2014/12: Should Australian schools use corporal punishment to discipline students?

What they said...

'There are one or two schools around Australia that I know where it [corporal punishment] actually is approved of and they do it... If the school community is in favour of it then I've got no problems...'

Dr Kevin Donnelly, a senior research fellow at the Australian Catholic University.

'I remain convinced that inflicting a violent act on another person is not the way to bring about positive change in that person's behaviour'

Ross Tarlinton, the headmaster at St Joseph's College, Sydney

The issue at a glance

On Tuesday, July 15, 2014, Dr Kevin Donnelly was interviewed on 2UE. During the course of the radio interview Dr Donnelly indicated his qualified support for corporal punishment in Australian schools.

Dr Donnelly is currently half of a two-man team charged by the federal government with reviewing the Australian National Curriculum developed under the previous Labor government.

Given his position of influence, many educationalists and commentators reacted negatively to Dr Donnelly's comments and issues surrounding the use of corporal punishment in schools were debated within the Australian media.

Background

(The information below is an abbreviated version of the factsheet titled 'Corporal punishment: Key issues' released by the Australian Government's Institute of Family States and last updated in March 2014.

The full text can be accessed at http://www.aifs.org.au/cfca/pubs/factsheets/a146742/index.html)

Definition of corporal punishment

Corporal punishment is defined as the use of physical force towards a child for the purpose of control and/or correction, and as a disciplinary penalty inflicted on the body with the intention of causing some degree of pain or discomfort, however mild. Punishment of this nature is referred to in several ways, for example: hitting, smacking, spanking, and belting. Although most forms of corporal punishment involve hitting children with a hand or an implement (such as a belt or wooden spoon), other forms of corporal punishment include: kicking, shaking, biting and forcing a child to stay in uncomfortable positions.

The desired outcome of physical punishment is child compliance with adult directives.

Corporal punishment or physical abuse?

The degree of physical punishment that a parent or carer can use with a child is subject to legal regulation in Australia. In most states and territories, corporal punishment by a parent or carer is lawful provided that it is carried out for the purpose of correction, control or discipline, and that it is "reasonable" having regard to:

the age of the child;

the method of punishment;

the child's capacity for reasoning (i.e., whether the child is able to comprehend correction/discipline); and the harm caused to the child.

Corporal punishment that results in bruising, marking or other injury lasting longer than a 24-hour period may be deemed to be "unreasonable" and thus classified as physical abuse. As an example, the New South Wales Crimes Act 1900 (NSW) establishes that corporal punishment is unreasonable if the force is applied to any part of the head or neck of a child or to any other part of the body of a child in such a way as to be likely to cause harm to a child that lasts for more than a short period. Corporal punishment that is unreasonable in the circumstances may be classified as physical abuse and could lead to intervention by police and/or child protection authorities.

Corporal punishment by parents

In relation to corporal punishment by parents, it remains lawful for parents in all jurisdictions to use "reasonable" corporal punishment to discipline their children. New South Wales is the only state to have made legislative amendments concerning corporal punishment by parents. In 2001, New South Wales introduced the Crimes Amendment (Child Protection Physical Mistreatment) Act, which states that physical punishment should not harm a child "more than briefly" and specifies the parts of a child's body that can be subject to force. The development and implementation of this Act encouraged debate concerning the degree (if any) of physical force appropriate to use when disciplining children and, more generally, the status of children's rights in Australia (Milfull & Schetzer, 2000). While the New South Wales amendment sought to constrain parental use of corporal punishment, it does not ban the use of corporal punishment altogether.

Corporal punishment in early education and childcare settings

In 2011, the Education and Care Services National Law was introduced by way of an applied law system where the host jurisdiction (Victoria) passed the law (Education and Care Service National Law Act 2010) and other jurisdictions adopted that law or passed corresponding legislation (Australian Children's Education & Care Quality Authority (ACECQA), 2013a).

Under the Education and Care Service National Law Act 2010 (Vic.) section 166 it is an offence for a provider, nominated supervisor, staff member, and volunteer or family day care educator of an approved education and care service to subject a child to any form of corporal punishment. This prohibition is also contained within the National Quality Standards (ACECQA, 2013b). However, not all jurisdictions have specifically included corporal punishment as an offence under individual state and territory education and care services legislation.

Corporal punishment in primary and secondary schools

There has been considerable uniformity across Australian states and territories in either explicitly banning the use of corporal punishment in schools or removing provisions in education Acts that provided a defence to the use of reasonable chastisement by people acting in the place of a parent (e.g., teachers).

Legislation in Queensland and South Australia does not explicitly state that corporal punishment is banned in schools. However, the provisions that previously allowed for the use of corporal punishment in schools have been removed from the relevant education legislation. There remains some ambiguity in the Northern Territory, Queensland and Western Australian law, where amendments have been made to education legislation that previously allowed for the use of physical punishment, but not to criminal codes that still (in principle) give authority to a parent, or a person in place of a parent, to "use reasonable corrective force".

There is less consistency in the degree to which Australian jurisdictions have abolished the use of corporal punishment in non-government schools. New South Wales, Tasmania and Victoria are the only states where statutes clearly stipulate that corporal punishment is banned in both government and non-government schools. The Australian Capital Territory Education Act 2004 does not explicitly ban corporal punishment in non-government schools, however, the interpretation of the Act, which states that corporal punishment is banned in "all schools", is that the relevant provision applies to both.

Internet information

In October 2002, The Australian Psychological Society published a paper by John Reddington in which he gave an overview of the harm associated with the corporal punishment of children and considered the role psychologists should take in seeking to have such practices outlawed.

The full text of this paper can be accessed at http://www.psychology.org.au/publications/inpsych/corporal/

In April, 2010, Human Rights Watch released a report indicating that corporal punishment appears to have a negative impact on children's academic achievement.

This report can be accessed at http://www.hrw.org/news/2010/04/14/corporal-punishment-schools-and-its-effect-academic-success-joint-hrwaclu-statement

On October 16, 2010, News Weekly published a comment by Dr Kevin Donnelly in which he appears to favour 'old-school discipline', including corporal punishment. Though, as in his 2014 comments, he acknowledges that such practices are no longer accepted in Australia.

The full text of this comment can be accessed at http://newsweekly.com.au/article.php?id=4647

In July 2013, The Royal Australasian College of Physicians Paediatric & Child Health Division released its Position Statement on the Physical Punishment of Children. The College is opposed to the corporal punishment of children on multiple grounds, including the potential psychological harm inflicted.

The full text of this position paper can be accessed at https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCEQFjAB&url=https%3A%2F

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On July 16, 2014, The Guardian published a report on Dr Donnelly's comments in support of corporal punishment within Australian schools. The full text of this report can be accessed at http://www.theguardian.com/world/2014/jul/15/corporal-punishment-schools-kevin-donnelly

On July 16, 20i4, The Canberra Times published an article titled, 'ACT educators slam Kevin Donnelly's endorsement of corporal punishment, question his role' by Primrose Riordan.

The piece gives an overview of the hostile reaction to Dr Donnelly's comments on corporal punishment within the education community in Canberra.

The full text of the news report can be accessed at http://m.canberratimes.com.au/act-news/act-educators-slam-kevin-donnellys-endorsement-of-corporal-punishment-question-his-role-20140716-ztj9b.html?skin=dumb-phone

On July 16, 2014, the Education Institute, which Dr Donnelly heads, republished a comment published by him in The Herald Sun, in which he claimed to have been misrepresented by both the Fairfax press and the ABC and in which he stated that he recognised that Australian schools would not be returning to corporal punishment.

This comment can be accessed at http://www.edstandards.com.au/index.php?education_standards_institute=103&archive=290

On July 17, 2014, The Northern Daily Leader published an editorial in response to Dr Donnelly's comments on corporal punishment. The Northern Daily Leader appears to offered qualified support for corporal punishment, at least as exercised by parents.

The full text of this editorial can be accessed at http://www.northerndailyleader.com.au/story/2422479/a-timely-smack-on-the-bum/

On July 19, 2014, The Sydney Morning Herald published a comment by Jacqueline Maley titled, 'Kevin Donnelly on a hiding to nothing'. The piece considers Dr Donnelly's remarks on corporal punishment in the context of his role as a reviewer of the Australian National Curriculum.

The full text of this comment can be accessed at http://www.smh.com.au/comment/kevin-donnelly-on-a-hiding-to-nothing-20140717-zu81z.html

On July 29, 2014, the ABC Behind the News program, which supplies background to media issues for the information of Australian children, released a background treatment of corporal punishment in Australia.

This can be accessed at http://www.abc.net.au/btn/story/s4053178.htm

Arguments in favour of corporal punishment within Australian schools

1. There are significant discipline problems in Australians schools

It has been claimed that Australian schools are experiencing significant problems in attempting to regulate the behaviour of their students.

As an indication of this problem, students in New South Wales are being suspended or expelled from public schools at record rates, with the latest figures revealing a 35 per cent rise in the number of times students have been sent home for misbehaving over the past five years.

Data from the New South Wales Department of Education shows there were 18,186 long suspensions in 2012, 1300 more than in 2011 and 4780 more than in 2007. In 2012, there were 12,922 students sent home for more than four days.

An analysis of the data from the Riverina area revealed that most students were being suspended for physical violence and persistent misbehaviour.

In an article published in The Courier Mail in July 2012, it was claimed that the education of well behaved students was being hampered by the behaviour of the unruly. Speaking in his role as a Queensland Teachers Union representative, high school teacher, Paul Cavanagh, claimed that politicians and parents needed to know the degree of the learning problem affecting well-behaved pupils.

Mr Cavanagh stated, 'You get these lovely, quiet wonderful kids who are interested, who want to learn, and as a teacher it is heartbreaking to think that I can't spend more time helping those kids get from good to better because I am trying to get these uncontrollable kids to learn a bit of discipline.'

Mr Cavanagh's claims were supported by the QTU (Queensland Teachers' Union), Queensland Association of State School Principals and the Queensland Secondary Principals Association all agreed that behaviour was a critical and daily issue confronting staff.

In October 2013 it was reported that Australian schools were ranked 34th out of 65 countries in an OECD survey that asked 15-year-old students to describe the levels of noise and disorder, the time it takes them to start working, whether they are able to work uninterrupted and whether they listen to the teacher.

The survey found that Australian classrooms, compared with those in places that achieve the best results in international tests, such as South Korea, Singapore, Japan and Shanghai, are noisier and more disruptive and more time is wasted as teachers try to establish control.

2. Disciplinary procedures such as 'time-out' are not always adequate

It has been claimed that the principal disciplinary procedures employed in Australian schools, primarily exclusion techniques involving 'time-out', suspension and expulsion are not effective.

Educational theorist, Megan Pilkington, has stated, 'students who are frequently sent to 'time-out', suspended or expelled do not necessarily change their behaviour as a result of the implementation of the discipline policy as is evidenced by the repeat appearance of particular students in this process. My observation is that these students become more isolated and are eventually excluded from access to education and academic success as a result of their behaviour and the response to it by teachers, other students, parents and eventually the community; and they may end up in the juvenile justice system.'

Pilkington further states, 'The Adelaide Declaration on the National Goals for Schooling in the Twenty-First Century recognises the role of schools in providing a foundation for the intellectual, physical, social, moral and spiritual development of young Australians. I believe that a discipline policy that may result in the suspension or expulsion of a student does not assist in the achievement of these goals because students are excluded from access to education in

response to their behaviour.'

In an interview conducted on 2UE on July 16, 2014, educational commentator Kevin Donnelly stated that policies such as time-out are ineffective because students 'loved it because they could get out of class work ... they could just relax and meditate for a while.' He also commented on suspension, claiming it only allows students to avoid work and should be used as a last resort.

Dr Donnelly made similar observations an opinion piece published in News Weekly on October 16, 2010, where he stated, 'Schools need to have strict policies about acceptable and unacceptable behaviour and immediate consequences for breaking those rules.

Forget the time-out room and psychobabble about punishment being bad for a child's self-esteem.'

3. School communities should be able to employ the disciplinary procedures they believe are likely to be effective for them

There are some commentators who have argued that corporal punishment can be effective and that school communities who wish to employ it should be able to do so.

In an interview conducted on 2UE on July 16, 2014, educational commentator Kevin Donnelly has referred favourably to an earlier period when corporal punishment was more generally used and has argued that such methods were successful.

Dr Donnelly stated, 'I grew up in Broadmeadows, a housing commission estate in Melbourne, and we had a Scottish phys-ed teacher. Whenever there were any discipline problems he would actually take the boy behind the shed and say, "We can either talk about this or you can throw the first punch".

That teacher would probably lose his job now but it was very effective. He only had to do it once and the kids were pretty well behaved for the rest of the year.'

Dr Donnelly made similar observations in an opinion piece published in News Weekly on October 16, 2010, where he stated, 'I'll always remember teaching in Melbourne's western suburbs and being told by Greek and Italian parents that it was okay to give their boys a clip over the ear if they caused trouble.'

Dr Donnelly has further argued that the decision as to what form of discipline they use should be made by a school community. In his July 2014 interview he stated, 'There are one or two schools around Australia that I know where it actually is approved of and they do it... If the school community is in favour of it then I've got no problems...' Liberal Democrat David Leyonhjelm has also supported the idea, saying 'schools should be free to manage their own affairs.'

WA Education Minister Peter Collier acknowledged it was still used in two private schools in that state. Though he personally does not support corporal punishment he has stated, 'In a free society, parents need to be able to make informed decisions about what they believe to be the best interests of their children.'

4. Many parents and teachers favour access to corporal punishment

There are significant numbers of parents and teachers who support corporal punishment.

In 2008 The Times Educational Supplement surveyed 6,162 teachers across the United Kingdom and found that 22% of secondary school teachers would support the right to use corporal punishment in extreme cases.

In 2011 The Times Educational Supplement surveyed 2000 British parents and found that 49 percent were in favour of a return to corporal punishment. The survey found that 85 per cent of parents believed teachers were now less respected than when they were at school and 83 per cent said they had faced stricter classroom discipline as children. A similar survey was also administered to 530 British children with the result that 19 percent indicated that they favoured the use of caning or smacking.

As an indicator that similar views may be common among parents in Australia, a poll among Alan Jones 2GB listeners conducted in July 2014 found that 93 percent favoured a return to the use of corporal punishment, such as caning. In an attitudinal survey of the Victorian public conducted in 2002 it was found that 75 percent of Victorians agreed that: 'Parents should be allowed by law to smack a naughty child who is over five years old.' (For children aged two to five, this reduced to 50 percent and below two to 16 percent).

5. Corporal punishment can be used in a targeted, controlled manner

Supporters of corporal punishment in schools generally argue that it would not be the first option used in any set of student management procedures. Rather, they claim, it would only be used under clearly defined circumstances and usually after other alternatives had been tired.

In an interview conducted on 2UE on July 16, 2014, educational commentator Kevin Donnelly referred favourably to the few schools he is aware of where corporal punishment is employed. Commenting on these schools, Dr Donnelly stated, 'They only do it very rarely. But I think we have to get a balance here.'

A 2002 United States analysis of wide-ranging data on the effectiveness of corporal punishment found that it was most effective in achieving immediate compliance from children. However, the data analysis also noted that the more often and severely such punishments were administered the more likely they were to have adverse consequences - such as child aggression. The analysis notes, 'The more often or more harshly children were hit, the more likely they are to be aggressive or to have mental health problems.'

Thus proponents of corporal punishment in schools argue that it should be used sparingly and in a carefully regulated manner to that it does not become one of the more commonly used means of correcting student behaviour.

Arguments against corporal punishment within Australian schools

1. Corporal punishment normalises violence

A majority of educationalists argue that using corporal punishment to modify the behaviour of students teaches them to see violence as a legitimate means of addressing a problem.

In an opinion piece published in The Sydney Morning Herald on July 17, 2014, Ross Tarlinton, the headmaster at St Joseph's College, Sydney, stated, 'Looking back over many years of dealing with young people and reflecting on my own initial response to "behaviour modification", I remain convinced that inflicting a violent act on another person is not the way to bring about positive change in that person's behaviour. Corporal punishment, which is sometimes purported as a "quick-fix", fails to address the root cause of poor behaviour and teaches young people that using physical force against another person is acceptable.'

A 2013 longitudinal study on the effects of physical punishment on children, drawing on data from all around the world, concluded, 'There is abundant evidence that corporal punishment is associated with increased aggression in children. All 27 studies on the topic included in the major meta-analysis found an association, and this has been confirmed by numerous other studies. Children who have experienced corporal punishment are more likely to be aggressive towards their peers, to approve of the use of violence in peer relationships, to bully and to experience violence from their peers, to use violent methods to resolve conflict and to be aggressive towards their parents.'

The same study further concluded, 'Corporal punishment can reduce empathy and moral regulation. It does not teach children how to behave or help them understand how their behaviour affects others; rather than helping children to develop the desire and motivation to behave well of their own accord, it teaches them that it is desirable not to get caught.

Corporal punishment may also decrease the likelihood of long-term compliance by damaging adult-child relationships, introducing fear and undermining the powerful behavioural motivations of children's love and respect for their parents and other adults involved in their care and education.'

2. Physical punishment can easily degenerate into abuse

It has been claimed that even though it may be a school's policy to use physical punishment in a controlled, moderate and regulated manner, it is very easy for institutionalised violence to become abuse.

It has been noted that physical punishment as a deterrent tends to lose its effectiveness over time and so there is a temptation for teachers and administrators to use more severe physical punishment in order to gain the behaviour they want.

In July 2013, The Royal Australasian College of Physicians, Paediatric & Child Health Division, released a position statement on 'Physical Punishment of Children'.

The position statement included the following judgement, 'A systematic review of the short-term and long-term effects of physical punishment concluded that although children are more likely to comply with adults' demands in the short term following physical punishment, they do not actually learn the desired behaviour.

The review concluded that repeated and escalating levels of physical punishment may be required to sustain the desired behavioural outcome.'

Many Australians recall the abuse to which they were subjected when corporal punishment was last used regularly in Australian schools.

On July 17, 2014, Saman Shad, writing in The New Daily, noted, 'The stories of abuse that have come out since Mr Donnelly's comments are testament to what life was like for a number of children when corporal punishment was still legal in our schools. Both in social media and the letters' pages of our national newspapers people have been telling their stories of physical abuse at the hands of their teachers.'

One of those who has recalled the violent treatment to which he was subjected is ABC journalist Mark Colvin, who tweeted on July 15, 2014, 'Teachers beat me, often, savagely & brutally (blood flowed) when I was 7-8. Gives me a sceptical perspective on this.'

3. Corporal punishment appears to do long-term psychological harm to children

There have been multiple studies of the psychological impact of corporal punishment on children which have suggested its harmful effects. Dr Joan Durrant, the lead author of a 2012 longitudinal study of corporal punishment, released in Canada and drawing on data from all over the world, stated, 'Our main message really is that over 20 years of research across countries, across samples, across measures, methodologies - as the methodologies have become better and better - we find the same things over and over, and that is that physical punishment predicts only negative long-term outcomes.'

The Canadian analysis has found 'Physical punishment is associated with a range of mental health problems in children, youth and adults, including depression, unhappiness, anxiety, feelings of hopelessness, use of drugs and alcohol, and general psychological maladjustment.'

In a position paper released in June, 2013, The American Psychoanalytic Association stated, 'Physical punishment is a serious public health problem in the United States, and it profoundly affects the mental health of children and the society in which we live...research shows that physical punishment is associated with increases in delinquency, antisocial behaviour, and aggression in children, and decreases in the quality of the parent-child relationship, children's mental health, and children's capacity to internalize socially acceptable behaviour. Adults who have been subjected to physical punishment as children are more likely to abuse their own child or spouse and to manifest criminal behaviour.'

4. Corporal punishment does not result in improved academic performance

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Opponents of corporal punishment in schools note that it harms students' academic performance.

In April, 2010, the United States human rights organisation Human Rights Watch published an article in which it noted, 'Harsh physical punishments do not improve students' in-school behaviour or academic performance. In fact, one recent study found that in states where corporal punishment is frequently used, schools have performed worse academically than those in states that prohibit corporal punishment.

While most states demonstrated improvements in their American College Testing (ACT) scores from 1994 to 2008, "as a group, states that paddled the most improved their scores the least." At the same time "the ten states with the longest histories of forbidding corporal punishment improved the most."

A Northern Territory background briefing on corporal punishment released in 1996 stated, 'The threat of corporal punishment can also create an atmosphere of trepidation where all children may feel like potential victims and can lose their feelings of self confidence or security which can seriously harm their learning potential.'

5. There are other modes of disciplining children beyond physical violence

(The following information has been drawn from Fitzroy Legal Service Inc.) Schools have a legal responsibility to protect staff and students and to provide a safe learning environment for all students. Sometimes the actions of some students threaten the health and safety of staff and other students or create violence, either by the destruction of school property or by possession of illegal weapons and substances, or their actions generally disrupt the good order and management of the school.

Schools have the power to suspend, expel or punish students for breaches of school rules and regulations.

Suspension occurs where a student is prevented from attending school for a specified period of time. The suspension period may be limited, or longer depending on the age of the child. Longer suspension can usually occur when the child is above the compulsory school age.

Expulsion occurs when a student is permanently prevented from attending school and usually occurs when the student is engaged in serious misconduct or behaviour.

In government schools the power to suspend or expel a student is granted by legislation and regulated by Department of Education and Early Childhood Development guidelines. In Catholic and independent schools the power to suspend, expel or punish a student arises from the agreement between the school and the parents that their child will obey the rules and regulations of the relevant school.

In Victoria, the authority to discipline students for breaches of school rules arises out of section 25 of the Education Act 1958 (Vic).

Time-out, suspension and expulsion are all implemented through interaction with the student and parents and are meant to give students an opportunity to reflect upon and amend their behaviour. The procedures are intended to protect the learning rights of other students at the same time as they seek to alter positively the behaviour of disruptive students. These punishments are conducted in conjunction with counselling in order to help the student develop insight into and control over his or her behaviour.

Further implications

Despite the wealth of studies noting the apparently adverse effects of corporal punishment, it is difficult to make absolute claims about these adverse effects as definitions of corporal punishment and measures of its severity vary widely and the range of variables, including the child's socio-economic background; the stability of the family unit and any pre-existence mental health issues are difficult to control for.

What appears more certain is that corporal punishment cannot be positively correlated to either improved student academic outcomes or improved student behaviour. Indeed there is some data to suggest that corporal punishment may have a negative effect on academic achievement. Given this, it is difficult to understand why any educationalist would argue in its favour. There may not be conclusive evidence of the harm it does, but there is no evidence to suggest that it has any positive effects.

There is no significant Australian educational theorist or group of lobbyists calling for the general reintroduction of corporal punishment in Australian schools. Further, the federal Education Minister, Christopher Pyne, immediately indicated, after Kevin Donnelly's statement supporting corporal punishment, that the federal government was not promoting such a policy and that it was an area for the states to decide. Even Kevin Donnelly was merely giving his personal opinion on the likely effectiveness of corporal punishment when he spoke on 2UE in July 2014. He did not appear to be seriously contending that it should be reintroduced.

The issue has only attracted media attention because of the current position of Professor Donnelly. He is one of two academics appointed by the federal government to review the new Australian Curriculum. As such, the views he has expressed regarding corporal punishment have been seen as an indicator of his general conservatism. Critics have used his remarks on corporal punishment to express their concerns that he may be equally conservative or out-of-touch in his attitude to curriculum.

Dr Kevin Donnelly is Director of Education Standards Institute and author of the recently released Australia's Education Revolution: How Kevin Rudd Won and Lost the Education Wars. Education Standards Institute is a Melbourne-based education think-tank established by Dr Kevin Donnelly. He is also a senior research fellow at the Australian Catholic University.

Kevin Donnelly is a former member of state and national curriculum bodies, including the Year 12 English Panel of Examiners, the Victorian Board of Studies and the federally funded Discovering Democracy program.

On the Education Standard's Institute's website, it says it 'favours an education system based on standards, equity, diversity and choice and the values and institutions that promote liberty, democracy, an open and free society and a commitment to Christian beliefs and values'.

His views on religion, homosexuality and gender in education have divided opinion and caused widespread criticism over his appointment as co-head of the review into the National School Curriculum with Ken Wiltshire. Donnelly taught for 18 years in government and non-government schools and was a branch president of the Victorian Secondary Teachers Association. In 2004 he was chief-of-staff to Liberal Party Minister, Kevin Andrews. The Donnelly-Wiltshire Review of the Australian Curriculum was due at the end of July, 2014. It had not been released by mid-August 2014.

Newspaper items used in the compilation of this issue outline (SEE Web Links and Documents section for all links, incl newspaper items)