



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON EDUCATION  
AND COMMUNITY INCLUSION**

(Reference: [Inquiry into the ACT Auditor General report No. 6 of 2021:  
Teaching Quality in ACT Public Schools](#))

**Members:**

**MR M PETTERSSON (Chair)  
MR J DAVIS (Deputy Chair)  
MS N LAWDER**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 29 MARCH 2022**

**Secretary to the committee:  
Dr D Monk (Ph: 620 50129)**

**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.

**WITNESSES**

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 1.34 pm.**

**JUDGE, MR PATRICK**, Branch Secretary, Australian Education Union, ACT Branch

**BURROUGHS, MS ANGELA**, Branch President, Australian Education Union, ACT Branch

**HENNESSY, MS BIANCA**, Policy and Research Officer, Australian Education Union, ACT Branch

**THE CHAIR:** Good afternoon, everybody, and welcome to the second public hearing of the Standing Committee on Education and Community Inclusion's inquiry into the ACT Auditor-General's report No 6 of 2021, *Teaching Quality in ACT Public Schools*.

Before we go further, the committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

During proceedings today, we will hear evidence from the following witnesses: Mr Patrick Judge, Branch Secretary of the Australian Education Union, as well as some colleagues. Please be aware that the proceedings today are being recorded and will be transcribed and published by Hansard. The proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses used these words: "I will take that as a question taken on notice." This will help us later.

Please be aware that today's proceedings are covered by parliamentary privilege, which provides protection to witnesses but also obliges them to tell the truth. The provision of false and misleading evidence is a serious matter and all participants today are reminded of this. Please ensure that you have read and understood the pink privilege statement. If everyone could please acknowledge the privilege statement, that would be wonderful.

**Mr Judge:** I am happy to acknowledge the privilege statement.

**Ms Burroughs:** I acknowledge the privilege statement.

**Ms Hennessy:** I also acknowledge the privilege statement.

**THE CHAIR:** Wonderful. Now that all those words are out of the way, before we go to questions, do you have an opening statement that you would like to make?

**Mr Judge:** No; we are happy to go straight to questions.

**THE CHAIR:** Wonderful. One of the things that stood out to me in the Auditor-General's report was that the Education Directorate does not centrally plan or monitor the distribution of experienced teachers. As a result of this, there is an uneven distribution of experienced teachers across ACT schools.

For example, the five highest concentrations of experienced teachers in a school are something like 80 per cent of the workforce, while the five lowest concentrations of experienced teachers in a school are about 30 per cent of the workforce. This would limit the ability of new educators to access experienced teachers to support their development, as well as the students in general having access to high-performing teachers. I was wondering if you could comment on what is driving the current distribution of experienced teachers across our schools.

**Mr Judge:** Our understanding is that what is driving that distribution of teachers is a historical lack of workforce planning, essentially. There has been no mechanism in place to ensure that experience is sent to the places where it is most needed. We have been having discussions with the ACT Education Directorate over a number of years in relation to how we can use, in particular, the teacher transfer processes to resolve that situation. We have been going through that process slowly.

This is something that should, over time, equalise, through that transfer process and because that teacher transfer process is now centralised and there is a panel that takes experience into account when it makes placements. But that does give us a bit of a lead-in time before we will see that more appropriate distribution of experience.

**THE CHAIR:** Right. So that central panel considering these transfer requests would be reliant on teachers wanting to go to these schools that do not have concentrations of teachers.

**Mr Judge:** Not necessarily, although there could be an element of that. What may have partially caused this issue in the first place is teachers self-selecting to go to schools where perhaps there is a perception that it is easier to teach. That, of course, would be schools that may already have a surplus of experienced staff. That would make sense.

But the classroom teacher transfer round occurs annually and there will be a number of forced transfers, essentially, through that round—teachers who are at the end date of their placement at their current school who must transfer. When those people are being placed by that central panel, the central panel can look to not just the places those staff have nominated that they would prefer to go; once that process is concluded they can also have discussions with staff who are otherwise unplaced about where they might go instead of the schools that they have nominated.

That has been a very successful process in terms of the satisfaction levels of our members as well. We have not had a single instance where a member could not be placed in a school that they were satisfied with, even if where they were placed was not one of their initial preferences.

**THE CHAIR:** Is there some role for incentives to encourage teachers to go to these schools that do not have high concentrations of experienced teachers?

**Mr Judge:** We see incentives in place in all other Australian jurisdictions where they have difficulty staffing particular schools, and that may be one solution to this, particularly if there is an appetite to resolve this problem more quickly. If we wait for

it to resolve through attrition in the classroom teacher transfer rounds, it will take some years before we rectify that distribution of experience. Providing an incentive could encourage staff into those harder to staff positions. The other thing, though, that is worth considering in terms of incentives is how we incentivise staff into harder to staff roles and how we provide training for staff to transition into those harder to staff roles.

We know we have a problem with teacher availability in the ACT and we know we have particular areas of highest demand, but we do not have at the ACT Education Directorate level a plan to train staff who are already engaged by ACT public schools to transition into those roles where they are most needed. That may be those STEM roles that we often hear about, particularly mathematics teaching roles. At the moment, a lot of those positions will be being filled by somebody who does not have the specialist skills or the context knowledge that we would ideally like them to have. If there was a program to incentivise people to move into those roles, and to train them to make that transition, that could deliver benefits, particularly in the efficiency of those staff when they are in those roles.

**THE CHAIR:** Great.

**MR DAVIS:** Thank you, everybody, for appearing today. I want to talk about recommendation 3 in your submission:

Address teacher pay to raise the status of the profession.

At the risk of pre-empting the enterprise bargaining round which I understand you have having with the government this year, what does teacher pay that raises the status of the profession look like, in the eyes of the union?

**Mr Judge:** There are a variety of views around what is needed. It is not a simple case of naming a particular number, although we have seen some suggestions around that from various reports—for example, the Quality Initial Teacher Education Review’s recommendation was \$130,000 per annum at the top of the scale.

With teacher pay and these sorts of attraction questions it is a bit more complicated than that. There is a question about how we retain staff, particularly through that mid-career phase and once they have reached the top of the classroom teacher scale. There are some recommendations there around things like the creation of specialist roles, master teacher roles, recognising the expertise that long-serving professionals bring when they are working in the teaching profession and incentivising them to hang around and not go and use those skills, which are highly transferrable and highly valued, in other jobs.

**MR DAVIS:** Okay. Can I ask: what is your understanding of where teacher pay in the ACT currently sits, relative to other states and territories?

**Mr Judge:** Relative to other states and territories, it is generally ahead by at least a small margin at the top of the scale. In terms of public school pay, depending on how a person moves through the salary classifications, public school teachers earn slightly less over the first five years of their career than teachers in the catholic systemic

schools because they have an incentive to move through their salary classification scale more rapidly and therefore achieve higher pay sooner in their career. That probably does impact, to some extent, on our ability to recruit teachers to the public system.

**MR DAVIS:** Okay. So could I ask, then, at the risk of writing a journalist's headline for them: is it fair to say that we have the highest paid public school teachers in the country? I have had that put to me. Would that be a fair statement?

**Mr Judge:** No, it would not because it depends on the classification of those teachers. Yes, in some respects they will be at the top teacher pay, but once we factor in things like the recognition of career stage, when we are talking about payments made to highly accomplished and lead teachers in other jurisdictions, when we consider attraction and retention incentives that apply in other states and territories, and when we consider factors like principal pay, remembering that our principal members are, of course, covered by the same teaching conditions as everybody else, we could not say that the ACT has the highest pay across the board, no.

**MR DAVIS:** I must follow up on this, if that is okay, Chair.

**THE CHAIR:** Sure.

**MR DAVIS:** I would think that the ACT would have a greater challenge than maybe other states and territories on the retention part, competing with the federal public service. I have had that put to me by a few teachers in the course of my work. Is there any analysis done by the union, or are you aware of any analysis done by the directorate, about where pay scales are comparable for teachers with those qualifications who are attracted to the federal public service by virtue of living in the ACT?

**Mr Judge:** I am not aware of any analysis of that, no.

**MR DAVIS:** Okay. Do you think, based on your knowledge of your members, that that kind of analysis would be useful? I suppose the broader question is: are you noticing teachers leaving the profession to work in the federal public service?

**Mr Judge:** I think we are noticing teachers leaving the profession to do a range of different things. I would be cautious about jumping to any conclusions. I think the broader point, though, is a good one, which is that we need to establish why teachers are leaving the profession, if they are doing that, and we need to establish a clear understanding of what the workforce needs are, based on some reasonable projections for the future in the ACT and in the public school system.

One of the outcomes of the joint teacher shortage task force that the AEU was engaged in with the ACT Education Directorate was the implementation of exit surveys for teaching staff. That was not previously in place. That will give us some information that we can track over time about why people are leaving and where they are going to, but that is not information that we have at the moment. That level of workforce planning just has not been there.

The other thing that we have been pushing for but have been unable to get from the ACT Education Directorate is projections of staffing need over forward years. We do have projections of enrolments, and that is nice. It is a mystery to the AEU as to why we do not have projections for what number of teaching staff we need and in what specialisations we need them. We should be able to work that out on the basis of the same demographic data we have for students.

**MR DAVIS:** I could keep going, but I would like to give Ms Lawder a chance, so we will come back.

**MS LAWDER:** Thank you. I am sure we all have lots of questions. Recommendation 2 in your submission talks about establishing clear limits on teachers' workloads outside the classroom. I guess I relate that to one of the Auditor-General's comments about lead teachers, or school leaders, who may choose not to progress because they feel it is more paperwork, less face-to-face teaching. What is your view on that? Is it backed up by what your members say?

**Mr Judge:** It is definitely the case that some of our members talk about a desire to remain in the classroom, to use those classroom teaching skills, those expert practitioner skills, and to have that career pathway provided to them. The ACT has tried a variety of initiatives, looking down that route, in the past. What we have always come across is a difficulty in relation to precisely what we want those people to do—what is it that the role of an expert teacher, a learning specialist or a master teacher would be?

We had, for example, Executive Teacher (Professional Practice) a couple of enterprise agreements ago. But what we did not have when we brought that role in was a sufficiently clear definition, so some of those people were very proactive and their schools were very supportive and they found great value in that role. Others found themselves having been given a pay rise and a slightly reduced teaching load but not the work and the prestige to go along with it that would have enabled them to get the benefit they were seeking when they applied for that job in the first place.

The other thing I would like to just quickly address is that the broader issue around that recommendation is that we have a clear limit on face-to-face teaching hours in our enterprise agreement in the ACT.

**MS LAWDER:** What is that limit?

**Mr Judge:** It depends on whether you are in primary or secondary. I am in dangerous territory if I get this one wrong.

**MS LAWDER:** You can take it on notice, if you would prefer.

**Mr Judge:** It is 19 hours face to face in secondary and 21 in primary. Thank you to my colleagues! So we know that. Then there is the remainder of the 36¾ hours a week that teachers are paid for. In terms of what they do during that time, it is not sufficiently well defined. This is where we think there is a lot of workload pressure coming in. We do not have a clear sense of intent or purpose around how teachers



spend the time that they are not in the classroom, what they should prioritise and what should be a lower priority. As a result of that, all things receive equal priority and our members end up trying to do far too much. This is where they have those compounding workload pressures that continue to build.

**MS LAWDER:** Has the outside of classroom delivery workload increased over the years, do you feel?

**Mr Judge:** We do, and that is what our members consistently tell us. We have looked, over the years, at a variety of ways of addressing this. Essentially, there is a demarcation document about what is and is not teacher work and work that requires only limited teacher involvement. I believe it is called the *Sustainable Workload Management and Practice Guidelines* and it is a document pursuant to our enterprise agreement.

But all across the OECD one of the consistent recommendations when research has been done into teacher workload is that there should be certainty about what teachers should be doing when they are not teaching a class. We would like to see that being planning and preparation for their lessons, working with their colleagues and perhaps working with members of the school community, talking to parents. Those sorts of things are what our members want to be doing.

They tell us that, instead, a lot of the time they are doing administrative tasks or they are following up on a range of other priorities. They may be things like logging reports of student behaviours during the day, whether those are negative or positive. They might be overly complicated reporting processes. They might be reaching out to various stakeholders or implementing new Education Directorate programs. The list goes on.

In the last couple of years, and particularly over this COVID period, what we have heard more and more, and louder and louder, is that public schools, at least—and I could not comment on other schools—are stepping in where our social welfare systems fail and attempting to provide social welfare support to parents and to students. That has been particularly acute around those issues where there is insecure work and parents are unable to take the time off when their children do have a problem. That takes up huge amounts of time. Whenever our members find themselves having to assist with housing, arrange medical appointments, or whatever the welfare need may be—mental health care support is a common one as well—that takes up hours and hours of a day, or days and days of time for multiple staff.

Our schools are not resourced to deal with that sort of demand. We just do not have the staffing and, frankly, we do not necessarily have the expertise to be doing that sort of work. It is a difficult one for our members because they know the impact that those disadvantages have on the ability of students to turn up and focus on their schoolwork. But they also know that it is not necessarily something that it should be their job to be fixing.

**MS LAWDER:** To tease that out a little further, are there established pathways and connections into other directorates to help to provide that wraparound support, or are you saying that your members feel it is incumbent on them to try and do what they

can?

**Mr Judge:** Our members do feel that it is incumbent on them to resolve some of these situations. At times, we have heard stories of them reaching out for support from other directorates, but that support is not always available. Often that will come down to whether the particular situation is acute enough to attract the attention of that directorate or whether there is support available at all.

Some of these things are really not local ACT government issues when they relate to issues like security of employment. That is not something that there is a directorate set up to handle. If we are talking about a parent who is a shift worker and the school desperately needs to get them in, for whatever reason, to talk about their child and they just do not have the time to do that because they are working multiple jobs, that does not have an ACT government level solution.

**MS LAWDER:** Okay. I will leave it there.

**MR DAVIS:** I have a follow-up on that, if that is okay.

**THE CHAIR:** I have one as well, but you can go first.

**MR DAVIS:** Thank you. I want to ask about that question, about teachers providing that welfare and support. I know that the last ACT budget put aside funding for 25 new youth and social workers in our schools—I imagine, in part, to tackle this exact problem. But I have had it put to me by young people, particularly in high school and college, that it is the relationship that they feel they have with their classroom teacher or a particularly trusted teacher that makes them want to reach out to that individual for the provision of support. How have your members found that not just these new youth and social workers but youth and social workers who are already in the school are balancing their workloads when a student essentially self-identifies whom they wish to have provide them with the care and the support?

**Mr Judge:** It is a tricky one. It depends on who is available and what the availability of that social worker resource is. We are in the process of finalising a log of claims for enterprise bargaining and one of the things we are talking about a lot is the shortage of teaching staff. One of the things that school members are coming back to us and saying is, “Yes, sure, we can’t get enough teaching staff, but we could also use some allied health professionals and we could also use some social workers.”

There is a broader question here, though, and I think your question kind of gets to this, which is: where should we draw the line about what is provided by a school and then what is provided out of school? What is a co-located service? And what is our expectation of teaching staff about their involvement? It is all well and good to bring in social workers and youth workers to schools, but unless there is a clear model for how they will interact with teaching staff and how that relationship will work, the results are pretty mixed. These are not groups of professionals who are used to working together.

We do find that, from time to time, they work at cross-purposes because they will have different views about how a situation should be approached. There can be

confusion about whether something is a reasonable expectation, say, from a social worker to a teacher, from a teacher to a social worker. To make that resource really valuable to schools, there does need to be time for teachers to work with those social workers. When they are already struggling to get enough teachers to teach classes and where there is already a lot of demand on their time, we do not always see those relationships forming. They often fall to school leaders, who are also very time poor.

**MR DAVIS:** On that, can I just ask: are you aware of any clear framework or guidance provided by the directorate for how these youth and social workers interact with teaching staff, or do you find that it is left up to individual schools to determine how these two will interact and to provide those supports to young people?

**Mr Judge:** I am not aware of any guidance from the Education Directorate, but that is not to say that it does not exist. There certainly is not any training or professional development of our members occurring that we are aware of, so the question of how someone should work with an allied health professional or a social worker is a tricky one if you are not used to doing that work. It would be immensely valuable for there to be an investment of resources and time in that—noting, as we are, that one of the central problems that we face as a system is that we do not have enough teaching staff. So getting teachers the time to actually form those professional relationships, understand policy documents and frameworks and attend professional learning is extremely challenging, particularly at the moment.

**MR DAVIS:** Okay.

**THE CHAIR:** You asked my supplementary, but you have inspired a separate one.

**MR DAVIS:** Good.

**THE CHAIR:** Aside from the co-located services that we do have and the lingering question about their role, are there any co-located services that we do not have that we should have?

**Mr Judge:** I think I would have to take that question on notice. That is something that I think our principal members would have a really strong grounding in, in terms of what services they do not have co-located that would be valuable.

**THE CHAIR:** Sure; that works for me. I was wondering what barriers your members face in accessing professional development opportunities.

**Mr Judge:** Sorry; bear with me.

**THE CHAIR:** You do not need to write it down; we will get it to you.

**Mr Judge:** That is okay. As I was saying, the key barrier that they face is time and resourcing. At the moment, in particular, with our current circumstances, where a number of our schools are regularly reporting large percentages of staff being unavailable and that they are short of the basics in what they need, it is just not possible to take somebody off class to go and attend training or professional learning. That is worse because of COVID but it is not necessarily unusual. Even prior to that,

schools were feeling staffing pressures and were unable to give staff a release from school to conduct professional learning.

**MR DAVIS:** As you might be aware, the committee is also running a concurrent inquiry into school infrastructure and maintenance. Fellow committee members will know that I have asked this question to every school principal and school leader we have met, so I am now going to put it to you. How much do the schools that we are building and the way that we are maintaining schools impact on the territory's ability to recruit and maintain a quality workforce?

**Mr Judge:** I will start by saying that if the territory built a few more schools like Throsby School that would be lovely, and that would be of great assistance to attracting and retaining staff. But what I want to get at in particular is what it is about that school that assists there. One of the things is that it was developed genuinely in consultation with members of the profession, so it has appropriate facilities. It is the kind of school where, having visited Throsby myself, I can immediately see how I would use those spaces to teach. It gives greater flexibility in terms of the pedagogical models that you might use. That sort of facility is fantastic.

More broadly, school facilities are not always fit for purpose. Often, in conversations around student needs and addressing student needs to prevent things like occupational violence, we find ourselves talking about school infrastructure. We still hear stories from our members about not having a school library available because the space has been split up for the teaching of classes, as classroom space.

We still hear from our members that they spend parts of the year teaching in modified corridors. That is just not acceptable. A former student of mine who came through ACT public schools sent me a photo of his classroom last year. He was in his first year of teaching. He was teaching a class in, essentially, a converted corridor space. That was a temporary arrangement, but it is not helpful to him thinking, "Wow! Isn't teaching a prestigious career and something that people are going to want to do; there is a future here for me," if that is what he is experiencing. We appreciate that the government is trying to resolve some of these issues around school infrastructure. The more the better, I would say, generally.

**Ms Burroughs:** Patrick, we might take the opportunity to talk about ICT infrastructure.

**Mr Judge:** You can talk about ICT infrastructure.

**Ms Burroughs:** What Patrick is talking about is physical infrastructure. Another aspect of infrastructure that is increasingly important to being able to deliver quality learning is having the right ICT. That is something as basic as access to a computer. Most teachers would be teaching using resources that they have developed on a computer and projecting it onto a smart screen.

There are not enough devices to be able to give every staff member a device to perform their work. In many cases, that is in relation to casual teachers. As we know, casual teachers are critical to the operation of schools in a normal year, but at the moment they are particularly critical because we have such a high degree of staff

absences—

**MR DAVIS:** Can I quickly pick up on that? I am so sorry to cut you off. Are you saying we currently have teachers who are not provided with computers?

**Ms Burroughs:** Yes.

**MR DAVIS:** At the same time that we are giving Chromebooks out to students, who would be expected to use them as part of their learning, there are teachers who do not have them.

**Ms Burroughs:** That is correct.

**MR DAVIS:** Okay; sorry. Please feel free to continue. I just needed to clarify that because that caught me by surprise.

**THE CHAIR:** A worthy clarification.

**Mr Judge:** Just expanding on Angela's answer there, the provision of IT resources to teachers is one part of this. The other part of it is the provision of ICT resources to learning support assistants. As the other group of AEU members who work in public schools, LSAs also often find themselves without a device or with an inappropriate device. It is very hard for them to demonstrate something to a student they are working with, if it is about working with the ICT equipment and building those IT skills, if they do not actually have something to do that with.

It all comes down to the way that schools are funded to provide those devices, which is based on a full-time equivalent headcount. It does not provide sufficient devices for the staff at the school, let alone relief teachers who may attend the school. Schools then have a really difficult decision to make, and this is a decision they have to make on a lot of things. They have a limited bucket of resources. Do they purchase additional IT resources so that they have got some spares, or do they invest that money in other student-focused resources, whatever the case may be? It is a terrible position for a school leader to be in where they are trying to work out: "Do I dip into the school's resources to pay for more computers and therefore not buy a new set of textbooks or not replace this carpet that really needs replacing?" or whatever the budgetary decision may be. It is not really one that is fair to be asking them to make.

**MR DAVIS:** I asked a very broad question about infrastructure and maintenance, but now I want to ask a very specific one that comes from some of our site visits and talking to principals. There are models like the Throsby School that you identified, but there are very diverse models. We saw schools where teachers would not have a staffroom but they would be located in their classroom and that classroom was separate from other classrooms. My understanding was that that was an attractive teaching environment for some teachers—as opposed to the complete opposite, where some teachers preferred a very open-plan model, a co-teaching model. How much does this diversity of spaces impact on your members? Do you have members who you think actively seek out one or the other, and how does that interact with our ability to recruit and retain?

**Mr Judge:** We know from the feedback from our members, and from the research, that what teachers need is space to collaborate. But how they do that and when they do that depends on the spaces that they have available. In terms of not having a desk in a staffroom, away from students, it is good to have space in the classroom as well; don't get me wrong. But if you do not have that private space to go to, it is very difficult to fulfil other professional responsibilities. You cannot be calling home to a student's parents from the middle of a classroom where there are other people. If you have to go to another space to do that, away from your desk, there is a lot of administrative stuffing around that you have to do to make those calls.

You need a private space to be able to report incidents and to process confidential correspondence. All of that kind of stuff requires a dedicated space for staff. There also need to be spaces for staff to go to. They just need to withdraw from the space around the students; there need to be non-student spaces in a school. As much as our members love their students, their job is stressful and sometimes they need, at the very least, a quiet space away from them to work in.

**MR DAVIS:** Parents love their kids, but the same could be said.

**Mr Judge:** Exactly. So it is about providing all of the spaces that education requires, not providing only one model for how we do these things. We have also heard recently issues around the provision for school leaders' offices. Some schools do not have sufficient meeting spaces or office spaces. When they have, for instance, a committee visit and they need to work from the school for a period, or external visitors who are working from a school for a period, a school leader will have to vacate their office to allow those people to come in and work in that space. That is not conducive to, firstly, a sense of prestige around the profession. Secondly, it is not conducive to efficient operations, particularly if you are talking about someone who is a school principal having to give up their office space. That is not really appropriate, given what their job is.

**MS LAWDER:** You mentioned that you represent LSAs as well as teachers. I have heard from a few LSAs about their work and how often some children may be removed from the classrooms and the teacher is no longer teaching them. LSAs can be responsible for a whole range of different activities—peg feeding and all sorts of different things. Do we value our LSAs enough, do you think?

**Mr Judge:** No, we do not. We do not value our LSAs enough. Learning support assistants do a wide range of jobs in our schools. Admittedly, some of them are more complex than others and they have a variety of different levels of training. But when I think about who, in particular, we do not value highly enough, I think of those LSAs who work in our specialist settings. Whether that is a specialist or a category 3 specialist setting within a school, often they do work of incredibly complexity. They find themselves running activities for part of the day. Obviously, it is under the direction and supervision of the teacher, but they exercise a high degree of autonomy and many of them have qualifications in excess of what they would need necessarily to be a teacher.

We have learning support assistants with masters degrees and that sort of stuff, and we cap their pay at a percentage of an ASO3 because that is where the school assistant

classification framework runs out. That is really not sufficiently valuing those people. If we are moving towards a model—and we agree that we should—of greater inclusion of students with disabilities and other special needs in our mainstream schools, we are going to need increasingly skilled learning support assistants and we are going to need to pay for that; we are going to need to value that.

**MS LAWDER:** You have said a couple of times, to paraphrase, words to the effect of: “We are already struggling to get enough teachers.” There is quite a bit in your submission about resourcing, yet the minister seems to feel that we have plenty of teachers. You have got your survey from 2021. Have you conducted another one this year? How often do you do the survey of principals?

**Mr Judge:** We undertook that survey in 2021 in response to some pretty extraordinary circumstances where our members were feeding back to us that there were serious problems with the level of staffing in schools. It is clear to us, and it is clear nationally, that we do not have enough teachers and we do not have enough teachers in the pipeline—

**MS LAWDER:** And it is projected to worsen, you say in your submission.

**Mr Judge:** That is right. It is abundantly clear; there is plenty of research; it is the lived experience of our members. We have, in the last couple of weeks, continued to receive reports of there being insufficient staff to replace teachers who are absent, of classes having to be split and collapsed, of single teachers dealing with 50 or 60 students at a time.

In the context of this inquiry, it is impossible to have quality teaching if you are trying to deliver the sort of education model the ACT expects for 60 students at once. That is just not going to happen. We do need more teachers. We particularly need more teachers if we have the expectation that schools are going to do all of the things that we currently expect them to do. There may be other pressures on schools that we can relieve that would somewhat mitigate this. Over the long term, we do need to have a strategy to ensure that we have enough teaching staff.

**MS LAWDER:** I believe that in the enterprise agreement there are supposed to be limits on the number of students that a teacher can teach—but of course people do get sick and things happen. Is there anything in your enterprise agreement about how often, or how many, teachers can teach 50 or 60 students?

**Mr Judge:** I think I would split two things here. One is, yes, there is information in the enterprise agreement and in the class sizes policy about how class size limits may be exceeded, and that is in consultation. Frankly, at the moment—and we accept that there is a pandemic situation—that consultation is not occurring. The intent is that there would be, when class size maximums are exceeded, a professional conversation around the reasons why and what steps would be taken to mitigate that, particularly in terms of things like additional resourcing. In that policy we talk about additional learning support assistants or those sorts of things that help with the excess of students in the class. At the moment, it is a day-to-day proposition in terms of whether there are going to be sufficient staff, and sometimes it is just not possible to consult before we collapse or split a class.

That is one issue. There is no maximum cap set by our enterprise agreement. What we would say is that there is a point at which it is just not safe to teach these numbers of students. A lot of the time, when we are talking about 50 or 60 students, people imagine 50 or 60 little students in primary school, but sometimes we are talking about 50 or 60 15 and 16-year-old students in a high school. That is a very different proposition. I have to say that if I was presented with sole responsibility for 60 high school students and it was a tricky class, I would be scared. I would be scared in that situation. What our members tell us is that they are scared when they are faced with that situation. They fear for their safety in those circumstances. There is a work safety requirement on employers to make sure that they do not expose staff to those sorts of situations.

**MS LAWDER:** On the shortage and struggling to get enough teachers, there was some commentary in the Auditor-General's report—I do not have the exact reference at this second—that sometimes that can make it difficult for teachers to nominate to go to training, for example, because they know there may not be a backfill for that position. Is this what you hear as well?

**Mr Judge:** Yes, it is our experience too. As a union, we also consider ourselves to be a bit of a professional association. Most teachers, a great majority, are members of their union, and so we look after them not just as workers but as a profession. We run training and it is our experience, not just over COVID but prior to that, that when we run training some proportion of our members will come back to us and say, "Unfortunately, I cannot be released for the day because there is no-one to replace me."

That is something that we have seen getting worse over the years, but it is particularly critical now. In fact, we have cancelled a number of union training events this year in acknowledgement of the fact that it would be impossible and would place an even greater burden on our schools if we were to pull out even a small number of staff to come and participate in the training.

It is short-term thinking, though. Over the long-term we do need people attending training; we do need them getting skilled up. The Auditor-General's report talks about—although it talks about it in terms of an absence—formal performance management. To run formal performance management, you would expect to release that person from their regular duties to send them to training, to do those sorts of remedial activities to bring them up to speed. If you cannot do that, it is very difficult to demonstrate that you have supported that person to improve their practice. So it is incredibly difficult at the moment to get training done. It impacts us in a whole range of different ways.

**MS LAWDER:** I think we might have heard this on some of our visits. Do principals sometimes fill in, in face-to-face teaching? You know, it gets to that point.

**Mr Judge:** Yes, they roll their sleeves up and muck in. Our principal members are, universally, very good, experienced teachers who are very comfortable in front of a class. But that is not really what they are there to do and it causes all sorts of other problems when they have to do that.



**MS LAWDER:** Okay; thanks.

**THE CHAIR:** The Auditor-General makes an observation in his report that it is unusual for the Education Directorate to have 4,000 teachers in its employment but only one employee having been formally performance managed through the enterprise agreement. The Auditor-General's report goes on to say that often what is occurring is informal processes, because the formal process is too cumbersome and not worth the effort. I was hoping you could explain to the committee what those informal processes look like.

**Mr Judge:** Yes, we can, because they are usually processes that we are directly involved in, as the relevant trade union. The strongest section of our membership is actually principal members. We cover almost every principal in the ACT public school system. Often when they have a staff member who is struggling, they will contact us as part of that process, just to give us a bit of a heads up. They will tell someone in our office what they are thinking about doing to support that person, we will make a few suggestions about how they might provide that support, and then they go away and give it a crack. In most cases—and we can see it from the Auditor-General's report—that is successful. That person's performance is recovered.

In other cases that we are aware of, that person, particularly if they are an early career teacher who is struggling with the work, may actually have a bit of a revelation along the way, even though they are in a very supportive, informal process, and say, "You know what? This really is not for me." So they essentially take that situation out of the hands of the employer and they make the decision for themselves; they resign. We do see that sort of outcome too.

Picking up on whether the formal processes are too cumbersome, we would not expect to be in the formal processes if the informal process has been successful. The first step in the ACTPS enterprise agreement is an informal attempt to resolve the performance issues. It warrants further examination. It could be the case that there are a lot of informal processes that are conducted and that they are very successful, and this is something that schools are actually very successful at and good at managing. Or it could be the case that they struggle once they get towards that formal end. It is appropriate, though, if we are talking about a process that can end with the dismissal of an employee, that that process is rigorous and that it requires significant effort on behalf of the employer, as well as the employee, to get through it.

**THE CHAIR:** Is there some change needed to bring this informal process into a more regulated process? I can understand the good intentions of all involved here, but seemingly you require the knowledge and good nature of the principal to make this informal process work. Are there any reforms that you could see benefitting the system?

**Mr Judge:** Yes. There could be more improved guidance around that first stage of the process, that informal stage of the process. In particular, there could be more training made available, although I would not say that it should be mandated, by any means, for principals who may be uncertain about conducting these processes.

They are also often conducted by other school leaders in a school. It is usually the case, where we see very successful performance conversations, that they occur between the school leader C and their staff member, because those people work very closely together. So providing a bit more support for school leaders at those lower school leader levels to be upskilled and to have these sorts of conversations might help.

The problem with increasing the level of regulation is that it takes it out of the informal space. Particularly in the teaching workforce, I imagine we would find ourselves in lots of technical arguments. The strength of an informal process is that we do not have to have technical arguments about what was done by what date, along what schedule and under what plan. We can just have a good faith discussion about the performance of the staff member, how they are meeting students' needs and how we want to help them to improve. That is a really strong process that you cannot have once you have formalised it.

**MR DAVIS:** Conscious of the time, I have got a bit of rapid fire for you. The teacher shortage—we acknowledge that it is a national problem to which the ACT is not immune. I am just checking that this is not something that the union has detected as isolated to within our borders.

**Mr Judge:** No.

**MR DAVIS:** Based on the union's representations, I know the government stood up a teacher shortage task force in August of last year. We are six months in. What are the union's initial appraisals of that task force? How are things tracking from your perspective?

**Mr Judge:** The task force has really run into challenges, particularly around the lack of available data to inform our work. We have managed to make some headway in areas where it has been relatively easy to do so and where, I might suggest, there was a shared view, to some extent, between the employer and the union that a change was required to some of these things. We have not been able to tackle the bigger issues. Some of that may be because it does not appropriately sit within the remit of the teacher shortage task force. If we are talking about increasing teacher salaries, that is not something that we are going to be doing. If that is what we need to do to attract people to the teaching profession then that sits outside of the task force's work.

We cannot have a conversation about forward projections for staffing, for instance—what are we going to need next year and the year after, and who are we going to need and how do we get there?—because we do not know. That workforce planning data is not available to us.

**MR DAVIS:** Have you been provided with an explanation by the directorate, in the course of the conversations on the task force, for why that information has not been provided?

**MS LAWDER:** They do not collect it.

**MR DAVIS:** Or it is not collected, or the work has not been done to—

**Ms Burroughs:** It is a work in progress and they are building a system to be able to capture that data. We are advised that they are slightly ahead of schedule and it should be in place this year, towards the end of the year. But I will go back to what I said: they are building it.

**MR DAVIS:** Okay. Thanks.

**MS LAWDER:** I have a very quick question.

**THE CHAIR:** You have two minutes. Take it away.

**MS LAWDER:** I hope it is very quick; it is up to you to make it quick. If the government could do one thing this year to improve teaching quality, what do you think it should be?

**Mr Judge:** Meet in good faith and with an open mind. The claims that we will make in enterprise bargaining are around improving the working conditions of our members. We always target our claims towards not just what our members need but what we know is going to be good for schools. That is what our members expect of us. So if we can get some of these bigger problems, these structural problems, solved through enterprise bargaining, that will be the best thing that we can do.

**MR DAVIS:** Perfect. You took Ms Lawder's challenge. Quick answer.

**THE CHAIR:** And with that, we are done for the day. On behalf of the committee, thank you for being here today. A copy of the proof transcript of today's hearing will be sent to you. You have taken a question on notice, so we will get it to you and we look forward to the answer. Today's hearing is now adjourned.

**Mr Judge:** Thank you.

**The committee adjourned at 2.29 pm.**