



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

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

(Reference: [Annual and financial reports 2018-2019](#))

**Members:**

**MR M PETTERSSON (Chair)  
MRS E KIKKERT (Deputy Chair)  
MR M PARTON**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 14 NOVEMBER 2019**

**Secretary to the committee:  
Mrs N Kosseck (Ph: 620 50435)**

**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.

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## **Privilege statement**

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While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 20 May 2013*

## **The committee met at 9.05 am.**

Appearances:

University of Canberra

Robinson, Ms Belinda, Vice-President, University Relations and Strategy

Dwyer, Ms Kirsty, Chief Executive, People and Diversity

Cox, Mr Ian, Director, Government Relations

Reeder-Hope, Ms Megan, Associate Director, Media and Communications

**THE CHAIR:** Welcome to the first public hearing of the Standing Committee on Education, Employment and Youth Affairs inquiry into annual and financial reports 2018-19. Today the committee will examine the 2018 annual report of the University of Canberra, the Chief Minister, Treasury and Economic Development Directorate annual report 2018-19 looking at employment and workplace safety, followed by the ACT Education Directorate annual report after lunch.

I ask you to please read the privilege statement in front of you and confirm that you have understood its contents. Proceedings are being recorded by Hansard for transcription purposes and webstreamed and broadcast live. The first time you speak, would you acknowledge the privilege statement. Do you have an opening statement that you would like to make?

**Ms Robinson:** I do.

**THE CHAIR:** The privilege statement?

**Ms Robinson:** Yes, I do. The University of Canberra is Canberra's university. It is in, of and from Canberra. That should not come as any surprise to all of us here today. The University of Canberra Act, passed by the ACT Legislative Assembly in 1989, clearly requires us to pay special attention to the needs of the ACT and surrounding regions—and it is a role that we take very seriously—servicing the skills needs of people, institutions and businesses across Canberra and the capital region. But it is also about aligning our research effort to the issues that matter to our community, to the issues that matter to Canberrans and our industry and other organisations, and more broadly positioning the university and its staff and students to contribute to the life of the city and the surrounding region.

The University of Canberra is also a significant enterprise in its own right, in terms of its contribution to the Canberra economy. It supports over 2,000 direct jobs across academic, professional, casual and sessional staff and, of course, around 15,000 students, at our most recent count. Our financial footprint in the ACT economy is around \$300 million annually. We seek to create a porous campus which is as much for the community as it is for staff and students. Each day thousands of Canberrans move in and out of our Bruce campus, for one reason or another.

We currently have around 3,000 international students who contribute both to the economic life and to the cultural life of Canberra. Importantly, our international students all take a large part of Canberra back to their home communities and

continue to build our city's connection to the world. This is the soft diplomacy impact that international students have and the part that they play with the University of Canberra.

We currently have around 84,000 alumni. Our distinguished alumni awards, held just a few weeks ago, celebrated some extraordinary personal achievements from the careers that were kickstarted at the University of Canberra. This year the Vice-Chancellor's award went to the CEO of the Fred Hollows Foundation, Ian Wishart, and to the producer of the film *The Dressmaker*, Sue Maslin—I bet you did not know that—who received the award for the faculty of arts and design, proving our alumni shine well and truly on the international stage.

Our work-integrated learning program, WIL, is a unique feature of UC's teaching strategy and offers places to thousands of students in the ACT and regions, businesses, government agencies, schools, hospitals and institutions each year. For example, in 2018 the University of Canberra's faculty of health students undertook nearly 60,000 clinical placement days in Canberra, our region and around Australia. Of those, 20,000 were in ACT Health and Canberra Health Services. On any given day of the year, 50 to 60 University of Canberra health students are on placement. That means our future nurses, physiotherapists, midwives, medical imaging specialists and so many more are helping to strengthen our community every day.

Similarly, practically every schoolteacher in the ACT has some affiliation with the University of Canberra. We have awarded more than 17,000 education degrees, and there were 5,570 education placements totalling 83,932 days—I could say 84,000 days—undertaken by students, facilitated through 974 industry partners.

Our partnerships and working relationships with the ACT government directorates that support the effort, particularly health and education, are extremely important to us. Our partnerships and working relationships with the government directorates that support this effort, particularly health and education, are widespread, deep and comprehensive.

The University of Canberra is a young university and we are ambitious. In terms of international rankings, we are the fastest rising university in the world.

**THE CHAIR:** Good on you.

**Ms Robinson:** Thank you. That is according to the QS rankings 2019. We currently sit in the top one per cent of universities worldwide, in the top 10 in Australia and No 34 in the *Times* higher education young universities ranking. That is an amazing achievement for a university that will be 30 years old next year.

These are not small achievements for a university of our scale and geography in a fiercely competitive Australian higher education sector undergoing continuous change and commonwealth funding reform. The ACT higher education environment has its own unique challenges but exciting opportunities too. It is a highly competitive market—and we might come to that later—with more players per population than perhaps any other part of Australia. This intense competition pushes us to be the best we can. We embrace collaborative opportunities with other institutions, including the

Canberra Institute of Technology, to think about how we can work together to support our city and region in the best way possible.

The ACT and region community is one that greatly values higher education, as we all know. Our challenge as a university is to provide this value in a rapidly changing skills environment. There is ample evidence that we do. Our measures of student success are very strong—locally, nationally and internationally.

As the committee moves through the tabled report, I draw your attention to some of the specific outcomes for the university for 2018. We have strengthened our financial position in a challenging, competitive climate. We are continually improving our curriculum to deliver top graduate salaries and employment in the ACT.

We have made good progress on our Respect. Now. Always strategy. That is a strategy addressing sexual harassment and sexual assault on campus. We continue to work with partners in business and government to improve our campus, not just for our students but for the entire community of Canberra.

We invest in equality and diversity and have been a workplace gender equality agency employer of choice for gender equality for more than 11 years. We have a reconciliation plan endorsed by Reconciliation Australia. We are forging international and national partnerships and we have built a strong executive team to guide the way, with, of course, one very important member currently in the process of being recruited. That is the new vice-chancellor. I look forward to discussing these and any other issues that you would like to raise with me.

**THE CHAIR:** I will start off with questions and we will make our way down. I was wondering if I could get an update on the implementation of the Broderick report.

**Ms Dwyer:** This is also in relation to the Respect. Now. Always strategy and campaign that Universities Australia and all the universities around Australia committed to. The Broderick review, for us, was actually one of the implementation pieces following the national survey into sexual harassment and sexual assault in university campuses. Obviously, it was undertaken by Elizabeth Broderick and her team. We are coming towards the end of the first year of the implementation of that, and we have implemented about 75 per cent of the recommendations. We are making really good progress.

A part of that implementation was a new reporting system, being able to actually notify any incidents, whether they were harassment, right through to allegations of sexual assault in that system, by anybody. You do not have to be a student, just a human. We have implemented that this year. What we have seen is that the numbers have gone down. But then one is one too many.

A number of the actions related to recommendations in the report were around training and education. Our medical and health and counselling units have been facilitating a range of training programs educating our students and our staff with regard to both those particular types of issues, along with healthy relationships, prevention strategies, reporting, welfare and counselling for people who find themselves in those circumstances. We have had instances where we have had

students removed from the campus as a result of this type of behaviour.

We have made quite a lot of progress on that report. There is a survey going to be done next year and we also will have an audit done next year to independently track how we are going against that particular review and those findings and outcomes and implementation strategies.

**THE CHAIR:** You mentioned that 75 per cent of the recommendations have been implemented. What are some of the 25 per cent that are yet to be implemented?

**Ms Dwyer:** Some of the reporting out of the new system that we have put in—we want to build some of that capability—further education and awareness campaigns. Certainly we have got a module in place called consent matters, which is education around consent—actually improving the participation rate with regard to that sort of training. They are a few of the things that we are still looking to implement further in the university.

**MRS KIKKERT:** My question is in relation to issues that matter to Canberra. You mentioned that in your opening remarks. Are there any extension units provided by the University of Canberra to college students?

**Ms Robinson:** Extension programs?

**MRS KIKKERT:** The ANU has extension units that are provided to year 11 and year 12 students.

**Ms Robinson:** In the budget for this year, the government included \$750,000 for the University of Canberra to put in place extension programs. We have not had them before. We are in the process of working with the Education Directorate right now on what some of those programs might look like, with implementation for some of those courses—it is yet to be determined what they will be—in 2020 and then in 2021. This is something we have been really keen to pursue for quite some time. We are really pleased.

We do not see ourselves as a competitor to ANU. We have two great universities here. One way that we can complement each other is through the offerings that we provide to our college students. Through that lens, in looking at those programs, we are looking at what might be the best courses that complement what the ANU is doing but play to the particular strengths of UC. We have been looking in the allied health space, for example. We are working on those right now, and we hope to start rolling them out next year.

**MRS KIKKERT:** That is really exciting.

**Ms Robinson:** It is really exciting.

**MRS KIKKERT:** How many students will that cater for, with the \$750,000?

**Ms Robinson:** We have to work that out now. We also need to work out whether we are going to target particular schools in the first instance. I am a big fan of pilots; we

might pilot, through courses or colleges or both, through 2020 and then see how we might expand those for 2021.

**MRS KIKKERT:** When will schools find out next year when these courses will be available?

**Ms Robinson:** We are hoping to get closer to understanding what programs we will be offering for next year very soon, but it might be that we will not be able to offer them until the end of 2020. My colleague Ian has been more closely involved in that process. Would you like to add anything to that, Ian?

**Mr Cox:** A significant workshop was conducted in early October between the Education Directorate and our faculty staff. We had all of our major five faculties represented. There were about 40 people in the room. No idea was a silly idea. It was a process to try to develop something quite unique. We are approaching this with a very open mind about how we do it. We want to do something different.

The ANU extension program has been around for about 30 years, I believe. There is a lot of will from our side and the Education Directorate's side to do something unique, to provide some interesting new pathways and some new ways of doing an extension course program. The process from here is to continue this dialogue with the Education Directorate. It will also involve some focus groups with students. We are looking at the age group that will probably be coming through in 2021, when the first courses will be delivered.

**MRS KIKKERT:** Sorry; you have focus groups of students?

**Mr Cox:** Focus groups with students, potentially year 9 students at the moment. This will occur over the next three to six months, to feed into the process what their views and interests are and how they would like to work within this new extension course framework. That process will go on from now and through the first half of next year. There is a process to have these courses approved through the Board of Senior Secondary Studies, as well, for delivery of the first courses in early calendar year 2021.

**MRS KIKKERT:** Ideal for the year 9 students to be ready.

**Mr Cox:** That is right; getting their views.

**MRS KIKKERT:** By the time they are in year 11, they will be ready for it.

**Mr Cox:** Getting their views, getting their understanding, getting their ideas on what a career and university life looks like to them. It is looking at unique pathways to entry to university as well, and bringing that together. It is not just the academics and the teachers working at this; it is feeding in the views of students as well.

**MRS KIKKERT:** That is fantastic. Would it be helpful to have the year 11 students as part of that discussion group? Considering that they are currently doing the extension units through ANU, they might have some feedback on what they would like to see that is not happening at the moment.

**Mr Cox:** I am not close enough to the current process to know exactly if that will occur, but—

**MRS KIKKERT:** Just a little feedback; that is all.

**Ms Robinson:** Would you like us to take that on notice and provide you with more detail about where the process is up to, where it is going and what are the next steps?

**MRS KIKKERT:** Yes, that would be wonderful.

**Ms Robinson:** We can do that.

**MR PARTON:** Page 58 in the report covers the University of Canberra Hospital and health hub. How has the community engaged with this project?

**Ms Robinson:** It has been just wonderful. The hospital opened in the middle of last year. As you are aware, it is a teaching hospital as well as a treatment hospital. I do not have the figures with me on how many patients we are treating at the moment, but we can provide that to you. We had our first student enrolments soon after the opening of the hospital and we had our first overnight stays towards the end of last year. We were teaching, treating and having overnight stays in the hospital, all before the end of 2018. We do not have the figures with us at the moment, but we can provide you with the figures. It has been very successful and very popular and has been serving a very important need around recovery and rehabilitation for Canberra.

**MR PARTON:** How have the hospital and health hub impacted the students and the staff at the university? When I say “impacted”, I mean positive impacts and potential negative impacts.

**Ms Robinson:** I cannot think of any negative impacts; my colleagues might be able to help me out with negative impacts. In terms of positive impacts, there is state-of-the-art equipment for teachers, patients and students. The feedback we have been getting has been extremely positive from teachers, academics, staff, patients and students, because of the nature of the equipment and the nature of the facilities that they are working in—so good, in fact, that our dean of health, who started with us last year, has moved her office into the hospital; we have the executive dean working out of the hospital now.

We have this really close relationship between the hospital, the students who are learning in the hospital, the patients there and the university more broadly. That is what we are trying to achieve: a really integrated approach to allied health care provision within the community through the osmosis between the community and the hospital. And we have great parking, of course.

**MR WALL:** I am after some insight as to where the university might then see some further opportunity or, I guess, unmet potential of the hospital and further areas of collaboration beyond what exists at the moment.

**Ms Robinson:** The executive dean in particular, since she has arrived, has been

working very closely with the Health Directorate and talking to a number of Assembly members around what the emerging allied healthcare needs for Canberra are and what might be opportunities for us to partner, particularly with the directorate, in helping to address those needs. Some of those areas, which I am sure you are familiar with, are psychology, psychiatry, radiology—there are a number of them that keep emerging as unmet needs.

The challenge of course is that these programs are also the most expensive to run, and we have an issue with funding, as many of you would know. The government has frozen funding for universities. We have seen our student load plateau in recent years. But where there has been growth, the growth has tended to be in those expensive—high-cost, low-margin—programs. So while we are constantly looking at ways we might expand our allied healthcare offerings, we have to be realistic about the resources that that requires. Having said that, the conversations are ongoing.

But is also about examining how we can deliver these programs in different ways. So things like online are constantly on the radar. Are there different, more cost-effective delivery models that we can talk about and think about? Postgraduate shifting: are there opportunities for delivering some options through postgraduate programs, even through micro-credentials? We are starting to have conversations now, not just in allied health but right across the board, around delivering professional development through non-credentialled programs, for example. So we are looking at how we can move beyond traditional educational delivery models to meet the needs that we see, that are being raised with us and that the data is telling us are going to be required for healthcare delivery in the ACT and the surrounding regions for the long term.

**MR WALL:** Continuing with a slightly similar stream, there is obviously a greater need for local government in supporting Canberra's university. Where are the opportunities, again in the same vein, from the university's perspective, for either greater involvement or leadership by government to promote not just UC but also the ACT?

**Ms Robinson:** We have a really good relationship with the ACT government both at an institutional level and at a faculty level. Our faculties: we talked about Health and the close relationship we have, and we talked about Education. Our affiliated schools program is, I think, a great example of the collaboration and the partnership approach that we have with the ACT government.

The ACT government has also being very helpful in, for example, a lot of work that was put in in rezoning some of our real estate to enable us to make better use of and to get better returns on the real estate asset that we have there. That has been a great help to us.

The government also plays a role, and continues to play a strong role, around promoting Canberra for international students. They do that through study ACT, promoting Canberra and, in turn, working with us on ensuring that our messaging and our marketing is really clearly aligned so that we do not have confusion out there in the market between what we might be saying, what ANU might be saying and what the ACT might be saying. Working together on joint messaging for marketing purposes is really important.

And of course there are a number of programs that the ACT runs that we have benefited from and will look to continue to benefit from. The PIP program is one of those. I think we are putting some applications in for that grants-based program as we speak. There are a number of other programs that we look to benefit from. We also are looking to the ACT government for support for our 30th anniversary celebrations next year.

Having said all of that, it is a very tough financial environment for universities at the moment, particularly in the ACT. We have a population that is less than Tasmania's. Tasmania has one university. We have five universities operating in the ACT. We absolutely have to be really aware of what that means for the competitiveness of the university. In our case, that is the university to serve Canberra. We have to be careful. We need to understand the consequences of continually encouraging more players into a very small market, and what that means.

On the positive side, that does mean we have to be absolutely alert to, and be focused every single day on, how we can be the best institution that we can. But it does also mean that we need to have an ongoing conversation with government on how we can ensure that we have the resources we need to be able to deliver the world-class education our community expects and deserves.

**THE CHAIR:** One of the opportunities for collaboration is the UC affiliate high school program. How do you measure the success of a program like that?

**Mr Cox:** I think I would have to take that largely on notice. There is a process at the moment where the affiliated schools program is being renewed. I am not sure if it has been announced or released or a contract has been signed.

**THE CHAIR:** I think it is at 11 today.

**Ms Reeder Hope:** Yes, there will be an announcement today by Minister Yvette Berry at one of the schools.

**THE CHAIR:** So you will take on notice how you measure the success of a program like that?

**Ms Robinson:** We can talk about it in general terms—clearly around numbers. This will be a fantastic program. We will probably be restricted as to what we can say, given that it is going to be announced a bit later today. But in general terms the success can be measured in part around the numbers that participate in the program.

This is a fantastic and unique program that enables our students, particularly at the postgraduate level, not just to have internships with these schools, not just to have work placements, but actually to work within the schools and through the clinics that will be part of this program. That will give them real-life experience and real-life professional development at postgraduate level—because it will involve a number of scholarships as well—to be able to contribute to quality ITE and quality teaching education in the ACT, which they then of course can pass on to the students. It is one mechanism we see in particular that will distinguish the ACT from the rest of

Australia, really, because it is a unique program and, from our perspective, can help the ACT to be a real exemplar of best practice education and education training in Australia.

We were talking before about relationships with government. We would like to continue to build on that program—we are starting small and we will ramp up over time—for the ACT to be able to promote itself as an exemplar of the best possible ITE teaching and also the best possible high school teaching in the country. I do not see any reason why we cannot. We might have to take on notice whether there are specific KPIs on what success is going to look like, and also give you a little more information on how that is going to be ramped up over time.

**THE CHAIR:** That sounds wonderful. Thank you for coming in. I remind you about those questions on notice—if you could get those to us as soon as possible.

Appearances:

Orr, Ms Suzanne, Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement

Chief Minister, Treasury and Economic Development Directorate

Nicol, Mr David, Under Treasurer

Young, Mr Michael, Executive Group Manager, Workplace Safety and Industrial Relations, Economic, Budget and Industrial Relations

Jones, Mr Greg, Executive Branch Manager and Work Safety Commissioner, Workplace Protection, Access Canberra

ACT Long Service Leave Authority

Savage, Ms Tracy, CEO and Registrar

**THE CHAIR:** On behalf of the committee, I would like to thank you, minister and officials, for attending today. Could I ask you to read the privilege statement that is in front of you and confirm that you have understood its contents? The proceedings are being recorded by Hansard for transcription purposes and are being webstreamed. Do you have an opening statement?

**Ms Orr:** Let's go straight to questions; and I have read the privilege statement.

**THE CHAIR:** Thank you. I have some questions on the public sector workers compensation fund. What work has occurred in transitioning to this new scheme?

**Mr Young:** For the purposes of public sector workers compensation, I am also the commissioner for the public sector workers compensation fund, and I acknowledge the privilege statement. The ACT government became a self-insurer for the purposes of workers compensation on 1 March this year. We are fortunate that we are now able to see two full quarters worth of performance, and we are starting to get some good feedback in terms of how the changes that we designed to improve services have worked.

I will take the opportunity to talk a little bit about those, but I note your question was specifically about the transition, so I might go back in time. The process of becoming a self-insurer was quite a complex one. The preparation that went towards achieving that licence and putting in place the arrangements went for a period of 12 months or more. It was underpinned essentially by a co-design process. We worked very closely with workers and their representatives to design almost every aspect of the service that we would be putting in place. Fundamental to that process was the intent to make the injured worker the centre of that service.

A number of the measures that we put in place were designed to make the service more accessible and to speed up the process of returning an injured worker safely to work, or to keep them at work for the purposes of their recovery. A great deal of work went into designing, essentially, the business model that would be put in place by the claim management agency that we contracted to do the work that had previously been

done by the Comcare scheme.

That resulted in an open tender procurement process and the selection of EML as the case management service agency that we would engage with. That is a large organisation that does a great deal of work in personal injury management across Australia. They did not previously have a presence in the ACT, so part of the transition project involved them opening offices and hiring staff. I am pleased to say that the arrangements that we put in place involved them establishing an ACT-specific office and dedicated staff for the ACT portfolio; so there was quite a bit of work in preparing that service and infrastructure.

We also do quite a bit of work around legislation. As you are aware, we remain subject to the Comcare legislative model. Essentially, to deliver the services, they are being delivered according to commonwealth legislation and under a licence issued by the commonwealth Safety, Rehabilitation and Compensation Commission under commonwealth legislation. There was a whole process to apply for and achieve a licence, which involved multiple audits of our internal rehabilitation systems, EML's claims systems and our whole-of-government work health and safety framework. It was a great opportunity to have a close look at how well we were managing safety across government.

The process of achieving that licence also involved some significant legislative work. We had to legislate an entirely new act in the ACT, the Public Sector Workers Compensation Fund Act, which essentially sets up the financial management and prudential governance rules for the new scheme. It quarantines the funds that are used for the purposes of public sector workers compensation and puts in place rules and governance around how they can be used.

When we became a licensee, the commissioner had a process in place for new licensees that involves more intensive audit regimes. We have been subject to independent audit eight times in the last two years, looking at all aspects of the service. I am pleased to say that we have been found to be compliant with all of the licensing standards over six months.

Moving forward slightly, I am pleased to say that we have managed, as a result of the new arrangements that we have put in place, to reduce the average time that it takes to make a decision by three days and by more than 12 days for complex cases. That was a key design principle that we used because there is strong evidence that shows that the sooner the injury management process begins, the better the outcome for the injured worker, and that translates to reduced premium and productivity costs, and better health and social outcomes for injured workers.

In addition to reducing the amount of time that it takes to make a determination, we have also introduced what we call immediate medical and rehabilitation coverage. That means, as a result of becoming a self-insurer, we have some more discretion about how we apply the services. We have put in place an arrangement where, as soon as a claim is properly made, an injured worker is able to access unrestricted, reasonable and necessary medical services, and the whole rehabilitation process begins immediately.

That is an important change for the same reason that I described before. It allows for early services. It also makes the process a less adversarial one. We find it has been helpful in maintaining positive relationships between injured workers in the workplace, which is another clear design element that came out of that co-design process with workers, leading up to the scheme.

Although we are six months in, the recent quarterly report that I saw showed that, performance-wise, all of the contract performance indicators are being met within acceptable parameters. It does appear that return to work performance is improving. While it is early days, workers compensation is one of those schemes that has a long time lag and, with a number of the key metrics that we are monitoring, it will be two or three years before we know whether we have achieved all of the things that we wanted to achieve. Based on the information that we can see at the moment, it is working well.

One of the changes that we introduced was that, for the first time, the claim manager conducts a survey of injured workers. The scale of possible results coming out of those surveys is essentially in a 200-point range. The baseline measure was a negative 30 and we have moved to a positive 20. That is a significant improvement in how workers that are accessing the system are perceiving those services—a positive move.

That is not just supported by the types of things that I have described; we have also introduced online digital service delivery. Workers are now able to engage with the system using mobile devices much more easily than they were historically. That is across the full life cycle of injury from notification to employer, the making of a claim and the processing of claims, payments, and accessing information from their case managers.

My apologies; that was a very broad answer. In the main, it was a complex process, but it has come together very well. The reports that are before you today include the first set of audited financial statements for the fund. We were able to put together the necessary infrastructure to have those published and to have passed all of the independent audits within a four-month period, which I think is a good achievement. It also reflects the effectiveness of the policy that we have put in place, where we are utilising existing infrastructure. For the purposes of fund management, for example, we are using treasury officials with expertise in investment management. Because they are doing that work elsewhere in government, we were able to draw on their goodwill, time and effort to help us put in place the arrangements that we have used here. That has been effective because we have been able to come very quickly to a compliant result.

**THE CHAIR:** I would say that I had a supplementary, but I think you answered everything that I could possibly ask.

**MR WALL:** Mr Young, how many claims have been made under the ACT workers comp policy since we became a self-insurer, since March?

**Mr Young:** I have that number with me. If you will just bear with me, I will look it up. On average we receive between 500 and 600 claims a year and I think that is essentially where we are heading. But I will give you the exact figure in a moment.

Perhaps I could come back to that.

**MR WALL:** Yes.

**Mr Young:** I note the question and will have it for you before the end of the hearing.

**Ms Orr:** It was the total number of claims?

**MR WALL:** Yes, and then there were some further follow-ons. How many claims have been settled or completed or closed off? How many remain pending? I have some further questions which you might be able to help with. Given it is still only early days and you have only got two completed quarters of modelling, how do you feel the efficiencies of being a self-insurer weigh up versus continuing with the Comcare model? What work is being done to measure or monitor that on an ongoing basis?

**Ms Orr:** Certainly.

**Mr Young:** Perhaps I could approach those questions in reverse order, then? I think one of the real advantages of what we have done is the ability to develop a bespoke agreement with the claims administrator, based on those principles that we decide, whereas under the Comcare scheme we were essentially just dealing with the performance metrics and KPIs that were decided by the commonwealth for a much broader scheme. In addition to being able to have greater influence over the resources that are being pointed at service delivery—and they were certainly increased as a result of what we did—the agreement that we have put in place has allowed us to focus the attention of the claims agent on achieving the outcomes that we seek to achieve.

A number of the key changes that were made were that we reduced the benchmark for making a determination on new claims. We have put expectations in place around the number of claims that go to reconsideration as a proxy measure for an injured worker's satisfaction with the decision-making process and additional requirements around the speed at which those decisions are made. Likewise, as I mentioned before, the staff satisfaction survey is something that we added. There is the broad question around efficiencies. Certainly by doing what we have done we have had the flexibility to target key areas of improvement that we were seeking to achieve and in that sense it has been a much better product.

**Mr Nicol:** Could I just add: the anecdotal information we are getting from the workers is that they are much happier with the speed of the turnaround. I am getting positive feedback rather than complaints saying, "Why is it taking so long to address my claim?" Early indications are good that the speed of the service is improving, and that is important because, if we can get to injured workers sooner, we are much more likely to get them back to work sooner and they do not become an endemic, long-term case. The ultimate assessment, in my view, will be whether the cost of the scheme comes down over time. That will take time. We will not be able to see that for a number of—

**MR WALL:** How have you transitioned from the Comcare scheme to the new

scheme? Have you set aside similar premiums to what directorates were paying previously or has a new rate been calculated? What work was done there?

**Mr Young:** We calculate a rate based on independent actuarial advice on an annual basis.

**Mr Nicol:** That would be based largely on experience and, as we have no experience under the new scheme yet, that will feed through in time.

**MR WALL:** Obviously you have got a long history of what your liability is likely to be over a long term and that is what we are looking at.

**Mr Nicol:** That is right, yes.

**MR WALL:** How do those numbers of funds essentially leaving the directorates compare to what Comcare was charging?

**Ms Orr:** I think you indicated when you started this line of questioning that you know it is early days. It is going to be very hard to give you concrete, tangible outcomes.

**MR WALL:** How do the premiums that are being paid currently compare to what was being levied by Comcare previously?

**Mr Young:** Based on the first assessment which, as you point out, is informed by a strong and continuous history under the Comcare scheme since the 1980s, notwithstanding the premature self-insurance arrangement, I think our actuary can form a good view on the likely costs. They have done that for the first year of operation.

That resulted in, I believe, a seven per cent reduction in the amount that we had been charged by Comcare in the previous year. In dollar terms, it changed from about, I think, \$65 million in the final year that we were in Comcare to around \$55 million or \$56 million for the first year of performance with the new scheme. That reduction, I think, comes off the back of a number of changes that were made in terms of the expected costs of administering the scheme but also expected financial returns.

I think one of the benefits that we have had as a result of the change is being able to manage the funds associated with those liabilities. We receive investment returns from them and returns from that investment are able to reduce the premium charges. Previously a number of those funds were going to Comcare and were being put into consolidated revenue and we would receive a notional return based on the commonwealth's consolidated revenue return. Under the new arrangements we are able to set up and deliver an insurance strategy which is matched to the liabilities so that we can do risk and return assessments based on the expected run-off of the claims.

**MR WALL:** Essentially you are funding a much smaller pool than what you were contributing to previously. The cost base is reflective of the claims that we experience, as opposed to not just ours but the commonwealth's claims?

**Mr Young:** Indeed. I think under the previous arrangements we were monitoring our

liability pool and premium pool as a separate component.

**Mr Nicol:** And Comcare did charge us based on our risk profile.

**MR WALL:** They quarantined the ACT as a policy—

**Mr Nicol:** Yes. They charged a premium based on—

**Ms Orr:** Yes. It was not the whole.

**Mr Young:** That is right. Historically we would receive a single premium for the entire ACT government and then we would do a separate process where we would apportion those costs to individual business units, based on their performance. That is a price signal to encourage good performance and we are carrying that forward under the new arrangements. Essentially we will work with our actuary to get a total price for the expected cost of claims in the year going forward and then we will apportion that to directorates based on their relative performance.

Coming back to your specific question, the amount that a directorate pays in any year in a sense is based on their performance over the previous four or five years and they tend to fluctuate relative to each other.

**Mr Nicol:** Can I also add that premiums obviously are also influenced by the accident rates and injury rates. They are not influenced so much by the scheme that we are in to deal with workers compensation after the accident; they are influenced by what we do as a service to make a safe workplace, which, I must say, we have invested significant resources in, both in terms of financial resources and effort of senior executives to make it a safer workplace. I think we have seen, even under Comcare, our premiums come down because of that investment.

**MR PARTON:** But also it would be influenced by chance, really?

**Mr Nicol:** Yes, but I think if you design a safe framework you—

**MR PARTON:** Obviously you have got to do what you have got to do.

**Mr Nicol:** You can make your own luck a little, I think.

**MR WALL:** Just on this stream—I guess it is relevant both for the self-insurance component and workers compensation claims more broadly across the ACT—has any modelling or research been done to determine the impact of changing CTP insurance laws in relation to journey claims under workers comp?

**Mr Young:** Is this a question about the private sector workers comp?

**MR WALL:** It relates to the ACT as a self-insurer and so to workers comp claims broadly through the non-government sector as to what the impact is likely to be if there is any modelling work or assumptions that have been made, given the changes that have been made to CTP insurance and the loss of common-law options as to the increase or the flow-on effect to workers comp claims should an accident occur to or

from work—what is traditionally deemed a journey claim.

**Mr Young:** Understood. The Comcare scheme does not cover workers for injuries sustained travelling to or from work, so in that sense the changes to the CTP scheme—

**MR WALL:** But the ACT scheme does.

**Mr Young:** The private sector scheme does. For the purposes of the Comcare scheme, we do not expect there to be a significant impact. That is based off an analysis where we have looked at the proportion of claims that involve motor vehicles relative to the total public sector injury report. We do not expect any material impact on the ACT public sector workers compensation fund as a result of those changes.

I note that the changes to the motor accident scheme allow people to elect—where there is dual coverage between workers comp and motor—which scheme they would prefer to go into. In the small number of cases where a public servant is injured on the road and there may be dual liability, legislative mechanisms are in place to allow a single relevant scheme to be chosen and services to be provided, so it limits any potential duplication that might come from that cross-claim situation that I think you are envisaging.

**MR WALL:** Yes, but you have significantly different rights under one scheme compared to under the other. One is essentially a continuation of the old common-law claim process that worked in the motor vehicle accident CTP space, which is continuing to be offered under workers comp policy but not under the motor vehicle accident legislation. Has there been an assumption made as to what the impact on that might be—I am guessing that this is much more private sector now—to the policy pool and the premium? What impact might that have on the premium pool in an ACT context? Obviously, that cost gets passed on to local business.

**Mr Young:** Setting aside the public sector for a moment and thinking in terms of private, there is journey coverage. A situation will arise, and has historically, where a person is injured in a motor vehicle travelling to or from work. They have essentially always had the option of which scheme to pursue compensation under, and there were recovery arrangements in place to deal with that. Although the benefit regime or the types of services that are available under the new motor scheme are now somewhat different, that arrangement—with dual coverage, selection of preferred scheme based on injured workers' circumstances and advice—remains available. So in a sense that is not a huge change.

I expect that there potentially are going to be some behavioural changes in that worker decision-making process around which scheme to pursue, but the mechanisms to do that and for people to receive the relevant advice have been in place for some time, and I expect they will continue.

**MR WALL:** Yes, but the question was about modelling or research to try to understand the impact of the legislative change on workers comp. Was anything done to ascertain what that difference might be?

**Mr Nicol:** Can I take that on notice? I think that work would have been done in our MAI reform team, which is not in this area.

**MR WALL:** That is okay.

**Mr Nicol:** I know we did; I just cannot recall it.

**MR WALL:** It is the problem with these hearings sometimes; you are not quite sure whether it belongs on one side of the fence or the other.

**Mr Nicol:** There is a genuine link, but the government assessed that from the point of view of the CTP reform changes. I will dig into what that team did and what information and assessment we did in those cases.

**MR WALL:** I would appreciate that.

**MRS KIKKERT:** My question is on the Long Service Leave Authority. In light of the recent court ruling in favour of Mental Health Australia about wrongful payments and poor decision-making and advice on the part of the LSL Authority, what has been done to ensure that this kind of situation does not happen again?

**Ms Savage:** We have looked at the court decision that was handed down, and looked at the implications and what the court raised in terms of procedural fairness. We are undertaking a review of our compliance function. That will also include a review of any of those processes where a decision is made or can be made. We want to look at those to make sure that the process we have sitting behind that decision-making process provides procedural fairness to any entities involved.

From the decision the court handed down, it was very clear that it is not necessarily an action that may be taken, but it is a risk that may be created for an organisation in a decision-making process. That is one of the more subtle aspects of the court decision that we will be looking at very closely as part of the review.

**MR WALL:** This has been an ongoing issue, and I have raised this in previous estimates and annual report hearings. What is the current state at the moment? Mental Health Australia are not part of the long service leave scheme; is that correct?

**Ms Savage:** That is correct, yes.

**MR WALL:** Have the premiums that they had paid into the scheme when they were forced to been returned to them?

**Ms Savage:** Yes.

**MR WALL:** How many other organisations are in the same situation as Mental Health Australia were?

**Ms Savage:** We are currently looking at our community sector registrations. Part of that was going back and reviewing the categorisation of those entities in our system. In the community sector scheme, there are a number of subsectors. Our particular

record-keeping system maintains a primary identifier for a particular entity. In the community sector, there may be multiple service offerings from one organisation. We went back and had a look at all of our registrations. We have done a bit of a cleanse of some of them. We are now in the process of looking at each of those organisations that we may have labelled as advocacy to make sure that they meet the interpretation handed down by the court. That is an ongoing process. We have not come across any entities that necessarily mirror the sorts of operations or experience of Mental Health, but we are continuing to look at that side of things.

**MR WALL:** How could the case with Mental Health Australia have been handled better? They were provided with advice by the authority, then they were provided with contrary advice by the authority and then contrary, counter-advice again. There seemed to be an unwillingness to admit that there had been mistakes or ambiguity in the authority's interpretation of the act compared to that of Mental Health Australia. It deteriorated to the point where a court challenge was the only option. From the authority's perspective, how could this be done better in the future?

**Ms Savage:** It is a very fair question, given the circumstances. In hindsight—

**MR WALL:** It is 20/20 vision, but if you do not learn from it, the same mistakes are made again.

**Ms Savage:** That is exactly right. From our perspective, I think there was an initial level of misunderstanding about what Mental Health actually did as an entity.

**MR WALL:** A peak body seems to be the best way of describing it.

**Ms Savage:** Exactly, yes, and where that may have fitted under the legislation. Advocacy, on the face of it, looks like a fairly straightforward term, but as we found out, it is far more nuanced than what we may have originally thought.

I do not want to go too far into the details of the circumstances of that entity, but there was a thought that perhaps their services had changed over time. A decision was made. It was looked at again in terms of the worker—from a worker perspective, what workers were employed by that organisation and what was the history of the workers: had they been in the scheme previously and would we expect that they might move into the scheme later on through a different employer? Another decision was made.

In hindsight, it is about the lesson learned for us being to really understand the context and unique characteristics and treat it as a single entity, a single case, to understand the case, and then to confirm an opinion before a decision is made. For us, I think that was potentially happening a bit on the fly.

Going back to the procedural fairness question, we did not at that point understand that we may have breached procedural fairness, because we had not ourselves pursued any sort of outcome through any sort of court mechanism. It was more a conversation that we assumed we were having with that organisation. Unfortunately, the fact that a decision had been made exposed that entity to the risk of something else happening, and that was where the procedural fairness issue arose.

**MR WALL:** Minister, does the government accept the court's ruling on this case or does the government continue to hold a view that peak bodies such as Mental Health Australia should be part of the portable long service leave scheme in the ACT?

**Ms Orr:** All of the advice that has been provided to me so far is that we are looking at the outcomes of the decision, because it is quite a big decision, as I am sure you can appreciate. We are looking at how that applies across the scheme, which is what Ms Savage has just been talking about.

**MR WALL:** Would you foreshadow legislative change to broaden the scheme to include organisations like that or are you happy with them operating externally to it, given that they are not a service provider in the traditional context?

**Ms Orr:** I think the question you are getting at is whether the scheme could ever be broadened.

**MR WALL:** Not ever be broadened, but is a reactionary legislative change likely to come along, in order to clarify matters?

**Ms Orr:** I cannot give you a definite position on that right now. We are still working through the outcomes of the decision.

**MR WALL:** When do you anticipate that you will have completed that review of the outcomes?

**Ms Orr:** We are not going to rush it. We are not going to put an artificial date on it and say, "We're going to have it done by this stage." If there is a lesson to be learned here, it is to make sure you do your due diligence and take your time to go through things. That is what we will continue to do. As soon as we can give you an update, Mr Wall, I will note that you have a keen interest in this and we will let you know.

**MRS KIKKERT:** How much was the legal cost?

**Ms Savage:** There was a contingent liability in our annual report of \$60,000.

**Mr Young:** Going to your previous question to Ms Savage, the issue at the heart of those difficulties is an ambiguity in the legislation and the way that the legislation defines that particular class of sector employer. The original drafters deliberately included quite subjective terms, with a view to casting the net of coverage as widely as possible.

The decision arising from that case has allowed for some clarity to be added to that particular aspect of the scheme coverage. Notwithstanding the commitment to consider this going forward, the authority is honouring that precedent. Legislation has been introduced, and there is nothing in there that would adjust that particular aspect of the definition. As of right now, there is clarity for employers and it is based on the decision arising from that case.

**MR WALL:** The question to the minister was: does that ruling fit with the executive's view of what should and should not be part of the scheme? But we will

wait and see.

**Ms Orr:** I answered the question.

**MR PARTON:** In relation to the implementation of the new requirement for more training and union consultation on construction projects over \$5 million—we are talking about the Work Health and Safety Bill of last year—has there been a review of the financial impacts that the requirements of that legislation have had on construction businesses?

**Mr Young:** No, there has not been a review. I note that those arrangements have not been in place for as long as I would normally like before I would consider conducting a review of that nature. That being said, the national template laws have been subject to review. That is the Marie Boland review, conducted by Safe Work Australia. The results of that review have been published. A number of recommendations were made which went to very similar issues in terms of improving the consultative infrastructure on projects—essentially, the same reforms that were made in the ACT. That has now gone to the regulatory impact assessment stage, so I am expecting a decision to be issued by the commonwealth in the near future.

There is a good chance that that analysis will go to the question that you have asked, for the reason that, essentially, consideration is being given to putting similar obligations in place in the national laws. That will potentially inform that question; then, based on that, we can give further consideration to whether anything more local is required in assessing that impact.

**MR PARTON:** I would like to get the view of the minister on whether or not the government is considering a review.

**Ms Orr:** A review of those particular provisions?

**MR PARTON:** A review of the financial impact of this legislation on construction businesses.

**Ms Orr:** As Mr Young pointed to in his previous answer, we need to give this time to get going before we can see what is in there. Obviously, with all legislation, we do take in reviews. We take feedback from stakeholders. We have the new council coming up—

**MR PARTON:** All right; talk to me about that feedback.

**Ms Orr:** and they can provide feedback through the new council that will be in place. That has equal employer and employee representatives on it, so I am sure there will be some frank and fearless advice fed back through that loop. As we see these new laws play out, we will be able to get the information. It is not like it is done and it is never going to change. We will continue to be responsive within this area.

**MR PARTON:** Minister, you spoke of feedback, which I am assuming is feedback from businesses or industry since the commencement of that legislation. Is anyone able to give me any overview or any information regarding that feedback? What was

the feedback?

**Mr Young:** I am a member of the Work Safety Council, which is the tripartite ministerial advisory body on WHS matters. It includes representatives of construction unions and construction employer peak bodies. There have not been any material issues raised at meetings of that body since the legislation commenced. It has probably met twice since that time. That is not to say that there will not be. But in terms of issues raised to date, no, there has not been any particular feedback on those provisions.

**MR PARTON:** Have there been any breaches of the legislation? If there have, what was the nature of those breaches?

**Ms Orr:** We might need to bring the Work Safety Commissioner to the table to answer those questions.

**Mr Jones:** In answer to your question, WorkSafe ACT, as regulator in this area, deals with both employers, companies, and the unions on this. We have been required to step in, provide advice and assist both unions and employers in meeting the requirements of this quite new legislation.

In terms of breaches, while there have been some concerns raised by both parties about each other, WorkSafe steps in at a very early stage of those negotiations, and on every occasion we have been able, by providing information and guidance, to mediate an acceptable solution to all of those. As a result we have not taken any regulatory action, as we have been able to mediate each situation as it arose.

**MR PARTON:** On average, could we hear how many unions are consulted at any one time for a major project under the legislation, given that there could be quite a number of eligible unions on site? How do we play that? How does that work?

**Mr Jones:** It usually works as part of the broader consultation from employers. Some of the smaller unions may have very small numbers of workers on site or they are actually not sure, depending on the stage of the project—and all of this occurs prior to the commencement of a project; as you would be well aware, the type and number of workers change as a project develops through the various stages to completion.

It is usually a couple of major unions—CFMEU, ETU, for example, perhaps the Workers Union—that are involved in those early stages. Most of the negotiations occur with the bigger unions, with the smaller unions being part of those as they come to be involved with those sites. As you can imagine, there are a number of unions which are not involved at the beginning of a site but tend to come along, as I said, as a site develops through its process.

**MR WALL:** The requirement is that, prior to the commencement of a project, though, every eligible union must be engaged. It might be the case that the legislation requires a firm to engage with unions who may not even represent a worker on that site but may be eligible to. In actual terms, Mr Jones, how many different entities would a builder be required to engage with? I am happy to use the building next door as an example of a multistorey office block. What would be the number of organisations

that would be engaged with on that project?

**Mr Jones:** Obviously, that will vary. It can be as small as two or three, or it can be half a dozen or a dozen. There is quite an extensive list of eligible organisations. I cannot recall off the top of my head exactly how many are on that list, but the list that may need to be involved is quite extensive. Usually, a company has a pretty good idea about what trades and what union representatives have an offer of negotiation prior to a project commencing. It is then a choice as to whether that interaction occurs or not, depending on the level of interest involved and, presumably, the builder at the time.

**Mr Young:** Those provisions, considered in the broader context of existing obligations that have always applied, would mean that most large employers on large projects of the type contemplated here would already know which unions have workers present in their workplace. I do note that, at the same time the legislation was being done, there was guidance issued in terms of what an employer would need to do to satisfy those consultation obligations—for instance, writing a letter to the relevant areas.

Notwithstanding Greg's point that the number of organisations that may need to be contacted varies, an employer would have a good idea from the outset who they would be dealing with. There are mechanisms in place around what the expectations are on them to consult, so there is clarity around what they need to do.

**MR WALL:** What is the compliance regime for WorkSafe in enforcing this policy?

**Mr Jones:** Do you mean our approach to this?

**MR WALL:** Yes.

**Mr Jones:** At the moment, particularly given the relatively new nature of the legislation, it is very much advisory, engaging with everyone. As I said in response to Mr Parton's question, we have managed very successfully to mediate every potential dispute or identified dispute in terms of that negotiation. At the moment it is about informing both parties of what the legislative obligations are, giving advice and, as necessary, providing assistance to have those negotiations conducted in accordance with the legislation to get that outcome.

**MR WALL:** What has been the feedback from both sides of this equation—both the commercial and the industrial stakeholders?

**Mr Jones:** Generally, it is positive, in terms of our involvement. We often outline, where there is any resistance, the benefits of consulting with workers about safety matters and assisting with the process in order to have it worked through. I think that getting it resolved in a relatively efficient and quick manner is to everyone's satisfaction. The feedback that I get, and anecdotally what I see from attending some of these meetings, is that everyone is quite happy with what is there and with the assistance that WorkSafe provides with advice, interpretation and what the best way forward would be in terms of getting agreement so that people can get on with the activity that they are scheduled to do.

**MR WALL:** Could you provide the committee with an update on what work is being done or what the next steps are, more specifically, in response to the review into labour hire?

**Ms Orr:** We can. Mr Young, would you like to answer?

**Mr Young:** I apologise, I was in the process of researching your earlier question.

**Ms Orr:** We are trying to get you an answer before the day is out. We might have to take it on notice.

**MR WALL:** Take it on notice and bring it back later.

**Ms Orr:** Absolutely. We already have some figures for you.

**Mr Young:** Before I ask you to repeat your question, I will provide the information that I took on notice earlier on workers compensation claims. There have been, in the period from March to October this year, 376 new claims, and 575 claims have been closed. To clarify one of those other points that I made, the average time to make a decision on a claim has reduced by 3.3 days overall, but it is 12.75 days on complex claims.

**Ms Orr:** Does that answer the questions you asked us to take on notice, Mr Wall?

**MR WALL:** Yes. I might put a few further ones on notice, just to save ambiguity.

**Ms Orr:** The question now is on labour hire and what is the position on labour hire?

**MR WALL:** Yes. Following the—

**Ms Orr:** The announcements to make a labour hire scheme?

**MR WALL:** Was it a discussion paper?

**Ms Orr:** Yes, there is a discussion paper that has come out.

**MR WALL:** The last major piece of work that has been seen publicly. What are the next steps from there?

**Mr Young:** The consultation process that was supported by that discussion paper has closed. There have also been a number of discussions that we have been having with officials in other jurisdictions, particularly jurisdictions that have already implemented labour hire licensing schemes, and we have been working also with some major users of labour hire services and the regulator to talk about the labour hire issues that are currently arising, particularly in the workplace safety area. We are taking the information arising from those submissions and that feedback in order to flesh out the design of a scheme for the ACT. The status is: essentially public consultation has closed and now we are in the process of making recommendations to government around the detailed design scheme.

**Ms Orr:** And obviously any detailed design would have to go to cabinet.

**MR WALL:** What was the feedback through the discussion paper consultation relating to the inclusion of group training?

**Mr Young:** It was mixed. A number of stakeholders argued for the inclusion of GTOs, but there were strong arguments put to the contrary which highlighted that GTOs are already subject to a higher degree of oversight and regulation via the apprentice training obligations. That is one of the key design issues that we will need to make recommendations to government on.

**MR WALL:** What were the arguments for their inclusion?

**Mr Young:** They are essentially providing a labour hire service. The workers that are being provided are often young workers and, therefore, are vulnerable to injury and that—

**MR WALL:** But is that not being superseded by the already high standard that they are required to adhere to under the commonwealth framework?

**Ms Orr:** I think you might be running us through the for and against arguments that we have heard through—

**MR WALL:** The purpose of these hearings is to understand the direction that the directorate—

**Ms Orr:** Is the question you are trying to get to: will group training organisers be included in labour hire?

**MR WALL:** There is certainly some concern and uncertainty in the industry about whether or not group training will be included. Certainly some feedback that I have been—

**THE CHAIR:** Sorry, could I jump in and suggest that this is a hearing about annual reports and whilst I know there is—

**MR WALL:** I can refer to page 91 of the annual report.

**THE CHAIR:** Yes, but what I am getting at here is: whilst I get that this is a place that often ventures into slightly wider topics, if we can stop trying to speculate on future policy—

**Ms Orr:** Chair, I am taking your lead. I think I can give Mr Wall an answer that he perhaps will not be overly satisfied with today, but it is the best I can provide. We have obviously had all the feedback through this process. We have heard arguments for and against group training organisers being included. It is certainly something we are very cognisant of, going forward, in what we are shaping up. But I cannot pre-empt a decision of cabinet. That would be the next stage in the finer details. Again, we will note that you have got a keen interest in this and when we can provide you with

an answer we will.

**MR WALL:** I look forward to that being different to how it has been provided previously.

**THE CHAIR:** I was wondering if someone could provide some information as to how you have achieved a 13 per cent reduction in the rate of serious workplace injuries in the ACT public sector?

**Ms Orr:** I think we can point to Mr Young again.

**Mr Young:** Certainly. That was a very pleasing result just described in the annual report and is ahead of the target that was set. The effect of that is that we are well on track to achieve, for the public service, the target that is set in the national workplace health and safety strategy. In terms of how that was achieved, I think, as Mr Nicol indicated earlier, there has been a very significant investment by government in making improvements to its whole-of-government safety framework. That has been an ongoing initiative over a period. However, more recently and during the period described, as a result of the workers compensation self-insurance transition we became subject to a much more rigorous commonwealth-based audit tool and standards for whole-of-government safety frameworks.

We have now conducted audits of a whole range of government business areas against that new standard, and that has identified some additional opportunities for improvement. We have been working very closely with directorates to make changes and put further improvements in place. I think that is contributing to ongoing reductions in the number of injuries that are occurring.

If that continues there will be very significant benefits for the territory in not just reduced insurance premiums but increased productivity costs and improved health and wellbeing outcomes for injured workers. It is a lamentable fact that the average cost of an injury, once it does occur, is more than \$100,000 just in workers compensation premiums alone. There is evidence that suggests that the wider costs are more than triple that, and the majority of those are borne by the injured worker.

The territory is strongly committed to driving further improvements in its WHS performance for those reasons. They are very satisfying results but still, seeing there are upwards of 500 injuries a year, there is more work to do. But it is certainly a positive step.

**Mr Nicol:** I could also add that the public service is putting in place an occupational violence strategy to deal with violence in the workplace, whether it is between employees or with members of the public. We are also putting in place mental health strategies and boosting that piece of work. In CMTEDD we have elevated the focus on safety significantly and will continue to do so.

We have an online tool now for managers to go through. For example, we get every manager to go through what is essentially an online question and answer tool, and they have to pass. This gives information to managers about the importance of health and health and safety in the workplace as well as how to manage the workforce, what

tools are there to assist them to do this, how to identify risks, how to eliminate risks et cetera. The number of resources and effort going into this is very significant.

**Mr Young:** I think a key change arising from the process that Mr Nicol described is that, as a result of those audits, we identified that a great deal of good work was being done but in individual directorates. We have moved to a more deliberate whole-of-government approach, driven by the strategies described there. That has allowed us to identify good work being done elsewhere and to scale it up, share it and then apply it more broadly across the service.

**THE CHAIR:** I am just trying to understand the detail a little bit more. You have explained a bunch of initiatives. Some are preventative, whereas some are considered an early intervention. At what point is the serious injury measured? Is it at the time when someone is injured, or when they are assessed? Or is it whilst they are in the pipeline, receiving treatment?

**Mr Nicol:** Part of the instructions to managers is that workplace incidents must be recorded as soon as possible: certainly on the day, or within the hour if possible. If it is longer than two days, a lot of questions will be asked of the workplace as to why it has taken that long. Obviously, the scale of an injury will appear over time, particularly in the case of a mental health injury. That initial recording of the incident could be as minor as a trip which has no negative effects, up to the most serious incident you can imagine. Then over time we refine the information; as we get more information and the worker is assessed, assistance is provided to the worker et cetera.

**Mr Young:** “Serious injury” is a term that is used in the annual reporting. It is based on a national dataset definition. It is whenever an injury results in essentially one week’s worth of incapacity: the inability to do normal work. That is a nationally defined term. It is the one that is used in the national strategy. That is why we have adopted it here.

As Mr Nicol said, our focus is very much on preventing injuries and intervening immediately where they do occur. The process that we put in place, which is something I have described before—immediate medical treatment and rehabilitation services—is initiated as soon as a claim is properly made. We have a whole range, as we have pointed out, of injury prevention and early intervention services. To take one, we fund a panel of physiotherapists to provide services to workers who are injured immediately, before a claim is even properly made. That is a service that we have had in place for three years now, and it is increasing in popularity. The beauty of that is that it means that if a worker is hurt they are receiving assistance before they even make a claim and before it is a process. So we are very much focused on the full cycle of prevention, early intervention and then conventional injury management, where a condition is diagnosed and treated.

**Mr Nicol:** If an incident occurs that does not result in an injury by luck—for want of a better word—it will be investigated if it has the potential for a serious injury. We will investigate and take corrective actions to mitigate whatever risk is identified. So we do not just work off the fact that an injury has occurred; we look at a business process and we encourage the workforce to report instances where an injury may have occurred but for happenstance.

**Ms Orr:** We can provide you with a bit more information on one of the points we took on notice from a discussion earlier.

**Mr Young:** This goes to Mr Parton's question about reviewing the changes that were made to consultation requirements on large construction projects. Officials have committed to work with the new work health and safety council, once it is established, to review and consult and then consider the impacts, and to conduct a review via the council, taking into account the feedback and information arising from the national review that I described.

**MR PARTON:** Excellent.

**Ms Orr:** We just wanted to confirm the exact wording.

**MR PARTON:** Thank you.

**MR WALL:** How is the implementation of the office of the Work Safety Commissioner going? What is the time line?

**Ms Orr:** I am very happy with the way it is progressing. We have seen the legislation pass. Following the passing of the legislation, we have been able to start to put in place what you might call the infrastructure around taking the next steps. We have also written off to the rem tribunal to ask them to put together the actual remuneration—

**MR WALL:** The determination so that we know what we need to pay said individual.

**Ms Orr:** Yes, so that we know what we need to pay them. I am not aware that we have received a response to that at the moment. It does have to go through the Chief Minister's office, so it would come to him first, before it gets to me. But we expect that to come shortly now that the legislation has passed and there is an actual position there. The tribunal could not make a ruling before that had happened.

Following that, we have written to various groups, the Canberra Business Chamber and UnionsACT in particular, to ask for nominees to the new council. We are waiting for those to come in. Following the nominations, we will be appointing people to the council. The council will then be electing a chair and a deputy chair. We will consult with them and then start the process for the commissioner position.

**MR WALL:** So the council will be constituted prior to any work being done around the recruitment of a commissioner?

**Ms Orr:** Yes. It is in the legislation. Mr Young has lived and breathed this legislation for however long, so I will get him to walk through the detail of it. But, yes, it is set out in the legislation as the process that must be followed in appointing the commissioner. A part of that is consultation with the council. So we need to have the council in place in order to meet the requirement to consult with them before we progress any further.

**Mr Young:** The substantive piece of work that is underway to prepare for the appointment of a WHS commissioner is, as the minister has indicated, the Remuneration Tribunal work. That obviously needs to be finalised to allow the recruitment to go forward. That is underway and it has been informed by the design of the legislation and hearings and so forth. I hope that that result is imminent.

As the minister has indicated, the legislation sets out a timetable and a number of processes that need to be met in order to appoint the new WHS commissioner. As a result of that, the legislation is commencing in two tranches. The provisions that allow for the convening of the council and the election of a chair and the deputy chair have commenced. We expect that the remaining provisions will commence six months later. That period of time allows for the council to convene. I hope it will be convened in early December. That will allow that appointment process to occur. It will trigger the consultation and the process for selection.

**MR WALL:** The commencement of the second stage is anticipated for when? When does the six-month clock start?

**Mr Young:** From the date of passage.

**MR WALL:** That will take us to when?

**Ms Orr:** It passed last sitting.

**MR WALL:** Yes, but it did not commence on that date.

**Mr Young:** It passed on 22 October. Commencement, I am sure, was shortly afterwards. I think 22 April is the date.

**MR WALL:** That will be the six-month mark?

**Mr Young:** Indeed. That requires a commissioner essentially to be in place to exercise the powers. That is the timetable we are on.

**MR WALL:** Or at least a deputy in lieu.

**Ms Orr:** We are going to go with the commissioner in place.

**MR WALL:** You have the redundancy option in the legislation, minister.

**Ms Orr:** I think we are going to focus on the primary option, not the redundancy option.

**Mr Young:** The program to improve WHS compliance and enforcement arrangements made recommendations, which have been accepted by government, that go to changing many aspects of the regulator's operation. The legislation piece we are talking about here is only one of those. The government has funded and convened a project team that is working on preparation for the other changes that are necessary. That work is underway with a view to having the necessary infrastructure in place to support a commissioner, once appointed. There is quite a lot work going on behind

the scenes, in consultation with staff, to make sure that everything that needs to be done can be done in the six-month period left to us.

**MR WALL:** I apologise for the awkward question, Mr Jones: Mr Young, what happens to the existing position for the commissioner inside Access Canberra?

**Mr Young:** Essentially, at commencement of the new WHS commissioner, that role basically wraps up the regulatory powers that are currently vested in the director-general and delegated to the commissioner, and the powers that are directly legislated to the commissioner. The two positions cannot exist at the same time. The creation of one will equalise the other. That is a description of the statutory position of the Work Safety Commissioner becoming the WHS commissioner.

**MR WALL:** Will the person that occupies the role be found an alternative role or is it a redundancy? I do apologise for the awkwardness, Greg. There is a prominent person in the role at a fairly high level, and I hope to see you be successful in the new role, should you choose to take it, Mr Jones. In the eventuality that you are not, what is the internal process for dealing with that position?

**Ms Orr:** Mr Wall, you have already acknowledged that this is a slightly awkward line of questioning, given that Mr Jones is here.

**MR WALL:** But it is an important one, looking at workplace management.

**Ms Orr:** It is an important one. We can also be a little kinder in how we go about this. Mr Jones is welcome to come and have a chat with me at any stage about what he sees in his future. He has not already done that. I am open to having the conversation. I think that is the most straightforward and honest answer we can give.

**Mr Nicol:** I understand that Mr Jones—we are treating him as if he is not here—has had discussions with the Head of Service, and those are continuing. We will see how they come out. But I am not involved in those.

**MR WALL:** I was curious, not so much as to what your personal intentions are, Mr Jones, but as to what the formal process is for essentially making a position redundant and how you manage the workforce capacity in that.

**Mr Nicol:** I can answer that question, perhaps. It would apply to any executive whose position was no longer going to continue. We have employment engagement with executives, and we will honour those employment engagements. That may involve discussions with any executive on whether they want to take up a different role and whether they want to continue in employment in the ACT government. All of those options are a standard way of managing a workforce which constantly changes. They are things that I imagine would be discussed with any executive in this situation.

**MR WALL:** Just to conclude this awkward line of questioning, I will give my personal thanks to Mr Jones for the role that he has played. He has been seen in the industry as both hard and fair, by both sides. I think that is a credit to him and the dignity he has brought to the role.

**Mr Jones:** Thanks very much. Thanks for your very kind words. If I could add to the awkward conversation, there is a process that the legislation requires, which will run. As everyone has indicated, at the end of that process and after the appointment of a new commissioner, the current role will be significantly expanded. It is appropriate that a new process under the legislation is conducted. As Mr Nicol said, I have had some preliminary discussions with the Head of Service. At an appropriate time, probably in the new year, I will have some discussions with the minister on that. At the appropriate point we will continue to do business as usual, with the handover of the organisation in the best space and the best position that we can. We will go from there.

That will be a discussion that the minister and I will have, along with further discussion with the Head of Service, in the new year, to ensure that that transition is as smooth and as efficient as possible, and making sure not only that staff are looked after and have that certainty going forward—certainty in that period of change—but also the industry broadly out there in ACT land, to make sure that that transition is as effective and as efficient as possible.

**Mr Young:** Could I clarify one point? The act was notified on 31 October, so the six-month transition period would therefore end on 30 April.

**Ms Orr:** April is the key date.

**MR WALL:** The end of April.

**MR PARTON:** In regard to the work of the Work Safety Commissioner, and specifically ACT government directorate compliance, can I ask how many improvement notices were issued to ACT government directorates over the reporting period?

**Mr Jones:** I will check whether I have that number or whether I will need to get back to you. Over morning tea, I will clarify that. I know there were a couple. I will clarify that before the end of the hearings.

**MR PARTON:** If it is possible to find out, I would love to know which directorates they were and what the actual notices were. Also, how many prohibition notices were issued to ACT government directorates over the reporting period?

**Mr Jones:** Okay, we will do that.

**THE CHAIR:** In the interests of time, there is some committee business that we need to attend to. If you want to go away and look for those answers, we can pick up this line of questioning after the break.

**Mr Jones:** Yes.

**THE CHAIR:** We will have a short break.

**Hearing suspended from 10.44 to 11.16 am.**

**THE CHAIR:** Welcome back everyone. We will resume where we left off. Mr Parton was in the middle of a question. Do you want to finish that question?

**MR PARTON:** Yes.

**Mr Jones:** I can provide an answer to your question.

**MR PARTON:** I was asking you about the improvement notices and/or prohibition notices issued to ACT government directorates over the reporting period.

**Mr Jones:** In the financial year just completed this year there were no improvement notices or prohibition notices issued to government directorates.

**MR PARTON:** Yet prior to the break you were of the belief that there would be something you could bring to the table?

**Mr Jones:** I was looking for confirmation of data. There have been a number of issues that we have been dealing with but any notices relevant to those issues have been issued to contractors, private sector companies, that were responsible for the particular activity on various sites. Any notices relevant to projects were applied to private businesses or companies, not directorates.

**THE CHAIR:** I have a question about some of the enforceable undertakings. When some of these companies make financial commitments to do certain objectives, what is the process for negotiating what will be achieved?

**Mr Jones:** An enforceable undertaking is a regulatory option that is available through the legislation. We have a guidance note available which sets out the requirements for an enforceable undertaking. We look at an enforceable undertaking by taking into account the history of the company involved, their regulatory history, the seriousness of the incident and, to a large degree, the willingness of the company to provide reforms, take responsibility for the issue and to positively move forward. We take into account all those.

In certain circumstances where there has been an alleged breach of legislation we accept an offer of an enforceable undertaking which is then negotiated with the company, again taking into account the circumstances of particularly the seriousness and the nature of the incident. As part of those undertakings there are usually three components. There are benefits to the community broadly, there are benefits to the business sector broadly and there are benefits to the company itself. There are three components in an enforceable undertaking, which then brings a total commitment—it is usually over a two-year period—of what they would do to enhance safety in those three areas.

**THE CHAIR:** Could you repeat those three sections which the benefits are meant to address?

**Mr Jones:** There are benefits to the community. That is broadly. An example might be a contribution to the Red Cross, to St Vincent De Paul, more broadly in terms of benefits to the community. That tends to be the smaller component of it. Then a large

component is benefits to the industry, and that is in safety commitments in particular. That could be training courses, training videos, the provision of safety or other equipment. For example, it might be a training video or a piece of equipment such as a forklift to a training organisation, which can then benefit the workers in that industry more broadly.

There are benefits to the industry and there are also specific benefits to the company, to the workers involved, given that the workers of that company were involved in an incident—benefits to them—and that is usually in training equipment, perhaps the allocation of a safety consultant or a safety officer going forward. They can be quite specific to the individual company, obviously aimed at safety benefits to the workers of that company.

**THE CHAIR:** Going through each of those, in terms of the community side, who would choose which charity would benefit?

**Mr Jones:** An enforceable undertaking is an offer from the company to WorkSafe. And we would look at those various components. That would be the commencement of negotiation, if they met the guidelines initially, whether an enforceable undertaking was acceptable or not. And then we would come up with a negotiated outcome on whether their proposal was acceptable and whether it was at an appropriate level.

**THE CHAIR:** What framework would you use to determine whether a certain charity is appropriate?

**Mr Jones:** We tend not to make judgements about different charities. Our main input is the safety matters to the industry and to their workers. If a proposal was to make a \$20,000, \$30,000, \$40,000 donation to a particular charity of choice we would not say, “We don’t like that charity. It is someone else.” We would tend to accept that. We would look at the overall quantum of whether that contribution in the community side of things was at an appropriate level. But we would typically let the company decide on that charity.

**THE CHAIR:** Does a similar logic flow through to the business and industry side by which the company would determine what they think the most appropriate way to benefit the business and industry would be?

**Mr Jones:** Again, it is a proposal to WorkSafe. Based on our experience of what was perhaps done in other EUs or in other areas that we know are a safety priority, we would either make suggestions or propose alternatives, both on quantum as well as on the type of activity that may be proposed. For example, if a proposal was to do a one-off safety lecture, open to the whole of industry, we may suggest that they produce a safety video so that it would have a longer term benefit and could be viewed more than as a one-off. That would just be an example of some of the suggestions we could make.

**THE CHAIR:** Can you see any slight problem in someone who has been exposed for potentially lacking in safety protocols then lecturing others on safety?

**Mr Jones:** It can be quite effective. One of the things that we get them to do, if they

are producing a seminar or a lecture or whatever, is, No 1, we get an expert in to do the lecture, not just the person who perhaps may have breached. But we also put it in the context that that particular lecture, video or whatever has been produced because there has been a breach, they have acknowledged that breach and they recognise that improvements can be made. Quite often there are substantial benefits to telling it how it is, accepting the consequences of that, showing remorse for putting their workers at risk and then moving on in a positive way. It can have quite an empowering message.

**MR WALL:** How does WorkSafe monitor compliance with an enforceable undertaking once it is entered into?

**Mr Jones:** We have an audit regime of not only regular reporting from the company to us, but key milestones identified for each enforceable undertaking where either reporting or updates are required. We follow up with each company on how they are meeting those requirements, because all of the expenditure commitments in those enforceable undertakings have time frames on them. We ensure that they meet those time frames, by reporting and/or a combination of audits.

**MR WALL:** The financial aspect is one component, but then there is the other critical aspect: the correction of the failure in policy or procedure that led to the breach of the legislation. How does WorkSafe monitor that aspect of it?

**Mr Jones:** Often, if there has been an initial breach, whether it is procedural inadequacy, lack of SWMS or not following SWMS, we would deal with that breach and the rectification of that breach immediately following the breach. Usually, that is through a range of potentially non-disturbance improvement prohibition notices. Rectifying that immediate breach is a consequence of having those notices lifted or satisfied. In terms of regulatory action, that is when we may move to an enforceable undertaking.

**MR WALL:** Once the enforceable undertaking has been entered into, there are two aspects of it. There is the financial aspect, as you outlined: the benefit to industry, the community and the employees of the company. That is the financial consideration aspect: that that money is going to be invested to cover those three areas. But how are the issues in the entity that resulted in the enforceable undertaking being entered into monitored by WorkSafe to ensure that that is rectified? If they have a policy absence, and you are entering into an enforceable undertaking because of gross negligence to have SWMSs, to use an example, you are not going to just say, “Go pay that money over there and fix this issue.” How is the fundamental underlying issue measured and monitored?

**Mr Jones:** The fundamental issue is fixed very early in the piece. If it was a critical safety issue which perhaps was going to create a further imminent safety risk, that site or those sites would be the subject of a prohibition notice. That rectification would occur way earlier than an enforceable undertaking being entered into. The immediate rectification of the cause or the issue of the breach and/or the injury, risk or whatever was occurring would be done first. As with all regulatory monitoring, we would have follow-up audits and visits in terms of their activity, their work sites and whatever, to make sure that they were continuing to be compliant while we continued with those enforceable undertaking negotiations.

**MR WALL:** How is the ACT Education Directorate going in that space?

**Mr Jones:** Very well. We have had a number of quite lengthy and detailed meetings with the Education Directorate. I have a regular catch-up with the director-general of education to go through a whole range of not only improvements and safety issues but also more positive initiatives that they have brought on board following some of our discussions and interactions around the EU earlier on. This is not just with occupational violence but with safety more broadly. They are meeting, or ahead of, all their requirements under their enforceable undertaking. I am very satisfied with the progress they are making and the depth and the detail of what they have been entering, the cultural change within the directorate and how that is being pushed not only through the directorate but down to individual schools as well.

**MR WALL:** What is WorkSafe looking for as part of that enforceable undertaking? I imagine that it is probably a bit different to what there would normally be with a private construction company or another private entity, given the sheer size, scale and breadth of the directorate.

**Mr Jones:** Based on the nature of the issues that we highlighted and that were recognised by the Education Directorate, we are looking for system changes to focus on the welfare of their staff in addition to the education and welfare of the kids. What we raised was that it is not a trade-off, one versus the other; it was an emphasis on the Education Directorate doing both. In entering into the EU, they recognised responsibilities in both areas, again in parallel, not as a trade-off. What we were looking for, and what the enforceable undertaking highlighted, was cultural change, system change and ensuring that reporting in that area and responses to reporting of concerns, issues, threats or actual injuries were responded to very quickly and support services were provided to their staff. Everything that we have seen so far has indicated that they are making really good progress on that.

Further to that, the Education Directorate are sharing the learnings and the changes they have made with other directorates. They are almost a community-wide occupational violence concern. We are having ongoing discussions, including education, with other directorates on a whole-of-government approach and what learnings we can have in specific areas—it is not just Health, corrections, Education and TCCS—on what benefits education can share with other areas. That in itself is a good reflection of the cultural change and the positive attitude that Education have got out of this process.

**MR WALL:** Beyond your catch-ups with the director-general, on how many instances since the enforceable undertaking was entered into have you or your inspectors visited an ACT government school?

**Mr Jones:** I do not have the exact number, but we visit on an at-need basis where there are substantial complaints or where there are issues, and I would say unrelated issues, where we need to get involved. When I say an unrelated issue, I am talking about the tragic death of the Campbell High School student. We were involved with that with federal police and the coroner's office, to look at systems and processes with that. We are involved with the Education Directorate with that process. Clearly that is

not an occupational violence issue.

**MR WALL:** So there are no regular or routine inspections of Education Directorate workplaces to ensure that what you are being told by the DG is actually being delivered and implemented on the ground? How are WorkSafe satisfying themselves—I will be pretty frank, because the four of you up there are professionals at telling people that everything is okay and things are going well; this is the dance we are doing here today—that when you are having those conversations with the DG, what you are being told is evident from what is occurring at the front line for teachers?

**Mr Jones:** We have a range of monitoring areas. We monitor very closely the risk-man reports, which Education Directorate are required to fill out. We monitor that. It is not just notifiable incidents, but all incidents directly. We have catch-ups with the Australian Education Union, and we get feedback from them, from their members directly, on how they see the culture, the training and the changes that occur there. We get separate feedback from the union representing the teachers. There is a fairly extensive reporting requirement from the Education Directorate to us as part of the monitoring activity of that enforceable undertaking.

While we do not have a direct audit program over education, there are a number of other sources of information which we use to inform ourselves about how they are complying with those requirements.

**MR WALL:** Is that consistent with what you would do for the other enforceable undertakings that have been entered into, or is there a system of high compliance visitation or inspections to ensure that there is adherence that you would deliver with them? Is it a case of ringing up the managing director or the principal of those entities and saying, “How’s it going? Give us your paperwork.”

**Mr Jones:** It is completely consistent in that we put processes in place so that we can be satisfied, by reporting and/or independent checking, that whoever has the enforceable undertaking is meeting those requirements. Obviously, the size and the systems involved with Education were quite extensive, so we put a reasonable amount of resources into monitoring that activity, given the importance of that enforceable undertaking and the measures going forward. But with all enforceable undertakings we do monitor their ongoing compliance, not only with work health and safety legislation but with their obligations under the EU. That is done on a risk/harm basis, depending on what the particular EU was for and the relative factors that were involved. It is consistent with our approach to all.

**MR WALL:** What was the contribution to the community as one of the three pillars of the EU with the Education Directorate?

**Mr Jones:** I would need to take that on notice and get back to you. The total value of the EU was \$10.045 million. I am not quite sure what the contribution was.

**MR WALL:** There was a contribution made by Education voluntarily which formed that 10, but the EU was two point something, wasn’t it?

**Mr Jones:** The enforceable undertaking has provisions to recognise contributions made by a company or an employer prior to the EU being entered into. Given the time between our initial investigation and entering into an EU, Education took the initiative to begin to invest in their systems and processes. It was appropriate to recognise that contribution, the substantial contribution which they had already made at their initiative prior to entering the EU. So that was part of the EU.

**MR WALL:** According to the annual report, the total commitment combining is 10.045 million, but 2.375 was the commitment as part of the undertaking of that.

**Mr Jones:** That was to a new commitment. The balance between those two numbers, seven something or other, was the voluntary contribution that the Education Directorate had already made prior to entering that EU, which was directly relevant to what they were doing, and we gave them recognition of that.

**MR WALL:** Could you provide on notice what the community contribution was.

**Mr Jones:** That break-up, yes.

**MR WALL:** Thanks.

**MR PARTON:** On page 89 there is a mention of asbestos training. What changes have been made to enhance asbestos training?

**Mr Young:** Which volume?

**MR PARTON:** That will be in volume 1.

**Mr Young:** Is that page 89, or 81?

**MR PARTON:** Page 89 is what I have.

**Mr Young:** There was a change made by regulation which identified some specific classes of workers who may be required in the course of their duties to do routine maintenance work on asbestos-containing products. That had been identified via the Work Safety Council as a gap in the legislation.

You might be aware that there is already mandatory training for people who may come into contact with asbestos in the course of their work at the bottom end of the scale in terms of asbestos requirements. At the top end, where companies are undertaking removal, they need to be trained, accredited et cetera. However, there was an identified gap between those two extremes of people, for example, electricians who might have to drill a hole in a power board that contains asbestos or something like that. We are talking about quite routine, minor maintenance work on asbestos-containing materials. Based on that engagement, a number of occupation classes were identified and they have been introduced into the regulation as requiring a particular training course to deal with that type of work. I believe that it commenced in July.

**MR PARTON:** How is it delivered?

**Mr Young:** Via approved trainers. It is a particular course not delivered by government. The regulation places an obligation on employers to identify workers who may be engaged in that type of work and to ensure that they have done the training.

**MR PARTON:** It commenced when?

**Mr Young:** July this year.

**MR PARTON:** What are the numbers looking like on that?

**Mr Young:** I have not seen any numbers as yet. Because it is delivered externally, we do not have a sort of central database. Licences are not issued; it is just a requirement on the employer.

**MR WALL:** How are the workers compensation compliance team determining which businesses or employers to conduct a review of their workers comp coverage of?

**Mr Jones:** With most of our compliance audits, it is done on a risk basis. That is identifying where businesses, based on past history, are likely to be compliant or not, as the case may be. We have a fairly major focus on retail areas, partly because we can cover a lot of businesses in a relatively small period of time. Also our experience is that a lot of businesses, especially some of the small ones, are unaware of some of their workers comp requirements. We can clarify that as part of our audit program and we can also ensure that all businesses, no matter what size, are meeting their workers comp obligations. We would typically have an information compliance focus on some of the major retail centres, whether it be Belconnen, Civic, Woden or Tuggeranong.

**MR WALL:** I think the annual report showed that there were five instances where a company was issued a fine for noncompliance. Was that underinsurance, or a complete absence of a policy? What are the issues that are arising from the compliance exercises?

**Mr Jones:** Most of what we find is that a business will not have an insurance policy at all. There is a range of reasons for that. Sometimes it is a conscious decision of the business owner not to, if businesses are perhaps a bit tight or a bit marginal commercially. Typically there is a misunderstanding that some of their other insurances include workers comp, and some are unaware that workers comp is in fact mandatory. Part of our audit program is to inform them of what their obligations are.

Where it is appropriate, we will do an assessment of the fees not paid where they should have been, and then we will issue them a noncompliance notice. So that they do not get a commercial advantage from being noncompliant, we require them to pay, in accordance with the legislation, back pay of the workers comp fee, based on the number of employees they have had over whatever period of noncompliance they have. We do have an opportunity to charge double the fee. That decision is made based on the reasons why they were noncompliant. If there is what we might consider a deliberate avoidance of the premium or an understatement of employees to minimise their premium, then the legislation provides us the opportunity to require double the

premium.

**MR WALL:** What is the extent of the compliance check when inspectors go out and do the door-to-door compliance checks? Is it just a case of, “Have you got a policy that covers you?” To what extent is there an audit of the broader payroll and the adequacy of the certificate, where it exists?

**Mr Jones:** The first thing we do is establish whether a workers comp policy is in place. We have arrangements with the insurance companies to confirm that and what the basis of those policies is in terms of number of employees et cetera. We do not audit their books on the number of employees. We go by stat decs and other evidence and then we base it on that. We do have powers to look at their books in terms of how many people are on their books and being paid.

**MR WALL:** I guess it is more the quantum of salary that is being paid rather than—

**Mr Jones:** Indeed. That will affect, obviously, the premium: whether they are being paid \$30,000 or \$40,000 as a casual versus \$200,000 as a salary. That will impact the level of workers comp they would need to pay. We look at that and then we go from there.

**MR WALL:** Are there any instances that have been highlighted of either underinsurance or under-reporting of payroll in relation to the policy and premium that employers hold?

**Mr Jones:** Not so much that we have discovered. Mostly they either have a policy which is adequate or they do not have one at all. There are potentially some companies, and it would be a larger one, that may understate. We do conduct investigations into that. They are quite extensive and time-consuming or resource-consuming investigations. Typically we find that they either have a policy or do not.

**MR WALL:** But from what you have said, there is not a huge amount of work that the team is doing to specifically identify underinsurance. It is more, “Yes, that looks about right. We’ll take it on its face value,” or, as you mentioned, accompanied with a stat dec. But there is not that detailed look.

**Mr Jones:** It is more about the evidence that is available. Our inspectors are pretty experienced in making a judgment, looking at the size of the business and their activity. We can get numbers on turnover. They are pretty good at getting a feel for whether the numbers of employees and their salaries reported are commensurate with the type, the size and the turnover of the business. A busy, active business with a high turnover that reports one or two staff is going to ring the alarm bells. They are pretty experienced in getting a feel for the business and they see enough information to make that broad judgment without doing a detailed, resource-intensive audit.

**MR WALL:** So you are getting information from the insurers themselves as to policies that they have written under the scheme?

**Mr Jones:** Yes.

**MR WALL:** And are you getting information from other entities such as the tax office or the like around—

**Mr Jones:** We can do that. If we are doing a dig-deep investigation into something, for example, if we suspect there is a company that is under-reporting, then we have powers to go through and talk to other entities, such as the revenue office with payroll tax and things like that, for consistency.

**MR WALL:** So data matching is regularly done between revenue—

**Mr Jones:** That is certainly an option. We do have powers and availability with our relevant legislation.

**MR WALL:** How much of the compliance team or WorkSafe's role more broadly is boots on the ground, visiting business to check compliance, versus matching the data that exists from various entities, be it insurers, revenue or the commonwealth, to highlight potential anomalies?

**Mr Jones:** At the moment we have a manager and two inspectors in that area. They all have and do field experience as well as desk audits. It is a rotation depending on the—

**MR WALL:** To what extent is data used to inform where to head, not on an industry-wide net but using that information to sift through the thousands of data points that would be there to identify potential issues that might exist with a specific employer or entity? Is that level of detail, data matching, not done?

**Mr Jones:** We tend not to do that level of detail. Given that we have an advisory engagement as well as a compliance role, actually being out in the field is the most valuable. They know we are going to visit. They know we are helpful. But we also do not tolerate non-compliance either. We use that data matching. It depends on what our focus is and what our investigations are covering at the time.

**Mr Young:** Perhaps I could add that, because we have the responsibility for managing the databases and the systems that collect claim and policy data from insurers, watching that data to make sure it is of an appropriate quality and providing analytics to the inspector is actually a function performed in my group. The resources that we have on that work are additional to the resources that Greg just described in the inspectorate.

In terms of how that data is being used to potentially inform the strategic targeting of compliance activities, I could perhaps make two observations. I think the Nour independent review, which informed the design of the reforms that we are in the process of putting in place at the moment, did identify opportunities for better utilisation of data to inform compliance and enforcement activities. And the project that is underway is focusing on enhancing our ability to do that and ensuring that data and analytics are properly and fully integrated with compliance and enforcement regime. We expect there will be further investments in that area going forward.

At the moment, though, the type of analytics that we might do to inform an inspector, as we have indicated, includes providing information about policies that have been issued, the number of employers that have been declared—and the wages—but we are able to do analytics where we can compare essentially the claims data set with the policy data sets. By way of example, if a firm is registered as an architectural company but they have had five claims from bricklayers over the previous period, that suggests that there may be an under-reporting or a misclassification of industry, and that could inform compliance activities.

That being said, the primary risk to government is non-insurance. Where a person is injured and there is no insurance in place, the cost of managing that claim falls on the default insurance fund—

**MR WALL:** Which is funded by people who have paid their premium?

**Mr Young:** Indeed. Historically, and I think rightly so, the strong focus of boots on the ground, as I say inspectorate activity, has been to ensure that there is a policy in place because that is the primary risk to government. The risk arising from under-declaration of wages or the mislabelling of industry class primarily falls on the insurers because the result is that they are under-collecting premium that they otherwise would have been entitled to.

I think there is a secondary risk to the scheme as a whole where, if that type of behaviour becomes systemic, it potentially pushes up premiums for the compliant employer. We certainly have a keen interest in it, and that is one of the areas where we are looking at developing our capabilities. But the compliance regime that is in place at the moment is not limited just to the inspectorate. Insurers actually have powers under their policies to conduct wage audits, and they do.

On your question around that mix of compliance activity, I think in the broader context it is more than just simply checking that there is a policy in place and a—

**MR WALL:** To what extent is the cross-border issue of policy coverage the resulting cause of no insurance as opposed to flagrant disregard of the legislation?

**Mr Young:** Could I start with that one? I chair the default insurance fund advisory committee which is a ministerial advisory committee that looks at uninsured claims that are coming through. I note that that is an issue frequently put forward by uninsured employers. A situation might arise where they have taken out a policy in New South Wales and after an injury has occurred and a claim has been made and has been investigated, it has turned out that the worker's state of connection was the ACT. That is a common excuse put forward and is one of the factors that Greg and his team can take into account when they are considering what a compliance response might be.

**MR WALL:** What proportion of claims on the default fund would that be an issue for?

**Mr Young:** I would say around a quarter.

**MR WALL:** Anecdotal is fine.

**Mr Young:** Fluctuating over time.

**MR WALL:** Are we talking half, a third—

**Mr Young:** I would say a third is probably, intuitively, the ones that I have seen recently; the ratio that I am seeing. That being said, we do quite a bit of work with our colleagues in other jurisdictions and through regulation to try to get clarity to employers around how those state of connection tests work so that an employer and brokers who are frequently advising them can make an informed decision around which jurisdiction they should be covered in. We do our best to avoid situations where that sort of confusion might arise. But we still hear it.

**MR WALL:** It is probably more back to you, Mr Jones, on the compliance side. To what extent is either the under-insurance or absence of insurance attributed by an employer to the sheer cost of workers comp policy in the ACT?

**Mr Jones:** It is a bit of a mixture, especially with quite small businesses that are potentially, marginally, commercially viable in any case. Either deliberately or otherwise, a mandatory workers comp insurance clearly adds to their business cost. If we find a business, usually a small business, that does not have workers comp, that decision to get, I will call it, a back payment of the premium to go to the default fund—in making that decision whether to charge a single or double premium recovery and whether to require that payment, whether it is single or double, within either 28 days or over a payment period—is a decision I make based on submissions we request from them in terms of financial hardship. For example, where there was financial hardship but a willingness to as soon as possible become compliant, I will require just a single recovery amount and give them a period of time to pay off, I will call it, back pay, on the proviso that if they do not make an agreed monthly payment—and it is an agreed payment program—then the full amount would become due and payable. We negotiate a payment period for those businesses.

**MR WALL:** I am not sure if this question is rightly directed here or if it is an economic development question—

**Ms Orr:** There is a bit of crossover within this area but ask the question and we will let you know.

**MR WALL:** What monitoring is done of the premium rate that is being charged in the ACT comparable to like classifications in New South Wales and the drag effect that is having on both job creation and economic growth for the ACT? Is that in your area?

**Mr Nicol:** I think there are two elements of that. We monitor our premiums across the border in this area but we do not do an assessment of the economic impact because economic impact relies only not on one factor but a whole range of other factors. It is done between treasury and economic development. But we can talk about the comparatives, if you wish.

**MR WALL:** On the premium differential, I am happy to delve slightly further as to

what monitoring is done of that and what is the current view on how we are tracking against New South Wales.

**Mr Young:** As Mr Nicol pointed out, we very closely monitor the premium rates being charged at an industry and aggregate level. In the territory that is done as part of an independent annual actuarial review. The results of that are published. One of the documents that are published as part of that is an industry-class-by-industry-class estimate of the reasonable premium rate that should be charged in the territory.

There is very good information around ACT cost performance. We have historically benchmarked that against other jurisdictions, with a particular focus on New South Wales because of the geography. In recent years New South Wales has changed their premium model and they do not actually publish what they call their insurance premium order, which is what we historically relied on. For the past three years there was somewhat less clarity around those differences.

But one observation that I would make is that across the country there are significant differences in workers compensation premium costs, largely off the back of differences in the types of injuries that are covered and the types of service payments that are made as a result. New South Wales is, according to Safe Work Australia data, on the lower cost end of Australian jurisdictions and the ACT private sector is on the higher side. There is historically a gap.

But, that being said, a recent analysis shows that, at a whole-of-ACT-government scheme level, the recommended premium rate that our actuary thinks an insurer could reasonably charge is about 2½ per cent of wages. The amount that they are actually collecting is somewhat less. It is more like two per cent. In a sense, the actual costs that employers are paying, and thus any gap between what a like business might be charging in New South Wales, are likely to be significantly less than a high-level analysis of that comparative data suggests, because ACT insurers are essentially absorbing a significant proportion of scheme costs. As a result there is cost pressure in the scheme. That has been there for quite some time. But it remains a competitive market, and I do not see that changing in the future.

**MR WALL:** Certainly the experience from industry is that, for like-for-like employment categories, the differential between the ACT and New South Wales is substantial. And for some industries, particularly when it comes to group training organisations, it is prohibitive to operate in the ACT as opposed to other jurisdictions. Are those sorts of things on the radar?

**Mr Young:** I cannot speak to prohibitive or the impact on individual businesses but the modelling that we have done suggests that a differential of 30 per cent is not unusual. And that is the type of difference that we would expect, just based on those fundamental scheme design differences.

New South Wales does not cover journey claims for people traveling to and from work, for example. The ACT does. That alone probably constitutes a 10 per cent cost differential between the two schemes before any other factors are taken into account. Those structural differences certainly result in cost differences, albeit somewhat offset by the competitive market in the ACT at the moment.

**THE CHAIR:** It is my understanding that there are no further questions. Minister, as per standing orders, responses to questions taken on notice are due five days after receipt of the uncorrected proof transcript. Members have five days from today to submit additional questions. The committee's hearings will resume at 1.45 pm.

**Hearing suspended from 12.03 to 1.45 pm.**

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 Sport and Recreation, and Minister for Women

Education Directorate

Brighton, Ms Meg, Director-General

Efthymiades, Ms Deb, Deputy Director-General

Gotts, Mr Robert, Acting Executive Group Manager, System Policy and Reform

Hawkins, Mr Ross, Executive Group Manager, Service Design and Delivery

Seton, Ms Sam, Executive Branch Manager, Student Engagement

Huxley, Mr Mark, Executive Director, School Performance and Improvement Division

Hamilton, Ms Judith, Director, School Improvement—North Gungahlin

Matthews, Mr David, Executive Group Manager, Business Services Division

Watson, Mr Martin, Executive Director, Office of Board of Senior Secondary Studies

**THE CHAIR:** Welcome, minister and officials. Today we will be looking at the annual report of the ACT Education Directorate. Can I ask you to read the privilege statement that is in front of you and confirm that you have understood its contents?

**Ms Berry:** Yes.

**THE CHAIR:** The proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Do you have an opening statement, or shall we go straight to questions?

**Ms Berry:** Straight to questions.

**THE CHAIR:** Sounds good. I have a question about student retention rates. How is the ACT tracking?

**Ms Berry:** We can give you some advice on student retention rates. We have a really good story to tell in our college system about not only student retention but also student pathways once they leave college in the ACT. I will ask Mr Gotts to go through some of the detail and some of that data for you.

**THE CHAIR:** It is on page 45.

**Mr Gotts:** I have read the privilege statement and I understand it. As the minister has indicated, we have very good retention rates in the ACT. From preschool to kindergarten between 2018 and 2019, our retention rate was running at 77½ per cent. That means that, of all the children in preschool in 2018, 77.5 per cent of those went through to a public kindergarten. Between years 6 and 7, the rate was 80.5 per cent and between years 7 and 12 the rate was 75.8 per cent. There is a reason why the rate is a bit lower between preschool and kindergarten, that is, a number of students attend

a public kindergarten but then move to a non-government school at the end of preschool.

**Ms Brighton:** I have read the privilege statement. In addition to what Mr Gotts said, we have a really strong story to tell about student outcomes in years 11 and 12 in the ACT. We do a school leavers survey. That school leavers survey shows that the pathways that Canberra kids have through the college system is pretty extraordinary.

What is being shown in our annual school leavers survey is that we have a very high number of students after college who transition into further study or further work. We found that in 2018 91 per cent of the preceding year 12 students were employed or studying. In 2018 we did the survey and, for the 2017 graduates, 91 per cent were employed or studying. That is telling a really strong story: that our colleges are offering a whole variety of pathways to students in the ACT, be it tertiary studies, be it vocational education or being ready to go straight into the workforce. Having regard to the retention that we are seeing all the way through our public education system, the offerings that colleges have and what that looks like for our post-school destinations, it is really strong.

**THE CHAIR:** What are the factors that affect the retention rates for ACT public schools?

**Mr Gotts:** There are a number of factors. One of those is, of course, choice. Parents make decisions about where their children want to attend school. With other factors, the ACT has quite a high rate of what I will call population churn, in the sense that numbers of families move in and out of the ACT each year, to do with their employment, either with commonwealth government, Defence or something like that, and that leads to reasonably high rates of moving in and out of the ACT. They would probably be the two biggest influences on retention rates.

**THE CHAIR:** Do you track that data or just the rate that is retained?

**Mr Gotts:** We track the numbers for all students in the ACT. It is not reported here but we track all student numbers across all schools in the ACT.

**MR PARTON:** Ms Brighton, you spoke of the seemingly high percentage of year 12 students who transition into either further study or into work; it was 90—

**Ms Brighton:** Ninety one per cent.

**MR PARTON:** Ninety one per cent. Even if it is just an anecdotal reflection, is there any sense of how that compares to other states and territories?

**Ms Brighton:** I do not have that information to hand. Mr Gotts may have it, from his experience.

**Mr Gotts:** My understanding is that it is higher in the ACT than elsewhere. That is my understanding without having looked at a specific piece of data.

**MR PARTON:** My understanding of that figure of 91 per cent would be that the nine

per cent remaining were not studying and were not working, so they were just unemployed.

**Mr Gotts:** Obviously, in any cohort of students who finish school, a number of them at the end of school will be neither employed nor working. Equally, there are a number that are no longer in the ACT. There are students who have finished year 12 and may have left the country, if they are full-fee-paying international students, for example, and have gone back to their home country. One of the things that we see happening is parents delaying a move that they might have made until their children have finished year 12, then moving at the end of that. So they have left the ACT and gone to somewhere else in Australia. There are a number of factors that can influence that number at the end, so it is very hard to define it, exactly.

**MR PARTON:** When we have said 91 per cent are either studying or transitioning into work, that does not necessarily mean full-time work, does it? It just means that they have transitioned into work. My 19-year-old, like many others, is just finishing up a gap year, and I wonder how those kids are reconciled in those figures.

**Ms Brighton:** I will defer to Mr Gotts, as the custodian of the survey.

**Mr Gotts:** It is a longitudinal survey, so we look at three years worth of data. We see that, yes, of course, there is a proportion of students who do a gap year. We look at the end of not just the first year but into the second year, and we can separate out those who were not either working or studying in the first year after school, but are working or studying in the second year after school. That gives a sense; then we look at it again for the third year.

**MR PARTON:** I still wonder how many gap years become longer than a year.

**Mr Gotts:** So do we.

**MR PARTON:** It is a whole other story.

**Ms Brighton:** Mr Parton, the detail of the survey is available on our website, the full report, which we can furnish as well.

**MR PARTON:** Excellent; thank you.

**MRS KIKKERT:** I draw your attention to page 11. The director-general makes the statement:

The Education Directorate's *Strategic Plan 2018-21* was also launched. It identifies our vision to be a leading learning organisation where people know they matter ...

How does this statement align with the directorate's record of WorkSafe intervention because of years of unreported and unaddressed school violence against teachers?

**Ms Brighton:** As our vision statement says, that is the organisation that we want to be. We want to be an organisation where people know they are cared for, they are trusted,

and that they are invaluable to improving the outcomes of students in the ACT.

Going to our journey in work health and safety—where staff were not reporting injuries, for any number of reasons, one being that they felt it was just part of being a teacher—our recalibration over the past couple of years has been to say, “No, your role is so invaluable to us that we want to make sure that you are cared for and you are protected.” We have tried to build a culture where people can identify when there are issues and we can respond when there are issues.

Our whole aspiration is to be that leading learning organisation where people know they matter. At the heart of it, student outcomes in this jurisdiction are dependent on a classroom teacher, and a classroom teacher who feels valued, cared for and encouraged, and “built” in terms of their teaching capability, is critical to this jurisdiction and to us as employer.

**MRS KIKKERT:** You have just described a utopian type of school environment for teachers and students to flourish in. How does that relate to the chaplaincy program? We often see students who are spiritual, who feel that their spirituality matters to them and who enjoy seeing a chaplain in their school when they are in trouble, to develop their spirituality or to nurture their spirituality. How is that in line with your vision of what you have just described: that all students matter to you, that all students are valuable to you? How does that relate to a student who enjoys seeing their spirituality chaplain? How does that relate to saying, “Actually, no, you cannot see your chaplain”?

**Ms Berry:** There are a couple of things that I want to draw to the attention of the committee. The first thing is that one of the first actions I asked the directorate to consider was to develop an occupational violence policy and plan to ensure that workers were valued and that students got the best out of their teachers because their teachers were respected and valued in our schools.

There is a significant culture shift that we are asking from the teaching profession, to consider that their work environment can also work alongside a child’s right to learn and can still be an environment that is a safe one. That work that is being implemented across our schools, and that culture change that we are starting to see through the high reporting that is happening, never had happened before and is nation leading. No-one in Australia has done this kind of work previously. We are very proud of that and very proud that the directorate’s strategy aligns with the future of education strategy, ensuring that our teachers are valued and respected and that our students get a great learning outcome.

With regard to chaplains, our schools are public schools; they are secular schools. They welcome every faith and culture, every student and family, regardless of their background, regardless of where they have come from, regardless of any of the complex issues that they might bring with them in their school environment. That is why our schools are so great and inclusive: you are welcome regardless.

With regard to chaplains and support for young people who might be experiencing anxiety or other issues in our schools, there will always be social supports available. The ACT government has committed to an additional 20 psychologists; we are up to

the last five. Have they been employed?

**Ms Brighton:** We are going through the process.

**Ms Berry:** They are going through the process to start in our schools next year, which will get us to the 20 that the Labor Party committed to during the election campaign. We have also said, and it is all through the future of education strategy and the government's response to both the committee report and the SEAC report, how important social workers and welfare workers are in our schools. But they need to be secular. All the chaplains who are currently employed in our schools by Scripture Union Queensland have been offered employment with the ACT government, and that process is continuing. If those individuals want to stay and work in our schools and offer social welfare support to our students, they are most welcome.

**MS KIKKERT:** You are discontinuing chaplaincy work in public schools? Is that correct?

**Ms Berry:** Those social workers and youth workers will be employed on a secular basis to provide welfare supports to students in our schools. Our schools are welcoming, as I said, to every faith and every culture. If additional supports are required in our schools through social work or welfare work—or through our psychologists, the number of which we have increased over the past four years—that support is available. It is done on a secular basis. The Education Act in the ACT requires that, and we expect that our schools would act lawfully in that regard. Chaplains currently employed by the Scripture Union have been offered employment by the ACT government.

**MRS KIKKERT:** Are they allowed to teach spiritual guidance?

**Ms Berry:** Under the Education Act, a parent or family can ask for religious education on any religion in our schools, and other students can opt into that. For example, schools might offer a scripture program during Easter through relationship with their community church; families and students can opt to be part of that program if they want to.

**MRS KIKKERT:** But are the chaplains who are becoming youth workers next year if they choose to do so allowed to give spiritual guidance or advice to students if they seek it?

**Ms Berry:** Under the ACT's Education Act, our public schools are secular schools; they are not religious schools. They offer education and support, if required, through youth and social work, and psychologists, in a secular way. Those services will still be available, but by employees of the ACT government, not employees of Scripture Union Queensland.

**MRS KIKKERT:** That still does not answer my question as to whether they can or they cannot. You say that it is a secular school, but can they give spiritual advice?

**Ms Berry:** Our schools have to abide by the Education Act, which means that they operate in a secular way. So no, they could not offer religious education in that way.

**MRS KIKKERT:** Not an education; spiritual guidance.

**Ms Berry:** If that was to occur outside the school in a church or in another religious organisation, but that would be happening outside the school.

**MRS KIKKERT:** They can outside?

**Ms Berry:** Inside the school, public schools are secular. Under the Education Act, they are required to operate in a secular way. That is why all religions, faiths and cultures are welcomed into our schools. There is no specific requirement for any religion to be taught in our schools or for spiritual advice or support to be offered in our schools. What is provided under the act is the opportunity for families and children to ask for religious instruction. Whether that is in Christianity, Catholicism, Hinduism or Buddhism, it can be offered, and the students can opt into that program.

**MRS KIKKERT:** How is it welcoming to students when you say that you welcome all denominations and all backgrounds into the public schools, yet they cannot discuss spiritual issues with a particular youth worker in the school. It is not very welcoming at all. You are isolating those particular children who want to talk about spiritual issues.

**Ms Berry:** They are secular schools; that is it.

**MRS KIKKERT:** So what? It is their freedom to talk about spiritual issues at any time of the day. You are ripping that away from them. You are stealing that away from them.

**Ms Berry:** Mrs Kikkert—

**MRS KIKKERT:** You are. That is what you are doing. You are punishing them, because they cannot discuss spiritual matters.

**THE CHAIR:** Mrs Kikkert, do you have a question?

**MRS KIKKERT:** One question. Kids in Bimberi are troubled kids, very vulnerable kids, yet they have a spiritual room inside Bimberi where they can choose to go and seek guidance, seek directions, when they are in trouble. Do you not see that that is also important for a student in a high school or primary school, when they are in trouble, to seek spiritual guidance in the same way as a youth who is in Bimberi detention centre?

**Ms Berry:** Perhaps I can put it to you this way, Mrs Kikkert: spiritual does not necessarily mean religious or that religious education is required. There are opportunities for students to get guidance and support from well-trained and experienced youth and social workers in our schools, and psychologists, if it is required.

**MRS KIKKERT:** They also have that in Bimberi, yet they feel that spirituality matters to the youth there.

**Ms Berry:** And spirituality is not necessarily—

**MRS KIKKERT:** Just as it should matter in our public schools.

**Ms Berry:** It is not necessarily connected to religion, Mrs Kikkert.

**MRS KIKKERT:** No, it is not, but they want spiritual directions and guidance in public school at any time.

**Ms Berry:** And they get that support.

**MRS KIKKERT:** You just said they cannot talk about that in public schools.

**THE CHAIR:** Could you provide some information as to the religious background of those current chaplains?

**Ms Berry:** Yes. The existing chaplains are currently employed in our schools by Scripture Union Queensland—foreshadowing there an opportunity to be employed by the ACT government. We think that is the best way for that work to continue in our schools, to ensure that there are qualified youth workers and social workers in our schools who can provide advice and support—spiritual, if that is required, but in a non-religious way, because our schools, under the Education Act, are secular and welcoming of all cultures and faiths, regardless of where that comes from.

Mr Hawkins will be able to give you an update on where the process is at with regard to the existing chaplains and a way forward, in order to ensure that that social work support continues in our schools.

**Mr Hawkins:** I confirm that I have read the privilege statement. We have been working with chaplains and chaplains ACT over the past year in enacting this decision. We have worked closely with chaplains ACT on defining a job description. We met with the chaplains in May. We have a future meeting planned with them in the next couple of weeks to talk them through the description, and they will work through the process that we followed.

As the minister said, we guaranteed 10 hours worth of work per week for the chaplains for next year, to provide that degree of youth and social support to students within our system. It should be really clear that that is a supplementation on top of what we are already providing across our schools. We have a number of psychologists, social workers, youth workers, community coordinators, teachers and welfare workers within our schools providing those supports to students in the most comprehensive way possible. Chaplains currently exist in 19 of our schools but we have those supports in place across all of our schools in the ACT.

**THE CHAIR:** Could I get some historical context on where the funding for chaplains has come from and if it has changed?

**Ms Berry:** Yes, it has changed. Initially, secular workers were engaged in this role in our schools in 2014, but that changed when the federal government required those

workers to be employed by religious organisations. Basically, it did change and, despite my efforts to ask the federal government to reconsider that change in recent times—early this year—they refused to do so; so we went about implementing the ACT government’s decision to employ chaplains on a secular basis in our schools to continue that important work.

Our schools are secular. The Education Act requires that. They are not religious schools. They welcome all faiths and cultures. That is the strength of our public school system.

**Mr Hawkins:** I think the minister has covered it off. The national school chaplaincy program has existed for some time. As the minister said, it has had a couple of shifts in its history, from what took place pre 2014, when secular workers were allowed in. The shift during the 2015 to 2018 period was that there needed to be a religious affiliation. At the back end of last year the minister wrote to the federal government, asking them to consider moving it to accept secular workers as part of this process and that we should be trying to separate out the notions over religion in the support to students. That was refused by the federal government at that time. From there we have worked through, under the direction of the minister’s policy settings, moving this to welfare support workers for the next school year.

**MRS KIKKERT:** How will those youth workers be funded, since they do not have the federal funding anymore?

**Mr Hawkins:** They will be funded by Education.

**MRS KIKKERT:** Would that be separate funding into the schools, regarding the desire to have those workers, or will it be within the funding pool that they already have, and they have to draw from that?

**Mr Hawkins:** Correct. The funding already exists in schools for a range of different support services because each school has different configurations and different elements based on what they see within their local community. We have worked very closely with schools. I spoke to a group of school principals last night to be really clear about this. Funding exists in budgets to do this work and bring on social workers or youth workers, the support that that school needs. But if any schools are suffering with any issues to do with funding, they would be underwritten by the directorate. No-one should be short or should see funding as an issue in order to support these welfare support workers next year.

**MR PARTON:** Out of this change—please excuse me if I have missed one of the steps here—how much funding do we miss out on? How much federal funding do we miss out on as a consequence of this?

**Mr Hawkins:** It would be unfair to characterise it as “missing out on” because when we look at the nature of the program for future years, there is potential funding that is available to the territory, but that might end up being used by the Catholic system or by other non-government schools. We are yet to see what the demand would be for the program for next year because that has to be worked through with the non-govs and with the Catholics.

**MR PARTON:** I am trying to get a handle on how much funding ACT government schools miss out on as a consequence of this change.

**Ms Berry:** There are two things, Mr Parton. The first is that ACT public schools are the highest funded schools in the country. The second thing is that this program is funded, for the 20 chaplains that are currently employed in public schools by the federal government, but it is part of a package of chaplains, as part of that program, for all schools to access in the ACT. It is not just for ACT government schools.

**MR PARTON:** There is a cost to the directorate because of this change, and that cost was being covered by the feds.

**Ms Berry:** Yes.

**MR PARTON:** That is correct, isn't it?

**Ms Berry:** Yes.

**MR PARTON:** That is what I am trying to get a handle on.

**Ms Berry:** You got it; that is right.

**MR PARTON:** That is what I am trying to get a handle on: what is the bottom line of—

**Ms Berry:** The actual amount of money?

**MR PARTON:** There is no question that there will be money that is spent by the directorate—

**Ms Berry:** Yes, we have the figure.

**MR PARTON:** that would not have needed to be spent under the previous model.

**Ms Berry:** I think we have that figure here. What we also gain as a directorate, from the ACT government, for these employees, is direct employment with the ACT government. That is a good thing for these employees: that this work is not being contracted out to a religious organisation; they will be employed and provided with secure employment with the ACT government.

**Mr Hawkins:** We have been budgeting on an approximation of around \$20,000 per welfare support worker per school.

**MR PARTON:** You have given that to me per welfare support worker per school. I am looking for a broader figure.

**Ms Berry:** The whole figure? For the whole program?

**MRS KIKKERT:** How many?

**MR PARTON:** Yes.

**Ms Berry:** We will come back to you on that one. No, we do have it; sorry.

**Ms Brighton:** Yes, I have that. In the 2018-19 year, the chaplaincy grant from the commonwealth was in the order of \$970,000 for the ACT as a whole.

**MR PARTON:** What percentage of that would have gone to government schools?

**Ms Berry:** 20 employees worth. We will break it down for you and get it back to you, rather than worrying about getting our calculators out now, Mr Parton.

**MR PARTON:** Irrespective of all of the other arguments about secular and non-secular, we have just kissed that money goodbye, haven't we? We have just said, "No, we don't want that money"?

**Ms Berry:** There are a couple of things, and you cannot put them to the side. The Education Act requires our schools to operate in a secular way.

**MR PARTON:** But don't non-government schools operate under the same Education Act? Why are they different? Why are they able to somehow skirt around that?

**Ms Berry:** Skirt around it? They are religious schools—

**MR PARTON:** It is the same act.

**Ms Berry:** so they offer a religious education. Public schools do not.

**MR PARTON:** Yes, but even the non-religious non-government schools do not seem to be somehow holding themselves to the same Education Act—well, they don't, in this space.

**Ms Berry:** That is a decision for those schools to make.

**MR PARTON:** They are free to make it but you do not believe that our schools are free to make it?

**Ms Berry:** Are you wanting the ACT Education Directorate to regulate on this issue in non-government and religious schools?

**MR PARTON:** No, I do not.

**Ms Berry:** I am pretty sure—

**MR PARTON:** That is not what I am calling for at all. I am just giving a comparison.

**Ms Berry:** The comparison is that this requirement in ACT government schools does not apply to non-government schools.

**MR PARTON:** We have probably spent enough time on this, chair. I am happy to move to another substantive. On page 232, looking at key achievements, during the period the Teacher Quality Institute registered 8,016 teachers, and 99 people were approved to hold a permit to teach. I am easily confused, but what is the definitional difference between registration and an approval to teach?

**Ms Berry:** Mr Parton, you should not be so hard on yourself. We can help you out with understanding this matter, hopefully.

**Mr Bateman:** The difference between them is that approvals cover all the things that we are able to do to, in effect, approve a person to work as a teacher, but only two categories are registrations: full registration and provisional registration. A permit to teach is an approval; it is not a registration, because the person, for some reason, does not have all of the qualities required to be a registered teacher.

**MR PARTON:** How does that play out at a classroom level? What does that mean practically for those individuals?

**Mr Bateman:** An example of where we might give a permit to teach is if there is an area of need in a school—a language area, for example, or a VET area—where there is no qualified teacher or registered teacher to take the job. In that school, whether it be in the government school sector, Catholic sector or independent sector, the person nominated as the employer is able to ask us to approve someone for a period of time to cover that position. We would look at the reasons for the approval, the qualifications of the person, how they fit the job and all the rest of it, and make a decision to give an approval but not a registration.

**MR PARTON:** Also under key achievements is listed the suspension of two teachers. Can someone elaborate as to why that is there?

**Mr Bateman:** One of our functions is to undertake regulatory action on teachers who are registered. One of the accountabilities would be that we report on that. We cannot report to the detail level but we can report at the higher level of what actions we may have taken.

**MS LEE:** Going to the organisational overview and the school network, in the stakeholder list there is a generic grouping of students and their families, and you also list various organisations, associations, unions and the like. Is there an oversight or is there a reason why there has been no mention made of the home schools association?

**Ms Brighton:** There is no specific reason not to mention them. It is likely to have been just an oversight on our end. The breadth and depth of our stakeholders in the public education system is immense. This is a list of those who we actively engage with. Of course we have actively engaged with the home schools association through the home education amendments that are being proposed.

**MS LEE:** Where are those amendments up to, and the consultation with the home education providers?

**Ms Berry:** There has been a significant amount of consultation and conversation with

the home educators. We can get you a bit of a time frame as to what has occurred and the reasons why it has taken so long to consider these amendments. It has been because we have been spending a lot of time talking with the home educators peak body, in particular, and a couple of home educators who have been concerned. There are around 305 students and we have been talking with about half a dozen.

**Mr Matthews:** I have read the privilege statement. The government has been seeking to make legislative amendments, to the home education arrangements for more than 12 months now. There has been a bill tabled—

**MS LEE:** It has been nearly two years, I think.

**Mr Matthews:** in the Assembly, and a range of conversations have gone on from that bill. We have been particularly sure to make sure that we have a keen understanding of all the different interests of the stakeholder groups. It is a very diverse group. The reasons why people undertake home education vary considerably, as do the actual arrangements for an individual child. So in making legislation changes that have a very significant impact on parents' ability to provide a home education program, we wanted to make sure that there is clarity amongst all stakeholders and ourselves of the operational implications of the legislation, and that we are able to make sure that it is facilitative in nature, that is, that we are able to support parents to access that choice under the Education Act. As a result of several waves of conversations, we believe that we are very close to a final decision on some amendments to the current bill before the Assembly, which would then give effect to the changes under the act.

**MS LEE:** If it was not a deliberate omission, will we see them included in next year's report perhaps?

**Ms Berry:** When you have a whole lot of stakeholders, when you list them it is not unusual to miss one. We have not intentionally left them out of the report. They can certainly be involved in the report for the next year.

**Ms Brighton:** I have made an annotation on my report for next year's.

**MS LEE:** Thank you. In terms of the school network, what consultation was undertaken, and with which organisations or people, before the new schools that are listed on page 13 were selected for their size, years and location?

**Ms Brighton:** When we plan for new schools, there is a whole body of demographic work that we undertake in order to provide advice to government as to the type of school. Does it need to be a primary school? Does it need to be a high school? When we look at the location, we look at a combination of factors including, of course, where the families are, and also traffic loads, transport routes and land available. All of that information forms part of the decision-making and advice to government about new schools, the size of those new schools and the location of those new schools.

**MS LEE:** Do you have any specific detail on the new schools that are listed under this reporting period?

**Ms Brighton:** What specific detail are you—

**MS LEE:** As in who did you discuss it with and what was the result of that consultation?

**Ms Brighton:** We are in a growth phase in this jurisdiction. What is happening in education is reflecting what is happening in the broader Canberra community. Our principals in this jurisdiction are well aware of that growth phase. We are talking to them quite regularly about what changes they are seeing in their individual schools. Certainly, in that region, in Gungahlin, we are having broader conversations with the principals around the growth that they are seeing, and looking at when existing schools might be able to be expanded or whether we need to be looking at new schools, which is what we have done in terms of the sites we have identified on the map in Gungahlin.

**Mr Gotts:** I can provide a little bit more detail. I will use the new school, on page 13, in Molonglo as an example. With regard to planning for that school, I attended a community event that was held at the Charles Weston School in Molonglo. I gave a short talk to the community members, which was also skyped for people watching at home, to describe the planning for that school, what we were thinking about for that school, and answer questions about likely numbers and so on. Generally, it was about filling people in on the thinking for that school.

Equally, I regularly give updates to P&C council on school planning arrangements. We describe to them, for the benefit of the communities that they represent, what the overall student projections are suggesting and where planning might be up to, because it is a continuous process, in relation to schools that appear on this map.

**MS LEE:** What is the impact of the work that the directorate has commissioned the ANU to do on looking at projections? Whereabouts is that up to and what linkage is there to the work that the directorate is currently doing?

**Mr Gotts:** We have entered into a three-year contract with the ANU. That is on the back of a couple of contracts for specific work. Essentially, we are using the ANU to provide an extra layer of analytical thinking with regard to planning not just for new schools but for the factors that impact on growth around the territory more broadly—brownfields as well as greenfields.

To give you an example, there is a shift underway nationally in Australia from non-government schools to public schools, and that is happening here in the ACT as well. One of the things we have asked the ANU to do is to look at the nature of the changing decisions that are being made by families and understand how those decisions vary in different parts of the ACT. One of the things that we observed is that affiliation rates are not the same in every part of the ACT. In order to plan effectively, we need to understand how those rates might vary and to understand as much as possible what might be the factors that sit behind it. That is an example of one piece of work they are doing for us.

Another piece of work they are doing, when it comes to demographic projections for the ACT, is looking at the whole of the territory, as we can be very precise. We know exactly how many children have been born and we know that in four years time they

will start turning up in preschool and so on. We can be very precise. At the level of a region—

**MS LEE:** If that is the case, and we can be quite precise, why is it that we do not have every child who wants to go to preschool being able to get a placement?

**Mr Gotts:** Every child who wants to go to a public preschool in the ACT does get a place in a public preschool. The difference between preschool and formal school, from kindergarten to year 12, is that under the act a student is guaranteed a place in their local primary school between kindergarten and year 12.

With regard to preschools, the distribution of preschool facilities across the ACT does not exactly match the same distribution of schools—primary schools, say, in this case. Equally, the obligation is not contained in the legislation when it comes to preschool. We endeavour to ensure that a child has a place in a preschool that is within the priority enrolment area for the school that they will attend. I can look for the exact number, if you will give me a second.

**Ms Berry:** There is also, for preschool education, a mandated ratio which is applied by the national quality framework which affects the number of students within a physical space.

**Mr Gotts:** For example, in 2019, 3,800 applications received a placement in the preschool that they had applied for, on 7 June. For about 450 applicants, we found that there was not space in a preschool in the priority enrolment area that they had applied for, that they lived in. The next step is to find a place in a preschool that is as close as possible to where they live. The bottom line, however, is that every child who applies for a place in a preschool gets a place in a preschool. The only difference is that, for a proportion, and it is not a particularly large proportion—

**MS LEE:** It is over 10 per cent, though.

**Mr Gotts:** Slightly over 10 per cent of children end up in a preschool that is as close as possible to the school that they will attend.

**MS LEE:** Is it something that the directorate, as an aspirational goal, would like to see—that most, if not all, children who wish to have a placement in a preschool get one in their priority enrolment area?

**Ms Berry:** In the ACT it operates a little bit differently to the rest of the country. We have preschools attached to our primary schools. That is not the case elsewhere. It will mostly be the case that they will be in early childhood settings, within an early childhood school, which will often not be within a localised area or within a priority enrolment area.

**MS LEE:** If that is the case, I would have thought there would be more reason to try to make sure that there is a place available, because they will obviously go on to the kindergarten and beyond in that localised area.

**Mr Gotts:** We go to considerable lengths to ensure that we can get children into the

preschool in their priority enrolment area and, if not, as close as possible. You talked earlier of planning for new schools. All new schools, as we build them, make provision for preschool students. In that sense we are looking to the future and ensuring that there are as many preschool places available as possible.

**MS LEE:** It is going back to what you said earlier—it is a pretty precise figure because you know where each child is born and where they will be in four years time.

**Ms Berry:** But not necessarily where they are going to live.

**MS LEE:** Not necessarily. There is obviously still some work that can be done in that area.

**THE CHAIR:** I have a question about the University of Canberra affiliated schools program. I understand there was an announcement this morning.

**Ms Berry:** Yes, there was. There was an announcement today about an expansion of that program. This morning we were at Margaret Hendry with a beginning teacher who had been at Margaret Hendry for about 14 weeks and had been part of the affiliated schools program. The University of Canberra has now affiliated with 25 schools in the ACT through this program.

The program gives an opportunity for pre-service teachers, student teachers, to get a chance to go into school and practise what they have learned at university. They get in front of students, get to plan a class, and get to trial some of the methods and the really innovative and up-to-date teaching methods that they have learned whilst they have been at university. While they are there, they get the experienced teacher working with them while they are implementing their plan, as well as the experts from the university who have taken them through their education. They get feedback on their plan, on how they are delivering it. They get to change and reflect that whole teaching plan in the classroom. Whilst in the past there has been practice for teachers in this space, this is going even deeper into how they learn and how they teach a class in the classroom. Then they get all that advice and feedback from more expert teachers.

It is not just the beginning teachers or the pre-service teachers that get benefit out of this. They are bringing new and up-to-date evidence-based teaching methods into the classroom, where a more experienced teacher can witness and observe a different style that they might adapt to their own teaching plans within a classroom. Then that all goes back into the university as well. There is this really fantastic learning cycle that just continues to grow and grow and that provides really great support for teachers before they start permanently as a beginning teacher within our school system.

The 25 schools that have now joined up to the affiliated schools program include the Black Mountain School, which is a special school in the ACT, which gives beginning teachers another chance to learn even more ways to put their teaching into practice and plan for a more diverse community of school students than they might have had the chance to do before. They get these experiences across a number of schools and that gives them lots of different examples so that when they get to actually be in a

class or a team class setting of their own, they are ready to go. They have been learning, practising and honing their skills all the way before they get into the class.

**Mr Hawkins:** As the minister said, our relationship with UC is a true partnership. The development of the affiliated schools program has taken place over the last 18 months. It started with a program of 25 schools, and five of those are full program. The minister announced another five full program schools today. That includes providing funding for them to be involved in more research projects with the university. The five that were named today were Bonython Primary School, Arawang, Southern Cross, Margaret Hendry and Mount Stromlo. They will now be full program schools within the broader program.

**THE CHAIR:** What do you mean by full program?

**Mr Hawkins:** There are different components in their relationship with UC. Some of those 25 complete schools would do things like what we call in-school clinics, which the minister described, where year 2 and year 3 UC students will come into the school, work with the teacher, work with their lecturer, develop lesson plans and then work with small groups of students. It is very applied. Rather than having more time in the lecture theatre at UC, they are in our schools, working with students and working with teachers to understand the practicalities of pedagogy and what that would look like. That is happening across the 25 schools.

The full program schools become more involved in the research components that we are doing with the University of Canberra. The first five full program schools this year have all done a teachers as researchers program. That is where they are teaching researchers to conduct research in their classroom: what type of evidence to look for and then how to present that. We had our presentation two or three weeks ago as a conference with our affiliated schools; those schools came and presented the research that they had been conducting. This next wave of five schools will be involved in those teachers as researchers programs this year.

I should add that, whilst that is set up for 25 schools, our relationship with UC goes broader than that. We have a master's scholarship program with UC. Thirty of our teachers went through that program in a funded way last year; another 30 will go through this year. That is available to all our teachers in any of our schools.

**THE CHAIR:** How do you measure the success of a program like this in our schools? What accountability indicators are in place?

**Ms Berry:** From the feedback from the beginning teachers and the support that they have had, from the feedback from the affiliated schools and how they participate in this partnership, and also from the students and the feedback they have from being part of helping a teacher learn how to teach.

**Mr Hawkins:** We have been working closely with the university in looking at what an evaluation framework could look like. We understand that what we are doing is innovative both in Australia and across the world. There is a level of agility to what we are doing. As the minister said, some of that is coming through the anecdotal feedback that we are having on the program already, but we would like to be able to

test the master's levels of qualifications we have across our teacher base more broadly within the territory and test what we are seeing in terms of the experience and confidence of educators that are coming into our school after going through the program. These are all indicators that we are looking at with UC that we could collectively look at. Their view is that they want to look at this as a total research project in itself, because of the level of innovation it brings to teacher practice.

**THE CHAIR:** So you are in the process of creating an evaluation framework with UC?

**Mr Hawkins:** Correct.

**Ms Berry:** We and the university want it to be more than just saying that so many people went through this program. We want to see the outcomes within the school communities and what it means to the teaching profession.

**MS LEE:** How were the schools chosen for the partnership?

**Mr Hawkins:** This year?

**MS LEE:** Yes.

**Mr Hawkins:** We have worked closely with the schools and school principals to look at levels of engagement. We have done surveys with the schools that are currently involved. We found that the schools that we picked this year are incredibly keen and have recognised within their broader school planning and school community that they want to have that community relationship with UC and they are ready to go into the next component of research. So we have got schools that are actively engaged; they are already engaged in the PCK, the clinic placements; and they are ready to go to the next level of doing research with the university. It is a maturity piece.

**MS LEE:** Is there a panel or a person who makes the decision? How is that done?

**Mr Hawkins:** Yes. It is made between UC and the directorate. We have relevant people sit down as a collective group. We involve our director, school improvement, and UC academics within that process. We have looked at the schools—their maturity, where they are at—and had some quite detailed and robust conversations around who we think will be ready to enter that next stage.

**MS LEE:** Has there been any school that has shown interest but missed out because the director and the UC decided that they were not appropriate? Or was it more of a tap on the shoulder: “We think this is the right school”?

**Ms Berry:** It is a bit more than a tap on the shoulder, but it also means that the schools who are not officially part of the affiliated schools program still get the benefits of the program from the teachers who get placements in their schools. When they are doing that prac work and trialling, they get to do that not just in the affiliated schools but in a couple of the other schools as well before they begin as new teachers.

**Mr Hawkins:** Yes. This year, as the minister said, we have included Black Mountain

within our broader mix, because we have seen what they are doing with learning support assistants that are studying at UC and then going to Black Mountain. They may not work in a specialist setting when they, hopefully, come into our system at the end of when they become qualified, but the breadth of understanding they will have of dealing with students with disability benefits the broader system that we have. We can give them quite a good degree of flexibility to work with the program to see what is coming through and how we evolve it in that sense with the partnership with UC.

**MS LEE:** Does this mean that student teachers who are studying at different institutions from UC are deprived of a place at those schools? Is it exclusive to UC?

**Mr Hawkins:** No.

**Ms Brighton:** We can offer prac placements for student teachers from any institution. We take students from ACU, the Australian Catholic University, as well, for example.

**MS LEE:** That is a prime example, obviously.

**Mr Hawkins:** And vice versa: some UC students still go into ACT Catholic schools or go over the border into Queanbeyan.

**MRS KIKKERT:** My questions are in regard to the education committee report into violence and bullying. The report made nine findings and 23 recommendations. The government response was agreement to 12 recommendations, agreement in principle to nine and two noted. Recommendation 9 calls for exemptions to the priority enrolment area policy to ensure that a child can enrol in a learning support unit relevant to the student's need. The minister has only agreed in principle. May I ask why?

**Ms Brighton:** I will wait for the government response to come up so that we are looking at the same matter. Our enrolment policy already provides a degree of flexibility in placements for students when we need to look at a setting that is most optimal for the student, particularly around wellbeing situations.

We have a policy posture here in Canberra where if parents want their child to go to their local school we are going to try to facilitate that as best we can. When a family needs a small group setting for their child, those small group settings are one option open to families. We have at the moment 57 small group settings throughout the ACT in primary and high schools, and we are continuing to increase the number of schools that can offer those small group settings. At the moment we do not have them in every school but that is our aspiration: that we would get them to that point, yes.

**MRS KIKKERT:** Recommendation 11 calls for the expansion of the flexible off-site education program. The minister has only agreed to it in principle. Why?

**Ms Berry:** That is Mullion? Mullion has been a very successful program, giving kids who do not necessarily learn in an ordinary school setting the chance, with some really good professional advice and support, to learn in a different space. That school setting is still being reviewed because it is a different way of doing things. The school principal and the others who are engaged in that school set-up have been working

through it and making sure that it works and provides the best possible learning and education outcomes.

It was something that I asked the Education Directorate to consider when I first got into this role because I wanted to make sure that our kids in our schools got the same chance for a great education regardless of the setting. The agreement in principle is because an expansion to that program is a consideration for budget.

**MRS KIKKERT:** Recommendation 18 calls for a parent self-reporting portal for incidents relating to bullying. The minister has only agreed in principle, claiming there are processes in place. Given that there clearly are not workable processes in place that parents feel comfortable with, why is there objection to this recommendation?

**Ms Brighton:** This is agreed in principle because we have recognised that during this journey we can certainly improve how we handle complaints from families. We have been going through a process of redesigning our complaints handling practices. We have been engaging with families and the P&C about what that could look like and what are the areas that we need particularly to focus on, on a range of different things, so that parents can feel heard, can feel comfortable to raise their issues, can tell their story once. Because we are already going through that process of refining and improving our complaints handling process, we think that this is going to lead to a mechanism that is going to enable parents to raise their issues confidently with us.

**MS LEE:** In that regard—and this also ties in with recommendation 9—I have had a constituent write to me about concerns that their son has been subject to bullying and violence in school and that the two schools where this occurred are in the priority enrolment area. If the directorate is serious about ensuring that our students are feeling safe in the school that they are attending, if this is not a reasonable instance where an exception may be made then what would be? Are the priority enrolment areas applied so rigidly? I am getting a shake of the head from the minister and I understand that that is the intent. If this incident is not a reasonable exception then what would be?

**Ms Berry:** Whatever incident your person has contacted you on, we could probably discuss that with you outside the committee. No, it is not the intention for priority enrolment areas to be that rigid that, if somebody's child is being bullied and they have not been able to work through an agreement with the school, they could not attend another school. That is not the intention.

That is the process that the directorate works through, and that is the expectation that I have: that the directorate would work through each of those individual circumstances. Every individual circumstance will be unique, and that is why you will have expertise within the directorate and within the NSET teams to be able to work with that family on what a solution might look like.

**MS LEE:** The feedback that I have received from this constituent is that the directorate has said that this is not a reasonable exception and they will not make an exception. Can I assure this constituent, minister, that it is definitely your view that those circumstances are some of the foreseeable circumstances where that kind of

exception can be made to the priority enrolment area?

**Ms Berry:** As I said, each issue will be individualised and there will be circumstances that are unique to each situation, but the intention is that the schools provide opportunities for kids and families so that, where it is not working at a school because they have been bullied, they can move. But that might not be the only solution.

I understand that in those circumstances people will be distressed—and it can be quite terrible when you are going through that as a family, and for the school communities as well—but I could not, in your particular situation, say. I would have to talk it through with you, rather than give a commitment to your particular person, because I do not know the circumstances that you are referring to. I could get the directorate to provide some advice on that as well.

**Ms Brighton:** Ms Lee, if you are happy to furnish that to Ms Berry, we can look at the matter. If parents are seeking to move schools because of a wellbeing issue, we are trying to make sure our communication is really clear about the channels that they can go through to do that. I am sorry that your constituent has felt that they have not been heard. If you are able to look at that, then we will—

**MS LEE:** That constituent is not the only one. Obviously there have been some constituents who have moved interstate. We do not want that situation. I do not think anyone wants that situation.

**Ms Berry:** No, and if ever that occurs, as I have said on numerous occasions, if you are contacted by somebody, please put them in touch with my office and then I can follow up with the directorate and ensure that they have the chance to be supported.

**MS LEE:** This is where I think the review of the communications must come into play. A lot of these constituents who contact us do so as a last resort because they have contacted the directorate.

**Ms Brighton:** We are looking at, as part of the complaints process improvement that I talked about before in that review, what are the online options available to parents too.

**MS LEE:** I understand that and that is why I thought it was actually very odd that there was an objection to that, if it is indeed already taking place.

**Ms Brighton:** If I can just clarify, it was not a “not agreed”. It was agreed in principle because the recommendations proposed a solution and we were working through and consulting with the community about what the options were, what would they like to see, what are their issues about engaging with us.

**MS LEE:** I think the parents do not know whether “in principle” is a “not accepted”, which is neither here nor there.

**MRS KIKKERT:** Recommendation 19 is similar to recommendation 18 but for students. In only agreeing in principle, the minister acknowledges that the process needs to be enhanced. How is this work progressing and who in the directorate is

managing it?

**Ms Brighton:** We have a range of processes in place that give students an opportunity to raise issues, and we have our new school administration system that is capturing incidents that occur at school. We are looking at ways to enhance that. We have our redesign of our complaints process. That is also looking at families and other mechanisms internally, through the work of our occupational violence team, combined with our school improvement group. We are looking overall at how we give a strong representation to student voice and how we enable students to bring forward issues.

Over time, as we have been working with the teaching staff and the school-based staff on raising issues and increasing incident reporting, we are seeing a really strong culture through the workforce that we anticipate also seeing through students. This works together with our possible behaviours for learning work that we have been doing on establishing strong cultures in schools so that students are a part of setting the parameters around what they are expecting from each other, what they are expecting from their teachers and how they work together in building the values of the school.

**MRS KIKKERT:** Recommendation 22 requests that all teachers and teaching support staff receive specialist training in childhood anxiety and trauma in order to identify and support students—again agreed to only in principle, claiming that teaching staff have access to such training. Do you accept that having access is not the same as all teachers having the training?

**Ms Brighton:** I will get Ms Seton to talk a bit about what that training looks like. All teachers have access to it. What we try to do in a context where a student cohort have a trauma-based background is make sure that we have training continually available for our workforce. What we are also doing is making sure that, in addition to its being available, we are very targeted about where we think the training needs to be exercised so that staff are well equipped to respond to the needs of the students.

**Ms Seton:** In terms of the training, I guess there are three different ways we are looking at it. We have training that teachers can choose to access. Some of that is online. Some of it is in person. It is something we have seen a great deal of interest in across our teaching community.

In addition to that, part of the PBL program that we deliver brings in the trauma-informed practice. As we bring in PBL there are components of trauma: what that looks like and how that expresses itself in behaviours. As we move PBL across the system, we will end up with all schools having access to that particular training.

The other time you would see it is perhaps as a control. If the complex case management team are working with a school and they identify that the school community needs that training so that they can understand behaviour and respond appropriately, one of the controls would be the delivery of specific training, usually related directly to the student that they are supporting.

**MRS KIKKERT:** How much does this training cost? Does the education department

cover the cost for the teachers to participate in it?

**Ms Seton:** Yes. PBL is covered through the directorate. We have specific senior psychologists who can deliver the training and an online training course that we deliver. That said, some teachers choose to access training outside the directorate, of their own choice.

**MS LEE:** Is there any mandate or control to ensure that, for example, at every school there will be at least X number of teachers who have this training? If we are just relying on interested teachers nominating to do the training, is there not a danger that there may be a gap?

**Ms Seton:** As PBL rolls through, that will cover them off.

**MS LEE:** Sure, but it is not in every school as yet.

**Ms Seton:** We are also working with the University of Canberra to look at what we are doing in the pre-service space as well.

**MRS KIKKERT:** What sort of extra training do teachers look for or participate in outside the Education Directorate?

**Ms Seton:** There are a lot of online training courses that teachers can access. Sometimes there are external conferences too. Trauma and the effects of trauma on the brain are a big topic in education at the moment. There are many conferences that will have specific speakers on that particular topic.

**Ms Brighton:** The Teacher Quality Institute accredit training, and in their annual report they have a list of accredited training. If teachers want to use the training they are participating in as a contribution towards their TQI-accredited packages then there are a significant number of programs they can access that have already been through the Teacher Quality Institute review in terms of quality of offerings. Mr Bateman can talk more about that if you would like some information. It goes through a fairly rigorous process in terms of research base, quality and execution.

**MS LEE:** At present, how many schools have had PBL rolled out? Do we have the updated number?

**Mr Hawkins:** We currently have 57 schools participating in PBL and a program in place for another set of schools to come on next year, and then another set for the following year.

**MS LEE:** Which should reach the whole cohort?

**Mr Hawkins:** Yes.

**MS LEE:** In terms of teachers who are receiving PBL training, is it—

**Mr Hawkins:** Teachers have received this as part of our schools, but I have not got that exact number. I will have to provide that to you on notice.

**MS LEE:** Thank you.

**Mr Hawkins:** In terms of the training that Ms Seton outlined, we have a significant team of allied health providers working directly within education. It is out there providing supports to schools. So in terms of understanding trauma and what it looks like, teachers have a good understanding but we have this allied health support that can swing in to support teachers, because when we find that we have students who are suffering with trauma and have needs for supports and controls, we really need to get the specialists involved in order to make sure that they are getting the right supports.

So we have psychologists. We have occupational therapists. We have speech therapists. We have physiotherapists. We have executive teachers who are trained in and have a good understanding of trauma, to be able to support teachers in schools in terms of managing what they are seeing in behaviours. That can, as Ms Seton said, go to broader professional learning for the totality of the school, if understanding that student's behaviours is useful for that school—and certain triggers and certain ways or controls to deal with it.

**Ms Berry:** In addition to that and in addition to everything else we ask of our teaching profession, they will be participating in the ACT government's domestic and family violence frontline worker training.

**MS LEE:** This is the program that is rolling out to the entire public service, yes?

**Ms Berry:** That also looks at issues around trauma and how people will be acting in different ways because they have been affected by violence.

**Mr Matthews:** There are a range of angles from which we approach this. We do have some mandatory online learning modules that all staff also undertake. That is done in partnership with the CIT. That includes areas that we have covered today, like work health and safety and occupational violence. Also, things like the reportable conduct scheme and keeping children and young people safe are ones that we have available for all staff at the moment. Then there are additional modules in the areas of domestic and family violence, disability standards, codes of practice for employees, and workplace bullying. So we seek to raise the general awareness of our staff from many different angles. Embedded within each of those modules is an understanding of what it means to be working with a diverse group of children and young people in our schools.

**MS LEE:** On the psychologists that you referred to, Mr Hawkins, where are we with the rollout of that in terms of making sure that students have access to sufficient numbers of psychologists?

**Ms Berry:** We talked about this before you came down.

**MS LEE:** Sorry.

**Ms Berry:** That is okay. We are in the process of finalising the recruitment of five of the 20 that were committed to by the government, which will give us a total of—

**Mr Hawkins:** We currently have 76.6 FTE. Five on that would make it 81.6.

**MS LEE:** Do you know what that is in terms of ratio? There was a ratio that was deemed the most ideal in the cool *Schools for all* report.

**Mr Hawkins:** I do not have that detail on the ratio here, but I think we have always tried to reflect on that ratio more broadly in recognising that our psychologists are a really important support in schools that sits on top of what we have in terms of youth workers and social workers. Those ratios do not tend to reflect those broader supports that are in place for the students.

**MS LEE:** Are you able to provide, on notice, that ratio of psychologists and also, separately, the broader network of support?

**Mr Hawkins:** In terms of a projection of what they would look like? It would need to be next year, but it will also change with student numbers next year.

**MS LEE:** Absolutely. That is why the ratio is important, as opposed to just a pure number. Would that be all right?

**Mr Hawkins:** That will be all right.

**MS LEE:** Thank you. Going on to language education, can you tell me when the language plan will be made public?

**Ms Brighton:** We are reviewing the delivery of languages at the moment to ensure that language can continue to be delivered effectively across the ACT. We are in the process of finalising that work for advice to government. We anticipate having that advice to government sometime this calendar year.

**MS LEE:** In that regard, what is the work that you are doing now? Does it involve public consultations? Does it involve research, literature—what is the ambit of the work that you are undertaking?

**Mr Hawkins:** We have looked at the composition of languages, and there are a range of issues within that. In looking at research and what we currently do, and in terms of what other states and territories do, there are elements that we want to put to the minister regarding things we might be able to do sooner rather than later, and those elements that we think would require some degree of further consultation and consideration. That is mapped out within the paper that we are pulling together in providing that advice for government.

**MS LEE:** In terms of how it differs from now, what are the key aspects that you are looking at? There must be some questions before you start embarking on saying, “This is what we’re going to do”?

**Mr Hawkins:** Part of what we have been looking at is language pathways—the ability when a child joins primary school, effectively through to studying that language in high school and college. We have some language maps looking at what that

composition looks like, then lifting that up to a broader territory perspective of what that would look like, and where there might be decisions made around languages in schools that could better influence what those pathways might look like over the longer term.

The more tricky areas of the policy that we would need to consider and provide advice on are elements such as the mandated minutes and the time configuration. We are also very conscious that when the language policy that is currently sitting in the ACT was set—I think it was back in 2013-14—there were eight languages recognised by ACARA; there are now 16 languages recognised by ACARA. There are elements within that on which we have to provide advice to the minister on how we might recommend having a broader consideration of those issues, noting that there will be a range of different views on that.

**Ms Berry:** In addition to that, of course, there is the workforce.

**Mr Hawkins:** Indeed. As the minister said—

**MS LEE:** Do you mean as in the—

**Mr Hawkins:** The teaching workforce. We went out quite specifically recently looking for language teachers. There is a national shortage of language teachers across the board. It then becomes quite complex to try to match language teachers in certain languages and certain schools, from a recruitment perspective. We know that languages such as Mandarin, Korean and Japanese are on the increase in our schools, but European languages such as Italian, Spanish and German are on the decrease. Finding the right teachers in the right schools and teaching the right languages becomes quite important and quite complex.

**Ms Berry:** There are a couple of other unique languages that are being offered in ACT schools. There is an Indigenous language program at Belconnen High School. That is the only language program that is offered at that school. There is also an Indigenous language program being developed by BSSS for our college system. It is an exciting opportunity for people in ACT colleges to learn an Indigenous language. That is a unique experience. I congratulate BSSS on the work they have done in this area.

**Mr Watson:** The course that is being referred to is an interdisciplinary humanities course which has been developed with the United Ngunnawal Elders over the last three years. It has been a partnership between specialised teachers within ACT senior secondary colleges across all sectors, our office, with specialist curriculum developers, and the Ngunnawal. It was my privilege to accredit this course within the last month so that it can be offered for the first time in ACT senior secondary next year.

**MRS KIKKERT:** Can you table that?

**Mr Hawkins:** It is a public document, so we can provide the link to you.

**MS LEE:** Do you have sufficient teachers to be able to deliver this language course?

**Mr Watson:** I need to clarify that it is a culture and language course, so it is not defined at this stage only as Ngunnawal; it is inclusive of a range of language studies, both in Australia and overseas. In terms of teachers, in consultation with the Ngunnawal, we have agreed that, because of the broad range of humanity subjects that are integrated into the study, there will be a range of teachers who will be able to access this from different directions. It also might mean that more than one teacher, over the period of the two years, will teach different units in the provision of the course to students.

The most important thing to note about the course is that it needs to be taught and developed in a school in conjunction with the Ngunnawal. Schools cannot do it independently of the local community; they have to have a cultural partnership. Therefore, that serves well, in terms of how genuine and how accepted it will be. We are very pleased, obviously, with that particular outcome. We have one school that will initiate teaching it next year. We are hoping for a natural progression over time, as teachers and schools become more comfortable and as students realise the course is available and therefore try to participate in it more.

**MS LEE:** Was Belconnen high chosen for a reason or did they initiate it? How did that come about?

**Ms Berry:** Belconnen has a pretty good cohort of Aboriginal and Torres Strait Islander students. The Aboriginal community—students, in fact—wanted to develop a program. The Belconnen High School principal talked about that with the parents and the school community. Everyone agreed that they wanted to have that developed within the school. So it really came from the students; then the school principal acted on that and brought everyone together around a common goal of creating this program.

**Ms Brighton:** The Board of Senior Secondary Studies accredited program will be offered at one of the senior secondary colleges. Are we in a position to talk about which college is offering it?

**Mr Watson:** Probably not today.

**THE CHAIR:** I hope it is in the same enrolment area.

**MS LEE:** That is part of the pathways, isn't it?

**Ms Brighton:** Yes. That is our plan over time—that we work on these pathways and that we strengthen ourselves across the system.

**MS LEE:** This looks very similar to the Canberra Liberals' initiative, so I am very happy to hear it.

**Mr Watson:** The reason that I would not announce it today is that I have not received the formal application from the school. I am anticipating that in the next week or two. Out of respect, I thought I should wait for that.

**Ms Berry:** And for the Ngunnawal community as well.

**Mr Watson:** That is correct.

**MRS KIKKERT:** Mr Watson, can I please have a look at the handbook? Thank you.

**MS LEE:** Going back to the teacher workforce that you were referring to earlier, Mr Hawkins, I do not have the question on notice on me, so I do not have the direct quote, but my understanding is that the directorate does not keep records of which language teachers are in individual schools. Is that right? As I said, I do not have the exact answer, but I did ask that as a question on notice and my understanding was that there was not a clear answer as to which schools have what language teachers.

**Mr Hawkins:** I would have to take that on notice, Ms Lee. It links with Interlink. I can tell you what schools study what language—

**MS LEE:** We know the schools.

**Mr Hawkins:** but I would need to clarify how many teachers in that school teach that language. We have language teachers in schools who do not want to teach languages. They may speak a second language but they do not want to teach that language. It is trying to provide that differentiation between teachers who teach the language in that school.

**MS LEE:** Yes. Isn't it difficult to ascertain the needs and the gaps in the workforce if there is not clear data about where our current talent is in the Education Directorate?

**Mr Hawkins:** I would not say so. I think we have a good understanding of what languages our schools are teaching and the number of teachers that we need in terms of our forward planning. We know where there are currently gaps and where we need to recruit, and we have gone out actively to recruit into those areas. Often complexities come when it comes to things like maternity leave or long service leave, or when people take unexpected leave, in being able to provide those degrees of coverage more broadly across the system

**MS LEE:** You mentioned earlier that there is a national shortage of language teachers at the moment.

**Mr Hawkins:** Correct.

**MS LEE:** What is the directorate looking at to try to recruit or at least draw them to the ACT?

**Ms Brighton:** There are a couple of dimensions to this. First, we are working on a workforce plan to make sure that we are planning for our future workforce needs to keep pace with the growth that we are expecting in our system. Those future workforce needs go to everything from language teachers right the way through to specialist teachers in science, maths and disability ed.

The issue of language teachers and disability teachers is a conversation happening at the national level. There is a body of work called the national teacher workforce data initiative that has been looking at the data held about the teaching profession and the

future needs of the teaching profession. That work is still maturing. We were briefed a couple of months ago as to its status and got a line of sight as to what the data was making available.

But we are not waiting for that work. We are actively recruiting language teachers, and the work that we will shortly provide to government about language pathways will give us insight into future needs. Once the new whole-of-government human resources management information system is in place, that will give us better access to our workforce data. Over time, we will get to a point where the specialty information available on teachers will be available to us more readily and we will not be in a position where we are having to manually pull information together.

**MS LEE:** I think everyone will remember the issue that occurred in Narrabundah College with the proposed cut to the Indonesian language course. I know that that has been reversed. This might need to be taken on notice, but over the past year are there any schools that have been required to drop a language, for whatever reason?

**Ms Brighton:** I do not have that information to hand, but we could take that on notice.

**MS LEE:** Yes, take that on notice. Can I ask for the past three years? I just want to see a pattern if there is anything.

**Ms Brighton:** Sure.

**MS LEE:** I appreciate that. There was mention about some of the language growth areas, especially in the Asian languages, moving away from the European languages. Does the directorate have any intention to try to recruit qualified language teachers from those countries? Are you looking at an international recruitment drive or is it purely within the domestic market?

**Ms Brighton:** We have a number of language assistants from other countries who come in and support the delivery and learning of culture and languages in schools and work with qualified teachers to do that. As part of this languages work and as part of our workforce plan that we are developing, if we need to go to other markets to secure qualified teachers, that is what we will do. But as we are partnering with the University of Canberra and as jurisdictions are getting clearer about the workforce future needs, we can do a lot more work with the university sector about the combined degree qualifications that will go a long way to meeting Australia's future needs.

**MS LEE:** The directorate has a very strong relationship with UC because of the teaching cohort, but is any work being done at the moment with ANU, for example? They have a very strong language program, especially through the Asian languages college.

**Mr Hawkins:** We do in that we look at an extension program for our students. In my understanding, it was unfortunate that there were students from UC who were unable to study languages within the ANU. UC has approached that to try to look to international markets in terms of what might exist to try to build that strength up. It is one of the areas where we would like to have further follow-up conversations with the ANU. It is a real shame that students have to go internationally and cannot pick up

those languages locally.

**Ms Brighton:** The other dimension to this is that once we have done our work around our workforce planning, we will be engaging with the Teacher Quality Institute. They do a lot of work with the teacher education providers about expectations of quality and focus. As we finish our workforce planning work, we will engage with the Teacher Quality Institute and get some advice from them. They are engaging very regularly with the universities.

**MS LEE:** You mentioned earlier—I think it was you, Ms Brighton—that the director is working on something to take to the minister and the government by the end of this calendar year. That was in relation to languages, wasn't it?

**Ms Brighton:** That is languages.

**MS LEE:** Minister, when do we expect to get a public unveiling of the plan?

**Ms Berry:** When the government has considered it. It is also embedded in the future of education strategy, so it is work that will continue. School teaching recruitment for any specialist or teaching profession does not have an end date; that will continue to be rolled out as part of the future of education strategy. We will have a look at that, check where the national work is up to, and then go from there.

**THE CHAIR:** I was hoping for some status updates on some projects in Gungahlin. I was wondering how the Neville Bonner project was going.

**Mr Matthews:** I can start off on that. The government has allocated funding for a new permanent building at Neville Bonner school. Obviously the school has had lots of enrolment demand and we have put in a range of really high quality infrastructure there, both in terms of fixed and also transportable infrastructure, and also made sure that we preserved a good amount of outdoor and recreation spaces. I acknowledge the school community today and over recent years for how they have engaged in that growth period and worked with the directorate to make sure that we can provide that high quality infrastructure but in a way which minimises the impact on children's learning.

The current project that you are referring to is coming out of the ground. There is development application approval for it. A builder has been engaged and it is due to be available in 2020.

**THE CHAIR:** For term 1?

**Mr Matthews:** We are aiming to deliver it for day one, term 1, but obviously any construction schedule has got some degree of variables with it. But we are pretty confident that we will land very close to the beginning of that year.

**THE CHAIR:** Gold Creek?

**Mr Matthews:** It is the same situation really. We are well into procurement activities with the Gold Creek junior school, which I am sure you are referring to. It is the same

situation there. The school has got a range of fixed and flexible infrastructure and we are looking at building permanent infrastructure there. We are well into that project and the construction schedule there. We have done all our site preparations. We have cleared the site. We have engaged the builder. Construction has commenced and we are on track to deliver that for the beginning of next school year.

**THE CHAIR:** A more forward-looking one, Franklin Early Childhood School?

**Mr Matthews:** We are on a roll here. Where we are we up to with Franklin is that there has been quite significant consultation, which goes back to an earlier question about how we engage school communities in these kinds of extensions. Obviously over a number of years now there has been engagement between the government, various different ministers and the local school community and the school board about the extension of Franklin to a P-6 school and the funding has been allocated to achieve that.

Since that decision was made we have installed a range of, again, really high quality, transportable classrooms to allow the year 3 cohort to continue through 2019 and to make sure that there can be a smooth pathway for all the current cohorts of Franklin. Since that time we have also been engaging quite extensively with the school community about the design of the school expansion, and I think that it is fair to say that there is a high level of support and engagement around the design that we are proposing. We are getting ready to commence construction on that project. The time frame for that is mid-2021, the expected delivery time frame for the Franklin school.

**THE CHAIR:** I know that this is a very recent announcement but how goes the planning for the east Gungahlin high school?

**Mr Matthews:** Planning has commenced for that, for both site identification and also preliminary design work. We have engaged in master planning work around the form of the school in east Gungahlin and have been undertaking a range of due diligence and site assessments to facilitate that school. It is due to commence operation in 2023. As you say, it is still very early in the lifecycle of that project but we are on our bike and we are doing a lot of the necessary works to be able to meet that time frame and that community need.

**THE CHAIR:** Do you actually have the site identified yet? You do not announce it. Do you have somewhere sited that you want to build it?

**Mr Matthews:** We are still working through the final confirmation of the school site. And that is subject to the due diligence work that I have described to you today. We obviously have a very close eye on the need to provide sufficient high school spaces for high school students in east Gungahlin and we are confident that we will be able to meet that need.

**THE CHAIR:** And how goes planning for Throsby Primary School?

**Mr Matthews:** Very well, as well. Again, we have commenced our tender process for the builder for Throsby. We go through a two-stage process generally for our major projects: an expression of interest phase and then a shortlisting phase where we

engage with normally two proponents, where they are supported to do some more detailed design work and site investigation if required. We are at that particular stage with that project. We have shortlisted builders and we are now into that second phase. Then at the end of that phase we do another assessment of the proposal with some finalised costings. And then we make a final decision and award a contract to a builder.

**THE CHAIR:** I am not sure if it is called this but the scoping study for a new college on the northside? It is called a research study or whatever it is called.

**Mr Matthews:** My colleague will be able to assist with that.

**Ms Berry:** You will have seen in the government's infrastructure plan a whole lot of infrastructure planning for the future years which includes education as well.

**Mr Gotts:** As we have been going through these examples, the planning horizon for them has been getting out further and further. The one that you are talking about is for the planning horizons out further than that. The considerations now are exactly that, scoping studies for what is the likely need. Where are the students coming from? What are the range of alternatives where you might site such a college? What are the pluses and minuses of different parts of the northern side of the ACT? It is at that stage of planning basically.

**THE CHAIR:** Do you know when you expect the scoping study to be concluded?

**Mr Gotts:** I have not got a date off the top of my head but I can take that on notice.

**THE CHAIR:** That would be wonderful.

**MRS KIKKERT:** Gungahlin College have had issues with their air conditioner in the past. Has that been fixed or is it going to be fixed if there is still an issue there?

**Ms Berry:** There has been a lot of work at Gungahlin College. Gungahlin College was initially and still is a green star, I think, accredited building. It was designed in a way where air could be circulated from cooler parts of the building to the warmer parts of the building to keep them cool. And mostly that works. But on lots of days of extreme temperature, which of course our country is experiencing due to the effects of climate change, we have had to do some work on that school to make sure that it is a comfortable work environment and learning environment for our students. Do you have some detail?

**Ms Brighton:** Yes. That work has been concluded. The government invested in a recalibration of the cooling systems and mechanisms at the college. That was done in the order of 12 months ago—last year.

**MRS KIKKERT:** In regard to the School Education Advisory Committee's *Safe and supportive schools final report*, why were the terms of reference so narrow that a wider investigation could not be conducted?

**Ms Berry:** That committee was able to investigate all manner of things. I do not have

it in front of me.

**MS LEE:** But they were given terms of reference under which they—

**Ms Berry:** They were given terms of reference, the same as the committee was as well. But it was that they would be able to investigate or call witnesses on whatever they thought was necessary to conduct their deliberations.

**MS LEE:** Within the ambit of the terms of reference?

**THE CHAIR:** I feel like this questioning might run for a substantial amount of time. Why do we not take a break? We will resume on this question.

### **Hearing suspended from 3.26 to 3.46 pm.**

**MRS KIKKERT:** Following up those lines of questions before the break, what additional information has this five-month investigation provided to the directorate, schools and parents?

**Ms Brighton:** The minister's advisory committee provided the minister with advice about opportunities to strengthen safe and supportive school culture. The information that came back looked at the policy against other education jurisdictions and national practice, and it highlighted areas that we needed to continue to strengthen and grow. The positive behaviours for learning was a key component of that.

It identified that there was not a systemic issue in schools, but it did highlight that, having regard to the work that we have been doing over the past couple of years to strengthen culture in schools, to make sure our teachers are well equipped in schools, to make sure that students have a strong voice, we should continue to cultivate and strengthen that. We have taken that report and we have integrated the reflections of that report into our planning for next year. There is a strong alignment between what the advisory committee had said and what the government had already said to us through the future of education strategy. We are integrating that into our work for 2020.

**MS LEE:** If, as you say, there was a strong correlation between what the report stated and what the government is already doing, do you think that it was still worthwhile?

**Ms Berry:** Yes.

**MS LEE:** In what way? What are the new learnings? I think that was at the heart of Mrs Kikkert's questions, and we did not really get to what the new learnings might have been.

**Ms Berry:** It did also align with the committee's report to the Assembly. It was affirming what the government is doing. That is a positive message.

**MS LEE:** Was that its intention?

**Ms Berry:** No. Its intention was outlined in its terms of reference: that it would look

at the programs that the government had been implementing, at whether or not they were working, and, if there were gaps in those programs, the government would address them.

**MS LEE:** Just before the break there was a discussion about the limitation of the ambit of the terms of reference. I think it was you, minister, who said the committee was open to looking at anything and everything.

**Ms Berry:** Yes. The terms of reference, from the very first sentence, were very clear regarding what the committee was asked to look at. They went on to ask them to look specifically at a few other items as well. In the first sentence of the very first paragraph, it referred to opportunities for strengthening safe and supportive school cultures in every ACT government school. How they looked into that was up to the committee. The committee were also asked to provide advice on whether or not they wanted more included in the terms of reference and consultation on it before it was formally presented and acted on. That was all part of the make-up of the terms of reference as well.

**MS LEE:** In looking at that, when you say that it was up to the committee and it was open to looking at anything and everything, would you still say that that was the case, given that—and this is an exact quote from the government response:

The Advisory Committee was asked to review current policies, procedures and processes, with a focus on the Positive Behaviours for Learning ... framework and other specific interventions that support the implementation of the Safe and Supportive Schools Policy in ACT public schools.

That is a pretty narrow scope, wouldn't you say?

**Ms Berry:** I think you need to read the whole terms of reference and the roles and functions of the whole review.

**MS LEE:** And if you look at the whole—

**Ms Berry:** Of course, if the committee had wanted to look at something else, it was up to them to look at whatever they wanted to investigate in our schools.

**MS LEE:** Was that something you made clear to them?

**Ms Berry:** Yes, absolutely. I said it in my statements as well.

**MS LEE:** As you say, if you look at the broader terms of the entire terms of reference, there are a number of references to “the policy”—that is, the current, existing policy.

**Ms Berry:** Yes, but the committee was made up of some pretty eminent Canberrans—

**MS LEE:** No-one doubts that.

**Ms Berry:** and they were consulted on the make-up of the terms of reference and

where the committee was going to go in its investigations of what the government was implementing, and whether or not there needed to be improvements. They have recommended those improvements as well, through their report to the government, and the government has responded to them.

**MS LEE:** Ms Brighton also just confirmed—it was also contained in the government response—all the observations, as I think they were referred to in the final report, that the government is already undertaking. What are some of the new learnings, going back to Mrs Kikkert’s original questions?

**Ms Brighton:** The report reiterated that cultural change and systemic reform take time, patience and refinement, as well as identification of risk and response to that risk. One of the things we have learnt through that is that we need to make sure that we continue to invest in deep embedding or the fidelity of implementation to make sure that the intent of policy is able to be realised, and realised in a systemic way so that it is not dependent on staff at the school. When staff change over, we want to make sure that school culture is maintained.

There were a number of necessary levers available to us, but the report highlighted that there were opportunities for us to enhance, modify or expedite some of those levers. The committee’s advice to the minister, and the reflection to the minister, highlighted areas that they thought the government should really expedite. That is what has been factored into our planning for next year.

**MS LEE:** Can you give an example of one of the factors that is being expedited as a direct result of the report?

**Ms Brighton:** The positive behaviours for learning framework is a component. We have been on a journey for some years. We have recognised that it takes several years to implement deeply and well in schools. The committee’s reflection was that, when implemented with great fidelity, it has a significant impact on school culture and, as a result of that, student behaviour, and that we needed to expedite the expansion of that work.

**MS LEE:** Has there been any other assessment done of the effectiveness of PBL from the schools that have had it, starting in, I think, 2016?

**Ms Berry:** Certainly, the evidence of the success of the program has been identified nationally and internationally. We are still going through the implementation and culture change in our ACT government schools, and that reviewing and assessment will continue.

**Ms Brighton:** We also have a case study of one of the primary schools that have implemented it deeply and have been able to maintain the effectiveness of that implementation over a number of years. That case study is available on our website. It was the Dunlop school. It has certainly been profiled in some of the media. They were one of our earlier schools to work with us on the adoption of the framework and what it looks like as it is applied in that context. Through that deep implementation they saw a decrease in the number of incidents, they saw a culture emerging amongst students where students would talk to each other and be clear with each other about

expectations. There was a common view across the community from parents, students and staff.

We know that we have the results locally so that, when it is implemented deeply and well, it is very effective. Part of the observations of the committee, and the work that we need to continue to do, is to ensure that this is so well impacted that when I have a principal who retires, things do not change in the school and it is built upon.

**MS LEE:** In terms of PBL being expedited as a result of this report, what was the original time frame in which to roll out PBL to the other schools and what is it now, as an expedited rollout?

**Ms Brighton:** I believe that the minister is coming back in November with an implementation plan around PBL. We have been working incrementally. We have not put a detailed schedule in place. We are giving advice to the minister about what that schedule can look like now. The government has invested in the PBL as part of the future of education strategy. There was funding in this year's budget for us to continue to invest and strengthen the investment in that.

**MS LEE:** In terms of PBL coaches, the report highlighted that there were four. Is that sufficient for the number of ACT government schools that are going to roll this out?

**Ms Brighton:** The investment that the government has put into the rollout will mean that we can invest more heavily in the implementation and with the number of schools. I think Mr Hawkins said there were 51.

**MS LEE:** 57.

**Ms Brighton:** Fifty-seven schools. We are continuing to make sure that, in addition to the coaches, we have a range of other people available for support. The investment that the government has provided will be going into ensuring that we can meet the needs of schools.

**MRS KIKKERT:** In your response you quoted some observations that the committee had made—for example, that all schools need to specifically teach social skills and strategies to support children and young people to build resilience, and that schools need to be able to identify when a child needs additional support. Such observations are, with respect, hardly groundbreaking. Your response to those observations was to confirm that the government would continue the ongoing implementation of PBL. Was this report just an exercise to try to convince parents that you were actively concerned and actively responding to their concerns?

**Ms Berry:** No, I think it was more than that. That has been clearly articulated in the report to the Assembly and the government's response to that.

**MS LEE:** One of the observations that was made, which I did not see a government response to either in the written response or in any speech that the minister has given, was a concern that the committee observed about the inadequate support to work with our Aboriginal and Torres Strait Islander communities. Why was there no formal response from the government on that observation? Was that on purpose; was that a—

**Ms Berry:** We can answer that for you, Ms Lee. We can respond to that. You do not need to continue commenting on it.

**Ms Brighton:** I can pull up the reference, Ms Lee. This piece of work was really important. Parents felt heard. Students felt heard. They had an opportunity to speak to the committee.

With the advice that the minister has received from her committee, where those individuals have articulated their concerns and articulated what is working, our role is to make sure that we are hearing that and responding to that. That is what I have said when I have talked before about trying to integrate that to strengthen the work that we do and re-gear it where we need to.

We have heard the messaging about the positive behaviours for learning. The government has invested in that. We are recruiting new coaches at the moment. All of that is part of the package of making sure that the community are confident in the public education system and that we continue to learn and grow from that.

**MS LEE:** Thank you for confirming that. It was just a repetition of what you have said previously. It did not really go to answering my specific question, which was a concern that the committee raised about the lack of support in dealing with Aboriginal and Torres Strait Islander communities. There seems to be nothing in response from the government.

**Ms Berry:** There is work that the Education Directorate has been doing over the last 12 months and more, around cultural integrity within our schools, across all the education workforce. That has been a really great and deep process of work with our school communities to ensure a really clear understanding of, particularly, Aboriginal history in this country and what it means for Aboriginal people and their families and how the Education Directorate can support them better. That is the kind of work that has been happening over the last 12 months.

**Ms Brighton:** Ms Lee, I have just found the reference in the report. The minister has outlined the work we have been doing on cultural integrity. That work has really come from the feedback we have had from families and students. What that has looked like is that we have invested in not only the corporate executive but also principals, deputy principals and executive teachers around what strong cultural integrity looks like in our school system. That has looked like deep immersion into cultural integrity. It has been very challenging for all of us to go through this journey of understanding what we did not know, of where we were ignorant of history and where we were ignorant of culture.

That whole journey is about making us culturally stronger so that our Aboriginal and Torres Strait Islander students and their families feel connected to school, feel confident at school and feel respected at school. In each of our schools there is a different pace of the journey. Bonython Primary School this year has done an inquiry unit as part of its learning across its entire school about acknowledging country. That culminated with an exhibition at Tuggeranong Arts Centre. It is just one example of the depth we are starting to see and the maturing of the understanding of cultures and

history in this jurisdiction. Even this afternoon there is on-country experience for our staff, getting them to understand more deeply and further what cultural integrity looks like in this jurisdiction. I am sorry I was non-specific in my answer, but now I have seen the context.

**MS LEE:** Apologies, but I think the context has still been missed. That was a good summary of the cultural integrity initiatives that are happening currently within the Education Directorate and across the school system, but the question I asked referenced a specific observation that was made by this committee looking at the work and issues within these terms of reference—that is, some of the violence issues that we have been concerned about. The specific observation has been made by the committee that there is a lack of support for Aboriginal and Torres Strait Islander communities. There does not seem to be a response from the government on this issue.

**Ms Berry:** The government, as Ms Brighton has articulated, has been doing a significant amount of work in this space to engage with the Aboriginal and Torres Strait Islander community, working with representatives on the elected body on how we can continue to improve support for Aboriginal and Torres Strait Islander families. We just gave an example before this committee of where student-led action was taken to inform the school to make—

**MS LEE:** That was not as a direct result of this report, though.

**Ms Berry:** No, because it was work that was already occurring. I think it needs to be recognised that there is work happening in our schools. We know there is always more work to do with regard to Aboriginal people, given that they are continuing to feel the effects of white people arriving in this country, taking their children and removing opportunities for them. They are not having equal chances for every child. We have recognised that. I gave a speech on it in the Assembly in our response to the Aboriginal and Torres Strait Islander report *We don't shoot our wounded*. We in the Education Directorate and across government have committed to working with the Aboriginal and Torres Strait Islander community, particularly in Ngunnawal, on how we can make sure that our schools, as communities, can better support families in the ACT and give them an equal chance at a greater life.

**MS LEE:** I do not think anyone disagrees with that sentiment. But what I am saying is in regard to the response to the specific concern that was raised. If you can point me to where it is in the government response, that would be great. If not—

**Ms Berry:** I think it is because, with the committee's report, where observations were made in the body of the report and not as a particular recommendation, the government has not responded to a particular observation or recommendation—

**MS LEE:** But this entire final report has no recommendations. Everything is an observation.

**Ms Berry:** Yes, and the observations that were made did not include a reference for the government to respond to a particular recommendation.

**MS LEE:** But none of the observations had a reference for the government to respond.

What I am getting at is that if you are trying to say that the directorate is already doing its work, you have said that on a number of the other aspects, so I am wondering why on this specific observation there was no response.

**Ms Berry:** You are referring to page 27 of the report, I think, where there was a statement made in the body of the report—

**MS LEE:** I can find the observation. What I cannot find is the government response to it.

**Ms Berry:** Where is the observation that you are referring to? I can see a paragraph written into the report—

**MS LEE:** That was raised, yes.

**Mr Matthews:** It may be helpful to raise a specific reference in the actual SEAC report. Then we can make sure we directly address that.

**MS LEE:** I can go through it now.

**MRS KIKKERT:** Is the suspension, transfer or exclusion policy publicly available? Has its release been highlighted to parents?

**Ms Berry:** Yes, it was made publicly available.

**MRS KIKKERT:** The committee made comments about cyber safety and suggested that schools should continue to teach students about the appropriate use of technology, including having more opportunities for time away from devices. Does this conflict with your desire to have learning largely available through Chromebooks?

**Ms Berry:** No, not at all. This is the world that we are living in where electronic devices, phones and Chromebooks are used every day. Many are before us at the committee here today. What the Education Directorate does, through our schools, is to talk about providing kids, students and families with the information they need to be good global citizens on their devices.

**Mr Hawkins:** I will supplement what the minister is saying. We try to look at how technology works in the broader sense of the classroom. It does not mean that it takes over in the classroom. We still use books and a range of other stationery, as part of the broader sense of teaching.

What we have read, from the element in the report, is: how do we further strengthen that? How do we make sure that our students are getting advice on e-safety, and what are we doing in that space? How do we make sure that we are having conversations with students around how to use devices safely, and what does that look like in a behavioural sense? We need to be able to start talking about what respect looks like, both in the playground, physically, and in the digital environment. How do we treat each other, in the same way that we would expect students to behave in the playground or together, online? How do we do that in a safe and engaging way? What we read from the report was, “You’re doing some good work in this space, but it’s

something you should further strengthen and look to do more on.”

**MRS KIKKERT:** It has been brought to my attention that a couple of school students have been watching Netflix on their Chromebooks inside their classroom. How is the Education Directorate addressing that?

**Mr Hawkins:** We have a range of security settings that sit both at the Chromebook level and at the network level. That should not be technically possible. But if we find that there are cases where that is taking place, and there are some elements we have found of people trying to find ways of circumventing the system, we look to deal with those from a security perspective as quickly as possible.

**MRS KIKKERT:** How do you do that? How do students get away from all of that security and be able to watch Netflix during a classroom lesson? How is that monitored?

**Ms Berry:** It turns out that some of our students are incredibly clever, and keeping ahead of them, as an education system, is always a challenge in any jurisdiction. The expertise that we have in the education system is constantly monitoring and getting on top of that.

**THE CHAIR:** You mentioned some of the ways that you would try to stop someone watching Netflix. You mentioned the device or the network. Which one are you trying to stop someone watching Netflix on? Is it the network?

**Mr Hawkins:** Typically, if you walk into a school with a Chromebook at the moment, you cannot look at Netflix.

**THE CHAIR:** Why?

**Mr Hawkins:** Because of the settings that we have around it.

**THE CHAIR:** On the Chromebook or on the network?

**Mr Hawkins:** On both. There are elements that we do in terms of the configuration controls that we set and put in place in the Chromebook, and the user using that Chromebook. And there are controls that we would have that are set across our network layer. As we manage that as a system, there are further controls as well.

**MRS KIKKERT:** Do you have a system that sets off an alarm when a student breaches that security?

**Mr Hawkins:** Not an alarm, but we have systems. Typically, if people try to access an inappropriate site, that will be rejected within their browser, to start with. Where we see a breach of security, which we find out about through the various sweeps and security checks that we do, we can follow up with individual students or schools where people have tried to breach security settings.

**MRS KIKKERT:** How often do you do those checks?

**Mr Hawkins:** There is a range of checks that we do. Some are evening or nightly checks, and there are some broader security checks that we do. There are tests that go into auditing what we are seeing across our system on a monthly basis.

**MRS KIKKERT:** If a school is aware that students are accessing Netflix, can you focus on that particular school's network and how many students have actually breached the security?

**Mr Hawkins:** Correct, yes. Let us say that it took place and I do not know the details of that case; we can go in straightaway to that school and investigate what is going on. We can look at what the browser histories of individuals are. We can look at what has been looked at over our network system. We can go in and do investigations to find out what has happened in that space that has allowed that to happen.

**MRS KIKKERT:** Have teachers or principals approached you in that regard: that kids are breaching security?

**Mr Hawkins:** I look after all of the schools. I have not heard of Netflix being looked at on Chromebooks. Part of what we have to recognise is that we also have students with phones and other devices. This is actually around how we help to engage our students to engage with technology and what is and is not appropriate within the classroom. How do we tackle this broader behavioural perspective so that, when you come into the classroom, whether it is your Chromebook or your phone, you engage with learning, and what is and is not acceptable? That is why positive behaviours for learning are so important. When we talk about those values and behaviours at a school, and the way that you are treated in Mr Hawkins's classroom compared to Ms Berry's classroom, for the students it needs to be exactly the same. It needs to be about what those expectations are and what that looks like.

**MS LEE:** Can I go back to a line of questioning that we had earlier? Mr Matthews asked for the reference, and the minister was right; it is on page 27. Specifically, it said:

SEAC heard that school staff, including principals, have not always necessarily been well-trained or supported to work with Aboriginal and Torres Strait Islander communities ...

**Ms Berry:** The government has responded to the observations but not to comments made in the body of the report. That does not mean to say that the Education Directorate are not doing work in that space, or have not read it, acknowledged it and are doing work to improve it.

**Mr Matthews:** Indeed, it might be worth mentioning, because these are annual report hearings, that there are several pages in the annual report about the strategies that the directorate is implementing around Aboriginal and Torres Strait Islander cultural awareness.

**MS LEE:** I have no doubt about that. That was a specific question that I asked in relation to this. Just to make it clear for the public, the government's formal response to this report is just to the observations that were made, that are in the boxes?

**Ms Berry:** The same as the government made to the committee's report; it had 23 recommendations and the government responded, in its formal response, to those recommendations but not to commentary that was in the report.

**MS LEE:** It is only because these are termed "observations".

**Ms Berry:** We have not provided a paragraph by paragraph, or sentence by sentence, response to these reports, or any reports. As I said that is not to say that the government is not acting on the work that has been identified through this report, or indeed the work and other activities that need to take place in any recommendations made to government, across the whole government but particularly within our schools.

**MS LEE:** Recently there has been some concern raised about casuals, the number of casual staff employed in the Education Directorate, especially for quite a lengthy period of time. What is the government's response in relation to those concerns that have been raised?

**Ms Berry:** A couple of things have occurred. The Education Directorate has offered employment to close to 200 temporary and casual employees. I am not sure of the exact number; Mr Matthews might have that. We are continuing work on the education workforce in our schools to ensure that we have the appropriate number of staff and that those staff are employed on ongoing engagements. Mr Matthews might have a little bit more detail since the last time we spoke.

**Mr Matthews:** The government has a policy framework around insecure work which is across government and involves dialogue with relevant unions. Through that dialogue between government and unions, there has been a range of discussions around insecure work and supporting, wherever possible, permanent work across the ACT government service.

In the case of the education portfolio, we have a range of different classes of workers that we employ: obviously teachers, also learning assistants, administrative staff and the like. We have been working very methodically through all of our temporary staff, as part of our recruitment activities for 2020. We are seeking to stabilise the employment and offer permanent employment to all temporary staff who are eligible, as part of our recruitment for 2020. That has been a significant body of work. As the minister referred to, some additional offers, around 200 offers to date, have been made to temporary teachers of permanent employment for 2020.

We have other classes of work. We have the casual workforce. Their workforce composition varies considerably, from people that are retired, essentially, and are keen to do some occasional work in the directorate, to people who are working in multiple sectors or in multiple jobs. The next stage of work for us will be to work through our casual employees and to identify which of those are eligible for offers of permanent work. We will be doing that from next year.

**THE CHAIR:** What do you mean when you say "eligible for"? Are they currently employed in a pattern of work that is suitable for more secure work?

**Mr Matthews:** Yes. Obviously, we are complying with the guidelines in the enterprise agreement around offers of permanent employment and the eligibility arrangements for employment in the ACT public service. Also, it relies on vacancies being available. Sometimes people are in positions which are non-ongoing or are backfill arrangements. The nature of employment is very complex and varies from job to job and environments. That is what we are working towards. I would like to be very clear that the intent is, wherever possible, to offer permanent and ongoing work to staff.

**Ms Efthymiades:** In addition the offer is, in a sense, an opportunity that is offered to the employee, but they may not wish to take it up, for whatever other life reasons there might be. In fact many of our long-term casual employees opt for that because it works for their life balance. Casual arrangements are more fluid and that suits their settings. So there is the opportunity and the offer, but there is no obligation on their part to take it up.

**MS LEE:** You might have to take this on notice, because I am asking for a lot of figures here: the 200 offers that were made, over what period was that?

**Mr Matthews:** This is a current process that is ongoing. That is a to-date figure. We will be able to give complete figures early in 2020, after we work through the status of all current temporary employees.

**MS LEE:** How many employees are currently casual in the classification? Do you have that figure?

**Mr Matthews:** In our annual report, in the pay period at the end of June 2019, the headcount was 939 casual staff.

**MS LEE:** Compared to how many permanent?

**Mr Matthews:** The annual report figures are 4,967 permanent, 1,124 temporary and 939 casual staff. That is the headcount as of June 2019. Just to clarify, the temporary figure is 1,224.

**Ms Berry:** It is in the annual report.

**Mr Matthews:** Yes, it is in the annual report.

**MS LEE:** I wanted to put it in context in terms of the number of casuals who are sitting at more than a year. Do you have that breakdown?

**Mr Matthews:** I think I have that breakdown for you. I do not have the figure of those that are plus 12 months. We can try to get that for you during the hearing.

**MS LEE:** Yes, if you can get that for me on notice, that would be great. Acknowledging that, for whatever reason, there are some people who do not choose to take that up, do you also have a breakdown of the figure for offers made and rejected, if that makes sense?

**Mr Matthews:** It is an ongoing process, Ms Lee, as I said. Basically, we are working through our temporary staff, as we speak, essentially, making offers. As Ms Efthymiades said, some will be accepted and some will not be, for a range of reasons. It is a real-time report, so I cannot give you that information. I would prefer to give you that information once we have been able to complete that process for this year.

**MS LEE:** Okay. I want to clarify this: am I right in saying that what you said earlier was essentially that any casual staff member who wishes to have a permanent role will be offered one?

**Mr Matthews:** I was quite careful in saying, Ms Lee, that we are working through the policy framework that has been established by government, which is to look at all temporary and casual employees, to look at their status, to confirm their eligibility for employment and to make offers of employment. We started that process by working through temporary teachers and looking at their current status, making contact with them. As I said to date we have made 200 offers of permanent employment to people in that cohort.

**MS LEE:** There has been a recent, quite public recruitment drive from the ACT Education Directorate. Is that part of that recruitment drive or is it separate? These are additional teachers?

**Mr Matthews:** We have a growing system, and it is fantastic that public education is growing in the ACT. Every year we have the need for additional teachers. Earlier in the hearing there was reference to quite a competitive national market around teachers. We want to be an employer of choice. That also goes to the comments my colleague Mr Hawkins made before about our links with universities, about how we are supporting new educators. I also mention our enterprise bargaining agreement offering very attractive salary and conditions.

It is fair to say that if there are any teachers out there listening, we are open for business and we are really keen to talk to any teacher anywhere in Australia who wants to work for public schools in Canberra. We think we are a great place to work. We think there are great career opportunities. We will continue to recruit to make sure that we have the right number of high-quality teachers in our system.

**MS LEE:** Do you have a breakdown of the levels you are recruiting in? Is it executive teachers? Is it entry-level teachers?

**Mr Matthews:** We do have a breakdown by different employment classes, but I do not have that available for you today.

**MS LEE:** Can you take that on notice?

**Mr Matthews:** Yes.

**THE CHAIR:** I have a couple of questions about learning gains. Is NAPLAN a good measure to try to capture learning gains?

**Ms Berry:** I am very glad you have asked this question, Mr Pettersson, because it is always a good opportunity to explain the story of NAPLAN, that it is a fairly narrow focus on narrow criteria. It provides one very small piece of the story of a child's education.

**Ms Efthymiades:** Building on the minister's introduction, learning gain is one of the better ways we can use NAPLAN. We all know it has limitations. But we know that as a system it can help us to understand where we have areas of the greatest need, for example, our equity issue. At the system level, that is useful.

At the individual item level for students, again, as the minister says, it is on a narrow scope, but the information, student by student, item by item, can help to inform learning programs. At that level we can see where we get the benefit from it in the context that it is a part of the curriculum, not the whole of the school or school success.

**THE CHAIR:** The point I am going to is that NAPLAN goes from years 3 to 9.

**Ms Efthymiades:** Three, five, seven, nine, yes.

**THE CHAIR:** How do you measure the learning gain in colleges, or do you?

**Mr Gotts:** We do not measure the learning gain from year 9 to college in the same way, obviously, because there is not a year 11 NAPLAN or a year 12 NAPLAN. Progress is measured differently. It is measured principally by attainment, and the attainment that is achieved at the end of year 12.

**THE CHAIR:** As in the ATAR score?

**Mr Gotts:** Yes, and other attainment.

**THE CHAIR:** Is there some way to connect that data, how someone has progressed through school, and link them to their ATAR result? Is that how you attempt to measure it?

**Mr Gotts:** No. I am not saying it is not possible to do that but it would be a very complex statistical exercise and I am not sure how useful it would be.

**Ms Berry:** One of the measures that we use on happy, successful learners in college is the longitudinal survey that we talked about earlier, which is what happens when—

**Mr Gotts:** The focus shifts to outcomes, basically.

**THE CHAIR:** If your reporting in the annual report from learning gains is limited to just NAPLAN, which only covers a certain section of the learning experience, is it worth considering a different measure?

**Ms Berry:** There is currently a review being conducted of NAPLAN by Queensland, Victoria, us and New South Wales. That leads on from the review that the ACT government led on the harmful parts of NAPLAN and whether or not they

should be removed, around the reporting; the whole kind of palaver around it. That work is continuing. There have already been a number of conversations with directorates, state and territory ministers and other stakeholders about NAPLAN: what it could look like, what it could possibly be evolved to, whether it is useful or not, whether it needs to change, what needs to happen as a bigger story. In addition to that work that we are all doing, there is the work that ACARA is doing on formative assessment.

There is big national work happening around what is actually telling us a story of a child's learning through the years. Is it providing the kind of rich data that teachers need to be able to make those assessments on what a child's additional supports need to be? What is the information that parents need about their child's education to help them to understand what is happening from day to day, from the start of the year to the end of the year, and throughout each year?

Everybody is still trying to understand what would be the best thing now. NAPLAN has been around for 10 years. Has it been useful? Has it done what it was proposed to do in the first place? My view has always been that it provided some information. It was late, but it would provide some information to teachers. Moving online means that that data is presented sooner. With respect to whether or not it needs to be on a league table that identifies students and schools in a way that disadvantages them and does not tell the whole story of their learning experience, my position has always been that that is not useful.

**Mr Gotts:** There are international tests that are done at regular intervals that provide another basis of comparison as to how systems and countries are performing.

**THE CHAIR:** They are normally for the younger cohorts, though.

**Mr Gotts:** They range from primary school up to year 10, so there are different tests that range from different ages. Equally, there is a national project underway under the aegis of the Education Council which is looking at long-term data on post-school outcomes, to provide a more complete picture of the progression from school to later life outcomes so that that that can be better understood. But the focus is on the outcomes that are achieved past school.

**THE CHAIR:** Going to the report, the measures that I could pick out included completion rates for year 12, vocational qualifications achieved and the ATAR spread.

**Mr Gotts:** Yes.

**THE CHAIR:** With the things that you were talking about there, with longitudinal studies, I am not sure how well you could compress those down to provide fuller data about how our colleges are performing.

**Ms Brighton:** Mr Pettersson, the other component of this is student engagement; connectedness with school. Our climate survey, which is one of the measures we report on in the annual report, talks about students' engagement with the school. We know that engagement is a key part of student connectedness and student wellness, which is a very strong contributor to student outcomes.

We do report on that at a high level in the annual report, in terms of student satisfaction, staff satisfaction and parent satisfaction. That is not just, “Did you have a good time at school?” Actually, it is a far deeper survey than that instrument, to give us a really good insight. At a system level, I know that we report in the broad, but we have been doing a lot of work. With our reviews of schools that we have been undertaking annually over the past few years, we do roughly 20 or so reviews each year. That showed us, and with the advice coming back, that we need to do a lot more work with schools about using data and understanding data.

Through the work around school improvement and under the future of education empowering learning professionals plan, the government has invested quite heavily in a body of work around multiple sources of data. That is about teachers and school leaders understanding what data is available, and how to use that data to inform the teaching practice in classrooms to know where the student is at today and where they need to go.

This year we have seen through the review of schools a maturing of our understanding of how to apply that in practice. That is really encouraging. What we need to do next year is to go deeper and further. It is not just about big datasets like NAPLAN. That is only a component of the story. The most important dataset is the dataset that the school has that they collect locally that they then interrogate, understand and feed into the learning structure.

**MS LEE:** The Assembly committee inquiry into standardised testing made some observations and there was some concern about the ACT’s performance. Whilst acknowledging that NAPLAN is not the be-all and end-all—I think everyone is in agreement with that—what work has the government been doing to look into the concerns that have been raised not just by the Assembly committee but by various other experts who have written in the area, including some of the concerns raised by the Auditor-General?

**Ms Brighton:** I will ask Mr Huxley if he can address that.

**Mr Huxley:** We have been doing a lot of work around principal capability, school leadership capability at the principal level, deputy principal level and school leader C level. What we know is that teacher quality has a significant impact on student outcomes, and teachers learn best from being at school, having strong leadership engaged in assessing the impact that they are having on student outcomes, and getting regular feedback from good school leadership teams who are providing advice on how they are impacting students and how to make the necessary adjustments to the curriculum and their pedagogical practice to make sure that those benefits multiply.

Our challenge is to make sure that that happens across as many schools as possible and as many classrooms as possible. We have been investing in that leadership capability, especially around how to provide good feedback. We want every teacher to be receiving good, strong, quality feedback as part of their regular practice. We have been working with our school leaders on how to provide strong, quality feedback to enhance teacher practice.

That feedback is based on evidence and data—how they are using the big datasets like NAPLAN, for example—and translating that into everyday practice in the classroom. They will look at things like student performance data, how they have been going in response to formative assessments and observations that are happening in the classroom, as well as national tests when they come along. They will also then look at demographic information about the student cohort: their background, diversity, gender and a whole range of other variables. EAL/D also might be a factor in their observations.

They will then have a look at perception data. How engaged do the students feel? How do they feel about their learning? What is happening in the class? Then they will look at their practices and processes: if we are doing these things in the class and we are looking at all that data, what impact is it having on the students?

That is quite a precise process. It is a real skill that educators value and it is something that we have been prioritising. We need that if we are really going to see the uptick in improvements and performance that is clearly where the focus has been for us. It is backed by international research and in response to some of the issues that we have been aware of and that have also been raised externally and internally for us.

**MS LEE:** Are you able to table a reference to the international research?

**Mr Huxley:** Absolutely.

**MS LEE:** Concerns about performance in the ACT were raised a couple of years ago. That has been raised publicly for a while. Has this work that you are undertaking in investing in school leadership been going on since then or is this something new that has been happening recently?

**Mr Huxley:** It has been going for about two years now in terms of the initial work around evidence and data. We scaled it up last year through the minister's announcement on the empowered learning professionals leadership plan. That was bringing all those components together and investing in the leadership capability across all of our schools. It has been implemented, but scaled and grown over the past two years.

**MS LEE:** Is it something that you would expect to see in the forward years; the NAPLAN results or other standardised testing results where we would expect to see an improvement?

**Mr Huxley:** We are already seeing some early impact in the work that has been happening. NAPLAN is quite a lag indicator and happens only every two years in a child's life, but we have seen really positive strong feedback from participants in the programs.

We have also had the school review which was independently conducted by the Australian Council for Educational Research and are starting to see an uplift in the areas that we are focusing on. With the use of evidence and data at a whole-school level, we are beginning to understand with more precision the needs of the students at that school.

The challenge for us as we move forward is to continue to embed that reflective practice, the feedback for our teachers, so that we are going from the whole-school level down into every classroom. It is encouraging. We have targeted those areas; we are getting independent feedback that they are seeing and observing that practice strengthening in our schools. We would intend to see an uplift in those lag indicators over time.

**MS LEE:** In addition to the international research that you referred to, what role does the research that was done domestically—the ANU paper, the institute paper and the Auditor-General’s report—play in informing government policy and direction?

**Mr Huxley:** We have been very mindful of all of those. We are obviously very mindful of the internal work that we have done—I would refer to Mr Gotts in terms of the specific internal work that was commissioned—which was then supplemented by the broader public dialogue and input from others. This response has been in regard to that. We then sought to find what is the best practice from that, locally, nationally and internationally.

The real strength of what we are doing is empowering our teachers and our school leaders to assess the impact they are having. That is where we want to be focused. They will be able to see what is working for them; they will be able to share that with their colleagues. It is informed by international, national and local best practice. How we scale that across and between our schools, making sure that best practice is occurring in more classrooms, is the work in front of us.

**MS LEE:** You said that you have started to see some early results that are lifting up. Is that publicly available? Is there somewhere we can access it?

**Mr Huxley:** There is reference to one of the programs that has been part of that work in the annual report. That is the early years literacy initiative.

**MS LEE:** Have you got a page reference?

**Mr Huxley:** Page 35. The early years literacy initiative has had a really strong focus on an area of need for us: making sure that early in their interactions with our schools—of course, literacy is a priority—we address issues around equity and those students being given every chance to succeed. I am just wondering how much detail you want about that initiative and whether to call others up.

**MS LEE:** While we are on the early years literacy, in terms of students who have dyslexia, what effort is being made to ensure that they are assessed appropriately and given the appropriate support that they need?

**Ms Berry:** This is exactly the work that the early years literacy work has been focused on, ensuring that every child, regardless of how they learn, gets the chance to be supported and provided with all of the different kinds of supports that they need in the classroom. Obviously, importantly, it is about the teacher having the right tools and the expertise to be able to support every student in the classroom.

**Ms Hamilton:** The early years literacy project targets both classroom teachers and school leaders and it is designed to build their knowledge and their skills and capability in literacy instruction. The 10 essential practices are the fundamental basis for the program. The 10 essential practices that every child every day in every classroom should have experience of include very specific and explicit targeted teaching around phonics, chronological awareness and phonemic awareness.

Part of that is constant assessment, tracking and monitoring of student progress so that teachers not only have capability around teaching very explicitly, but also they are constantly tracking students so that if concerns were there or student progress was not there, teachers would be constantly monitoring that, and, on top of that, they could receive additional supports.

**MS LEE:** In terms of the initiative itself, with the schools that were chosen, what were the criteria that were rolled out?

**Ms Hamilton:** The initiative has been running for about three years, and about 50 schools have taken part in that. We have looked at their PIPS data, which is the performance indicators in primary schools program. That is growth in kindergarten. We have looked at how schools have been tracking that. We have also looked at their PIPS to NAPLAN growth. We have also taken into account—a bit like Mr Huxley talked about, with a holistic approach to that data—teaching profiles in a school. Perhaps there are a number of early educators that want support. We also looked at leadership capacity, and school data about reading benchmarks and what the schools were telling us. It was a fairly thorough analysis of what was happening in a school and targeting those schools initially.

**MS LEE:** Is there a plan to continue to roll that out to all schools?

**Ms Hamilton:** Yes.

**MS LEE:** That is the plan?

**Ms Hamilton:** Yes. As I said, 50 schools have engaged in that and next year we will continue to offer that program. There are some universal offerings. All teachers and school leaders can access professional learning, and we have some targeted schools where our schools can work with their executive and leadership teams around coaching sessions and demonstration lessons. The school improvement team and instructional mentors also work to deliver that program and provide support in schools in a really targeted way.

**MS LEE:** There has been some concern within the dyslexia community about perhaps a need for phonics testing more broadly. Is that something that is being explored at all?

**Ms Berry:** No, this program has been designed to support every child, regardless of how they learn, and to support the teacher in providing that expert training so that they can provide that extra training in the classroom. What I have seen as part of this program, when I have visited schools that have implemented it, is that, from the start of the year in kindergarten when they do the first assessment to the end of the year in

kindergarten when they do the final assessment and identify where different individuals might need that extra support, this program means that the teacher in the classroom learns a whole different way of teaching that supports every child. It changes the way that the teaching profession can identify children, and works with the whole classroom on a different way of doing that kind of phonics instruction in early years literacy.

**Ms Hamilton:** It is not a blanket approach to phonics. It is a more individual and personalised approach, but it is definitely explicitly part of the everyday program. We acknowledge the importance of phonics in a child's ability to learn to read, as long as it is done in a balanced literacy program that includes other key components of reading, such as comprehension, vocabulary and phonological awareness. They are all important components in becoming a successful reader, and it needs to be done with the notion that reading is for meaning. We would not overemphasise the focus on phonics. We are very fortunate in the ACT that our PIPS testing provides us with a really close lens on what occurs in that kindergarten program, and that pre and post testing ensures that we are seeing whether there is growth for every student.

**MS LEE:** My final question will probably be for the minister. You mentioned, minister, the review that is happening with NAPLAN across the various jurisdictions. Do you have a time frame for that in terms of update and completion?

**Ms Berry:** That is a good question. It has only just started. I suggest it would not be finalised until next year. The report on the review into the NAPLAN reporting has been released. It is part of this review that is being done by a few state and territory ministers, as part of this broader NAPLAN review.

**THE CHAIR:** Thank you, minister and officials, for being with us today. As per the standing orders, responses to questions taken on notice are due five days after receipt of the uncorrected proof transcript. Members have five days from today to submit additional questions. The committee's hearing is now adjourned.

**The committee adjourned at 4.46 pm.**