 'participatory justification for SBCD did not extend to parents and community. Schools were considered as the centres of "expertise" for curriculum decision-making.'

The fourth factor cited by Prideaux is a corollary to the third, namely that administrative decentralization officially bound curriculum decision-making within existing hierarchical structures, with the consequence that 'the fundamental bureaucratic accountability remained, albeit with a shift of responsibility to principals' (Prideaux 1988, 9). The bureaucratic accountability chain seems to have exerted a profound inhibitory influence on SBCD, and Prideaux (1993(b) 172) pointed out that all the principals in his study discharged '"gate-keeping" roles, restricting curriculum development activities to what they believed were within the limits of official policy.' Indeed, two of the principals saw the 'bounding of curriculum decision-making within Education Department policies and procedures' as their 'first priority in curriculum' (Prideaux 1988, 523).

Prideaux (1988, 48-53) was acutely aware that, at any point in time, SBCD is profoundly influenced by its 'sociopolitical and administrative context.' In this regard Prideaux (1993(b), 170) argued that the decline in significance of three traditional socializing agencies (local community, home and church) had forced schools to take on some of the functions of these key institutions. This had resulted in a 'loss of the clear directions necessary for maintaining control of education,' with the consequence that 'State education departments began to lose control of what teachers did, particularly in curriculum' (Prideaux 1993(b), 170). Fitzgerald (1973, 44-45) also drew attention to the fact that school systems in the late 1960s and early

1970s had 'been gradually adjusting to various influences' and pressures for change, and the gradual 'phasing out of public examinations' and attempts to 'give a professional lead to the classroom teacher,' were but two examples:

> These measures form part of a strategic retreat - a deliberate policy by the centralized administrations to reduce their involvement in areas no longer subject to effective control. It has become less and less possible to issue simple messages to the lower echelons ... As a result, 'the bureaucratic change mechanism has to rely less on imposed changes and much more on feedback' (Fitzgerald 1973, 45).

Consequently, if the South Australian Education Department was, to use Golding's (1978(a), 9) expression, to successfully 'let go while still holding on,' it would need to sacrifice the transparent, direct, prescriptive form of bureaucratic curriculum control, for a more opaque, indirect form of control. Director-General Jones himself was probably aware of this imperative, since he pointed out that:

> ...the FAM gave 'undisputed control' of the school to principals who, of course, were members of the South Australian Institute of Teachers. So the whipping boy had changed, the wrong decisions would be made by Institute members in the schools, not by the Department or government (Jones 1978, 5).

Jones presumably had in mind the erstwhile criticisms of the Education Department's control of curriculum by teachers, parents, and community members. However, it takes no great stretch of the imagination to realise that when principals became the new 'whipping boys,' they would not only be under the scrutiny of teachers, parents, and community members, but also of the Education Department staff. And since principals were in the departmental hierarchy, they would be generally anxious to avoid making 'wrong decisions.' That is to say, they would probably respond predictably to the cue in the FAM telling them that they had the 'widest liberty to vary courses,' and would do so with an eye on departmental curriculum 'guidelines.' Consequently, their 'gate-keeping' function would probably be uncontroversial, and 'feedback' to the Education Department positive, and this is precisely what Prideaux found.

Fitzgerald was not alone in drawing attention to loss of control by central administrators, and Prideaux (1993(b), 170) drew attention to Pusey's (1979, 1981) Habermasian analysis of the

'control of curriculum in Australian education in the 1970s and 1980s,' which focused on the 'legitimation crises' perspective. Pusey offered a more comprehensive analysis of the 'control' problem than did Fitzgerald, arguing that control of education was becoming a 'central issue.' This was because 'education is so central to social, political and economic life of the society,' because education systems are 'resistant to control,' and because 'accelerating social change generates new demands on education systems' (Pusey 1981, 223). Like Fitzgerald, Pusey believed that older forms of bureaucratic control of curriculum were becoming more vulnerable to challenge, and less effective, leading to 'unmanageably complex coordination problems' (Pusey 1981, 227). However, he also believed that power-holders would increasingly seek to achieve more 'governability' or what Habermas called 'steering capacity' (ie control of a more generalized and indirect kind). Further:

> ... parents, teachers and the local school communities have so far not seen that the method of controlling education has, since the 1960s changed quite markedly to the point now where ...control is *more ideological than hierarchical in the old-fashioned bureaucratic sense* (Pusey 1981, 228).

The gradual losing of control of curriculum by State education departments prompted a gradual shift from traditional control mechanisms (prescribed curricula, external examinations, and inspectorial system) to new and more 'indirect control through official sponsoring of educational research, consultancy and inservice education activities' (Prideaux 1993(b), 170).

Prideaux concurs with Pusey's analysis and uses it to mount a powerful critique of SBCD in South Australia:

> Pusey (1979, 235) argues that SBCD represented a way of intervening to regain some control over the curriculum activities of schools and teachers. Under SBCD policies schools were given responsibility for curriculum, but the state was able to make strategic interventions through the support of national curriculum projects by outside agencies such as Australia's Curriculum Development Centre. To this could be added involvement in local projects and guidelines for schools. Indeed, this may be one explanation for the initiation of a great number of central curriculum projects by the Education Department of South Australia during the period when SBCD was also being advocated (Prideaux 1993(b), 170-171).

Prideaux's (1993(b), 171-175) critique of SBCD centres on his argument that SBCD involved only 'partial devolution' in the sense that administrative decentralization restricted curriculum decision-making to principals and teachers, and excluded genuine lay participation. He also maintains that it involved 'consensus and paradox' in the sense that it ignored conflict and struggle over curriculum decisions, and that paradoxically, SBCD tended to restrict the individual freedom of teachers in curriculum matters. Finally, he argued that SBCD represented a 'piecemeal curriculum change' insofar as it failed to challenge the basic structure of curriculum, particularly the 'selection and reproduction functions of education.'

Prideaux's argument is persuasive, manifestly supporting his contention that SBCD in South Australia did not necessarily involve a genuine devolution of curriculum authority to schools. On the contrary, 'there is some evidence for Pusey's (1979) claim that SBCD represented a change from direct bureaucratic to indirect forms of curriculum control' (Prideaux 1993(b), 175). More expansively:

> SBCD would require a more fundamental set of changes than those that occurred with the top-down proposals for curriculum change in the early 1970s. It would appear that it is not sufficient to devolve authority to principals without reassessing the provisions for bureaucratic accountability of curriculum, and reviewing the organizational structures necessary to achieve agreement on policies at that level. The introduction and subsequent retreat from more local decision-making in curriculum in South Australia did not fundamentally change the control of education and curriculum in the State. More fundamental and far reaching reforms would be required for such changes (Prideaux 1988, 527-528).

Prideaux is right, of course, in suggesting that devolution alone will not ensure effective SBCD, and Sturman makes a similar point:

> ... it is not sufficient to introduce policies of decentralization if curriculum change is advocated. These policies need to be linked with satisfactory support structures, otherwise schools will be left in a vacuum and school and teacher responses to devolution will vary greatly. Faced with such a vacuum, it is perhaps not unreasonable that many schools or teachers may have clung to more traditional and recognized practices (Sturman 1990, 295).

In Prideaux's view two major reforms are considered necessary if SBCD in South Australia is to be extended beyond the minimal role of adoption and adaptation of central guidelines.

> Firstly, it would require a change in the provisions for bureaucratic accountability of curriculum to wider curriculum responsibility including school and community. Secondly, it would need a move to more participatory and open structures more suitable to the loosely coupled school context. At present there are no major reforms proposed in this direction in South Australia, despite ministerial statements about the importance of parent participation in curriculum decision-making (Prideaux 1988, 540).

It was obviously not part of Prideaux's brief to consider in detail the profound implications of 'bureaucratic accountability' on the nature of school curriculum control (these will be the focus of attention in chapter six), but he is quite correct in his assessment. S82(1) of the Act exerts a determining influence on both the nature of the curriculum accountability chain, and the type of 'parent participation in curriculum decision-making' possible in State schools.

When Prideaux referred to 'ministerial statements about the importance of parent participation in curriculum decision-making,' he was referring to statements made in 1987 (EDSA 1987(a), EDSA 1987(b)), foreshadowing a 'stronger say in school for parents.' In 1988 a draft policy statement was published which included the following:

> How Could Parents Participate?
> Parents could participate, for example, in decision-making about school policies on:
> • Whole school curriculum
> • Student assessment and reporting (EDSA 1988, 670)

When the policy was finally released (EDSA 1991), there was certainly a role for parents, over and above their role on school councils. It was claimed that their 'participation' would enable them to share 'in the making of decisions about school aims, policies and programs with staff and students' (EDSA 1991, 2). It was further stated that parents have a 'responsibility' to 'show an active interest in their child's schooling' and 'express their opinion in relation to school matters' (EDSA 1991, 5). However, the framers of the policy statement presumably realised that the technocratic nature of s82(1) precluded parental participation in policies on 'whole school curriculum' or in deciding 'school aims, policies and programs,' other than on a distinctly modest 'advisory' basis. And the policy statement gave effect to this with the caution that, parental participation 'must not conflict with the specific professional responsibilities for

which principals and teachers are accountable' (EDSA 1991, 3). Consequently, any parental participation on curriculum matters would be on sufferance, that is, subject to the consent of the principal, who could at any time, preclude parental participation by playing the 'professional responsibility' card. It is doubtful whether the 1991 policy gave parents any 'stronger say' in curriculum matters than did Director-General Jones's 'freedom of speech' version of parental participation, promulgated in the 1970s.

Before concluding this chapter, one other issue needs to be addressed, namely, the role of school councils in SBCD. In 1976, Assistant Director of Schools Giles (1976, 14) said that he did not see 'SBCD and central detailed curriculum as antithetical in any way,' but were simply 'parallel developments.' He stressed that it was 'important that whatever SBCD is arrived at there be a community acceptance of it' (Giles 1976, 8), thus raising what he called 'the matter of legitimation, (the making legal and acceptable) of school-based curriculum' (Giles 1976, 11). He went on to say that 'if we are to get into the business of SBCD, it seems imperative to me that we in South Australia institute a system of making things legal' (Giles 1976, 12). Before we examine how Giles proposed doing this, it is worth commenting on Giles's stipulative definition of legitimation, which suggests that the process involves legalising the legitimate, but as we shall see, the effect of his proposals would mainly have served to legitimise the existing legal.

Giles proposed the setting up of a 'curriculum development group within the school,' which has 'associated with it a senior person with some competence in curriculum development,' and which includes 'parent representation' (Giles 1976, 12). Giles then suggested that when this group has completed its work, the following process should be followed:

- the curriculum development group presents the invention [ie something which does not occur in the centrally developed curriculum] or modification [ie the deletion, transposition or expansion of something which occurs in the centrally developed curriculum] to the deputy principal;
- the deputy principal presents the matter at a school council meeting where it is discussed in detail;
- the school council may or may not decide to seek wider parental opinion on the invention or modification, but in any event it discusses the curriculum

development and recommends to the principal that the curriculum modification or invention be adopted or modified or rejected; and
- last of all, the principal responds to the council's recommendation (Giles 1976, 13).

It is worth pointing out that a school could have legally introduced these proposals without any change or modification to either s82(1) or the existing Regulations being necessary, but the key statement is the last one: 'the principal responds to the council's recommendation.' Given the existing legal distribution of school-based curriculum authority, and leaving aside whether or not it would be prudent for a principal to reject a school council curriculum recommendation, the fact remains that the principal could accept, modify or reject the council's recommendation.

The fundamental objection to Giles's 'legitimation' process hinges on whether or not the locus of school-based curriculum authority is legitimately located in the first place. Perhaps it was a realisation such as this which prompted Prideaux (1993(b), 175) to counsel that, we 'cannot afford to ignore the relationship between curriculum development and curriculum control and power. The so-called devolution of authority implied in SBCD was, in many cases, not subjected to close examination in terms of control and power.' The issue of curriculum 'control and power' was addressed in chapter three where it was argued that the school principal can commend no rational legitimacy in controlling school-based curriculum policy, and Giles offers no argument to suggest otherwise. All that can be justifiably claimed is that the principal possesses the legal authority to control SBCD. Arguably, Giles's 'legitimation' process can best be interpreted as serving to set the seal of legitimation on the legal *status quo.* In other words, the existing legal is also legitimate. He seemingly achieves this by simply side-stepping the core question: what legitimates the principal's legal control of SBCD? This, of course, is not to deny the legitimacy of the role of the principal as the school's chief executive officer controlling the administration of curriculum, nor is it to deny the right of the principal to a legitimate say in SBCD. But it is to question the principal's legitimacy to control it.

Justice Olsson (1975) addressed the question of whether school council powers should be extended. He conceded that when the new councils were established as a result of the 1972 Act, they were 'composed of persons who did not have sufficient expertise or background to do other than accept a fairly passive role' (Olsson 1975, 5). He also defended the legislation setting up the councils, indicating that the Regulations 'were deliberately framed in a very general way so as to allow the relationships to change and develop gradually and thus not cause undue short term disruption' (Olsson 1975, 7). He favoured a 'collegiate type of decision-making involving both staff and parents':

> In summary it seems to me a matter of urgency that active steps be prosecuted towards developing the school council system and its involvement in the decision-making process to a much greater degree ... I would strongly urge that, whilst fairly general and vague regulations of the nature of those which were implemented in 1973 constituted a sound first move, a retention of these may ultimately tend to prove embarrassing. It may well be that the time has arrived at which a further fundamental step forward should be made in a formal way, so as to clearly spell out the direction in which it is proposed that the school councils should move in terms of their involvement in the decision-making process, and of the accountability of principals to them. If this is not done, there will be a tendency ... for further development completely to be stifled; and I suspect ... the councils will never develop beyond almost the type of relationship which formerly existed with regard to parent organizations within the schools, because they will not be allowed to do so. (Olsson 1975, 11).

Olsson's reference to the 'accountability of principals' to councils raised, once again, the issue of political decentralization. However, for principals to be accountable to councils for the policy component SBCD, as distinct from principals merely 'responding to the school council's recommendation' as part of Giles's bureaucratic legitimation process, the Director-General's curriculum authority could not remain unchanged. As it transpired, Director-General Jones's favoured position of establishing 'appropriate limits,' such that in the 'final analysis the professionals - the principal in consultation with their staffs must make the decision on educational matters' (Jones 1976, 11), was the one which prevailed.

CONCLUSION

In this chapter we have seen how a number of influences impacting upon South Australian schools in the early 1970s created a climate for change, resulting in a move towards SBCD.

Amongst these influences, Director-General Jones's FAM must be seen as of paramount significance, simply because the Director-General had statutory control of State school curriculum. Also, Jones indicated in his FAM how he intended to use his curriculum authority: there was to be a decisive shift of authority to the schools, where principals would be in 'undisputed control' (subject to certain legal constraints and safeguards), but who would nevertheless be expected to share SBCD with teachers. This devolution of authority was an exercise in administrative decentralization within the existing departmental hierarchical structure, and despite Jones's post FAM democratic rhetoric, his position was unambiguously technocratic in the sense that he believed the school's professionals (principals and teachers) should control SBCD. Moreover, s82(1) precluded the possibility of political decentralization of curriculum authority to school councils.

We have also seen that there is a deal of evidence to suggest that at least some degree of SBCD occurred in South Australia after 1970, though it is doubtful that we will ever know the precise nature and extent of it. Quirk's findings suggest that, in a small number of schools, principals operated as autocrats to dominate SBCD, whilst in others principals eschewed use of the veto and introduced various 'participatory' versions of SBCD. Maddock and Hyams suggest that 'department heads played key roles in SBCD in high schools, and Cohen and Harrison suggest that South Australian respondents saw 'department curriculum guidelines' as a major external constraint on SBCD, which in turn suggests that SBCD was at least subject to a measure of 'indirect' central control. Prideaux reached a similar conclusion in his study of SBCD in primary schools, and he maintains that, for the most part, SBCD in the schools comprising his study, was 'minimalist,' with principals, much influenced by departmental guidelines, exerting considerable influence. This finding, of course, is hardly surprising, given the position of principals in the bureaucratic accountability chain. Prideaux also provides evidence suggesting that SBCD comprised a subtle form of centralized control, as the Education Department resorted to ideological control rather than continuing to rely on old-fashioned bureaucratic control. He also believed that, if SBCD was to become more effective in South Australia, then the existing bureaucratic accountability provisions for curriculum,

would need to be changed to take account of wider curriculum responsibility involving school and community. In this case, political decentralization would be required.

For the purposes of this chapter, it is not an insuperable problem that a full or composite picture of the nature and extent of SBCD during the 1970s and early 1980s is virtually impossible to obtain. The main point is that, even though external influences such as central 'curriculum guidelines,' and external examinations etc., doubtless influenced SBCD, the fact remains that *all* sanctioned SBCD in South Australian State schools, such as it was, was under technocratic control. That is to say, the schools' professionals controlled both the policy and technico-professional elements of SBCD. Moreover, s82(1) served to restrict the involvement of the laity in SBCD to a purely 'advisory' role. Finally, technocratic control of SBCD ranged from crude despotic control in a sprinkling of schools, to what can ironically be described as 'democratic' control in others: after all, technocrats can operate 'democratically' amongst themselves, whilst at the same time keeping lay people at arms-length. Witness the brand of South Australian 'organizational democracy' operating in some schools in the 1970s, in which all SBCD (both *telos* and *techne*) was controlled by principals and teachers.

CHAPTER FIVE

OUR SCHOOLS AND THEIR PURPOSES, THE KEEVES REPORT, AND THE MOVE TOWARDS RECENTRALIZATION OF CURRICULUM CONTROL

INTRODUCTION

> When the private sector is prosperous, the state is able to meet the variety of demands upon it. As Offe (1985) observes, this is a situation of 'conjunctural' policy formulation which involves a shift towards universal provision of essential services. Here the state simply responds to increased demand for services by spending more through expanded policy provision. The post-war Keynesian welfare state was the common conjunctural settlement until the mid-70s. By contrast, in periods of economic decline or contraction, when (ironically) the demand for the extent of services needed is greatest, the state lacks the resources to meet all these demands. During these times, according to Offe (1985), it moves to a 'structural' policy rationale which seeks to manage demand within tighter funding ceilings. In this condition, the state's ability to provide services is impaired; it must make hard decisions between alternative forms of need (Knight et al 1993, 11).

The previous chapter examined the nature of SBCD in South Australia, which developed in the wake of the FAM, and we saw that SBCD was never designed to bring curriculum under the democratic control of local communities or school councils. Rather, it sought to ensure a more efficient and effective delivery of curriculum services to schools through a process of administrative rather than political devolution. Towards this end, evidence provided by Prideaux's research suggested that SBCD represented a new form of 'ideological control' of curriculum (via departmental 'curriculum guidelines' etc), because the shortcomings of traditional bureaucratic control based on curriculum prescription and inspectorial oversight,

had become manifest. This chapter will examine changes which point to a degree of reassertion of direct centralized control.

PROBLEMS ASSOCIATED WITH SBCD

As the 1970s progressed, problems associated with SBCD began to become apparent, and we have seen how in 1973 the President of the South Australian Institute of Teachers questioned whether schools were ready for the responsibility of SBCD (Golding 1978(a), 12). We have also seen that almost a decade after Jones released his FAM, Pallant and McGuire (1979, 1) claimed that schools did not want to undertake 'large scale curriculum development,' and that the Primary Principals' Association (1979, 18) believed that the Education Department should develop curriculum, whilst the teacher's role should be 'implementation and interpretation.'

A major constraint on SBCD was that exerted by the framework of legislation and departmental policies, but there were a number of other constraints and problems which also stood in the way of effective SBCD in South Australia. Several resulted from lack of attention to what Prideaux (1988, 528) referred to as the 'user perspective,' namely: time, resources and support. The 'major constraint' in all three schools in Prideaux's survey was 'the organizational difficulty in achieving consensus and participation and collaboration, as well as lack of time and support for curriculum decision making' (Prideaux 1988, 524).

In their survey of secondary schools Cohen and Harrison (1982, 169) found that respondents reported that the 'most severe problem' affecting SBCD was 'lack of time for planning' (cited by 19% of all respondents), followed by 'lack of finance' (cited by 16% of all respondents), followed by 'staff movement to other schools' (cited by 7% of all respondents).

It was the lack of time, resources and support which finally led to the Primary Principals' Association calling for an end to SBCD in 1979. The Association believed that principals were both ill-prepared to undertake the responsibilities of SBCD, and lacked adequate

opportunities to attend appropriate in-service courses on SBCD. Consequently, the Association believed that there were three possible alternatives:

> A massive re-education program; an acceptance that principals will gradually learn on the job or; an injection of suitable support complemented by a gradual intrusion of ideas and in-service programs. It is the latter which we believe best meets the needs of the majority of schools and principals, but it must be recognised that until the confidence of principals in the area of curriculum is restored, little improvement will take place in the educational health of so many of our primary schools (Primary Principals' Association 1979, 18).

In 1976, Assistant Director of Education Giles pointed to a further problem associated with SBCD:

> Within the need and desire for a school-based modification of central curriculum there lurks a most difficult question: the matter of a required minimum of experiences, skills and knowledge.... The difficulty is to decide the size and shape of this body of required skills, knowledge and experience... However, for the required minimum to be arrived at, it seems important - both in terms of social cohesion and the expectations of communities - that there is some attempt to describe a 'core.' To be quite frank, we are still searching for ways to define this required minimum and searching for ways to define it so that the individual freedom of schools to modify existing curriculum will not be tampered with (Giles 1976, 5).

The problem of seeking an acceptable balance in curriculum decision-making between central prescription and school-based discretion proved durable until the release of OSTP in 1981. Nevertheless, it is interesting to note that although elsewhere in his paper Giles (1976, 10) referred to two major modes of SBCD, invention and modification, his emphasis on modification of central curriculum was portentous: 'modification' became the Education Department's preferred position.

There was to be a further problem relating to SBCD which became one of increasing concern to the Education Department. Curriculum authority had been devolved, by Director-General Jones, to school principals without any detailed attention to ways of responding to that authority. Consequently, when the Australian economy began to move into recession the spotlight of accountability was increasingly focused on government schools. Jones drew attention to the problem:

> In an article entitled, 'Accountability', Steinle [who was deputy Director-General at the time] pointed to an implied weakness of the FAM - a stress on freedom without a corresponding emphasis on accountability and responsibility. He quoted the Chairman of the Teachers Salaries Board as saying, 'there was a disturbing tendency within the teaching service to demand autonomy on the one hand and little or no accountability on the other.' (Jones 1978, 51).

The accountability issue will be addressed more fully in chapter six. Suffice it to say here that the spectre of accountability was almost certainly instrumental in the Education Department's backing away from SBCD in the later 1970s.

A growing dissatisfaction with SBCD was compounded by the rapidly deteriorating economic and employment climate in the late 1970s, a point which Connell (1993, 263) emphasised when he argued that the recession which began in 1975 'was the start of a period of educational retrenchment.' Indeed, the total outlay on education as a percentage of GDP which had peaked at 6.8% in 1977-78, declined to 6.0% in 1979-80, and thereafter levelled out at around this figure. State governments' outlay on schools as a percentage of their total outlay fell from a peak of 19.3% in 1975-76, to 18.3% in 1979-80, and was down to 16.5% in 1984-85 (Connell 1993, 270), with the result that at a time when 'schools were entering into more adventurous programs, the customary prudence of the system and the community began to reassert itself' (Connell 1993, 206). Shan's (1978, 7) appraisal at the time was similar, but expressed more bluntly. In her view, the recent exuberance for educational change was fast disappearing, and that 'Our conservatism in this country is so deeply entrenched that at the first sign of inflation, unemployment and social reform, the Australian public panicked and opted in favour of order, security and caution.'

Ex-Director-General Jones (1980, 133) was also less than sanguine when ruminating on the prospects for educational administration in the 1980s. He believed that the downturn in the economy would lead to a 'disenchantment with education,' simply because at such times people 'turn to safe havens of known past practices and conservative thinking. So anything that is new in education becomes the scapegoat for the ills of the country.' Jones also predicted:

> ... less professional freedom for teachers with consequent restrictions on the curriculum: the pendulum will swing against 'the freedom and authority' document and there will be more central control even if exercised through regions (Jones 1980, 135).

Two years later, at a conference in New Zealand, Jones (MacLean 1982, 14) reiterated his concerns, saying that since 1975 there had been a 'backlash against the devolution of authority in the governance of schools, and there is now a move back to more centralized control.' He believed that although the swing to conservatism was by no means uniform (Victoria had pressed ahead with more local control), nevertheless, 'South Australian government schools have retreated from SBCD to a greater degree of centralised control.'

Federal government dissatisfaction with the performance of schools became increasingly apparent as the recession bit deeper, and a typical example of the sort of criticism being levelled at schools at the time, is an article entitled 'Three Rs Plan,' which appeared in *The Australian:*

> Senior Ministers who have discussed the proposal [ie for a core curriculum of maths, English, and work oriented subjects] have concluded that the education system is letting children down... Ministers are angry that the Federal government gets the blame for unemployment but has been unable to control what it sees as a prime cause - inadequate education (*The Australian* 11 April 1981, 18).

Relatedly, in the eyes of the Federal and State governments, the view that education should be more fully harnessed to serve the needs of the economy, became a 'necessary' policy concomitant of the economic downturn. Given such an imperative, it is not hard to realise that at least some degree of retreat from SBCD would be required in order for Education Departments to effectively introduce a more standardised brand of school curriculum.

Consequently, the move towards recentralization, which gathered momentum in the early 1980s, should be seen in the context of economic downturn and fiscal restraint, buttressed by strident calls from the public (or vociferous sections of it), that schools were effectively failing the nation, and that a return to the 3Rs was urgently required. In times of socio-economic flux

and uncertainty, there is often a proclivity to seek simple nostrums to complex problems, and there is an obvious, if dubious, advantage for politicians, if blame for the problems of society and the economy can be laid at the door of education, with teachers as major scapegoats. Incidentally, this is precisely what occurred in the United Kingdom in 1976 after Prime Minister Callahan delivered his famous 'Ruskin Speech' at Oxford, suggesting that education was letting the nation down. Within three years, Conservative Minister (junior) Boyson told Parliament:

> We are also checking the curriculum to ensure that we are moving towards a core curriculum. We are also making sure how this core can be tested by the Assessment and Performance Unit and in many other ways (UKPD 1979, 161-162).

Centralized control of school curriculum in England and Wales soon followed.

Governments and Education Departments throughout Australia also realized that they were expected to respond to the challenge, and the South Australian response was for the government to commission the Keeves Report, and for the Education Department to release a major curriculum policy statement.

OUR SCHOOLS AND THEIR PURPOSES (1981)

The retreat from the promotion of SBCD in South Australia was formalised in 1981, when the Education Department issued OSTP, which outlined the department's curriculum policy for State schools for the 1980s. OSTP was quickly followed by the publication of the government commissioned Keeves Report (1982), which recommended a reimposition of centralized control of school curriculum.

In the 'Foreword' of OSTP, the Director-General made it clear that the intention of the document was 'to provide an appropriate balance between central direction and local needs' (EDSA 1981, 5). It is easy to appreciate how a balance could be sought between 'central' and

'local' direction, though not between 'central direction' and 'local needs,' for the simple reason that local needs could be centrally determined. However, it seems clear that the Director-General had in mind that SBCD would cater for particular 'local needs.' OSTP also made it plain that SBCD in the 1970s, which had been accompanied by the removal of 'prescribed courses and syllabuses' and public examinations ('except at year 12'), had proved a 'mixed blessing' (EDSA 1981, 14), which suggests that the Education Department's new attitude to SBCD was, to say the least, somewhat ambivalent.

OSTP drew attention to the Director-General's responsibility for curriculum under s82(1) of the Act, but also pointed out that authority delegated to school principals by the FAM had not been revoked and was still operative, and that 'many decisions can be and are made at the school level, although the ultimate responsibility is the Director-General's' (EDSA 1981, 8). At the same time OSTP stressed that:

> *School curricula must be approved.* Since the Director-General of Education, under the terms of the Education Act, is responsible for the curriculum in schools, it is necessary for approval to be given by him, either directly or by delegation. Approval may be specific to particular schools or may be general for all Departmental schools. At the Departmental level approval to proceed with the development of materials may be required at several stages, according to the level of development. Details of these curriculum approval procedures are available in a Departmental document, *Curriculum Responsibility in Government Schools* (EDSA 1981, 36).

A key question was: What would be the precise nature of the 'curriculum approval procedures?' However, four years were to elapse before *Curriculum Authority and Responsibility* (CAR) was released, and this question was finally answered.

The FAM had given school principals a large measure of what could be described as 'prior' or 'advance' curriculum approval, in the sense that, provided SBCD operated within the 'framework of the Education Act' etc. which gave a fair degree of latitude, principals were not required to submit all their curricular proposals to the Education Department, or departmental officers, for clearance or approval before introducing or implementing them, though as we saw in the previous chapter, principals tended to be much influenced by central 'curriculum

guidelines.' We have also seen that a major criticism of SBCD by the Primary Principals' Association was that principals believed they had been largely left in the lurch by the Education Department. Lacking adequate support and in-service training, many principals had to seek their own SBCD salvation. As we shall see presently, this situation was eventually to change.

OSTP pointed to a proposed new level of overall planning of school curriculum which had not existed in the 1970s:

> *Education Department curricula are planned on an R-12 basis.* Only when there is a broad framework applicable to all schools is it possible to plan curricula on the basis of some logical and sequential development from reception to year 12 (EDSA 1981, 36-37).

Curriculum policies were grounded in terms of 'four priorities' (literacy and numeracy; communication; skills for social living; problem solving skills), 'eight curriculum areas,' and 'twelve expectations.' Perusal of these, and the associated policies, suggests that OSTP could be seen as a rather uncontroversial 'motherhood' document. However, this led Speedy (1982, 23) to conclude that 'The fundamental problem with the document is that it is capable of multiple interpretations.' In this regard Nunan (1981, 10) was prompted to suggest that as a curriculum document OSTP was so expansive that 'any school could probably argue that it was "already doing all that."' He went on to add:

> Perhaps the kindest appraisal is to see the document as a monument to the massive constraints imposed upon its construction; there is a certain inevitability in what it can say. OSTP could well be a gesture directed towards increasing controls over the education system. On the other hand... the lack of prescription in contentious areas means that schools will be able to work their own solutions to vital problems (Nunan 1981, 10).

The nexus between 'increasing controls' and schools 'working their own solutions' was to prove uneasy, as the Education Department sought to provide an 'appropriate balance between central direction and local needs,' and Partington (1982, 67) drew attention to this problem.

He argued that the changes in the 1970s had left most people unclear about how control over curriculum was supposed to be exercised. He further maintained that:

> OSTP increased rather than diminished confusion by conferring equal legitimacy on several competing and incompatible claims. Greater central control was to be restored in the interests of efficiency and equality of opportunity but each school was to become more free to respond to the particular needs of its own community (Partington 1982, 67).

Partington certainly posed the problem in terms of incompatibility, but he was probably mistaken. The quest of finding an 'appropriate balance' between central direction and SBCD was admittedly difficult, but the two processes were hardly incompatible, since any tightening of the major cultural controls and the introduction of core curricula, would not necessarily preclude increased responsibility of schools for the implementation of curricula reflecting needs expressed by local communities. However, as it transpired, CAR, a policy document released by the Education Department in 1985, imposed curriculum approval procedures on SBCD which did not make it easy for schools to work their own solutions to vital problems. Before attempting to asses the importance of CAR for curriculum control in South Australia, attention will first be focused on the Keeves Report (1982).

THE KEEVES REPORT (1982)

Unlike OSTP which had generally been favourably received by the South Australian public (perhaps because earlier drafts of the document had been widely circulated, coupled with requests for feedback), the controversial Keeves Report received a hostile reception. For example, the South Australian Institute of Teachers criticised the report in an article entitled 'Keeves: Back to the '30s' (*South Australian Teachers Journal,* Supplement, March 31 1982). Also, the Director-General commented:

> Now unfortunately I think that the report is flawed a little in that it lacks a philosophy; it seems to me to lack integrity... So I hope people wont look towards Keeves as a blueprint which will be slavishly followed because I think they will be disappointed (Steinle 1982(a), 6).

Shortly afterwards, the Director-General decided that 'OSTP will continue to be the guiding document on the purposes of schools and on priorities and expectations in education' (EDSA 1982, 400). Notwithstanding its unfavourable reception, it is necessary to examine the recommendations of the Keeves Report as they pertain to curriculum control, because as we shall see, the 'assumptions and recommendations' of OSTP, especially those relating to recentralization of curriculum control, 'can be substantially conflated with those of Keeves' (Ryan 1984, 34).

Perhaps the first point which needs to be emphasised, as Blackburn (1982, 1), who had been a consultant to the Australian Karmel Committee, and an influential member of the Schools Commission, points out, is that the Keeves Committee 'reported in a generally restrictive climate as against the Karmel Committee's (1971) prosperous and expansionist one.' The Karmel Report had, to use Blackburn's words 'legitimated the more liberal aspect of a general consensus,' and displayed a manifest commitment to a 'democratically controlled society,' 'equality of educational opportunity,' the 'reduction of centralized power,' and 'greater participation of teachers and parents in educational decision-making' (Blackburn 1982, 2):

> Clearly the Keeves Committee reported in very different economic and educational circumstances and its social commitments were different. The liberal consensus about education had been almost entirely destroyed in the intervening period. The resource position was also very different and the collapse of the long post-war boom had made unemployment and improved productivity major educational issues (Blackburn 1982, 2).

Given the drastically changed socio-economic circumstances, and a new emphasis on more value for the educational dollar, it was hardly surprising that of the five members of the Keeves Committee who signed the Final Report, two were accountants and one a businessman. Past President of the South Australian Institute of Teachers, John Gregory, failed to sign the report 'because he disagreed with substantial parts of it and not, as indicated in the report, because he was overseas' (*South Australian Teachers Journal,* Supplement, March 31, 1982, 2).

A central thrust of the Keeves Report was that there should be a greater measure of centralized control of curriculum, and several writers drew attention to this aspect of the report (Blackburn 1982, Kemp 1982, Partington 1982, Ryan 1984). For example, Speedy (1982, 23) commented that 'The Keeves Report ... proposes, more centralized control over curriculum development down to matters of detail. On curriculum, the report can be described as walking backwards into the twentyfirst century.' Similarly, Skilbeck (1983, 99) argued that the Keeves Committee's 'proposals for concentration of curriculum power within that [ie State] bureaucracy ... may be seen as a determined attempt to recentralize authority for education generally.'

What was the Keeves Committee's stance on curriculum? Before examining its centralist proposals, it will be helpful to first sketch out the Committee's position on SBCD. In its First Report, the Committee recognised that SBCD 'would appear to have been used wisely and well by many South Australian schools' (Keeves 1981, 4. 10), and it 'endorsed the policy that each school should have flexibility to develop an appropriate curriculum to serve the abilities, aptitudes and interests of the students in the school' (Keeves 1981, 8. 15). However, in its Final Report, the Committee presented a different focus, pointing up what it saw as serious shortcomings in SBCD as practised in the State. Just as the Primary Teachers' Association had done in 1979, the Committee argued that 'teachers in the schools are asking for greater direction and leadership in the work of curriculum planning' (Keeves 1982, 27), and that the request for change to SBCD had come mainly 'from principals and teachers ... who are faced with the problem of curriculum development' (Keeves 1982, 28). Moreover, the Committee believed that:

> ... complete freedom and authority for schools to develop their own curricula is unlikely to be feasible in any educational system, given the impossibility of providing all schools with the resources and expertise required for this to be fully effective (Keeves 1982, 28).

The Committee went on to add that 'A school system that accepts a policy of school-based curriculum development might well be giving its schools an unmanageable task' (Keeves 1982, 43).

Without presenting evidence in support of its position, the Committee was critical of SBCD which had resulted as a consequence of the FAM, and the Karmel Report (1971), and clearly believed that it had contributed to a 'decline in educational standards in schools,' such that schools were 'not meeting adequately the demands currently made upon them' (Keeves 1982, 26). Why was SBCD allegedly failing?

> ... there is a strongly voiced view ... that school-based curriculum planning and development cannot be made effective because the teachers in the schools have neither the time and the resources, nor the necessary expertise to undertake what they have learnt to be difficult and time-consuming tasks of developing appropriate curricula for each school. The Committee accepts these views ... (Keeves 1982, 26).

Problems associated with 'time,' 'resources' and 'expertise' may well have been formidable, but were not necessarily decisive or insuperable. There is no obvious reason why, if the problems of SBCD were primarily related to its practice as distinct from the policy itself (the Report drew no attention to SBCD policy problems), the Committee could not have recommended greater provision of non-contact time, and more resources to enable teachers to engage in more effective SBCD. However, the Committee rejected such an approach, and modified its stance regarding the importance of resources:

> ... it is in part a lack of expertise, and in part, the complexity and creative nature of the tasks involved in curriculum development that would appear to be preventing teachers from adequately undertaking curriculum development, rather than a lack of resources (Keeves 1982, 28).

Provision of sufficient release time and resources could hardly have failed to have had a profound influence on increasing teacher expertise in curriculum development, but the Committee in fact recommended 'a significant scaling down of inservice activities associated with professional development during the hours of schooling' (Keeves 1982, 196). In addition, the Committee did not elaborate on why it believed that the 'complexity and the creative nature' of curriculum development constituted such a formidable problem for teachers. It is hardly surprising that the South Australian Institute of Teachers believed that, 'The move away from school-based curriculum development that is advocated not only denigrates the

significant benefits that have been produced, but is also a slap-in-the-face for teacher professionalism' (South Australian Institute of Teachers 1982, 4).

In the light of the alleged shortcomings of SBCD, the Committee recommended a greater degree of centralized control over school curriculum:

> The staffs of central administration and the regional offices should provide strong leadership and guidance to the schools in curriculum matters (Keeves 1982, 28).

The Committee believed that this 'strong leadership' needed to be exercised in such a way that:

> The Education Department should be responsible for the preparation of *recommended* curricula and curriculum materials which would be used by schools within the Department unless approval was given for the use of appropriate alternatives (Keeves 1982, 45).

This recommendation did not, of course, close the door on SBCD, though as we shall see, the Committee did not propose to make it easy for schools to engage in it.

The Committee criticised both OSTP and the Curriculum Development Centre document, *Core Curriculum for Australian Schools,* claiming that a 'significant deficiency' was that both these public statements 'lack any indication of the relative emphasis to be given to the key areas at each age and grade level and would seem to imply that equal emphasis should be given to learning in each area at each stage of schooling' (Keeves 1982, 33). The Committee then went on to distinguish between four areas of the curriculum that form the 'foundations of learning,' namely, 'English language,' 'mathematics,' 'science,' and 'social learning' (Keeves 1982, 81), and four areas of 'experiential learning,' namely, 'health and physical education,' 'moral reasoning and action,' 'the arts and crafts' and 'work, leisure and life skills' (Keeves 1982, 82). Further, to remedy the alleged lack of emphasis on the key areas of the curriculum, the Committee recommended that in both primary schools (Keeves, 1982, 81) and secondary schools (Keeves 1982, 114), two-thirds of the time be allocated to the four curriculum areas of 'foundation learning.' Apart from the fact that it was pointed out that the Committee's

foundation/experiential learning distinction is not sustainable (Blackburn 1982, 11; Speedy 1982, 23), the main point emphasised here is that the Committee's recommendations represented an earnest proposal for the 'radical recentralization of curricular control' (Ryan 1984, 40), and an integral element of that control was the watchdog of standardised testing, which was outlined in chapter eleven of the Report ('Student Evaluation').

What of the issue of SBCD? We have seen that schools would be expected to adopt 'recommended' (ie required) curricula 'unless approval was given for the use of appropriate alternatives,' which meant that the onus of responsibility would always be on the individual school or teacher to seek external approval for SBCD initiatives. Clearly, the task of mounting SBCD as an alternative to recommended curricula would not be easy:

> In order for the curricula developed in schools to gain approval it would be necessary for the work of the school and its teaching programs to be reviewed on a regular basis. Each school would need to maintain systematic records of its use of recommended curricula, and detailed statements of the aims, objectives and guidelines of the courses of instruction that replaced recommended curricula. During a review of the school these records and curriculum statements would be examined and assessed (Keeves 1982, 45).

Such a review process would obviously incur a significant increase in the workload of teachers, who would need to devise school-based curriculum alternatives, and also be required to keep systematic records of its use, including 'detailed specification of the courses of instruction, the teaching methods and associated procedures' (Keeves 1982, 203). Needless to say that adoption of recommended curricula would be an attractive, and distinctly less onerous, alternative. Hence, it is hardly surprising that Ryan (1984, 41) should remark that 'Keeves' insistence upon these stringent, wide-ranging procedures would ensure that *approved* curricula do not offer a realistically viable alternative to *recommended* curricula.'

With regard to recommended curricula for secondary schools, the Committee conceded that 'a single centrally prescribed all-purpose course in each of the four curriculum areas would fail to meet the needs of students of a wide range of interests and aptitudes' (Keeves 1982, 108). Its proposed solution to this problem was to recommend the 'development of several *recommended* courses in each of the four curriculum areas,' which would enable a school to

'maintain a sufficient degree of flexibility thereby ensuring that the interests and needs of its different groups of students were adequately met' (Keeves 1982, 108-109). However, as Ryan points out, the Committee's readiness to recommend the provision of several recommended courses:

> ...leads to no substantial reappraisal of Keeves' basic curricular assumptions: that central curriculum designers can prescribe a limited number of curricular options which, it is asserted, will cover all learning needs and situations ... This is a triumphalist, stipulative rejoinder to those who point to the abstract nature of centrally-prescribed programs and to the diverse interests and needs of different groups of learners. For Keeves, specialist expertise has no bounds and is mandated ... by his over-riding ideological commitments on curricular development and managerialist control (Ryan 1984, 41-42).

Notwithstanding Ryan's legitimate concern, the Committee did make provision for those enthusiasts desirous of pursuing the option of 'approved' SBCD. The recommended approval procedure for SBCD was as follows:

> (c) where the school chose to replace *recommended* curriculum with a course developed within the school, such a course would be granted *interim* approval by the School Council and Principal of the school and copies of all curriculum documents would be lodged with the Regional Director; and
> (d) at the time of a review of the school the review panel would examine the curriculum documents for which interim approval had been given and would, where considered appropriate, recommend approval of such curricula to the Regional Director who would authorize approval on behalf of the Director-General of Education (Keeves 1982, 46).

One can readily imagine the veritable mountain of curriculum documents which would eventually arrive at the office of the Regional Director, should a school opt to embark upon a major SBCD alternative. Also, it seems rather strange that the Committee was prepared to endow lay school councils with power to grant interim approval of SBCD when, as we have seen, the Committee believed that teachers generally lacked the expertise, and an appreciation of the 'complexity and the creative nature of curriculum development,' necessary to engage in effective SBCD. Also, the Committee failed to recognize that in order for the school council to be able to grant (or refuse) interim approval for a SBCD program, s82(1) of the Act would need to be amended.

The power of final approval of SBCD would rest with the Regional Director, who would make a decision on the basis of a report furnished by a 'review panel.' 'In cases where approval was not recommended, the Regional Director would be empowered to require a return to the use of *recommended* curricula' (Keeves 1982, 45).

Given the Committee's equivocal attitude to SBCD, together with its recommendations placing formidable barriers against effective implementation, one could be forgiven for concluding that, even if the recommendations had been fully adopted, the freedom of schools to engage in SBCD would have been more formal than substantive. To use Ryan's (1984, 41) expression, the Committee seems to have merely offered schools a 'spurious autonomy' so far as curriculum was concerned.

The Committee's manifest support of more centralized curriculum control under the guidance of experts, reflected in its belief that 'The major impetus for change must come from the leaders and managers of education ... major changes must emanate from policy responses at the senior management level' (Keeves 1982, 287), drew sharp criticism from a number of observers who suggested that the report lacked a coherent rationale for its recommendations, and that it reflected a strong technocratic approach to the issue of curriculum control (Kapferer 1982, Novick 1981, Nunan 1982, Power and Hogben 1982, Ryan 1984). For example, Nunan (1982, 37) argues that the Committee displayed an 'unquestioning' faith in the technocratic world view, reflected in the belief that 'only "scientific" formation of theory based upon reliable data should direct policy,' and he is not alone in this view. Novick makes a similar point in his critique of the Committee's First Report (Keeves 1981), and cites a definition of technocracy supported by Keeves himself:

> 'It would appear sound to argue that only when there is a substantial body of confirmed research evidence which is strengthened by its relationship to sound theoretical perspectives, should educational policies and practices be widely changed' (Keeves 1979, 65, quoted in Novick 1981, 43).

Novick then went on to show how the Committee's First Report clearly reflected this view, since the Committee believed that 'public policy is a matter of scientific analysis best defined

and enunciated by experts who are independent of political pressures and processes' (Novick 1981, 43). Similarly, Ryan (1984, 43-44) argues that the Committee's faith in 'technological determinism,' backed by the view that '"correct policy" can be determined by expert prescription based upon the "relevant" facts and techniques' (so often coupled with technocratic control), remained unshaken in its Second Report, and as we shall see, shaped its view as to precisely where the locus of curriculum control should be. However, as was argued in chapter two, we are misguided if we subscribe to the technocratic illusion that policy implications flow ineluctably from scientific findings, or that policy decisions can be logically deduced from facts. What the Committee failed to realise was that expert managers of the curriculum can only be legitimately effective in relation to *techne*: the determination of means in the pursuit of clearly defined curriculum goals, and that in a democracy, at least, it is not the province of expert managers to determine such goals.

The Committee obviously believed that the school system should fall into line with technological developments, and be harnessed to service society's technological needs (Keeves 1981, 3.17-3.18; Keeves 1982, 34, 62-64, 278). Other than merely offering support for this view, the Committee failed to offer any educational rationale or philosophy which could be used either to determine broad curriculum goals, or guide central management in the administration of curriculum. Hence, it is not surprising that Blackburn should comment:

> No theory of education, of knowledge or of culture unites the varying heads under which a centrally determined curriculum compulsory for all is discussed. The only position approaching a theory which is suggested is a narrow instrumental one relating to the needs of the economy and the requirements of jobs. Work, quite rightly, is to be studied, but whenever it is mentioned it is followed by talk of 'favourable attitudes to work' which seems to equate the educative study of work with compliance with employer demands... (Blackburn 1982, 10).

Kapferer (1982, 17), adopting a similar stance to Blackburn, weighed in with the criticism that the Committee had overemphasised the significance of 'technological advance and economic progress' at the expense of conceptions such as 'social justice' which had received merely a 'passing glance.' She believed that the Committee had clearly subordinated the 'common humanity of all' to the alleged '"needs" of capitalist industry and commerce' (Kapferer 1982, 23), and concluded that the Committee had:

> ... singularly failed to recognise that, in educating people to meet the challenge of technological society, the questions which must be considered by reformers are not questions of economic parsimony and technical skills. Rather, they are ultimately and unavoidably, questions of politics and ethics, to be answered by a knowledgeable, thoughtful, moral and humane people, not by an inner circle of highly trained bureaucratic and technocratic overlords (Kapferer 1982, 43).

There is much good sense in what Kapferer and Blackburn have to say, for it is only within a broader conceptual framework than the one offered by the Committee, that technology itself may be evaluated.

Given that several critics pointed to the technocratic nature of the Committee's position and recommendations, it is a little surprising that not one of them draws attention to what could arguably be construed as the strongest evidence supporting their claim, namely, the Committee's unequivocal support of control of curriculum by the Director-General. It is to this aspect of the Keeves Report we will now turn.

The Committee (Keeves 1982, 60) considered claims made to it that 'the present statutory responsibility of the Director-General of Education for curriculum matters should be diminished to enable more direct ministerial oversight.' The Committee also considered the argument 'that the Minister is a person who is accountable to the public through his parliamentary position [ie democratically accountable], whereas the Director-General of Education cannot be held accountable in the same manner,' and that consequently 'the Minister should be vested with the ultimate responsibility for the curriculum in schools and not the Director-General of Education.' Readers are then told:

> The Committee refutes these arguments and favours a retention of the present statutory provision for vesting responsibility for school curriculum in the Director-General of Education (Keeves 1982, 60).

However, the Committee did not 'refute' (ie conclusively demonstrate the falsity or weakness of) the argument that the Minister, on the basis of being accountable to Parliament, should have 'ultimate responsibility for the curriculum.' The Committee merely issued an un-argued

rejection, which is perhaps just as well, for any 'refutation' would presumably put the legitimacy of democracy itself under severe strain.

The Committee did address itself to the question of what would transpire if a government disapproved of the Director-General's curriculum policy, but offered a rather unconvincing:

> ... the Minister and Government can, through constraining resources, make it clear to educational administrators the extent of the freedom and authority held by the Director-General to determine the curriculum of schools (Keeves 1982, 61).

In chapter one it was pointed out that ex-Minister Hudson eventually conceded that 'constraining resources' was hardly a viable political option. One has only to consider the damage it would inflict on the education of an entire student population in State schools. In any case, such a draconian measure to counter the excesses of a Director-General operating as 'autocrat' would hardly be necessary if adequate democratic 'checks and balances' existed in the system.

Leastways, if the public dislike ministerial curriculum policy, they can register their disapproval at the ballot-box, but they have no such lever against a Director-General's unpopular curriculum policy. It may well be true, as the Committee pointed out, that 'the nature of political processes make it a relatively simple matter for a Minister to be subjected to undue political pressures from a minority interest group,' such that 'the curricula of the schools would be determined not by the interests of the majority but by a small minority' (Keeves 1982, 60). However, it would seem imprudent to seek to check possible ministerial shortcomings in this regard by treading the autocratic road, no matter how seductive it might appear. A more democratic way of seeking to check ministerial shortcomings would be to introduce some degree of political decentralization, whereby representative school councils, for example, could be given a measure of statutory control over SBCD. Another possibility, of course would be for the Premier to replace a weak Minister with one more able to withstand

public pressure. Also, the Committee apparently fail to recognise that 'pressure group' politics has an important role to play in the maintenance of a healthy democracy (Kogan 1975, 75).

In the wake of trenchant criticism levelled at the Keeves Reports, Keeves (1983) himself subsequently sought to defend his Committee's position on curriculum control against particular criticism mounted by Skilbeck (1983). However, the stance adopted in his rejoinder would seem to be incompatible with the technocratic centralist position adopted by his Committee. The relevant section in Keeves's rejoinder is as follows:

> The aspect of responsibility for the curriculum is one where I believe the Committee differed greatly from the position taken by Professor Skilbeck. The point at issue is whether teachers as professionals should have sole responsibility as an unalienable [sic] right for the curriculum of the schools, or whether this responsibility should be shared with the community. If responsibility is shared with the community, then educators are answerable to the community for the operation of the schools, and in particular for the curriculum of the schools. The view of the Committee was that the educators were responsible to the community for the work of the schools. However, the rhetoric of Professor Skilbeck's review asserts the view that teachers are professionals, and as a consequence of their training should be left to determine the curriculum of the schools (Keeves 1983, 119).

In this passage Keeves, on behalf of his Committee, is defending the right of the community to 'share' responsibility for curriculum with professionals, and to hold educators 'answerable to the community,' against Skilbeck's alleged micro-technocratic position of allowing teachers solely to 'determine the curriculum of the schools,' under what Skilbeck (1983, 109) refers to as the 'higher professionalism' of teachers. However, the plain fact is that the excerpt cannot serve Keeves's purpose, and merely highlights the incompatibility between the 'democratic' posture he adopts here, and the macro-technocratic stance of the Keeves Committee identified earlier. Ironically, whilst Keeves's opposition to teachers having 'sole responsibility' for determining curriculum is eminently defensible, this position seems difficult to reconcile with the readiness of his Committee to support retention of curriculum control solely in the hands of an appointed Director-General under s82(1) of the Act. Further, Keeves uses the expressions 'answerable to the community' and 'responsible to the community,' when presumably he means 'accountable' to the community or public for curriculum. However, as we shall see in chapter six, s82(1) precludes the possibility of accountability to the community

or public for school curriculum policy, at either school or system level. We should also recall that the Committee was happy to support the retention of curriculum control by a tenured Director-General on transparently flawed grounds, and in the face of a better democratic argument, namely, that the Minister is 'accountable to the public through his parliamentary position.' If the position advanced by Keeves in his rejoinder to Skilbeck is any indication, both he and his Committee were unaware of the far reaching accountability consequences arising from s82(1).

Just as the Keeves Committee failed to recognize that, in order for a school council to give legal 'interim approval' for a school-based curriculum program, s82(1) would need to be amended, so too in 1983, Keeves himself failed to recognize that a further consequence of s82(1) was that any significant 'sharing' of 'responsibility' between the community and professionals was also precluded. It is true that a limited kind of 'shared' decision-making was possible, but such sharing could not have involved any delegation of authority. In other words, the school principal could have permitted a school council to 'share' in decision-making as a courtesy or privilege, but legal responsibility for any 'shared' decisions could not have been 'shared,' and would have rested solely with the principal.

The Keeves Committee believed that:

> ... to the extent that certain freedom on curriculum matters is allowed at the school level through approval of curricula by school councils, it should be possible to ensure that the curricula of schools are influenced by genuine community concerns (Keeves 1982, 61).

'Approval' by school councils may be an ideologically reassuring concept, though largely irrelevant given the existing locus of curriculum control, but approval makes no sense unless school councils also have the power to make their disapproval stick by forbidding curricula of which they disapprove. A more effective way of seeking to ensure that SBCD is 'influenced by genuine community concerns,' though there can be no guarantees in this regard, would be to vest control of curriculum, or aspects of it, with school councils themselves, by endowing

them with statutory authority. Democratic 'checks and balances' on ministerial and Director-General power are perhaps necessary, if only as a protection against abuse and misuse of power, and the same can be said of school councils, which must not be permitted to enact, say, racist/sexist curriculum policies. Such control could be achieved in a variety of democratic ways. For example, curriculum parameters could be fixed by law, within which school councils must operate. Another possibility would be for 'regional councils' to be set up, comprising representatives from individual school councils in their respective regions, with power to override a wayward school council's curriculum policy, if necessary.

No matter what decisional procedures are set up for determining school curriculum or what safeguards are implemented, either at central or local level, the possibility of minority interest groups manipulating curriculum for their own ends, as the Keeves Committee realized, will likely remain. But we should not forget that Education Department administrators can also operate as a powerful, and largely 'invisible' minority interest group, though they may well claim that they are simply pursuing community interest. The Committee's reassuring talk of school councils 'approving curricula,' and Keeves's talk of responsibility being 'shared with the community,' and educators being 'answerable to the community,' in effect may serve to de-politicise the community, albeit in the nicest possible way, whilst at the same time permitting technocratic control of curriculum to operate at both school and system level. What seems to be operating here is a particular ideological construction of the 'community,' seen as always basically accepting of the technocratic mainstream initiative. This says a lot about the Keeves Committee's own sheltered views, and also, perhaps, about the administrative measures which would need to be introduced in order to make 'democracy' conform with professional expertise. Moreover, it reflects an ideology which entices citizens to believe that professionals are treating their views seriously, irrespective of whether or not that is the case: for the professionals are the final arbiters of which views on curriculum shall prevail. Etzioni-Halevy describes such a situation thus:

> The public speaks, yet it is the official who chooses when to listen, to whom, and with what degree of attention (Etzioni-Halevy 1983, 52).

The final irony is exposed if these words are juxtaposed to the following statement by the Committee:

> Parliament will no doubt continue to debate on occasions the school curriculum and a prudent Director-General will always give due weight and consideration to the view of Parliament (Keeves 1982, 60-61).

This claim is astonishing and represents an unambiguously technocratic attitude to curriculum control. Educational democracy in South Australia is in some disarray when it is the tenured official, not the elected representatives, who chooses when to listen, to whom, and with what degree of attention.

CURRICULUM AUTHORITY AND RESPONSIBILITY AND THE NEXUS BETWEEN OSTP AND THE KEEVES REPORT

Several writers have maintained that OSTP appeared to legitimise almost every position regarding curriculum control (Blackburn 1982, Partington 1982, Speedy 1982). Superficially there may be some truth in such claims, but they were made soon after the release of OSTP, and have less plausibility in the light of subsequent developments. Even so, whilst Speedy (1982, 23) argued that OSTP and the Keeves Report 'are in fundamental conflict on curriculum,' in doing so he seems to have disregarded the implications of his further claim that the 'fundamental problem' with OSTP was that it was 'capable of multiple interpretations.' Hence, on his own admission, he cannot rule out the possibility of a viable interpretation which sees OSTP and the Keeves Report as being in accord. Indeed, this is precisely the position adopted by Ryan (1984, 49) who argues convincingly that the deeper message of OSTP is that it is 'essentially a conservative, technocratic blueprint of its time whose assumptions and recommendations are in substantial accord with those of Keeves.'

A most obvious similarity between OSTP and the Keeves Report is that both were technocratic documents in the sense that neither was critical of the vesting of curriculum

control in the Director-General. OSTP pointed up the significance of s82(1) of the Act, hence, impliedly supporting the existing locus of control, whereas the Keeves Committee was more openly supportive of the idea that an appointed tenured officer should control curriculum policy and its implementation.

A further and related point of similarity is that the Committee displayed a faith in technological determinism, with the consequent need for school curricula to be tied more closely to the needs of the economy, and the framers of OSTP adopted a similar, though rather more opaque position. In this latter regard, and with an eye on the South Australian Education Department's aim of harnessing curricula to technological and industrial imperatives, Rowan compares an earlier Draft of OSTP with the final version, and his analysis is illuminating. The Draft reads:

> 'In future, some people will work only part time, some will work full time, but only at intervals, and others may never find paid employment of the kind that has been traditional. Different attitudes and expectations towards employment will need to be developed in schools ... At the same time it must be recognized that schools need to prepare students [all, some, most?] for periods, perhaps prolonged periods, of unemployment. All students will need to know how to use increased leisure time' (EDSA 1980, 18, quoted in Rowan 1982, 1).

Rowan (1982, 2) suggests that in the above extract, the Draft OSTP is presenting what he calls a 'policy-fact,' 'namely, that underemployment and unemployment will continue to be important factors in workers' lives, as though it was a natural-fact' (ie a fact about some feature of the natural world such as 'n% of students have naturally red hair'). He then argues that it is not a natural-fact since, for example, 'job-sharing would eliminate structural unemployment.' However, acceptance of a policy-fact as though it were a natural-fact is to 'obviate discussion of whether schools ought to take account of that policy-fact or whether, on the contrary, schools ought to make the assumption that society will offer all students the opportunity for practically continuous full-time employment ...' The Draft fails to consider this crucial issue, accepts the policy-fact imperative, and simply goes on to assert that 'schools "will need" to do this and that in response to the policy-fact as though there were no other option.' (Rowan 1982, 2). As Rowan sees it:

> ...the Draft has accepted that while there are alternatives to high levels of unemployment none of these will be implemented, and has then gone on to respond to this in a way designed to lessen the impact of unemployment on those who will suffer from it. The Draft has thus taken the initiative in building long term high unemployment into society by accepting it as a fact to which schooling must adjust. Without discussion of the merits of the policy of permitting the continuation of high levels of unemployment, the Draft thus proposes that schools adopt a curriculum which will be *functional in the maintenance of high levels of unemployment* (Rowan 1982, 3).

There is no doubt that the Draft OSTP was a more radical document than its eventual successor, and the extract from the Draft cited above did not appear in the final sanitised version. However, Rowan (1982, 6) argues persuasively, with respect to the latter, that the policy of 'preparing some students for unemployment was not rejected in OSTP, merely forced underground.' Unemployment is only mentioned once in OSTP, and appears in a rather vague claim that 'periods of unemployment ... have implications for school programs' (EDSA 1981, 16), though these implications are never spelt out. However, in support of his claim Rowan cites the following passage from OSTP:

> 'The fact that there are alternatives of full time, paid employment, community service, and/or the effective, satisfying use of leisure time should influence the kinds of transition education programs in schools' (EDSA 1981, 25, quoted in Rowan 1982, 5).

Rowan's telling response to this claim is that the practical alternative to full time paid employment is underemployment or unemployment, and it is these unpalatable states which OSTP 'euphemistically' refers to as 'community service' and leisure time' (Rowan 1982, 5):

> What is revealed here is that OSTP was either unwilling to face the true nature of unemployment, and thus to face what is entailed by preparing some students for unemployment. or that OSTP deliberately wished to hide the real consequences of what was proposed from students, parents and also from the teachers who would be involved in adjustment to unemployment programs (Rowan 1982, 6).

Apart from this concern for a specific technological imperative, OSTP, like Keeves, also responded to community concerns regarding alleged declining standards in literacy and numeracy, with the result that 'language studies' and 'mathematical studies' became two of the eight crucial areas of the curriculum. OSTP was also concerned to minimise educational

disruption of children who, for various reasons, were forced to change schools from time to time. This was reflected in one of the 'expectations' of the curriculum:

> Schools should take into account, in their planning of curriculum, the needs of those students who change schools from time to time (EDSA 1981, 32).

Interestingly, this expectation had appeared in the Draft OSTP in a far more prescriptive form:

> Because many children change schools, we should ensure substantially similar curricula ... common cores for essential subjects are ways of reducing disruption (EDSA 1980, 17).

The significance of the foregoing discussion is that, given the importance attached by OSTP to: the need for schools to respond to technological change; the need to focus more effectively on literacy and numeracy; and the need to minimise disruption for students changing schools, it had become increasingly unlikely that the South Australian Education Department would continue to entrust individual schools alone (through a continuation of SBCD) with such crucial tasks. More direct central control of curriculum would achieve the twin objective of enabling the Education Department to better ensure that its curriculum priorities were effectively pursued, whilst at the same time re-establishing the Director-General's curriculum authority which, if not relinquished as a result of the FAM, had, as Partington (1982, 67) points out, become quite unclear in the eyes of the public. Hence, it is hardly surprising that OSTP should specify eight 'areas of the curriculum which should be common for all students during the years of compulsory education' (EDSA 1981, 14).

This brings us to further obvious points of similarity between OSTP and the Keeves Report. Both were supportive of a much greater degree of direct centralized control of curriculum than had existed during the 1980s, and both had clear ideas about what the school curriculum should comprise. OSTP promulgated 'eight areas of the curriculum,' whilst Keeves opted for four areas of 'foundation learning' and four areas of 'experiential learning.'

What then of the 'proposed balance between central direction and local needs' which Director-General Steinle had referred to in the Foreword of OSTP? This brings us to the final point of similarity between OSTP and the Keeves Report to be addressed in this chapter, and as we shall see, the scales were weighted heavily in favour of 'central direction.'

It was argued earlier that although the Keeves Committee had not closed the door on SBCD, the Committee had hardly been supportive of it. The Committee's stringent approval requirements in order for a school-based curriculum program to replace 'recommended curriculum,' represented a formidable hurdle to be overcome. Similarly, OSTP did not make it easy for a school to engage in SBCD, and the document which rendered SBCD more formal than substantive was *Curriculum Authority and Responsibility* (CAR), which had been promised in OSTP in 1981 and was finally released in 1985, and which set out the procedures necessary for approval of SBCD. By way of contrast, it should be noted that SBCD encouraged by Director-General Jones after the release of his FAM, was not circumscribed by the sort of formal approval procedures set out in CAR, although it is true to say that many schools during the 1970s chose to adopt and adapt, 'curriculum guidelines' issued by the Education Department. However, CAR formalised proceedings with regard to both adoption of 'curriculum guidelines,' and adoption of alternative SBCD.

CAR made it clear that:

> All curriculum guidelines, course syllabuses, and courses of study produced by the Education Department are subject to departmental approval procedures. Curriculum guidelines and materials developed by the Education Department of South Australia are approved by the Director-General. Such curriculum guidelines and materials are approved for use in all departmental schools (EDSA 1985, 12).

CAR stressed that 'The drawing up and implementation of the curriculum plan is the responsibility of the principal of the school' (EDSA 1985, 12), and that plans which conformed to departmental guidelines and material lists would be 'automatically approved' (EDSA 1985, 13). CAR also pointed out that three types of curriculum plans would need 'specific approval':

- plans which, while based on Education Department approved curriculum guidelines, vary significantly from the scope or intention of such guidelines

- plans which are specifically school-based curriculum developments particular to individual schools
- plans which are based on interstate or overseas curriculum materials not approved by the Director-General (EDSA 1985, 13).

'Specific approval' of SBCD plans depended on the satisfaction of no less than ten demanding 'approval criteria,' and although these criteria were essentially unobjectionable, nevertheless satisfying them was no easy task for a school desirous of producing its own curriculum. For example, one of the criteria was as follows:

- the curriculum component can be implemented effectively within known resources without detrimental effect upon other components of the school curriculum (EDSA 1985, 15).

The reader will recall that in its criticism of SBCD in 1979, the Primary Principals' Association had pointed to lack of time, resources and support as major constraints on effective SBCD. The six years which had elapsed since then had been a period of fiscal restraint and educational cut-backs. Consequently, for a school to embark upon a program of SBCD within 'known resources,' which effectively meant existing (or reduced) resources, would almost certainly have resulted in an added load being placed on already overburdened teachers.

Another approval criterion worth considering was that:

- where the component has been developed in preference to the use of an Education Department approved curriculum, there is sufficient evidence of special local conditions to justify such development (EDSA 1985, 15)

The importance of this criterion becomes more apparent in the context of OSTP itself. OSTP (EDSA 1981, 26) had pointed out that the 'broad aims [of the curriculum] are the same, and there are some aspects of the curriculum which need special emphasis in all schools during the 80s.' In particular, OSTP stressed that the 'four priorities' would 'need to be emphasised at all levels of schooling and by all teachers.' At the same time it was also pointed out that schools were 'encouraged to adapt their curricula to the specific local context.' Prior to the release of

CAR, Ryan (1984, 48) had maintained that the 'special emphasis' factor would almost certainly result in endorsing 'the growing significance of increasingly complex non-negotiable curricular requirements,' to the extent that the SBCD espoused by OSTP 'will be increasingly limited to low-status developmental and lifestyle concerns, where "diversity is healthy" (EDSA 1981, 16] ie functional.' So when CAR required that there be 'sufficient evidence of special local conditions to justify' a SBCD component, it was saying two things. First, that unless such 'special local conditions' existed, a SBCD component could not be justified. Second, and more significantly, it was saying by implication, that those aspects of curriculum requiring 'special emphasis in all schools' was a general (as distinct from local) requirement, and consequently fell outside the ambit of SBCD. Ryan's concern had been realized.

We have already seen how the period of SBCD during the 1970s was characterized by many schools adopting and adapting the Education Department's 'curriculum guidelines' for their own use. OSTP and CAR represented an attempt to 'formalise' this approach, and in so doing regain control which had apparently been lost during the 1970s:

> The publication of CAR marked a recentralization of curriculum decision-making in South Australia, partly in response to the changed political and economic circumstances in Australia and South Australia ... it represented an emphasis on 'formalisation' as a response to the public questioning of education in the 1970s and 1980s (Prideaux 1988, 534).

A CASE OF DÉJÀ-VU

One further issue will be addressed before this chapter is concluded. A central authority can exert control over curriculum in a variety of ways, one of the most obvious being that of exerting direct control by simply specifying 'subjects' to be taught, backed by 'curriculum guidelines' prescribing curricular content and acceptable teaching methods. An authority can also control curriculum indirectly, and it is this strategy which will now be considered.

It is possible to seek to control curriculum indirectly by attempting to stifle criticism of some curriculum offering, or some process, practice, or feature affecting the delivery of curriculum.

This usually occurs in times of economic restraint, when an authority embarks upon a program of educational cost-cutting, whilst at the same time not wishing the public to be made aware of the full or likely effects of such cuts. Success or failure of this strategy will have a profound effect on the quality of curriculum provision. At least two attempts at stifling criticism have been made by the South Australian Education Department in the last fifty years, and what follows is an analysis of these two cases.

The first notable attempt took place in 1967 (Murrie case) at a time when the Education Department was predicably exerting strict, centralized, and for the most part unchallenged, control over the school system. The second took place in 1986 (Croydon Park case) when the school system was allegedly more 'open,' and less circumscribed by traditional bureaucratic rigidities. Ironically, with an eye on the need for schools to carefully nurture future democratic citizens, OSTP advocated that:

> All learners should be guided towards the situation where they assume much responsibility for their own learning. Asking questions, raising problems and being encouraged to think critically and positively ... (EDSA 1981, 18).

Further:

> Students can learn much in the classroom about the democratic process of making and carrying out decisions. They should have opportunities to practise democratic procedures in classroom and school activities... A healthy democracy depends upon the active involvement of many citizens, not only of the committed minority. Schools can provide continuing opportunities to impress upon students the importance of developing the required skills for taking part in democratic organizations (EDSA 1981, 31).

Criticism is almost certainly a necessary correlate of a healthy democracy, but as we shall see, the Education Department has not always acted as though this was so.

On 16 February 1967, John Murrie, headmaster of Larrakeyah Primary School in Darwin (at that time the South Australian Education Department administered Northern Territory schools), created a furore when he distributed a 'newsletter' to parents in which he castigated the Education Department for what he saw as inadequate provision of infant teachers.

According to Murrie, the department's policy was that of appointing 'trained infant teachers ... only to those schools which have a separate infant school under an Infant Mistress.' Since there were only two such schools in Darwin (Parap and Rapid Creek), Murrie maintained that:

> Every parent in Darwin should be made aware ... that unless their child attends Rapid Creek or Parap School they will be receiving a second rate education ... So here is the story in a nutshell: If you have children in Grades 1 or 2 they are not being properly taught. You are jeopardising your children's education if you send them to the Larrakeyah Primary School. What can you do about it? Two things. Enrol your Grade 1 or 2 child at Parap Infant School tomorrow. If everyone does it the educational structure will collapse. The second thing you can do is to stir up public opinion (Larrakeyah 'Newsletter' 16 February 1967).

Murrie certainly stirred up public opinion, but in so doing he also incurred the wrath of the Education Department and Minister. However, it should be pointed out that Murrie was no mere troublemaker. His thirteen years of service with the department had been unblemished, and he had risen to the level of headteacher Class Three. He probably believed that any letter of complaint sent to the department would likely be ineffectual, and that drastic action was required if the situation was to be remedied.

A brief summary of the protracted saga is as follows. On 17 February his 'newsletter' was reported in the press, and the following day Murrie was suspended from his position. Reaction from his union (SAIT) was swift, and on 18 February a 'press release' by SAIT expressed support for the beleaguered headmaster, and drew attention to deficiencies in the school system resulting from lack of finance available for schools. These included a shortage of qualified staff (especially infant teachers), and failure to provide adequate in-service training. After a 'hearing' in Darwin lasting two days (22-23 February), and interviews with the Director-General and other senior officers in Adelaide (3-4 March), Murrie was demoted to the level of Chief Assistant on 10 March. On the same day SAIT issued a 'press release' saying that it was 'appalled at the extreme penalty imposed by the Minister of Education' (cited in SAPD 1967, Vol 1, 2029).

On 14 March, Minister Loveday informed the House of Assembly that Murrie had been demoted because 'he had urged all parents of children in infants grades to send their children to another school so that, as he stated in his circular "the educational structure will collapse"' (SAPD 1966-67, Vol 4, 3625). The Minister added that Murrie's actions called for his 'removal from a position of responsibility for which he has clearly shown himself to be unfitted at present' (SAPD 1966-67, Vol 4, 3625). However, when Mr Millhouse asked the Minister what regulation or regulations Murrie was supposed to have breached in order to justify such a harsh penalty, the Minister declined to answer, merely responding: 'I have said all that I intend to say in the House about this matter ... I have nothing further to say' (SAPD 1966-67, Vol 4, 3625. Also on 14 March, SAIT issued a further 'press release' which stated that 'Teachers in the Northern Territory and South Australia believe that the Minister of Education, Mr Loveday, had been grossly misinformed, misled, and ill-advised by senior officers of his department in the Murrie Case' (SAPD 1967, Vol 1, 2029). The fact that it was never revealed which regulation Murrie had supposedly breached, suggests that none in fact had been breached, and that only an established convention had been violated, and this, of course, gives some credence to SAIT's claim.

In an attempt to extricate himself from the controversial situation, the Minister announced on 21 March, the setting up of a Royal Commission (with Mr Justice Walters as the Royal Commissioner) to enquire into the Murrie Case. Sadly, the illness of the Royal Commissioner led to the enquiry dragging on, until finally the Minister decided to terminate proceedings. On 6 July, Minister Loveday informed the House of Assembly that:

> ... the important work of the Education Department shall not be indefinitely hindered by a strained relationship with the South Australian Institute of Teachers, which is one of the regrettable consequences of the Murrie Case ... to allow the matter to remain in suspense for so long is not in the interests of Mr Murrie, or the department, or the community. Therefore the government has decided ... that instead of being demoted Mr Murrie shall be severely reprimanded, and that he will not be granted further promotion before the beginning of 1970 ... The Commission to Mr Justice Walters will now be terminated (SAPD 1967, Vol 1, 408).

Although Murrie's criticism had been somewhat exaggerated, there was general acknowledgment of his sincerity, his concern for the welfare of students, and indeed, his courage in throwing down the gauntlet to the Education Department. Heads of schools had withstood years of staff-shortages and oversized classes. However, the department found this criticism distasteful and unacceptable. The result was that the Minister, at the behest of the department, had initially tried to make an example of Murrie by showing heads and teachers what could happen to them if they had the temerity to question departmental policies, or decisions made at 'the top.' But the Minister and department clearly miscalculated. Public support for Murrie was considerable, and the pivotal role played by SAIT proved decisive in effecting a backdown by the Minister.

The Murrie Case represents a clear example of a highly centralized department seeking to use its considerable authority to control, if indirectly, the quality of curriculum provision by seeking to muzzle criticism, and thereby stifle the threat of contagion.

This chapter has sought to describe the move towards the recentralization of curriculum control in South Australia during the early 1980s. The Croydon Park Case reflects this control, and is analogous to the Murrie Case insofar as it too represents an attempt by the Education Department to control curriculum indirectly, by seeking to silence a school principal who dared to suggest that stringent cost-cutting at the central level, was likely to have deleterious consequences for the quality of curriculum provision. A full account of the case can be found in Smithson (1987(a)), Here, a summary of the main points will suffice.

In a controversial letter to parents on 10 December 1986, the principal of Croydon Park Primary School (CPPS) listed no less than twenty instances where cuts in funding were having adverse effects on the quality of curriculum provision in the school. The letter received radio coverage at 8.00 am the following day, and within an hour the principal had been summoned to appear before the Area Director to explain. According to the SAIT officer who accompanied the principal to this meeting, there 'was certainly an attempt to carpet and

intimidate him' (D. Barber, 1987, 5). At this meeting the principal was pressured to send out a further letter containing 'correct facts, free of distortion and bias' (*The Advertiser* 16 December 1986). The principal declined to do so on the grounds that his letter represented an accurate description. Also on 11 December, the President of the Primary Principals' Association (PPA) sent a letter to the Area Director informing him that 'It is the duty of principals to inform school councils continuously on educational matters and to inform parents generally,' and that 'Principals will not have their communications censored nor will they be muzzled by departmental officers or politicians remote from the scene.' The President went on to add:

> Principals will continue to report to parents and if necessary to the wider community including the media as they see fit, honestly, fearlessly, and without fear or favour. The welfare of children in our schools and the good of the general community cannot be subordinated to political or administrative expediency and it will not be (PPA letter to Area Director 11 December 1986).

On 12 December *The Advertiser* ran a story indicating strong parental support for the principal, but also indicating that a ministerial spokesperson:

> ... said it was 'sad' that 'a very small minority of principals choose to politicise their schools and distort the facts, to the detriment of the high quality of education in S.A.'

However, the spokesperson failed to adduce any evidence that the principal had distorted the facts. Perhaps what the Minister feared most was the possibility of a groundswell of public opinion developing in opposition to the cuts in funding.

The President of the PPA followed up with a 'circular to all principals of primary schools':

> I advise all principals to ignore any requests from departmental officers or from the Minister that are designed ostensibly to muzzle them or to interfere with their communication with school councils, parents generally, or if necessary, publicly (Circular from President PPA 14 December).

On 18 December, in the face of mounting support for the principal of CPPS, the Education Department decided it was time to call out the heavy armour, and the Director-General himself was reported in *The Advertiser* as saying that 'the Education Department would not tolerate principals turning their backs on departmental policy, or taking an independent line.' Relatedly, the article added that in the Director-General's view 'although principals are entitled to their individual views, they should not use their position to criticise the department or the government.' We should need no reminder that freedom of speech is both more valuable, and potentially more vulnerable, when it involves criticism than when simply confined to praise, and this should be borne in mind when we recall that OSTP stressed that students should be 'encouraged to think critically.'

Also on 18 December, the Director-General was interviewed on the '5DN Talkback' program. In response to a question as to what constituted his 'warning to principals,' the Director-General replied:

> ... while principals are responsible to run the schools, manage their schools, it is essential that they do that. They still cannot be above the government and above the people that employ them which is the Education Department (5DN Talkback 18 Dec).

There was no question that the principal was not 'running' or 'managing' CPPS, and it is hard to see how the principal's action of passing on information to parents, could be construed as the principal setting himself up 'above' the government and Education Department, especially when no departmental Regulation existed forbidding such communication to parents.

The 'Minister's Christmas Message' to departmental personnel ended on a rather chilly note when he commented:

> ...schools and their communities work together to promote public confidence in our schools. I take a strong exception to those who undermine that confidence through ill founded criticism (EDSA 1986, 1085).

This thinly veiled attack on the principal of CPPS did not demonstrate in what way the criticism had been 'ill founded.' Indeed, the President of the South Australian Association of

State School Organizations, wrote to the principal in April 1987 saying that he believed that the principal's letter was 'factual and cannot be disputed,' and that in writing it the principal had 'done a service to your school community, and the whole State in the courageous action you have taken.'

The manifest failure of both government and Education Department to refute his claims was not overlooked by the principal of CPPS, who wrote in the school 'newsletter' of February 1987:

> Besides the fact that they [the government and Education Department] were not successful in trying to show that my letter contained inaccuracies, they showed just how sensitive they are to criticism,

In the face of overwhelming public and professional support for the principal of CPPS, the Minister and Education Department prudently decided to let the matter drop.

Like its predecessor, the Murrie Case, the Croydon Park Case raised several important issues, not least of which being that of the perennial tension between restraints imposed upon educators as employees of an Education Department, and their obligations to clients as professional educators. The issue arising from the Croydon Park Case which is germane here is that of placing or 'siting' the case in the context of gradual recentralization, coupled with a significant withdrawal of funds:

> In Australia, attempts to de legitimate State schooling have gone hand in hand with increasing government cutbacks in the educational sector and the reorientation of schooling towards more narrow and immediate economic goals (White 1987, 213).

Australia was by no means alone in this regard, and Simon (1985, 233) wrote of teachers in England that 'the profession has suffered an understandable drop in morale as a result of the rapid deterioration of their conditions of work and of the hammering they have taken.' In addition, Dale (1982, 145) claimed that 'currently, we are witnessing strenuous efforts to

impose greater control of the education system ...' The attempt to silence the principal of CPPS should be seen in the context of tightening centralised control over the school system:

> Australian State systems of education are no strangers to tight central control, and the flirtations with decentralization of the mid 1970s, particularly in relation to SBCD, have generally proved ephemeral as traditional modes of control have gradually been reimposed ... (Smithson 1987(a), 20).

Finally, it is worth drawing attention to the different attitude to criticism displayed by the Director-General in the Croydon Park case, to that of his predecessor, A.W Jones. Director-General Jones had told principals in his FAM of 1970 that they were in 'undisputed control' of their schools, and he followed up in 1971 by telling them:

> I want to reiterate that you can speak out in public and that you can debate educational issues in public. All we ask is that your facts are correct, that comment reflects an open mind and that common courtesies are observed ... and if you want to wash dirty linen then all internal avenues should have been explored before you do it in public. All we really ask is that you be honest (Jones 1971, 3).

These words were perhaps more pertinent in the volatile and cost-cutting educational climate of the mid 1980s, than when they were spoken in the more halcyon days of 1971. The principal of CPPS was motivated by a strong sense of professional dedication to students and parents, and it is doubtful that anyone could have reasonably accused him of any dishonesty in his action. Moreover, it is difficult to see how publicising what he saw as adverse consequences for curriculum provision, arising from cuts in funding, could be justifiably construed as 'washing dirty line' in public.

Principals and teachers often have very different perceptions about the impact of cost-cutting on the quality of school curriculum, than do more remotely distanced, and publicity conscious politicians and senior administrators, whose ready access to the media endow them with a distinct advantage in shaping public opinion regarding the 'health' of schools and school systems. It is hardly surprising that 'whistle-blowers' often come under heavy pressure for speaking out.

CONCLUSION

In this chapter we have seen how, in the rapidly changing economic climate of the early 1980s, the Education Department had felt impelled to respond to criticisms of the school system, and in particular, to claims that curriculum should be tied more closely to the needs of the economy. In the face of this perceived imperative, South Australian school curriculum could hardly be left under decentralized administrative control which had followed the release of the FAM in 1970. Consequently, OSTP, which I have argued was very much in accord with the Keeves Report so far as curriculum control was concerned, should be seen as an important milestone in the process of recentralization. It re-introduced a considerable degree of direct curriculum prescription, and its companion document CAR, circulated in 1985, effectively reduced the capacity of schools to engage in SBCD, by instituting a set of rigorous procedures for the approval of SBCD, which deterred all but the most dedicated devotees.

Whilst it is not the brief of this thesis to trace the pattern of increasing recentralization of curriculum control through to the 1990s, it would nevertheless be true to say that the Education Department's 'Attainment Levels' project of 1991, followed by the introduction of 'Statements and Profiles' as part of the cooperative National Curriculum, were not entirely unpredictable centralist developments in the light of policies described in this chapter. Indeed Reid had this to say about the introduction of Attainment Levels:

> In my view the Attainment Levels project represents the most far reaching central curriculum initiative in South Australian education since the 1970 FAM. Unlike that policy however, the Attainment Levels project seeks to re-introduce a degree of centralized control of the curriculum not experienced in this State since the late 1960s (Reid 1991, 2).

Direct recentralized technocratic control of State school curriculum in South Australia was, by 1985, firmly in sight.

CHAPTER SIX

THE POLITICS OF ACCOUNTABILITY FOR SOUTH AUSTRALIAN STATE SCHOOL CURRICULUM, AND ITS WIDER SIGNIFICANCE*

INTRODUCTION

This and the following chapter are both concerned with accountability for South Australian State school curriculum arising from s82(1) of the Education Act 1972. This chapter focuses on the political dimension of accountability as it relates to democratic accountability for curriculum. It is true that the Karmel Committee (Karmel 1973, 136) along with others, used the expression 'public accountability,' but the expression 'democratic accountability' is preferred here, not only because the public in Australia's multicultural society is not a unitary entity, sharing identical values and expectations, but also because the word 'democratic' helps us to keep firmly in mind the political significance of accountability to various constituencies of the voting public, including State and school council electorates. The following chapter will focus on the legal aspects of accountability for curriculum, namely, accountability to the courts.

This normative-analytic study of accountability for State school curriculum in South Australia has the following objectives. First, to consider accountability as a problematical concept, and to draw a distinction between accountability and responsibility: terms which have been

* A version of this chapter was published earlier (Smithson 1987(b)).

confused by two South Australian Directors-General of Education during the period 1970-1982 with important consequences. Second, to present a model of accountability for State school curriculum, by which accountability for such curriculum may be judged democratic or non-democratic, and against which accountability for curriculum in South Australian State schools will be gauged. Third, to show how Director-General Steinle's discussion of accountability during the period centres largely on the accountability of teachers, glosses over the accountability of administrative officials, and suggests a degree of democratic accountability for curriculum in State schools which does not exist. Fourth, and relatedly, to show that whilst the South Australian State school system exhibits a full measure of bureaucratic or technocratic accountability for curriculum, there is no effective democratic accountability for curriculum policy, and to indicate a remedy for this situation. Finally, to point out the wider significance of the South Australian situation, and suggest that democracies re-structuring their school systems would do well to keep the need for democratic accountability foremost in mind.

ACCOUNTABILITY AS A PROBLEMATICAL CONCEPT

The concept of accountability is by no means new, and can be traced back at least to Aristotle (Barker 1962, 193-194). However, developments in the United States in the early 1970s saw a re-cycling of the old notion of accountability, to the extent that it quickly blossomed into a 'new' educational orthodoxy. In March 1970 Richard Nixon told the United States Congress that:

> From these considerations we derive another new concept: accountability. School administrators and school teachers alike are responsible for their performances and it is in their interest as well as in the interests of their pupils that they be held accountable (Nixon 1970, 3).

Within two years Alkin (1972) was telling Americans that:

> The public has lost faith in educational institutions. The public has demanded that schools demonstrate that resources are being used 'properly.' But this has meant far more than mere financial accounting to ensure that funds have not been illegally spent

> or embezzled. What is demanded instead is that schools demonstrate that outcomes are worth the dollars investment provided by communities. In short what has been called for is a system of educational accountability (quoted in Dunn 1989, 1).

Adoption by most American States of State-wide monitoring systems to assess both teacher and student performance soon followed, and today educational accountability, coupled with its corollary evaluation, is pervasive.

Within a few years Australia was to pursue the accountability path in the wake of American trail-blazers, though perhaps not with the same degree of vigour. The Australian accountability movement, like its American counterpart, emerged against a background of: a downturn in the economy and rising unemployment during the mid 1970s; cutbacks in educational funding; a growing perception that schools were not performing adequately in educating students; and a faith in the idea that an accountability model, favoured by the business world, was suitable for adoption for school accountability (for an account of the limitations of this industrial model of accountability see Dunn 1989).

This background, characterized by strident claims to produce 'more scholar for the tax dollar' is not of major concern here. What is important is that we should realise that the general insistence on increased educational accountability is plagued by the fact that it is not always clear precisely what is being advocated. Various definitions and types of accountability have been promulgated by such writers as Becher et al (1981), Hindess (1991), Kogan (1986), and Romzek and Dubnick (1987). Indeed, there is little doubt that in Australia, as elsewhere, 'the term "accountability" has come to mean different things to different people, ranging from improving education to scape-goating the teachers' (Ornstein 1976, 61). Accountability is a problematical concept, witness the fact that some people mistakenly believe that accountability and evaluation are the same things (Kogan 1986, 32-33), or that accountability and responsibility are synonymous terms (Kogan 1986, 26). Kogan (1986, 25), writing in the British context, distinguishes between accountability (where the potential for sanctions or penalties to be exerted exists), and responsibility (which, say, employees may feel towards

those affected by their work). Similarly, Nilsson, in the Australian context, has drawn attention to what he sees as the often overlooked fact that 'responsibility and accountability' are not the 'same things':

> To be accountable I must be liable to be called to account for what I do ... One can be responsible without being responsible to anybody. To be accountable on the other hand, one must be accountable to somebody, at the very least in principle (Nilsson 1979, 139-140).

But what does being 'accountable to somebody' mean? We can get some purchase on this question by analysing the proposition that : X is 'answerable' or 'accountable' to Y for Z, where Z is some act, task or service discharged by X. Basically, this proposition can be interpreted in at least two ways: either (a) that X is simply required to give an answer to Y, which means being answerable would be the same as being required to 'give an account' to Y, or (b) that X must answer to Y for Z in some way different to that of simply giving an account.

Under interpretation (a) which for convenience I shall call 'weak accountability,' to 'give an account' means, in commonsense terms, to give an explanation, reason, report, or some form of description. In this sense, giving an account certainly serves a communicatory function. For example, X may give an account to Y of how certain funds were disbursed, for which X is responsible, and for which Y is entitled to be given an explanation or account. Should Y find X's account acceptable, then X can be described as having been answerable to Y under interpretation (a), and there the matter would presumably end (Y may, of course, find X's account acceptable even though funds may have been wrongfully or incompetently disbursed, and the significance of this point will become apparent). However, we cannot let the matter rest here since the question of who determines whether an answer or account is 'acceptable,' and with what consequences, must be addressed. There would appear to be at least three possibilities:

(a) (i) Where X has to give an account or explanation to Y, and where X determines whether the explanation is full enough or adequate. Surely this is not only a restricted notion of answerability, but also a manifestly unsatisfactory one, in the sense that Y is in the vulnerable position of being in a 'take it or leave it' situation with regard to X's account, no matter how inadequate Y considered X's explanation to be;

(a) (ii) where X has to give an account or explanation to Y, and where Y determines whether the explanation is full enough or adequate, and where Y can exert sanctions to ensure a fuller explanation from X;

(a) (iii) as for (ii) but where in addition, Y can exert sanctions to ensure a true explanation from X.

However in examples (ii) and (iii) Y can exert sanctions against X only when X's account is unsatisfactory, but cannot exert sanctions against X where Y finds that what X has actually done, namely Z, is unsatisfactory.

Here we see the bizarre nature of interpretation (a), together with its palpable limitations, starkly exposed. What is required, of course, is the necessity for X to be answerable or accountable to Y for Z 'in some way different to that of simply giving an account.' In other words, the act, task or service (ie Z) actually performed by X is of paramount importance and cannot be ignored, and it is here that interpretation (b), which for convenience I shall call 'strong accountability' comes into its own. Surely, for accountability to make any sense, Y must be in a position to exert sanctions against X for the inadequate or incompetent performance of Z, and not merely for an inadequate description or account of such performance.

Interpretation (b) would seem to provide a 'stronger,' richer, and altogether more realistic notion of accountability, for it is only when Y can exert a sanction or penalty for X's failure to discharge Z that the more practical value of accountability procedures becomes manifest. The viability of interpretation (a) as a guide to accountability practice is distinctly suspect, and it

seems to me that Lessinger (1972, 29) is quite correct in his claim that 'Accountability without redress or incentive is mere rhetoric.'

Accountability needs to be enforceable, to the extent that structural mechanisms be provided to ensure that sanctions can be exerted against those failing to discharge functions for which they are accountable. Indeed, there is something exasperating about those hearty affirmations of the need for school and school system accountability that are at the same time unaccompanied by the institution of mechanisms to ensure compliance. For example, Nilsson subjects ex-Director-General Jones to a blistering attack for such statements on accountability as:

> Teachers ... are accountable to their employers, their school principals, their staff colleagues, the parents of their pupils, their pupils, the teaching profession, and they are also responsible to themselves (Nilsson 1979, 145).

Jones's mélange version of accountability certainly generates more problems than it solves: what legitimate sanctions can 'staff colleagues' bring to bear on a teacher? Nilsson no doubt recognises the need for direct accountability links extending from pupils eventually through to the Director-General and Minister of Education. Not surprisingly though, he fails to see how kindergarten teachers, for example, can possibly be accountable to their charges. He is also curious about the turn of events if Jones's congeries of hypothesized accountability demands (for which Jones suggests no structures for enforcement) actually conflict; how are disputes to be resolved? Nilsson (1979, 145) also points out that Jones slides from talk about accountability to talk about responsibility, before adding that 'we might indeed have certain responsibilities to all and sundry,' but this 'does not mean that we must be directly accountable to them all.' According to Nilsson, 'If we can drive the wedge... between accountability and responsibility we can rob the rhetoric of much of its strength.' Moreover, his general conclusion is unvarnished, for he points to the necessity of 'disrespect for the inept pronouncements of educational experts in positions of great power.' Such experts often have a propensity to emphasize the accountability of subordinates whilst glossing over their own, and

such pronouncements have the effect of placing teachers in an unnecessarily vulnerable position to a variety of stakeholders.

It is important to distinguish between accountability and responsibility, and whilst accountability subsumes responsibility, it cannot be reduced to it:

> The fact that responsibility may exist without the necessary implication of accountability is well illustrated by major institutions having numerous responsibilities extending to employees, consumers and the general public ... Accountability is by no means a necessary consequence of responsibility (Wagner 1989, 56).

Further, if a decision-maker is responsible but not accountable, there is always the problem of how to check abuse of power, and the danger of authoritarianism. In this regard, a major weakness of the 'accountability = responsibility' position is exposed if we resort to the hypothesis of a benevolent autocrat. The autocrat may feel responsible to his or her subjects, yet if the subjects believe that the autocrat is unresponsive to their wishes or demands, then short of poor communication being the cause of the problem, we can assume that the autocrat, believing the subjects to be in error, chooses to ignore or override them. So whilst it is possible to see how the autocrat can be said to be discharging responsibility to the subjects, as the autocrat sees fit, it is difficult to see how the autocrat could in any way be described as 'accountable' to them in any 'strong' sense. Unless the subjects have a mechanism for redress or enforcement, then accountability is indeed 'mere rhetoric.'

Rather than use the potentially confusing expressions 'weak' and 'strong' accountability, arising from the previous discussion of interpretations (a) and (b) of accountability, I intend in this thesis to restrict the term accountability to situations in which sanctions can be exerted for failure to meet the requirements of the task or service discharged, and not just for failure to report or 'account' fully or truthfully. Where sanctions cannot be so exerted, the term responsibility will be used. This way I hope to avoid the sort of confusion manifest in Director-General Jones's claim cited previously, and the reader will recall that, in the introductory chapter, Jones claimed that the Minister was accountable to the Director-General

(subordinate) for supplying funds necessary to run the Education Department. The confusion is also evident in the following extract:

> Accountability is defined as 'a condition in which individual role holders (or organizations) are liable to review and the application of sanctions if their actions fail to satisfy those with whom they are in an accountability relationship (Kogan 1986, 25). Becher et al (1981) distinguish three elements to accountability in school systems:
> - Moral accountability (answerability to one's clients),
> - Professional accountability (responsibility to oneself and one's colleagues),
> - Contractual accountability (accountability to one's employers or political masters)
>
> (Cuttance 1995, 305).

Cuttance appears to believe that 'accountability,' 'answerability' and 'responsibility' are synonymous terms which, as I have suggested, is essentially confusing. Also, it is clear from his chapter that he accepts Kogan's definition of accountability. What he fails to do, however, is consider whether or not Becher's 'moral accountability' and 'professional accountability' really do constitute 'accountability,' in Kogan's sense, at all.

Cuttance maintains that as a result of the 'organizational devolution' in Australian government school systems in recent years:

> ... moral accountability to school communities has been strengthened through their increased involvement and knowledge of the operations of individual schools. Thus responsibility, the moral sense of duty to perform appropriately is increased at the local level (Cuttance 1995, 306).

He suggests that 'moral accountability' to school communities (undefined) is strengthened as a result of 'increased involvement (nature unspecified) and knowledge of the operations of individual schools,' and this would presumably include a school 'giving an account' to its 'community.' But what sanctions could be exerted should the account rendered prove unacceptable to the 'school community?' Currently, there appear to be none, but even if there were, they would perhaps better fall under the rubric 'contractual accountability' to, say, a properly constituted school council rather, than under 'moral responsibility' to a nebulous 'school community.' If I am right, then 'moral responsibility' would seem to be a more appropriate expression than 'moral accountability.'

With regard to 'professional accountability' to oneself and one's colleagues, it is hard to see how one can exert sanctions against oneself, but even if one can be accountable to oneself, what if such accountability is incompatible with accountability to one's colleagues? More importantly, what legitimate sanctions can one's colleagues, as distinct from superiors, exert against, say, a teacher at school? Currently, there appear to be none. What can occur, is that the South Australian Teachers' Registration Board (TRB) has authority to de-register a teacher, if a properly executed inquiry by the TRB finds that teacher guilty of serious misconduct. In this sense South Australian teachers are accountable to the TRB.

It is granted that expressions such as 'moral accountability' and 'professional accountability' are more powerful ideological expressions than 'moral responsibility' and 'professional responsibility.' In much the same way, 'refute' is more ideologically powerful than 'deny' (which perhaps helps to explain why refute is often misused as a synonym for 'reject' or 'deny'), and 'rights' is a more powerful ideological term than, say, 'claims' or 'demands.' Hence, it is easy to appreciate why 'accountability' is often preferred to that of 'responsibility.' Further, we should not forget that Jeremy Bentham (Monro 1967, 284) argued that natural rights claims constituted 'nonsense on stilts,' and it is true that 'rights,' which are not backed by mechanisms for protecting or enforcing them, are of little value. This is presumably why Bentham argued that 'all rights are created by law' (Steintrager 1977, 69). Perhaps it would not be out of place to describe 'accountability,' where sanctions cannot be invoked, as 'nonsense on stilts.'

The implications of the foregoing discussion are not insignificant. For example, if it be accepted that the capacity to exert sanctions is integral to accountability in any practical sense, then a serious question can be raised regarding the viability of what some writers (eg Dimmock and Hattie 1990, Rizvi 1990, Wettenhall 1988) refer to as 'bottom-up accountability,' or the accountability of superordinates in a hierarchy to their subordinates. Bottom-up accountability is certainly an enticing notion for subordinates, especially in an educational climate of cutbacks in financing and staffing, where administrators may seek to

place unreasonable workloads on teachers, for which the teachers are expected to be accountable. In such situations 'bottom-up accountability' would seem to afford some protection for over-burdened subordinates. But does it?

It is generally conceded that it is fair to hold subordinates accountable only for those tasks over which they have control and which are attainable. This is one reason why 'teacher accountability' has proved controversial, since teachers do not control all the variables impacting on a student's learning and academic performance. Consequently, to hold teachers totally accountable for such performance would be unfair. There is no denying, though, that teachers can and should be accountable for their own inputs such as accuracy of subject content and effective teaching methods. But given the hierarchical nature of State schools and State school systems, can teachers hold their superordinates (principals, administrators, ministry) accountable? In other words, is bottom-up accountability viable?

In a general sense, let us suppose that superordinate manager/administrator (say a school principal) X makes subordinate (teacher) Y accountable for achieving objective Z (a top-down accountability relationship). Objectively, let us suppose that Z is impossible to achieve without the injection of additional resources P and Q, which only X can authorise. Given this fact it would be unfair for X to hold Y accountable for Z unless P and Q were provided, and X would at least have a 'moral responsibility' to provide P and Q. Moral responsibility aside, the key questions is: can Y exert sanctions against X should X prove intransigent or incompetent and fail to properly provide P and Q? In other words, can Y hold X accountable to Y (bottom-up) for the provision of P and Q? Let us examine possibilities.

First a strike by Y and Y's colleagues would not qualify as 'bottom-up accountability,' since it would simply constitute a power struggle between management and labour. Second, Y could simply point out that Z is impossible to achieve without P and Q, deny an accountability role or obligation, and appeal to X's superior, or a grievance board, or perhaps seek to defend oneself at a disciplinary hearing, should one be called, because Y failed to achieve Z.

However, such a denial of an accountability role, which would be eminently reasonable, definitionally rules out the possibility of bottom-up accountability. Third, suppose that X 'gives an account' to Y in the sense alluded to earlier under interpretation (a). This could take the form of X saying to Y: 'I apologise for failing to provide P and Q, but I still hold you accountable for Z because I believe that, for the following reasons, Z can be achieved without such provision ...' followed by inadequate reasons. X's account would doubtless prove unacceptable to Y (and to any objective third party), but it is difficult to see what sanctions Y could invoke, and hence to see how X is being accountable to Y in any meaningful sense. Fourth, Y could agree to be accountable to X for achieving Z, on condition that X provides P and Q. Reciprocally, X could agree to provide Y with the necessary resources P and Q.

However, what we would have here is a formal legally binding contract, either verbal or in writing, in which the formal legal requirements of offer, acceptance, agreement, and the provision of consideration, are all fulfilled. If X subsequently failed to provide P and Q then X would be in breach of contract, and technically Y could appeal to a court for a legal remedy. But even if such a situation should develop - and it is hard to see superordinates in the hierarchy agreeing to such contracts which would make them vulnerable - it is not clear that it would constitute a system of 'bottom-up accountability.' A court would simply be adjudicating in a contractual dispute between two contracting parties, and the hierarchical relationships between X and Y would be irrelevant. Consequently, the expression 'contractual accountability,' would presumably be a more accurate description than 'bottom-up accountability.'

It is not being suggested that 'bottom-up accountability' in the organizational context is an impossibility, but it is suggested that if we accept that the capacity to invoke sanctions (to effect redress in the event of non-compliance or incompetence by X who, it is claimed, is accountable to Y) is integral to accountability, then it is not easy to envisage how bottom-up accountability would operate in organizational practice. If advocates of such accountability are to be taken seriously, they need to show precisely how subordinates can exert legitimate

accountability sanctions against superordinates, but I know of no writer who has done this. Dimmock and Hattie, for example, claim that 'reciprocal accountability' requires that:

> ... principals be accountable to ministry and in return the ministry be accountable to principals. Hence an example of reciprocal accountability would be where the principal, on behalf of the school, agrees to implement certain curriculum changes, perhaps a more vocationally-oriented syllabus, but in return the ministry is accountable for resourcing the school adequately to make such changes possible (Dimmock and Hattie 1990, 166).

Their claim is hardly persuasive. To suggest that a ministry is accountable to a school principal is one thing, but to show how this would operate in practice is quite another. Unfortunately Dimmock and Hattie fail to elaborate on their example. Moreover, given the *realpolitik* of State school system decision-making, ministries are not in the habit of making themselves accountable to school principals, nor are they likely to do so in the immediate future.

Let me make one final point before moving on. I have argued that accountability should ultimately be backed at least by the threat of sanctions, but this can cast a dark shadow over a subordinate's performance and attitude, and this raises the question of the significance of rewards. In this regard, Stretton (1984) describes two basic control models for public enterprises: a rigorous 'accountability' model focusing on sanctions for unacceptable performance, and an 'enterprise' model focusing on rewards for successful performance:

> Too often, Stretton argued, the central organs of government adopted the accountability model, and the reward they reaped was less enterprising management. His recommendation was to switch to the enterprise model, and so enliven the performance of public enterprise (Wettenhall 1988, 49).

A total switch to the enterprise model would presumably leave a lacuna so far as accountability is concerned, and I see no reason why a system of accountability cannot subsume both sanctions and rewards. Competent enterprising educational administrators and teachers are unlikely to bear the brunt of accountability sanctions. At the same time, even the simplest of verbal rewards recognising good performance, can often prove an invaluable

stimulus to that sense of renewed endeavour which energises performance. Consequently, rewards should not be overlooked.

A MODEL OF ACCOUNTABILITY FOR SCHOOL CURRICULUM IN A DEMOCRATIC SOCIETY

It is readily conceded that accountability can take a variety of forms, and that schools and school systems are accountable to various constituencies over a range of issues. However, since curriculum is self-evidently at the very heart of the educational enterprise, I intend concentrating in this sub-section on accountability for school curriculum. This is not to imply that staffing, finance, or other decisional areas are unimportant, but rather to suggest that they are, in a sense, of secondary importance to curriculum decisions. For instance, if a curriculum policy decision decrees that 'sex education' will not figure in the school curriculum, then question of staffing, finance, etc., do not arise. Having said that, I appreciate that financial 'tail' decisions can sometimes wag the curriculum 'dog.' Further, I shall distinguish between two major categories of curriculum accountability, namely: (1) curriculum policy accountability (referring to *telos* or 'ends'), and (2) accountability for the administration of curriculum (referring to *techne* or 'means'). Examples of administration of curriculum include, say, choice of 'new' rather than old mathematics, organic reading instead of a phonics approach, and preference for 'open space' rather than traditional classrooms, in order to facilitate policy aims. I shall also offer a model of accountability for school curriculum, and briefly compare it with other models of accountability. Later in the chapter, accountability for school curriculum in South Australia will be appraised against the model.

At a general level D. Thompson (1983, 236) outlines four models (hierarchical, professional, pluralist and participatory) 'according to which theorists believe that bureaucrats may be held accountable in a democracy,' but he points out that all the models have shortcomings so far as democratic accountability is concerned, which is hardly surprising. More particularly, so far as schools are concerned, Broudy (1977, 243-247), has shown how a variety of factors 'impair

the accountability of schools,' and he has also exposed what he sees as the 'hollowness of the demand for accountability.' It is also true that the nexus between school accountability and democracy is complex and often tenuous, but we can begin by simply posing the question: What sort of accountability could citizens in a democracy reasonably expect from its State school system? If we accept the commonly held view that 'politics' is a means by which scarce resources (goods and services) are distributed throughout the population, and by which this distribution is rendered 'fair' or legitimate, then since schools influence the distribution of life chances of children, clearly all major decisions affecting access to educational resources (who should study what and at what depth?) in schools, are political decisions. Further, since schools play a crucial role in helping determine what sort of adult human beings children should eventually become, then on this count also, as Plato realised, curriculum decisions are political. And, of course, as Harman (1974) argues, curriculum can be described as political on other grounds too.

Given Benn's (1981, 665) reminder that a crucial 'basis of democracy' is a 'distrust of power,' I think few would contest the notion that publicly funded State schools should be under some form of democratic control. So presumably we could expect citizens in a democracy to hold those responsible for making curriculum policy decisions, democratically accountable for their policies, to the extent that should citizens disapprove of policies and policy-makers, they could rid themselves of both, and the electoral system is the traditional vehicle for accomplishing this. Hence:

> Democratic accountability for curriculum policy thus exists when publicly elected officers, at central, local or school level, are accountable to the electorate for policies (Smithson 1987(b), 7).

In Australia, this would mean that State Ministers of Education would be accountable for centrally-determined curriculum policies and, say, school councils for locally-determined policies. It is not my intention to advocate a centralist model, or some mix of the two, but merely to point out the range of options.

However, the administration of curriculum policy must also be considered. The makers of curriculum policy, be it at school or system level, must necessarily rely upon administrators, teachers, etc, to implement their policies, so there is always the risk that policies could be subverted ('goal displacement') in the implementation stage. Consequently, it would seem sensible for policy-makers to retain authority for monitoring and controlling the means by which policy aims are pursued: 'for keeping under review the school's progress towards them, and for deciding upon action to facilitate such progress' (Taylor 1977, 53). This requirement is imperative if the policy-makers' control of curriculum is to be substantive as distinct from merely formal. Admittedly, the question of the extent to which teachers should exercise professional judgement and autonomy is important, though problematical, but teachers should reasonably expect to exercise a high degree of discretion over a wide range of professional (as distinct from broad policy) decisions. At the same time, curriculum policy-makers cannot be expected simply to will the *telos,* and then stand back and ignore the *techne,* for this could conceivably reduce their role to one of making purely rhetorical statements, whilst administrators and teachers controlled curriculum policy by default. But there is also a burden of responsibility on policy-makers to ensure that demands placed on administrators, and especially teachers, are reasonable. After all:

> ... it is possible for governments to assign to schools tasks which educators know cannot be achieved, certainly not by all children. Performance targets can be set which reflect political desires rather than educational realities. There is a tendency for the public to keep adding responsibilities to schools without corresponding reduction in existing tasks. The profession needs to make clear its objections to such tasks (Dunn 1989, 3).

Having expressed these caveats, we can conclude that:

> Democratic accountability for the administration of curriculum thus exists when appointed officials and teachers are accountable to publicly elected officers (eg the Minister for centralized aspects), or bodies (eg school councils for decentralized aspects) for policy implementation (Smithson 1987(b), 7).

It is also worth noting that the centralized and decentralized modes of curriculum control are not necessarily mutually exclusive, but can co-exist. For example, a centrally determined

policy precluding, say, racist and sexist teaching in schools, can exist alongside school-based curriculum policy on other matters.

To relate this theoretical discussion to the practical situation, it can be argued that under the Westminster-type system of government existing in Australia, the necessary mediating link between policy and administrative accountability for curriculum at State level is (or should be) the Minister of Education. The reason, of course, is that the Minister, having jurisdiction over the Department of Education is, along with government colleagues, and unlike the appointed (and until recently tenured) Director-General of Education, democratically accountable to the electorate for the well-being of the State school system, including curriculum; though as we shall see, merely to make this statement is not to remove the problems (Fowler 1977). It cannot be over-emphasised that without this mediation, or some compensating mechanism if political decentralization of curriculum control has occurred, democratic accountability for curriculum, both *telos* and *techne,* in State schools would not exist.

It is also worth pointing out that in a democratic society it is quite possible for a non-democratic system of accountability for both curriculum policy and administration of the curriculum to exist, though it is hard to see how such a system could be justified:

> Non-democratic accountability for school curriculum policy would exist if, say, control of such policy was exercised by an appointed official (or body) who is not ultimately accountable to a publicly elected officer (eg Minister) or body (eg school council). Similarly, non-democratic accountability for the administration of school curriculum would exist where, say, accountability passes upwards through the administrative hierarchy to a predetermined level, at which point the appointed official (or body) is not accountable to a publicly elected officer or body (Smithson 1987(b) 8).

Such non-democratic accountability can be described as bureaucratic or technocratic accountability, and of course, it can be either *de facto* or *de jure* in form.

It would be fair to say that the accountability literature has generally focused narrowly on administrative accountability for curriculum (how the school goes about achieving its curriculum aims), and there is a deal of truth in Lacey and Lawton's (1981, 25) claim that

'accountability tends to be a question of testing.' But this is hardly surprising given that testing lends itself to the 'more readily quantifiable, easily specifiable and clearly behavioural aspects of education,' as distinct from those aspects of education which 'elude the quantifiable' (D'Cruz 1978, 137). At the same time, curriculum policy accountability has received scant attention, and one can only speculate on the reasons for this. Perhaps the existence of curriculum policy accountability is simply taken for granted, or seen as unproblematical, or it may be that because administrative accountability for curriculum should be subordinate to policy accountability in a democratic society (for reasons given above), policy accountability is seen as a potential threat to the power of administrators and the professionalism of teachers. The policy/professional distinction, grounded in the *telos/techne* distinction, is important since undifferentiated 'curriculum accountability' may work to the advantage of professionals. For as Gibson (1981, 201) has pointed out, claims by professionals to expertise based on 'esoteric knowledge' are often 'held to justify protection from lay interference and judgment: in other words, professional knowledge limits accountability.' Whatever the reasons, this chapter will seek to show that in South Australia, in the period from the mid 1970s to the publication of the Keeves Report in 1982, a pattern of rhetoric developed around the concept of accountability which:

- centres on a non-democratic (technocratic) model of administrative accountability concentrating almost solely on teachers;
- glosses over the importance of curriculum policy accountability;
- gives an inaccurate picture of the 'democratic' nature of accountability in the State;
- fails to draw attention to crucial missing links in the South Australian school curriculum accountability chain.

Such a state of affairs can only serve to advantage still further a managerially-oriented and dangerously technocratic, model of accountability, to the detriment of a more democratically-oriented model.

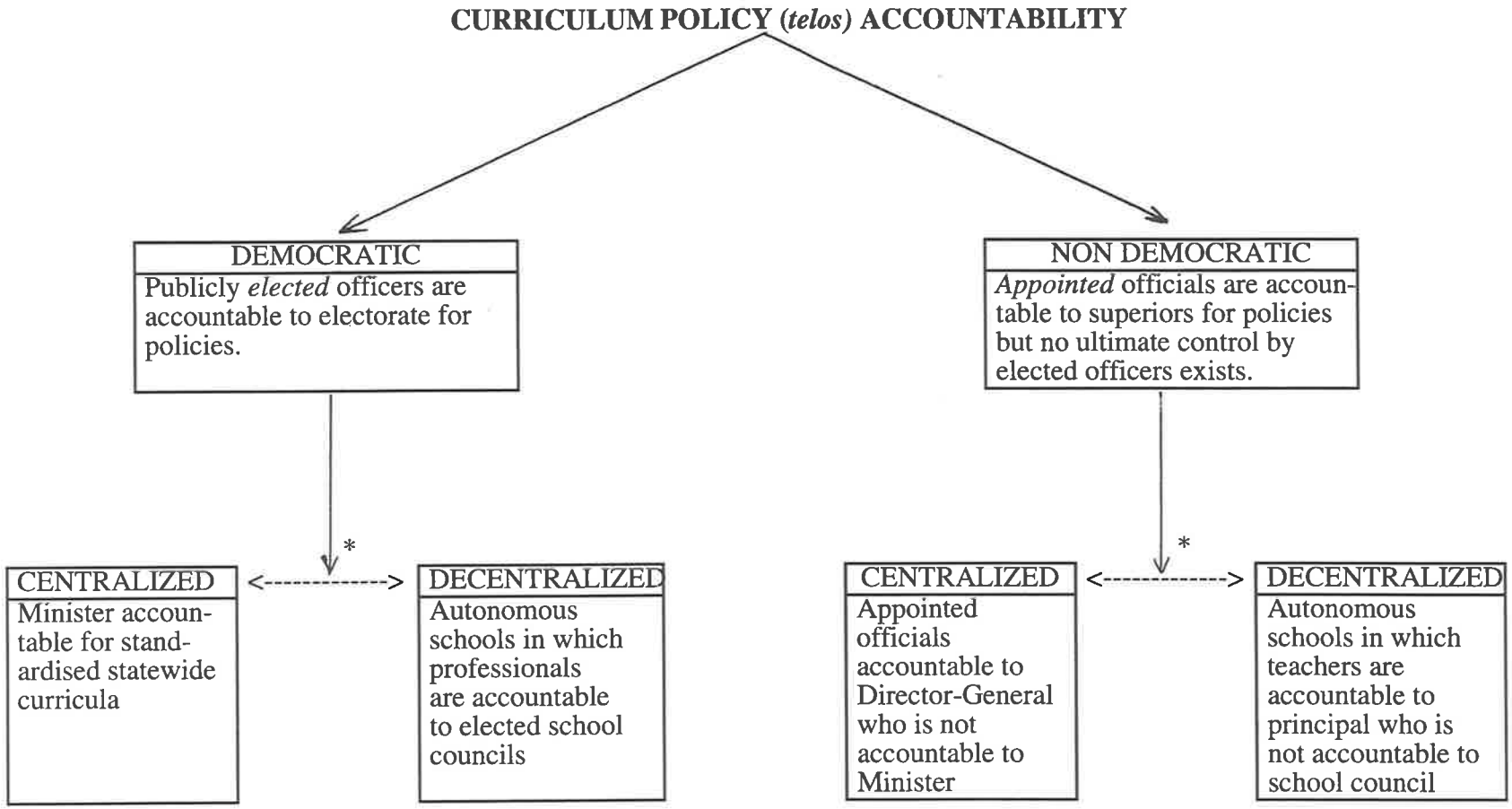
Figure 1(a) summarizes diagrammatically what a model of democratic and non-democratic accountability for curriculum policy (*telos*) would look like. There is no need to present a separate diagram of 'administrative (*techne*) accountability for curriculum,' because of the high degree of similarity to that of 'policy.' Let it suffice to point out that, on the 'democratic' side, appointed officials must at some point, depending on the centralization-decentralization blend, be accountable to a publicly elected officer or body. On the 'non-democratic' side, subordinate officials are accountable to superordinates in the hierarchy, but at no point is there an accountability link to a publicly elected officer or body.

The four 'policy' nodes combine with the four 'administrative' nodes to produce eight possible permutations which are briefly summarised in Figure 1(b). This model will provide the basis for analysis of the rhetoric and reality of accountability for school curriculum in South Australia later in the chapter.

Having outlined a model of accountability, I should point out that there are those who seem to believe that democratic accountability, as it pertains to schools, must necessarily be 'local' or decentralized. Chapman and Dunstan maintain that 'dual responsibility and accountability' is:

> ... particularly acute for teachers as they attempt to address the tensions that sometimes emerge in responding to the expectations of those with whom they are in a vertical relationship (bureaucratic line of authority) and those with whom they are in a horizontal relationship (democratic local accountability to principal, school council and school community (Chapman and Dunstan 1990, 2-3).

I fail to see how teachers can be fairly described as being in a horizontal relationship with principals, or why a horizontal relationship should be described as democratic. Further, even if the accountability relationship between teachers and, say, the school council is horizontal, as distinct from vertical, what accountability sanctions can such a school council bring to bear on teachers? Also, *prima facie*, at least, there appears to be nothing to preclude the possibility that a vertical relationship cannot be made to be democratic, given the links which I have previously described.



(*Dotted line indicates a continuum between two extremes. The vertical branch can indicate any gradation between extremes).

Figure 1(a). A MODEL OF ACCOUNTABILITY FOR CURRICULUM POLICY.

Possible combinations		Democratic Accountability for Curriculum	Non-democratic Accountability for Curriculum	
A_1 1	Policy	**Centralized Democratic Accountability** E.g. Minister controls curriculum policy and is accountable to Cabinet/Parliament, and hence to voters	**Centralized Non-democratic Accountability** E.g. Director-General controls curriculum policy and is *not* accountable to the Minister, and hence to voters	C_1 5
A_2	Admin.	**Centralized Democratic Accountability** E.g. Director-General is accountable to Minister for implementing policy and achievement of results	**Centralized Non-democratic Accountability** E.g. Director-General controls implementing policy and achievement of results, but is *not* accountable to the Minister, and hence to voters.	C_2
B_1 2	Policy	**Decentralized Democratic Accountability** E.g. Publicly elected school council controls curriculum policy, and is accountable to constituencies (eg parental/community etc)for it.	**Decentralized Non-democratic Accountability** E.g. School principal controls curriculum policy and is *not* accountable to publicly elected school council for it.	D_1 6
B_2	Admin.	**Decentralized Democratic Accountability** E.g. School principal is accountable to publicly elected school council (as in B_1 above) for implementing policy and achievement results	**Decentralized Non-democratic Accountability** E.g. Teachers are accountable to school principal for implementing policy and achievement of results but principal is *not* accountable to publicly elected school council for it	D_2
A_1 3	Policy	**Centralized Democratic Accountability** [As in A_1 above]	**Centralized Non-democratic Accountability** [As in C_1 above]	C_1 7
B_2	Admin.	**Decentralized Democratic Accountability** [As in B_2 above]	**Decentralized Non-democratic Accountability** [As in D_2 above]	D_2
B_1 4	Policy	**Decentralized Democratic Accountability** [As in B_1 above]	**Decentralized Non-democratic Accountability** [As in D_1 above]	D_1 8
A_2	Admin.	**Centralized Democratic Accountability** [As in A_2 above]	**Centralized Non-democratic Accountability** [As in C_2 above]	C_2

Figure 1(b). A MODEL OF ACCOUNTABILITY FOR CURRICULUM

Rizvi (1990, 299) points out that many educationists tend to 'view systems of accountability in a dichotomous way, either opting for managerial models which stress the need to make schools accountable to some higher bureaucratic authority, or preferring democratic models which suggest that schools should be self-governing.' Rizvi describes the managerial model thus:

> Within the framework of 'line authority' teachers are accountable to principals, principals to regional bureaucracies, regional bureaucracies to the centre and, in the Westminster system of government, the centre to the representatives elected to govern the state ... its basic thrust is unidirectional, contractual obligation: that is, the obligation of individuals to report to their superiors, but not the other way round (Rizvi 1990, 301).

On the basis of the model of accountability offered in this chapter, the link from the bureaucratic 'centre to the representatives elected to govern the State' makes such a model of accountability democratic: in effect, Rizvi is describing a centralized democratic system of accountability.

Rizvi then points out that with 'democratic models' of accountability:

> ... schools are seen as self-accounting. That is, they can no longer be labelled simply as good or bad, but are judged in terms of the criteria of excellence that they themselves develop. Accountability means being responsible for actions that are internal to agreed values and beliefs about the evaluation of educational performance (Rizvi 1990, 303).

Rizvi seems to have overlooked the fact that judging schools in 'terms of the criteria of excellence that they themselves develop' does not preclude their being labelled 'good or bad.'

It seems to me that, providing such 'self-accounting' schools are accountable to elected representative governing bodies, they would constitute an extreme example of a system of decentralized democratic accountability. Although Rizvi does not say so specifically, his analysis seems to point to the conclusion that centralized bureaucratic accountability systems cannot be democratic.

However, even if Rizvi does not go that far, Dimmock and Hattie (1990) almost certainly do. They offer two models of accountability which they label 'bureaucratic' and 'democratic.' For Dimmock and Hattie (1990, 165), 'Bureaucratic accountability is one way. Those lower down in the hierarchy are accountable to those higher up ... In this system the teacher is accountable to the public or taxpayer.' Here again, it seems to me that if the teacher is ultimately, if indirectly, 'accountable to the public or taxpayer,' then such a system of accountability can be legitimately described as 'democratic.' If so, then Dimmock and Hattie's two models would seem to comprise a false dichotomy. What then, for Dimmock and Hattie, is democratic accountability? Part of the answer lies in the following:

> By contrast, the concept of 'democratic' accountability is predicated on the idea of individuals and groups in education exchanging, negotiating and reciprocating accountability. Accountability flow becomes multi-directional - upwards, downwards, lateral, horizontal - in a system of education comprising diverse groups with different functions (Dimmock and Hattie 1990, 166).

I have already expressed reservations about dialogic accountability systems where it is not clear how sanctions can be exerted to effect enforcement. Nor is it clear just why 'exchanging, negotiating and reciprocating accountability' should be described as 'democratic,' and Dimmock and Hattie fail to explain why. Also, whilst such 'democratic accountability' may prove uncontroversial in consensual situations or where disagreements are not divisive, what happens in disputes where accounts given prove unacceptable to one party? Dimmock and Hattie do not address this crucial issue.

Dimmock and Hattie also see decentralization as being integral to 'democratic accountability':

> The accountability choice that ultimately has to be made in Australian school systems is between centralized education systems based on bureaucratic central authority with teachers as closely controlled employees, and decentralized systems, based on the concept of delegation with teachers enjoying a large measure of discretion and professional independence, yet subject to a democratic model of accountability (Dimmock and Hattie 1990, 167).

With due respect to the writers, centralized control does not necessarily imply treating teachers as 'closely controlled employees,' nor does decentralized control necessarily imply

that teachers will enjoy a 'large measure of discretion and professional independence.' The *nature* of the control is crucial. Indeed, tight decentralized control of a school, by a suitably empowered governing body or school council, could engender close control of teachers at the individual school level, whilst loose centralized control could see teachers enjoying a large measure of discretion and professional autonomy. Also, notwithstanding Dimmock and Hattie's claim, why should an ultimate choice have to be made? What is to prevent a sensible blend of centralized and decentralized control, provided of course, that the two areas of responsibility are clearly delineated?

Dimmock and Hattie go on to claim that:

> Emergent patterns and schemes will undoubtedly be a reflection of tension already existing between the bureaucratic form of accountability associated with centralized ministry control and influence and the democratic model of accountability inspired by participatory decision-making at school and community levels (Dimmock and Hattie 1990, 172).

Here we have it, Dimmock and Hattie are simply equating bureaucratic accountability with centralized control, and democratic accountability with decentralized control. For them, at least, centralized control, with a line of accountability running upwards through the hierarchy via the ministry to 'the public or taxpayer,' cannot qualify as a mode of democratic accountability - otherwise their dual model would be rendered incoherent. However, they give no reasons to persuade us why a centralized system cannot be characterized by democratic accountability. If they are right, can any centralized government department ever be democratically accountable? Also, if only decentralized systems can be democratically accountable, what if a vast majority of South Australian voting public indicated both directly, and through their elected representatives, that they did not want a system of decentralized democratic accountability for school curriculum, but preferred instead a State system of centralized accountability for curriculum under the control of the Minister of Education? Not only would such accountability be non-democratic under Dimmock and Hattie's model, but also, ironically, if voters could not be persuaded to change their minds, the only way to

introduce a decentralized system of democratic accountability for curriculum would be to impose it by non-democratic means.

But what of decentralized 'democratic accountability' as described by Dimmock and Hattie? Let us imagine that a State school system became decentralized such that each school was under the control of a democratically elected and representative governing body or council. Since schools are certainly bureaucratic organizations, we would presumably have a line of authority and accountability passing upwards through the school's hierarchy to the school principal, and from there to the governing body. Would such accountability at the 'school level' warrant the description 'democratic accountability' under Dimmock and Hattie's model? There is some doubt, for the simple reason that each school would seem to represent a microcosm of a macrocosmic centralized State system, in the sense that both individual school, and State system, would feature 'one-way' 'bureaucratic accountability' upwards through their respective hierarchies: the school bureaucracy being under the control of an elected governing body, and the State bureaucracy being under the control of an elected Minister. It could therefore be argued that neither system of accountability warrants the description 'democratic' under Dimmock and Hattie's model.

What this analysis suggests is that the question of whether or not accountability (for Dimmock and Hattie) is 'democratic' or 'bureaucratic,' hinges not on whether a system is centralized or decentralized, but on whether the accountability flow is 'multi-directional - upwards, downwards, lateral, horizontal.' Multi-directionality of accountability may have a reassuring ethos to it, but as I have suggested, the capacity of superordinates to exert accountability sanctions in organizational contexts is self-evident, but it is difficult to see how bottom-up, lateral, or horizontal accountability would operate. The brand of accountability offered by Dimmock and Hattie may well provide a satisfactory basis on which to judge the democraticity of an accountability system, but it is not clear that this is so. The case needs to be argued, but unfortunately Dimmock and Hattie fail to do so. As I have suggested, unless there is some control relationship existing between parties so that in the final analysis

accountability sanctions can be exerted in appropriate circumstances, it is hard to see how accountability can be more than 'mere rhetoric.' Moreover, whilst we have some idea of what it means for a Minister (or school governing body) to be accountable to voters, it is not clear how voters could be said to be accountable to ministers (or school governing bodies).

With the model of accountability presented in this chapter, *both* centralized and decentralized school systems may be characterized by either democratic or non-democratic modes of accountability. Where there is an accountability link to voters, be it at Federal, State, local, or school level, then that accountability can be fairly described as 'democratic.' Where no such link occurs, then 'bureaucratic accountability,' or 'technocratic accountability' as I prefer to call it, is a more fitting description.

To conclude this section, it is worth bearing in mind that 'democracy does not suffer bureaucracy gladly ...[since] democratic theorists still have not formulated a satisfactory response to the challenge bureaucratic power poses to democratic government' (D. Thompson 1983, 235). Consequently, I must concede, as Thompson does, that no model of democratic accountability is beyond criticism, or likely to be wholly satisfactory in the sense that it can guarantee exposing incompetence etc, such that politicians, administrators and teachers can be brought to book. We should also heed D. Thompson's tocsin that we should not naively 'confine accountability to formal lines of authority, but should call for identification of officials who actually influence particular decisions,' otherwise we can end up with a system of 'ritualistic accountability' whereby persons who make bad decisions escape scrutiny, whilst higher officials, who admit their formal accountability, often escape sanctions or penalties because they are seen as 'courageous leaders who fail to pass the buck' (D. Thompson 1983, 240). Also, Ministers of the Crown are sometimes able to evade accountability sanctions by successfully arguing that they cannot be expected to know everything which goes on in their government departments. Nevertheless, the model of accountability presented here serves as a useful indicator as to whether - and if so to what extent - a State school system has any formal democratic accountability for both curriculum policy, and the administration of such policy.

As we shall see, in terms of this model, the veracity of any claim that the South Australian school system is characterized by a mode of democratic accountability for curriculum, must be treated with scepticism.

ACCOUNTABILITY DISCOURSE IN SOUTH AUSTRALIA 1976-1982: 'BIDDING FOR THE CONSENT OF THE GOVERNED'

In the next section of this chapter I will analyse the mode of accountability for State school curriculum in South Australia in terms of the model presented in the previous section. However, in this section I will attempt to set the scene for this analysis by examining accountability discourse appearing in the late 1970s and early 1980s. This should enable us to more readily appreciate the rift between accountability rhetoric and the reality.

The history of all six State school systems in Australia has been characterized by a high degree of centralized control. It is perhaps not entirely fortuitous that the accountability movement, fuelled by an economic downturn, surfaced in South Australia in the late 1970s, just when teachers were beginning to make inroads into curriculum decisional areas which, for over a hundred years, had remained the jealously guarded prerogative of senior Education Department officials. As we saw in chapter three, Director-General Jones's FAM of 1970, together with other State and Federal school-based curriculum initiatives, had certainly started a movement of administrative decentralization which saw school inspectors having their powers seriously eroded, and school principals being the chief beneficiaries. However, for reasons which will become apparent, no significant political decentralization occurred when the Education Act 1972 set up reconstituted school councils. Without a devolution of decisional authority resulting from political decentralization there could be no accountability for school-based curriculum decisions to school councils, though in an address to the Whyalla Teachers' Association on 3 August 1976, Director-General Jones seemed to suggest that such accountability existed:

> The [school] council in turn has an advisory role and I suppose to a certain extent an accountability role requiring principals to explain, account for and justify their decisions and policies on a proper basis (Jones 1976, 7).

Jones wisely qualified his claim by using the expression 'to a certain extent.' Even so, an advisory body cannot exercise a sanctions backed, as distinct from dialogic, accountability role. Jones continued:

> For the teacher the implications are even more shattering. For example, councils may well enquire as to why they are teaching so and so and why they are teaching in that way. This is the accountability role I referred to earlier in relation to school principals. (Jones 1976, 11).

Given the interpretation of accountability adopted in this chapter, which insists that any system of accountability worthy of the name must necessarily incorporate the capacity to exert sanctions on those failing to discharge their obligations, the implications for teachers, alluded to by Jones, could hardly be 'shattering.' Jones was confusing an accountability role with a responsibility role. In 1976 principals and teachers certainly had a responsibility to explain to school councils what they were seeking to achieve, and for answering school council enquiries. But principals and teachers were simply not legally accountable to school councils for curriculum.

Before proceeding to the major discussion in this section, let me first make reference to a paper which provides a theoretical basis for analysis of accountability discourse in South Australia. In 'Green Paper: Noise of Crisis,' Donald (1981) examines in detail the underlying assumptions and representations of the concepts of 'crisis' and 'national interest' in a Green Paper (*Education in Schools*) published by the British Government in 1977. His analysis exposes the discourse which the Green Paper exploits to convey its own particular ideology, order the agenda, and generally establish parameters which serve to confine debate. Donald (1981, 100), argues that crucial strategies in any offensive against the tightening of controls within the dominant system, include an ability to challenge the rhetoric of a potentially colonizing ideology, and a readiness to contest and re-define issues. Donald's claim is

harmonious with Nilsson's contention that 'if we can drive the wedge ... between accountability and responsibility we can rob the rhetoric of much of its strength (Nilsson 1979, 145). The key to Donald's approach is found in the following statement:

> The separation of questions of knowledge from those of power is deeply ingrained. It is a habit that needs to be broken, though, because there is a relationship between the two which is neither accidental nor simply instrumental. M. Foucault has made the point that 'there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.' Implicit in the question of the restructuring of education, then, is the question of how the state exercises and imposes its power in part through the production of 'truth' and 'knowledge' about education. Not to challenge this process cedes to the state the power to define the site, the terms and the limits of the struggle. It is not a matter of being gullible or cynical, but of reading (in this case) the Green Paper in a way that recognises this power/knowledge complex and thus may displace other (dominant) readings which block attempts to bring about changes in eduction and the wider social formation. It may then be possible to produce a different analysis which could further the struggle. This article is, I hope, a salvo in the 'battle of ideas' around the imposition of a new hegemony in education ... Focusing just on the centralization of power may show where power lies, it cannot explain how it works ... the continuous debates about education form part of a general political discourse, that are a regional instance of the process of *bidding for the consent of the governed* (Donald 1981, 100-101, emphasis added).

Donald has been quoted at some length because his ideas provide a template for the methodology adopted in this section.

In South Australia in the period 1976-1982, successive Ministers of Education, senior Education Department administrators, and at least one government enquiry into education (the Keeves Report 1982), have sought to fix 'the site, the terms and the limits of the struggle' to determine first, who shall control the State's school curriculum, and second, the nature of the accountability chain relating to that curriculum. I will now direct attention to crucial statements made by John Steinle (who was deputy Director-General of Education in 1976 and succeeded A.W. Jones as Director-General in 1977, and who retired in March 1988).

Let me preface my analysis of ex-Director-General Steinle's position on accountability with two caveats. First, whilst there is no denying that Steinle was a CEO of impeccable integrity and dedication, I believe that his arguments on accountability are seriously flawed. Moreover, since the then Director-General was the permanent head of the Department of Education, and

hence in a position to wield formidable power and influence in the process of 'bidding for the consent of the governed,' I believe it is important that his arguments should be countered. Second, although the form of my argument in this section and the section following necessitates a degree of selection from Steinle's public statements, I have sought to ensure that the chosen excerpts have not been taken out of context, but comprise a coherent picture of his position on accountability for school curriculum.

Steinle opens his only published statement on accountability with an unequivocal and totally reasonable claim that teachers and administrators alike are all in the same accountability boat, and he invokes all the consensual reassurance of the collective 'we':

> What I am suggesting is that we must accept that we do have a responsibility to the public and that we simply cannot draw ourselves up to our full professional stature, look down our noses and tell the community to go to hell. In short we are accountable, whether we like it or not (Steinle 1976, 5).

The reader will note that Steinle is here raising the question of the democratic accountability of educators to the 'public,' but unfortunately he fails to address this crucial consideration in any detail. He then proceeds to offer his definition of accountability:

> So let me say that for me accountability simply means that we have to report and explain what we are doing. It means having to be responsible and answerable to someone for what we are doing and for what we propose to do (Steinle 1976, 5).

However, within a few lines the emphasis shifts from the general and consensual to a more particular and teacher focused:

> Specifically in schools in South Australia it [ie accountability] means expecting each member of the department to answer to someone for what he does to achieve agreed results ... Thus in practice it means that teachers are held accountable for their work and that they are expected to earn their salaries by producing results and by carrying out assigned tasks at a certain level of competence (Steinle 1976, 5).

Steinle is in order in pointing out that teachers should perform competently, and part of his job as Director-General is to ensure this, but it should not be overlooked that he begins to distance

himself and administrators from similar concrete proposals regarding accountability. It is true that he does remark that the Director-General and Minister 'are accountable for ensuring that the central administration provides the necessary resources and technical assistance for the professional staff' (Steinle 1976, 6), but this passing remark is far removed from the specificity of his proposals for teachers. More significantly, whilst accountability for the administration of the curriculum figures prominently as his paper proceeds, Steinle fails to indicate how such accountability is to be made democratic, and nowhere in his paper does he address the crucial question: Who is democratically accountable for State school curriculum policy?

A general comment is perhaps appropriate at this point. Donald (1981, 105) has clearly demonstrated how the positional relationship between author and reader of the text can be used to the author's advantage, and he draws on Barthes's (1975) notion of 'cultural code,' defined as that which 'constructs a familiar "concrete" world which seems to pre-exist the text, and whose existence justifies and validates it,' to support his case. The 'cultural code' is a 'fragment of ideology' 'through which the text refers outwards to "reality" and to "common sense." It invokes the things that everybody knows.' In other words the cultural code enables a background to be 'conjured within and by the text,' and 'just as ideology in general does not hide "the real" but creates "reality",' so with papers written by those in powerful hierarchical positions: the accuracy with which the concrete is represented is often less important than how it is used and the function it serves. In short, it is often 'invoked ... as both the outside *cause* of the text and its *guarantee*' (Donald 1981, 105).

It is axiomatic that decisions of those in the top echelons of the chain of command carry more political weight than those lower down. Consequently, it is easier for superiors to select issues for the agenda than it is for subordinates. This, of course, is not to suggest that high ranking officials set out to deliberately deceive their readers or effect agenda control, and it is readily conceded that they are at liberty to choose issues and describe events as they see them. Nevertheless, issues which they fail to raise are frequently just as important (or more important) as those which they do raise. Moreover, the fact that they are high ranking officials

endows them, whether they like it or not, with formidable power in establishing the boundaries of debate and in bidding for the consent of the governed. Broadfoot (1985, 277) is insightful in claiming that 'it is in the ideological assumptions, which provide the basis for a common language of accountability, that the potential for legitimation and thus control really lies.' With the foregoing in mind let us resume our analysis.

Steinle goes on to claim:

> Today the blame for the problems of poverty, race relations, drugs and violence is to a great extent directed towards educational institutions and so 'accountability' is the battle cry (Steinle 1976, 6).

Yet in default of Steinle indicating whether he thinks such 'blame' is warranted, or what precisely constitutes 'to a great extent,' the 'reality' created in the reader's mind is likely to be that such blame is not without foundation, why else should a senior administrator see fit to raise the point, without comment? Steinle continues:

> There is widespread agreement that something is wrong with public education, for too many children after twelve years at school cannot read and are deficient in basic skills of communication (Steinle 1976, 6).

Here again, Steinle leaves his bold claim dangling, and the reader is left to ponder what constitutes 'widespread agreement' and 'too many,' and also the relationship between such agreement and the truth of the matter. After all, agreement is not synonymous with truth. But the implication is that teachers are falling down on the job. Steinle then writes:

> In the past in all schools, too much of the blame for failure to learn has been placed on students and not on the teachers' failures, deficiencies and incompetences (Steinle 1976, 6).

Steinle's pinning of the labels 'failures, deficiencies and incompetences' on some teachers can hardly fail to place all teachers under some degree of threat. Further, there is an implied suggestion that the two major reasons for student failure to learn are student and teacher shortcomings, and Schattschneider (1960, 68) has pointed out that 'The definition of the

alternatives is the supreme instrument of power.' But what Steinle does not make manifest, and hence does not appear on the agenda, is that there are many other factors (eg class size, home background etc.) which can help account for 'failure to learn,' and perhaps account for it better than those cited by Steinle. Further, Steinle's failure to indicate the complex nature of the 'failure to learn' syndrome directs attention away from other crucial variables, and hence renders a deeper understanding of the problem more difficult. Also, by implying that readers all share the same tacit assumptions about the fact (and the sources) of students failing to learn, coupled with this imprimatur by a senior administrator to the view of teacher shortcomings as a major cause of this failure, but citing no evidence, places all teachers at risk.

In the final section of his paper Steinle has this to say:

> What the successful implementation of a policy of accountability will do is to shift the focus of the school system from input to output, from teaching to learning. The quality of schools will be assessed by student learning and not in terms of resources allocated in the form of inputs such as teachers, space and equipment (Steinle 1976, 8).

Steinle's concern to shift the emphasis 'from teaching to learning' could well make senior administrators vulnerable, especially if the government and/or public believed that poor organization and supervision of teachers and resources were the main causes of students failing to learn. (This is perhaps why the 'newsletter' which the principal of Croydon Park Primary School sent to parents, warning of serious consequences arising from cuts in educational funding, elicited a hostile response from the Education Department and Minister). However, a more likely outcome of switching emphasis from inputs to outputs is that administrators become the chief beneficiaries. This is because the power at their disposal may enable them to 'hide' input deficiencies resulting from financial cut-backs, or bureaucratic incompetence, by concentrating on 'failures, deficiencies and incompetences' of teachers (eg defining outputs in terms favourable to administrators): thus reinforcing the locus of control at the top, and accountability at the bottom, of the hierarchy.

In summary, I have argued the need to pay close attention to Steinle's accountability discourse, which mediates between the 'educational facts,' as they pertain to accountability, and a heightened, if somewhat restricted, South Australian public awareness. His paper also fosters an ideological justification of a 'departmental' view of accountability which, as I have suggested, appears unnecessarily threatening to teachers. Generally, though, Steinle's analysis serves mainly to defend the administrative perspective rather than to account for the 'facts,' and I have tried to indicate ways in which the 'knowledge' in the text is given credibility and arguments rendered plausible. Steinle quite legitimately delineates the boundaries of the accountability 'problem,' nominates the issues to be addressed and the considerations to be weighed, as he sees them. Such a strategy exerts a determining effect on which of the 'facts' are likely to emerge as significant, and hence, given Steinle's position at the apex of the administrative hierarchy, which view of accountability is likely to prevail. After all:

> The public fails to recognise that governments exercise a significant command of resources and attempt to use those resources to shape beliefs about which data are relevant. The public does not perceive that the world is not necessarily as the government paints it (E. Thompson 1983, 57).

A paper such as Steinle's represents a powerful ideological tool in 'bidding for the consent of the governed,' or what Herman and Chomsky (1989) would describe as 'manufacturing consent,' and thus in helping to increase and legitimate what Habermas calls the 'steering capacity' of power holders (see Lingard 1990), which in the case of senior administrators in the South Australian Department of Education during the period under study, was already considerable.

WHATEVER HAPPENED TO DEMOCRATIC ACCOUNTABILITY FOR CURRICULUM IN THE SOUTH AUSTRALIAN SCHOOL SYSTEM?

As we have seen, the legal position regarding control of curriculum in South Australia is grounded in s82(1) of the Education Act 1972. We also saw that the intent of this legislation was to place curriculum outside the direct jurisdiction of the Minister of Education. We

should not forget that when the Bill was presented to Parliament, ex-Minister of Education Coumbes commended s82(1) because it meant that the Minister could 'not influence the contents of the curriculum' (SAPD 1972, vol 3, 3271). Whereas my criticism of Steinle's public statements in the previous section focused mainly on their ideological function (emphasis on teacher accountability tended to result in important 'democratic accountability' issues remaining off the agenda), my criticism of his public statements in this section will focus mainly on their substance. In particular, I shall seek to show that crucial claims he makes regarding accountability for state school curriculum are incompatible with the legal position stemming from s82(1), which suggests that Steinle was either mistaken about, or unaware of, the profound implications of s82(1) so far as democratic accountability for State school curriculum is concerned.

Decentralized Aspects of Accountability for Curriculum

In the previous section we saw that Steinle (1976, 5) maintained that accountability 'means having to be responsible and answerable to someone for what we are doing and for what we propose to do,' and that 'we must accept that we do have a responsibility to the public ... we are accountable, whether we like it or not.' But what precise form does this accountability or answerability take in South Australia. In an address entitled 'Accountability,' the then Director-General Steinle had this to say, on what he called 'public' accountability (but which for reasons given earlier I prefer to call 'democratic' accountability):

> Finally, there is 'public' accountability, which our system of responsible government demands of all government enterprises and which among other means, is measured through legislative requirements - such as the presentation of an annual report to Parliament. The climate in which the Education Department currently operates is one of financial restraint, external review and on-going internal review and evaluation - and this adds up to a thoroughly 'accountable' environment. Our performance is measured through such activities as National Testing Programmes, school controlled evaluation, public exams, the scrutiny of school councils, parent bodies and employer groups and the predictable series of bureaucratic requirements (Steinle 1981, 4-5).

Much of what Steinle claims is undoubtedly true, though it is by no means certain that even the unelaborated elements of his list in any way add up to a 'thoroughly accountable

environment' so far as democratic ('public') accountability is concerned. Whilst 'measurement of performance,' 'review,' and 'evaluation' have an integral role in the accountability process, the key question here is : 'What mechanisms exist which link these activities to a system of democratic or public accountability?' Steinle believed that the 'scrutiny of school councils, parent bodies and employer groups' in some way constitutes a process of democratic or public accountability: but does it? Schools may well feel responsible to the agencies cited, but in South Australia the statutory function of 'school councils' was, and still is, 'advisory' on curriculum matters. Also, 'parent bodies' and 'employer groups' are perhaps best described as 'interest' or 'pressure groups,' rather than as formal links in any democratic accountability chain. These groups can doubtlessly kick up a fuss, and make things awkward for school principals and teachers if they are displeased with schools' performances, and whilst principals and teachers may wisely choose to take account of such bodies, nevertheless, it is a mistake to confuse this with being democratically accountable (to the public). The reason being that these bodies *qua* bodies have no mechanism for making accountability stick, because they lack formal-legal accountability teeth to exert sanctions against those failing to discharge obligations for which they are accountable. So in this regard, at least, Steinle was confusing accountability with responsibility, and his suggestion that the bodies cited perform a democratic accountability function is unconvincing. Perhaps the most appropriate bodies which could, at some future date, serve as a mechanism for democratic accountability, so far as individual schools are concerned, are school councils, but as I have pointed out, they are currently advisory bodies so far as curriculum is concerned. Consequently, should a South Australian government decide that democratic (public) accountability for curriculum policy, and its administration, should be placed under decentralized control, then some political (as distinct from administrative) decentralization of authority would be required before, say, school councils could perform such a democratic accountability function. As we have seen, this would require a modification of s82(1) of the Act. Without such modification, the only form of 'micro-democracy' affecting curriculum which a Director-General could implement in schools, would be a limited brand of 'organizational democracy' restricted to departmental employees, and this could have only bureaucratic accountability significance.

Steinle went on to add:

> Finally, in summary, it is possible to discern a major shift in the source of accountability pressures when one examines the history of our education system. The days of rigorous inspection, prescribed curricula, endless class examinations and petty bureaucratic dictates were swept aside by the new thinking of the sixties. In place of bureaucratic scrutiny, however, we now find that schools must respond directly to the communities they serve and must expect to be the subject of government, rather than departmental review (Steinle 1981, 16-17).

It is not easy to see how 'bureaucratic scrutiny' could be totally dispensed with, given the Education Department's important role in the administration of the State public school system, but Steinle did seem to be suggesting that what he calls 'bureaucratic scrutiny' or 'departmental review' (ie accountability for the administration of curriculum), had somehow become democratic or public, in the sense that it had shifted from being the responsibility of the Education Department to become the responsibility of 'communities' and 'government.' By this I take it that Steinle meant two types of democratic accountability: first, a decentralized version with schools responding 'directly to the communities they serve,' and second, a centralized version of 'government review,' the precise nature of which Steinle fails to indicate.

Let us examine the decentralized version. What Steinle had in mind when he said that schools 'must respond directly to their communities,' became clearer the following year when, in a subsequent address, he wrote:

> Schools should acknowledge their accountability by consulting the community about their aims and programmes and by informing it about their subsequent decisions and their use of resources for those programmes. Schools are accountable to ... the community and the Education Department (Steinle 1982(b), 8).

He also added the school 'must also be accountable for its educational actions, and that means taking into account community views about the response to its programmes' (Steinle 1982(b), 10). However, before commenting on Steinle's position, attention is drawn to excerpts from a pamphlet by the Victorian Minister of Education, circulated at around the same time. The

early 1980s saw the Victorian Minister of Education embarking on a program to increase the power of school councils, and juxtaposition of the following excerpt from the Victorian pamphlet enables us to appreciate more readily the democratic shortcomings of Steinle's position:

> The [Victorian] Government intends that school councils will decide the major directions of the school programme by their involvement in the determination of curriculum objectives, the use of resources available to the school and in broad organizational policies (EDVIC 1983, 6).

And again:

> One other aspect of accountability is important. The essence of the change in the role of the school council is that it makes the principal and staff educationally accountable to the school council rather than to distant departmental senior officers. Councils will not have delegated authority which may be overruled by appeals to the centre; they will have authority in their own right (EDVIC 1983, 9).

In short, the Victorian proposals represented an intention to devolve authority to 'decide the major directions of the school programme,' and authority to hold the 'principal and staff educationally accountable' for those programmes, to school councils. The comparison with Steinle's position is telling.

When Steinle informs us that schools are accountable to the Education Department (ie bureaucratic accountability), a glance at the Education Department's systemic organizational chart gives us a fair idea of what this entails. We also have some grasp of what the day-to-day accountability of individual State schools involves. However, whilst it is reassuring to be told that schools must be 'accountable to the community,' it is difficult to see how they can possibly be accountable to something as vague and indeterminate as the 'community.' Steinle seemed to think that the school council in some way speaks for the community, and in a sense perhaps it does, but since a majority of members of such a council must be parents of children enrolled at the school, the council only represents a particular segment of the community. More importantly though, whilst 'consulting,' 'informing,' and 'taking into account,' and 'responding directly' to the views of the school council, may well comprise integral elements

of democratic accountability for curriculum administration, they cannot be equated with, or reduced to, such democratic accountability. As I have suggested, accountability requires mechanisms for enforcement in the event of non-compliance. After all, it is possible for schools to 'consult' and 'inform' their communities/school councils whilst at the same time retaining the right of final say on all curriculum matters: that is, without being *required* by their communities/school councils to operate in any prescribed way. So despite all the 'consultation,' it is the administrators and professionals who are final arbiters of which views shall prevail. Attention has already been drawn to Etzioni-Halevy's (1983, 52) neat point that, whilst in many cases the public may speak, 'it is the official who chooses when to listen, to whom, and with what degree of attention.' Such is the case here, and South Australian State schools are not accountable to their communities/school councils, and Steinle was in error in thinking that they were. Steinle was really talking about increased communication, mistakenly believing this to be increased accountability, and he is not alone in this regard. Bridges (1981, 224), says that the English Cambridge Accountability Project 'team and the schools came to treat the problem of accountability as almost synonymous with the problem of communication,' but concluded that 'although accountability has a lot to do with communication, this is surely not all there is to it.'

In a society such as Australia, democratic accountability processes are a necessary part of the system of 'checks and balances' against abuse of power, and such processes (of which the electoral system is the archetype) requires the potential use of sanctions to redress grievances and remedy shortcomings. Whereas this requirement was clearly built into the proposed Victorian school council reforms, South Australian school councils could not (and still cannot) exercise such sanctions for they had no legal jurisdiction over curriculum policy or the administration of the curriculum. From a democratic standpoint, Steinle's mistake was that he simply confused the thoroughly commendable move of making erstwhile 'closed' and remote 'bureaucratic review' of curriculum administration more 'open' and visible to communities/school councils, with making it more democratically accountable.

Further, when Steinle went on to inform us that although he was responsible for school curriculum, and that in practice this meant 'that approved curricula can be varied and supplemented as a result of the school councils' reactions to their content' (Steinle 1982(b) 12), his claims must be interpreted narrowly in the following way. If a school is permitted to 'vary and supplement' approved curricula, it is not because the school council has the power to command it, but because the school principal finds it prudent, or at any rate chooses, to comply with the expressed wishes of the school council. Schools may feel a sense of responsibility to their communities (as represented by school councils), but this hardly means that they are accountable to them. Steinle overlooked this point, for he believed that State school curriculum functioned in a 'thoroughly accountable environment.' However, no democratic (public) accountability links actually exist between school and community, except in the impoverished sense of accountability to the school council by courtesy of the school principal.

In terms of the model of accountability for curriculum presented here (Figure 1(b)), the decentralized aspects of the South Australian situation can be expressed as follows. First, Steinle believed that the State had a B_2 (democratic) version of 'decentralized curriculum administration,' when in fact a D_2 (non-democratic) version exists. Secondly, with 'decentralized curriculum policy,' the situation is not a B_1 (democratic) version, which we would normally expect to find, but a D_1 (non-democratic) version.

South Australian school councils have no policy-making authority and no accountability teeth so far as curriculum is concerned. Consequently, they tend to function more as a 'public relations' arm of management than overseers or controllers of management, although they can, of course, also play an important adversarial role. In the main, however, school councils tend to represent and legitimate the school administration to the community so far as curriculum is concerned, more than they represent the community to the administration. This *modus operandi* may well foster harmonious relations between school councils and professionals, but it is achieved at the expense of public control over school-based curriculum policy-making

and implementation, which was so much the concern of the English Taylor Report (Taylor 1977).

The effectiveness and efficiency of the administrative system in facilitating the curriculum needs of the community are presumably at risk if too many people get in on the act. It is only if power over curriculum decisions, and responsibility for them, can be removed from the *demos* (usually referred to as 'target populations'), and concentrated within an administrative elite, that effective control can be secured. Concomitantly, the rhetoric of 'participation' and 'democratic accountability' must be sustained if bureaucratic control of curriculum is to be maintained without undue risk of outright public opposition. Perhaps it is not the products of school council participation in the accountability process which bureaucracies require, so much as the legitimising process, for it is the process which is essential to a society claiming to foster democratic accountability for school-based curriculum decision-making. Krause (1968, 136) used the expression 'participation as bureaucratic ideology' to describe situations in which administrators seek to involve citizens in ways mainly designed to persuade them to accept the policies of administrators. Given my analysis of Steinle's statements regarding the accountability role of school councils, perhaps the expression 'accountability as bureaucratic ideology' is not out of place.

Centralized Aspects of Accountability for Curriculum

Surely, then, if no genuine democratic accountability for curriculum exists at school level in South Australia, we can expect to find it at macro or central government level. After all, Steinle (1981, 17) claimed that schools 'must expect to be the subject of government, rather than departmental review.' The spectre of 'individualism,' of school principals called to account at the Bar of Parliament is hardly a credible option, but what should exist under the conventions of the Westminster system of government on which Australia models itself, is at least some degree of ministerial responsibility and accountability for actions taken by their departmental officials. What this should mean so far as the school system is concerned is that

the democratic accountability link between the appointed Director-General of Education, and the public (electorate), should be mediated through the Minister of Education/Cabinet/ Government/Parliament, though it is conceded that the ballot-box is a rather blunt instrument of accountability (see Fowler 1977); but certainly preferable to none at all.

Today, however, a new convention is emerging, and Weller and Grattan believe that it seeks its legitimation in the following way. It is recognised that a Minister cannot possibly know everything that officials in the department are doing. Consequently:

> ... it is now asserted that ministerial responsibility [and accountability] means simply that he must explain how mistakes were made by officials and undertake to correct them (Weller and Grattan 1981, 13).

The question then arises:

> If public servants are not accountable for their mistakes - since they are responsible only through their Ministers - and if Ministers are responsible only to correct mistakes, once they have been uncovered and are not responsible for the initial errors, then is *anyone* held accountable for that mistake? Does the public have any comeback for such error? At present it seems questionable (Weller and Grattan 1981, 13-4).

At the Federal level, the 1982 scandal arising from the substitution of kangaroo meat for beef exports to the United States would seem to constitute a case in point.

Weller and Grattan's concern is well founded, and perhaps provides some incentive for a degree of political decentralization of the school system. An added problem in South Australia is that s82(1) of the Act created a situation in which the Minister of Education is not even formally responsible or accountable for curriculum policy in State schools. S82(1) effectively places curriculum control in the hands of the Director-General, though it is difficult to see how the Director-General can be held accountable for it. Indeed, as we saw in chapter five, the Keeves Committee (Keeves 1982, 60) was thoroughly confused on the issue of accountability for school curriculum:

> The Committee received submissions arguing that it was a failing in accountability that power over curriculum should lie with a public servant rather than with the Minister, who is accountable to Parliament. The Committee claimed to 'refute' this argument, but did no such thing; rather it ignored it (Hyams et al 1988, 454).

The plain fact is that s82(1) severs the accountability link for curriculum policy between the Director-General and the Minister, and hence, eventually to the electorate. Therefore, we should not be surprised to find that in terms of the model of accountability for curriculum presented here, South Australia has a 'centralized non-democratic' system of accountability for curriculum policy (C_1), rather than the democratic variety (A_1) which we would normally expect to find. Curiously enough, so far as centralized accountability for curriculum administration is concerned, South Australia has a democratic version (A_2), and this is because s12(a) of the Education Act makes the Director General 'responsible to the Minister' (s82(1) specifies no such responsibility to the Minister), 'for maintaining a proper standard of efficiency and competency in the teaching service.' But does it make any sense for the Minister to be democratically accountable for the administration of curriculum if the Minister is not democratically accountable for curriculum policy in the first place? We can readily imagine a ludicrous situation in which the Minister of Education disapproves of the Director-General's curriculum policy, yet is democratically accountable only for ensuring that such policy was properly administered, and that students were properly taught. This is tantamount to saying: 'I don't like what you are doing, but I'll make sure that you do it properly!'

To summarize this section, I believe that I have established the lack of any genuine centralized or decentralized democratic accountability for curriculum policy, and decentralized curriculum administration in South Australian State schools. S82(1) of the Act effectively removes curriculum from the democratic political realm, except by courtesy of the Director-General (or of school principals if administrative decentralization has occurred), or in the bizarre sense resulting from s12(a) of the Act. Where democracy exists (Parliament and school councils) there is effectively no accountability for curriculum, and where accountability exists (upwards through school/departmental hierarchies) it is not under

democratic control: so far as democracy and accountability are concerned, it is very much a case of never the twain shall meet. The Director-General is responsible for curriculum policy in State schools, but neither the Director-General, nor anyone else, is directly democratically accountable for it. A vital democratic principle is at stake here. Responsibility without accountability is a dangerous dichotomy, and we all have a vested interest in defending democratic accountability, or more accurately so far as South Australian State school curriculum is concerned, re-establishing it.

WIDER SIGNIFICANCE OF THE SOUTH AUSTRALIAN CASE STUDY

In this final section of the chapter I will: briefly indicate the relevance of the democratic accountability issue to politics in general; relate the South Australian situation described here to the wider Australian context; and conclude with comments on how the democratic accountability issue manifests itself in American and English school governance.

There can be little doubt that the South Australian situation described above is an extreme example of a general trend of decreasing democratic accountability for a wide range of political decisions in Western industrial democracies during the 1970s and early 1980s; a trend which is in part - though not entirely - due to increased *de facto* control of policy decisions by public service administrators. The associated feeling of loss of accountability on the part of citizens has presumably played a part in the emergence of a 'crisis of authority' in the West (Habermas 1971, 1975; Vandeloo 1979; Broadfoot 1985).

We have seen that Habermas (1971, 63-64) claimed that politicians were now dependent on professionals, rather than the other way round. Similarly, English Member of Parliament, Luard (1979, 86) bemoaned what he saw as a situation in which 'political leaders become increasingly merely the mouthpiece for the mandarins who themselves make or mould decisions.' Yet again, Kogan (1974, 41) has pointed out that 'the ability of even the most able Minister to create, promote and carry out policies is limited.' Such views are almost certainly

exaggerated, though the technocratic trend which they describe is undeniable. Yeatman has recently drawn attention to a further threat:

> Democratic models of governance are currently under sustained attack. This is because democracy depends on commitments to public values, a public domain, and publicly funded services which foster equal citizenship of those who fall within the democratic jurisdiction concerned. The erosion of these commitments by the revival of the ideology of the free market, and by the increased global capacities of capitalist firms to shift from one jurisdiction to another, threatens the very foundations of a democratic polity. It is difficult to be optimistic about the fate of democratic values in the short term ... To keep democratic values alive it is critical to keep on making democratic models of governance relevant to the demands of the present. This is an ongoing challenge ... it is important that we maintain and renew democratic models of governance so that we can effectively contest those who would turn the administrative state in non-democratic directions (Yeatman 1990, 58).

Strengthening ministerial responsibility and accountability is one way of making democratic models of governance more relevant. More particularly, Wilenski (1979, 34) has argued convincingly that in Australia 'Ministers obviously do have considerable power and they exercise it, but the public service also exercises considerable power and for many of its actions is in no way accountable to the public.' He went on to say that 'effective control of the service by elected representatives must be recognized as a central issue of democracy.' It is hardly surprising that Wilenski concluded that 'the restoration of ministerial responsibility is ... the most urgent task facing public administration and that this will necessitate extensive changes in our system of government' (Wilenski 1979, 44-45). E. Thompson (1983, 67), also presents a strong case that under the Westminster model of democracy 'the bureaucratic arm of government is not, in important ways, accountable,' whilst Vandeloo (1979, 24) argues that in Australia 'the doctrine of accountability can be seen as a polite fiction. Accountability gets lost in the shuffle somewhere in the middle ranges of bureaucracy.'

Fortunately, a degree of public service reform, at both Federal and State levels, during the 1980s has sought to address some of the problems, and Wilenski (1987) describes how these reforms have generally been directed towards achieving: more efficient administration; more equitable administration; and more democratic administration. So far as more democratic administration is concerned, Wilenski has this to say:

> A more democratic administration: an administration in which major policy decisions and allocation of resources are made by Ministers as the elected representatives of the people; and secondly, since Ministers cannot take or supervise all decisions, a more representative bureaucracy whose decisions are more open to public influence, to public scrutiny and appeal (Wilenski 1987, 169).

This type of reform became necessary as a result of the growth in size and complexity of government activity which had led to a 'diminution of the effectiveness of ministerial control and put greater power in the hands of non-elected officials' (Wilenski 1987, 169). The reforms instituted were designed to bolster ministerial effectiveness through the adoption of such measures as providing Ministers with more effective personal staffs (including advisers who share Ministers' values), and effect greater governmental control over the appointment of Chief Executive Officers, many of whom were fixed-term, rather than tenured, appointments. At the same time, attempts at making the public service more responsible included: the passing of freedom of information legislation; the provision of the 'ombudsman' and administrative appeals tribunals, through which bureaucratic decisions can be challenged; and the expansion of parliamentary committees to oversee bureaucratic procedures, and before which, public servants can be called and questioned. However, whilst Wilenski (1987, 220) maintained that 'It is necessary to acknowledge and delimit the area of responsibility' of public service officials, and to 'establish the means by which they are held accountable for their actions within it,' he reluctantly conceded that: 'Nowhere has a solution to this problem been found ...' In view of this, we may well ask whether it is prudent to exacerbate an already intractable problem, by continuing to permit s82(1) of the Act to vest ends-type curriculum policy-making authority in a Chief Executive Officer.

This returns us to the educational context. Creed (1991, 228-251), describes the 'bewixt and between' changes which took place in the Victorian school system between 1979 and 1990, and he explains why the bold reform to establish 'self-governing schools' (outlined in 1986 by the State government in *Taking Schools into the 1990s*), each of which would decide its own curriculum, actually stalled in the face of opposition and changing political climate. However, Creed (1991, 250) argues that 'The concept of self-governing schools developed under

Minister Cathie is a portent of things to come... Irrespective of which party is in power, it seems that devolution of authority to schools will develop much further.' Creed is not alone in this view, for Harman et al (1991, 309-313), in the concluding chapter of their book, suggest that Australia generally will likely move more purposefully towards 'self-governing schools.' Whether or not such schools would control their curricula is open to question.

Creed (1991, 250) also points out that in Victoria there has been a 'continuing failure to establish an evaluation and accountability framework for schools.' If so, the situation should obviously be rectified, and in any movement towards self-governing schools, care should be taken to distribute authority between the school council and the principal, such that in terms of the model of accountability outlined in this chapter, a mode of decentralized democratic accountability, for both school-based curriculum policy and the administration of that curriculum, is developed. In addition, such a decentralized mode of accountability should complement the centralized democratic mode of accountability rather than problematize it, for no one wants a situation to develop in which centralized and decentralized accountability roles become hopelessly confused, or worse, incompatible. Given the history behind, and the massive inertia associated with, State school system administrative infrastructures currently existing, it is unlikely that Victoria, or any other state, will opt for a completely decentralized system of self-governing schools in the foreseeable future. State governments will presumably choose to maintain some degree of curriculum control in order to: foster 'participation and equity;' ensure provision of a curriculum relevant to the needs of Australia and Australians in the twenty-first century; maintain proper educational standards; and seek to preclude the likelihood of racism, sexism, and myopic parochialism manifesting themselves at local level.

In this latter regard, Lieberman (1960, 37) has pointed to the dangers in the United States of what he called 'local totalitarian control.' For Lieberman, a totalitarian system is simply one which 'develops a massive uniformity of outlook,' and which is based upon a 'policy of intellectual protectionism for a point of view that cannot stand the test of free discussion':

> ... the predominant groups in the community tend to establish purposes which accord with their particular religious, political, economic, or social points of view. As a practical matter, therefore, local control can result in the same kind of intellectual protectionism that characterizes schools in totalitarian countries ... every pressure group is for a liberal or democratic education, but has a special version of what intermediate objectives and what educational programs lead to this result. What is crucial is that, at the local level, it is relatively easy for a preponderant group to enforce a policy of intellectual protectionism for its sacred cows (Lieberman 1960, 38).

Lieberman's words are still germane today, particularly in a multicultural society such as Australia, and whilst it is true that overcentralization can cast a dark shadow over schools, the dangers associated with local control can easily be overlooked.

Having drawn attention to the need for a careful distribution of authority between school council, school principal, and central authority, if democratic accountability linkages are to remain unambiguous, let me now draw attention to recent problems in this regard in the Western Australian school system. Dimmock (1990) describes changes taking place in Western Australia in the wake of a Ministry of Education publication: *Better Schools in Western Australia: A Programme for Improvement* (1987). He cautions that in an educational environment of 'unprecedented change,' including 'substantial reform of the curriculum,' 'the current emphasis on accountability and performance monitoring requires massive adjustment' (Dimmock 1990, 199). A key government strategy was to set up a School-Based Decision-Making Group (SBDMG) for each school, charged to prepare a 'school development plan.' Unfortunately:

> Devolution of powers to principals has also made them uncertain about their own accountabilities both to ministry and SBDMG. Poor guidelines and woefully inadequate support provided by the ministry has led to confusion and uncertainty ... Thus the ministry sees accountability in the context of school development plans and SBDMGs. Accountability of the school means the ability to account for the extent of its achievements related to the objectives stated in the school development plan. The school facilitates its own accountability to all relevant interests groups as it incorporates school-based and ministry priorities into its development plan (Dimmock 1990, 202-203).

Given Dimmock's description of developments in Western Australia, it is hardly surprising that school principals should be 'uncertain about their own accountabilities.' Further, it is

difficult to see how a school 'facilitates its own accountability to all relevant interest groups,' the reason being that 'interest groups' (eg community business groups) do not necessarily wield the authority required to exert legal accountability sanctions if they are dissatisfied with a school's performance. At best the schools exercise a communication function when they 'give an account' of their various achievements to the interest groups, but as we have seen this is not the same as being accountable to them. However, it is hardly surprising that Dimmock (1990, 206) concludes that 'the pursuit of quality and accountability' had brought the Western Australian school 'almost to breaking point.'

Finally, to return to a point made by Creed and by Harman et al, even if they are correct in their view that Australian States will move towards 'self-governing schools,' it seems unlikely that, over the short term at least, schools will be 'self-governing' so far as curriculum choice is concerned. The current trend is that schools are being realigned in order to benefit the economy (Marsh 1994, 14), and towards this end: 'The series of meetings of the Australian Education Council (AEC)* held during the period 1986-92 revealed a growing resolve by State Ministers to work collaboratively in developing national curriculum materials' (Marsh 1994, 153). However, optimism generated by the AEC's 'Hobart Declaration' of April 1989, which saw ministerial acceptance of ten national goals for schooling, followed by the announcement of eight learning areas, received a setback in July 1993 when a decision was taken by the AEC to defer accepting the national statements and profiles. Despite this setback, the AEC Curriculum and Assessment Committee (CURASS) chairman Dr. Ken Boston, predicted that as States and Territories begin to mine the CURASS materials 'the richness of the work will be acknowledged and taken up in our schools' (Willmott 1994, 42). The mining has begun, and Marsh (1994, 54) points out that all States and Territories have implemented plans to 'trial the national statements and profiles, but not as part of a grand-scale national

* The AEC consists of Ministers from the various States and Territories and the Commonwealth. However, since the AEC deliberations were on a 'national collaborative curriculum,' and given the legal status of s82(1) of the Act, perhaps the South Australian Director-General of Education would have been a more appropriate representative.

plan, as hitherto envisaged.' So far as South Australia is concerned, Huppatz has described how:

> The implementation of the Statements and Profiles will support curriculum renewal in government schools .... The Statements are seen as the key documents in providing direction for curriculum development, while the Profiles will provide a framework for reporting student achievement. Specific recommendations for the implementation process in South Australian Government Schools were approved by the Minister and Director-General on 28 September 1993 (Huppatz 1993, 23).

The AEC's approach to a national collaborative curriculum raises the important issue of accountability:

> ... writers have questioned whether intergovernmental mechanisms such as the AEC are legitimate tools because they take decision-making authority away from the elected Parliaments and have no accountability mechanisms (Kennedy 1992, Saunders 1991) (Marsh 1994, 45).

Marsh's concern is understandable, and if he is correct, a genuine problem is posed for democratic accountability. It may well be true that the AEC, as a body, has 'no accountability mechanisms,' but this would hardly seem to matter as the AEC cannot take decisions which are binding on States, Territories or Commonwealth. It is primarily a high-powered advisory body, and the plain fact is that the AEC does not 'take decision-making authority away from elected Parliaments' at all. Any decision taken by the AEC would need to be approved by State, Territory and Commonwealth Parliaments, each of which would have the option of accepting it, rejecting it, or proposing changes to it, which the AEC would need to consider. Even so, any AEC decision so changed or modified, would in turn need to be re-submitted to the respective Parliaments. It is true that intergovernmental mechanisms such as the AEC make it more difficult, though not impossible, for Parliaments to 'perform any sort of scrutiny or review function' (Saunders 1991, 49), and they can certainly insulate decision-making, rendering it less responsive to public opinion (Kennedy 1992, 33), but in the last analysis 'governments working together have no greater mandate than the specific mandates given to individual governments' (Kennedy 1992, 33).

Let us now turn briefly to the United States. Despite the growth of the consumer-inspired and democratically-oriented 'accountability movement' in education, with its focus on 'competency testing,' at a deeper level the linkages between democracy and accountability have tended to become more tenuous. Cohen, for example, draws attention to the fact that:

> While formal governance arrangements vest nearly all authority and power in local and state education agencies that are either elected or accountable to elected officials, power and authority have been gradually accumulated in the hands of people who are neither elected or accountable to anyone who is (Cohen 1988, 431).

Cohen (1988, 436) goes on to add that 'increases in the power of professionals and bureaucratic organizations at the local level have been accompanied by decreases in lay control,' and he argues that 'these things have not occurred chiefly because the public has been driven out of school government by greedy teachers and administrators,' but that most of the changes have occurred because the social and economic division of labour makes it 'convenient for people to cede operating authority to professionals.' Consequently, the 'efforts of reformers to make schools more accountable regularly back-fire politically.' The reader will recall that the South Australian Parliament voluntarily ceded control of curriculum policy (*de jure* control) to the tenured Director-General, under s82(1) of the Act.

Retsinas also draws attention to American school boards ceding authority to professionals:

> ... school boards are likely to continue to grant concessions of control - if only because policy control is cheaper than wages and fringe benefits (Retsinas 1982, 32).

Bakalis (1983, 12) describes the decline of democratic accountability in American education, but stresses that 'clear location of responsibility is vitally important to the operation of democratic governments,' and that if citizens are to use their votes wisely, then they 'need to know who is answerable for government actions':

> Today that responsibility is hard to pin-point, and we are witnessing a decline in collective responsibility throughout all levels of politics. For education in particular, the consequences of decline are far-reaching ... the actual accumulation of power has been gradually falling into the hands of people who are neither elected nor accountable to anyone who is (Bakalis 1983, 12).

More recently, Hanson (1991, 31-34) describes how two waves of reform (each with important accountability implications) rolled through the school systems of the United States during the 1980s. The first was a 'top-down' wave designed to tackle the twin problem of low academic standards and inferior quality instruction. Not surprisingly, 'The villain was quickly identified - the classroom teacher,' against whom the 'hammer of accountability' was directed. Given this heavily teacher focused accountability thrust, impelled by 'more than 700 pieces of State legislation which were developed and designed to upgrade the quality of the nation's teachers' between 1983 and 1985, emphasis during this period was firmly on centralized (ie State) democratic accountability for the administration of the curriculum, and accountability for curriculum policy was not seen as a pressing issue.

A problem associated with these centralized accountability procedures for curriculum administration directed at teachers was, as Hanson (1991, 33) explains, that they proved to be less successful than had been envisaged, because they were 'not effectively reaching far into the depths of the schools where teaching and learning take place.' Indeed, 'State level policy-makers ... can manage macro policy ... but have limited control over the daily operation of schools. State policy cannot change what it cannot control.' Tyack describes the situation well:

> Various winds of reform have ruffled the surface of the education sea, but a fathom deep, in the classroom, practices remained remarkably consistent over time. Teachers have become experts in accommodating to, deflecting, or sabotaging changes they do not desire (Tyack 1990, 188).

Given the shortcomings and limited success of the first wave of reform, a second wave of 'bottom-up' reform, designed to cater for specific conditions of local needs, overlapped the first wave in the mid 1980s. A key characteristic of second-wave reform was 'school-based management' (SBM), a development which was occurring simultaneously in several other Western industrial democracies including Australia (Carl 1994, Deem 1994, Elliott and Maclennan 1994). Hanson (1991, 35-36), describes four models of SBM (Dade County Florida, East Baton Rouge Louisiana, Los Angeles, and Chicago) which became trend-setters

in the United States in the late 1980s. The first two models saw the creation of individual school councils, each possessing advisory powers only, whilst the latter two involved a 'transfer of genuine decision-making power to schools' (though no curriculum policy power was devolved). Of the four models which Hanson describes, Chicago school councils were given the most power: 'Each council is empowered to allocate the school budget, authorise school improvement efforts, as well as hire and fire the principal.' As well, 'If targeted changes do not come about, principals can be held accountable by losing their jobs' (Hanson 1991, 35).

It is still too early to determine whether or not SBM will improve American schools, but a latent accountability problem seems obvious. Leaving aside any Federal government responsibilities for schools, the school councils, to which power is being devolved, add a new level of democratic decision-making to those of State and school-district levels currently existing. Consequently, caution will need to be exercised in order to keep the three levels of authority clear and distinct, as the new system of power-sharing develops. Otherwise, uncertainties arising from overlapping responsibilities, or even failure to recognise or admit responsibilities, could well undermine democratic accountability, as linkages become blurred or even lost in the interstices generated by a system of intra-State trichotomous partnership.

The past decade has also seen England in the throes of profound structural change to its educational system. In 1984 Education Secretary, Sir Keith Joseph, attempted to reconstitute and rejuvenate school governing bodies. His Green Paper: *Parental Influence at School* (1984, 10), which sought to break the dominance of governing bodies by local education authority (LEA) nominees, argued that since the Education Act 1944, LEAs have often adopted policies which 'effectively reduce the governing body to a cipher.' However, Sallis (1984, 9) saw Sir Keith's projected reform, which would have given parents a structural majority on the new governing bodies, as merely a strategy by the Thatcher government for 'putting the squeeze on LEAs from below as well as above.' Sallis also believed that setting up 'the consumers of education in confrontation with those who provide the educational

service, and those who deliver it, raises a serious question as to the democratic nature of such bodies.' Sallis was quite right, no sectional group, not even parents, should be permitted to control a school's governing body, for there are other important stakeholders in the matter of school-based curriculum. The Editor of *The Times Educational Supplement* (19 October 1994, 2) pointed out that 'teachers' organizations, LEAs, governors' organizations, parents' organizations, and consumers' organizations,' were all opposed to the parental majority proposal. In the face of extreme hostility it was not surprising that Sir Keith Joseph dropped his contentious proposal to give parents a structural majority on governing bodies (only 33 out of 470 responses to the Green Paper were in favour of such a majority - *The Times Educational Supplement* 29 March 1985, 3). Incidentally, at the time of writing, South Australian school councils are still legally required to have a structural majority of parents.

If there were doubts as to the democratic nature of the proposed governing bodies, there were also doubts relating to their accountability role. The Green Paper claimed to offer 'two new measures' 'designed to strengthen the accountability of the governing body to parents.' First, the Government proposed to require the 'governing body to issue free of charge an annual report to every parent about the discharge of its functions.' Second, the Government also proposed to require the governing body to convene an annual meeting of parents where they could 'present and pass resolutions which the governing body would be required to consider (or as appropriate, pass to the LEA or headteacher for their observations), and then to report back to parents on the actions taken' (Green Paper 1984, 26). However, no matter how desirable these two measures may have been as communication devices, they would not function as the sort of accountability mechanism described in this chapter, and hence would hardly 'strengthen the accountability of the governing body to parents.' In this regard, Labour Party junior spokesman on education, Andrew Bennett, alerts us to at least part of the problem:

> If the powers of the governors do not seem to be well thought out then neither does the process of making the governors accountable to their electorate ... if additional parent governors are to have any point at all, then making them accountable to all parents is essential (Bennett 1984, 4).

Confusion regarding 'communication' and 'accountability' manifest in the Green Paper, has persisted into the 1990s. For instance, Helsby and Saunders point out that following Prime Minister Callaghan's Ruskin Speech in October 1976:

> Subsequent Conservative governments have increasingly taken measures to further strengthen such public accountability, including the decision to make all HMI reports public ... the compulsory publication of information about schools and their examination results, through to the recent increases in powers of governing bodies ... (Helsby and Saunders 1993, 57).

Increasing communication along the lines, indicated by Helsby and Saunders does not, of itself, increase accountability. Also, increasing the powers of governing bodies does not necessarily result in increased democratic accountability, unless such governing bodies (as Bennett fully realised) are accountable to properly constituted electorates.

To return to the Green Paper, its lack of clarity regarding the respective powers of LEAs and proposed governing bodies, also posed a potential problem for democratic accountability processes. The Editor of *The Times Educational Supplement* (25 May 1985, 2) pointed out that 'It is just not clear at this stage what would happen if a determined LEA and a determined governing body showed deep interest in the curriculum.' One year later, ss16 and 17 of the Education Bill presented to Parliament in 1986 confirmed rather than dispelled this fear, for they left the ultimate control of, and therefore accountability for, school curriculum in some doubt. Further, the school principal, who was to be responsible under s17(3) of the Bill for 'determination and organization of the secular curriculum of the school,' was also required under s17(4) (b): 'to secure that the curriculum - (1) is compatible with the policy of the authority [LEA] or, where it is incompatible with that policy, with the policy of the governing body.'

But is it prudent in a democracy for an appointed school principal to be sandwiched in this manner? That is, of having to choose between offending a democratically elected LEA or a representative governing body, or perhaps of offending both should the principal choose selectively from the curriculum policies of both LEA and governing body. This lack of clarity

between LEA and governing body roles carried with it a variety of dangers for democratic accountability. For example, selection by the school principal of only *aspects* of LEA and governing body policies could have rendered those aspects incoherent (that is when severed from their respective *total* policy contexts). In this case it would have been unreasonable for voters to hold either the LEA or the governing body democratically accountable, for what would in effect have been the school principal's curriculum policy, developed by selective accretion. In short, the Education Bill presented to Parliament in 1986, contained the potential for a strong measure of *de facto* technocratic control of curriculum by the school principal, whereas in South Australia, as we have seen, *de jure* technocratic control of State school curriculum by the Director-General exists.

Fortunately, the Education Bill was amended by Parliament, such that when the Education (No 2) Act finally became law in 1986, the offending s17(4) (b), which would have permitted a school principal to control curriculum through a process of selectively choosing between LEA and governing body policies, had wisely been jettisoned. At the same time, whilst the Education (No 2) Act 1986 resolved one accountability problem, it created another. The reason being that s3(1)-(7) resulted in governing bodies of 'county, controlled and maintained special schools' being required to have approximately one third of their members 'co-opted' (co-opted members did not represent an electorate). Further, s4(1)-(3) dealt with the composition of governing bodies for 'aided and special agreement schools,' and s4(3) (a) stated that:

> (3) The instrument of government for such a school shall provide -
> (a) for such number of foundation governors as will lead to their outnumbering the other governors -
> (1) by two, if the governing body of the school will consist of eighteen or fewer governors; and (11) by three, if it will consist of more than eighteen governors

S82(5) went on to stipulate that 'foundation governors' 'shall be treated as having been co-opted.' Clearly, the possibility of approximately one third, or over half of the governors (depending on the type of school), not representing an electorate raises doubts as to the

'democratic' nature of such bodies, and hence to any alleged 'democratic' accountability function performed by such bodies.

As it transpired, change in the English school system gathered pace in the wake of the Education (no 2) Act 1986, such that any genuine accountability role of LEAs and governing bodies for school curriculum was quickly rendered superfluous. Within the space of a few years a decisive shift of power to central government occurred. Such was the enormity of the change that Deem describes it as follows:

> Under the impact of recent reforms, the English system of education is no longer 'a national system locally administered' but has become a centrally controlled national system operating in conjunction with site-based management, a model which *appears* to provide headteachers of schools and their governors with a high degree of autonomy (Deem 1994, 27).

Chapter IV of Part 1 of the Education Reform Act 1988 (ERA) made provision for LEA schools or voluntary schools (but not primary schools with less than 300 pupils) to seek to become 'grant-maintained schools (GMS).

If approval was granted and a school achieved GMS status, then that school would be funded by central government (later by the Funding Agency for Schools, established under s3 of the Education Act 1993), and such funds would be under the control of the governing body. More importantly, so far as curriculum was concerned, s2 of the ERA 1988 introduced the controversial 'National Curriculum' for every maintained school. S3 of the ERA 1988 specified three compulsory 'core subjects' (science, maths and English), together with a number of compulsory 'foundation subjects.' S4(1) of the ERA made it the 'duty of the Secretary of State' 'to establish a complete National Curriculum as soon as is reasonably practical,' and also gave the Secretary of State power 'to revise that curriculum whenever he considers it necessary or expedient to do so.' S4 of the ERA 1988 empowered the Secretary of State to specify such 'attainment targets,' 'programmes of study,' and 'assessment arrangements,' for the compulsory subjects, as the Secretary 'considers appropriate.' The Education (Schools) Act 1992 strengthened the role of Her Majesty's Inspectorate in

monitoring the curriculum, whilst the Education Act 1993, which said nothing about the National Curriculum, streamlined GMS procedures in order to foster a quicker transfer of schools from LEA control.

In short, changes in the English school system between 1986 and 1993 were dramatic. In an overview of changes simultaneously taking place in England, the United States, and New Zealand during this period, which was characterized by a growth in local governing body and school council authority and activity, Deem has this to say:

> A new 'culture of autonomy' is thus being created amongst those involved with lay administration of schools in the three countries so far examined. This culture is intended to replace what Wilkins (1991) has called the 'culture of dependency' which existed when schools and school governance were under regional or district control. But a major question for the policy analyst is the extent to which this autonomy is real or illusory, since it seems that economic dependency on the state, and private means, has replaced the former cultural and economic dependency on the district or region. Whereas the dependency culture was usually located within a democratic system of local government, certain aspects of the new culture appear fundamentally undemocratic. This is especially the case where, as with English GMS and all New Zealand schools, there is no accountability at all to local communities outside the current client groups of those students (Deem 1994, 29-30).

With due respect to Deem, the trend she describes, as it relates to England, at least, is not as undemocratic as she seems to think. The GMS (along with county and voluntary schools funded by the government) are now subject to a mode of strong centralized democratic accountability for both curriculum policy and the administration of that policy, as they relate to the compulsory National Curriculum. Deem may not like the idea of such a degree of centralization (overcentralization?), and would presumably prefer to see more accountability to local communities (as, indeed, would Dimmock and Hattie, as we saw earlier, who seem to equate democratic accountability with accountability to the local community), and it is true that highly centralized systems are frequently insensitive to local and individual needs and aspirations. However, it is not necessarily 'fundamentally undemocratic' if government schools are not accountable 'at all' to local communities: provided, of course, that centralized democratic accountability mechanisms are operative; though this is not to deny that accountability to local communities may be considered to be highly desirable. The question

of whether centralization is preferable to decentralization, or whether some mix of the two is desirable, should not be confused with the question of whether or not such systems are democratic or non-democratic, and hence, whether they are characterized by democratic or non-democratic accountability mechanisms.

A great furore erupted in professional and academic circles in the late 1970s, when the Bjelke-Petersen government in Queensland banned the use of MACOS and SEMP in Queensland State schools. However, regardless of whether or not one approved of this decision, and it was certainly an example of what Walker (1991, 106) calls 'militant ministerialism,'* it could not in fairness be described as a 'non-democratic' decision.

There is no denying that there are problems associated with centralized democratic control (Rizvi 1990, Walker 1990, 1991), just as there are problems associated with decentralized democratic control (Lieberman 1960), Rizvi 1990, Walker 1990, 1991), and this is presumably why Walker was prompted to suggest a new 'functional' approach, based on 'a system of "demarchy" (Hayek's term) or "statistical democracy" (Burnheim's term)' (Walker 1990, 94), to offset the weaknesses of 'representative democracy,' and minimise problem choices posed by the centralization/decentralization dilemma. The details of Walker's proposals need not concern us here, but what is worth underscoring is that centralization by no means precludes democratic accountability, and decentralization by no means ensures it. Individual democracies must themselves decide which forms of democratic accountability mechanisms they require.

Reasons for the rapid growth of centralized control over (and accountability for) school curriculum in England, are neither easy to determine nor of major concern in this chapter. At

* We should not forget that decentralization can result in 'little Caesars ruling where big Caesars once ruled.'

the same time, our level of understanding is likely to be enhanced if we grasp the significance of what Gamble (1988, 28-29) calls 'the free economy and strong state' phenomenon, which comprises a paradoxical situation in which 'The state is simultaneously rolled back and rolled forward.' He maintains that Conservative governments in the United Kingdom since 1979 have become less interventionist in the economy, which has been increasingly freed up and privatised, whilst at the same time becoming more interventionist and coercive in 'restoring social and political authority throughout society' (Gamble 1988, 29), and in particular, in 'containing those interests, organizations and individuals which threaten the survival of the free economy' (Gamble 1988, 31). Towards this end, 'Reform of institutions such as the the centralized bureaucracy and the education system become priorities' (Gamble 1988, 35):

> ... the crisis of state authority constantly impelled it [the Conservative government] towards intervention - whether in the internal affairs of trade unions, the spending priorities of local authorities, the curricula of schools and universities, or patterns of family behaviour (Gamble 1988, 233).

Gamble's analysis helps to explain why, despite claims that greater parental choice of schools has been achieved since the ERA 1988, and despite the 'participation' of recently constituted governing bodies in the site-based management of schools, which were claimed to add a new and significant dimension of accountability to the operation of schools, and which, as Deem has noted, '*appears* to provide headteachers of schools and their governors with a high degree of autonomy,' appearance belies reality. At the fundamental level of curriculum, central government in England (for the time being at least), has prevailed over both LEA and local community interest expressed through governing bodies, and this has been accompanied by a measure of centralized democratic accountability for school curriculum never before experienced in English education. Whether this control will prove progressive, time will no doubt tell, though several observers are sceptical (Graham 1993, Elliott and Maclennan 1994), and Lawton (1993, 111) argues that 'national curriculum planning in this country [England] is in a state of total disarray.'

CONCLUSION

Accountability is a problematical concept which should not be equated with responsibility, and it has been argued in this chapter that, without the capacity to invoke sanctions to effect compliance or redress shortcomings in legitimate accountability relationships, any talk of accountability is, as Lessinger rightly claimed, 'mere rhetoric.'

The fact that Australian State schools are funded from the public purse is sufficient justification for such schools to be democratically accountable for the judicious disbursement of those funds, and since curriculum is at the very heart of the school enterprise, accountability for curriculum is of crucial significance in a democratic society, though as we have seen, there are differing views as to the form such accountability should take. Dimmock and Hattie, and Rizvi, seem to believe that centralized accountability systems for State schools are by their very nature 'bureaucratic' rather than democratic, and that only where schools are accountable to their local communities is the description 'democratic accountability' warranted. However, I have argued that it is possible for both centralized and decentralized school systems to feature either democratic or non-democratic modes of accountability.

I have also tried to show that accountability discourse promulgated by senior officials in the Education Department of South Australia in the period mid 1970s to the early 1980s, cannot be reconciled with the accountability reality. When accountability for State school curriculum in South Australia is set against the model of accountability presented in this chapter, such accountability - from the democratic standpoint - is found wanting.

Finally, I have indicated that democratic accountability for school curriculum is a vital issue which manifests itself in various ways in a variety of national contexts. In this regard, it is suggested that any restructuring of school systems should not lose sight of the need for those responsible for both curriculum policy, and its implementation, to be democratically

accountable. South Australia, with its neo-Platonic brand of technocratic accountability described in this chapter, appears to have lost sight of this crucial democratic imperative.

CHAPTER SEVEN

LEGAL ACCOUNTABILITY: DISCRETIONARY AUTHORITY, JUDICIAL REVIEW, AND THE LEGAL STATUS OF S82(1) OF THE EDUCATION ACT (1972)

INTRODUCTION

Few would question Galligan's claim that a vital principle of democratic government is that officials to whom discretionary powers have been delegated must be accountable for their actions:

> The underlying assumption is that all government powers, whether sovereign power of legislatures of the delegated powers of administrative officials, are held on behalf of the community and therefore account must be made of it ... In the context of delegated powers, accountability branches off in two directions, one towards the political process and the other towards the legal system (Galligan 1986, 4).

The previous chapter considered accountability for school curriculum in the political process. Here the focus will be on the legal system, that is, with accountability to the courts.

In orthodox Minister/Director-General relationships the Minister often delegates a deal of authority to the Chief Executive Officer in the department, and such delegation is usually of the type which can be quickly withdrawn, should the CEO act in ways contrary to ministerial wishes or policy intentions. However, as we have seen, the Director-General's discretionary curriculum authority is not of this type. Delegation to the Director-General is not from the Minister, it is vested by statute. In a real sense, the Director-General is a 'statutory authority'

for State school curriculum by virtue of s82(1) of the Act, which means that the Director-General exercises curriculum authority in his or her own right, and not by virtue of ministerial delegation. In short, the South Australian Parliament remains juridically sovereign, but the Director-General retains control of school curriculum policy so long as s82(1) remains undisturbed.

If we accept the proposition advanced in the previous chapter, that an integral element of accountability is the authority or right to invoke sanctions, then courts, which clearly have authority to impose sanctions on teachers, administrators, and Ministers of the Crown, can be seen as capable of discharging an important accountability function in education. However, such accountability to the courts covers a vast area, and cases involving the tort of negligence serve to illustrate the point. Sanctions imposed by a court in negligence cases take the form of damages awarded to, say, students unfortunate enough to sustain injuries as a consequence of teacher negligence. That is to say, if a teacher failed to discharge (or incompetently discharged) obligations arising under a legal 'duty of care,' such that a breach of that duty resulted in injury to a student, then that teacher would be directly liable and accountable for such injury, and the teacher's employer would be vicariously liable.*

It is true that negligence litigation involving teachers has hitherto centred solely upon issues relating to physical injuries sustained by students. Nevertheless, in his paper entitled 'A New Dimension to Accountability? Educational Negligence Claims Against Teachers,' Nelson (1987, 219) concedes that actions for educational negligence ie 'educational damage' arising from lack of, or incompetent, teaching, have thus far not been recognised by Australian courts, but believes that 'there is no reason in principle why negligence actions should not be maintainable against teachers for their failure to educate.'

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* 'We speak of "vicarious liability" when the law holds one person or body responsible or liable for the misconduct of another, although that person or body is free of blameworthiness or fault. It is therefore an instance of strict [no fault] liability' (Fleming 1987, 339]. Vicarious liability is anchored in the principle that the 'master' (employer) is liable for the torts of wrongs of 'servants' (employees), committed in the normal course of employment.

More recently, Hopkins (1996, 41) points out that s4 of the NSW Education Reform Act (1990) states that 'every child has a right to receive an education of the highest quality.' However, s127 of the Act exposes the rhetorical element in s4 by making it clear that s4 does not give rise to 'any civil cause of action.' Hopkins (1996, 41-42) does point out though, that ss6 and 22 of the Commonwealth Disability Discrimination Act (1992) ' could provide a means for students to bring legal proceedings against schools in which there is awareness of, but failure to properly deal with, students' learning disabilities. However, the legislation does not appear to impose a duty on schools to detect or recognise the existence of specific learning disabilities.'

Further, Hopkins (1996) and Williams (1996) both draw attention to a milestone English House of Lords decision in 1995 which may well lead to educational negligence becoming a new dimension in legal accountability in the United Kingdom, and perhaps also in this country.

However, regardless of how important or interesting the tort of negligence is, as it pertains to the legal accountability of schools and school systems, it will not be explored here. Indeed, this chapter will focus primarily on the parameters of the Director-General's curriculum authority arising from s82(1) of the Act, and those aspects of legal liability and accountability arising therefrom. In particular, it is concerned with the legal limits of the Director-General's curriculum authority, with ways in which that authority can be legally challenged, and with problems associated with judicial review of such legal challenges.

COULD CURRICULUM AUTHORITY BE PERMANENTLY VESTED IN THE DIRECTOR-GENERAL?

We have seen how the justification for giving control of school curriculum to the Director-General was partly grounded in the belief that to do so would 'free curriculum from political interference.' Let us hypothesise that a South Australian Parliament had been so committed to the idea of freeing curriculum from political interference that it had sought to vest the Director-General with control in such a way that it would have been impossible, or at least difficult, for a

subsequent Parliament to alter the locus of authority. Could such an attempt have proved successful? The short answer is that any attempt to vest the Director-General with curriculum authority in perpetuity would have been doomed to failure, for as Latham CJ (*The South Eastern Drainage Board v Savings Bank of South Australia* (1939) 62 CLR 603 at 616-617) pointed out: 'It is recognized as a general principle of English constitutional law that one Parliament cannot bind its successors ...,' and that 'If there is an inconsistency between one statute and a later statute, the latter statute prevails.'

What a Parliament can do in an attempt to bind its successors, is make it hard for a later Parliament to amend or revoke a piece of prior legislation, and this can be achieved in two ways. First, a Parliament can bind its successors by what is called 'manner and form' legislation, first outlined in s5 of the Imperial Colonial Laws Validity Act 1865 (CLVA). However, as Latham CJ (*South Eastern Drainage Board v Savings Bank of South Australia* (1939) at 618) pointed out, s5 of the CLVA stipulates that such manner and form legislation 'applies only to laws respecting the constitution of the legislature, the powers of the legislature, and the procedures of the legislature.' Consequently, since s82(1) of the Act does not pertain to the constitution, powers, or procedures of the South Australian legislature, it could not be used to bind subsequent Parliaments.

Perhaps the most impressive use of s5 of the CLVA to strike down State legislation occurred in *Attorney General for NSW v Trethowan* ([1932] AC 526 Privy Council. (1931) 44 CLR 394, High Court of Australia), where both the High Court and the Privy Council (at that time the final court of appeal for Australian cases), held that the NSW Constitution Amendment Act 1929 had 'effectively bound its successors to follow the special procedure required by the Act if any attempt was made to abolish the New South Wales Legislative Council' (Castles 1971, 188).

The second way in which to seek to bind a future Parliament, which is only required if the legislation does not fall within the 'manner and form' requirements of s6 of the Australia Act 1986 (which now supersedes s5 of the old CLVA 1865), is to 'entrench' the legislation. A

piece of legislation can be entrenched when it consists of a provision in an Act which stipulates that it cannot be changed without following a specific 'manner and form.' This provision must then be followed by another provision stipulating that in order to change the former provision, certain other manner and form requirements must be complied with (eg a referendum may be required). Entrenching thus makes it difficult, though not impossible to revoke an entrenched piece of legislation.

The entrenching issue has been raised on only two occasions in South Australia: *South Eastern Drainage Board v Savings Bank of South Australia* (1939) 62 CLR 603, and *West Lakes Ltd v South Australia* (1980) 25 SASR 389, and in both cases the attempted entrenching was struck down by the courts as invalid. An attempt to entrench legislation would only be successful on those very rare occasions when the legislation has special significance, and the entrenching clauses comply with strict manner and form requirements. So far as the legal status of s82(1) is concerned, the conclusion is that it is simply part of an ordinary piece of legislation, having no special status.

THE DIRECTOR-GENERAL'S DISCRETIONARY AUTHORITY

There are two main ways in which Parliament delegates authority, and for the purposes of this thesis it is important to distinguish between them. Before doing so, it is worth noting a point made by Terry and Giugni (1994, 105), namely, that 'the activities of modern government are so varied and complex and the dilemmas facing Parliament so technical that it has neither the time nor the ability to complete a comprehensive and detailed legislative program.' In other words, it would be unreasonable to expect Parliament not to delegate some of its authority. But as we saw in chapter three, there is a major difference between tackling Fischer's 'wicked problems,' such as curriculum policy, and more malleable technical problems such as simply supplying electricity to consumers; a problem which the South Australian government justifiably sought to tackle more effectively when it passed the Electricity Trust of South Australia Act 1946-1975, establishing ETSA as a statutory authority.

Of the two main ways by which Parliament delegates authority, we have on the one hand what is usually referred to as the delegation of discretionary authority, which can be delegated to an individual or group, and although such delegation usually takes the form of administrative discretion (indeed, all the court cases considered in this chapter pertain to problems arising from the exercise of administrative discretion), this need not necessarily be the case. For instance, s82(1) vested a policy-making discretion (school curriculum) in the Director-General. On the other hand, the greatest source of law in Australia can be properly described as 'delegated' or 'subordinate' legislation, which is simply 'legislation made not by Parliament itself but by a delegate upon whom ... Parliament has conferred legislative power,' and the 'most common recipient of legislative power - the most common delegate of Parliament - is the executive government' (Terry and Giugni 1994, 105). This, of course, confers considerable, and more opaque, law-making power on government departments.

For our purposes, the major difference between the two types of delegation is that although s82(1) gives discretionary authority to the Director-General, it does not give that official 'legislative power.' But as we shall see, the authority conferred by s82(1) is in one crucial respect, at least, more significant than authority delegating 'legislative power.' Why is this so?

Although the executive confers substantial law-making powers upon itself as a result of its use of delegated legislation, such legislation is subject to a measure of parliamentary scrutiny. In South Australia, for example, a Regulation is usually framed by government department administrators and submitted to Executive Council. If approved, it is signed by the Governor and notified in the *Government Gazette.* It is then reviewed by the Legislative Review Committee comprising representatives of the various political parties. If there are no objections, the Regulation is laid before each House of Parliament for fourteen working days, and if neither House objects or raises an impediment, then the Regulation becomes 'delegated legislation' having the same authority as statutory law.

Terry and Giugni (1994, 109-110) may well be right in their claim that, so far as delegated legislation is concerned, 'parliamentary scrutiny is passive,' in the sense that it does not undergo the sort of 'rigorous examination' which legislation passed by Parliament itself must undergo (such legislation is examined by both sides of the House; it is debated and 'read' three times, and must pass in both Houses). However, the fact remains that there is some degree of parliamentary scrutiny of regulations, and should either House object then a proposed Regulation would fail to become law.

The Director-General's discretionary curriculum authority is arguably more impressive in this important sense: the Director-General can operate under s82(1) without having to seek parliamentary approval for any particular curriculum policy initiative, and the *Freedom and Authority Memorandum, Our Schools and Their Purposes,* and *Curriculum Authority and Responsibility,* were instrumental in initiating significant curriculum policy reforms without the need to be vetted by Parliament. This is an example of formidable political authority, and points to the traditional danger which Terry and Giugni (1994, 107) warn us about: 'bypass Parliament and you bypass the people ... the path between democracy and totalitarianism can be smoothly travelled and, if the journey is taken in suitably slow stages it might pass unnoticed.' Should a government fail to convince a Director-General to change a curriculum policy, then in the final analysis, an act of Parliament would probably be required to achieve that objective.

In politico-legal terms, the Director-General's curriculum authority is 'discretionary' in the sense that, even though the Director-General may consult other people and official advisory bodies, in the final analysis the authority for curriculum decision rests solely with the Director-General, and the authority extends both to choice of ends-type curriculum policy, and of administrative means to effect such policy.

It is true that under s13(1) of the Education Act 1972 'The Director-General may, with the consent of the Minister delegate, by instrument in writing, any of his powers or functions to any other officer of the Department or any officer of the teaching service,' and a good example of

delegation under s13(1) occurred in 1970 when Director-General Jones released his FAM, thus initiating a brief period of SBCD. It was an astute move on Director-General Jones's part when, under the auspices of the FAM, he delegated curriculum authority to school principals rather than teachers generally, since delegation to the latter would clearly have undercut the curriculum authority of school principals. Hence, in order to preserve hierarchical curriculum relationships in schools, Jones used the FAM to advise principals that they were in 'undisputed control' of their schools, but that 'Just as you have professional freedom and delegated authority, so too the same privileges should be extended to your staff, who in turn must accept your ultimate authority in the school...'

It is worth noting that delegation of curriculum authority under the FAM was merely a personal delegation on the part of the Director-General, and not a statutory delegation, as was s82(1). Consequently, as s13(2) of the Act points out 'Any such delegation shall be revocable at will and shall not prevent the exercise of any power by the Director-General himself.' As we shall see though, the Director-General's curriculum discretion is by no means absolute or unfettered.

For the purposes of this thesis there are two significant ways in which a Director-General's discretionary curriculum authority could be challenged in the courts. First, a decision could be challenged on the grounds of 'dictation.' In a legal sense dictation occurs when a public servant (or any officer responsible to a Minister), vested by legislation with discretionary authority, exercises that discretion in accordance with government policy or pursuant to ministerial direction. Could a Director-General vested with discretion under s82(1) be said to be legally exercising that discretion if he or she simply made curriculum decisions either by routinely applying government policy, or complying with ministerial instructions to shape curriculum in a particular way? Does the Director-General's discretion, grounded in s82(1), override ministerial authority on curriculum matters (or at least give rise to an obligation to consider issues independently), or must the Director-General act as a conduit for a Minister's curriculum policy initiatives, regardless of s82(1)? It is by no means obvious what the outcome would be should a

curriculum dispute between Director-General and Minister end up in court. However, this issue will be analysed in some detail later in the chapter.

Second, the legality of the policy on which a decision has been based could be called into question. For example, curriculum discretion is not unfettered, and it is possible for a Director-General to abuse this discretion, thus acting *ultra vires* (ie acting outside the official's delineated authority, and therefore illegally). Another example would be if Federal legislation came into conflict with a legal curriculum initiative taken by the Director-General under the authority of s82(1). Normally, a Federal government cannot pass laws overriding the Director-General's statutory curriculum authority, but legislation enacted under the 'external affairs' power of the Federal *Constitution* is another matter. This well known possibility will be addressed before proceeding.

The powers of the Federal Parliament are defined and enumerated in s51 of the *Constitution,* and s51 commences with the words:

> The Parliament shall subject to this *Constitution,* have power to make laws for the peace, order and good government of the Commonwealth with respect to ...

This is followed by a list of thirty-nine heads of power, and s51(xxix) is the 'external affairs' power which endows the Federal Parliament with enormous latent authority to intervene in almost any area, including education, and hence in curriculum. This is because s109 of the *Constitution* provides that:

> When a law of the State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

The High Court has shown a gradual evolution in its approach to s109. The original approach was to uncover any 'direct inconsistency' between the two laws. Such would arise if it was impossible for a person to comply with both laws. However, the more substantial and appropriate test of inconsistency is to ascertain whether or not 'a competent legislature expressly

or impliedly evidences its intention to cover the whole field, that is a conclusive test of inconsistency where another legislature assumes to enter to any extent upon the same field' (*Clyde Engineering Company Ltd v Cowburn* [1926] 37 CLR 455, per Isaacs J at 468). This test has been applied by the High Court with consistency since 1926, and was expressed clearly by Dixon J when he said:

> The inconsistency does not lie in the mere coexistence of two laws which are susceptible of simultaneous obedience. It depends upon the intention of the paramount legislature to express by its enactment, completely, exhaustively, or exclusively, what shall be the law governing the particular conduct or matter to which its attention is directed. When a Federal statute discloses such an intention, it is inconsistent with it for the law of a State to govern the same conduct or matter (*Ex parte McLean* (1930) 43 CLR 472 at 483).

In the case of *Franklin Dam Commonwealth v Tasmania* (1983) 46 ALR 625, the High Court, by a majority of 4-3, upheld the Commonwealth's use of s5(xxix) to block the Tasmanian government from damming the Franklin river. On the basis of this milestone High Court decision, Galligan (1987, 247) believes that 'international treaty alone is sufficient to qualify a subject as an 'international affair.' Consequently:

> By interpreting the Commonwealth head of power (xxix) so broadly, the Court has left the Commonwealth with enormous political power ... there is now the potential for enormous centralization of power and corresponding erosion of the States' position. Whether this occurs will depend on the interplay of political forces and the outcomes of conflicts and compromises between Federal and State governments which, to a large extent has always been the case (Galligan 1987, 248).

The relevance of the *Franklin Dam* case for education, and hence school curriculum, is clear. The Commonwealth is signatory to a number of international treaties and conventions, including the 'Convention Against Discrimination in Education,' and in 1990 the United Nations 'Convention on the Rights of the Child,' to which Australia is a signatory, came into force under international law. What this means is that although each State 'controls' its own school system and curriculum, the Commonwealth, by recourse to s51(xxix), can intervene in education and related fields, as it seeks to honour its obligations under such conventions.

In view of this, s82(1) and curriculum policies arising from it, are potentially vulnerable to future Federal curriculum legislation, and Sungaila points to the general significance of the 'external affairs' power for education when she writes:

> In short, what all this means for Australian education is this. Despite the fact that the Australian *Constitution* does not give the Commonwealth specific control over educational matters, the Commonwealth is now in a position to exert far greater control over education in the future than it has in the past. All that needs to be done is this: the Government of the day agrees to become a party to an International Convention, on any topic; it signs and ratifies a treaty; and then Parliament passes appropriate legislation to implement the international obligations thus incurred. If the subject matter of that legislation impinges in any way on Australian education a new level of Federal control over education is reached. (Sungaila 1988, 34).

Even though Federal Parliament may have legal authority, under s51(xxix), to intervene in curriculum matters in ways perhaps not envisaged by the 'founding fathers,' this does not mean that any Federal government will be keen to do so. What Sungaila seems to overlook, is the vital distinction between what is legally possible and what is politically expedient. In this regard, Federal governments are usually keen to cooperate with the States rather than risk confrontation, and this is why many Federal laws actually provide for co-existence of Federal and State legislation of similar effect. S75 AR(1) of the Trade Practices Act 1974-1992 (Commonwealth), is a case in point.

Curriculum is an extremely sensitive political issues, and almost certainly in the foreseeable future, judicious Federal government is likely to pursue curriculum objects through a process of cooperation with the States, rather than by acting unilaterally under s51(xxix), and risking bitter confrontation. Deliberations on the cooperative 'National Curriculum,' which took place between Federal, State and Territory governments under the auspices of the Australian Education Council in the period 1986-1993, is a good example of such cooperation.

JUDICIAL REVIEW AND ABUSE OF DISCRETIONARY AUTHORITY

The growth of discretionary authority and the need for its control

Judicial review can be broadly defined as the control exercised by courts over the procedures of other bodies or officials. It is specifically concerned with the power of courts to review decisions of another department or level of government. Wade (1988, 4-5) maintains that the main purpose of judicial review is to protect the citizen against the wrongful exercise or abuse of power by officials or bodies vested with the discretionary authority. If an action brought before the court is found to be amenable to judicial review or intervention, then that action is said to be 'justiciable.' Justiciability therefore expresses the idea that there are questions which are inappropriate or inapt for judicial review, so for our purposes the question arises as to whether a court can justifiably review a particular exercise of a Director-General's curriculum discretion.

The inclusion in legislation of a discretionary authority, to be exercised by an administrative official, is nowadays commonplace, and Pearce (1980, 203) points out that such discretion is frequently 'open-ended' in the sense that the basis on which the discretion is to be exercised is spelt out in the legislation only in the 'most general way,' if at all. Galligan expresses a similar view:

> A noticeable feature of modern legal systems is the extent to which officials, whether they be judicial or administrative, make decisions in the absence of previously fixed, relatively clear, and binding legal standards (Galligan 1986, 1).

Galligan (1986, 2) goes on to say that the absence of settled, normative principles which are central to the idea of 'legal order' tend to make discretionary authority 'peripheral to the core of settled rules in terms of which legal order is characterized.' In consequence 'an analysis of discretionary power has not been a major concern of legal theory.' At the same time it would be naive to restrict analysis of the legal order so narrowly to a system of settled rules, that analysis of discretionary authority is virtually excluded. For the reality is that it has:

> ... become commonplace amongst jurists that the expanded role of the modern state has brought with it, for reasons not always made clear, an increase in discretionary powers in the sense that control over a wide range of matters is delegated to officials with varying degrees of guidance as to the policy goals to be achieved or the standards by which they are to be achieved. In theory, accountability for such powers is primarily to the political system and its institutions, but as it becomes clear that such controls are variable in scope and unreliable in effectiveness, the issue arises as to what extent legal values and institutions can be put in service to influence and constrain their exercise. This is the question that lies at the centre of administrative law ...(Galligan 1986, 2).

It is clear from Galligan's comments that he is referring to the use of discretionary *administrative* powers, since he relates such powers to the 'policy goals to be achieved.' But as we have seen, s82(1) vests the Director-General with curriculum *policy* discretion.

Also, in the above extract Galligan maintains that in theory, at least, accountability for discretionary authority delegated to officials is primarily to the political system, but that such controls are 'variable' and 'unreliable.' He is referring, of course, to the decline of Parliament's ability to control Cabinet, Ministers, and government administrators. Harris (1989, 254) points to the problem when he writes: 'if there is not universal scepticism as to Parliament's capacity to exert some control in the exercise of power by the Cabinet, there is near universal acceptance of the fact that the twin doctrine of ministerial responsibility cannot in themselves prove a wholly effective check.' Growth of administrative discretionary authority has marched together with an erosion of parliamentary control over executive government, and these twin developments have necessitated increased judicial oversight and intervention in order to protect citizens from abuse of politico-administrative power. In a practical sense the separation of powers nowadays tends to be binary rather than tripartite.

Galligan (1986, 2) believes that discretionary authority is 'neither merely peripheral to the exercise of official authority, nor an undesirable deviation from an ideal of government through rules.' In short, he believes that there are sound reasons for having discretionary authority, since it gives officials greater latitude in the way they exercise authority than a fixed set of rules might

allow, and this is both straightforward and sensible. He also believes that such authority is not necessarily arbitrary, and certainly not beyond judicial review.

One need only glance at contemporary statute books to see the wide-ranging nature of state activity in such areas as social welfare, public order, economic affairs, environmental issues, and licensing. Also, 'It is not just that the state has increased its regulation of these matters, but also that the method of doing so involves heavy reliance on delegating powers to officials to be exercised at their discretion' (Galligan 1986, 72). Galligan (1986, 72-73) also describes how the growth of discretion coincided with, and was largely a product of, the 'growth of state regulation,' as governments extended their activities into a wide range of social and economic affairs. He links this to changing ideas about the nature of society, and 'about the proper role of the state in achieving ideals of social justice and welfare.' Galligan also links the growth of discretionary authority to the extensions of the franchise in the nineteenth century, to the need for governments to respond to the rising expectations of a burgeoning electorate, and especially to the growing necessity for state 'intervention and regulation of the economy, partly to achieve social ideals, and partly in order to maintain and protect the basic structure of capitalist economies.'

The main vehicle for achieving these goals was the broader delegation of discretionary authority to administrative officials by legislatures, and Galligan (1986, 74-80) outlines four main reasons for the growth of discretionary authority, two of which should be mentioned here. First:

> ...the very magnitude of the task of regulation has encouraged legislatures to delegate authority to subordinate bodies, and to allow more specialized policies and strategies to be devised by them. This is not to suggest that all delegations are made in discretionary forms, but only that, with growth in the size, diversity, and complexity of regulation, it is inevitable that the legislature, itself having limited capacities and resources, should delegate specific problems and undertakings to subordinate and specially created authorities (Galligan 1986, 74).

Second, expansion of discretionary authority was stimulated by the:

> ...belief that many regulatory undertakings are to be approached as technical or scientific matters to be settled by specialist authorities. Once problems are characterized in this way, there are good reasons for leaving them to the discretion

> of expert agencies with only minimum guidance from the legislature (Galligan 1986, 74).

In chapter two we saw how the 'technical' nature of curriculum prompted South Australian Parliaments to vest control of school curriculum solely in technically qualified senior officials. But as was argued in chapter three, possession of technical or professional expertise does not, of itself, justify control of the ends-type policy dimension of curriculum decision-making, and that centralized curriculum policy-making, designed to address Fischer's 'wicked problems,' should be under the control of an accountable Minister. Indeed, 'concern has begun slowly to penetrate areas where discretionary assessments over matters of the most value-based kind are made in the name of science' (Galligan 1986, 75).

It goes without saying that the growth of discretionary authority carries with it potential for abuse or misuse. Consequently, 'in an acute form and along a wide range of action we are confronted with new aspects of familiar conflicts in the law between rule of law and discretion' (Frankfurter 1927, 618. The pervasiveness of administrative discretionary authority in society virtually rules out any possibility of eliminating it, so we are left with only the strategy of controlling its exercise, and rendering it accountable, mainly through the device of judicial review, whereby courts place appropriate limits on the use of discretion. However, it is not impossible for a court to exceed its mandate, so an allied problem is that of considering what sort of limits should be place on judicial review. These questions will addressed in subsequent sub-sections.

As mentioned earlier, associated with the problem of controlling abuse of discretion, is that of checking excesses of the Crown and its Ministers. Harris (1989, 253-254) makes the well known point that the Westminster model of government requires 'the ultimate subordination of the government to the will of the Lower House.' The reality is that 'through the party system it is the government that controls the Lower House [Hence] ... the reality is that Parliament does not stand as a true counterweight to executive power.' As a result, it is the executive rather than

the legislature which nowadays effectively wields supreme authority, and because of this there is the danger that today's citizen is inadequately protected by the political process against abuse of official authority, and it is from the recognition of this perceived shortcoming in the political process itself that the legitimacy of judicial review is anchored. Mason J recognised this when he wrote:

> ... the doctrine of ministerial responsibility is not in itself an absolute safeguard for the citizen whose rights are affected. This is now generally accepted and its acceptance underlies the comprehensive system of judicial review of administrative action which now prevails in Australia (*R v Toohey; Ex parte Northern Land Council* (1981) 151 CLR 170 at 222).

The current High Court Chief Justice, Sir Gerard Brennan, also expresses approval of the expansion of judicial review, especially as it relates to review of administrative action:

> The doctrine of the supremacy of Parliament, a central doctrine in our constitutional law, is now a buttress of executive power, for the members of the executive government, on whose political skills the fortunes of the parliamentary majority greatly depend, control the allegiance of that majority ... the inhibitions on parliamentary review of the exercise of executive power leave the mass of administrative decision-making without any real supervision by members of Parliament or even by Ministers. Nowadays the bureaucracies of government departments and public authorities are the real repositories of executive power. Day to day administration is in their hands whether or not they are nominal repositories of power... It is not surprising that the Courts have expanded their jurisdiction to review administrative action (in which I include administrative decisions and omissions to take administrative action) ... (Brennan 1986, 19).

The cogency of Mason J's and Sir Gerard Brennan's concern that both administrators vested with discretionary authority, and members of the executive such as Ministers, are relevant subjects for judicial review, is illustrated by the following example. If an aggrieved parent in South Australia approached the Minister of Education, as head of the Department of Education, with a legitimate complaint regarding some serious curriculum shortcoming which adversely affected that parent's child in a state school, the Minister could deny legal responsibility by citing s82(1) of that Act, and informing the parent that curriculum was strictly a matter for the Director-General. In what way could the Director-General be said to be accountable to the parent for the curriculum shortcoming? Without judicial review of the Director-General's discretionary

authority, the parent's complaint could easily be lost in the shuffle between Minister and Director-General.

The nature of discretionary authority and abuse thereof

Since the essence of discretion is the authority to choose amongst various possibilities, a central feature in the exercise of discretion is that there be at least some degree of autonomy within a defined context, vested in the decision-maker. Further, as a result of such cases as *Padfield v Minister of Agriculture* [1968] AC 997, and *Secretary of State for Education v Tameside MBC* [1977] AC 1014, it is now generally conceded that in exercising discretion, individual autonomy is far from absolute, and certainly does not extend to deciding according to whatever reasons the decision-maker deems fit (or without reasons at all), even though the decision-maker remains within the ambit or parameters of the delegated authority. Today, as a result of such cases, it is recognised that in exercising discretionary authority, officials should at least comply with rudimentary standards of *rationality, purposiveness,* and *morality*:

> At a minimum they require: (a) that any exercise of powers be based on reasons, and that the reasons be applied consistently, fairly, and impartially; (b) that the reasons be intelligently related to a framework of equally intelligible purposes, policies, principles, and rules which can be seen fairly to fall within and be the basis of the delegated authority; (c) that in matters of procedure and substance there be compliance with general, critical considerations of morality. [These three requirements] ... go towards regulating the relationship between citizens and the state by stipulating the processes and principles that must be satisfied if the exercise of official powers is to be considered justifiable and legitimate. In particular they *eliminate decision-making by whim, caprice, chance or ritual*; they provide the basis for identifying and eliminating arbitrariness, for developing general standards in making decisions, and for extending the requirements of fair procedures... There is then a focal point from which the decision-maker can have a critical view of his own decisions, and there is a basis for legal and judicial controls (Galligan 1986, 6, emphasis added).

Galligan's words are important and salutary, and an administrator vested with even the broadest discretion, who sought to operate arbitrarily in the sense that cannons of rationality, purposiveness, and morality, were ignored, would be quickly pulled into line by a court. For example, s82(1) of the Act gave the Director-General control of curriculum in the sense of authority to determine both curriculum policy (ends-type goals), and the administrative means to

effect such policy. But let us say that Parliament had added to s82(1) that the Director-General's discretion was 'absolute and unfettered' (such as: 'The Director-General, in his or her absolute unfettered discretion, can determine ...'). Obviously, on a literal interpretation s82(1) is now expressive of unlimited and, therefore, potentially arbitrary power. At the same time, there would be almost universal agreement that a court would not be doing its job properly if it meekly subscribed to that view of Parliament's literal s82(1) formula, and permitted a Director-General to arbitrarily determine curriculum policy on 'whim, caprice, chance or ritual.' What happens in practice, is that courts have developed, in the incremental fashion of the common law, a general doctrine, comprising several discrete elements, whereby abuse of discretion can be constrained. A court will reason that, whatever the language used in the statute, reading between the lines (or implying) as it were, Parliament must be construed as having intended that the Director-General's curriculum authority be used reasonably and not arbitrarily to achieve certain purposes (and not to achieve other purposes), and especially having regard to certain matters being relevant to that exercise of authority and not to others. In this way a court can seek to ensure that discretionary authority is kept within proper limits procedurally and substantively. Justice Stephen drew attention to this important dimension of justiciability when he said:

> Where a Parliament confers powers they will seldom if ever be conferred in gross, devoid of purpose or criteria, express or implied, by reference to which they are intended to be exercised. Unless a Parliament, acting constitutionally, can be seen from the terms of its grant of power to have excluded judicial review, the courts will, at the insistence of a litigant, examine the exercise of powers so granted, determining whether their exercise is within the scope of Parliament's grant of power. This will be so whether the grant of power be to the representative of the Crown, to a Minister of the Crown, or to some other body or person (*R V Toohey; Ex parte Northern Land Council* (1981) 151 CLR 170 at 204).

Nowhere does the Education Act 1972 indicate expressly the purposive nature of the Director-General's curriculum authority. Nevertheless, a court would presumably find little difficulty in determining an implied purpose to which the authority arising out of s82(1) should be directed. School curriculum is by no means 'devoid of purpose' since it is clearly designed to facilitate the educational development of students, and a court would have this firmly in focus when considering the legal validity of a Director-General's curriculum initiatives. For example, let us say that a Director-General conceded that there were good reasons for adopting curriculum

policy A, because such a policy would be purposive in advancing the educational development of all students, but no good reasons for adopting policy B because such a policy would have deleterious consequences for all students. If that Director-General then foolishly proceeded to implement policy B rather than policy A, a court would almost certainly strike down such a policy as *ultra vires* (beyond the Director-General's powers) if a parent or group of parents with *locus standi* (the right of a party to commence legal proceedings) brought an action before a court to challenge policy B. Also, there is nothing in s82(1), or anywhere else in the Act, which suggests that Parliament intended that s82(1) be excluded from judicial review. But even if the Act did contain such an exclusion, it would not mean that judicial review would in fact be totally excluded, for as former Chief Justice Sir Anthony Mason points out:

> If Parliament wishes to exclude judicial review, it should do so explicitly by express provision. Just how effective such a provision would be in the context of s75(v) of the *Constitution* is a matter that has often been discussed in the cases. Such a provision would limit, but not completely exclude, judicial review (Mason, 1989, 125).

Discretion involves 'an express grant of power conferred on officials where determination of the standards according to which power is to be exercised is left largely to them' (Galligan 1986, 1), but what does this mean so far as the Director-General's discretionary curriculum authority is concerned? In the broadest terms it simply means that the Director-General has a sphere of autonomy within which to exercise a degree of personal judgment and choice about curriculum policy and its administration. More particularly, Galligan gives us a purchase on the question:

> ... discretion, as a way of characterizing a type of power in respect of certain courses of action, is most at home in referring to powers delegated within a system of authority to an official or set of officials, where they have some significant scope for settling the reasons and standards according to which that power is to be exercised, and for applying them in the making of specific decisions ... Central to this sense of discretion is the idea that within a defined area of power the official must reflect upon its purposes and then settle upon the policies and strategies for achieving them. There may be discretion in identifying and interpreting purposes; there may also be discretion as to the policies, standards, and procedures to be followed in achieving these purposes. This then is the core of discretion in an analytical sense (Galligan 1986, 21-22).

Of these two types of discretion, mention has already been made of purposes. As we have also seen, a Director-General faced with a choice of curriculum policies A (advantageous to students)

and B (harmful to students), has discretion to choose, but it is a choice constrained by good reasons. Hence, choice is inseparable from the reasons, and therefore standards on which choice is based. In other words, to adopt standards (eg students benefit in ways x, y and z) that point to choice of policy A, but then to choose policy B is irrational and illegitimate. Alternatively, the Director-General's choice may be between policies A and C, each of which have advantages for students. Here the Director-General would be faced with a choice of standards: with policy A the students benefit in ways x, y and z, whereas with policy C they benefit in ways u, v and w. This simply shows that discretion pertains not just to final actions, but also to choice of standards in decision-making. The main reason in allowing an official to have discretion in determining the standards which will inform his or her decision-making, is to provide greater freedom for the decision-maker than a detailed set of rules might allow. Thus discretionary authority is usually characterized as the authority to choose amongst alternative courses of action, providing that such choice is 'for good reasons' (Galligan 1986, 7).

This brings us to Galligan's vital question as to how courts conclude that powers are discretionary 'in the sense that the standards of decision-making are to be settled with relative finality by the empowered authority.' Galligan's answer is that:

> The principal criterion is ... whether from the terms of the delegation together with the general background it is clear that the original authority is intended by the legislature ... to have substantial control over an area of power. Often this is a matter of implication from the form the delegation takes, and the terms in which it is expressed; where little guidance is provided by way of standards, the power is likely to be considered as approaching the discretionary end of the scale; but if the standards are laid down with any particularity, it is likely that the courts will assume general control (Galligan 1986, 27).

S82(1) of the Act endowed the Director-General with control of State school curriculum. But there is no amplification in the Act indicating how the Director-General should use discretion in exercising this control, and certainly no guidance or instruction as to what sorts of 'reasons and standards' should characterize or underpin curriculum decisions. In view of this, the Director-General has enormous flexibility or discretion for 'settling the reasons and standards' according to which curriculum authority is exercised, and for determining the 'policies and strategies' for

identifying and achieving curriculum goals and purposes. However, potential for the abuse of any discretionary authority always lurks in the wings, and whilst judicial review operates as a necessary check on such potential abuse, there is always a danger that judicial review itself could exceed its limits if a court seeks to substitute its own judgment for that of a decision-maker vested with discretionary authority. To this issue we will now turn.

The limits of judicial review of discretion

By way of introduction to a discussion of the limits and dangers of judicial review of discretionary authority, there is now almost universal acceptance that the traditional 'declaratory theory,' which clung to the fiction that judges do not make law but merely apply and declare it, is now thoroughly discredited. Its demise was accompanied by accusations that judge-made common law was basically anti-democratic because to some degree, at least, it usurped the legislative power exercised by popularly elected governments. Justice McHugh (1988), then a member of the NSW Court of Appeal, but currently a Justice of the High Court, has attempted to counter such anti-democratic accusations, and we should not overlook the fact that parliamentary legislation always overrides judge-made common law when the two conflict. More relevant for our purposes is the fact that, in interpreting statutes, judges also make a crucial contribution to law-making, and this too would seem to have an anti-democratic flavour to it. Lord Devlin describes this political power of judges bluntly:

> The law is what the judges say it is. If the House of Lords [final court of appeal in the United Kingdom] were to give an Act of Parliament a meaning which no one else thought it would reasonably bear, it is their construction of the words used in preference to the words themselves that would become the law (Lord Devlin 1962, 2).

The same power attaches to the High Court of Australia. Parliament, of course, always has the option of amending legislation so as to overcome or offset the effect of any judicial interpretation of its legislative language with which it disapproves. At the same time though, such legislative amendments may themselves in turn have to be interpreted by a court.

Sometimes judicial review of discretionary authority is unproblematical in that the role of the court is simply one of directly applying the words of a statute to the material facts of a case. In other instances the legislature (often deliberately, but sometimes through oversight), may leave policy indeterminate, thus leaving the court with the task of clarification. So-called 'black letter' law (ie law not characterized by uncertainty or ambiguity) leaves little discretion to judges, whereas 'fuzzy' law (ie legislation which incorporates simply broad or general principles open to different interpretations), confers a more creative or activist role on judges. Supporters of 'fuzzy' law contend that 'black letter' law generates its own uncertainties, by fostering the search for loopholes. Its opponents counter by arguing that the general principles embodied in 'fuzzy' law sacrifice legal certainty for the sake of simplicity. The main point is that the more 'fuzzy' the statute, the greater the possibility, indeed danger, that a court could substitute its own decision for that of a decision-maker vested with discretionary authority. However, s82(1) of the Act seems to have all the manifestations of 'black letter' law.

As we have seen, judicial review is a legitimate element of the political structure, functioning as a means of protecting the citizen against abuse of power. As such, there is good reason that it should be seen as an integral component in a system of checks and balances, whereby accountable representative democracy is not undermined but enhanced, inasmuch as it functions to control excessive bureaucratic and other governmental power. The challenge to the courts is that of striking an appropriate balance between the needs of fair and efficient government and the need to protect citizens against arbitrariness and abuse of power. Pursuant of this, a court must necessarily rely on its own judgement ; 'sensing what is required by the interplay of forces in the constitution' (Wade 1982, 23). In doing so, there is always the possibility of judicial excess. McLachlan points to the danger when he writes:

> The purpose of expanding the scope of review is to safeguard the individual whose rights are affected. However, the scope of review should not be extended to allow usurpation by the courts of the exercise of the discretionary power legally reposed in the administrative decision-maker. The courts should not put themselves in the position of substituting their own exercise of discretion for that of the decision-maker ... There is an inherent tension of judicial review between executive freedom of choice and judicial control. In the development of the principles of review, it is necessary to distinguish between the 'proper' scope of review and 'illegitimate'

> judicial intervention. This distinction is between the legality and the merits of an exercise of discretionary power (McLachlan 1991, 16).

McLachlan (1991, 16) goes on to say that the legality/merits distinction is not always easy to formulate and apply, and consequently, this requires that 'judicial review of the decision-making process be restricted in a way which does not dictate the conclusionary reasons which are for officials to determine.' In other words, judicial review should not 'measure the decision itself against some external standard,' for to do so would simply be to 'usurp administrative choice.' Judicial review should restrict itself to the elements and procedures of the decision-making process, rather than the content of that process. What this means in practical terms, is that if a Director-General's discretionary curriculum decision were challenged in a court by an aggrieved parent on behalf of a student (ie *ex parte*), the court should restrict itself to deciding whether or not the Director-General's decision was legal, as distinct from basing its decision on whether or not the court thought that the decision was qualitatively/substantively good or meritorious.

Mason J (*Minister of Aboriginal Affairs v Peko-Wallsend* (1986) 162 CLR 24 at 40), conceded that 'it is not the function of the court to substitute its own decision for that of the administrator by exercising a discretion which the legislature has vested in the administrator.' But this sits uneasily with Mason J's claim on the very next page (*Peko-Wallsend* at 41) of his judgement, that a court could intervene in a discretionary decision if that decision 'failed to give adequate weight to a relevant factor of great importance, or has given excessive weight to a relevant factor of no great importance.' Mason J is correct in supposing that a valid distinction cannot be drawn between relevance and weight as a matter of general principle which can be universally applied. Because the identification of material factors, in the case of a statutory vesting of discretion such as s82(1), must depend on a court's construction of the terms of the grant of that authority, it must also be a matter of construction - and so within the legitimate jurisdiction of the court - whether or not the statute (eg s82(1)) either expressly or impliedly allows a range of possible outcomes dependent on varying treatment (ie allocating weight) of the material factors. Logically, it must be a matter of interpreting the requirements of the statute in the particular

circumstances of the substantive issue arising for decision. Consequently, if the discretionary authority is given autonomy to weigh the relevant considerations (and s82(1) certainly permits this), that must be a conclusion based on interpretation of the statute - not a proposition (weight/relevance distinction) adopted *a priori.* Mason J's claim, however, is tantamount to a justification of judicial intrusion into the merits of a case. If the administrator with discretionary authority is not permitted to decide how much weight to give to relevant factors, it is difficult to see how that administrator can exercise much by way of discretionary authority at all. It is worth emphasising that we are not concerned here with a decision-maker basing a decision on irrelevant factors, thereby transgressing the principle(s) of rationality, purposiveness, and morality discussed earlier. We are concerned with a decision-maker allocating weight to relevant factors. Hence, we should not overlook a pertinent point made in the *Tameside* case:

> The very concept of administrative discretion involves a right to choose between more than one possible course of action upon which there is room for reasonable people to hold differing opinions as to which is to be preferred (*Secretary of State for Education and Science v Tameside MBC* [1977] AC 1014 at 1064 per Diplock LJ).

If we return to an example given earlier, it is possible that a Director-General, opting for curriculum policy A (where students benefit in ways x, y, and z), rather than policy C (where students benefit in ways u, v, and w) could, on Mason J's weight/relevance principle, be told by a court that policy A was invalid because of too much weight being attached to x, y, and z, and not enough weight attached to u, v, and w, of policy C.

Courts routinely, and ritually, trumpet their concern with only the legal limits of discretionary authority. Close inspection, however, suggests that the legality/merits distinction is basically incoherent, though as a catalyst it may well serve the useful purpose of setting the limits of legality sufficiently widely so as to leave adequate scope for autonomy and freedom of choice by the decision-maker vested with discretion. The reality is that a doctrine concerned with the implied limits of authority, as is the case with judicial review of discretion, will necessarily require an evaluation of the substance or merits of a decision in order to judge whether it has exceeded the framework of restrictive principles created by courts under the rubrics of

'reasonableness' (rationality), 'good faith' (morality) 'proper purpose,' 'relevant considerations' etc. This point emerged in our consideration of the allocation of weight to relevant factors, but lest any doubt remains, Wade expresses the point as follows:

> Discretion ... is an area where wide choices are open to them [courts]. If they choose to shelter behind literal interpretation, and take the words of each Act at face value, they could absolve themselves from many difficult problems. By insisting, as they do, that the implications of an enactment are as significant as its express provisions, that powers given for public purposes are as it were held upon trust, they embroil themselves with the policy, motives and merits of administrative action. At the same time they must confine themselves to applying recognisable principles of law, since at all costs they must not expose themselves to the charge of usurping executive power (Wade 1982, 348).

Despite the recognised problems associated with the so-called legality/merits distinction, courts have traditionally exercised what Wade (1982, 348) calls 'a kind of constitutional restraining power' since 'They are a kind of legal antidote to the unqualified sovereignty of Parliament, redressing the balance of forces in the constitution.' Given this central role of the courts in the constitutional order, courts themselves must determine and refine the methods by which they discharge this crucial role. But any fixing of the legal limits of discretionary powers, if it is to constitute an effective barrier to abuse of power, necessarily involves, as we have seen, risk of some degree of review of the merits. Given that statutes under review typically do not openly articulate the standards which are to guide the administrative decision-maker vested with discretionary authority, categories developed by the courts, such as 'reasonableness' and 'proper purpose' etc, designed to fill the lacuna, are inevitably impregnated by the value-judgments of the courts. That is to say, whilst we have these judicially-created categories, expressed as implicit legal requirements, hence preserving the link with parliamentary sovereignty, they in fact express a substantive limit in the manner in which discretion can be exercised. As Craig (1983, 353) rightly suggests: 'Concepts such as relevancy, purpose and reasonableness are not value-free.'

The implications of the foregoing discussion with regard to control of State school curriculum by the Director-General, and the potential for abuse of power, are not entirely clear. Nor could they be, given the continuing evolutionary nature of the legal system in general and judicial

review in particular. A court could conceivable intervene if a Director-General had, in Mason J's terms 'failed to give adequate weight to a relevant factor of great importance, or given excessive weight to a relevant factor of no great importance.' On the other hand, given Mason J's caution that 'it is not the function of the court to substitute its own decision for that of the administrator,' and the allied danger of a court doing precisely that, thereby usurping the decision - maker's legitimate discretionary authority, there is some doubt as to whether or not a court would intervene if a relevant factor had been improperly weighted. What does seem clear, however, is that on the abuse of power principle, grounded in rationality, purposiveness, and morality, criteria considered earlier, a court could hardly fail to rule a Director-General's curriculum initiatives *ultra vires* if that Director-General engaged in curriculum decision-making which fell under traditional heads of review such as arbitrariness, improper purpose, illegality, irrationality, inconsistency, or procedural impropriety.

Could circumstances arise under which a Director-General's curriculum decision would be immune to judicial review? This question will now be considered.

Justiciability and the problem of 'Political' or 'Determinative' decisions

The concept of justiciability incorporates the idea that there are certain questions which are inapt or unsuitable for judicial review, having regard to considerations of legitimacy and/or competence. Even so, it could be argued that judicial review is becoming more expansive such that the 'no-go' areas are shrinking. Douglas and Jones (1993, 573) point out that 'Courts now appear to be willing to treat almost all decisions as at least in principal reviewable,' but that there are still 'privileged' categories of decision where courts are reluctant to intervene:

> While courts are reluctant to allow legislatures the right to define their jurisdiction, they also recognise that there may be good reasons for allowing the executive considerable autonomy in certain areas of administrative activity. The principle having been established that it is for the courts to determine what is reviewable, the courts reciprocate by recognising the legitimate claims of the executive to be able to go about its important business with minimal interference (Douglas and Jones 1993, 573).

The four main areas in which courts are wary of intruding are: 'sensitive' areas involving national security (e.g. activities by ASIO); equally 'sensitive' areas involving relationships with foreign powers; areas raising issues of 'polycentricity' which is simply administrative law jargon for situations where issues are too numerous and interrelated for proper evaluation by a court, and where any attempt by a court to confine the issues would produce unacceptable levels of distortion; areas having significant political or policy dimensions. There is often a close nexus between polycentricity and political issues, but perhaps the most obvious way in which a curriculum decision could be claimed to be non-reviewable would be to argue that it was a political or policy issue, so this will be the focus of attention here.

Reviewability as it pertains to political issues has attracted the attention of former Chief Justice Sir Anthony Mason, in an extra-curial appraisal:

> So the availability of judicial review may ultimately depend, not so much on the character of the decision-maker, as on the nature and subject matter of the decision that is made. After all, a decision, be it that of an official, a Minister or the Executive Council, is basically a decision of the executive government. The fundamental question is whether, having regard to its nature and subject matter, the decision should be subject to judicial review. The answer to that question may possibly depend on whether the decision is essentially political or determinative in character and whether it lends itself to judicial review. In saying this I do not suggest that we should return to the rigid distinction between judicial, legislative and executive functions. Perhaps a more appropriate criterion is to be found in a new concept of justiciability: whether the issue is determinative rather than political in character, that is, of a kind that invites a judicial, rather than a political, solution. The answer to that question in a given case would depend on a number of factors, not least of them being the nature and importance of the policy considerations and the degree to which it can be said that the decision is determinative of the rights and interests of an individual (Mason 1989, 124).

Whether by chance or choice, Mason's 'political'/'determinative' distinction is not dissimilar to Dworkin's (1978, ch. 4) 'policy'/'principle' distinction. For Dworkin, arguments of principle appeal to the legal and political rights of individuals, whereas arguments of policy support a decision on the basis that it will promote some conception of the general welfare or public interest. Dworkin argues that judicial decisions should be anchored in considerations of principle rather than policy. The reason being that the court's function is to settle or resolve the legal rights of parties to a legal dispute, rather than seek or try to enforce its own understanding of the general welfare. Determination of policy is mainly a matter for Parliament, or the

authority to which the task is delegated by Parliament. But as Mason J (*R v Toohey; Ex parte Northern Land Council* (1981) 151 CLR 170 at 222) has pointed out, the legitimacy of judicial review in a democracy stems in part from the recognition that 'the doctrine of ministerial responsibility is not in itself an adequate safeguard for the citizen whose rights are affected.' This suggests that a Minister's decision could well be subject to judicial review it if significantly infringed the rights of an individual.

Whether a decision can be the subject of judicial review or whether it should be viewed more properly as essentially 'political' in nature can in practical reality pose a fairly intractable problem. In *Kioa v Minister for Immigration and Ethnic Affairs* (1985) 159 CLR 550, for example, the plaintiff's success was attributable to the fact that the decision was determinative in the sense that it turned, at least in part, on the rights and interests of the plaintiff. On the other hand, in *South Australia v O'Shea* (1987) 163 CLR 378, O'Shea's failure was largely attributable to the fact that the decision under challenge was ruled by the court to turn mainly on policy considerations. In the case of *CREEDNZ v Governor-General,* justiciability was said to hinge on the following:

> ... the larger the policy content and the more the decision-making is within the customary sphere of elected representatives the less well-equipped the Courts are to weigh the considerations involved and the less inclined they must be to intervene (*CREEDNZ Inc. v Governor-General* (1981) 1 NZLR 172 at 198).

But we should not forget Mason's contention that ultimately the critical test of a 'political decision' may depend on the 'nature and subject matter of the decision' rather than the political 'character of the decision maker' (ie the repository of authority). It has been established that s82(1) gives control of both curriculum policy and the administration of that policy to the Director-General. Also, although the Director-General, as repository of curriculum authority, is not a 'political' officer in the way that a Minister of the Crown is, on Mason's formulation this does not matter, since the 'nature and subject matter of the decision' is the crucial consideration. On this basis, a Director-General's ends-type curriculum policy decision must surely warrant being labelled 'political' on all the usual interpretations of that term. If so, a court could well

find a Director-General's curriculum policy decision inapt for judicial review. However, a dual caveat needs to be added. First, it is unusual, if not unique for a CEO of a Government Department to be vested by statute with ends-type policy-making authority (and I know of no case law dealing with this). So a court could conceivably have reservations about breaking new ground by ruling that a Director-General's curriculum policy decision was 'political'; thus placing it in the same category of decision as, say, a ministerial or Cabinet decision. Second, if an aggrieved litigant could convince a court that his or her individual rights or interests were infringed by a curriculum decision, in ways over and above those of members of the public generally, it is possible that a court could find that the case was determinative in nature. If so, a Director-General's curriculum decision (even one with a political or policy component) may be considered amenable to judicial review. Attention is drawn to Mason's argument that justiciability 'may possibly depend on whether the decision is essentially political or determinative in character,' which recognises the reality that a case may comprise both political and determinative elements. But just how much, by way of policy or political factors would be needed to outweigh determinative factors, and thus convince a court that a case was inappropriate for judicial review, is anyone's guess, and certainly cannot be gauged in the abstract. Suffice it to say that a Director-General's curriculum decision may or may not be ruled immune to judicial review, depending on a court's appraisal of the determinative/political dimensions of the case.

PRESERVATION OF DISCRETION AND THE PROBLEM OF MINISTERIAL 'DICTATION'

Earlier in this chapter we saw how the Director-General's discretionary curriculum authority may not be abused, and how judicial review functions as a check on such abuse. Equally important is the proposition that the legal integrity of discretion be preserved, and in particular that freedom of choice, implicit in the very notion of 'discretion' should neither be abdicated nor frustrated. Wade captures the essential idea of preservation or retention of discretion:

> An element which is essential to the lawful exercise of power is that it should be exercised by the authority upon whom it is conferred, and by no one else. The principle is strictly applied, even where it causes administrative inconvenience... (Wade 1982, 319).

There are four situations in which discretion may be said to have been unlawfully inhibited and/or diverted. Three of them will be considered briefly and the fourth, which for our purposes is more relevant and controversial, will be considered in some detail.

First, 'sub-delegation' of discretion to another body or person. Unless the empowering statute has made it clear that the discretionary authority was intended by Parliament to be delegable, no other body or person than Parliament's designated repository can be legally authorised to exercise the authority in question. The maxim is encapsulated in the Latin expression *delegatus non potest delgate.* As we saw earlier, s13(1) of the Act permits the Director-General to delegate 'any of his powers or functions to any other officer of the Department or any officer of the teaching service,' and the release of the FAM by Director-General Jones triggered such a delegation of curriculum authority to school principals. Also, s82(2) of the Act permits, but does not mandate, the setting up of Advisory Curriculum Boards for the purpose of 'assisting the Director-General to determine the curriculum in accordance with which instruction shall be provided.' However, should a Director-General try to delegate curriculum authority to such a Board, then any decision emanating from it would be *ultra-vires* and void. The reason being that the Act makes no provision for delegation of authority to a *body,* only to officers of the Department or teaching service, that is, officers under the hierarchical jurisdiction of the Education Department. In addition, even if a Director-General simply 'rubber-stamped' a 'decision' coming from an Advisory Curriculum Board, that too would be invalid. On the authority of *High v Billings* (1903) 89 LT 550:

> The valid exercise of discretion requires a genuine application of the mind and a conscious choice of the correct authority. A public body which blindly rubber-stamps its officers' recommendations will therefore be acting unlawfully... (Wade 1982, 321).

The reader will recall that in chapter one, ex-Director-General Steinle said that he believed that control of curriculum by the Director-General could be justified if seen in terms of a 'Directorate of Curriculum' in which the 'Director-General is simply the signing authority.' However, in view of *High v Billings,* a court could decide to rule against a Director-General who acted as a mere 'signing authority.' A Director-General's decision would, however, be valid if it was taken on the basis of a report and recommendation from an Advisory Curriculum Board, which the Director-General genuinely considered before making a decision.

A further point is worth adding. When powers are conferred on government Ministers in charge of departments, those powers are delegable in the sense that they are often not exercised by the Minister in person. Parliament recognises this, and 'ministerial powers are therefore taken to be exercisable by officials in the Minister's department acting in his name in the customary way' (Wade 1982, 327). Lord Green MR describes this as follows:

> It cannot be supposed that this regulation meant that, in each case, the Minister in person should direct his mind to the matter. The duties imposed upon Ministers and the powers given to Ministers are normally exercised under the authority of the Ministers by responsible officials of the department. Constitutionally, the decision of such an official is, of course, the decision of the Minister. The Minister is responsible. It is he who must answer before Parliament for anything that his officials have done under his authority... (*Carltona Ltd v Commissioners of Works* [1943] 2 A11 ER 560 at 563 cited in Wade 1982, 327)

Also, as Wade (1982, 328) points out, the authority of officials to operate in their Ministers' names 'derives from a general rule of law and not from any particular delegation.' Consequently, 'legally and constitutionally the act of an official is the act of a Minister, without any need for specific authorisation in advance or ratification afterwards,' providing, of course, such acts are within their powers as agents. But we are concerned here with statutory discretionary authority vested in the Director-General, not with the exercise of authority by an official on behalf of a Minister, just described. Strictly speaking, it is difficult to see how the Minister of Education could be held answerable to Parliament for curriculum decisions taken by the Director-General acting under s82(1).

Second, 'fettering discretion' by too rigid adherence to a rule or policy is invalid in law. It is recognised that discretion should be exercised consistently because inconsistency to paraphrase Sir Gerard Brennan, is not merely inelegant, it is also productive of injustice. However, whilst policy rules and guidelines are usually conducive to consistency, a court will not permit the repository of discretionary authority to fetter or disable itself from exercising discretion by blindly following policy or adopting rigid rules which effectively precludes or destroys freedom of choice. It is not permitted to 'pursue consistency at the expense of the merits of individual cases' (Wade 1982, 331). Courts thus often have to tread a fine line in seeking to reconcile the need to preserve discretion, and the desirability of promoting principles of good administration. Most of the cases falling into the category of illegality are application cases involving licensing or other allocating authorities, where the problem of reconciling the need to act upon relatively fixed, consistent principles in the exercise of discretionary authority, with that of retaining sufficient discretion or flexibility to depart from rigid policies, rules and guidelines, to cater for a-typical cases, is occasionally placed in sharp focus.

The two main requirements for the application of a policy or general rule to be lawful are: that the policy/rule must be substantively lawful in the sense of being consistent with (*intra vires*) the objectives sought by the empowering statute; and that even if the threshold test of legality is met, the policy or rule must not be accorded such an elevated or sacrosanct status that it is applied so rigidly and mechanistically that it sacrifices individual justice, in a particular case, to the slavish pursuit of administrative consistency. A *reductio ad absurdum* will illustrate the point. What would transpire if, as part of the Physical Education syllabus, a Director-General foolishly decreed that *all* students in State high schools will participate in one of the following winter games activities: Australian rules football, netball, soccer, hockey, rugby, or basketball? Any attempt to enforce the rule could lead to litigation. If so, a court would likely rule that the policy was invalid. Discretion had been invalidly fettered since no provision was made for that group of severely handicapped students unable to participate in such sporting activities. Fettering discretion will no doubt continue to be a latent problem, but it will not be considered further here.

Third, 'fettering the future exercise of discretion' is not permitted in law. The decision-maker may make representations, promises, undertakings which, if permitted, would in effect fetter the future exercise of the discretionary authority. For example, a Director-General could enter a legal contract which had the effect of fettering the future exercise of discretionary curriculum authority. If this occurred, a court would rule such a contract void. Future discretion could also appear to be fettered because of a mistaken view as to the existence or ambit of power. An administrator such as the Director-General may refrain from exercising authority (or exercise it in a particular way), as a result of a mistake or misapprehension as to the existence and/or extent of that authority. The question here is whether or not the courts will permit a form of estoppel to operate where the decision-maker concludes that the original determination, representation or ruling, was mistaken or misconceived and seeks to repudiate or vary it. The main idea of 'estoppel' is that a person who by some representation or statement of fact causes someone to act to his or her detriment (ie incur some cost), in reliance on the truth of that claim, is not permitted thereafter to deny or repudiate the claim. In legal parlance the person is estopped (ie legally prevented) from denying the claim (Curzon 1988, 165). The doctrine of estoppel in public law cannot be invoked in order to give an authority powers which it does not possess in law. 'In other words, no estoppel can legitimate action which is *ultra vires*' (Wade 1982, 233). Indeed, to do so would, in effect, be to countenance a form of negative usurpation of power, since the decision-maker, rather than Parliament, would be defining the ambit of authority. Gummow J describes how estoppel cannot be invoked to hinder the exercise of discretion:

> ... in a case of discretion, there is a duty under the statute to exercise a free and unhindered discretion and an estoppel cannot be raised (any more than a contract might be relied upon) to prevent or hinder the exercise of discretion; the point is that the legislature intends the discretion to be exercised on the basis of a proper understanding of what is required by the statute, and that the repository of the discretion is not to be held to a decision which mistakes or forecloses that understanding (*Minister for Immigration v Kurtovic* (1990) 92 ALR 93 at 111).

Although we have been concerned here with the fettering of discretionary authority as a result of misconstruing, and thereby reducing, the extent of discretionary authority available, it could also work the other way. For example, if the Director-General believed that curriculum authority extended to permit a decision enforcing the wearing of school uniform by students, it is possible

that a court could rule that the Director-General was acting *ultra vires* because school uniform did not fall under the heading of 'curriculum.'

The problem of dictation

Over the years there has been an on-going debate in Australia centring on what is called the problem of 'dictation.' Although discretionary authority may be formally invoked and purportedly exercised by its holder, it must also be shown that in reality the authority is actually exercised in a genuinely independent fashion. Dictation occurs where a decision-maker, vested with discretionary authority, acts at the behest of another such that the exercising of a genuinely independent discretion is actually vitiated. When this occurs, the subsequent decision is invalid.

Dictation can take a variety of forms, the most obvious being the crude case of the holder of discretion actually doing the bidding of another according to that person's express instructions. The exemplar case is that of *Roncarelli v Duplessis* (1959) 16 DLR (2d) 689, where the Quebec Liquor Commission (QLC) revoked the plaintiff's restaurant licence at the behest of the Premier of Quebec, who was angry that the plaintiff had previously furnished bail for some 400 Jehovah's Witnesses who had been arrested for infringements of municipal by-laws. The Premier of Quebec simply ordered the QLC - the body having sole responsibility for granting/revoking restaurant licences - to cancel Roncarelli's licence. The Supreme Court of Canada held that the QLC had simply acted under dictation from the Premier, rather than exercised genuine independent discretion. Hence, the QLC had acted illegally and its decision was quashed.

Dictation also occurs when the repository of discretionary authority declines to act without the consent of another person or body in the erroneous belief that such consent or approval is actually required. In such circumstances, the surrender of independent discretion in favour of the adoption of a policy advocated by a superordinate authority, is no less invalid because that

authority had not actively sought to impose its policy (see *R v Stepney Corporation* [1902] 1 KB 317).

A more difficult and, arguably, not yet finally resolved question arises when a public service officer is vested with independent discretion by statute (as is the case with the Director-General under s82(1) of the Act), but exercises it in accordance with ministerial wishes or instructions, or government policy. Should this also be considered a case of dictation on the grounds that the discretion, being 'nominate' (ie vested in a named official), and not 'innominate' (ie can be simply delegated by the Minister to an official), can only validly be exercised as a result of an independent exercise of judgement by the official? Alternatively, will the courts recognise the realities of the constitutional doctrine of responsible government, and instead treat this as a lawful exercise of authority because it was exercised in accordance with ministerial or government policy? It does seem clear that:

> ... where a public servant is entrusted with a personal discretion, it is also proper for him to have regard to any government policy in exercising his powers. Even those judges who ... would most markedly circumscribe the extent to which a Minister may interfere with the exercise of power by a public servant, concede that government policy is a proper matter for the public servant to take account (Pearce 1980, 209).

At this juncture let me foreshadow a discussion of the implications of s82(1) for dictation. The difference between the South Australian situation arising from s82(1) and all the cases in which dictation has thus far been considered by Australian courts, is that under s82(1) the Director-General actually determines *policy* on school curriculum matters. In no case coming before an Australian court has discretionary authority extended to the making of policy, since all cases have been concerned with the *administration* of government policy. The crucial significance of this key difference will be addressed presently. Meanwhile, let us examine the four cases in which Australian courts have considered the vexed issue of dictation as it relates to discretionary authority. They will be considered in chronological order.

The first was *R v Mahony: Ex parte Johnson* (1931) 46 CLR 131, a High Court case involving a licensing officer who had refused a licence to a waterside worker, and had done so on the basis of existing government policy. The case did not turn on the issue of dictation, and of the five-member Court only Evatt J considered it. He maintained that the licensing officer's action was permissible since the officer was not 'debarred from considering the existence of such [government] policy.' However, Evatt J emphasised that:

> He [the licensing officer] would have to act honestly, but he might well pay some regard to the preference scheme favoured by the government... Above all, the discretion to be exercised would be his discretion, and he could not allow the executive or any other person to exercise it for him. Upon the same assumption of a discretion, there is no reason why he should not be allowed to seek the opinions of persons well experienced in the methods of organizing labour. It cannot be assumed that the well experienced and well qualified are absent from the responsible executive of the day. The weight the licensing officer might see fit to attach to any or all of such opinions would be a matter entirely for him (*R v Mahony: Ex parte Johnson* (1931) 46 CLR 131 at 145).

For Evatt J, a decision-maker vested with discretion could certainly consider or 'pay some regard' to government policy, and might even decide on a course of action which accords with such policy. But in the last analysis, such a decision must be one at which the officer alone arrives.

The second case in which the issue of dictation was considered was *R v Anderson; Ex parte Ipec-Air Pty. Ltd.* (1965) 113 CLR 177. In this case the view which Evatt J had expressed in 1931 was endorsed by Kitto and Menzies JJ. In this case Ipec-Air Pty Ltd. challenged the decision of the Director-General of Civil Aviation on the basis that he had not exercised independent discretion, but had merely complied with government instructions to forbid Ipec-Air from importing aircraft. Kitto J was strongly of the view that Ipec-Air was essentially correct in its allegations:

> ... the refusal of the application was simply and solely a reflection of the decision of the government. This means that the refusal, though given no doubt in a genuine belief that obedience to duty required it, was in truth not a refusal by the person to whom the 'Customs (Prohibited Imports) Regulations' committed the power of decision [ie the Director-General] ... It may be conceded that where the law confers a power of discretionary decision upon an officer of the civil service in his official capacity government policy is not in every case an extraneous matter which he must put out of consideration. Indeed, Evatt J thought that such a case

> existed in *R v Mahony* (1931) ... the fact is that in dealing with the application in question in this case the Director-General did not arrive at a decision of his own after taking account of some matter of general government policy. What he did was to seek from his Minister, and then automatically obey, an *ad hoc* pronouncement from the government as to the direction in which he ought to decide the matter. That is a very different thing; and none the less so because the government made its pronouncement in line with a general policy which it considered to be in the best interests of the country ... I am of the opinion that there should be an order absolute for mandamus requiring the Director-General to consider the application for permission to import aircraft and to determine it according to law (*R v Anderson* (1965) 113 CLR 177 at 192-193).

Menzies J concurred with Kitto J's appraisal, and his judgment is also worth quoting in some detail:

> When a discretion to give permission for the importation of some article has been given to the head of a Commonwealth department, it would, I think, be wrong to deny that the officer who occupies the position could take government policy into consideration in deciding whether to grant or refuse permission. There is, nevertheless, a significant difference between a discretion given to a Minister and one given to a departmental head. When the latter is nominated, he must arrive at his own decision upon the merits of the application and must not merely express a decision made by the government ... Here, the circumstances set out by Kitto J in his judgement lead me to the conclusion that in this instance the decision to refuse permission to import the aircraft was not that of the Director-General of Civil Aviation; it was the refusal of the government. Instead of the decision being made at the departmental level, it was made at the political level (*R v Anderson* (1965) 113 CLR 177 at 201-202).

Two other members of the five-member High Court in *R v Anderson*, namely Taylor and Owen JJ, concluded that the Director-General had, in fact, exercised an independent discretion. Consequently, his decision was valid. However, it is clear that if Taylor and Owen JJ had believed that it had been the decision of the government rather than the Director-General, they too would have regarded the Director-General's decision as null and void (see *Bosnjak's Bus Service Pty Lt v Commissioner for Motor Transport* (1970 92 WN (NSW) 1003 at 1016).

The fifth member of the High Court in *R v Anderson*, Windeyer J, took a radically different stance on dictation. He believed that in a democratic system of government based on the Westminster model of 'ministerial responsibility' it was the duty of the senior public servant to comply with the lawful instructions of a responsible Minister. Not only did Windeyer J believe that 'the Director-General must have regard to the policy of the government and must exercise

his functions accordingly' (*R v Anderson* at 205), but he also believed that the expression 'have regard' must be interpreted not in the usual sense of consider, but in the strong, indeed, idiosyncratic sense of comply with. This is made clear in the latter part of Windeyer J's judgement:

> The Director-General is the officer whose written permission must be produced to the Customs. But in my opinion this does not mean that he is to grant or refuse permission according to some view of his own, giving weight or no weight as he chooses to the policy of the Crown. On the contrary, I think his duty is to obey all lawful directions of the Minister under whom he serves the Crown. The Minister is answerable before Parliament (*R v Anderson* (1965) 113 CLR 177 at 206).

Windeyer J's words echo debates in the South Australian Parliament during the nineteenth century when members such as Ross, White, and Parsons were insisting (to no avail) that the Minister should control curriculum policy, on the grounds that the Minister alone was answerable to Parliament. Now if a decision is properly under the jurisdiction of a Minister (although taken by a member of the Minister's department), then it is in order for the Minister's views to prevail in a situation of decisional conflict between, say, Minister and Director-General. But the fact remains that in *R v Anderson* the Regulations specified unequivocally that discretionary authority for approving or disapproving the importation of aircraft was vested in a nominated officer, and it was the nomination of the Director-General of Civil Aviation which led Kitto and Menzies JJ to insist upon the exercise of discretion personally by the Director-General. Not only was Windeyer J's notion of to 'have regard' idiosyncratic, so too was his conception of what exercising discretion entails. In common sense terms discretion implies a degree of choice, yet here we have Windeyer J suggesting that the Director-General's discretionary authority amounted to no choice at all: the Director-General, being hierarchically subordinate to the Minister has a duty to 'obey all lawful directions of the Minister.' The emerging problem is clear to discern: is it lawful for a Minister to override a parliamentary grant of statutory discretion to a nominated officer? If so, what is the point of Parliament vesting a nominated officer with discretionary authority in the first place?

The third case in which dictation was a focus of attention was *Bosnjak's Bus Service Pty Ltd v Commissioner for Motor Transport* (1970) 92 WN (NSW) 1003. The main issue in this case was that whereas the Transport Act 1930 (NSW) empowered the Commissioner for Motor Transport to alter approved routes for private buses, the Minister had directed the Commissioner to alter the approved route of one of two rival private companies, and the Commissioner had duly complied with the Minister's directive. Hope J held that this was a clear case of ministerial dictation. In this case, the single presiding justice, Hope J, stressed that whilst s157(1) of the Transport Act entitled the Minister 'to direct and control the Commissioner in the exercise of the powers, authorities, duties and functions conferred on him by s157(1) of the Transport Act,' this provision 'does not provide and does not mean that where a statute refers to "the Commissioner" one must read "The Minister."' Hope J continued with:

> ... the provision subjecting the Commissioner to the direction and control of the Minister does not have the effect of removing from a statutory provision any qualification or condition precedent to the exercise of a power by the Commissioner, and the power of the Minister to direct and control may have to be limited by the very nature of that qualification or condition ... I do not think the Minister is entitled to direct him [the Commissioner] what representations he shall give any considerations to, what weight he shall give to various aspects of these representations, or what conclusion he, upon a consideration of those representations, should come to ... Nor in my opinion, can the Minister direct him that no matter what the result of his, the Commissioner's, due consideration may be, the Commissioner must make a determination in some particular way... the power conferred [by s157(1)] must be exercised by the Commissioner himself, and although he may be entitled to consult the Minister and take the Minister's views into account, the Minister may not direct him as to what determination he must make, and the Commissioner may not make a determination simply because he is so directed by the Minister (*Bosnjak's Bus Service Pty Ltd v Commissioner for Motor Transport* (1970) 92 WN (NSW) 1003 at 114-115).

For Hope J then, a Minister can certainly direct his or her Director-General (or Commissioner) in the traditional manner, but this power does not extend to situations where the Director-General is vested with discretionary authority by statute.

Notwithstanding Windeyer J's radical departure from what had been the orthodox Australian judicial opinion on the issue of dictation, the legal position, prior to the milestone *Ansett* decision in 1977, was almost certainly as Pearce describes it:

> ... the weight of authority stood clearly for the view that ministerial interference in the decision-making process where a discretion was entrusted to a nominated officer was likely to lead to invalidity. Only the opinion of Windeyer J in *Ipec* stood unambiguously against this view (Pearce 1980, 212).

What this means is that prior to 1977, the legal position in South Australia, so far as s82(1) of the Act was concerned, was that if a Minister of Education had induced the Director-General to adopt a particular curriculum decision on the basis of ministerial order or instruction, then on the authority of the cases previously considered, the Director-General's decision would almost certainly have been struck down as invalid. The court would then have issued a writ of mandamus to force the Director-General to discharge the statutory duty according to law. The position post-1977 is more ambiguous.

The fourth case in which the issue of ministerial dictation was addressed was that of *Ansett Transport Industries (Operations) Pty Ltd v The Commonwealth of Australia* (1977) 139 CLR 54. This was a watershed case in that four out of the five High Court justices found that a decision by the Secretary of the Department of Transport (the successor to the Director-General of Civil Aviation), under ministerial direction to allow the importation of aircraft, was valid. The nuances of the individual judgments are important and will be considered below, but in general terms, the essence of the majority view is that, whatever might seem to be the position on the face of the statute alone, the apparently independent discretion vested in the official has to be read as subjecting the holder of that discretion to government policy in its exercise unless the language of the statute is unambiguously to the contrary. According to Pearce (1980, 212), the position that 'ministerial interference in the decision-making process where a discretion was entrusted to a nominated officer was likely to lead to invalidity ... has now been reversed.'* With due respect to Pearce, it is by no means certain that the position has been reversed as a result of *Ansett.* To defend this claim an analysis of the individual judgments in *Ansett* is necessary.

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* None of the ex-Ministers of Education I interviewed in 1983 claimed that, after 1977 they believed that they could 'dictate' curriculum policy to the Director-General, and Allison believed that he could not.

Barwick CJ and Murphy J adopted the most forceful of pro-ministerial positions, a situation which may not have been entirely unrelated to the fact that both were former Federal government Ministers. Barwick CJ argued that the Secretary was:

> ... bound, in my opinion to carry out the communicated policy of the government in deciding whether or not to grant his consent to importation. The vesting of a discretion in an official in an area such as the control of entry into Australia of goods or persons does not, in my opinion, give him the power to ignore or depart from government policy in the exercise of this discretion in relation to such entry (*Ansett v Commonwealth* (1977) 139 CLR 54 at 61-62).

High Court justices are not averse to permitting uncertainty or ambiguity to characterize their judgments, for this enables them to keep their subsequent options open, and hence avoid having to go against or override legal precedent in later cases. There is an obvious element of equivocation in Barwick CJ's judgment, which permits a possible exception from a blanket application of the principle he endorses. His claim that the vesting of discretion in an official in 'an area such as the control of entry ... of goods or persons does not ... give him the power to ignore or depart from government policy in the exercise of this discretion ...,' leaves open the possibility that Barwick CJ would perhaps be prepared to consider areas other than 'control of entry of goods or persons,' where he would in fact permit a senior official to exercise discretion free from ministerial instruction or direction. Indeed, curriculum policy control by the South Australian Director-General of Education might well prove to be such an exception, particularly in view of the fact that since the Education Act 1915 (reaffirmed by the Education Act 1972), the Director-General (or equivalent position), and not the government of the day, has been vested with control of such policy. And Barwick CJ placed great store on the 'policy' factor. Murphy J's judgment was characterised by no such equivocation. Nevertheless, his judgment does seem to leave the door open for a successful ruling against ministerial dictation. Murphy J offers the following argument in support of ministerial intervention:

> The system of responsible government which is reflected in ss61 and 64 of the *Constitution* contemplates (if it does not require) that executive powers and discretions of those in the departments of the executive government be exercised in accordance with the directions and policy of the Minister. Unless the language of legislation (including delegated legislation) is unambiguously to the contrary, it should be interpreted consistently with the concept of responsible government. It would be inconsistent with that concept for the Secretary or any officer of a

> department to exercise such a power of discretion contrary to the Minister's directions or policy (provided of course these are lawful) ... The duty of those in a department is to carry out the lawful directions and policy of their Minister. It is the Minister who is responsible to the government and the Parliament for the directions and policy (*Ansett v Commonwealth* (1977) 139 CLR 54 at 87).

Murphy J's comments represent a classic expression of the doctrine of responsible government, and indeed, of the proper relationship between Minister and departmental administrative officers. However, as we have seen, s82(1) of the Act places South Australia out of step with the orthodoxy of responsible government so far as curriculum policy-making is concerned. Further, a key statement in Murphy J's judgment is that relating to the 'language of legislation.' Whilst it is not absolutely certain that a court would necessarily find the language of s82(1) unambiguous in vesting control of curriculum in the Director-General, *prima facie*, at least, the wording of the section seems clear enough, and I know of no challenge to that interpretation to date. Indeed, when I interviewed three South Australian ex-Ministers of Education (Hudson, Hopgood and Allison), none of them disputed the fact that s82(1) clearly gave control of curriculum to the Director-General. Consequently, if a South Australian Minister of Education imposed a curriculum policy decision on the Director-General, there is a reasonable chance, on Murphy J's ruling, that a court would strike it down as invalid.

The third of the majority justices, Gibbs J, dealt with the issue of dictation somewhat cryptically. His main comment was:

> Nor do I think that it would be wrong for the Secretary, in exercising discretion under the regulations, to give weight, and indeed conclusive weight, to the policy of the government (*Ansett v Commonwealth* (1977) 139 CLR 54 at 62).

This suggests that the Secretary may choose to give 'conclusive weight' to a government policy should the Secretary so desire. Unfortunately, Gibbs J did not address the crucial question, namely, whether or not he thought the Secretary was bound or legally required to implement the policy of the government.

The fourth of the majority justices, Aickin J, had this to say:

> It is clear ... that, although the discretion is that of the Secretary of the Department of Transport, it is not one to be exercised entirely according to his personal views. Government policy, and particularly that applicable to matters within the scope of his department must in every case be a matter for his serious consideration...There is nothing improper in the Minister requesting him to act in a particular manner or seeking to influence or persuade him to act in a particular manner, nor is there any failure of duty by the head of a department of government in acting in accordance with such a request. In many matters of policy it might indeed be the duty of the Secretary to act in accordance with the policy of the government of the day. It is, however, not necessary in the present case to resolve the conflict of opinion in the *Ipec* case on this matter (*Ansett v Commonwealth* (1977) 139 CLR 54 at 115-116).

First, a minor point, there is nothing new about Aickin J's claim that a Secretary's discretion is not one to be 'exercised entirely according to his personal views,' and we saw earlier that courts have long recognised that discretion must not be abused, and that a decision-maker cannot, for example, base decisions on whim or caprice. Also, the idea that 'government policy' is a relevant factor which must be given 'serious consideration' by a decision-maker vested with discretionary authority, is uncontroversial. More importantly, Aickin J refers to the legitimacy of the Minister 'seeking to influence or persuade' the Secretary to act in a 'particular manner.' But like Gibbs J before him, Aickin J also fails to address adequately, the key issue of whether or not he would see it as permissible for a Minister to actually *direct* the Secretary to exercise discretion in a particular way, as distinct from merely seeking to 'persuade' the Secretary to comply with a 'request.' Aickin J does indicate that it 'might' be the 'duty of the Secretary to act in accordance with the policy of the government,' but gives no indication as to what conditions or criteria would be necessary to justify such action.

In his minority judgment in *Ansett,* the fifth member of the High Court, Mason J, rejected the views of the other justices completely. Mason J (*Ansett* (1977) at 82), also rejected Windeyer J's contention in *R v Anderson* (206) that it was the duty of the Director-General 'to obey all lawful directions of the Minister under whom he serves the Crown,' and concurred with Kitto and Menzies JJ that the Director-General had, in *R v Anderson*, acted under ministerial dictation, and had thereby acted illegally. A passage from Mason J's judgment is worth citing at length as it clearly places the dictation issue in sharp focus:

> The Regulations vest the discretion in the Secretary of the department; they therefore contemplate a decision by him. If in truth he is bound as a matter of law to accept direction from his Minister it cannot be said that the decision is his decision; it then becomes the decision of the Minister ... It is to be expected that the Secretary will, before making his decision, if he does not already know them, ascertain what are the government policies which happen to be relevant to the application before him. Moreover, it is to be expected that he will have regard to any relevant government policy, nevertheless deciding for himself whether the existence of the policy is decisive of the application. Whether it is so decisive will depend upon the nature and terms of the policy and the circumstances of the particular case. But I cannot think that this means that the Secretary is entitled to abdicate his responsibility for making a decision by merely acting on a direction given to him by the Minister. Apart from the observations of Windeyer J the authorities give no support to the notion that a Minister can, without statutory authority, direct an officer in whom statutory discretion is reposed, how he will exercise that discretion. The observations of Evatt J in *R v Mahony* (at 145) are in my opinion quite opposed to the notion that an administrative officer vested with a discretionary power 'could allow the executive or any other person to exercise it for him.' Here all that emerges is that the exercise of the discretion is in conformity with a policy enunciated by the Minister or with a policy of which the Minister approves (*Ansett v Commonwealth* (1977) 139 CLR 54 at 82-83).

Mason J's logic is impeccable. If X is endowed by statute with discretionary authority, yet at the same time is bound by law to accept a direction from Y, then any decision resulting from such direction cannot possibly be regarded as X's decision. This being so, it would appear to make little sense to vest statutory discretionary authority in X in the first place. Hence, in practical terms it would be better to stick to traditional ministerial/administrative officer authority relationships. Also, there is some force in Mason J's contention that *Ansett* was not a case involving ministerial dictation at all, since the discretionary decision-making by the Secretary was simply 'in conformity with a policy enunciated by the Minister or with a policy of which the Minister approves.' That is to say, the Secretary took into consideration ministerial wishes (as distinct from bowing to ministerial direction), when exercising discretion.

To summarise the judicial positions adopted in *Ansett,* the position would seem to be as follows. Both Barwick CJ and Murphy J left open the possibility that there may be situations where ministerial dictation would be illegal, and we have seen that s82(1) of the Act could well give rise to such situations. Gibb J suggested that it would 'not be wrong' for an administrative officer, vested with discretion, to 'give weight, indeed conclusive weight, to the policy of the government,' but he gave no indication as to whether or not such an officer would be *required*

to give 'conclusive weight, to the policy of the government.' Aickin J saw nothing wrong in a Minister 'requesting' an administrative officer 'to act in a particular manner or seeking to influence or persuade him to act in a particular manner,' but he too ducked the hard question of whether such an officer could be legally *required* to act upon a ministerial request or order. Mason J's hard line position was that, if an officer wielding statutory discretion could at the same time be directed to act in a way prescribed by the Minister, then that officer did not have any discretion at all.

The claim that an administrator vested with discretion, should at least take account of ministerial or government policy, emerges as a dominant theme in the judicial pronouncements, and this poses a potential problem so far as s82(1) is concerned. A common feature in the cases considered by the High Court was that the discretion in question was *administrative* discretion as it related to government (or ministerial) policy. In *R v Mahony,* the Licensing Officer had complied with government policy. In *R v Anderson,* all five justices agreed that the Director-General had acted in line with Government policy regarding importation of aircraft, but disagreed as to whether such action constituted invalid dictation or simply valid consideration of government policy. In *Ansett*, the Secretary had given weight to the policy of the government. However, s82(1) of the Act gives control of curriculum *policy and its administration* to the Director-General. Consequently, if any case focusing on ministerial dictation arose out of a decision taken under s82(1) it would presumably be distinguishable from the cases considered above. In a real sense, it is the on-going policy of South Australian governments to permit the Director-General to determine policy on curriculum. The reason being that Parliament gave control of curriculum to the Director-General by virtue of s82(1), and successive governments (both Liberal and Labor) have concurred with this, since no government has altered or sought to alter s82(1). This suggests that South Australian governments since 1972 have impliedly at least, been happy to permit the Director-General to determine policy on curriculum. If a government should at some stage decide otherwise, then the solution would clearly lie in its own hands: rescind or modify S82(1).

The foregoing discussion suggests that it is by no means obvious that Pearce is correct in his claim that the legal position regarding ministerial interference with discretionary authority was 'reversed' in the *Ansett* case, though it cannot be denied that *Ansett* broke with established tradition on the issue of dictation. But Pearce is almost certainly right in his later claim that 'the issue cannot be regarded as in any way foreclosed' (Pearce 1980, 213). Mason J is of the same opinion. In *Bread Manufacturers of NSW v Evans* (1981) 38 ALR 93 at 114, he said that the problem of dictation 'will no doubt continue to be a vexed question,' and that it does not 'admit of an answer having a universal application.' More recently, Mason (by then Sir Anthony Mason, Chief Justice of the High Court), stressed that:

> One of the unresolved problems of administrative justice is that we have failed to evolve principles spelling out the circumstances in which a decision-maker must act independently of political direction or influences, as compared with those in which he is subject to such direction and influence. The questions which were not finally answered in *R v Anderson* and *Ansett v The Commonwealth* still remain unanswered (Mason 1989, 131).

In an attempt to conclude this sub-section, we can say with some confidence that, prior to *Ansett*, if a South Australian Director-General had acted under ministerial dictation on curriculum matters, then any decision so arising would have been invalid. Since 1977 the situation is more problematical. However, not a single judge in *Ansett* maintained that ministerial dictation was valid *per se*. This suggests that in some situations ministerial dictation could still be struck down as illegal, though as Sir Anthony Mason tells us, the principles spelling out the circumstances in which a decision-maker must act independently of political direction, have yet to be spelt out by the High Court. But which position has the greater merit? As Pearce (1980, 213-214) points out, Mason's view is irrefutable: if an officer vested with discretionary authority acts under ministerial dictation or simply automatically applies a government policy, then that officer is not taking the decision. Alternatively as was argued in chapter two:

> Arguments based on the concept of responsible government can be said to be undermined by the very fact of vesting the discretion in a designated person. This places the decision-maker outside the anonymous public servant - Minister - Parliament line of authority (Pearce 1980, 214).

It is most unlikely that a public servant would refuse to comply with a ministerial instruction or directive, and it would certainly undermine the Australian system of responsible government if such refusals were to occur regularly. Such being the case:

> ...and as all judges recognise that a person invested with an independent discretion is entitled to have regard to government policy, the validity of the decision-making process will turn on a semantic issue if the approach of Mason J is followed. If the decision-maker indicates that he decided the issue as directed by his Minister, his decision will be invalid. If, on the other hand, he says that he merely took the Minister's views into account but was satisfied that that view was the appropriate one, the decision will be valid. An issue as important as this should not turn on the form in which a decision-maker couches his decision. The well-advised decision-maker's decision will be valid; that made by an officer who openly reveals the ministerial directive will not. A public servant is, and probably should be, governed by his Minister. This being so, it seems unwise to talk of him as exercising an independent discretion (Pearce 1980, 214).

Pearce's observations are manifestly sensible, but we should add the rider that because s82(1) vests curriculum *policy* authority in the Director-General, then to that extent, at least, it is doubtful that the Director-General should be governed by the Minister.

Given Sir Anthony Mason's contention that dictation is one of the 'unresolved problems' of administrative justice, we shall obviously have to wait and see what future re-evaluations, juridical as well as political law reform proposals, may produce on this intractable problem. So far as a political solution to the problem is concerned, Pearce's proposal remedy has much to commend it:

> It is undesirable, and indeed unfair, for discretion to be vested in designated officials ... Much the better course would seem to be for legislation either to designate no person as the decision-maker, thereby leaving the administration to the ordinary departmental processes. Alternatively, and particularly where there is a *political content to the exercise of discretion,* the Minister should be designated. He can then delegate this function in respect of its day-to-day exercise but reserve any final decision on difficult cases for himself. None of the problems discussed here would then arise (Pearce 1980, 214-215, emphasis added).

It has been consistently argued throughout this thesis that if there is to be centralized control of State school curriculum, then such control should be democratic in the sense of being under ministerial direction. As it is, control of curriculum arising from s82(1) severs what Pearce calls the 'anonymous public servant - Minister - Parliament line of authority,' for a vital area of ends-

type policy-making, and should not be permitted to occur in a democracy. Moreover, it is precisely because there is an inevitable 'political content to the exercise of (curriculum) discretion,' that either the Minister of Education should be designated in the Act to control curriculum, or that no officer should be designated, s82(1) be rescinded, and curriculum control be left to normal Ministerial/departmental processes.

CONCLUSION

This chapter examined the nature of the Director-General's statutory discretionary curriculum authority, and the legal status of s82(1) of the Act which confers this authority. We saw that discretion is by no means absolute, certainly cannot be abused, and that the process of judicial review has the effect of rendering any exercise of discretionary authority potentially accountable to the courts. At the same time it was suggested that judicial review itself harboured the danger that a court could intrude into the merits of a case, to the extent that it usurped the legitimate authority of a decision-maker legally vested with discretionary authority. Fortunately, courts themselves are cognizant of the 'implied limits' of judicial review, though McLachlan (1991, 21) has reservations about judicial self-restraint being an adequate mechanism for delimiting the scope of such review. It was also shown that courts are reluctant to interfere in decisions which are essentially political (as distinct from determinative) in nature: that is to say, decisions which contain a strong policy component. Consequently, because s82(1) vested discretionary curriculum policy authority in the Director-General, there is some doubt as to whether or not a court would be prepared to interfere with a Director-General's curriculum policy decisions.

The chapter also addressed the problem of preservation of discretion, and considered various ways in which decisions could be ruled by a court to be unlawfully inhibited or divested. The problem of ministerial dictation was addressed in some detail for the simple reason that South Australia is in the anomalous position of having rejected the traditional Minister/Director-General authority relationship so far as curriculum is concerned. Consequently, there is always a possibility that a Minister of Education, keen to introduce some curriculum policy initiative,

could be tempted to seek to impose a curriculum decision on a Director-General. The conclusion reached here is that the situation regarding ministerial dictation, post *Ansett,* is unclear and certainly does not give the green light to a Minister to direct the Director-General (hierarchically subordinate) to take a particular curriculum decision. Indeed, ministerial dictation could still be ruled invalid, particularly where it involved an ends-type curriculum policy decision taken under the authority of s82(1). Also, whilst it is correct to say that s5/6(1)(e) of the Administrative Decisions (Judicial Review) Act (Commonwealth) 1977, makes provision for the prohibition of 'an improper exercise of power' which also extends to the prohibition of dictation, that is: 'an exercise of discretionary power at the direction or the behest of another person' (s5/6(2)(e)), we should not forget that the jurisdiction of this act is restricted solely to Commonwealth instrumentalities.

It is true that the legal constraints on the Director-General's curriculum authority, which have been considered in this chapter, do not obviate or lessen the Director-General's effective day-to-day control of curriculum. In this regard it is worth drawing attention to ex-Minister Hopgood's response (when he was interviewed in 1983) to a question about safeguards in the system to ensure against misuse of power by the Director-General:

> But I think it is probably true, if you want to argue, that we may have been lulled into a false sense of security, because we have had someone holding the reins of [curriculum] power who believes in consensus and consultation.

It seems to me that, the potential problems of ministerial dictation and misuse of curriculum authority by the Director-General, could be tackled simultaneously by amending s82(1) to make the Minister of Education the nominated officer, or better still, rescinding s82(1) such that traditional Ministerial/Director-General curriculum authority relations were introduced, and the Minister became responsible and accountable for State school curriculum. After all, this is precisely what we would expect where centralized curriculum control is exercised in an accountable representative democracy.

Finally, lest it be protested that a deal of the foregoing discussion is academic and abstract, it should not be forgotten that, the power of the Governor-General to dismiss an elected Prime Minister, was considered largely academic and abstract: that is until November 1975.

CHAPTER EIGHT

CONCLUSION

Alone amongst Australian States and Territories, South Australia has adopted a *de jure* mode of technocratic curriculum control, which had its genesis in the second half of the nineteenth century, and which continued to exist even when the early 1970s ushered in a brief period of SBCD, following a long period of centralized control.

Not only has the thesis traced how technocratic curriculum control originated, it has also shown how it operated in the pivotal period 1970-1985, how such control affected accountability mechanisms, and how a deal of the democratic rhetoric in the 1970s simply flattered to deceive. In addition, a theoretical argument has been presented suggesting that attempts to justify technocratic control of ends-type curriculum policy have been less than convincing, and that consequently, it is imprudent in a democracy such as South Australia, to vest a senior administrator (and until 1995 a tenured one at that), with control of such policy. If that argument is persuasive then the wisdom of retaining s82(1) is called into question. Moreover, it should not be forgotten that s82(1) is arguably the most crucial section of the entire Education Act 1972, since control of State school curriculum can hardly fail to have a profound effect on the life chances of South Australian children, the shaping of their personalities and the values they come to hold, and ultimately on the very nature of South Australian society itself.

As indicated in the Preface, I have not supported any view of democracy in this thesis, but simply examined s82(1) in terms of normally accepted accountability requirements of an accountable representative democracy, as they pertain to the curriculum policy area. Also, lest there be any misunderstanding, I have not advocated either a centralized or decentralized (or some mix of the two) form of curriculum control. The position adopted here is that it is for South Australian citizens to decide, either through their elected representatives, or some other approved constitutional means, which mode of curriculum control they desire. If it is decided that a strong brand of centralized control is required, with all that this entails, including 'core curricula' etc, and that it is worth running the risks of such control, then as I have suggested, it can be reasonably argued that, given the system of government currently existing, such control should rest with the Minister of Education and not the Director-General of Education.

Alternatively, if citizens believe that a system of 'checks and balances' is needed, in order to minimise problems such as the possibility of ministerial excesses, then some form of political, as distinct from administrative, decentralization may be required. Even so, such decentralization which devolved curriculum authority to, say, representative 'school councils' or some elected intermediate regional bodies, could not occur so long as s82(1) remains the legal barrier to political decentralization that it does currently. As we have seen, any decentralization of curriculum control exercised under s13(1), must of necessity be administrative decentralization to officers of the Education Department or teaching service. At best this can lead only to what can be described as a technocratic mode of 'organizational democracy,' in which school-based curriculum policy decisions are determined by professionals working in the departmental hierarchy.

SBCD certainly appeals to a number of theorists (eg Spinks 1990, Sturman 1990, Prideaux 1993(a)), and one does not need to be a supporter of radical participatory democracy in order to adopt such a position. In this regard, Parry and Moran (1994, 278-279) argue that a 'representative democracy which deserves the name would be one which took 'subsidiarity' seriously.' Subsidiarity refers to small representative systems operating as democratic

'subsidiaries' to the macro political system. Such an accountable representative democracy would not only 'decentralize as far as possible,' but also 'encourage viable representative processes' in schools. But as I have suggested, it is for citizens to decide on an acceptable form of curriculum control.

Further, there appear to be sound pragmatic reasons suggesting that s82(1) should go. First, as we saw in the penultimate chapter of this thesis, Pearce believes that it is unwise and unfair to vest discretion in designated administrative officials, since to do so can easily place them in an invidious position in relation to their Ministers. Pearce's manifestly sensible solution is for legislation to designate no person as decision-maker, thus leaving decision-making subject to traditional government department processes, or where there is a 'political content to the exercise of discretion,' as there surely is with s82(1), the Minister should be designated. The Minister can then delegate curriculum authority to departmental officials, and abrogate it, as the logic of the situation demands. The Minister thereby retains a democratic accountability function for centrally controlled aspects of curriculum policy.

Second, under the South Australian Government Management and Employment Act 1985, heads of government agencies in South Australia became known as Chief Executive Officers (CEOs), though it was not until 1995 that the title of Director-General of Education was replaced by that of 'Chief Executive.' Nowadays there is a growing belief that CEOs possess administrative expertise enabling them to move confidently from one departmental headship to another, and Saint (1991, 196) reflects this view when he tells us that the title CEO 'infers that heads of agencies or departments are interchangeable professional administrators.' It may well be true that CEOs are interchangeable administrators as Saint suggests, but we should not overlook the fact that any justification for such interchangeability can only be grounded in an argument for the universality of administrative functions. However, as we have seen, in addition to normal administrative functions, the Chief Executive also has a crucial curriculum policy-making obligation. Consequently, the claim that CEOs are interchangeable would seem to seriously

undermine any claim that it is the Chief Executive's professional competence which justifies control of curriculum policy.

Third, s82(1) would seem to have lost any pretence to a defence along the lines of practicality: since 1995 Chief Executives in charge of the Department of Education and Children's Services (DECS), as the erstwhile Education Department is now known, have been on five-year contracts, not lifetime virtually irremovable tenure as hitherto. Hence, any suggestion that vesting curriculum control in the Chief Executive in order to 'free curriculum from political interference' (ie 'interference' by politicians), which I have argued is an illegitimate claim anyway, has now even less credibility than before. The reason being that a Chief Executive is now most unlikely to rock the curriculum boat lest this jeopardise the chance of contract renewal. In short, a Chief Executive in the late 1990s is far more likely to be amenable or receptive to ministerial curriculum policy 'suggestions' than ever before, and thus less likely to resist ministerial initiatives by pushing a curriculum impasse into the courts on the grounds of an alleged ministerial 'dictation.'

For well over seventy-five years, State school curriculum policy control in South Australia has been technocratic, and this mode of control continues to thrive. A recent example occurred in June 1997 when DECS Chief Executive, Mr Dennis Ralph, decided that although he was 'outraged over some of the material' contained in an anti-racist comic entitled *Taking a Stand* (in which Vietnamese-Australians were referred to as 'slopes' and 'gooks'), he would not be 'banning' or 'censoring' it, but was 'confident that our public school system will deal with it in the appropriate way' (Turner 1997, 15). In other words, in an act of administrative decentralization, the Chief Executive left it to individual schools to decide whether to ban, censor or indeed use, the controversial curriculum material. However, the decision of whether or not to ban or censor material designed for use in schools, would seem to represent a curriculum policy, as distinct from a mere technico-professional, decision. The reason being that censorship issues turn on whether or not the censor believes that certain materials are likely to have an adverse or corrupting influence on people (in this case students), in the sense of encouraging them to adopt

the 'wrong' sorts of attitudes and values, which in turn could contribute to social disharmony. Perhaps the decision should have been taken by the Minister rather than the Chief Executive.

As I have suggested, and I reiterate the point for emphasis, if arguments presented in this thesis have cogency, then at the very least the South Australian government should seriously consider jettisoning s82(1), though changing the current locus of control may not be in the government's interest. Such a change would doubtless be fraught with political difficulties, not least of which is that the ideology of technocratic control is well entrenched. Also, as I have previously argued, the Chief Executive, by virtue of s82(1) is a statutory authority so far as curriculum is concerned, and this has resulted in the preclusion of the usual form of democratic accountability associated with a centralized system, in which there are clear links between curriculum policy-makers and the electorate (via Minister, Cabinet, Parliament). Indeed, as Hughes and Leane point out, accountability easily becomes a problem with statutory authorities since:

> ...their existence merely blurs the lines of political authority, a fact which is sometimes the contrivance of governments themselves. Statutory authorities can be the deliberate products of government ethics to "avoid the issue" by assigning matters to an authority with unclear and ill-defined relationships with governments and Parliament. This, one could say, is having it both ways, especially when the area is one which is politically contentious ... There may arguably be both an abnegation of responsibility as well as the retention of a semblance of government involvement in case things happen to go exceedingly well (Hughes and Leane 1996, 251).

The reader will recall that in chapter one Hudson emphasised the importance of a Minister being able to 'get out from under' on curriculum issues, and that Allison also realised that curriculum was a sensitive political issue, and for this reason he baulked at seeking to shift the locus of control in order to give the Minister a greater say. He also believed that any attempt to do so would almost certainly have evoked strong opposition, particularly from the South Australian Institute of Teachers (recently renamed the Australian Education Union (S.A. Branch)). Further, my correspondence with incumbent Ministers in the period 1984-1987 clearly revealed dogged support for s82(1), and nothing has occurred since 1987 to suggest a governmental change of heart.

The success of Ministers these days, as Hudson and Allison realised, often seems to be judged on the basis of the extent to which they are able to manage controversy free portfolios, as well as on the success or failure of their policy initiatives. Continuing to keep the ministerial portfolio insulated from curriculum policy issues would seem to be an enticing element of any strategy designed to minimise potential areas of controversy. Perhaps South Australian governments have opted for a Hudson/Allison type approach to the issue, and decided to let the sleeping curriculum dog continue to lie.

APPENDIX

This is an appendix of ministerial letters, addressing the issue of control of South Australian State school curriculum, which were sent to the writer during the period October 1984 - June 1987.

- Minister Arnold's letter 5 October 1984
- Minister Arnold's letter 29 November 1984
- Acting Minister Hemming's letter 22 January 1986
- Minister Crafter's letter 12 August 1986
- Minister Crafter's letter 12 June 1987

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Our Ref. 265/015 (22:AB)

ED 16/1/464D

Date: 5 OCT 1984

Mr A Smithson
South Australian College of
Advanced Education
Magill Campus
Lorne Avenue
MAGILL SA 5072

Dear Mr Smithson,

I refer to your letter dated 20th September, 1984 concerning your paper "Power, Politics and Accountability for School Curriculum: An Australian Case Study" which you forwarded to me last year.

While apologising because I have not forwarded a written response to you, I note that in checking through the file concerned you also forwarded a copy of your paper to the Director-General of Education. I understand that the Director-General did comment direct to you after he and I discussed the paper on a number of occasions in September 1983. We considered that there were some fundamental flaws in it, but that it was reasonably argued. It was noted that your thesis is based on an either/or proposition that curricula must be either controlled by a bureaucrat or a politician. While I have some sympathy for your point of view that curriculum control should rest with a person checked by a democratic process the alternative suggested would take us back to the fragmented model of school council control.

I believe that your argument ignores the practice by which curricula are negotiated and gives no recognition of the network of consultation which this involves. A recent example of the time and necessary network involvement required to produce curricula items is evident in the process taken to produce the document "Our Schools and Their Purposes" which took three years to produce and had wide central and school involvement.

I am sure that, should you, as suggested in your earlier correspondence publish the paper, it will be a worthwhile contribution to a subject which could justify public debate and I would be interested to see any responses received.

Yours sincerely,

(Lynn M. F. Arnold)
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MINISTER FOR TECHNOLOGY

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ED 16/1/464D

Date: 29 NOV 1984

Mr A Smithson
S A College of Advanced Education,
Magill Campus
R2/33

Dear Mr Smithson

In your letter of 7 October 1984, you requested me to inform you of the specific nature of the fundamental flaws the Director-General and I considered that your paper on "Power, Politics and Accountability for School Curriculum" contained. You also asked me to explain who is democratically accountable for the curriculum in Government schools, given control by the Director-General under Section 82(1).

I shall answer your questions briefly. It seems to me that your paper contains the following flaws.

Firstly, you over-simplify the concepts of "responsibility" and "accountability". One of the definitions of "responsible" in the OED is "answerable, accountable to another for something; liable to be called to account". Your distinction ignores this fundamental meaning of "responsible".

Secondly, I agree with Kaminsky who, you will recall, criticises an earlier paper by you for your failure to develop an adequate concept of democracy upon which to base your argument. I find a similar inadequacy in the paper you sent to me.

Thirdly, you appear to be unaware that State Acts of Parliament, Regulations and Administrative Instructions which apply to appointed officials provide for sanctions to be exerted against public servants who fail to carry out functions for which they are accountable. Many precedents can be cited.

.../2

Finally, you fail to distinguish between curriculum policy and curriculum content when you write about responsibility for the curriculum under the Education Act. You appear to have overlooked those sections of the Act which make it quite clear that the elected Minister of Education is democratically accountable for educational policy in SA and that the Director-General of Education is among other matters responsible to him for curriculum content.

I trust that you will now reconsider some of the statements in your paper in the light of these comments.

Yours sincerely,

(Lynn M F Arnold)
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MINISTER FOR TECHNOLOGY

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015 004/85(22:KR)
129 015/85
172 013/85
277 011/85

WP0247M/24/25

E.D. 16/1/464D

Date: 22 JAN 1986

Mr. A. Smithson,
South Australian College of
Advanced Education,
Magill Campus,
R2/33.

Dear Mr. Smithson,

I refer to your letters to the previous Minister of Education dated 11 January, 6 May, 20 June and 3 October, 1985, in which you asked whether I agree with your analysis of "the nature and implications of 82 (1) (sic) so far as democratic accountability for State school curriculum policy is concerned".

Briefly: no, I do not agree with you.

While section 82 (1) cetainly raises questions about the nature of the links between Parliament, Minister and Director-General as they pertain to the school curriculum, those links, as I have already sought to point out, are also affected by the role of the Education Minister in relation to education policy and, as you have already noted, by the role of the Education Minister in relation to the departmental budget.

Your analysis is too simple to be helpful to more perceptive understandings of the governance of schooling.

I must say I find it disappointing that at a time when arrangements for a greater degree of public participation in administration generally and in education in particular are of considerable interest, you have confined yourself to "simply applying generally recognised democratic accountability criteria to the generally recognised Australian version of the Westminster model of democratic government..." The operation of democratic government in Australia today is far more complex and sophisticated than that description suggests. So is the operation of section 82 (1), which cannot usefully be read alone without reference to its legislative and practical context. Constitutional convention, while extemely important to our system of government, is not the only dynamic in it.

.../2

A draft policy development paper currently in preparation in the Education Department may be of some interest to you. It seeks to address the role of school-community groups, especially School Councils, in relation to decisions about schooling including curriculum. It will give you some indication of the preoccupations and ambiguities which people directly concerned with the governance of schooling are dealing with at the moment. A broadly representative group of administrators, school principals, teachers and parents, has guided its preparation. I would, of course, value any comments you may care to make on it. I have arranged for a copy to be sent to you when it is published in the near future.

Yours sincerely,

ACTING MINISTER OF EDUCATION

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Our REf: 86/030 006 (21:AS)

ED 16/1/464D

Date: 12 AUG 1986

Mr. A. Smithson,
South Australian College
of Advanced Education,
Magill Campus,
Lorne Avenue,
MAGILL S.A. 5072

Dear Mr. Smithson,

I refer to your letter of 24 January, 1986 in which you have continued in your quest for information in support of your Ph.D. thesis.

I have had the opportunity to examine your correspondence with the former Minister which dates back to August 1983. In the draft Chapter of your thesis which you submitted at that time, it is clear that you have taken a firm stance in relation to the interpretation of Section 82 (1) of the Education Act and, in particular, whether that part of the legislation is appropriate, and whether or not it should be changed.

It is my view that research scholars should hold views and be able to express those views fearlessly through learned papers and other means, of which your higher degree study is one. It is unlikely that they will be able to achieve complete agreement with their claims, either before or after publication. However, the credibility of their work depends on the objectivity of their approach and the care with which their case is argued, and the supporting evidence which they bring to that argument.

In your case, I believe that you are likely to proceed to complete your work without ever having achieved a congruence of view between yourself and the Minister. The very words about which you require precise answers viz. "ultimately", "responsible", "democratically" and "accountable" each demand separate interpretation, so that

..2/-

what is understood in one mind is the same or similar to the understanding in the other.

For example, in the letter sent to you on 29 November, 1984 reference was made to an earlier paper of yours which was criticised by James S. Kaminsky (Journal of Educational Administration, XXI:1, pp. 93-97). That criticism referred in part to the use of the term "democratic accountability" in your argument. Kaminsky claimed that because you had not developed your concept of democracy, your "distinctions between 'policy-making and technico-professional decision-making; political and administrative democratization; decentralization and democratization ... (were) largely trivial".

If two scholars disagree over the use of terminology in this way, then I do not intend to be drawn into continuing written exchanges where misunderstandings and misinterpretations are extremely likely. I note, for example, in the Macquarie Dictionary that the word "democratic" may mean "pertaining to or of the nature of democracy or a democracy" or "pertaining to or characterised by the principle of political or social equality for all". I then consider the democracy of ancient Athens. That was not a real democracy, but rather served by a slave population. This did not allow the vote of the majority to rule, because the slave-workers had no vote. Then, I consider democracies such as Great Britain at the turn of the 20th century, or the Democratic Republic of Germany today, or South Australia or Queensland. Terms such as "democratic control" or "democratic accountability" which you have used, (and which, by the way, are not used in the legislation) need to be clearly defined before they can be argued. Since it is your thesis, I believe you should be the person who is required to define the terms.

As to the meaning of legislation, this may be achieved by reference to an explanation during the second reading speech of the Minister when introducing the legislation, or by comment during the stages through which the legislation passes. If a particular section or clause is not commented upon in this way, it may later be tested in the courts as to its meaning. If it has not been subject to explanation under either process, then it rests for opinion to be expressed through reference to the meaning of the words. I say "opinion" because that is all it can be. The Crown Solicitor, for example, may give an opinion on the interpretation of legislation to the Government, but that may later be over-turned on reference to the courts, or if not challenged in this way, other counter legal opinion may be expressed.

I do not believe that any good purpose would be served by your writing back to me saying that you disagree, as you have done on earlier occasions with the former Minister. I trust that your thesis will be accepted in due course and that this letter has been of some help to you.

Yours sincerely,

Greg Crafter
MINISTER OF EDUCATION

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WP 1030M-20
ED 14/16/38

Date: 12 JUN 1987

Mr. A. Smithson,
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Dear Mr. Smithson,

I refer to your letter of 28 April, 1987 and the copy of your article that appeared in the recent issue of the International Review of Education.

The issue of curriculum in our schools is indeed one that will consistently draw debate from within the diverse community of South Australia. Although it is not my intention to fully debate it on this occasion, I would like to point out that the current situation in our schools has served us particularly well, and provides for parent consultation and involvement.

The health education curriculum was designed through wide collaboration with health professionals and parents in our school communities. The sexuality sections of that curriculum have always been taught in our schools on the basis of sharing the information with parents. Provision for the non-involvement of students according to the wishes of their parents has been in place since the inception of the curriculum, and will continue to be an integral part of our procedures in the future.

The integration of AIDS into the current health education curriculum will be achieved through the same collaboration, co-operation and involvement of the parent communities of our schools.

Yours sincerely,

Greg Crafter,
MINISTER OF EDUCATION.

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