



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS**

(Reference: [Annual and financial reports 2015-2016](#))

Members:

MR M PETTERSSON (Chair)
MRS E KIKKERT (Deputy Chair)
MR C STEEL
MR A WALL

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 3 MARCH 2017

Secretary to the committee:
Mr A Snedden (Ph: 620 50199)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

ACT Long Service Leave Authority	60
ACT Teacher Quality Institute	1
Chief Minister, Treasury and Economic Development Directorate	60
Education Directorate	1

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Amended 20 May 2013

The committee met at 9.31 am.

Appearances:

Berry, Ms Yvette, Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation

Education Directorate

Howson, Ms Natalie, Director-General
Brighton, Ms Meg, Deputy Director-General
Whitten, Ms Meredith, Deputy Director-General, Business Services Division
Whybrow, Mr Mark, Chief Financial Officer
Huxley, Mr Mark, Chief Information Officer
Borton, Mr Jason, Director, Learning and Teaching
Evans, Ms Jacinta, Director, Student Engagement
McAlister Ms Coralie, Director, Strategic Policy and Reform
Moysey, Mr Sean, Director, Early Childhood Policy and Regulation
Gotts, Mr Robert, Director, Planning and Analytics
Stewart, Mrs Tracy, Director, Governance, Families and Students
Bray, Mr Rodney, Director, Infrastructure and Capital Works
Prowse, Mr Wayne, Director, School Improvement—South/Weston

ACT Teacher Quality Institute

Ellis, Ms Anne, Chief Executive Officer

THE CHAIR: Good morning, everybody. Welcome to today's hearing of the education, employment and youth affairs committee for the Ninth Assembly. Good morning, minister.

Ms Berry: Good morning.

THE CHAIR: This is the first public hearing of the standing committee on the 2015-16 annual reports referred to it by the Assembly on 16 February 2017. The committee is to inquire into the annual reports referred to it and report to the Assembly by the last sitting day in May 2017. On behalf of the committee, I would like to thank you, minister, and relevant directors and agency officials for attending today. This morning we are examining the annual report for 2015-16 of the Education Directorate.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement that is before you on the table. Could you please confirm for the record that you have read and understand the privilege implications of the statement? So noted; thank you very much. I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes as well as being webstreamed and broadcast.

Before we proceed to questions from the committee, minister, would you like to make

an opening statement?

Ms Berry: Yes, please. Thank you for giving me the chance to talk about education here today, particularly the work of the directorate over the past 12 months. There have been some significant achievements and we have also been able to respond to some challenges. As I said in my recent statement in the Assembly, the ACT early childhood and education systems are generally doing a great job for our children. They are teaching foundational skills well and getting our young people ready for life ahead, outside school. But we should always be looking to improve, and we are.

The future of education process I have begun will look very broadly at the opportunities to do this, particularly to respond to children facing greater need and lift all of our children up together. I have also been out visiting some of the schools in the ACT. Again I want to emphasise the importance we will be placing on including our students and their families as part of this conversation.

Today I also want to draw attention to the fourth quarterly report of the schools for all program which I released yesterday. It shows consistent progress against the recommendations, with the Education Directorate now having closed off 32 of its 49 recommendations.

Calming and sensory spaces continue to be put into our schools as safe places for children with particular needs. Two new coaches are helping 25 public schools, both teachers and students, in proactively managing behaviour for learning. We have also established a cooperative agreement with the Community Services Directorate and service providers to better connect with the out-of-home care system. Again, responding to complex needs and challenging behaviours will always be a part of our system and we are working to improve, but it is good to mark the progress that we have made over the past 12 months.

With respect to some of the other highlights in the 2015-16 annual report that I would like to draw the committee's attention to, more than 31,000 students took part in the Chief Minister's reading challenge, which is a record participation for the ACT education system. 90.5 per cent of students achieved an ACT senior secondary certificate. There was an increase of 10 per cent in year 12 certification rates for Aboriginal and Torres Strait Islander students in 2015. Ninety per cent of our students go into employment or further study, which is a key indicator that the education system is working and preparing young people for life.

The government has some key areas of focus going forward which I outlined in the Assembly when announcing the future of education process. In education we are strongly focused on great access to quality early childhood education and care; advocacy and implementation of needs-based funding and certainty from the commonwealth on education funding, which I am sure we will be discussing more today; continued implementation of the schools for all report; improved engagement with parents and our community; and planning for the future and creating quality learning environments for our students.

In 2015-16 the government spent nearly \$42 million on capital works in public schools. The government is committed to an extensive program of capital works to

ensure that we continue to have high quality public school learning environments. We are also focused on supporting the work of all our teachers, education and other staff. The government values their work greatly. Our election platform was significantly geared towards helping them, their students and the broader school community get the most that they can out of every day and get a year's learning for each year at school.

On that note I want to acknowledge that the Teacher Quality Institute is also here today and is available to respond to any questions that the committee might have. The Teacher Quality Institute is a vital part of supporting development and quality right across our teaching workforce. This is a very important part of the picture that we will be looking at today as we move forward.

I would like to thank all the officials for their time and attendance. We welcome the chance to answer the committee's questions today. Thank you for giving me the chance to provide that statement for the committee's information.

THE CHAIR: Thank you, minister. I will kick things off. Minister, could you please explain to me the rationale behind creating the early childhood development portfolio?

Ms Berry: For decades early childhood educators and experts in the sector have been talking about some of the needs in the sector and how the first part of education and care for our children, from birth to five, is integral to preparing them for their future education, moving forward into primary, secondary and college and for the rest of their life. So forming that portfolio specifically was about responding to the experts in the sector and the research that has recently come about that backs up what the sector has been saying for decades. I can give you some more information on the particular portfolio area of early childhood education, if you are interested.

Mr Moysey: There is certainly a very strong body of international evidence about the importance of early childhood education and care. Certainly, in the UK and Europe there is demonstrable, overwhelming evidence about the type of quality care and what it does for children. Key to that is building resilience in children, building the ability to learn and having a context where the next stages of life are open to development in a consistent and healthy way. Early childhood education has a positive impact on health outcomes for children. All of the research shows the positive impact for education outcomes but there are health conditions in later life and a whole range of other effects in terms of reducing antisocial behaviour et cetera.

THE CHAIR: Thank you.

MRS KIKKERT: I refer to page 89 of the annual report, the literacy and numeracy field officer program. In previous years there has been reference to a literacy and numeracy field officer program. Has this program continued?

Mr Borton: The field officer program was implemented in a number of our schools to build the capacity of our teachers from a coaching perspective. Many of those field officers are still in schools doing that role, but we have also had a more holistic approach in building coaching capacity of our school leaders across the board. The role of that executive teacher, school leader C, across our school spectrum is to coach

and mentor in-built capacity in the instructional leadership space. We have built capacity to do so not only in those identified positions but in all of those school leader positions.

MRS KIKKERT: The annual report refers to reward and recognition of highly accomplished and lead teachers. How many of these teachers were financially rewarded in the reporting year?

Ms Berry: We will have to take that one on notice.

MR WALL: While we are on that, with respect to rewarding lead teachers, how are those teachers identified as meriting receiving some reward?

Ms Howson: I had the pleasure of being at a reward ceremony for these teachers at the end of last year. Certainly, they are recognised in a very public way in the first instance. They receive certification of their qualification and, as the question suggests, there is a remuneration arrangement for that. Of course, the school leadership team leader in the school has been a strong sponsor of their achieving that particular certification. Across the school community therefore they are well known.

MR WALL: So it is awarded on achieving a certain level of education?

Ms Howson: I am sure Ms Ellis would welcome the opportunity to spell out a little bit more about that.

Ms Ellis: One of the really important functions that the government gave us when the TQI act was established was that our focus was to be on teacher quality. It was not just to be on regulation, although professional acknowledgement through regulation is important; it was to look at the span of the time a teacher is in the profession. The higher level standards under the Australian professional standards for teachers include highly accomplished and lead levels.

We are the certifying authority for the higher level standards for all ACT teachers, whether they come from Catholic, independent or public schools. Importantly, in this process—and I took part in a national teleconference yesterday about a case study that will be done on the ACT—we have looked at certification as a two-pronged approach. There are national standards and we have nationally accredited certifying assessors who assess people through a portfolio of evidence.

A really significant thing in terms of the way it is done in the ACT is that we work with sectors together. When the minister came last year to acknowledge the teachers who had achieved certification, we were looking at assessors from Catholic schools, working with teachers from the public sector, teachers from independent schools and working across the board as well. So it is a very rigorous process.

It is really interesting to look at the stats in terms of where we are. We have 13 per cent in the ACT of the national group of certified teachers; it is a total of 351. Again, very importantly, we have a very high level of trained assessors. We have 78, and that is about 35 per cent of the national group of certified assessors.

We work with all sectors. It is a rigorous process against national standards. Teachers have to look at their real work, their work in the classroom. They get observation of practice. The principal's role is very important. In 2012, when we piloted the certification process, we worked very closely with the directorate, Catholic education and independent schools to make sure it made a difference to the practice that was happening in schools. So it is not only rigorous and it is not only about acknowledging the achievement of teachers; it is about acknowledging that within every school we need people who really understand the standards. So the stats are good. The ACT approach is unique in this. Hopefully, soon, for the minister, we will be able to have a national case study of the approach.

MR WALL: With the financial reward that is offered, is that a boost in annual salary or is it a one-off?

Ms McAlister: I am appearing before you as the past director of people and performance. I have recently changed roles but I will certainly take questions associated with HR and our people. It is an increment, a skip through our salary increment. We have a nine-point salary scale. For those teachers who are at the top of the scale it is an extra payment, a one-off payment.

It is important that, as the employer, we wrap around these opportunities. For us it is about creating the environment for our workforce to really scale up this opportunity to focus on excellent performance. All of our teachers have an annual professional discussion in their school. All of our teachers have very clear expectations and conversations about performance against these national standards. So we have an opportunity where this environment for certification is available for all of our teachers and it is talked about regularly.

MR STEEL: I have some questions in relation to early childhood, particularly in relation to government preschool programs. I understand there were 5,669 preschool students in the ACT. Can the directorate provide on a per child basis the cost of delivering a preschool program across the ACT in the year before full-time school.

Ms Berry: Yes, we can. Our system is unique to the rest of the country where our preschools are set alongside our schools. Generally across the country they are operated separately within an early childhood setting rather than being connected to the school community. I will get Mark Whybrow to talk more about that.

Mr Whybrow: If I may refer you to page 224 of the annual report, that is the statement of performance. As a core measure we include a cost per student for preschools. So the 2015-16 result was \$6,891 as the cost per student.

MR STEEL: What costs does that take into account?

Mr Whybrow: The costs taken into account are the full cost. There is an attribution of infrastructure costs. The biggest cost relates to employment of staff, so a teacher and an assistant in the preschool settings. But it is the full cost including things like the electricity costs in the school. It is the full cost allocated to the individual number of students.

MR STEEL: Do you have a breakdown of those costs that you could provide?

Mr Whybrow: It is a very detailed model.

Ms Howson: We could provide a breakdown for you though. We will see what we can do.

Mr Whybrow: We could provide you a broad-level breakdown.

Ms Howson: If I might clarify, you are talking about what proportion of that overall cost is attributed to teachers and what is attributed to infrastructure?

MR STEEL: Correct, and what is attributed to new capital builds, because new preschools are being built. I want to have the figure with that excluded but making sure that capital maintenance costs are included. I am trying to get a sense of how much it actually costs to deliver the program within the classroom.

Ms Howson: You are looking at the recurrent costs of a preschool operation?

MR STEEL: Yes, that is correct.

Mr Whybrow: Just to clarify that, the new builds would not be included in the year we would be providing because they would not be up and operational.

Ms Howson: I think Mr Steel said for that to be excluded.

Mr Whybrow: But we will give you that broad breakdown of costs by salaries and type.

MR STEEL: That would be useful. In the next five years what is the estimated number of children who will be entering the early childhood sector, particularly government preschools and non-government preschools.

Ms Howson: You are talking about entering into preschools? You started your question with the early childhood sector.

MR STEEL: Early childhood but specifically in relation to preschool.

Ms Berry: I will ask Robert Gotts to respond to that. There is a bit of crystal-balling around estimating population growth and where families live and raise children in the ACT and where they will be entering the education system, whether that be through the early childhood sector or through our preschool system. It is interesting work, and Robert is a bit of an expert on this.

Mr Gotts: I hope I can live up to that introduction. You asked about preschool numbers over the next five years. I do not have the figure to hand. I can talk about preschool numbers in the ACT up to this year. The number has been between 5,300 and 5,700. The numbers are going up by a couple of hundred every year across the whole of the ACT. There are 4,567 children in public preschools this year. Last year it was 4,456. The year before that was a little higher by 130-odd. But I did not

bring the figure with me today for projections for five years forward.

MR STEEL: But for future planning, you would take taking into account a number of things around birth rate and those sorts of things.

Mr Gotts: We do. We look at the birth rate. We get ABS figures. We look at per suburb what the birth rate is and project it for the next five years, so each year we do a five-year projection. We look at the shift between new developments and suburbs: which suburbs are increasing in birth rates and which are reducing. We look at immigration into the ACT and the extent that that has an impact on numbers. All of that goes into a spreadsheet and from that we look at the five-year planning.

MR MILLIGAN: I have a question in relation to Koori preschools. Teacher assistants in Koori preschools are most commonly Aboriginals and Torres Strait Islander, however it is not stated whether teachers are. How many of these teachers are Aboriginal and Torres Strait Islander?

Ms Howson: I just need to check, Mr Milligan, if we can provide that now. As to the specifics of your question, we might need to see if we can get that information for you before the end of the hearing.

Ms McAlister: We advertise widely for Aboriginal and Torres Strait Islander employees for those positions. We realise the importance of having community members in those positions. I will have to get the numbers for you, and I should be able to do that by the end of this morning.

We have a strong focus on our employment of Aboriginal and Torres Strait Islander employees and we have great success in that area, which I will not talk about more broadly unless asked. But I will get those numbers for you.

Ms Berry: But in fact that is a whole-of-government approach to employment opportunities and employment of Aboriginal and Torres Strait Islander people, and the Education Directorate is leading the way with the number of people who are employed in the Education Directorate as a whole-of-government approach to it.

MR MILLIGAN: What percentage of students are non-Indigenous who attend Koori preschools?

Mr Borton: One of the entry prerequisites for Koori preschools is to identify as an Aboriginal or Torres Strait Islander. To the best of my knowledge that is something which comes in at entry, so there would not be any students who have not identified at that enrolment point.

MR WALL: Preschools more broadly, what proportion of preschool places is provided by government as public preschool places compared to what is offered by the non-government sector?

Mr Moysey: There are approximately 11,000 full-time equivalent places in the non-government education care sector. How that is broken down depends on age. Once there is a centre-based service, the service tailors its service delivery to the age

groups of the children involved. It is not as simple to break down those numbers, but that roughly gives you an idea. If we think that the average hours that children are in education and care services is on the cusp of 30 hours a fortnight, then we are probably looking at a roughly even split between government and non-government.

MR WALL: Are any of the government preschool places offered as a full-day option, or is there any intention to go down that road?

Ms Howson: No, they are not, but we are looking at after school and before school care models for preschool.

MR WALL: So similar to what the Catholic Education Office is providing in their ELCs as far as—

Ms Berry: No, there was an election commitment to investigate out of school hours care for families attending preschool. We will be investigating that and doing some feasibility around that as part of the future of education conversation in the ACT. I would not say that it is the same as the Catholic education system provides, but we will certainly be looking at how that could work as part of our future of education conversation.

I also mention that universal access to preschool in the ACT is funded under a partnership agreement with the commonwealth government. We have one year of that agreement left to run and no certainty that it will continue. Those are all the sorts of things we have hanging around in the background as we are considering what is happening in preschool education in the ACT and also more broadly across the country.

MR STEEL: My supplementary in relation to that was: how many hours extra does the universal access funding agreement provide to ACT government preschools and what would be the result if they did not renew that agreement federally?

Ms Berry: It is 12 to 15 hours.

MR STEEL: So there is the potential of three hours being lost if that agreement is not renewed. Is that of concern?

Ms Berry: Yes. Any reduction in the hours for preschool education is going to affect the opportunities for those children in their future education.

MR WALL: What percentage of children in the ACT are currently attending preschool prior to enrolling in kindergarten?

Ms Berry: Sorry?

MR WALL: What percentage of children in the ACT are attending a preschool program prior to enrolling in kindergarten?

Mr Gotts: Currently in 2017, 79.5 per cent of children in preschool are enrolled in public preschools. It is difficult in the ACT because there are cross-border enrolments

and some three-year-olds and five-year-olds in preschool. It is hard to get a precise percentage of four-year-olds in preschool. The overall number is greater than 100 per cent because of those factors. As I said, 79.5 per cent are in public preschools and the remainder are in non-government preschools.

MR WALL: So it is 79 per cent of four-year-olds?

Mr Gotts: Four years of age is the year they are enrolled, but there are some three-year-olds and some five-year-olds—

MR WALL: Depending on the cut-off date?

Mr Gotts: Yes. So identifying what proportion of the total number are four-year-olds is a little difficult.

MR WALL: On entering kindergarten in ACT schools, what proportion of children have gone through a preschool program? What I am trying to get at is this: is there is a gap of kids who are missing out?

Ms Howson: We will check to see whether we have that data so we can answer that question precisely for you. Our understanding is that in the ACT—I am not speaking of students from outside our jurisdiction that come into the ACT—we have very high participation rates in the preschool program, whether that is in the non-government sector or the government sector.

Mr Gotts: It is very difficult to get an answer on the number of people who are not attending. Estimates in the past have been possibly 100 children or thereabouts who are not attending any program. It is very difficult to get a handle of that because people who are moving in and out of the ACT may or may not attend. The overall number of people attending preschool, as Natalie says, is extremely high. The difficulty is that very small number who might not be attending, and there can be reasons that they are moving in and out of the ACT.

MR WALL: Is that question asked on enrolling in kindergarten?

Mr Gotts: Sorry?

MR WALL: When a parent enrolls their child in kindergarten in an ACT public school, on the enrolment form are they asked if their child went to preschool?

Ms Berry: One of the issues that we want to have a chat about during this future of education conversation is kids and families and their preparedness for school and kindergarten. We are finding that there are families and children in the ACT who are not getting the same opportunities because there are lots of different issues going on in their lives. When kindergarten teachers in public education do an assessment of children in the first term they can usually identify fairly quickly, unfortunately, those children that are going to have their learning outcomes affected because they did not have an opportunity to prepare for kindergarten. They did not have an opportunity to have that early childhood education in preschool, importantly, in the third and fourth year of life.

That is an issue which is easily identified around equity and the opportunities that those families are not getting because of their circumstances. Access to early childhood education, particularly for those families who do not get a chance to access it, is probably at the forefront of the conversation we will have on the future of education. As the assessments in kindergarten continue throughout the year, extra supports are put in place for those children—as much as we can and as much as the schools can—to help them catch up to the other students. Again, it is an issue around equity, and we want to address that.

Mr Gotts: In response to your specific question, on the enrolment form that parents will fill out this year for enrolments starting in 2018 there is a question that asks what kind of pre-preschool experience the child who is being enrolled has had. It is intended to find out whether they are in a long day care centre, family day care or some other arrangement—exactly as the minister says—to give us a better understanding of the circumstances that children experienced before they started in our school, to give us the earliest possible perspective—

MR WALL: Just to clarify that answer, Mr Gotts: that was for parents enrolling their student next year into—

Mr Gotts: That is for parents enrolling their children into preschool or kindergarten.

MR WALL: Or kindergarten. Because you said what kind of pre-preschool—

Mr Gotts: By “pre-preschool” I mean—

MR WALL: Birth through to three?

Mr Gotts: Yes.

MR WALL: Specific to my question was the transition from preschool to kindergarten and the number of kids missing out in that space.

Ms Brighton: If I can clarify that. The ABS has recently released a report that shows that the ACT fully met its target at 95 per cent of children participating in a preschool program prior to the first full year of schooling.

MR WALL: Yes, we do have that figure.

MR STEEL: Just a supplementary on that, possibly to take on notice. How many of those children attending in the year before full-time school were interstate children, essentially, coming across the border because we offer free preschool programs and New South Wales does not?

Ms Berry: The priority is given to ACT students in our ACT preschool system. In 2016, from New South Wales we had 96—

Ms Howson: 96 individuals.

Ms Berry: 96 individuals were accessing preschool in the ACT. In Catholic and systemic education, 20; and in independent, 39—so a total of 155.

Mr Gotts: 155.

MR STEEL: Under the cross-border arrangements that we have with the commonwealth around education funding, are we required to provide them with access, as we would with school?

Ms Berry: No.

THE CHAIR: Minister, can you please outline to me what you aim to achieve through the early childhood strategy announced in the election?

Ms Berry: I am particularly keen on having a conversation with the sector and including that conversation as a vital part of the future of education discussion paper as well, given the research and the experience of educators around the importance of those first early years in terms of the opportunities for children in their future learning and life. Importantly, I want to make sure that it is not just within the education system and the early childhood sector, but that we go more broadly beyond that and involve people from the community services sector to look at what is happening within our communities and how we can support families who are missing out in the early stages. I think this is the first time there has been a strategy for early childhood education in the ACT. It also gives us a good chance to really engage with the sector and the community about their expectations for the future. Did you want to add anything further?

MRS KIKKERT: I refer you to page 81 regarding critical incidents. What is the nature of these critical incidents?

Ms Brighton: Page 81 of the annual report refers to 27 critical incidents during the reporting period. Of those critical incidents, 23 were related to threatening phone calls to our territory schools. That was a phenomenon that was occurring across the world; schools were targeted with these threatening phone calls. So 23 of those incidents were those. The remaining four were either lockdowns or were related to students leaving the school grounds.

Ms Berry: Can you just describe what a lockdown means? It sounds like a really serious thing. Can you describe a situation that would lead to a lockdown?

Ms Brighton: Schools have very sophisticated procedures to make sure that staff and students are safe. A lockdown is when the principal or the school leadership team is of a view that there is an incident happening within the school and, for the safety of all, including the students involved, they need to close the school off. That means that teachers close classroom doors and students are required to locate themselves within rooms within the school while whatever event is taking place. Schools do lockdown drills throughout the year, so students understand very clearly how to keep themselves safe. They move away from windows, they move into the back of classrooms and the doors are closed and locked. These drills happen throughout the year. Schools advise families when they are doing lockdown drills so that, when students go home and talk

about it, parents can talk their students through it and the importance of knowing how to keep oneself safe.

MR WALL: When you say the doors are locked, are those the main external doors to the school or the doors to classrooms as well?

Ms Brighton: Both of those. Any parts of the school that can be made secure will be made secure during a lockdown.

MR WALL: As far as the reporting of critical incidents is concerned, are these figures for government schools only? Do non-government schools also report to the directorate when an incident such as that occurs?

Ms Brighton: The figures reported in the annual report refer to government schools. Mrs Stewart will be able to talk to the procedures around how we deal with non-government schools.

Mrs Stewart: In 2015 the directorate signed a memorandum of understanding with the non-government school sector—so the Catholic Education Office and the Association of Independent Schools—around reporting critical incidents from their schools to the minister. Those school sectors report every six months on critical incidents that occur in their schools on the same basis that incidents are reported for public schools.

MRS KIKKERT: Have there been any exclusions or suspensions of students as a result of these critical incidents?

Ms Brighton: If I can respond at a more general level, if something happens in a school that requires a school to be reporting a critical incident and a student's behaviour is involved, usually you would expect that would result in a suspension. The length of suspension would depend on the type of event that it was.

MRS KIKKERT: So that is a yes?

Ms Brighton: Yes.

MRS KIKKERT: There has been?

Ms Howson: It is important to make a distinction between exclusion and suspension. Certainly suspension would be an appropriate response, but we could say categorically we have not had any exclusions in this reporting period.

MR WALL: Can you provide some clarification, Ms Howson, as to the definitions of “exclusion” and “suspension”?

Ms Howson: A suspension is simply pausing attendance at school—I might ask Mr Prowse to talk about the way in which principals use that opportunity—whereas an exclusion is excluding them entirely from the school setting.

MR WALL: Essentially an expulsion?

Ms Howson: What we would understand in our generation, yes.

MR WALL: Yes.

Ms Howson: I know you are a lot younger than I am.

MR WALL: It has been a long-used term.

Ms Howson: Yes. We do not do that here.

MR WALL: What other avenues are available to you to help correct student behaviour apart from suspension or exclusion? What else are you doing?

Mr Prowse: Schools use a range of strategies. If I could start by answering the previous question in relation to suspension, suspensions have a purpose, and you might use a suspension for one of three reasons: to signal to the student or the family the severity of the behaviour; to signal to the community what the norms we expect in behaviour in the school are; and also, possibly, to provide time to put further strategies in place to support the student involved.

Schools use a range of strategies prior to considering suspension, and one of our most powerful strategies is restorative practice. You would be aware of restorative practice use across the community, but I can explain more of that if you would like.

MR WALL: Go for it.

Mr Prowse: Restorative practice can be applied at various levels with students or adults, or students and teachers if need be, to help students to move to a greater understanding of why the behaviours occurred, what the antecedents of behaviours were and what might have been alternatives they could have approached.

Often the restorative practices are about improving communication between individuals in a school and advising people, sometimes peer to peer, about what is acceptable within the constructive school, which of course is part of our broader community.

Ms Berry: Some examples of the things schools might do to support a student— and their family—who might have some challenging behaviour or issues with their school environment is connecting the family to support services as well, making sure we have really strong connections with our different support groups in the community and working closely with the Community Services Directorate, and also connecting students to mentoring programs or other different kinds of activities or sporting groups, whatever suits that student's needs and those of the family.

Mr Prowse: Similarly, internally schools have a range of options to use their school psychologists to help support understanding of behaviours and to support families to better understand and support the home and the school behaviours as well.

MRS KIKKERT: Supplementary question. How many teachers have been assaulted

by students? What kind of support do the teachers receive? How many days have teachers missed out on school work because of an assault?

Ms Berry: We might have to take some of that on notice, but occupational violence is a very serious issue across all employment but particularly in our schools. We want to support educators and everybody in the school system and make sure we have the right processes in place to support teachers or principals or anybody who is assaulted in the school environment.

Everybody will have seen recently the reports on assaults on school principals, mainly by parents within the school environment. We are working very closely with the Education Union and school principals to make sure we provide as much support as we can and to make sure those workplaces are as safe and healthy as they should be for the people who teach and work in them and also for the children who attend. I will get a little bit more detail on responding to the question that you asked.

Ms McAlister: Your question relates to occupational violence, which is a key focus for us. We are also focused on all areas of workplace health and safety. Occupational violence is one of three areas in particular that we look at closely with the data. In the area of occupational violence, we have a very high reporting culture, which is what we want. We have the largest number of incidents reported, but also in that area we have the lowest amount of lost-time injury. Four per cent of the reported injuries actually result in any lost time from the workplace.

If we compare that to another area that we look at closely, that of body stressing—that is about manual handling, supporting students move around the school and so on—we would have a far smaller number of reported incidents. The degree of the incidence is not as prevalent, but there is a far higher amount of lost time from the workplace.

Our work in terms of safety in our schools really focuses on what the data is telling us and how we can intervene with appropriate training of our staff. In this area we have a team teach program which schools engage in as an entire staff cohort to learn best methodologies in terms of defusing incidents and responding safely to student behaviour.

We also look at training and information provided by experts in the field. Our principals have just had sessions with Mark McCabe, the ex-WorkSafe commissioner, around occupational violence. Our director-general has been liaising directly with principals about the importance of this issue and making sure action is taken to look at each instance and make changes. I can get particular data for you in relation to occupational violence, but I would present that in the broader picture about safety.

Ms Howson: We actually have that.

Ms Brighton: During the reporting period of 2015-2016 there were 343 reports across all years of our school from preschool through to senior secondary, including our specialist schools. This is a total of reported incidents overall, and a subset of those incidents relate to occupational violence.

In reference to the work that Ms McAlister has referred to, we have done a very

forensic analysis of the data. Of those reported incidents resulting in time off work, those statistics Ms McAlister referred to, it is quite significant in terms of that strength of reporting culture and then what is resulting in injury.

Our response is a comprehensive work health and safety response to ensure that not only are our staff safe but our students are equipped within schools and are learning strategies about moderating their behaviour and the social skills to work with other students and to be part of a participating learning community.

MR WALL: Is there a breakdown of the occupational violence reports from mainstream schools against the specialist schools? Obviously the specialist schools are a much more complex teaching environment.

Ms Howson: Yes.

MR WALL: Are you able to provide that breakdown to the committee? I am happy if that is taken on notice.

Ms Howson: We might even be able to get that for you before the end of the hearing.

MR WALL: That is fine.

MR STEEL: A supplementary in relation to the report from the Grattan Institute on engaging students. It talks about the problem behaviour of children and management in the classroom. I was wondering what strategies the directorate has in place to support teachers to engage students in the classroom, especially those with problem behaviours but also those students who are passively disengaged in the classroom, the so-called ghost children?

Ms Howson: Most of the recommendations in that report in fact are already being implemented in one form or another here in the ACT. The report illuminates some very important issues for us. As you say, it is not just those children that are overtly disengaged from school but those that are not really advancing in their learning year to year. So the strategies are quite different as a result of the different needs of those young people. I will ask Jacinta in the first instance to respond and then Jason could talk a little bit more about the work we are doing for that passive group.

Ms Evans: It is a really interesting reflection on engagement in the classroom. Jason will talk, I am sure, about pedagogy and strategies that are used within the classroom. I will talk more broadly about the framework for student engagement across our ACT public schools. We take a very broad approach to the best universal evidence-based approaches that assist teachers and schools broadly to keep students engaged. We have already referenced things like social and emotional learning programs and supporting students to understand the need to engage respectfully with one another. While that seems somewhat irrelevant, it is really around students understanding that school is a place where we are interacting and sometimes part of that is around how we engage with one another in a positive way.

Secondary to that, we have more selected and targeted approaches to students that have difficulty engaging. That can be a range of things. It could be members of the

network student engagement teams coming in to work directly with teachers around a particular student or a class situation, so looking at the dynamic. For instance, a school might make a number of reports about year 8 boys who are disengaged. We could then go in and work with that teaching group around what you could do to make the year 8 boys feel more engaged. That can be a whole variety of programs or it can be classroom strategies, which Jason may refer to more specifically.

Mr Borton: It is really important to note that the core of disengagement is really around ensuring we have strong instruction in classrooms and that the curriculum is being implemented by teachers who are highly skilled in providing a really strong curriculum for every student in their classroom. That it is not just a matter of responding to management issues or student management. The teaching and learning part is critical to ensure that kids are actively engaged in every lesson.

Schools will look at that approach from giving opportunities for teachers to be in each other's classrooms to give each other feedback about their practice and building a classroom climate which is conducive to positive engagement. That is an important factor to keep in mind there. In those classrooms which are active and where students are engaged in the learning, we generally find there would be fewer student management issues, for example.

Ms Berry: But very important throughout the work the directorate is doing is knowing that the teachers and the school principals in each of the schools know their students individually. They know what is going on in their lives in the school but also outside of the school. It is working with them on a student's individual needs about what is going on in their lives. All the pedagogy curriculum, teacher support and all of that stuff is really important, but it is actually digging a bit deeper and understanding what is going on in an individual's life and how we can best support them and bring them into the school community in a positive way so that they have a positive learning experience and that they actually want to come to school.

MR WALL: Minister, I refer to the academic performance and measuring, particularly through NAPLAN. Since 2011 the ACT's performance in the annual NAPLAN examinations has, in many areas, been largely stagnant. We have seen some small increases in some examination areas but also some decreases in performance in others, particularly when you compare the ACT results to the results in metropolitan areas of other states around the country. There has been substantial investment in ACT schools. Over \$147 million has been added to the public education sector since 2011 and about \$21 million of that has been in the past year.

We are also seeing similar results in the PESA, which is an international examination, and they indicate that in the ACT, for instance, a 10-year-old's maths proficiency is about 1½ years behind where they were back in 2003. In the longitudinal measure there has actually been a decline in numeracy. What has been the reason for these performances, and what is being done to tackle the issue?

Ms Berry: It has been 10 years in the ACT since there has been a strategy developed on education, and that is why I have made the statement and started the conversation around the future of education. The ACT has always performed well nationally and internationally, and now what we are finding is that the rest of the country and the

world are catching up to us. It is not so much that our testing results are declining, it is that we are not staying ahead of everybody else. Everybody else is catching up to us.

Whilst I understand that all of those test results give the school communities and the broader community a chance to look at some sort of data, which is important in making decisions around what is the best way that we approach education as a system, I am hopeful that the future of education conversation will go deeper than the data and actually look at the systemic issues of inequity in our system that are leaving children behind and that, when we do that, all of us in the community end up paying the price. I will let, I think, more data conversation go on around test results but I do not think that test results are the only thing that should define our education system.

Ms Howson: Perhaps before Mr Gotts goes any further, what we would say at the outset is that the ACT's story is still a very good story of student achievement overall. Nevertheless the thing that we need to have a really strong focus on is the growth in any individual child's learning, as the minister stated earlier. Every year we want to see a year's progress for every child in the ACT. In that regard, use of this data in the way in which it is intended, which is a very individualised examination of what is going on within classrooms and with particular students, is where our focus will go.

Mr Gotts: In addition to the points made by the minister and the director-general, I would like to add that there are, I think, two stories going on here. One is the one around the ACT as a strong performer nationally and other jurisdictions that we can clearly see improving from a lower starting point are moving up.

You mentioned PESA and the international results. To me, the story there is one that is a national one, and results across Australia, generally speaking, are declining relative to other countries. You made a specific point in relation to the PESA results, for example. What we see when we look at that is that the ACT is still performing extremely well amongst Australian jurisdictions but that all Australian jurisdictions are moving down relative to some other countries.

MR WALL: What work then is being done to look at areas of improvement for the ACT? Obviously the minister made that statement in the last sitting. I know it is more of a national issue but certainly there are lessons for the ACT to learn there. As Australia slips as a country, we are being overtaken by other jurisdictions that have got considerably fewer resources and a lower level of funding in their school system than what we have in the ACT. What are they doing to achieve proportionately better results than we are, given that we have got one of the most well-funded systems?

Ms Berry: I think the start of this conversation is that the country has just entered into a reform program under the NERA funding model, needs-based funding. In the ACT we are, what, two years into that reform program, only two years, and in the rest of the country some have not even begun implementing that reform. We have still got the threat of the federal government withdrawing the funding that, as you have rightly said, we put into our education system to implement this reform that we all agreed on.

I think what we are seeing now is that we are doing all of these reforms, we are implementing the systems that each state and territory agreed on with the commonwealth government, but we are not getting a chance, because the withdrawal

of funding threat is hanging over our heads, to see whether or not this reform is actually going to make a difference to our children's education. I think that is the broad story of what we need to talk about, the situation that we are in now.

It is not that the funding model is failing or that we invest too much in our children. We can always invest more. It is whether or not we are getting a chance to see whether that reform program that we have only just started is actually having an effect.

MR WALL: Just to home in on your point that we can always invest more, the question is: are we getting value for money on further investment? Under the PESA results, some of the countries that are ahead of us—Vietnam would be a country that has considerably fewer resources to invest in their education system than we do; Vietnam is slightly behind us—do not have the level of investment in their education system that we are making, both nationally in Australia and also here in the ACT, but their academic performances are surpassing us. It comes down to, obviously, the quality of delivery in the classroom. What are they doing that we can learn from?

Ms Brighton: In addition to what the minister said about us being a system of achievement, there is more that we can be doing, and the future of education will help craft that. In the meantime, last year we launched our new people, practice and performance framework, which is a framework for school improvement, and that is guiding the “what more are we doing”. What we are doing there is: we have the national school improvement tool, which is an instrument of nine domains, and last year we assessed 17 schools against those domains. Those assessments then guide the schools' strategic plans for the next four years. They highlight the strengths in the schools but also those areas that warrant more attention and development and further refinement. Those domains cover everything from the quality of the practice in the classroom all the way through to the engagement with the community.

Of the 17 schools that were reviewed last year, their reports are on their school websites, and we have looked at those reports in quite some detail in order to help those schools craft their strategies and move forward. This year we are reviewing another 20 schools.

In addition we have a range of strategies across the directorate focused on building leadership capability, building teacher capability, because we all know the key difference for student outcomes is the opportunity for those students to learn in a classroom every day from a highly qualified and experienced teacher.

Ms Berry: In addition we have the Teacher Quality Institute as well, which you heard about from Anne Ellis earlier, and the important work that the institute does in giving opportunities to teachers to improve their qualifications. I think Anne can talk forever about the importance of that. I will get Anne to talk about that, because it is important. I think the important difference between the Teacher Quality Institute and others is that it is not so much about regulation, it is about actually quality and improvement and supporting teachers and school principals to be the best that they can be.

Ms Ellis: The whole purpose of the Teacher Quality Institute is that our work is about helping to enhance the learning outcomes of students in every ACT school. What is really important when you look at the national agenda at the moment is that everyone

is aware of the importance of teachers understanding data, everyone is aware that teachers need to reflect on their practice.

We are at a really pivotal point in time in the ACT; I was having this discussion with the director-general a couple of weeks ago. The government put in place quite a stringent framework through us about teachers continuing to learn and being able to reflect on their practice. We have two streams of our work which are about how you become a teacher and what happens when you are a teacher.

There is, as you will have seen in the media, a lot of discussion about universities pushing back around regulation in school teacher education; things like literacy and numeracy skills for pre-service teachers. There is a whole raft of reforms, and this is the year of implementation. Again the ACT, in this area, is in a wonderful position because we have two universities providing initial teacher education, the Australian Catholic University Canberra campus and the University of Canberra.

We as the regulatory authority have been able to take a quality improvement focus with initial teacher education, because we want the best people coming into the schools. What we then have in the being a teacher component is the requirement, with a bit of legislative grunt, that teachers need to behave in the appropriate way, continue to practise as a professional, continue to learn and be able to understand data.

At a time when the minister is looking at the future of education, we will be a key adviser to the minister. We are not a stakeholder, we are a key adviser, and we will be looking at the mechanisms that are in place. In fact they are in place at a time when we need to put a bit of flesh on the bone and continue the understanding in all our schools that we are serious about this.

If you are a teacher in an ACT school there are requirements for you to continue to grow as a professional. What that means is that you learn, you work with people, you reflect on your practice, you analyse data, so that we get to a point, as the minister is saying, where we are able to cater for all the students in our classes.

It is actually really important that things like the integration of professional standards are taken seriously, and again we have a bit of grunt around this. When we get a beginning teacher coming into any of our schools they have to be able to demonstrate in partnership with the school that they are able to look like they have grown since they graduated.

The whole point of initial teacher education reform at the moment is that the universities end up with graduates who are ready to teach, who are good enough to be able to go to whatever system, any place in Australia, and be ready to teach. The federal minister talks about being “classroom ready” but, because of our passion about early childhood, we do not want it to just be the term “classroom”, we want it to be “ready to teach”.

Once you are in the profession, the responsibilities continue for you to work and learn throughout your career. I think it is a really important time in the ACT. We are going to add a bit of grunt this year in terms of rigour around how teachers are participating in professional learning. We will be doing a quality assurance audit of one teacher

from every ACT school to know that they are taking seriously their responsibilities to reflect and learn.

But I think what we have got to actually be focusing on is that the time for the profession is one where teachers are celebrated as professionals but with that it is about, as the minister said, qualifications and ongoing growth. Yes I could talk for hours about this, because it is our passion, and it is our passion because it is about what happens to the children in the classroom. That is the focus for all the work.

Ms Berry: And it is important to recall, as in my statement at the start of this committee hearing when I referred to the 90 per cent of students who go on to employment or further study, one of the key indicators that the education system is working and preparing people for life outside of school is that we have the highest percentage of students who go on to employment or further study in the country.

Whilst testing and data that is collected from testing give some moment-in-time data that is useful to feed into how our system is working within our communities, more and more we are hearing from people—universities and others in the country—that a point-in-time test is not necessarily something that defines a person’s ability to take on further studies.

The vice-chancellor of the ANU said that he was more interested in whether people were willing and wanting to study and were able to study, rather than looking at point-in-time data from a test. Certainly it can prove that a student can pass the test at that moment in time but it is whether they are ready for study. Our system is showing that 90 per cent of our kids are ready and are doing that. I think they are some of the things that will come out through the conversation that we have over the next 12 months or so about how our system is working for each of our students.

THE CHAIR: You have mentioned a couple of times that there are limitations with NAPLAN. What exactly are those limitations?

Ms Berry: I think the first part of it is that it is a moment-in-time test and that teachers will be assessing students continuously over days and weeks and years throughout their education. Of course, we are moving to an online version of NAPLAN, which means that that information will be more up to date and there will be less time between a test and the results coming through for teachers and school principals to be able to work with. I might get Robert to talk a bit more about that.

Mr Gotts: Yes, definitely.

Ms Berry: And Jason, if you want to add to it as well.

Mr Borton: Just to say that I think NAPLAN really provides valuable information for schools about very specific aspects of the curriculum in the literacy and numeracy space—reading and writing and mathematics; numbers, just one aspect of mathematics—but I guess what we are providing is a broader range across the curriculum, and it is a onetime snapshot in a year.

It is good for providing that trend data, the more high-level data but, if schools are

really going to improve for each of their students, they need to be doing ongoing assessment and working more broadly across the curriculum. There are some limitations on what that information provides. Given the lag between the test and when the information comes out—sometimes, for schools, the online environment will improve that—in answer to your question about limitations, those are just some of them.

Ms Howson: There are a number of jurisdictions that are now looking at a much broader framework of assessing how well this system is going. As Mr Borton said, numeracy and literacy data is an important foundational skill but there is a lot more to a child's education. As part of our work that we will be doing—our policy work this year—we will be having a look at what other jurisdictions are doing to provide a more holistic assessment of the school system.

THE CHAIR: Not to pre-empt it, but how do you measure that success? If you are not using NAPLAN, are there other methods?

Mr Borton: Yes.

Ms Berry: We have got the fact that 90 per cent of students go on to employment and further study. That obviously says that our system is doing something right for a whole lot of people, but we will want to look at the ones who are missing out and not getting those opportunities to see what more we can do for them.

Mr Borton: In a school base, I think the important part is that there is authentic assessment ongoing within classrooms, and for schools to look holistically across the board at different areas of the curriculum, but it is more about being able to provide evidence that the learning has taken place. We are not necessarily talking about tests that do snapshots in time but that ongoing assessment process. It is really important for schools, teachers, principals to be able to track the progress of students over the course of the year so that we can have that confident response that every child is having at least that one year's learning growth. Things like NAPLAN, PESA et cetera, more external tests, do not provide that information necessarily.

We can look between years three and five and look at growth in NAPLAN, for example, but we need to know what is happening between kindergarten, year one, year two, and all the way right up through to year 12. That is the school-based assessment that is critically important for that.

MR MILLIGAN: Just while we are on NAPLAN, I refer you to pages 74 and 75 of the annual report. The reference sample for comparison uses the overall national statistics, which includes the Northern Territory and remote areas of WA and Queensland.

Mr Borton: Yes.

MR MILLIGAN: However, when comparing like to like—for example, comparing the major cities—we are significantly below our three nearest neighbours, and within the ACT our Indigenous students are still performing well below our non-Indigenous students across all year levels. Furthermore, over the years, from 2008 to 2016, there

is little evidence in the ACT that we are, in fact, closing the gap. Can you explain why there is almost no progress in closing the gap across all NAPLAN indicators in the ACT?

Ms Berry: To start with, I think we should give credit where it is due, and that is that in our Koori preschools government-funded access to quality early childhood education is making a difference for Aboriginal and Torres Strait Islander young people. Those people who are attending now will have some significant chances at a really great education and learning experience because they have been able to attend the Koori preschools.

Yes, there is more to do for Aboriginal and Torres Strait Islander people and young people in the ACT, and some of it does come down to—I keep talking about this—the equity issue for people in the ACT who are not getting the same kinds of chances. Some people who are in the Aboriginal and Torres Strait Islander community fall into that and do not have the same kinds of chances that everybody else does. We want to have a look at what we can do to support them better.

Ms Evans: In relation to our Aboriginal and Torres Strait Islander students, we do have a very high number of Aboriginal and Torres Strait Islander students in public schools, and an increasing number. Most recently, there were 1,177 students in ACT public schools. I mention that because it is really important to note that it is a small cohort but a growing cohort of students who are in the public system and receiving some really positive supports through the system.

We did have an increase in 2015 around our attendance for Aboriginal and Torres Strait Islander students, a 1.6 per cent increase, which I know sounds small, but one of the really key things for Aboriginal and Torres Strait Islander students is that if they attend, they are more likely to get better results. We are really working with families and with students around attendance and increasing that. The more they are exposed to the quality learning opportunities that are available in our schools, the more they are likely to achieve.

We have also had some really positive results in this reporting period around year 12. We had 103 Aboriginal and Torres Strait Islander students enrolled in year 12, and 71 of them achieved their senior secondary certificate, which was really exciting. And 17 of those received a tertiary entrance score.

So we have an increasing number of students going right through to year 12. And for those who did not receive their secondary certificate, it does not mean that they will not. Some of them may be doing an extra year, a year 13. They could have gone into vocational training or taken on employment. What we are really focused on is that school is a positive place, students are attending, and therefore they have the best chance of going through.

MR MILLIGAN: I have a supplementary in relation to attendance and completion of year 12 for our Aboriginal and Torres Strait Islander students. It appears that the ACT target for year 12 certification is not being met but, more than that, it is dropping. In 2012, 86.2 per cent completed, but now it is 69.6 per cent. What is being done to halt this? Furthermore, what will be done to address this issue, considering that that

drop is quite significant?

Ms Evans: Again, it depends on the cohorts of students moving through, and it can be to do with the pathways those students choose. When the minister referred to the fact that the vast majority of our students, not just Aboriginal and Torres Strait Islander students, are going on to employment or are receiving their year 12 certificate, I think we are looking at a situation where we have to look at what the right pathway for each student is and consider that every student has a different pathway. We cannot assume that a particular cohort of students going through will all be looking to the same achievements.

Ms Howson: Mr Milligan, I also would like to add that in the ACT, our Aboriginal and Torres Strait Islander identified population is very small and we view students in one direction and look in a statistical and, particularly, a proportional sense as a very large number. I am not trying in any way to drive this back to an argument about the data, because I accept entirely that we have a lot more work to do in this area, but I just wanted to put that into perspective, because it is also the fact that we had a much larger number of students enrol in this reporting period, and the proportion that went through to receive a certificate proportionally was lower because the numbers were larger, if you can make sense of that. Nevertheless, it is something that we accept is a very important issue for us and something we still have a lot more to do on.

MR STEEL: I have some substantive questions, chair. In relation to the directorate's role in regulating core schools in the ACT and in the context of the ongoing Royal Commission into Institutional Responses to Child Sexual Abuse, obviously, a number of historical claims have been uncovered as a result of that process. Many have taken some years or decades to report, and that seems to be something that has come through in the commission's findings. I want to ask whether you are satisfied that schools under investigation through the royal commission in the ACT are safe for children to attend today and in the reporting period.

Ms Howson: We have introduced in the ACT some very rigorous regulatory frameworks that support our role as school regulators. Of course, it is a requirement of schools that are subject to our regulation to inform us of issues such as this, should they arise. Many of these issues are historical but, in addition to that, we have the reportable conduct scheme now in play here in the ACT and the working with vulnerable people checks very much in play. My overall confidence in this is high, that we are a more aware community and that there is an obligation for some transparency around these sorts of issues should they arise in schools that are subject to regulation.

MR STEEL: Have this issue and the ongoing findings by the commission necessitated any response from government in relation to any schools?

Ms Howson: Not that I am aware of.

Ms Berry: No. If the royal commission were to make a recommendation that we needed to put more rigour in our assessment as a regulator and when we register independent and other schools to operate, we would absolutely consider that and test it with whether or not what we had in place now around the safety and wellbeing of

students was enough and there was enough transparency. But, absolutely; if the royal commission comes out with any recommendations, we would be seriously considering whether we would implement them.

MR STEEL: What actions can you take as a regulator where there is a catastrophic failure in governance? I am not talking about just whether they have got a working with vulnerable people check or not; I am talking about where there has been a failure throughout the organisation to deal with these issues and where there is demonstrated chronic child sexual abuse. We have 63 particular instances that have been reported to the commission in relation to one particular school.

Mrs Stewart: As part of my role as director of governance and community liaison, I am the regulator for non-government schools in the ACT. There is quite a formal registration process around non-government schools. As has previously been mentioned, there are also a number of interplays of legislation that impact on what happens in schools in relation to these matters, including, of course, criminal proceedings and those types of things. But around regulation of non-government schools, we have a formal process that we work through which requires reporting and requires us to assess what sorts of practices and policies schools have in place to control, to monitor and to report on these issues. We work through the non-government schools; we work with them on a regular basis through those matters.

MR STEEL: These matters have arisen, but they are historical claims. Is there any demonstration that the policies have changed since the incidents occurred and is there any sense that things have improved in relation to governance?

Mrs Stewart: Yes, certainly. There have been a lot of changes, not just around our regulation of non-government schools but, as I said, also around those interplays of other legislation, such as working with vulnerable people. We are about to implement the reportable conduct scheme from 1 July. There is a lot of strengthening around the regulatory framework. But also we are seeing lots of changes in the way schools develop policies and the policies that they are implementing, and their awareness of what needs to be put in place to satisfy our expectations and our requirements as a regulator, and also community expectations around how the policies should be put in place in schools.

Ms McAlister: Could I add that there is a culture of mandatory reporting within our schools. There are explicit codes of conduct from both our regulators and from us as an employer. There are things like signed permission notes to use IT. There are induction programs which actually raise these issues at the point of entry into employment. So in terms of answering your questions about what things have changed, I would say that we respond across a multiple number of layers to ensure a culture of the highest conduct in our workplaces.

MR WALL Could I just ask a quick supplementary on that. It would be prudent for the committee to at least touch on the incident that has been in the media for the past couple of days, or a week or so, regarding the placing of an individual who was alleged to have had indecent dealings with children close to two schools in the ACT. I seek the commentaries of the minister and then the directorate as to what can be done to improve communication in future around this style of incident. More broadly, is the

framework in the ACT sufficient in dealing with people who are either convicted of or accused of these types of incidents? Is the framework sufficient to protect vulnerable locations such as a school?

Ms Berry: I was informed about the issue that you are referring to on Tuesday morning after an inquiry from a media outlet about the people that you are referring to. There is an expectation from the government and the community that this situation should not have occurred, particularly given the conversation that we are having about the royal commission's investigations. We asked for an explanation from the archdiocese on Tuesday, and I think we are still waiting for a response about how this could occur and how it did occur. Yes, we do need to have a look at our role as regulators and whether or not we have a strong enough framework there for a situation like this. I cannot believe it could, but it has happened now. I hope it does not happen again in the future but, if it does, we need to make sure that we have the proper strength and rigour in our assessments so that this sort of situation could not occur and that incidents are properly communicated to the government if somebody made a similar decision in the future.

Ms Howson: I think this issue is particularly one between me and the archdiocese, around having access to appropriate information at the right time. As the minister said, it should not have happened in the first place, but—

MR WALL: It seems from the reports, even in today's paper, that the individual was residing at that address for close to two years but that the Catholic school was only notified a year ago. It shows that, even internally, within the archdiocese, there was not adequate disclosure of the risk that could have been posed.

Ms Howson: That is a matter for the archdiocese, Mr Wall, but—

MR WALL: Does government have a role? This is probably more to the minister in relation to her other responsibilities, particularly as the Deputy Chief Minister, but is there something that needs to be done more broadly, territory wide, to address this sort of issue?

Ms Berry: Mr Steel was talking about whether there were recommendations out of the royal commission around this. I do not think we really need to wait for that. We will have a close look at it, given this situation and the seriousness of it, and the missing moral compass when this decision was made around whether or not these people should have been placed where they were—so close to the schools—and the system. As I have said, the directorate has written to the archdiocese seeking an explanation about how that could have occurred. Over the next couple of weeks, in a little while, we will have a look at our system as the regulators of independent schools to see if there is more that we could have done. But if we do not know, we do not know.

MR WALL: If you are kept in the dark, you cannot act. A number of people I have spoken to in the past week have expressed their real concern. They put great faith in schools, regardless of whether they are government or non-government, in dropping their kid off there in the morning and wanting to know that they are safe when they pick them up in the afternoon.

Ms Berry: That is right, yes. That is right.

MR MILLIGAN: I have a question in relation to staffing by Aboriginals and Torres Strait Islanders within your own department. According to the government, its aim is two per cent by the end of 2015.

Ms Berry: Yes.

MR MILLIGAN: Are you hitting that target? In respect of the Aboriginals and Torres Strait Islanders you employ, what level are they typically employed at?

Ms Berry: As I said, this is a whole-of-government policy to increase the number of Aboriginal and Torres Strait Islander people who are employed across the government. The Education Directorate is leading the way as far as the numbers and our targets are concerned. The number of Aboriginal and Torres Strait Islander employees currently is 88. In June 2016, our target was 79 in the Education Directorate, and we have—

Ms Howson: Now we are at 91.

Ms Berry: We are now at 91.

MR MILLIGAN: Does that represent two per cent of the new directorate total?

Ms Berry: We will quickly do the maths for you and let you know.

Ms McAlister: Minister, I can add to that answer. We are at about 1.6 per cent.

Ms McAlister: Of that 88, about half of them are administrative service officers, so what we call our non-teaching staff, our support staff, our educational support staff in schools. We are really pleased to say that we have 33 teachers. A number of our administrative support staff are also following a teaching stream, which is really important for us.

We have eight school leaders. In fact, about 50 per cent of our teaching staff who are Aboriginal and Torres Strait Islander are school leaders—school leader Cs, Bs or As. Our principals are school leader As. We are very pleased with exceeding our targets. You will notice in the annual report when you look at those growth targets over time, they are increasing. We have a very firm plan and a very active staff network, I would say, as well—Aboriginal and Torres Strait Islander staff network—who are supporting those numbers to continue to increase.

MR MILLIGAN: Where is that target in the annual report?

MR WALL: Page 33.

Ms McAlister: Yes, thank you.

Ms Brighton: Could I take the opportunity to clarify an earlier answer? We took a question on notice about the number of Koori preschool teachers who are identifying

as Aboriginal and Torres Strait Islander. At the end of February, we had no teachers in those preschools who were identifying as Aboriginal and Torres Strait Islanders.

MR MILLIGAN: What approach is the department taking to encourage or to find Aboriginal and Torres Strait Islander teachers for those positions? Is there any support, development or actual programs being offered or connections with any organisations?

Ms McAlister: Yes, there is. We are really working in two streams. One is that we have a very clear employment action plan, which has 35 initiatives around drawing people into our directorate and then actually developing them when they are with us. We have just launched a mentoring program in partnership with our staff network. We are enabling a mentor for each of our staff members. Through that process we are really looking at what individual development needs are, pathways and so on.

We are also really anchored heavily into the whole-of-government employment pathways, so looking at our graduate programs and our traineeship programs and looking at how we can support Aboriginal and Torres Strait Islander community members into the public service, but the Education Directorate specifically through those two streams.

THE CHAIR: I have a question about the upgraded classrooms at Curtin. They have been upgraded with contemporary teaching spaces. Not that long ago I was in a classroom. I am interested to know what a contemporary teaching space is.

Ms Berry: Very different to when I was in school, which is a little bit longer ago than when you were in school, Mr Pettersson. Certainly the teaching spaces at Curtin, which we were able to have a look at yesterday when we launched them with the school community, are quite incredible. When you ask the students at the school what they think about it and what it means to their learning and school experience, they think it is just great. They think it is awesome. It is not the usual.

When I was at school it was timber desks and timber chairs. We were also sitting in lines looking at the chalk blackboard. The way the school classrooms are set up now, they have all sorts of different types of seating arrangement so that children can kneel at a lower desk or kneel on a cushion if that is how they are more comfortable reading or learning. They can lie on the floor; they can sit on a couch or at a table; they can stand up at a higher bench and sit on a stool; or they can sit at an ordinary table to learn.

They also have whiteboard tables. You can actually work out the maths or something beside your Google Chromebook, Chrome laptop, if that is what you are doing in the classroom. It is completely different from what you would imagine a classroom to look like. The students then have a choice about what suits them in the classroom and how they are going to best learn.

It also includes wi-fi access. All the children can access wi-fi and all the programs that are on their Chromebooks in the classrooms. They have smart boards in all of the classrooms now, I think. It is a completely new and modern learning environment for the children. They were all so excited to show it off yesterday and talk to us about what was their favourite place to learn, whether it was standing up, sitting down or

lying down on the floor.

Ms Howson: It is a contemporary design that really fosters modern and contemporary pedagogy, teaching practice, and puts a lot of agency back into the hands of students. They can take some control over the way they like to learn. It really downplays that “teacher as imparter of knowledge” into “teacher as facilitator of learning”.

It also enables teachers to work together to respond to the different needs of students in their classroom. They can group students differently. Beyond the classroom itself, we are now seeing these contemporary spaces enabling teachers to work in a very collaborative way, which is all evidence based again, and what we would expect to see in quality teaching. Do you want to add anything?

Mr Bray: No, the minister answered it perfectly.

THE CHAIR: Delving a little deeper, most classrooms have 20-something seats, a seat per child. With all these different seating options, what happens if someone wants to sit in a different way the next day? Are they moving to a different seat and then someone else has to replace them at the kneeling spot, for example? Are there more chairs in the classroom now?

Ms Howson: I think the days of having the desk you own have well and truly passed. It really depends on individual teachers and the way in which they use their classrooms. Jason, who recently left the school, is the best person to talk about this.

Mr Borton: Yes, I think that is a really interesting question. I think the days of sitting in rows and kids having their desks, as you say, are long gone. It goes a bit to your question before about the limitations of NAPLAN. What we need to develop in students I guess—I hate using the term “21st century”; we are way into it—are those competencies that kids will need in the workforce in the future for jobs that have not even really been designed yet.

They are collaborative skills, they are communication skills, inquiry, creativity, being able to work in group environments in different ways. There are not many roles in employment now where you actually can work alone. So kids actually need to do that. One of the things about those flexible learning spaces is that they provide opportunities for that to happen. Kids are able to work with those kids whom they might not choose to work with, for example, to be able to build those social skills about being able to disagree agreeably, or to take turns when things are happening.

It is not the regimen of desks in rows that may have been the case for many years. We have moved a long way from that. That cooperative learning approach is, I guess, enabled by those newer classroom learning environments and also for teachers to be able to work in a different way, team teaching, for example. The expertise of one of those teachers in that environment might be to have a small group of students work specifically, for example, on numeracy or an aspect of literacy that they have a strong skill in to build the capacity of those groups of students. Those different classroom environments allow that. There are small nooks or groups of kids sitting together in circles and working with a particular educator. I think those environments enable that. What we saw at Curtin is a great example of that.

THE CHAIR: We have talked about the classroom and the innovative things you are doing in the classroom, but a school is more than just a classroom.

Mr Borton: Yes.

THE CHAIR: In what other ways are you bringing schools up to the 21st century in terms of their design?

Mr Bray: A lot of the 21st century focus in terms of building design is on flexible learning spaces and also assists teachers to have a greater level of collaboration, team teaching and flexibility. Also, it relates to offering the opportunity to teach students in external environments as well. They integrate both internal and external areas. We do a lot of landscaping design now that allows classes to be taken outside.

We also integrate exercise. That is obviously a big part of learning. It is broader than just the three Rs. It is exercise and participation. Activities are a great help. We have a lot of garden beds where children engage with animals or plants as well. We have environmental sustainability centres at several schools where the children can engage with solar panel systems—also learn from those—as well as water conservation.

It is about providing all of those things so that the children and staff can move around quite efficiently. They see it as just normal. It is not sort of going to some new space to do just music or drama. It is about making them feel that it is just a normal flow between different spaces. Of course, we try to reduce our costs of building by making those spaces as efficient as possible. In many ways it is about reducing the square meterage area, because that is a big driver of cost.

It is multi-using spaces and making them very comfortable for learning. Air conditioning is a big part of that now. We know historically that good temperature control does make a difference to learning, as do things like even carbon dioxide levels. Our new buildings have carbon dioxide meters. If that is increasing to a level that makes kids feel sleepy, the air conditioning automatically draws in more fresh air. That is the level of technology that new buildings are incorporating now.

Ms Berry: But even beyond just the teaching in the classroom and having those other spaces available that children and teachers sort of flow through throughout the school, we are opening up our schools as community hubs for the broader community and using those spaces that might be empty outside of school hours for community organisations or sporting organisations to use. They can come into the school and that is all completely normal as well and part of the school community and the broader community.

It is also about providing more opportunities for children around vocational educational training and trade skills. It is all of those sorts of things in our schools. It is beyond just a classroom environment. It is the whole school and community environment.

Mr Borton: In addition to that, I guess that there is a significant shift in teaching practices in relation to the use of digital technologies. We have gone right away from

a model that had individual labs where kids would go and learn skills. The newer environments are promoting the use of devices as tools for learning to support the learning process. It is not that you are learning individual skills that sit outside the learning. The Google apps for education, for example, is a really strong platform. They are used by schools to support the learning that happens within the classroom environment. Devices are used at the point of need rather than as a separate stream that kids learn skills in.

THE CHAIR: There is clearly no one size fits all in this approach. What do you do to consult with the school and the community when you are thinking about upgrading a school in this way?

Ms Berry: Before we get into the detail, that has been the really cool thing about checking in on some of these upgrades. It has been a conversation with the entire school community, not just the architectural design of a contemporary 21st century classroom. It is about actually talking with the children, finding out what they want, what they want to see. It is about talking with the parents through the P&Cs, the boards and the community more broadly. Obviously, it is about talking to the teachers, the educators and the school principals in the classroom. Then the architects come along, bring that all together and design these amazing spaces that include all of those conversations with everybody who is going to be using those spaces.

Mr Bray: The minister is absolutely right again. Particularly in the upgrades at older schools, there is always the fact that it is quite an old building. You do have structural impediments to the level of change you can bring about, simply because the cost would be so prohibitive. I suppose that we do not want to put a lot of our funds into trying to build a new structure or to modify it. It is very expensive.

So there is a level of compromise, but the driving principle is: what is the best environment to support improved student outcomes? It is not what you might think in the past where the infrastructure people come along and say that it is time for a paint, a re-carpet or the sorts of standard things that people think of as an upgrade.

Our upgrades really are focused on converting, to the best of our ability, a building that would be 40 or 50 years old into the best, but compromised, current contemporary learning environment. There have to be discussions with the teachers and the principals about what their learning practices are or what are they developing as new learning practices in the school and how we can remove the physical constraints that impede the ability to achieve new practices.

That is where the discussions are really quite informative and interesting. But the solutions at every school can be quite different. It is driven by a number of constraints mainly about what we can do to meet those educational practices.

Ms Howson: Can I add to that? I am relatively new to education. I have been completely impressed with the level of creativity that I see schools exercising with their space. There are even schools that are not scheduled for a capital works upgrade that are doing some amazing things with the spaces available to them, working around old buildings, using different types of furnishings.

I went into one primary school. A young teacher there was a hipster. She had decorated her entire classroom in hipster style. She had gone down to Tiny's shed, bought a couple of pieces of furniture and brought in her own home furnishings. The kids were so comfortable in that environment.

In another primary school I visited they had converted whole year 1-2 areas. One area was a cubby house; another area was a film studio. The teachers were sharing these spaces. So it did not require a large expense. At another primary school, I was walking down the traditional old school corridor. They had incorporated little kiosk-type furniture with exercise bikes. Again, teachers were bringing the children out of the small classroom and into these other spaces to work with the momentum and the ebbs and flows of the energy of the children through that day, and also providing spaces for small group work. It is quite amazing. I was just blown away, to be honest, about how things have changed. It is great to see.

THE CHAIR: It definitely sounds amazing. Is there a supplementary?

MRS KIKKERT: Yes. Thank you for including that, because it is nice to know there are personality and character in classrooms. You mentioned earlier, Mr Bray, air conditioning. I know that Gungahlin College do not have air conditioning. Why is that, and when will it be installed?

Ms Berry: Before Rodney starts, when Gungahlin was built, I understand—and I have been out to Gungahlin a few times—its ventilation system was award-winning and at the time would have been able to deal with the temperatures. Unfortunately, what we are seeing now across the country and the world is a real change in our summer temperatures in particular, and we are getting this extreme heat. The system at Gungahlin College and systems across the country are grappling with this challenge about how we keep our classrooms cool or warm, depending on how our weather is changing. That is a challenge that the whole country is facing. There was a conversation all over social media—when we were battling with it here in the ACT within our local schools, so were other schools all across the country—about how they were dealing with these extreme temperatures. We just do not have the systems to be able to meet the needs of our students. Now we have to adapt to that, as we do with older classrooms and older schools. Rodney, do you want to talk more about the system at Gungahlin?

Mr Bray: We designed Gungahlin College to meet the five green star rating, which are quite complex, demanding criteria to achieve by the Green Building Council of Australia. Essentially, in relation to cooling, the school was designed with tunnels under the building, in the ground. The design allowed for air to be drawn in through these tunnels and to be used to cool ground temperature, to transfer heat from the air to the ground; therefore at the end of the tunnel it is then pumped into the school. It is a heat exchange process that uses lower ground temperature.

As the minister explained, we are finding that, because we are having such peak high temperatures, we cannot draw down the temperature of the building on those particularly hot days with the system that has been installed. In the past six years, since the school has been opened, the temperature changes are beyond the ability of the originally designed system to cope with.

MRS KIKKERT: How will you fix it so the students can learn? I sat through a meeting there and it was hard to pay attention, let alone for students who are sitting there all day long. It would be very difficult for them.

Mr Bray: I cannot give you the solution at the moment. I cannot just say, “We’re going to put lots of air conditioners in,” because—

MRS KIKKERT: You are not going to?

Ms Berry: No, we have not come up with a solution yet.

Mr Bray: No.

Ms Berry: This is something we have to investigate across a number of schools in the ACT, as is the rest of the country. I do not think we will be the only ones that come up with different kinds of solutions. Ultimately, as a nation, we want to start doing more work around bringing our climate a bit more under control but, in the meantime, this will be a challenge for all of us across the world in future years. We will need to investigate different ways in which we can address these extreme temperatures not just within our school systems but more broadly.

MRS KIKKERT: What is the specific obstacle that stops you installing air conditioning in Gungahlin College?

Mr Bray: In a basic way, air conditioning works best when you have a controlled room. Typically, if you look at it in a home or in a normal commercial office, you have quite bounded, relatively controlled spaces, even if it is on an open floor of an office. Gungahlin College has been designed with much higher ceiling spaces. If you remember, there are quite high ceilings. The original design intent was for a lot of ventilated air, a lot of air movement through the building. When you say, “Let’s air-condition it,” we would have to start building lower ceiling levels. The open area in that building is so large that to air-condition all of that space would take a lot of energy and cost, and it would not be effective because it is just so massive.

Ms Howson: This is a very complex issue that we need to solve. If we rush to provide what might seem to be an obvious solution, we could end up creating and compounding other issues. We will need to take our time to make sure we get that right. In the meantime, it is important to emphasise that we are working on strategies. These extreme heat days, while they are becoming more frequent, are rare; we are working with the school communities on those days to manage days like that. With Gungahlin College in particular, and with college students, we have the opportunity to provide alternative learning environments for those students.

MR MILLIGAN: I have a supplementary. Do other schools in the ACT have air conditioning?

Ms Berry: Yes.

MR MILLIGAN: Does the convention centre have air conditioning?

Mr Bray: Yes.

MR MILLIGAN: I am sure its ceiling is just as high as that of Gungahlin College, if not higher. What are you going to do regarding the students who are at that school and who are working in the classroom in conditions that are not suitable? While you guys take your time to organise a solution for that, what do you say to the students, to the teachers?

Ms Berry: In fact I spoke to a student yesterday and asked how she coped with the high temperatures. This is about some of the things we are doing in the meantime, while we get the strategies right to resolve this issue, particularly at Gungahlin but at a number of other schools as well. She said that she was able to flex out—if that is the term—on particularly hot days. She did not need to go to school on those couple of days. So there are different ways that we can move. We talk with the school communities about how they manage this situation.

I do not think it is fair to compare the convention centre to Gungahlin. The convention centre was designed with an air-conditioning system as it was built. We are adapting a school that was built with a particular ventilation system that was award-winning and would be able to operate effectively under normal circumstances. Now, as we are having more extreme heat, we have to adapt and investigate other strategies. We will do that, but we want to get it right. In the meantime—

MR MILLIGAN: Before next summer comes?

Ms Berry: If it is possible, we will, but we want to make sure that we get it right. In the meantime we will talk with the school community about the sorts of things they can do during these extreme heat temperature events. We do that across the system; schools have strategies in place to be able to do that. We will keep working on strategies for these schools, and particularly for Gungahlin.

Mr Bray: In the first question, you were asking about schools having air conditioning. At the end of April or thereabouts we will have completed a program of installing air conditioning in all schools, the areas for administration and their libraries. That was a program we started a few years ago. So, with respect to every school, our 87 schools, some schools are fully air conditioned but even our older schools will have air conditioning completed. We have nearly completed the program, so that will be done by the end of April.

THE CHAIR: Mr Wall, do you have a supplementary?

MR WALL: Yes, on school upgrades. Minister, I received, as you did, a letter from the now former chair of Lake Tuggeranong College relating to the upgrades of their home science kitchens. The complaint that has been raised is that back in 2015 the project was promised and the design was progressed. The letter I have received says that you were cc-ed on it, so you may or may not have received it; nevertheless the issue that is raised is that, back in 2015, an upgrade of the home science labs was committed to, planning work commenced, and then the project was shelved. The letter says that in 2016 the project was again put back on the agenda, it went to the tender

preparation stage and again was postponed. Why is Lake Tuggeranong College still waiting for the critical upgrade to its home science areas?

Mr Bray: I am not aware of that issue. I would have to go back and find out the circumstances around that. The only thing I can possibly think of is that it was around the time of the trade training centres. We built an automotive centre as well as a construction learning centre. I am thinking more about the timing, rather than commenting exactly on that point.

Ms Berry: I am advised that with that school there was a more complicated electrical issue that needed to be resolved.

Ms Whitten: We have received that letter, and we are in the middle of replying to it. The work will be undertaken; it will be completed during the next financial year.

MR WALL: Okay. I have a question as to what involvement the Education Directorate has in providing content for the *Our Canberra* newsletters that have been distributed across the territory. The August edition talks about improving our schools. Under the heading “A few of our local improvements include”, it lists “food technology upgrades at Lake Tuggeranong College”. Why would that content be appearing in there if those upgrades have not yet been completed?

Ms Berry: They are occurring. I do not know the exact—

MR WALL: The question is: what input does the Education Directorate have on content for these types of promotional material?

Ms Brighton: We do a body of work on our forward projections for our upgrades and capital upgrades in schools. As we do those forward projections, we provide that information to the Chief Minister’s directorate for that. As Ms Whitten said, there is a planned piece of work for that school, and that planning would be reflected in the document you have before you.

MR WALL: In reading the document, there is a concern that has been raised. I note the sensitivity of it; it was produced in August 2016, a matter of weeks prior to the election. With respect to the way it is read and interpreted by most people, in stating “a few of the local improvements include”, to a normal person that work has been completed.

Ms Berry: Mr Wall, we will take the question that you have asked about Tuggeranong on notice, because we do not have in front of us the information about where it is up to, and we will get back to you on that.

THE CHAIR: A substantive question from Mrs Kikkert.

MRS KIKKERT: On safe schools, will parents be able to give consent for their children to opt in or out of the ACT version of the safe schools program?

THE CHAIR: We will have morning tea and get the answer when we come back.

Hearing suspended from 11.31 to 11.49 am.

THE CHAIR: We will start with a substantive question from Mrs Kikkert.

Ms Berry: Just before you start, chair, we have a few responses to some questions on notice.

Ms Brighton: The question was asked: how many teachers have been financially rewarded in 2016 for completing highly accomplished or lead teacher accreditation through the Teacher Quality Institute? The answer to that question is 11.

The other matter I should clarify: I referred to 343 incidents in schools. They were incidents of occupational violence and I was asked a clarifying question regarding how many of those were in our specialist schools and the answer to that is 90; so 90 of the 343.

If I could also clarify, we concluded our conversation on air conditioning moments ago. To be clear, for term 1 we had done work such that every school had air conditioning at the sites. Mr Bray also referred to some further work we are doing that we anticipate being completed in the first quarter of this year. That is to draw the distinction that for term 1 we had done that work.

We took a question regarding the breakdown of preschool costs, and, chair, if I can table that information I have that here with me now.

THE CHAIR: That would be appreciated, thank you. Mrs Kikkert.

MRS KIKKERT: Will parents be able to give consent for their children to opt in or out of the ACT version of the safe schools program?

Ms Berry: This is an ACT government commitment to fund the program. It has been funded. It was a commitment made in the first hundred days of this government, so the contract has been signed with SHFPACT to deliver the safe schools. I will let Jacinta provide you with some more information.

Ms Evans: We have a program in place, but there is no need for parents to opt in or out because the program is around individual supports for students. What we are developing with SHFPACT at the moment, based on that contract, is individualised support and advice for schools around the needs of individual students. It is not a program that is being delivered in classrooms to whole classes. The quality teaching resources that can be accessed are the ones that the commonwealth provide through their website, which are considered to be age appropriate and aligned with the Australian curriculum.

MRS KIKKERT: So you are saying the safe school program will not be delivered within the classrooms; it will be delivered just to individuals, is that correct?

Ms Evans: Yes, so the misconception has been that there is a program that is run in a classroom around safe schools. In the ACT the safe schools program is around support for individual students.

MRS KIKKERT: What do you mean a misconception? I do not understand, because it was.

Ms Evans: We have not run a program in schools called safe schools.

MRS KIKKERT: Yes, it was running.

Ms Evans: There is a support for schools called safe schools and a coalition of schools who have individual students in their schools who may have questions around gender or identity.

MRS KIKKERT: No, I am pretty sure it was running in the schools. Are you denying that it was running?

Ms Evans: Yes, I am saying it is around individual supports for students, and there is a range of resources schools can access if they need that to complement the Australian curriculum.

MRS KIKKERT: So you are saying that you never—

Ms Howson: Mrs Kikkert, one of the things that we have always said as an Education Directorate is that, complying with the Australian curriculum, we certainly run programs of work within classrooms that relate to respectful relationships and developing good interpersonal relationships. If there is something you are specifically referring to that you believe has occurred, if you could give us a little bit more information about that, we could respond to that quite clearly.

MRS KIKKERT: The safe school program was running, indeed, in public schools.

Ms Berry: Which school? Maybe it is better not to talk about individual schools, but if you have a question on behalf of a constituent or yourself about a program that was run in a school that you think was inappropriate, then we could get some more information off you.

MRS KIKKERT: It was running in the school, consent forms were sent to parents. You are saying you had no knowledge of this?

Ms Berry: What I am suggesting to you is that if you can give us a bit more information outside of the committee so that we do not have to identify individual schools or students that might have participated in that program—

MRS KIKKERT: I am quite happy to discuss it now.

Ms Berry: I think it is probably better that we do not talk about an individual school that might put at risk some individual students.

MRS KIKKERT: I believe it was quite broad. It was not just an individual school. It was quite broad.

MR WALL: Minister, are lesson plans prepared by All of Us used in ACT schools that fall in line with the Australian curriculum?

Ms Evans: ACT schools will use materials that are available that are either in line with the Australian curriculum or that have been cleared as being age appropriate and in line with the Australian curriculum through the commonwealth program. We are not using additional materials.

MR WALL: Can we confirm that the safe schools program as provided by the Safe Schools Coalition Australia is not being used in ACT schools?

MRS KIKKERT: Or never?

MR WALL: Or has not been used in ACT schools for classroom delivery?

Ms Berry: The advice I had in a conversation I had with SHFPACT and with members of the Safe School Coalition is that they have not delivered a program in an ACT school that included the online tools that have been approved by the commonwealth government, but they have provided support to families and individuals and teachers and school principals for students in need of that support within that school. The Safe Schools Coalition have not delivered a program, like a class, if we can describe it that way, in ACT schools using the tools on the safe schools website that have been approved by the commonwealth government.

THE CHAIR: Minister, what exactly is the support you are providing to these children and young people who are experiencing these issues?

Ms Evans: This is mainly around our principals and teachers who would be saying, “This is a new area for us.” It is like any area around personal development and perhaps sexual education where sometimes schools will ask for external advice around, “This isn’t something we have dealt with frequently. We would really like some advice.” That is the level of advice and support that would be being sought through the Safe Schools Coalition. The coalition was formed really to provide the opportunity for principals to talk to other principals about things that they may be coming across in their schools that they are saying, “I just would really like to talk through with someone else that can give me a little bit of advice and guidance around how I can best support an individual student or family around these issues when they are coming up in my school.”

THE CHAIR: So this is quite a new thing, providing support to these young people that—

Ms Evans: No, not at all. SHFPACT have had a very long relationship with the territory around providing support around sexual wellbeing and personal development, and this is just another arm of that that has been engaged with through SHFPACT.

MRS KIKKERT: So let me clarify: teachers were receiving training to teach safe school program within a classroom in the ACT and you do not know anything about it, is that right?

Ms Berry: No. What we are saying is that the Safe Schools Coalition has not delivered a class on the material on the safe schools website that was approved by the commonwealth government. Teachers in their classrooms may have received advice from the Safe Schools Coalition on curriculum support materials to complement lessons on health and wellbeing, which is one of the classes delivered in the classrooms. That is what we are saying.

MRS KIKKERT: They called it “safe schools”. That is what they called it.

Ms Berry: Who is “they”? You know—

MRS KIKKERT: The teachers. Those teachers who asked for advice, do you know them? I am sure it would be in your book.

Ms Berry: Do you know them?

MRS KIKKERT: I know them.

Ms Berry: Okay, well, then, how about we go offline out of the committee and then we can have a sensible conversation with you about it and try to get to the bottom of what it is that you are actually asking?

MRS KIKKERT: So are you in denial or are you just not telling the truth?

Ms Berry: No, we are not denying it. We are saying—

MRS KIKKERT: Because we want to know the truth.

Ms Berry: What we are saying is—

MRS KIKKERT: The safe school program was taught in the classroom in an ACT school. It was provided to the teachers. They had training on it. Students were given consent forms for the parents asking them if their kids were okay to attend this program called the safe school program.

Ms Howson: What we can say is that one of the strong features of the ACT system is school-based autonomy, and principals will make decisions about programs that they invite in from outside. You are right, Mrs Kikkert, to be absolutely categorical is probably foolish for me at this point. I think we should take that on notice and see whether or not we can confirm it.

What we do know is that our current relationship with SHFPACT in the ACT is to support schools where there are students dealing with a spectrum of issues across their gender identity to be supported in good and safe ways and how to involve their peer group in that process. That is the dominant feature of what we have adopted in the ACT. We have a relationship with SHFPACT who are drawing on some of the safe school collateral, the material, that they become our specialist adviser on supporting schools on how to create a safe place for children in those circumstances.

MRS KIKKERT: Okay, so going—

Ms Berry: But what we can be categorically clear on is that the ACT government has committed to funding the safe schools program in the ACT. That is being designed with the Education Directorate and with SHFPACT. The ACT government supports that program and supports children who need support about their personal situation in figuring out their gender identity—whether that is lesbian, gay, intersex, transgender or otherwise—and also supports teachers who might need extra support in how they can support those students and their families while they are figuring out their own lives. I am not concerned if a program has been delivered in an ACT school that supports those individuals and that supports other children to support those individuals.

MRS KIKKERT: Have you seen those programs? Have you seen—

THE CHAIR: Mrs Kikkert.

MRS KIKKERT: You said that—

THE CHAIR: Mrs Kikkert.

MRS KIKKERT: Hang on.

THE CHAIR: Let the minister finish her answer.

MRS KIKKERT: Hang on a second. You have said in your response that some teachers asked for recommendations on curriculum to help teach these students. Have you seen those documents? Have you seen the actual curriculum?

Ms Berry: I have seen some of the programs and some of the information that is available online. What I can say to you—and I have said it already a number of times—is that the ACT government supports SHFPACT and a safe schools program in the ACT to support children who need that support and to support their families and teachers for what can be a very difficult time for some people. We support that.

MRS KIKKERT: It is also more than teaching kids to be respectful to other people and to respect who they are; it is teaching them about having safe sex. So the safe school program, it is not safe school, it is safe sex.

Ms Berry: Is that a question, chair? I am not sure.

MRS KIKKERT: That is what it is. And so do you know what the outline is—

THE CHAIR: Mrs Kikkert, I would ask you to be respectful. I would also ask you to refrain from making statements and to ask questions.

Ms Howson: What we expect is that all of our schools are presenting material in the classroom that is consistent with the Australian curriculum. Again, our relationship with SHFPACT is one where we are accessing age appropriate material to support the Australian curriculum. It is part of the health and physical education curriculum, in fact—

MRS KIKKERT: Speaking of age appropriate materials—

THE CHAIR: Mrs Kikkert, once again, I am going to ask you—

MRS KIKKERT: This is a question.

THE CHAIR: can you please let them finish speaking before you interrupt them.

MRS KIKKERT: Go ahead; sorry.

Ms Howson: Again, the delegated authority sits with principals in each of our schools to exercise their good judgment on what external organisations they bring into their school and what materials they provide for their students.

MRS KIKKERT: Thank you. Just on age appropriate questions, is it illegal and is it breaking the law if you perform sexual intercourse under-age?

Ms Howson: I am not an authority to speak.

Ms Berry: I do not think that is really relevant.

MRS KIKKERT: I am pretty sure it is. What I am trying to get at is: why is the safe school program teaching safe sex to under-age kids? Why do we not teach them that this is breaking the law first? I think we have it all backwards.

Ms Berry: Okay.

MRS KIKKERT: That is not taught in the lesson at all.

MR STEEL: A supplementary: my understanding of this program is that it is actually not a sexual health program at all. Is the safe schools program, which is not designed to be a sexual health program, an opt-in program for schools, principals and teachers?

Ms Berry: I think that is the whole idea of school autonomy: that principals and schools decide between themselves and their school community about the different individual needs for students in that school. That is what the program is actually about: supporting individuals within the schools, some of whom are going through a very difficult time.

MR WALL: Minister, how is the program delivered by Sexual Health and Family Planning ACT different to the content of material produced initially by the Safe Schools Coalition?

Ms Berry: The whole idea around the ACT's program is providing that individual support more than delivering a classroom-style presentation. Have you got anything more to add?

Ms Evans: Thank you, minister. As the minister said, the idea of an ACT-specific agreement was around being able to ensure that the material being delivered to

schools works for their school community individually.

MR WALL: The Chief Minister is on the record as saying that the recommendations that were put in place around the operation of the safe schools program nationally—so the commonwealth review—were onerous and, therefore, the ACT would self-fund the program. Most of the recommendations by the commonwealth related to the delivery of content in a classroom setting rather than one-on-one individual help. How is the ACT program differing then?

Ms Berry: It is being developed. We have signed a contract with SHFPACT—

MR WALL: The program that SHFPACT has been commissioned to develop—is it operational yet?

Ms Evans: No.

MR WALL: So they are developing content at this point in time for delivery in ACT schools?

Ms Evans: Not so much content, Mr Wall; it is more around the fact that they are looking at the mechanics, I guess, of engaging with schools and how best to support schools. That is not operational yet.

MR WALL: To date, who has been providing this program in schools in the ACT? Schools receive—

Ms Evans: Individual support for students—

MR WALL: The Safe Schools Coalition, I guess, teaches teachers on the delivery of material in a classroom setting?

Ms Evans: Rather than teaching teachers about the delivery of materials, it is around teachers being able to ask individuals' advice around supports they would like to use in their classroom. It is not teaching them a new program.

MRS KIKKERT: When will this new safe school program begin?

Ms Evans: Their contract is live at the moment. We expect that the mechanics, as I said, would be available to us in term 2, with introduction into schools in term 3.

MRS KIKKERT: I guess the students will come for support. Is that how you identify the students?

Ms Evans: Often families or students themselves might disclose to a teacher, a school counsellor or another person. A family could approach their principal and say, "We've got some struggles in our family. We really need some support." That would be the usual pathway that a young person might say that they would like some support.

MRS KIKKERT: Great. So you will not be teaching in the classrooms, just on an individual basis—just to clarify?

Ms Evans: The program is around support that is required for individual students. That might look like talking to a whole class about that issue.

MRS KIKKERT: So you are saying you are teaching in the classroom?

Ms Evans: You are not teaching the classroom a program. But teachers have the opportunity to support students in their classroom, which could be more than one individual student.

MRS KIKKERT: Right. So the teacher could stand in front of the classroom and teach it. Is that what you are saying?

Ms Berry: Yes, they could. They could use some of the tools, some of the materials, that have been developed to support their individual students and students within their classroom.

MRS KIKKERT: Can we have a look at the outline, when you start rolling it out to teachers, of what exactly they will be teaching?

Ms Berry: It will be public.

MRS KIKKERT: It is the same as the safe school program. That was public—

Ms Berry: That is right.

MRS KIKKERT: within ACT. I am surprised you did not know about it.

Ms Berry: I did know about it. I just told you I knew about it. We support it.

MRS KIKKERT: You knew about it?

Ms Berry: We support it. The ACT government is on the record over and over again as saying that we are supportive of it. We want to support all our children, particularly those who are going through some challenging and difficult times. Teachers and the whole school community can be part of that in supporting that individual and that family. The ACT government supports that.

MRS KIKKERT: So you are saying the safe school program was running?

Ms Berry: We support the safe schools program. We have always supported it, and we will continue to support it. We have made an election commitment, and we will absolutely commit to that.

MRS KIKKERT: Are you aware that they are teaching safe sex in the outline?

THE CHAIR: Mrs Kikkert, I have a supplementary. What are the dangers to some of these young children if this support is not given to them?

Ms Berry: I actually had the chance to meet with some students from ACT schools

who came and talked to me about their experiences with their safe schools that had signed up as members to the original program. They were saying it made them feel like they were included and part of their school community. They were not treated any differently because of their different sexual identities; they were ordinary people loved and respected by their school community. For those students it was very important, and also for their friends who had said to them, “Yes, you’re absolutely supported by all of us in this school community.”

For the students and their families, it was not something that they had to deal with. I was listening to the radio on the way to work this morning and they were talking about young people coming out to their family, and the family were saying, “It wasn’t a big deal for us, but it was a big deal for our kids.” If we can make it easier for young people who are questioning their sexual identity and if we can provide more supportive and inclusive environments for them not just within our schools but within our whole communities maybe one day we will not be talking about this.

THE CHAIR: A substantive question, Mr Wall.

MR WALL: Minister, could I ask for an update on the Labor commitment to implement tablets for all high school and college students in the ACT?

Ms Brighton: I will ask our chief information officer to come to the table. He is our lead on this body of work. We are currently working on advice to the government about the best way to implement this commitment.

Mr Huxley: We are currently working on the parameters for the program and we are looking to begin from the start of the 2018 school year. As you would appreciate, looking at something of the size, nature and impact of the devices in the hands of students, we think there is a huge opportunity for equity here, in terms of equity of access for all students in years 7 through 12. Obviously, we need to make sure the program parameters are right in terms of the scale. We need to make sure we have the appropriate professional development and training available in our schools to support our teachers in use and effective uptake. We have a strong history of that already with the ICT in our schools, but we want to make sure that the teachers, the schools and the broader parent community are on board and ready as part of this implementation. We are examining all of the necessary parameters to make sure that those elements are in place so that the program can be successful when it is implemented next year.

MR WALL: What is the purpose of issuing a device to every student across the board? What is the desired outcome? What are you trying to achieve?

Ms Berry: There are a couple of things, and probably more that we do not know about yet. Primarily, it is about equity, so that every student has access to a tablet or device within the school environment, regardless of their background. That is primarily one of the reasons. Another reason for the government implementing this policy is that we have a similar or same type of tablet that will be established across all of the schools and all of the classrooms. That relieves some pressure on students, families and teachers as they will all be using the same programs and they will not have to be experts across a whole bunch of different systems and styles of tablet.

In saying that, it does not stop people bringing in their own devices. There will still be bring-your-own-device policies developed by each school. But, this way, for students and families, it takes a whole lot of financial pressure off them. It takes pressure off the school community because there is one design. I know that, with going into year 7, taking that financial pressure off parents when deciding which tablet, where to get it from and what device is the best device to use, it will mean there is one less thing that parents and families have to worry about. That would be ideal.

Mr Huxley: From an education point of view, we have seen a significant change in the way ICT is used and accessed across schools. When I went to school—I think everyone is talking about when they went to school, so I will add my bit—it used to be in labs. There used to be a quarantined area where only IT could be accessed; you were booked in and scheduled in at that point in time, and if you got to it once a week, you were pretty lucky.

Now technology is ubiquitous across our schools. It is critical to the Australian curriculum. The Australian curriculum is delivered online. We have a significant body of curriculum material and resources to support effective teaching and learning across our schools. We also implemented the Google app for education platform at the start of 2015. We have over 45,000 users across our schools. Teachers and students are using that platform across a wide range of different learning areas. So IT is not just a subject that you do in a lab anymore; it is integral across all of our learning environments and areas. It is fundamental to support the Australian curriculum implementation. I think that providing all students from years 7 through 12 with a device to enable learning to happen across the school in that way will be quite exciting for us.

MR WALL: How often will the devices be updated or upgraded?

Mr Huxley: They are parts of the parameters that we actually need to settle. I would hate to go into too many specifics yet, while we are working with the minister's office on exactly what those parameters will be. But we want to be really clear, and communicate early for parents, so that they understand exactly how the program is going to work in time for the new school year.

MR WALL: Obviously, this is not the first time that a government has sought to put a piece of IT in every student's hands. We saw that with the former federal Labor government and there were a lot of shortcomings around that program. What has been done to ensure that those mistakes are not repeated?

Mr Huxley: We are really taking time to review the lessons learnt. ICT rollouts in education have been occurring across the globe. Obviously, we have had our local experience with the previous digital education revolution.

The OECD has done a lot of work around what the key things are to have in place to support long-term, sustainable uptake of ICT in schools. One of them has been around sustainability of funding. Having this commitment will allow teachers to understand that the funding is there; they will be able to change and amend their practices to incorporate this new technology. That is one of the key recommendations from the OECD.

Another part is absolutely around teacher capability and professional development. That has been a big focus for us. Since the start of 2015 we have had over 1,000 of our teachers go through ICT, focusing on the Google apps for education platform. We have had our local Google apps for education summits, with over 800 participants in the past two years. We have another one coming up in April. So we have done a lot of targeting of professional learning for teachers in how to use these tools effectively. We have reviewed the research and looked at the lessons learnt from previous initiatives, locally, nationally and globally, and that will absolutely inform the parameters in how we roll this program out.

MR WALL: The big question that most students are going to be asking is: when can they expect to get a device in their hands?

Mr Huxley: We are aiming to initiate the program from the start of the next school year, from 2018.

MR WALL: How will the rollout be conducted? Will it be on a school-by-school basis or on a year-group basis?

Mr Huxley: We need to work out what the market is capable of providing and who we ultimately end up partnering with to deliver the initiative. Obviously, we need to settle on those as part of the parameters of the logistics of the program and take that out to market.

MR WALL: From the commentary so far about the existing use of the Google educational app platform, it is likely to be an android Google-based device?

Mr Huxley: It is hard to say at this stage. The nice thing about Google apps is that it is device agnostic. So you only need internet access and a browser to use the platform, which is why we have had a variety of different devices popular in schools accessing that. We will absolutely be looking at how we leverage the existing excellent practice that we are seeing in our schools in the uptake of that, in some instances national and world leading. We do not want to ignore that. We absolutely want to grow and build on that capability.

MR WALL: When could the committee expect to have further details as to how this rollout will be carried out?

Ms Berry: Probably after the budget, I would say.

MR WALL: So estimates would be a good time for drilling down.

THE CHAIR: I have some more tech questions. You mentioned that wi-fi had been rolled out across all schools. What is the user experience? Are log-in credentials required? Is there a web filter in place?

Mr Huxley: I am happy to talk you through the wireless program. The wireless initiative is built on the foundation element, being our network in our schools. We are very fortunate in the ACT public school system to have our own high-speed gigabit

fibre network that has been in place for over four years. We have excellent connectivity through all of our ACT public schools—primary, high schools, colleges, P-10s, and even into 33 preschools. That, as a foundation piece, means that we are the best connected education network nationally and on par with leading global education networks.

We have been able to then expand on top of that and roll out wireless access points. We started off with 3½ thousand across our high schools and colleges and in the past two years we have expanded that into our primary schools. As of the start of this school year, all of our schools are now connected with over 5,500 wireless access points. Anywhere throughout the school, staff and students can connect to the wireless. They need to be known to us. They have to be identified with user name and password. Not everyone can get on to our wireless. It is not open. It is an encrypted wireless network. So we know who they are at all times and we also have filtering in place.

It is great to have filtering in place at the infrastructure layer, but we also take a proactive approach. We are working with kids. They need to develop the skills about appropriate use. We have partnered with the cyber safety commissioner at a commonwealth level and we have delivered a significant number of e-learning webinars for our students, to support their safe and appropriate use of online tools. There is a balance as to what you can do in an infrastructure layer, but, at the end of the day, we are working with kids. They do not just access technology in our schools; they can get it at Westfield, Macca's and a whole range of other areas. So it is really critical that we develop the safe skills and their uses at the same time.

THE CHAIR: I think having webinars is great. In terms of the web filter, is the web filter the same for year 12 students as it is for primary school students?

Mr Huxley: No, it is age appropriate. We get to use that phrase again. There is age appropriate access on the internet filtering. So we do set different levels of filtering based on age. College students are obviously getting prepared for their life at university and beyond, and in broader employment, so making sure that they can access the tools and services they need is an important part of that.

THE CHAIR: And the million dollar question: at what age do they get access to Facebook at school, across all schools?

Mr Huxley: I would have to take that on notice. I do not know the exact web settings in regard to specific social media elements at the moment.

MR STEEL: I have some questions in relation to the schools for all report and how the government is implementing the report, particularly working with all school sectors in the delivery of the recommendations.

Ms Evans: Thank you for the question, Mr Steel. The schools for all program, as the minister said earlier, having just delivered the fourth quarter reporting, has been working extensively across the sectors to ensure that we have the recommendations, the spirit and intent of the expert panel's report being taken up by schools across the whole of Canberra, not just public schools. In terms of the governance arrangements, the Catholic and independent schools are part of the program board, along with our

director-general and with the Community Services Directorate's director-general. So we have a very collaborative approach to considering the work of the program and how that is to go forward.

We also have working groups underneath that. They interact all the time with Catholic education and independent schools around the work they are doing. We have just delivered, with the fourth quarter reports, independent school and Catholic school summaries of the work they have done. We will be putting together in the next few weeks a summary of the work that we have all put in together which will really bring that together and make it a bit clearer about the way we have collaborated.

MR STEEL: The report makes specific mention of students in the classroom and their disruptive behaviour. What specific action is the ACT government taking to ensure that all children have the opportunity to learn in the classroom when that sort of disruptive behaviour occurs? What strategies are used specifically in relation to children with a disability or who need inclusion support?

Ms Evans: There is a range of ways in which we are approaching this. Some of them are at the framework end of things and around the way that we change the way that we approach the school environment. We talked earlier about environments for schools and how they can better suit students with particular needs. It goes right down to the way our policies are written. We implemented a new policy called safe and supportive schools, which is around ensuring that students are kept safe through a range of measures that support teachers and the students and that there is a reporting framework for students whose behaviour is challenging.

There are also a range of actual support mechanisms for students—things like behaviour management plans and individual programs for students. We are always looking at ways we can support students as individuals. The intent of the report really was around that, and the reason it was called “schools for all” was to put a focus on the fact that every individual student is different. We cannot have a sweeping, one-size-fits-all approach to these kinds of matters. Children with complex needs are just that: they have complex needs. We need to look a bit deeper than behaviour in a classroom or at a school on one day.

The program has really assisted us with looking at how we work with things like the community sector programs that are broader across the community, to ensure that services that we are supporting for students are wrapping around all the needs of the student rather than just between nine and three, for instance. We are also working very hard to make sure that the support services within schools, such as the network student engagement teams, have the right skills to support principals or teachers to make decisions about how to support their students.

MR STEEL: How are those behaviour management plans developed and who is involved in those?

Ms Evans: It is a multidisciplinary approach. Initially, a school of course would be the first place in which the issue might be identified. Schools have a range of forums in which to consider behaviours or issues. Most schools would have a team that will sit down with an executive teacher and say, “Look, we are experiencing some

difficulties here. What have we got in place? What could we do differently? Could that teacher be using different techniques or strategies?" All those things are worked through in a school. Schools are really well equipped to do that, and often they can manage that in house. But when they feel they need additional supports, they would look to their school counsellor, to the network student engagement team initially.

The network student engagement team has social workers, speech pathologists, occupational therapists, physiotherapists, psychologists and extremely experienced teachers, who will then work with the school around a behaviour management plan. If we then feel that that is not quite hitting the mark or that that student needs additional support, we will seek external supports.

MR STEEL: Are families involved in that process, and do they sign off on the plan once they have agreed to the content?

Ms Evans: Yes, they do. Students who have this level of need often also have an ILP, an individual learning plan. Families are involved in that and will sign off on the individual learning plan. But when these levels of complexity or challenging behaviours exist, families are the key persons who will be part of that decision-making.

THE CHAIR: Thank you, Mr Steel. I have a substantive question: could the minister please update me on how needs-based funding—that is, the Gonski agreement—is being implemented?

Ms Brighton: The ACT commenced its deep design work around needs-based funding in 2015. Earlier the minister referred to the fact that this is a body of work that we are implementing over a number of years. The 2016 calendar year was the first year of implementation, where we focused on what we call the core funding. Needs-based funding is not just about the funding: it is about the programs of support; it is about the change in teaching practice; it is about making sure that every student is learning every day. The funding dimension is just one part of the work. As we have said to the committee this morning, we have explored a whole range of other limbs that the directorate is working on.

Our core funding—that is, the funding that you need to open the doors for the students to come to the school with a minimal level of disadvantage—is settled and was implemented in 2016. We have also implemented the SES loadings for needs-based funding. This is the additional funding to support students from low socioeconomic backgrounds. And we are continuing our consultation regarding supports for students with a disability as well as Aboriginal and Torres Strait Islander students. We still have a long way to go on our policy work. It is a deep-dive consultation with the community. It is really important that we hear from families and students as well as schools about what they see on the ground and what the critical inputs to the funding model are.

THE CHAIR: Any update on negotiations with the commonwealth?

Ms Berry: No. We have no indication from the commonwealth at this stage whether or not the funding, NERA, will continue. We also have no guarantees that funding for

universal access for preschool education will continue. However, we continue conversations with the commonwealth and with all the state and territory ministers. We are meeting again in April in Tasmania and, hopefully, we will have a bit more to say after that.

THE CHAIR: Do you have any idea what the potential funding shortfall is with the commonwealth's inaction?

Ms Howson: This is a good opportunity for us to explain how the commonwealth funding works at the moment, but of course this might not be relevant to what is proposed into the future.

Mr Whybrow: If I talk about a funding shortfall, it is difficult to identify what a funding shortfall could be when there is nothing on the table. If I take you through the commonwealth's school resource standard, that is a standard that is based on a core amount, a payment amount per student for primary schools and then also high school students, and then individual loadings, so for students with disability, for English as an additional language or dialect. Also, there are loadings relating to Aboriginal and Torres Strait Islander people. The commonwealth model also has a loading around remote. There are not remote schools in the ACT, so there is not a component, an allocation, in the ACT.

The important thing to note is that all schools are placed against that standard. With ACT public schools, it should be on the record that people recognise the significant investment the ACT government has made into ACT public schools. Against that standard, ACT public schools are already above the school resourcing standard.

In relation to non-government schools, the non-government sector, according to the Education Act, the commonwealth's Education Act 2013, which legislates this arrangement, all Catholic schools are currently considered to be below the school resourcing standard, and I believe an additional three other independent non-government schools also.

Given that context and where we are at, for the ACT, the impact for us about a lost component going forward to get us to the school resource standard is not a particularly large issue for the ACT. Across all other jurisdictions, they were transitioning to the resource standard in public schools over a six-year period. We are in 2017 now, so that is the fourth year of implementation. As the minister said, from 2018, it is unknown at this stage what the implementation is going forward. The information that has been provided in commonwealth budget papers simply talks about two things. The first is an indexation rate of 3.56. Under the arrangements that I have pointed out before, the school resource standard was being indexed by 3.6 per cent. If you were above the standard, you were getting indexation at three per cent. If you were below the standard, you were getting indexation at 4.7 per cent.

The point that I am trying to make here for ACT public schools is that we are not in the same situation as the rest of the country. Most other jurisdictions were progressing to 92 to 95 per cent by the end of the six years. The ACT was progressing to 100 per cent as we were already there in ACT public schools.

As the minister said, this is very much wait and see as to what is on the table. The biggest impact of change there is potentially in the non-government sector.

Ms Berry: I think the biggest challenge that the ACT faces is the possibility of being penalised because we are doing everything right. We are implementing the reforms; we are implementing the policy around needs-based funding. We are doing all the right stuff and we are doing well. We do not want to see ACT schools penalised because we are doing the right thing. We are signed up to an agreement and we are implementing it. We are not getting the same commitment to that agreement from the commonwealth.

MRS KIKKERT: Following on from the schools for all recommendations, last sitting week Andrew asked a question regarding a particular school that had segregated students with challenging behaviour, which is contrary to new guidelines on the appropriate use of withdrawal spaces, seclusion and physical restraint. These guidelines stipulate that withdrawal spaces should not be locked and students must not be prevented from leaving. Are you aware of any ACT schools that may be unaware of the new guidelines?

Ms Berry: Before I get Meg to talk broadly in response to your question, I did ask if you were aware of an individual school. Mr Wall has written to my office. I have responded to that and he should have, or very soon have—

MR WALL: I have not as yet.

Ms Berry: I signed it, so it will be with you soon, a response to that particular issue. I would be recommending that individual schools are not discussed in this forum. I would be happy to talk about individual schools and provide advice outside. I think that would be a dangerous precedent to go in that space. We are happy to broadly talk about how schools are managing students with different abilities and challenging behaviour.

Ms Brighton: Schools work their outdoor spaces, their playgrounds and their spaces to make sure that they are supportive of all students, having regard to the range of abilities, skills and needs. We have a range of strategies that schools implement to ensure that students understand how to play well together. Those strategies cover everything from structured playtime with students to some visual learning to help them in how they engage on the playgrounds. There is what we do in the classroom about social and emotional learning, about how to interact well with peers.

We also have modified play equipment and a range of other strategies in place to ensure that students in the playground can identify people who can support them. Teachers wear high-vis vests. Peer support leaders often will wear different coloured shirts, hats or vests. There is a range of different strategies that schools use to help students identify places where they can go for help, including other students to be identified as peer leaders as well as teachers in the playground and sometimes also helping teachers identify students that might need more support in the playgrounds. We have a range of different strategies that we apply across the territory in our schools, all anchored in keeping students safe, keeping students engaging well and helping students learn.

For more specific information about withdrawal spaces and the work we have done, Jacinta would be able to talk to you if you have any follow-up questions.

MRS KIKKERT: I am good. Thank you.

MR WALL: Thank you, chair. Minister, in relation to the international student program that runs in the ACT, how are students selected to participate and come to the ACT to study?

Ms Evans: Thank you for the question, Mr Wall. International students opt in to the program. They choose Canberra as a destination. Marketing is done overseas by all states and territories. They will engage with country-based education promotion companies, if you like, who have a relationship with each state and territory. For instance, in China, there are Chinese-speaking people who can say to families, “Here’s an opportunity for you to consider all these different states and territories, or countries.” Canberra is frequently chosen as a destination because families can see the value of the school system and the environment and the safe community that Canberra is.

MR WALL: How many students are currently participating in the program?

Ms Evans: We have about 670, I believe, at the moment, in Canberra schools.

MR WALL: I am happy if you take it on notice, but are you able to provide a breakdown of the nationality of each of those students, as to where they are coming from?

Ms Evans: I can give you that. This is for term 1 this year, not in the reporting period of the report. At the moment we have 357 from China, 44 from Vietnam, 38 from South Korea, 11 from Cambodia, nine from Thailand, nine from Hong Kong, eight from India, eight from Indonesia, eight from Taiwan and eight from Japan. Then there are smaller numbers, ones and twos, from Europe, the United Kingdom, the United States, the Philippines, Sri Lanka, Pakistan, Africa, Canada and Laos.

MR WALL: Are the students allocated to a specific school or college in the ACT or do they get to select where they attend?

Ms Evans: It is mainly based on their priority enrolment area, so where the family that they are living with is located in the ACT. If the family lives in Narrabundah, Narrabundah College would be their college.

MR WALL: What is the cost to these students?

Ms Evans: It is based on full fee recovery. For primary school, it is \$10,400 per annum; for high school, \$13,600 per annum; and for college, \$15,200 per annum for fee-paying students. However, there are students who are exempt from the fees, based on their parents’ visa class.

MR WALL: What would be the exemption on the visa class? Could we have some

clarification on that?

Ms Evans: The exemptions are quite specific. Fees are charged for people who hold a temporary visa under section 30 of the Migration Act. As temporary residents apply for a visa, they are required to make a declaration that they can support their dependants. So there are those people. However, if someone then becomes a non-temporary resident, the fees would be refunded. There are a number of categories around that. Temporary residents may include but are not limited to temporary business visa holders, international students at tertiary institutions, visiting overseas scholars and academics, refugees and applicants seeking asylum—that is not generally a thing, but it can be—and applicants seeking permanent residency and awaiting visa approval.

MR WALL: Of those 670 students, some of them are living with their family?

Ms Evans: Yes, they do.

MR WALL: And some of them would be—

Ms Evans: In home stay.

MR WALL: What proportion is in home stay?

Ms Evans: We have about 500 students in home stay this year, so it is quite a large number.

MR WALL: Of the cost recovery of fees charged to their families, does that also cover the cost of their home stay?

Ms Evans: No. That is their education fee.

MR WALL: It is purely an education fee? So the funds that are provided into the home stay hosts—

Ms Evans: That is a separate arrangement.

MR WALL: Between whom?

Ms Evans: The family pays, and we pay the home stay, but it is a set amount that is agreed.

MR WALL: Where does the money come from, though? Does it come from the students' family or does it come from—

Ms Evans: The family.

MR WALL: I have a further question. Obviously Narrabundah College's international baccalaureate program has been quite popular and is often fairly sought after by international students but also domestic students. Is there any intent or investigation to extend offering that program either within Narrabundah or at a second

college?

Ms Howson: While we have got somebody coming up to the table, the IB actually is being offered in other schools throughout Canberra.

MR WALL: Government schools?

Ms Howson: Yes. Again at this stage it is not a system-wide policy position. It is a decision, again, by the principal of a school in order to meet the needs of their school community. But I will let Mr Prowse talk about that.

Mr Prowse: Melba-Copeland also has an IB program. Sorry, I was walking across and might not have heard everything that Natalie said. The IB program operates within the Australian curriculum. The Australian curriculum is the curriculum for ACT schools. It is a pedagogical framework under which the focus is on an additional language. There are also some other—not constraints—requirements. The focus is also on an inquiry nature to pedagogy. It is not that different from a lot of schools. However, as you have mentioned, often people from overseas would seek out that program.

Telopea Park school also has the IB program. There are a number of our primary schools, including Forest Primary School and Red Hill, who are also involved in the IB program. That might sound a bit parochial because I am describing the schools in the network I work in, but there are other schools across the system as well.

MR WALL: The demand in Narrabundah College, years 11 and 12, is fairly pronounced. Is there any intention to expand it to other colleges for years 11 and 12?

Mr Prowse: Years 11 and 12, no intention. There is only a small group who engage in the IB program. There is a French language program as well at Narrabundah College. That is one mechanism by which people from out of area, not outside the priority realm and area, may seek to enrol. Canberra College also currently have an IB program, but they are looking to withdraw from that program. We are balancing need, numbers and what it does for the students in the school.

Ms Howson: Overall we are very confident that schools are implementing the Australian curriculum with a very high quality, robust offering for all students, international or other.

MR WALL: My final question while we are on international students is: is there a cap on the number of enrolments of international students that the territory will take in a given academic year?

Ms Howson: Not at this stage, no.

Ms Brighton: If I could add to that, we do put parameters around the number of international students that we place at particular schools just to ensure that the balance proportionally between local enrolments and international enrolments is maintained.

MR WALL: Is that done on a ratio basis or a percentage or just a raw number?

Ms Brighton: That is an excellent question. If I could just seek some advice on that.

MR WALL: I am happy if that is taken on notice.

Ms Howson: It is probably a case-by-case examination, depending on the school.

Ms Brighton: We could answer that question now. Yes it is based on a percentage. About five per cent is usually the limited number of students in the school.

MR STEEL: I have got some questions on the teach by design report. I was just going to ask: what are the key outcomes of the report that the ACT government is looking to implement?

Mr Borton: There are two actual resources. One is called *Great teachers by design* and one is called *Great teaching by design*. They are actually a framework of evidence-based practices that sit within a school to help school leaders and teachers inform their practice and decisions they make about the sorts of teaching and learning approaches they take at their schools. Those were launched in 2016.

What our particular branch in learning and teaching is now seeking to do is work with schools around the implementation of the learnings and the work that sits within those two documents. They are really a framework. There is a lot of evidence base that sits behind those. We are really working with school leaders via our directors of school improvement who have direct links with schools and understand the needs, because schools are not all in the same space with that. Some may need more support than others. What they really are providing is that strong evidence base behind why we should be implementing particular teaching approaches. At the school level we are looking at also the assessment approaches that they take, their curriculum delivery. More importantly, what these frameworks provide is a resource for school leaders and teachers.

MR STEEL: How is this informed by the latest evidence? I know that a range of jurisdictions are currently doing this sort of work. Are there similarities in that work?

Mr Borton: Yes, absolutely. We saw evidence more broadly, international evidence, which talks about the sorts of approaches that have a stronger impact than others. We have also partnered with Social Ventures Australia who have been doing a lot of work in this space. They have got a resource called evidence for learning. That looks at more local evidence and research based in Australasia. So we are using that to inform the practice as well.

But these two particular frameworks use a range of evidence, international, local and Australian, and this work was something which was done very intensively. I think the outcomes are that we have got a set of practices from kindergarten through to year 12 that we know, with a lot of confidence, can have a strong impact on student learning. It does not look the same in kindergarten, obviously, as it may look in senior secondary, but there are some particular strategies—for example feedback and how we give feedback to students about their learning—that could be relevant from kindergarten right through to year 12. But other things around homework, for example,

look different in primary school to what they look like in high school. So it looks at a broad range of things.

MR STEEL: Just in relation to that transition to secondary, what sort of retention rate do we have in the ACT between primary and secondary?

Mr Borton: That is more of a Robert Gotts answer.

Ms Berry: The number of children that are transitioning has increased slightly. That is a good sign.

MR STEEL: I am talking about government schools, obviously.

Ms Berry: Yes, and I am responding by referring to government schools.

Mr Gotts: If you look at page 68 of our annual report we have got figures for the past four years on retention and transition through from preschool to kindergarten, years 6 to 7 and years 7 to 12. What you will see in that is that there has been, as the minister has suggested, an increase in retention rates right across the different transition points.

Ms Berry: Just in regard to the last question around the teach by design, I think those documents and those programs complement the work that the ACT is doing in implementing Gonski and in implementing our reforms in that agreement and also the conversations that we will be having in the future of education paper.

THE CHAIR: Thank you, Mr Steel. I have noticed lots of new schools opening in recent years. What is the support that a new school is given that a pre-existing school might not have access to? What gets a new school up and running?

Ms Howson: That is also a very good question.

Ms Brighton: As you might expect, lots of planning is going into the development of new schools. One of the key things beyond the infrastructure is that we bring experienced principals in to provide advice in the initial stages of design. Importantly, we also bring on a whole range of staff well in advance of a school opening so that we can make sure we have the policies, the procedures and the administration of the school in place before school opens.

As we recruit the principal, the principal will bring in a whole range of existing policies and procedures, usually from the site that they have most recently come from. Then they will spend the month leading up to the opening of the new school recruiting staff and then doing a piece of work about establishing the sort of culture they want to see in the school.

That ranges across everything from the values in the school that they will co-design with the students, the administration, right through to uniforms. We not only invest quite significantly in the build of the school, we also make sure that we fund that early preparatory work so that when day one comes and we open the doors, the school is in the best possible position to ensure success for the kids.

THE CHAIR: That is good. There would be growing pains in the first year. Is there extra support given to these schools?

Ms Brighton: Yes. In respect of the additional resources that we put in for the first couple of years of a new school starting, we fund them to ensure that they can get everything from their libraries up and running through to their resources on site as well as just ensuring that there is capacity to build the teacher capability and support the teachers.

Part of that work is the development of a P&C, because schools are just not the students who come. Actually, it is the broader community. There is quite a bit of investment into local community connections, building strength around the connections and then growing the P&C but also the school board.

THE CHAIR: I know every school is different but, generally speaking, how many years is it until you consider that a school is established and not in need of this extra consideration?

Ms Brighton: It is generally just for the first couple of years that extra supports are in place. Once they are at year 3, usually they have a really strong student cohort. Our funding model provides the breadth and the depth of support that they need to be running the school.

THE CHAIR: Thank you. Mrs Kikkert.

MRS KIKKERT: Yes. My question—

MR STEEL: Is that a supplementary because I have a quick supplementary on that one, if that is okay?

MRS KIKKERT: Yes.

MR STEEL: It is in relation to a particular new school, the Charles Weston School in Coombs. How is enrolment growth at the school going since it opened?

Ms Howson: It is exceeding our expectations, I think.

Mr Bray: I can add a bit more information to what Ms Brighton said in relation to support. Just so you know, because schools when they first open do not have a large cohort of students, we also supplement their energy consumption, for instance. We supplement the fact that they are not operating optimally with their students. We give them additional funds during that three years to make sure that they do not run into any operating cost problems. Of course, as the student numbers build, the funding comes through the students with the student resource allocation model. It really gives them time to transition both in a pedagogical sense but also a building operational sense as well.

Mr Gotts: The answer to the question in relation to the Charles Weston School is that there were 146 students at Charles Weston in 2016, the year it opened. We have the

school down for 259 students, including preschool students, in 2017.

MR STEEL: That is P-6?

Mr Gotts: That is P-6.

MRS KIKKERT: A supplementary question, actually. Some schools in the south are struggling with numbers. Conversely, the north and Molonglo valley schools are oversubscribed. How are we keeping pace with supply and demand for school places? Will there be a need to close any ACT government schools in this term of government?

Ms Berry: I think what we are starting with is a bit of a feasibility study around east and west Belconnen, Gungahlin and Tuggeranong—is that right?—to have a look at capacity issues, looking at population growth in those areas, changes in behaviour of individuals, where people might like to live in the future and how we will have to adjust within each of our school systems across the ACT to the movement of people across our city. We have developments happening in west Belconnen and east Belconnen that will impact on our schools in those areas.

More broadly, there is a conversation around our education system through the future of education paper about school capacity and parental choice and behaviour when choosing where they want to have their children go to school. This is also another part of the conversation that we want to have with the community, because that affects our school capacity in different areas when families choose to have their family in different schools across the other side of the city.

It means that the schools closest to those suburbs where they live are actually having challenges in meeting capacity as well or getting their schools up to a number where those children are getting a quality education. All of these things need to be considered when we are having a conversation about school capacity. But Robert Gotts can probably give you some more information about the data and the movement that we already know is happening.

Mr Gotts: Essentially in the ACT there are different stories in different regions. We do a five-year forecast every year. We look at the movement of people, as the minister has suggested. It is primarily driven by demographic changes. In the south, for example, in Tuggeranong, the demographic peak for children in that suburb passed some time ago. That leads to a reduction in the number of children available to attend schools whereas obviously in Molonglo, parts of Belconnen and in Gungahlin, growth is much, much faster.

In order to keep pace with the demand, we look at a couple of things. First of all, we need to ensure that any child within a priority enrolment area is able to attend a school. There is, and has to be, a place for every child within that area. Outside that there is, as the minister indicated, some room for schools to accept out-of-area children if the schools are not full. There are a number of schools around the south Weston network that have space. So there are parents—those that choose to do—that put their children in those schools.

In the north, in Gungahlin, as the minister indicated, we are looking at feasibility studies for new schools in that area just based on what is clearly going to be continuing growth. Equally, in Molonglo we are looking at school sites for the growth that is clearly coming down the path there.

There is a new school due to open in 2019 in Gungahlin, in Taylor, specifically to pick up the growth in that area. There will be new schools in Molonglo as well. We also keep a watch on interstate migration and on transfers from New South Wales. There are currently 1,800 students from New South Wales in ACT schools, not counting preschools; just K-12.

That has been stable for the past few years but we watch closely and liaise with the New South Wales government on their plans and look at developments across the border as well to have a good understanding of how growth across the border may impact on us over time; as well as, of course, keeping track of the birth rate, which has just started to go up a little in the last year or two.

MRS KIKKERT: I have done my part in multiplying Canberra.

Ms Berry: There is also one other element and probably there may be others. We have not talked about the other part, which is movement within and out of areas as well: people moving out of Gungahlin from that priority area, then moving out to Tuggeranong or vice versa. People are just living their lives and we are adjusting to it.

Mr Gotts: Overall 38 per cent of children in our schools are in a school outside their priority area. There are certainly some benefits to a school if an area is quite full if children are in a different school.

MR WALL: Mr Gotts, you touched on Tuggeranong. You said that it is past its peak of enrolment as the families that moved there when they were new suburbs have grown up. Their kids have gone through. I know that, for instance, a number of schools in some suburbs have very small enrolment numbers, sort of teetering under or close to the 100 mark. With schools in neighbouring suburbs, what is the threshold then as to when they are no longer viable to keep open?

Mr Gotts: That is not a question I am able to answer.

Ms Howson: We do not have a policy on a particular threshold at this stage. What we do, though, is keep an eye on the resourcing that is going into those smaller schools to ensure that they are not disadvantaged because of their size and their enrolment numbers.

THE CHAIR: Thank you everyone. Before we adjourn, members who have supplementary questions should have them to the committee office within five business days after the uncorrected proof *Hansard* is made available. Answers to supplementary questions should be submitted five days after questions are received. Answers to questions taken on notice should be submitted five days after the uncorrected proof *Hansard* is made available.

At 2 pm the public accounts committee will take up the examination of the Office of

the Legislative Assembly. This committee will reconvene at 3 pm this afternoon to examine the Chief Minister, Treasury and Economic Development Directorate followed by the ACT Long Service Leave Authority.

Hearing suspended from 1.01 to 3.00 pm.

Appearances:

Stephen-Smith, Ms Rachel, Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations

Chief Minister, Treasury and Economic Development Directorate

Nicol, Mr David, Under Treasurer

Jones, Mr Greg, Director, Construction, Environment and Workplace Protection, Access Canberra

Fletcher, Mr John, DIF Manager, Default Insurance Fund, ACT Insurance Authority,

Young, Mr Michael, Executive Director, Workplace Safety and Industrial Relations

ACT Long Service Leave Authority

Josipovic, Goran, Deputy Registrar

THE CHAIR: Welcome to the resumption of today's hearing of the Standing Committee on Education, Employment and Youth Affairs for the Ninth Assembly. Good afternoon, minister. On behalf of the committee, I thank you and relevant directors and agency officials for attending today. This afternoon's proceeding will examine the 2015-16 annual reports of the Chief Minister, Treasury and Economic Development Directorate and the ACT Long Service Leave Authority.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement before you on the table. I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes as well as being webstreamed and broadcast.

Before we proceed to questions from the committee, minister, would you like to make an opening statement?

Ms Stephen-Smith: Yes, thank you, chair. I have read the privilege statement and acknowledge that. As members would know, work safety and industrial relations is a portfolio that impacts on the day-to-day lives of all Canberrans. Issues such as workplace health and safety, workers compensation, workplace injury management, long service leave entitlements, public holidays and daylight saving all form part of this portfolio.

In 2015-16 the government's work on this broad range of issues is described in the Chief Minister, Treasury and Economic Development Directorate output class 1.3. The business areas responsible for the delivery of this work are the workplace safety and industrial relations division, the ACT default insurance fund and the Long Service Leave Authority.

2015-16 was a significant year in the workplace safety and industrial relations portfolio and I would like to highlight some key achievements. During 2015-16 the

government expanded the territory's portable long service leave schemes to cover aged-care and waste management workers; legislated to increase compensation for workers affected by asbestos disease and streamlined the process for claiming such compensation; legislated requirements for large employers to appoint trained return-to-work coordinators to assist injured workers to get back to work; and strengthened laws to enable the WorkSafe inspectorate to respond to workers compensation compliance issues.

Every worker has the right to feel safe and secure in their employment, and we are building on the positive work of 2015-16 by focusing on improving employment conditions for territory workers. To this end, I have asked the work safety advisory council to investigate and provide recommendations to me on insecure work, including in the labour hire industry, and compliance with safety and injury management; curbing the prevalence of occupational violence in territory workplaces; and improving the territory's work safety culture, particularly in the construction industry.

I am pleased to advise the committee that the territory's public sector injury management performance is improving significantly. In 2015-16 the number of public sector lost-time injuries was 21 per cent lower than the previous three-year average. In the private sector, the most recent independent actuarial review shows that lost time injury rates are at a 10-year low. Although these results are pleasing, the recent tragic death of a construction worker at a territory work site provides a stark reminder of how important it is that government and industry work together to continuously improve safety.

To highlight the continued importance of construction safety, the work safety advisory council, which includes employer and worker representatives, has established a construction safety advisory committee to plan how to improve safety in the ACT's construction industry. The government strongly supports the fact that this committee brings together the Housing Industry Association, the CFMEU, UnionsACT, the Electrical Trades Union and the Master Builders Association under the one roof to consider construction safety.

In closing, I acknowledge the passing this morning of Riharna Thomson, who died following the workplace accident at Canberra racecourse. I would like to record the ACT government's sincere condolences to her family and friends and also acknowledge those at the Canberra Racing Club who obviously would be in a lot of shock and trauma at Riharna's passing. Our thoughts are with them today. I acknowledge that the family has asked for privacy at this time and I hope that will be respected. Thank you.

THE CHAIR: Thank you, minister. I will lead off with the questions. Can the minister update the committee on the expansion of the portable long service leave schemes?

Ms Stephen-Smith: I will hand over to Mr Young for that.

Mr Young: I have read and acknowledge the privilege statement. The territory previously operated four portable long service leave schemes. They were for the

building and construction industry, the contract cleaning industry, the community services sector and the security industry. Leading to the previous territory election, the government committed to expand the existing community sector scheme to include aged-care workers and the cleaning scheme to include waste workers. That required legislative amendment.

There was an extensive period of consultation with affected employees, employers, employer peak bodies and unions around how that expansion was to be conducted. Legislative amendments went forward and the expansion took effect from 1 July 2016. Since then the Long Service Leave Authority has been rolling out a series of education and awareness campaigns for affected employers and employees. The number of participants and registered employers has grown considerably. Perhaps Mr Josipovic could comment on how the implementation has been going since the commencement of the new arrangements.

Mr Josipovic: As Michael said, the implementation of the contract cleaning expansion to waste workers and the community sector to aged-care workers has gone extremely well. We have worked well with employers to make sure that they understand their legislative requirements under our act. We have visited most of these organisations and helped them submit their quarterly returns and make payments. From our point of view we have done extremely well, and most of the employers are happy with the rollout.

THE CHAIR: What is the compliance rate like? Are there people who have not got involved in the scheme yet?

Mr Josipovic: One employer is still providing us information, but we have seen that employer a couple of times and they have agreed that they will provide us the information and make payment in the next few weeks.

MR STEEL: I have a supp. In relation to employees who move to different employers, which is, of course, the purpose of the scheme—to keep their super continuing over with their new employer—do you track how many employers that employees move between over a period of time?

Mr Young: Yes. The Long Service Leave Authority has a comprehensive database, which picks up registered employers and employees, and allows for the frequency of movement, both between employers in an industry and also across industry sectors to be tracked. A recent demographic study has been commissioned and released with information of that nature. It has been acknowledged as a very useful and helpful study by the work safety council.

MR STEEL: Can you provide on notice the link to that report?

Mr Young: We certainly can.

MR STEEL: I would be interested to know how many shifts, transitions, there have been for each different industry.

Mr Josipovic: We have that report on our website. It is the community worksafe

work analysis report under the community section.

Mr Young: Perhaps, by way of example, I have some figures here, albeit not for the full scheme but for the childcare services subsector of the community scheme. That study found that in the first five years of the scheme's operation, registered employees changed their employer 5,600 times. That is indicative of the high rates of movement between employers in the scheme, which was the very reason for implementing portable long service in the first place.

MR STEEL: Is there a figure per person for transitions?

Mr Young: In that particular scheme I think it averages out at about 1.4 movements per person. But to be clear, that was for one sector. There would obviously be differences across the four schemes.

MR STEEL: That per person figure is provided in the report for each different sector?

Mr Josipovic: Correct, yes.

THE CHAIR: Minister, I have a supplementary on that. Have you had any feedback from employees on having this scheme introduced?

Ms Stephen-Smith: I have not personally.

Mr Young: I represent the ACT government on the tripartite work safety council, on which UnionsACT and several other unions are represented. The scheme expansion was discussed on a number of occasions during the development stage; it has been discussed in the period since. It is highly regarded by the unions and also, I understand, the employees who have accessed the service. In fact, I think the authority is recognised by other jurisdictions as having excellent levels of accessibility for both employers and employees wishing to claim benefits.

MR WALL: A supplementary, chair. What is the government's current intention with the portable long service scheme? Is there a desire to continue expanding the scope and breadth of it to apply to more occupations and industries, or do you think the balance is about right?

Ms Stephen-Smith: I am not aware of any current plans to expand the scope. I guess I would be taking advice on that.

Mr Young: There are no plans afoot.

MR WALL: That would be a relief to some sectors. The other item that is always controversial is the percentage of payroll paid into the funds. How are the four funds travelling? I notice there are some differences between construction and the other sectors. How are the balances looking in investments? Is there likely to be an increase or a decrease of any of the funds in the current or future financial years as the board's planning continues?

Mr Young: An independent actuary examines the financial position of the respective funds and makes recommendations to the board. Perhaps Mr Josipovic could comment on the potential framework around that.

Mr Josipovic: Yes. Up until July we will be getting our triennial review where the actuary will go through all our data and see whether the levy is tracking against the liabilities. What we see at the moment is that there is no upward pressure on those levy rates. If anything, there may be a downward trend, but we cannot say how much. Once that triennial review is completed this year, recommendations will be made to the board and the board will recommend to the minister.

MR WALL: When is that review due to be completed?

Mr Josipovic: We have given the actuary the data and we are hoping to get the report July- September.

MR WALL: In that window. You have touched on the balances; there is not a lot of upward pressure on the balances. As far as employees entering the scheme, there was a lot of conjecture around the cleaning industry and the security industry to some extent that often people involved in employment in those industries are so during study or while here on short-term visas and often depart not just the industry but the jurisdiction and the country in some instances. What has the payout rate been for those two?

Mr Josipovic: Unfortunately we do not track whether they are on a visa or a 457 visa, so if they—

MR WALL: Tenure in the industry would be more accurate. So not what their personal situation is but how long an individual is in the scheme before they exit. Particularly for cleaning, what is the exit rate like?

Mr Josipovic: In cleaning they have to stay in the industry for seven years. Once they have the seven years they have an entitlement. We are finding in that industry that people are taking a break and then are coming back as well. We track that as well. But as far as the payout rate, it is low at the moment. But we are at that stage where cleaners can have the opportunity to get a payment from the authority.

Mr Young: If I could add, I have spoken to some employers who similarly have expressed concern that they have employees who are clearly not going to be in the industry for the qualifying period. They have expressed concern that they are paying a levy on their wages, to which I responded that the levies are set periodically based on the assets and liabilities in the scheme. So even though they have contributed for an employee who may in the long run not access the benefit, there would be an offsetting reduction in the total levy as a result of the ongoing reviews.

MR WALL: We are often talking over a 20-plus year time frame before that offset starts to affect the payroll of a business.

Mr Nicol: Mr Wall, that is the reason we employ actuaries: to try to estimate what that wastage rate, if you use that term, is so we anticipate as far as we can actual

events rather than wait until they actually occur. The rates anticipate that sort of turnover. Of course, when we get actual experience we get better and more accurate data and we manage it over time. But that is certainly the intent.

Mr Josipovic: To add to that, too, the cleaning levy rate used to be two per cent and it has come down to 1.6.

THE CHAIR: Mrs Kikkert, do you have a substantive?

MRS KIKKERT: I do. What consultation was undertaken with regard to the legislation relating to public holidays that fall on a Sunday?

Mr Young: There was certainly consultation with the work safety council, as we have described earlier. That is a tripartite ministerial advisory council which includes union, employee and government representatives. The proposal would have been put specifically to that group and submissions received in response. It was quite some time ago that the consultation on those changes was made. I might take on notice the question of any additional consultation that was undertaken.

MRS KIKKERT: Okay. I have heard that there is talk about having an Indigenous day. Would that be going forward and if so, would that day replace an existing public holiday or would that be a brand new public holiday?

Ms Stephen-Smith: In August last year the Assembly passed a motion that supported the implementation of a reconciliation day in 2018. Consultations around that are ongoing, so it is definitely our plan to do that. We are still working through consultations with a range of stakeholders around which day would be replaced. It is most likely to be Family and Community Day. I do not think I am giving away any secrets there. There is still a question about what time of year it would be and there are some issues to resolve around that. I am hoping to be able to say something a bit more concrete before too long.

MRS KIKKERT: Are Indigenous people included in the discussions of this special day?

Ms Stephen-Smith: Absolutely. I was not around at the time, but my understanding is that the Elected Body was almost the first cab off the rank in terms of consultation around that. They gave some pretty clear advice to the previous minister that then helped steer the public consultation on that matter.

THE CHAIR: A supplementary: what are the benefits to this legislation in providing more support to public holidays?

Ms Stephen-Smith: The weekend public holidays?

Mr Young: The weekend or the reconciliation?

THE CHAIR: No, to the original public holiday question. What are the benefits?

Mr Young: I think previously it was around Easter Sunday, for example, which was

not declared a public holiday. As a result, the penalty rates that would apply to people employed on a Sunday would have been at the standard Sunday rate. By declaring it a public holiday, the public holiday rates apply, so that provides recognition of the importance and the relevance of Easter Sunday and sets up a more equitable situation for workers who are employed on weekends.

THE CHAIR: Who are the workers likely to be working on that day, for example? Which industries are they? Which employees are most likely to be affected?

Mr Young: A wide range of employees. There is a whole range of government services that operate on a Sunday—hospitals, public transport and so forth—and obviously your entertainment, hospitality and retail sectors. Essentially, any industry that was subject to an award that differentiates between a standard Sunday and a public holiday was affected by that change, and deliberately so.

MR WALL: A supplementary: minister, in identifying a reconciliation day public holiday, you said that it is likely to be Family and Community Day. With a realignment of the date, will there be an intention to try to avoid the problem that exists, which is often a complaint of many people, which is that we have the Family and Community Day and a week later it is the October long weekend, with obviously a large number of people taking huge chunks of time off? For government, as well as private industry, that creates a bit of a nightmare in ensuring staff availability. Will it be sought to realign that holiday into a month where there is not currently a public holiday?

Ms Stephen-Smith: There are a number of issues around that. Some people obviously like having the two public holidays in October quite close together, but there are obviously concerns around that. There are also issues to balance around the spread of public holidays throughout the year. Reconciliation Week is in May and logically it would make sense to have reconciliation day in Reconciliation Week, but there are also quite a lot of public holidays in the first half of the year. The issues we are working through include when will be the best time of year to have it, what the implications of that are and what the implications are for different stakeholders. One of the issues, of course, is around alignment with school holidays. There are pros and cons on that front too.

MR WALL: Is it the desire to align public holidays with school holidays?

Ms Stephen-Smith: Not necessarily. It is just that there are going to be different implications if they are aligned versus if they are not aligned.

MR WALL: Pros and cons each way.

Ms Stephen-Smith: Yes.

THE CHAIR: Mr Wall, a substantive?

MR WALL: Yes, on the default insurance fund. I will direct my questions to you, Mr Fletcher. The annual report outlines, obviously, the number of new claims and claims closed and continuing claims that have been made on the default insurance

fund. On how many instances in the reporting period were employers sought down for failing to adequately insure their employees?

Mr Fletcher: I am the fund manager. That is really a question for WorkSafe, as the regulator. When the fund receives a claim from a claimant we seek to identify the employer and we notify WorkSafe, who are responsible for taking action against employers. At the same time, though, we seek to negotiate with the employer, when we can identify them, to attempt to get them to meet the costs of the claim that are incurred. We have limited success in that space. We often find some employers are comfortable to meet some of the costs early on, then when they understand the magnitude of the claim they tend to stop paying and sometimes they become insolvent and disappear.

MR WALL: What is the current levy on workers comp premiums to pay into the default fund?

Mr Fletcher: It is 1.4 per cent.

MR WALL: Of the premium?

Mr Fletcher: Of the premium pool, yes.

MR WALL: The collapsed insurer fund is also you?

Mr Fletcher: Yes.

MR WALL: There is a substantial holding in that by comparison to the default insurer fund. How did those funds accrue?

Mr Fletcher: There is some history to the asset base that currently exists in the collapsed insurer fund. Back in 2001, when the HIH collapse occurred, the government was concerned about the pressure on businesses to try to meet the costs of those claims, obviously in an environment where there is no funding, so they made an appropriation to the fund. My understanding is that it was about \$30 million. The fund has used that to manage those claims. We have made a couple of repayments back to the budget to repay some of those funds, so the balance that is there at the moment is now made up of a whole bunch of different things—investment returns, and we have had some payments from liquidators at HIH.

MR WALL: It says one in the reporting period.

Mr Fletcher: Yes. Those are the significant assets there. I need to make a decision about how to manage those assets moving forward. There probably needs to be a conversation with the Under Treasurer and the Treasurer about the funds that were obviously appropriated from the budget, which are in effect owed to the budget. I have not had that conversation yet, but it is probably timely given that most of the run-off has gone in that space.

MR WALL: I notice that there was one claim opened during the reporting period and there are two ongoing. What is the likelihood of additional claims arising? We are

now going back quite a number of years since those collapses.

Mr Fletcher: The claim that is on the fund, which is a national employers mutual claim, is for a gentleman who had a catastrophic injury; he had some significant injuries. We have not been able to settle with him. He is comfortable to continue just to receive payments, despite our best efforts to settle out with him. The claim that has reopened is from a gentleman who made a claim on the fund quite some time ago. Part of his injury was that he had some dental damage. With the passage of time he is now in a position where he needs to go and get more work done to replace the dental work that was done when he was injured. So we have reopened the claim to meet that cost.

MR WALL: So the arising claims are largely going to be former claimants rather than new ones?

Mr Fletcher: They are. There is some risk that there will be some latent-type claims. We had another claim that was associated with hearing loss. The gentleman was involved in the panel beating, car repair industry. He was a HIH-insured employee and he suffered from hearing loss. That is another claim that has come quite late.

MR WALL: I see Mr Jones is here. Can you address the first question, which is about recouping funds from employers who do not do the right thing?

Mr Jones: Could I just get you to repeat the question, Mr Wall?

MR WALL: Your office, it seems, has launched into trying to recoup or address under-insurance or un-insurance of workers who have been required to make a claim in the default fund?

Mr Jones: In terms of the exact detail, I will have to take that on notice. Our workers compensation team has a proactive approach in terms of making sure there is compliance. That is primarily on an engage and educate basis. But we also deal with complaints. For example, where an employee who may be on workers compensation has his payments ceased, we would investigate. If he is concerned and does not think that is appropriate, we would investigate the circumstances of that. In terms of the actual numbers and things, I would need to take that on notice.

MR WALL: Okay. The number of cases opened and the success rate would be good for the two past financial years. Are we able to get a bit of a breakdown for the new claims opened in the default insurance fund? I think it was 13 for the reporting year. Can we get an idea of what industry they are coming from?

Mr Fletcher: I can tell you what the current profile looks like, if you like.

MR WALL: Please.

Mr Fletcher: The claims are categorised under an injury coding system. Perhaps if I tell you what the top five are because then they run away to single numbers?

MR WALL: Yes.

Mr Fletcher: There are three in carpentry, two in plastering and ceiling services, two in cafes and restaurants, two in takeaway food services, two in adult education and from then on they are single items. There is specialised machinery factory, residential building and construction, bricklaying, plumbing, fencing, other constructions, scrap metal, clothing, shop-based retailing, pub, tavern and bar operation, road freight, taxi cab services, domestic cleaning and hospitality. The claims tend to cluster in the construction industry or in the retail-type services industry.

Mr Young: If I might add, one of the metrics that we monitor as part of the overall monitoring of the total workers compensation scheme performance is uninsured claims. We do that over a number of years. As Mr Fletcher has pointed out, there is no clear industry trend. We tend to see it where workforces are highly mobile. You might have an employer who operates in New South Wales and the ACT, or small employers. Quite frequently, when those are examined, the person has had an insurance policy in the other jurisdiction, mistakenly believing they were covered in the ACT.

There is a whole range of factors that might result in an employer not having a policy. Although the territory does have amongst the most severe penalties for under-insurance and non-insurance, each case does need to be looked at on its merits to determine whether recovery action should proceed. Going to your original question, it tends to be more around size and mobility of workforce rather than necessarily particular occupations or industries.

MR STEEL: I just have some questions in relation to workplace safety and industrial relations in particular. Regarding output 1.3 on pages 35 to 41 of the report, the discussion and recommendations arising from the getting home safely inquiry, I am wondering how those recommendations have been implemented by the government.

Ms Stephen-Smith: Mr Young will take this, but I will say that that was one of the questions that I asked, too; I am pleased to say that, in terms of the recommendations that the government had responsibility for implementing, the record is pretty good. I will let Mr Young elaborate.

Mr Young: It is, actually. I will begin by saying that the final recommendation of the *Getting home safely* report was to review the implementation of all 28 recommendations. That review has commenced. It is in three broad streams. Firstly, we are examining exactly the question that you put, looking at the actions that have been undertaken and assessing them against the specific recommendations. There is also an independent research piece which will involve a series of workshops and an online survey to test the safety culture in the construction industry because, at the end of the day, while there are 28 specific recommendations, the overall objective was to improve the safety culture and reduce injury rates. That will be a very important tool for determining whether the report and the recommendations have been successful overall. Finally, there is a piece around identifying what actions are important in future, and the committee that the minister referred to previously will be instrumental in that.

Overall, that is where the review is heading. But to go to the point of how many of the

28 recommendations have been implemented, the tripartite committee that is assisting us on this matter has determined that 24 of the 28 have been implemented. There are four where there is ongoing attention being paid but differences of opinion in terms of what the appropriate action by the parties is. A point to make there is that those recommendations call for action by non-government parties, so obviously there is an ongoing negotiation with unions and employer associations to action the recommendation. While the view of that committee was that there has been action in the space broadly identified by those four recommendations, they have not been exactly implemented.

THE CHAIR: I would love for you to delve a bit deeper on that. You said that four have not been implemented yet. What are those four?

Mr Young: The tripartite committee that has considered this question identified recommendations 10, 11, 17 and 18 as having not been fully implemented.

THE CHAIR: What are they?

Mr Young: Recommendation 10 is:

The Master Builders Association and the Housing Industry Association should lead the development of clear frameworks for the management of safety on ACT construction sites ... WorkSafe ACT and ACTPLA should provide input to this process to ensure that legislative requirements are addressed.

Recommendation 11 is:

The Master Builders Association and the Housing Industry Association should include in any guidance on safety frameworks for their members the allocation of responsibility for overseeing safety on projects, the recommended minimum training and competencies for such roles and the appropriate safety governance processes which should be in place, recognising the varying types and sizes of employers in the industry.

Recommendation 17 is:

The ACT Building and Construction Industry Training Fund Authority should review its approach to subsidisation of training costs to focus on high priority areas which align to the industry's strategic medium to longer term goals.

Recommendation 18 is:

The body responsible for strategic oversight of construction industry training should commission appropriately qualified independent evaluation of key training programs to determine whether anticipated outcomes are being achieved—that is, whether the industry is getting value for money from its investment in training. This information should inform future strategic planning. A proportion of the ACT Building and Construction Industry Training Fund Authority's resources should be set aside for this activity.

If I could add something, these are matters that have been looked at quite closely for some time, and now by the committee that is involved in reviewing actions that have

been taken. I guess formal opinions and reports on that will be provided as part of that review process. At this point, this is just the views of the committee that is involved. There has been an acknowledgement that work has been going on in this space, but perhaps not literally as described in those recommendations.

THE CHAIR: In relation to the MBA and HIA, you just identified a couple of recommendations where they have not been compliant; they have not been working with you. Are there any recommendations where they have been working with you?

Mr Young: We would not say that they have not been working with us; I would just say that their views on those specific areas did not exactly align with the recommendations. As the minister pointed out, we work on a number of consultative forums with those organisations. In my view, and Mr Jones may wish to add something, they are committed to improving safety, and expend significant resources doing so, just perhaps not in exactly the manner that is described.

THE CHAIR: What is stopping them from completing those recommendations? You outlined two that the MBA and HIA have not been forthcoming with. What is the reason for non-compliance in those areas? What do they say?

Mr Jones: I think it is fair to expand on what Michael has been saying in terms of the various consultative committees that are around. For example, there is a construction safety subcommittee of the safety council, which is a tripartite organisation. We are making some good progress in meeting some of the outcomes of these recommendations. I cannot speak for the MBA or the HIA. They certainly are engaging though; I can assure the committee of that. But to reiterate what Mr Young said, I think they see a solution not necessarily in the wording of the recommendations in the *Getting home safely* report but in approaching it through a more cooperative and whole-of-industry approach rather than them necessarily taking the lead.

I think it is fair to say that they certainly are engaging. They are certainly interested in the safety of all workers, including their members. I think their view is that a more even-handed way, getting all parties involved, obviously including government and unions, is a better way to get a coordinated, agreed approach, rather than them necessarily taking the lead.

I think that is probably the best summation. Yes, they certainly are engaging. Yes, they are keen on improving safety; they are certainly committed to that. But I think they just see the approach slightly differently to what is in the recommendations.

THE CHAIR: I definitely acknowledge these industry groups' involvement in the numerous government entities that exist that are dealing with safety. I do find it very confronting, though, that the *Getting home safely* report was commissioned, and it was a very important piece of work, and you are telling me that there are entities that are not cooperating fully with it, if that makes sense.

Mr Young: I am not sure that I would use that language. There were 28 recommendations. Government accepted those recommendations. A number of those recommendations called for actions by parties not under the direct control of government. Since then we have been working closely with those parties in an

ongoing way to address safety and to action the recommendations.

THE CHAIR: I acknowledge your point that these are non-government organisations and we cannot tell them what to do without going a bit too far, but you said that they have got their own views as to how to address these things. Do those views match up with the government's view and the government's view of how to address workplace safety? I accept that there are different opinions on these things, but sometimes people's opinions are wrong, and we are talking about people's lives here.

Mr Jones: As a broad comment, it is probably a matter of more methodology in terms of what is there rather than principles, outcomes. The feeling I get, and certainly my experience in the extensive dealings I have with all sides of industry, including the unions, is that everyone is on board to get an improved safety outcome. I do not think there is any doubt whatsoever about that. All of the participants are very passionate about that. We all know the trauma of any sort of injury, let alone a serious injury or a fatality. That is certainly acknowledged.

In achieving those recommendations in the *Getting home safely* report, it will probably be from a slightly different, more cooperative direction rather than through the employer industry representatives necessarily taking the lead on that. I would just like to reiterate that they are engaged. They are certainly participating in that. I just think that their own view—it is up to them—is to go about it slightly differently. My view is that we will get to the outcomes that are desirable and necessary, but perhaps in a slightly different way to what the getting home safely committee thought might be the best outcome. And depending on the final review outcomes that Michael has been talking about, those sorts of comments may come out as part of that review. In terms of its conclusions and, I guess, its judgements on how successful that report has been, I do not think those recommendations are going to get a zero score. I think there would probably, I would anticipate, be a recognition that progress has been made, but perhaps from a slightly different angle. We are now five years down the track, so views, experience and knowledge have changed. As long as we are achieving those outcomes, I think that is probably reasonable.

THE CHAIR: Thank you.

MRS KIKKERT: Can you please provide some further details regarding—

THE CHAIR: I think it is my substantive.

MRS KIKKERT: Go ahead.

THE CHAIR: One of the highlights for 1.3 was about manning the process for compensation for work with asbestos. Could you please provide an overview of these amendments and also outline the mechanisms for compensation.

Mr Young: Prior to those amendments being made, the statutory workers compensation benefits that were available for somebody who was suffering from an asbestos disease were, I think, by any measure, extremely inadequate. Take, for example, a typical mesothelioma sort of sufferer. These tend to be people who have already reached the retiring age or are very close to it. Consequently, there was no

entitlement to payments for statutory economic loss. The workers compensation scheme in the ACT private sector only pays permanent impairment lump sums for certain listed injury types, and mesothelioma was not one of those listed injury types so there was no payment for statutory permanent impairment available.

Generally, a person in that situation would often find themselves, even if they were able to successfully make a workers compensation claim, entitled only to medical benefits and rehabilitation services to the extent that that is relevant. Consequently, instead of taking up those statutory workers compensation benefits, people often would instead elect to pursue a common law claim. As you would imagine, in an asbestos case where the exposure occurred many years in the past, it can be very difficult to even find an insurer that was on risk or an employer. Those kinds of law matters, where they occurred, would take a very long time. They would be complex, and often a person would die before they would be able to access any payments arising. It was a very difficult situation for a private sector worker with mesothelioma.

The changes that were made essentially did two things. One was to add mesothelioma to the schedule of conditions that are entitled to receive statutory lump sum payments at 100 per cent of the available rate. And changes were also made to centralise the management of those claims within the default insurance fund. That allows a single point of contact for those workers and the ability for us as government to ensure that the process of claim is as stress free and accessible a process as possible.

Those are the two changes that have been made. They will commence in July this year. The funding for those costs, for those claims, will be via a levy on workers compensation insurers. It was necessary to introduce a levy due to a problem with the way the policy indemnity operated. There was a circumstance in the territory where a disease only occurs on the date of diagnosis; however, the exposure and the employment activity that caused that can be many years in the past. And a workers compensation policy currently does not necessarily indemnify for the exposure where the disease occurs within a particular policy period, so it was necessary to introduce a new funding model to cover the cost of those claims and to ensure that that workers suffering from mesothelioma are able to access compensation as quickly and in as stress free an environment as possible.

MRS KIKKERT: Can you please provide some further details of the Safe Work Australia subcommittees and working groups that the ACT is represented on? That is referred to on page 35.

Mr Young: Safe Work Australia is essentially a tripartite committee with representatives of all states and territories and social partners—employer peak bodies and unions. It is responsible for improving nationally arrangements for work health and safety and workers compensation matters. It has a committee structure which comprises the safe work committee. Sitting underneath it there are two strategic issues groups, one for workers compensation and one for work health and safety, and the territory is represented on all three of those committees.

At a lower level there are a number of temporary advisory groups that have been established to do policy work on a range of issues. Active temporary advisory groups at the moment on which the territory is represented include, but are not limited to, the

harmonisation of explosives legislation nationally, arrangements to introduce a national guide for the evaluation of whole person impairment, and a tripartite committee with representation from medical colleges to periodically review those national guidelines.

There are temporary advisory groups on high-risk work licensing, engagement with general practitioners around return to work, mental injury in terms of both prevention and management, and return to work for people who have suffered a psychological injury. There are several others which do not come to mind at this point in time. There are additional committees that look at research. The department operates a research program and they take advice from jurisdictions via a subcommittee. As part of that they maintain annual reports around comparison of workers compensation arrangements. They also operate the national mesothelioma register.

It is quite a broad program of work. The territory is represented on the majority of those subcommittees. It is a significant expenditure of our resources. However, the Safe Work model does allow small jurisdictions such as the ACT to tap into national resources. I must say, with the work that Safe Work does and the guidance material, the codes of practice and other resources that they have released, it would not have been possible for the territory to produce those. In a sense, I think the territory and our regulatory frameworks for safety and workers compensation profit greatly from our participation on Safe Work Australia.

MR WALL: Minister, does the workers compensation policy for the ACT public sector fall under this purview?

Ms Stephen-Smith: Indeed, yes.

MR WALL: I understand there has been a fair bit of work done to try to rein in the cost of the public sector workers compensation premium. Where is that up to? What is being done and what is likely to happen in the near future?

Mr Nicol: I can start and Mr Young can fill in a lot of the details. By way of background, we have seen pretty significant rises over the past seven or eight years in our premium. They are obviously in the Comcare premium. Comcare both manages claims and manages payments for workers compensation. We pay a premium which they determine each year; they essentially tell us what that premium is. We can engage in a bit of a discussion with them and try to argue that premium down a bit, which we do, but ultimately it is based—

MR WALL: Undoubtedly, they factor that in now.

Mr Nicol: Yes, they probably do. Ultimately, it is based on our performance and the conditions of their returns in their invested pool of assets. It is probably fair to say that they let their premiums drift a bit; they got into a deficit situation and they have had to catch up. It is fair to say too that whilst we are a different workplace than the commonwealth—we are much more heterogeneous than the commonwealth is—we are seeing the same trends as they are in terms of claims escalation et cetera over time.

The government has done several things to address this issue. The first measure was

that three budgets ago the government invested additional funds in return to work effort. They employed additional staff in Mr Young's area to manage the claims of workers who suffer an injury from our perspective, essentially, outside the Comcare scheme. That focused on both injury prevention and on that very vital early intervention in the first week after a claim. The evidence is very strong that if we can get a worker back to work quickly, the chances of a protracted claim diminish a lot. That is particularly the case with claims for psychological injuries.

We are also looking at how we can have more flexible employment arrangements, so that if an injury means someone cannot work in a particular position we can move them to other positions that might be more suited and get them back to work and engage with them very quickly and smoothly. The evidence in that regard—and Michael can go into this—has been very good; we have had very good results. Our premiums are now starting to fall as a result, and our injury claim rates are starting to fall, which is really pleasing not only from a financial perspective but from the health—

MR WALL: From an employee perspective.

Mr Nicol: Yes, the health of our workforce, which is, in a sense, my number one goal and the government's number one goal as well. At the same time the government considered whether we should remain in the Comcare scheme. We have been doing some analysis about whether we should withdraw from the Comcare scheme and set up our own insurance arrangements.

MR WALL: Self-insurer.

Mr Nicol: Either a self-insurer or engage private sector insurers to take our risk instead of Comcare, and whether the design of the compensation arrangements under Comcare is appropriate. It is a scheme that is largely designed around permanent incapacity; almost a pension scheme rather than a scheme designed to focus on return to work. We have undertaken some pretty significant engagement with our union representatives and our workforce representatives on this, and that has been ongoing.

The government is still considering its policy in this area. The government announced before the election that it booked essentially an expected saving from withdrawing from the scheme. In the pre-election period the government decided to reverse that, given that the scheme had not been implemented, but to continue to work on what the response was. In the budget review the government included a provision for a saving from workers comp, from the workers compensation scheme, based on decisions that it is expected to make in the lead-up to this budget as to what action it will take on the workers compensation scheme.

There are three choices under active consideration. They are not mutually exclusive but in some aspects they are. The first is to remain in Comcare, continue to improve our management of our workforce and reduce our claims, therefore reducing our premium. The second is to become a self-insurer under Comcare. So we would essentially manage the claims ourselves instead of having Comcare manage them but we would remain with Comcare being the risk taker, and the compensation would remain to be paid through Comcare. The third is to set up our own scheme and

withdraw completely from Comcare.

Those matters are still under consideration. We are still working on the benefits and costs of each of those proposals. Michael, do you want to add anything?

Mr Young: I think you have covered it very comprehensively.

Ms Stephen-Smith: I might add some detail. It may be an obvious corollary to what David was saying, but in addition to supporting people to return to work early, prevention is also important. There has been a significant investment across the ACT public service in preventing people from incurring injuries in the first place, which obviously is the most effective thing we can do, if we can get that right. There are things like supporting managers to manage mental health better in the workplace and those types of initiatives that are preventing people from making claims in the first place.

Mr Young: Mr Nicol and the minister indicated that the project to set up a new workers compensation scheme and to exit Comcare was one part of a multi-tiered strategy. We have invested very heavily in hiring additional staff, staff with allied health qualifications, investment in new ICT systems and whole-of-government interventions. As a result we have seen very significant improvements in both our injury management, injury prevention performance, and in the premiums that we are paying to Comcare. After a period of significant premium increases, we have seen, for two years in a row now, very significant reductions. The premium that we are paying in 2016-17 was a 13 per cent reduction on the previous year and there was a similar reduction in the year before that.

We are certainly seeing very significant improvements. I am hopeful that next year's premium, which we will learn of officially in July, will reflect another reduction. Certainly, Comcare's financial position is improving. It is important to note that, to a large extent, the very rapid increases that we saw in the premium rate that the territory was paying were off the back of a deterioration in Comcare's financial position in the period following the GFC. So external economic factors had to be factored into Comcare's premium price.

MR WALL: What do the other jurisdictions do in this space? Are New South Wales and Victoria still part of Comcare or have they gone their own route?

Mr Young: The territory is the only public sector that outsources responsibility for its workers compensation to another jurisdiction.

Mr Nicol: That is essentially a fact of our history—once being part of the commonwealth.

Mr Young: Others are either self-insured or insured within their own jurisdiction schemes.

MR STEEL: I have some questions about how WorkSafe conducts site visits and particularly the strategic approach there. How many random site visits are conducted and how many are conducted where there is a particular complaint lodged?

Mr Jones: Thanks for the question. If it suits, I can give you a bit of a history just to show some changes which have been made to our program over time. In terms of our proactive visits, which are the ones where we target certain broad areas as part of a program for particular industries, in 2015-16 we did 1,430 and so far, to date in 2016-17 until the end of February, we have done just under 1,200. We will no doubt exceed last year's level.

In terms of reactive visits, when we attend based on a complaint or an incident, in 2015-16 we did a bit over 2,800 and to date, to the end of February this financial year, we have done just under 2,100. That is probably about on par with last year.

In terms of our asbestos team, which is largely a proactive team but slightly specialised, last year, 2015-16, we did about 1,170 and this year to date we have done a bit over 1,200. That is the pro rata with those visits per year.

MR STEEL: And is there a risk-based framework that you use?

Mr Jones: Yes. At the moment we are just reassessing how we determine our proactive program. At the moment it is based on workers compensation figures which we get. The difficulty with that claim data is that it can run 12, 18 months behind times, out of date, because those numbers take a fair while to come through. What we have been feeding in over the past 12 months or so is our own intelligence and our own experience in the field and feeding that into targeting particular industries.

We are just about to set up an internal management committee which will pull a whole range of data together, which will include feedback, or intelligence if you like, from employers and unions on issues that they see. We will use that as a much more, I guess, responsive, proactive program in terms of meeting our particular targets.

Some good examples of what we have been doing in that space are: last year, based on some evidence of noncompliance, we did a full audit of tower cranes in the ACT. We told the industry that we were going to do this, and we were targeting every tower crane that was set up in the ACT. Typically we would run about a dozen tower cranes. At the moment we are running about 25 with our routine inspections. Some of that compliance was not particularly good and we were seeing repeat issues with noncompliance. So we did a target right across every tower crane, as I said, and engaged with the industry.

The results, I would have to say, from a compliance point of view were quite disappointing, given the amount of information we put out that we were in fact going to do a proactive, targeted campaign on those. During that campaign, despite the warning, we issued a number of prohibition notices and multiple improvement notices based on the issues we found. That was well publicised.

The various industry bodies, including us, did a fair bit of media on that outcome. We are just about to go and revisit all of those tower cranes to see whether the improvements that were made at the tail end of that audit have been sustainable. Given the amount of effort and publicity we put into that audit, we would probably pop it a step up from our engage-and-educate approach with the first one to a bit of a

stronger one in terms of the compliance, because there should not be any surprises in what we are doing.

Another good example is that in the next week or two we are about to set off on a very expansive scaffolding audit, taking into account both commercial and residential areas. We are engaging and have engaged for some time with the industry on what we will be looking at in terms of our targets with that, and that will be launched in the next week or two.

The reason for that is that falls from heights are one of the major areas of concern that we have had and one of the higher areas of incidents. As you would well imagine, if there is an incident with a fall from height it can be catastrophic in terms of the injury, even with a fall from a height which does not have to be particularly high. That is going to be our next target. I guess that is a reflection of how we are adjusting our proactive program in those areas.

MR STEEL: So these theme-based audits are helping to educate as well as having an active compliance side to them?

Mr Jones: Yes, absolutely. Our primary motive is to engage and educate. In an ideal world we would let people know what we are doing and we would go out there and find full compliance because they know we are coming. Ideal world does not really exist. So we do remind people of their obligations. Some people are, believe it or not, a bit unaware of their obligations and sometimes it is a little confusing between principal contractors of a large site, I guess, fully appreciating their responsibilities, and their subcontractors. They think that, because a subcontractor is a separate company, work health and safety for their employees is all the subcontractor's responsibility, which is clearly not the case. The principal contractor does have responsibilities for the whole site, irrespective of who is there.

There is quite often some education in that area, but engage and educate is primary. When there is significant noncompliance or something of significant safety, then clearly we react very quickly, including prohibition notices as necessary.

MR STEEL: In terms of the intelligence that you receive—and you mentioned that unions provide you with intelligence on a regular basis in relation to work safety on particular sites—what impact might recent federal legislation, particularly ABCC legislation, have in regard to unions having restricted access on work sites, and how might that affect the intelligence that you will be receiving in the future?

Mr Jones: In some ways we will need to wait and see but we have got a very good working relationship with both employers and the unions in terms of reaching a goal of work health and safety. Irrespective of how the commonwealth legislation pans out in practice, I would still see that we would have a very engaging relationship with employers and unions in terms of achieving those goals. If union members are reporting via the union that there are concerns on site, we are more than happy to accept that intelligence and go and visit and make our own decisions on whether that issue is a concern and obviously take appropriate action accordingly. So any source of information will be checked out by us and appropriate action taken.

THE CHAIR: I have a supplementary. Regarding the tower crane audit, how long did that take to cover in the ACT?

Mr Jones: We took about three months. Part of the reason it took that length of time just for 26 cranes was that we covered all the approvals, all the paperwork, all the engineering certificates and for some of that we had to wait for information to come from interstate, from head office.

We also, halfway through the audit, took a bit of a pause and brought all the significant crane operators into the office to express our concerns at the results that we were finding halfway through the audit. We gave them a short breather to improve the balance of their sites that we had not checked yet. Then it was a matter of collating all the information, writing it up into a report, sharing it with industry, and then making it publicly available. It was over a period of approximately three months, which clearly coincided with other activities in WorkSafe.

THE CHAIR: If I recall, there are about 30-something WorkSafe inspectors?

Mr Jones: Yes, 32 all up, taking into account the asbestos team.

THE CHAIR: Did you have particular inspectors that went out to inspect cranes or was everyone responsible?

Mr Jones: We had a number of inspectors, including a couple of specialised inspectors in that area, because part of our audit was to climb the tower and go into the operating booth of each crane at the top. Not all of our inspectors are either comfortable or skilled sufficiently to do that. We have a number of inspectors with specialised skills who did that but there were a number of other inspectors who were involved with some of the ground investigations or inspections, and others who were involved with getting paperwork in terms of the set-up.

THE CHAIR: Excuse my curiosity on this one, but what are the qualifications you need to inspect a crane?

Mr Jones: Training on the job. They do not necessarily have an operator certificate but it is certainly familiarity, with on-the-job training for that, and I guess the confidence in terms of headspace when actually climbing the towers. Some of them are quite high, and on a windy day you have got a bit of a sway. The little cabin upstairs is pretty tight and often sort of hangs over the edge of the tower.

THE CHAIR: I hear they might smell bad as well.

Mr Jones: Yes, because once the driver is up there, he is up there for the day.

THE CHAIR: What are the qualifications in general you need to be a WorkSafe inspector? I understand the crane one is very specialised and it is a very technical—

Mr Jones: Our inspectors come from a whole range of trades and other areas which have investigations. We have got some ex-investigators from the Federal Police, for example, or state police. All of our inspectors have been through the cert IV in work

health and safety, and some have extensive qualifications in other areas, including a number of tradespeople. Some are carpenters, electricians or whatever. We tend to use those skills in specialised work or, if we come across a particular issue, then that particular person with those specialised skills will be involved with that.

THE CHAIR: Is it cert IV in OH&S?

Mr Jones: Yes, I think that is what it is called.

THE CHAIR: Do the inspectors have it before they sign up or do you assist them with training once they become inspectors?

Mr Jones: It is a bit of both. Some have it before they arrive, with extensive experience from elsewhere, interstate. Some will join because they have particular investigative skills or other IT skills or things that we might be looking for, and then we put them through training. Because of the breadth of industries that we cover and the situations we cover, there is a lot of buddying-up and on-the-job training. A new inspector would not be going out by himself, for example, onto a site. They are paired up with a senior inspector for potentially several years to gain that experience, and in fact to keep them safe so that they do not get into a situation where they put their own safety or someone else's safety at risk because they are not familiar with what is happening.

THE CHAIR: Is there quite a wide spread of trades that these inspectors come from?

Mr Jones: There are several. I am certainly aware of carpenters and electricians, and in our investigations team certainly we have a number of ex-Federal Police and other investigators with those sorts of investigative skills. It is fairly broad. There may be some of my other inspectors that have trades that I am not aware of but it is broad.

THE CHAIR: Can you take that on notice for me? I would love to see what trades the inspectors have all come from.

Mr Jones: Certainly; no problem.

MRS KIKKERT: I have a supplementary question. You mentioned before that there were 2,100 complaints or incidents? Do you have a list of those complaints or incidents, or even the most common ones?

Mr Jones: In terms of our reactive visits, yes, the majority of those are involved in construction and compliance with construction. That is because most construction work is high risk. So that is one of our primary focuses. I can provide you with a sort of break-up of the type of, I guess, priority incidents that we tend to visit rather than speculate.

MRS KIKKERT: That would be great, thank you.

Mr Jones: I will get that and I will produce it for the committee.

MRS KIKKERT: Thank you. How quick are you to action those complaints?

Mr Jones: Depending on the severity or risk—if it is significant or an injury—within minutes. We can divert people from where they are. If it is a lower priority or a lower category in the risk-harm basis, depending on what our judgement is or the information at the time, it may be that day, it may be the next day. It really depends on what the category is in terms of the risk-harm and what else is on at the time.

All of our allocation is based on a risk-harm basis. But if it is high risk or there is likely to be a concern for the safety of someone, or someone has been injured, then we will be out there straight away as soon as we get the call.

MRS KIKKERT: Thank you

MR WALL: Nothing further on this.

THE CHAIR: Then it is me. The report also notes strengthening of laws to enable the WorkSafe inspectorate to respond to non-compliance in regard to workers compensation. What laws have been strengthened and what has been the result of this change?

Mr Young: Inspectors are frequently involved in compliance and enforcement activity in both work health and safety and workers compensation. There are two separate acts that govern what the requirements on the parties are in the ACT in that area. Both provide right of entry provisions for inspectors to enter a workplace to conduct those compliance and enforcement education activities. However, there was a difference.

The workers compensation legislation was much older and had different arrangements in terms of permissions and prior notice required for an inspector before they enter premises than was the case under the work health and safety laws. That created a situation where if an inspector had entered a premises to deal with a work health and safety matter, they may be unable to deal with a workers compensation issue that they noticed while they are there because of those differences.

The legislative change that was made was essentially to harmonise the relevant right of entry provisions from the Workers Compensation Act with the existing Work Health and Safety Act. To your specific question, it was an amendment to the Workers Compensation Act 1951 to bring right of entry provisions for WorkSafe inspectors in line with existing provisions in the safety legislation.

THE CHAIR: Thank you. I have got one more. There were 17 serious injury or illnesses and dangerous accidents that required notification to the regulator in accordance with part 3 section 38 of the Work Safety Act 2011. You may have to take it on notice, but could I get the details of those? I would love to see what they all were.

Mr Young: That would be a matter for Mr Jones, but I think we would need to give consideration to privacy issues to avoid identifying individual employers or individuals involved. Could I ask—

THE CHAIR: Page 143, down the bottom, notifiable incidents. I do not want private

information, but a summary of what they were—so electrocutions, falls—

Mr Young: We will see what we can do. We will take it on notice.

THE CHAIR: Anything further?

MRS KIKKERT: I am okay.

THE CHAIR: Before we adjourn, note that members who have supplementary questions should have them to the committee office within five business days after the uncorrected proof *Hansard* is made available. Answers to supplementary questions should be submitted five days after the questions are received. Answers to questions taken on notice should be submitted five days after the uncorrected proof *Hansard* is made available. I declare the meeting closed.

The committee adjourned at 4.20 pm.