Commonwealth Power in Respect of Vocational Education in Australia: some historical vignettes with future potential.

Robin J Ryan

Abstract

Intervention in vocational education and training by the federal level of government in Australia (the Commonwealth) expanded exponentially in the last quarter of the 20th century, after halting and intermittent involvement in earlier decades. Such intervention in a field of public policy once considered the exclusive preserve of the States requires the assertion of a relevant head of power in the written constitution to ensure validity. Over the years a variety of powers has been deployed and a recent High Court case has opened the way for more far reaching intrusion. A review of earlier attempts to justify federal involvement suggests that the way is now open for uncontested Commonwealth control if it chooses to exercise it.

Introduction

The recent decision of the High Court in the Work Choices Case entailed, in the opinion of many constitutional experts, the potential for a major recasting of powers of the central actors in the Australian federation. Professor Greg Craven, who has studied federal power in relation to control of higher education (Craven, 2006), argued in a radio interview that what he had imagined to be the final barriers to total Commonwealth control of universities, already extensive, had now been removed (ABC on-line, 14 November 2006).

Gavin Moodie, analysing the consequences of the decision for vocational education and training, concluded that:

> *By a combination of legislating on constitutional corporations directly and legislating on their suppliers and customers the Commonwealth can control almost all aspects of vocational education (Moodie, 2007, 1).*

Both Moodie's and Craven's analyses had shown that the Commonwealth in any case exercised a formidable range of constitutional powers in the two post-secondary sectors, quite apart from funding and other public policy instruments.

The purpose of this paper is to examine some earlier forays by the Commonwealth into vocational education and training and especially to highlight the under-explored potential of the 'benefits to students' provision of Section 51 of the Commonwealth Constitution. Of course, the Commonwealth may well believe that its present degree of control, exercised by leveraging the minority but crucial financial contribution it makes to the sector, more than suffices for its purposes. However, there is reason to believe that a move towards decisive control is more likely than not at some time.

This is partly a result of the pressure facing the national government, as controller of the economy, in an unprecedented era of full employment with skill shortages. Debates, especially with business participants, which focus on productivity enhancement and human as well as material infrastructure reduce the attractiveness of simple blame shifting to the States for perceived inadequacies. Then there is the 'truly remarkable' reversal of the traditional commitment of conservative governments to support of federalism (Craven, 2005). This will surely also entail a reversal of the Labor Party's relatively recent 'reconciliation with federalism' (Parkin and Marshall, 1994) when it next forms a national administration. Finally, the Commonwealth has sought overarching control before, and the bureaucracy, if not the political leadership, has a long memory and steady purpose.

The Last Round

During 1991 and 1992 the Commonwealth, State and Territory governments found themselves in a tense conflict over control of technical and further education. In October 1991, Commonwealth Minister John Dawkins, fresh from his reforms to university education - reforms which brought universities formally as well as effectively under the administration of his portfolio - announced an offer to take over complete funding responsibility for the TAFE sector.

Minister Dawkins in making his offer insisted that, despite the proposed Commonwealth monopoly of funding (financed by an equal reduction to State financial assistance grants [FAGs]), policy and control would be shared between the Commonwealth and the States. (FAGs, originally called Taxation Reimbursement Grants, have since been replaced by new arrangements under the GST legislation, *A New Tax System (Tax Administration) Act*, 1999 [details in Joseph and Casstan, 2001, 241]). State Ministers quickly indicated their disbelief and a period of intense federal-state contestation followed, resolved by the creation of the Australian National Training Authority as a compromise (a process outlined in detail in Ryan, 2002). This settlement, lasting some 12 years, represented an interesting experiment in shared jurisdiction, within the Australian tradition of concurrent federalism (seen as inherent in our constitutional arrangements by, inter alios, Galligan, 1995; or as evolution, for example by Wiltshire, 1992).

Despite the institutional innovation involved, in constitutional terms Dawkins was following a traditional path. Most large scale Commonwealth intervention in education since federation had been through the use of conditional grants to the States under Section 96 of the Commonwealth constitution. Other avenues had been employed for specific purposes, including the foreign affairs, defence and territory powers and simple appropriation under Section 81, but Section 96 was considered the routine means of Commonwealth involvement where substantial State activity already existed.

What was curious about the Commonwealth's role in 1991 and 1992 was that, apart from a cryptic hint from Prime Minister Keating (press release, 1992), the possibility was never raised of overruling the States through the use of the constitution's Section 51, sub-section xxiiiA -the 'benefits to students' clause. This head of power had been utilised by Dawkins as at least a partial basis for the Commonwealth's formal takeover of university system funding under the *Higher Education Funding Act 1988* (discussed in Craven, 2006) and certainly

seemed to provide an easier, and possibly more effective instrument against State recalcitrance than painful and protracted negotiations over FAGs adjustments.

While Dawkins' use of Section 51 (xxiiiA) was constitutionally innovative, he was acting within a Labor tradition which had existed since the Chifley government succeded in adding the provison to the constitution by referendum in 1946.

Earlier Models

Education had not been among the responsibilities of the Federal Council of Australasia, the loose confederal instrumentality which preceded the Australian Commonwealth, and there was little focus on educational issues in the pre-federation conventions: education was mentioned but was not the subject of any sustained debates (Birch, 1975, 2). None of the founding fathers imagined that any area of education could be of interest to the Commonwealth and Deakin, as Prime Minister, went so far as to reject Australian participation in an Imperial Conference on education in 1907 on the grounds that his government lacked any relevant jurisdiction (Birch, 1977, 77).

The earliest federal intervention in education, during the first decade of federation, was seen as incidental to the Commonwealth's undoubted defence power, through the establishment of cadet corps in schools and support for physical education; even this modest involvenment led to protest from the Premiers, because the Commonwealth thereby had direct dealings with teachers, who were State employees (Birch, 1975, 45). The 1927 Royal Commission on the Constitution dismissed any federal involvement in education outside the Territories, although the Commonwealth Grants Commission in 1936 proposed that vertical fiscal imbalance, already evident, be resolved by the Commonwealth's accepting responsibility for education (Jones, 1982, 53). No action was taken on the proposal.

War and Depression

The most substantial experiences of federal involvement came during the two wars and post-war reconstructions. These involved primarily technical education, and technical education became the preferred stalking horse for State officials who sought an expanded federal role.

The first federal legislation affecting technical education was the *Australian Soldiers' Repatriation Act, 1917*. The Minister, Senator Millen, noted that:

> *Among those who responded to their country's call, many were apprentices who had not completed their period of apprenticeship...it is demanded not only in fairness to the men themselves, but it is obviously in the interests of the country, that they should have the opportunity of finishing their course and becoming tradesmen (Commonwealth Parliamentary Debates, Senate, 18 July, 1917).*

The combination of equitable and instrumental motivations was to prove enduring in future claims for Commonwealth assistance to technical education. In short order, vocational training opportunities were extended to all veterans, 60 000 eventually passing through the scheme. James Nangle, formerly Director of Technical Education in NSW, was appointed Director of Ex-Service Training in 1919, becoming the first federal office holder charged specifically with vocational education responsibilities (Spaull, 1997, 40).

The defence power was not available to underpin assistance measures during the Depression, but grants were made to the States to support opportunities for young men who had missed out on vocational training because of the economic emergency – there was no problem for young women, the Minister had been advised. It was only the approach of the 1937 election which had stirred the Commonwealth to action, and it insisted that this was a one-off emergency measure; the Minister, in introducing the necessary legislation, argued that:

> *This is not, in the first place, a Commonwealth responsibility, but we recognise that exceptional circumstances arose in the various States in the depth of the depression… (Commonwealth Parliamentary Debates, House of Representatives, 7 November, 1937).*

The Depression experience eventually aroused some interest in technical education in the Labor Opposition, and by the time the 'one-off' measure was being renewed in 1939, a Labor backbencher, Maurice Blackburn, argued forcibly that:

> *The Commonwealth Government in Australia should say that technical education is so much bound up in the future of Australian industry, of which the Commonwealth is the chief controller and regulator, that it proposes to make technical education its own responsibility (Birch, 1975, 36).*

Despite traditional State opposition to Commonwealth involvement in education, the Depression had caused attitudes to shift, even among conservative governments. The Victorian Country Party Education Minister had asked that a plan for a Federal Education Department be put on the Premiers' Conference agenda for 1936, but his NSW Country Party counterpart, David Drummond – ' a rare case of a visionary for technical education in political office' (Neill, 1991, 43) – persuaded his interstate colleagues that technical education made a more plausible case for assistance. While the federal Government rejected their claim for a 2 million pounds grant, the Australian Education Council (now the Ministerial Council on Employment, Education, Training and Youth Affairs) was born out of their disappointment (Ryan, 1999, 73-74; Spaull, 1987 and 1992).

The massive expansion of technical education made possible by Commonwealth initiatives during the second World War and even more the Commonwealth Postwar Reconstruction Training Scheme (CRTS) is well known. Between 1944 and 1948 the CRTS provided the nation with 60 000 aditional tradesmen; in 1950, 150 000 CRTS students were still enrolled in the nations' technical colleges (NSW Department of TAFE, 1983, 37).

The Changing Contitutional Environment

While technical education was making its way gradually onto the national agenda, there were changes also in what was considered legally feasible as a result of a series of constitutional cases. The Engineers Case in 1920, an important win in the career of the young barrister Robert Menzies, provided the basis for the Commonwealth to gain directive power when making Section 96 grants to States. Of almost equal significance was his loss in the Federal Roads Case, 1926, when he failed to convince the Court to place restrictive conditions on the use of Section 96 grants (Menzies, 1967, 31 and 77). In 1937, the Burgess Case confirmed

that the Commonwealth could legislate in pursuance of international conventions even in State matters (Birch, 1977, 15).

Section 96 grants had been the route chosen for most of these earlier ventures by the Commonwealth into vocational education and related fields. While training for war and reconstruction had been direct exercises of Commonwealth power during defence emergencies, in both cases the Commonwealth had chosen to work through grants to State technical education systems. Section 96 grants were also the basis for Commonwealth assistance for technical training in the wake of the Depression. The Depression era legislation was the first time the Commonwealth Parliament debated technical education – the discussion took place between 12.37pm and 1.02 am one night (Commonwealth Parliamentary Debates, House of Representatives, 7 November 1937).

By the 1940s the mood had changed. The wartime Labor government attempted in 1942 to employ another constitutional strategem to achieve wide control over health, vocational training and welfare. Its 1942 Constitutional Alteration (War Aims and Reconstruction) Bill had provided that these fields should be transferred to the Commonwealth under Section 51 (xxxvii) of the constitution, initally for the duration of the war and for five years thereafter. While the States initially agreed, enthusiasm had waned by the time State legislation was required. The Commonwealth then sought an even more extensive transfer of powers by referendum in 1944, with fourteen separate proposals. The referendum was lost in four States (Birch, 1975).

The Education Act 1945 was a more modest attempt by the Labor government to intervene in education, mostly by providing student support. By then opposition Leader Menzies, who had led a successful campaign against comprehensive constitutional alteration proposals in 1944, had become an enthusiast. In July 1945 he moved a resolution in favour of supporting a 'revised and extended' education system in post-war reconstruction and was particularly concerned to support technical education on both social justice and economic grounds (Commonwealth Parliamentary Debates, House of Representatives, 26 July, 1945).

Despite its modest aims, the validity of the Education Act was opened to question by a High Court ruling in November 1945 and the government moved to entrench the necessary power through a constitutional amendment. At a referendum in 1946 the electorate entrenched a new power, Section 51 (xxiiiA) allowing the federal parliament to 'make laws in respect to…benefits to students'.

However, the post-war Chifley government lost interest in all but the most elevated areas of post-school education; as Spaull commented:

> *In 1946 universities were remote enough from the Australian community without building a research university in Canberra…Technical education could have been federally funded with little or no opposition (1982, 263).*

The succeeding Menzies administration also lost interest, and vocational education received no federal support until Commonwealth officers in 1964 managed, with considerable slight of hand, to divert some school science grants to technical colleges (Robinson, 1990, 27).

Whitlam and Labor's 'Reconciliation' with Federalism

It was the experience of the Whitlam years which entrenched the view that Section 96 grants were the natural means of large-scale Commonwealth intervention in vocational education and training, as in other areas of education and social welfare. Whitlam had drawn the attention of his party to the reform potential of Section 96 grants in his 1957 Chifley Memorial Lecture:

> *In our obsession with section 92 which is held up as the bulwark of private enterprise, we forget Section 96, which is the charter of public enterprise (Whitlam, 1975, 4).*

Action by a reformist government under Section 96 of the constitution was thenceforward Whitlam's message to a party which had long believed that the constitution was skewed irretrievably against more than the mildest social change.

Theorists of Australian federalism utilise a 'frustration and reconciliation' hypothesis to describe the Labor Party's gradual change of attitude from outright opposition to the federalist nature of the constitution to increasing acceptance of the possibility of change within federal structures. Until 1971, the Party's platform contained a unificationist plank, pledging the abolition of the States as independent loci of constitutional power.

It was Whitlam's great contribution to change this traditional belief in order to place the party in a position to win government and make use of the victory. As Hawke government Minister John Button pointed out:

> *The unificationist platform had the added virtue of avoiding the problem of grappling with the reality of a federal system, and the change in the platform in 1971 was in part a response to creative thinking on constitutional issues by Gough Whitlam and in part a recognition of the ALP's likely election to national government at the forthcoming general election (Button, 1982, 83).*

As the leading 'reconciliation' theorist argues, Whitlam's work in opposition prepared the party

> *to exploit existing powers rather than hanker after preferred but non-existent ones (Galligan, 1981, 138).*

Whitlam in office made use of Section 96 powers to reshape social policy as never before. Previous Coalition governments had from time to time accrued power in Canberra through judicious use of Section 96, and between the end of the previous Labor government in 1949 and the end of Coalition rule in 1972, tied grants to the States had gradually risen from 21 per cent of all grants to 32 per cent. By 1975-76, however, the Whitlam administration had increased the tied proportion of grants to 50 per cent, constituting 33 per cent of all State revenues. And Whitlam had told the States unequivocally that the Commonwealth expected to be involved in planning the functions for which it provided financial assistance (Parkin and Summers, 1996, 42-43).

Grants to States or Benefits to Students

There is no evidence that Whitlam ever contemplated the use of Section 51 (xxiiiA) to pursue his objectives in education. On the contrary, when discussing constitutional avenues for Labor policy implementation at the 1963 Labor Party Conference, he expressly limited use of the section to the uncontroversial area of student allowances, in remarks otherwise notable for one of his rare mentions of technical education (Whitlam, 1977, 74). On the other hand, the 1988 initiative in relation to universities was not cut from whole cloth - there was a considerable earlier tradition of debate in which Labor leaders, especially Evatt, espoused the potential of the section.

The origins of the 'benefits to students' power and subsequent debates have been extensively researched by Birch. The question of interest is why Section 51 (xxiiiA) was assumed by subsequent governments to permit no stronger activity than the payment of scholarships to students, when Birch's evidence suggests that its framers believed that it permitted a great deal more than that. While the issue was not a pressing one during the years of Coalition rule from 1949 to 1972, why did the Whitlam government not seize upon a source of constitutional strength so advantageous to its goals?

Evatt, who as Attorney General drafted the amendment, once commented that "benefits meant anything" (Spaull, 1992, 61). Birch found that this broad interpretation was supported by Evatt's colleague John Dedman, who, as Minister for PostWar Reconstruction, was effectively federal Minister for Education:

> *John Dedman has maintained that when the Cabinet had the proposed amendments to the Constitution under discussion in 1946, Evatt advised those present that the benefits to students provision would give the government a broad constitutional power in education (Birch, 1975, 50).*

In fact, Dedman told Birch that had the Labor government been returned in 1949, its intention had been to establish a federal Department of Education and Science in place of the restricted Office of Education, whose charter was tied largely to exercise of the international affairs power (Birch, 1977, 19). Birch also cites the recollections of Arthur Calwell that the phrase 'benefits to students' was chosen not only to support existing measures but also to give the Commonwealth latitude for for future involvements in education (Birch, 1979, 17).

<u>Menzies, Evatt, Fraser and Whitlam</u>

Evatt never deviated from his view of the potential strength of the powers given to the Commonwealth under Section 51 (xxiiiA), and from time to time crossed swords in parliament with Menzies on the issue. If Evatt's attitude was derived from his personal experience as drafter of section 51 (xxiiiA), Menzies' belief in the effectiveness of Section 96 as a vehicle for federal power was no less personal, derived from his role as successful union advocate in the famous *Engineers' Case* in 1920, which had removed previously restrictive interpretations of the Commonwealth's powers over State instrumentalities.

Whitlam was from another generation to Evatt and Menzies. In earlier research on his role in turning around the Labor Party's attitude towards the constitution in relation to vocational educaton, it occurred to me that there was still the possibility of a personal link to the events

of the previous generation of disputants. This would be through his father, H.F.E. Whitlam, Commonwealth Crown Solicitor for many years from 1936.

Whitlam Senior had entered the Commonwealth Crown Solicitor's Office in 1913 and had been Deputy or Assistant Crown Solicitor since 1921. H.F.E Whitlam had worked closely with Evatt in San Francisco on the Universal Declaration of Human Rights and was still serving on the International Human Rights Commission as a Special Consultant to the Crown Solicitor in the mid-50s. Most probably, H.F.E Whitlam would have assisted Evatt in drafting the 1946 constitutional amendent. The elder Whitlam would have been closely involved in all the major cases establishing Commonwealth power under Section 96: equally, he would have had a leading role in the events leading to the referendum which incorporated Section 51 (xxiiiA) into the constitution.

Did Gough Whitlam's total lack of interest in the potentiality of Section 51 (xxiiiA) derive from his father's views? It seemed an interesting hypothesis, with only one means of resolution. Gough Whitlam generously responded to a request for an interview (only a few days ahead of the twentieth anniversary of his government's dismissal). Whitlam agreed that the point was an interesting one, but provided a quick negative result by remarking that it was a matter he had never discussed with his father.

However, Whitlam was able to provide a valuable alternative insight. In the first place, he argued strongly *against* the view that Section 51 (xxiiiA) possessed the constitutional strength attributed to it. However, apart from his belief in its constitutional unsuitability, Whitlam described how the dispute between Menzies and Evatt had, by his time in Parliament, been turned on its head in his own continuing arguments in the House with Malcolm Fraser.

In the debates of the 1960s and 1970s, it was Fraser and the conservatives who favoured use of the Section 51 (xxiiiA) approach, because it fitted more closely their ideological preference for aid to individuals, rather than to education systems. According to Whitlam, this would have led to a funding model in which equal per capita payments were made, to the advantage of wealthy schools who would thereby have access to greater fees revenue. Whitlam, on the other hand, was committed to a needs based approach to educational support. Hence his commitment to section 96, the charter of public enterprise. (Interview with Hon E.G. Whitlam, 3/11/95).

Pointers to the Future

Ideological positions have changed from the times of both the Evatt-Menzies and the Whitlam-Fraser debates. The Hawke-Keating Labor governments, while maintaining a needs based approach to schools funding, were enthusiastic proponents of market forces in other areas of education, especially vocational education and training. In vocational education, their policy approach often preferenced market or quasi-market models. The Howard government has certainly not reversed this orientation; indeed, as Parkin and Anderson (2007, 295) note, “a transformative engagement with Commonwealth-State relations has been among the Howard government’s most significant but least expected activities”. Its unilateral abolition of ANTA illustrated its willingness to dictate the terms of this engagement. In this it paralleled the Hawke government’s unilateral cessation of the per capita element of TAFE

funding, in disregard of Whitlam era legislation still in force (Ryan and Hardcastle, 1996; Goozee, 1995).

The Commonwealth now has a powerful range of constitutional instruments for intervention in or control of vocational education and training. As it becomes accepted that VET is properly a Commonwealth activity, simple use of the Section 81 appropriation power, originally suggested by Menzies in the 1944 parliamentary debate, could suffice for much. Then there is the tried and tested use of Section 96 grants.

The most clear cut method, possible if an exchange of powers takes place with the agreement of the States rather than being imposed on them, is the transfer of State powers in respect of vocational education to the Commonwealth under Section 51 (xxxvii). The diffulties involved in this procedure have been illustrated by resistance to similar proposals in relation to management of the River Murray. In the case of VET, there would at least be considerable haggling over changes to the GST agreement and to Commonwealth Grants Commission formulas. This constitutional possibility, attempted first in 1942, was raised by the Commonwealth in discussions with State officers prior to the adoption of the (short-lived) Training Guarantee; it was found to be more convenient to proceed under federal taxation powers.

As suggested here, there is much scope to explore Evatt's view that "benefits to students means anything". Section 51 (xxxix) confers legislative power 'with respect to…matters incidental to the execution of any power vested by the Constitution in the Parliament'. There is extensive case law on the issue of incidental power and the associated concept of proportionality, not always marked by rigorous logical consistency (Joseph and Castan, 2001, 48-60). Recently, the High Court has proved accommodative of federal powers in this area, not least in the Work Choices Case. A condiderable constitutional barrier would exist against the Commonwealth's assumption of State property in TAFE Institutes, but that would not be necessary for federal system control; and the Commonwealth is unlikely to be prepared to pay constitutionally mandated compensation for property it has probably paid for in grants over the years.

One significant barrier, highlighted by Craven in relation to universities, is federal control of institutional governance. He foreshadowed that victory in the Work Choices Case would probably overcome this barrier. Moodie suggests that in some States governance arrangements already make TAFE Institutes subject to the now expanded corporations power; financial pressure could easily duplicate this arrangement elsewhere.

While the constitutional issue remains an interesting one, it is not, in the end, decisive. Commonwealth involvement in vocational education is so strong and well established that the Commonwealth is certain to prevail in any dispute with the States. Proposals to return some responsibility in this field to the States will not alter the underlying power relationship. Whether expanding or reducing its involvement, the Commonwealth will decide its policy and look to legal mechanisms for implementation as very much a secondary consideration to its policy thrust.

Robin J Ryan is an Adjunct Lecturer in the Graduate Program in Education Leadership amd Management at Flinders University, South Australia**.**

References

Birch, I K F, 1975, *Constitutional Responsibility for Education in Australia*, Australian National University Press, Canberra.

Birch, I K F, 1977, *'Commonwealth Participation in Education' in The Commonwealth Government and Education 1964-1976* (eds) I K F Birch and D Smart , Drummond, Melbourne.

Birch, I K F 1979 *'Intergovernmental Relations and Australian Education: A Constitutional Perspective' in Intergovernmental Relations and Australian Education* (eds) I K F Birch, I Hind, and D Tomlinson, Centre for Research in Intergovernmental Relations, Australian National University, Canberra.

Button, J, 1982, *'On Federalism', in Labor Essays, 1982* (eds) G Evans and J Reeves, Drummond, Melbourne.

Commonwealth Parliamentary Debates, House of Representatives, 26 July 1945.

Commonwealth Parliamentary Debates, House of Representatives, 7 November, 1937.

Commonwealth Parliamentary Debates, Senate, 18 July, 1917.

Craven, G, 2005, *The New Centralism and the Collapse of the Conservative Constitution*. Department of the Senate Occasional Lecture Series, Parliament House, Canberra, 14 October 2005.

Craven, G, 2006, 'Commonwealth Power Over Higher Education: implications and realities', *Public Policy* vol 1, no 1, 2006.

Galligan, B, 1981, 'Federalism's Ideological Dimensions and the Australian Labor Party, *Australian Quarterly,* vol 53, no 2.

Galligan, B, 1995, *A Federal Republic*. Cambridge University Press, Melbourne.

Goozee, G, 1995, *The Development of TAFE in Australia*. National Centre for Vocational Education Research (2nd edition), Adelaide.

Jones, P, 1982, *'The Commonwealth Grants Commission and Education' in Federal Intervention in Australian Education* (eds) G S Harman and D. Smart, Georgian House, Melbourne.

Joseph, S and and M Castan, 2001, *Federal Constitutional Law*. Law Book Company, Sydney.

Keating, Hon P J, 1992, *Press Release,* 2 June.

Mathews, R, 1983, *Fiscal Equalisation in Australian Education,* Centre for Research on Federal Financial Relations, Australian National University, Canberra.

Menzies, R G, 1967, *Central Power in the Aiustralian Commonwealth,* Cassell, London.

Moodie, G, 2007, *Increased Commonwealth control of vocational education: implications of the High Court's Work Choices decision*. Paper presented at the AVETRA Conference, Melbourne, 2007.

Neill, N, 1991, *Technically and Further: Sydney Technical College 1891 – 1991*, Hale and Ironmonger, Sydney.

NSW Department of TAFE, 1983, *Spanners, Easels and Microchips*, Sydney.

Parkin, A and Marshall, V, 1994, ' Frustrated, Reconciled or Divided? The Australian Labor Pary and Federalism', *Australian Journal of Political Science,* vol 29, no 1.

Parkin. A. and Summer, J, 1996. The States, South Australia, and the Australian Federal System in Parkin, A. (editor) *South Australia, Federalism and Public Policy.* Canberra: Federalism Research Centre, Australian National University.

Parkin, A. and Anderson, G, 2007. 'The Howard Government, regulatory federalism and the transformation of commonwealth-state relations', *Australian Journal of Political Science*, vol.42, no 2.

Robinson, D, 1990. *Technical and Further Education*. Canberra: Department of Employment, Education and Training [MS].

Ryan, R. J, 1999. Great Australian Educators: David Henry Drummond. *Unicorn,* 25 (1).

Ryan, R.J. and Hardcastle, L, 1996. 'Technical and Further Education' in Parkin, A. (editor) *South Australia, Federalism, and Public Policy.* Canberra: Federalism Research Centre, Australian National University

Spaull, A, 1987. *A History of the Australian Education Council 1936 – 1986*. Sydney: Allen and Unwin.

Spaull, A, 1992. John Johnstone Dedman: Australia's 'First Federal Minister for Education' 1941-1949. *History of Education Review* , 21(1).

Spaull, A, 1997. Federal Government Policies and the Training of World War 1 Veterans. *History of Education Review*, 26 (2).

Whitlam, Hon E G, 1975, *The Road to Reform -Labor in Government* Chifley Memorial Lecture 1975, Melbourne: Melbourne University Labor Club.

Whitlam, Hon E G, 1977. *On Australia's Constitution.* Melbourne: Widescope.

Whitlam, Hon E G, telephone interview 3/11/95.

Wiltshire, K W 1992. Australia's New Federalism. *Publius*, 22.