



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON EDUCATION, TRAINING AND  
YOUNG PEOPLE**

**(Reference: Restorative justice)**

**Members:**

**MS M PORTER (The Chair)  
MR M GENTLEMAN (The Deputy Chair)  
MRS V DUNNE**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 12 JUNE 2007**

**Secretary to the committee:  
Ms S Lilburn (Ph: 6205 0490)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

**WITNESSES**

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**The committee met at 11.30 am.**

**BALLANTYNE, MS ROBIN**, Assistant to the Secretary (Professional), ACT Branch, Australian Education Union  
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**THE CHAIR:** Before we commence, I need to read the card in relation to public hearings. It is a bit long.

The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with the rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings. Before the committee commences taking evidence, let me place on record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee in evidence given before it. Parliamentary privilege means special rights and immunities attach to parliament, its members and others, necessary to the discharge of functions of the Assembly without obstruction and without fear of prosecution.

While the committee prefers to hear all evidence in public, if the committee accedes to such a request, the committee will take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that 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. I should add that any decision regarding publication of in camera evidence or confidential submissions will not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing. Did you understand that?

**Ms Ballantyne:** Indeed, yes.

**THE CHAIR:** Thank you for appearing before us today in relation to restorative justice principles in youth settings. I welcome both of you from the Australian Education Union. Thank you very much for your submission. Do you want to make some introductory statements?

**Ms Ballantyne:** I thank members of the committee for inviting us to come back again. I was here last year with the principal of what is now Charnwood-Dunlop primary school and a deputy principal who was then at Southern Cross primary but is now at Majura primary in the same sort of role. We did not make a written submission at that time. I would ask you not to take the paper that we provided to your committee last week as a formal written submission; it is just intended for your background information, to let you know where, as a union, our thinking is sitting at the moment in relation to classroom management—behavioural management issues.

If you have had a chance to glance through the paper, that is great; you might have some questions to ask us. But I suppose you could say that the paper is a bit of a refocusing or shift in perspective for us as a union. It is fair to say that up until now we have had a position that many would say is indistinguishable from that of the department in relation to the managing of these issues. We have supported the department's policy of integration on the one school site of all children who wish to

be there, in the ACT. And we have supported the department's approach to behavioural management—consultancy and so on.

I would not say that that has ended, but we have shifted a bit in our thinking. The paper shows that our feeling about the definition of what integration means has changed a bit. We feel that the current interpretation within the department and the jurisdiction is that integration is about having all students on the one site at their local school in mainstream classes or whatever. We say in the paper that we think that that is not a really useful definition of integration and that there are a very small number of students who possibly are not well served by being at the school site.

A number of things have happened for us. One is recent cuts to resourcing, which has meant that some schools which previously ran alternative classrooms or alternative programs within the mainstream school setting have had to close those down. The example I am thinking of is Caroline Chisholm high, which used to run the Chisholm alternative education program, commonly known as CAEP, which was an alternative classroom within the school where kids with behavioural difficulties, and perhaps also learning difficulties along with that, would go and be rotated for a period of time whilst remaining in contact with their classroom teachers and their class. That program folded at the beginning of this year. My advice from the principal has been that it cost \$100,000 and that that sort of money is simply not available to a typical high school in the current climate.

**MRS DUNNE:** Can I just interpose there. What is the \$100,000 made up of?

**Ms Ballantyne:** That means that, in order to staff it in the way it had been staffed—with one full-time teacher and a rotation of executive staff from level 2 teachers in an overseeing role so that it did not become a kind of ghetto within the school—it was quite expensive on staffing. It would be the staffing rather than any physical equipment or anything required that would make it expensive.

Another thing that has influenced our refocusing of our position is that we are going through a period when we are having a lot of complaints from schools—from teachers—about behavioural management issues in the classroom. It is hard to say whether that is just what happens from time to time—you get these blips—or whether statistically speaking there is a stronger level of reporting. Our feeling is that probably the incidents are getting more serious in their outcome and their nature. That is probably due to certain kids presenting at schools with really acute need—very often with a multiplicity of overlapping needs—and the school system at the moment is grappling to cater for them.

Our feeling has come to be that schools cannot in the end be all things to all students in the territory and that some students are better served by being in alternative settings, either within their school or outside their school, at least for a period of time in their lives, because they are really not available for learning in the classroom at that point in time.

As I prepared the paper and went around talking to people who work in what remains of the alternative settings we have—which are basically the adolescent development unit, which is a health facility, not an education facility, and the two high school

support centres, one in Belconnen and one in Tuggeranong—the personnel in those settings confirmed for me their view that some kids are simply not well served by being on the school site at particular times in their lives.

The paper is really the beginning of what will be a campaign for us for attention to the issue and for funding—firstly, for schools themselves to be able to provide alternative settings within the school structure where they can; and, secondly, for an increase in the number of alternatives to the school settings for educational programs. I would call the committee’s attention to the fact that we used to have these settings prior to 2002. Then there was a review and the department made certain decisions about concentrating their funding in the form of about a dozen behaviour management consultants, placed within school clusters, to observe and advise teachers on their practice in a classroom.

In 2002, we were promised that there would be two alternative settings provided again. Those have not actually eventuated. One was to fill the gap left by the closure of the Dairy Flat school, which was for year 7 and year 8 kids—it ended up being mostly boys, but occasionally there were girls—who had extreme behavioural disturbance. The other was the provision, for primary schools, of behavioural units, as they were called, which were for children who were, through trauma or whatever, somewhat out of control, let us say, in the classroom. Those settings have never been provided, and we feel that they need to be. We are not talking about reinventing the old settings; we agreed with the closure of the primary behavioural units and the closure of Dairy Flat. We do not want those settings, but we want some alternative settings to be developed to cater for that clientele.

In particular, people tell us that there is a lack of options available to schools when they have children or teenagers in the school who are violent and obviously unable to control their behaviours in the school setting. At the moment, people feel stymied by a lack of places to refer them to or send them to. They are not talking so much about kids with disability diagnoses; teachers tend to say that, if they know about the disability diagnosis, they are usually able to put in some kind of supports to enable that child to remain in the school setting. People are talking more about kids who have identified—or perhaps not identified—mental health issues.

There really is nowhere in Canberra for a child or teenager with mental health difficulty that goes along with behavioural disturbance, including violence, to be placed. They cannot be taken into the adolescent development unit and they will not usually be taken into what is called the cottage, which is run by the Child and Adolescent Mental Health Service, CAMHS—for obvious reasons: they have programs running for kids who do not have violence as part of their difficulties, and they are trying to help those kids with psychiatry and so on.

**MR GENTLEMAN:** Are these issues where restorative justice practices would be used?

**Ms Ballantyne:** Restorative justice works very well with the majority of kids in the school setting. There are some kids who, at points in their lives, may be beyond the reach of the restorative justice program. They are probably kids who are very disengaged from the school setting, to the point where maybe they have gone beyond

the tenets of restorative justice—which are about wanting to remain as part of the community and being prepared to adjust your behaviour so that you are still welcome in that community—and they feel that that community, the school, has nothing to offer them.

The youth workers and the teachers working in the high school support centres talk about kids whose behaviours sometimes call attention to themselves and at other times do not. Their truancy level is high; they hate the feeling of the school; they feel depressed the moment they come onto school grounds. They cannot cope with the number of kids who are in their classes. In fact, being in bigger groups brings out the worst in their behaviours. We are talking about a really small percentage of the school population. If it is one per cent, that is probably all it would be. People speak about there being one, two or three in every school. You are talking about a couple of hundred.

We have been having a series of meetings with the department over the last couple of months. The chief executive officer, Michele Bruniges, brought along people from the child and adolescent mental health unit and so on. Obviously, she is intending to try to draw other agencies into a discussion of how to provide for these teenagers.

At the moment, as our paper suggests, there is something of a gap in the services for particular types of students. That was rather a long opening statement. I will leave it there and let you ask us some questions.

**MR GENTLEMAN:** You have suggested in your paper that perhaps, in providing resources for this restorative justice practice, we may need somebody like specialty officers or educators rather than pulling people in from the pool of educators that we have at the moment.

**Ms Ballantyne:** Yes. I would say that there are things that teachers cannot do and that teachers are not trained to do. Teachers are not able to be involved—and should not be—in problems needing a psychiatrist or even a psychologist. Teachers can go a certain distance down that track, and there are programs such as MindMatters—professional development programs—for teachers to try to help them understand where students are coming from and how to deal with their mental health issues in a mild to moderate way. But I think it is actually dangerous for teachers to cross that line outside their own disciplines. There is a whole group of kids out there at the moment who are not getting the psychiatric or psychology services that they need.

**MR GENTLEMAN:** You are saying, too, that that should be resourced from the community—from the health aspect.

**Ms Ballantyne:** Our argument would be—and I think the education department would feel this too—that that is not part of their natural brief and that, if we go into partnerships with other agencies, the money has to be provided through some kind of partnership arrangement.

You need a mixture of professionals. The youth workers in high schools at the moment are doing what they can. They are working with varying degrees of success, depending on the school and the youth worker. But the children we are talking about

are often in need of a mental health diagnosis. We have even heard of situations where this has been sought after referral by teachers, and the diagnosis has been that there is nothing amiss with the teenager, whereas the teenager himself or herself is saying, “I know there is something wrong with me the way I’m behaving.” It is a community problem. It is not going to be solved just out of the education department.

**MRS DUNNE:** It seems, though, that, while admitting that it is a community problem, there seems to be, anecdotally, an increase. At this stage, I think you are saying that for the AEU it is still only anecdotal—maybe it is statistical but there do seem to be more instances of violence and other forms of inappropriate behaviour that people used not to experience at school. Is that fair enough?

**Ms Ballantyne:** That is probably fair enough. We do not collect statistics about it. People tell us that the severity of the incidents is increasing. But, having said that, in my own teaching in high schools, which was 30 years ago, there were fights on the oval. Those sorts of things happened.

**MRS DUNNE:** There were fights, but are some of the instances that we are talking of beyond fights on the playground?

**Ms Ballantyne:** They are. That is true. I think that the capacity to be cruel has increased, if I may say that—through cyber-bullying and the sorts of refinements, if you like, that are now available to individuals. That can make them psychologically more severe in their effect. I believe that is true.

**Ms Smith:** Could I add to that. Our members are also reporting that the needs of students are far more complex than they have ever been in the past and also that they are coming from home environments that are not necessarily like they generally used to be, providing the support that they needed. So teachers need to be almost all things to some students. They are specifically teaching cooperative skills, specifically teaching how to relate to one another and how to resolve conflicts—that sort of thing. Generally students used not to need specific teaching with that sort of thing. A lot of life skills are being taught in schools now.

**MRS DUNNE:** One of the things that I have experienced is that teachers say to me that their formal training has not really equipped them for a lot of these issues. Is that what you are hearing as well?

**Ms Ballantyne:** That is certainly the case. I probably mentioned that the last time I was here. All we hear from beginning teachers is that they feel somewhat out of their depth. They feel out of their depth with a number of different types of students. They feel out of their depth with kids who have a disability diagnosis. They need to know about the specific disability of the child they happen to have in their class at that point in time. That can be done. They feel somewhat out of their depth with Indigenous students, because they feel that perhaps there is better practice that they could be using to better address the needs of those students. And I think they feel most out of their depth with children who are presenting with behavioural disturbance, which includes violence.

I suspect that nothing in their training really prepares them for that. When they are

doing their teaching practicums they tend to be placed with teachers who are pretty confident of their practice—by definition, if you are prepared to have a student observing you all the time. They probably do not see the pointy end of behaviours that they might see if they were to walk into any classroom in the school or observe some other classrooms.

**Ms Smith:** I know that when I was doing my studies, there was an awful lot of theory. It is very important to learn that, but there is never enough practical experience that you gain through the time of pre-service training. You certainly learn an awful lot on the job through mentoring and so on. But there is variation from school to school in the formalising of mentoring programs for teachers. There are induction programs that the department runs. Surveys that the AEU have conducted show that beginning teachers really feel that their pre-service training has not prepared them well enough for all of the issues that students bring to school with them.

**THE CHAIR:** Cathy, are you therefore recommending—or would the AEU recommend—that teachers should have more practical training in a variety of settings?

**Ms Smith:** Yes. I think the universities do try to give them a reasonably diverse range of experiences, but there is a limit to the number of experiences or the types of experiences you can have throughout that training. The longest period of time that teachers spend in a school is around two months of classroom time. You start very gradually with your teaching, and by the end, obviously, you have the face-to-face with the students for a full day. Even then it is not a fully realistic situation where you are experiencing the full range of behaviours that the students might exhibit. You have all of the support around you. We hear reports of first-year teachers in their probationary year really having to hit the ground running as far as all the complexities of being in a new job are concerned and also having to deal with a range of complex needs for students.

**Ms Ballantyne:** If I may add something, you may be interested to know that the AEU is financing and supporting—has initiated—a program for teachers, most of whom are beginning teachers, perhaps in their second, third or fourth years of teaching. It is called “Classroom Management and Instructional Strategies”. It is a program that we heard about about five years ago. The Western Australian union had worked financing for it into an enterprise bargaining agreement with their department. It is based on work by a couple of Canadian educators, Peter Smilanich and Barrie Bennett.

We have finally managed to get a trainer in the ACT—someone who happened to move here because of her husband’s work. She is currently running for us five full days of training, with coaching sessions where she observes a teacher in their classroom and gives them feedback. That has happened over this term, and we will run another class of about 15 teachers next term. Our hope is that, with the success of the program in WA and in South Australia, the department will become interested and pick this up.

Every evaluation from every teacher who has had any exposure to this program has said that this ought to be compulsory pre-service or first-year professional development for every teacher in the system. It is not rocket science; it is a



commonsense approach. But it specifically teaches techniques and skills to teachers in terms of observing their behaviour and themselves and trying to control what they do in the context. It seems to be something very new.

**MRS DUNNE:** It is designed for people who actually have a class—who are actually in the system, who are new to the system?

**Ms Ballantyne:** That is right. You need to have a class to practise on and to be observed with. The strength of the program is in that coaching model where they are observed and they are getting feedback on what they just did in a lesson.

**Ms Smith:** And that is the best way to learn classroom management—to actually be in there practising the techniques that work for those particular students and having a mentor there who can provide some critical advice for you. All the university training in the world does not necessarily set you up for that practical experience.

**MR GENTLEMAN:** Is there any discussion with university training at the moment about restorative practices?

**Ms Ballantyne:** I do not know. I do not think we can answer that question. Probably the department would be in a better position to answer that. I am not aware of that. I am sure that academics would be aware of the program, but to what extent they are involved I could not really say.

**Ms Smith:** We used to have representation on the body that worked with the university around pre-service experience, but that went by the wayside a few years ago. We have been trying to reignite that ever since, but it has been a slow process.

**MR GENTLEMAN:** Do you know why it dropped off?

**Ms Ballantyne:** It is probably better not to engage in that scuttlebutt!

**THE CHAIR:** Was the person on this a provider, expert or whatever.

**Ms Smith:** It was a joint department, union and university committee.

**THE CHAIR:** So you had representation on that committee and now you do not?

**Ms Smith:** That is right. The committee does not exist.

**THE CHAIR:** The committee does not exist at all?

**MRS DUNNE:** So no-one talks to anyone about—

**Ms Ballantyne:** Informally we do, certainly, and we have been wanting to get that committee up and running again. The value of it was really worth while. But it has not happened. It takes a number of parties to be in agreement.

**MRS DUNNE:** I would like to go back to your paper and talk about the levels of difficulty that teachers encounter. There is routine naughtiness and a whole continuum.

Going back to my question and Cathy's point about how prepared teachers are, is it just the really hard-end stuff that they are not prepared for or is it a greater continuum of things that they are not prepared for?

**Ms Ballantyne:** I think they are unprepared—they are saying that they are unprepared—for a lot of the continuum. The program that we are sponsoring seeks to emphasise the importance of early intervention in bad behaviour, if you like—low-level strategies to stop it escalating. The young teachers on that program say that they are most useful strategies.

Often beginning teachers may overreact to certain behaviours in the classroom—and they say that they do. They expect themselves to be perfect, and they often expect students to behave all the time. This program stresses the fact that students will misbehave—not all of them all the time, but some of them, at least, at any time. Really you are doing a balancing act, just keeping that within acceptable levels. That is a breakthrough for some new teachers when they realise that this is the nature of teaching—that it is not going to go away; kids are not going to suddenly behave. I would say that they are also unschooled about dealing with even low-level naughtiness, and this program helps them to address that.

Most people will learn that, I suppose, one way or another if they are going to survive in teaching—even without a program such as ours being delivered to them. With problems at the high levels of bad behaviour, there are strategies that teachers can learn to deal with that too.

There are limits to what any program can actually achieve with a very small number of students. I have come to believe that there are a very small number of students who cannot sit in mainstream classrooms and effectively learn anything. There are some kids in that situation now who are basically being watched by special teaching assistants so that their behaviours do not erupt and totally destroy the classroom environment. But I do wonder what that child is actually getting out of the experience of being at school. That is where we start with our suggestions about the need for alternative settings. We are not talking about a large number of students. We are talking about the very extremes.

**Ms Smith:** You also get to the issue of teachers feeling frustrated and actually guilty about the needs of all the other students in the class.

**MRS DUNNE:** They are being distracted and the majority of the kids are not getting any teaching.

**Ms Smith:** Yes. Often these children—it is one or maybe two in a class—are highly demanding of the teacher's attention. It is very difficult to work with 30 students when you have somebody who is constantly in need of that teacher. They do their very best, and of course those students get their curriculum experience as well, but you hear teachers saying that they feel guilty about the other 29 kids in the class and what about their needs as well.

**Ms Ballantyne:** I think, too, there is a community perception that that is not fair. That is coming out fairly strongly in the community now—that the needs of the many have

to be addressed, not just the needs of the extreme few.

**MRS DUNNE:** Going back to the things that you say are missing, like the primary setting and something for the sevens and eights, what sort of things would you have in an ideal world?

**Ms Smith:** Early diagnosis.

**Ms Ballantyne:** For a start, may I say that it should not be someone like me who decides what the setting entails. There is a real need to talk to people who are teaching, people doing youth work, psychiatrists, psychologists or whoever dealing with the kids who are in the few alternative settings we currently have. They really know the answers to this. I do not think that there is much unexplored territory there. It seems that small groups are terrifically important, because the kids cannot interact with a large number of people on their own. The presence of one or two adults who are interested and who show that they value the student is absolutely essential in order to build and restore the child's sense of worth, which is usually pretty shaky.

There is doing something that they actually enjoy doing—which may require suspension of the mainstream curriculum—with a focus on the things that appear to interest them, which are often practical subjects, particularly in the case of boys when they are using their hands. There are vocational education subjects for older students. There are practical things like the arts, drama, dance, painting, horticulture. All of these practically based subjects appear to be the sorts of things that kids can engage in and get some joy in learning, at least in the short term.

In the paper, we argue that the suspension or adaptation of the curriculum is not going to do lifelong damage to any particular student. The things that have to be addressed are their re-engagement with some significant adults, some feelings of self-worth and doing something that passes the time in a constructive and enjoyable way for them. Hopefully, you would have a facility where this can be done and over time the child can progress back into the mainstream setting. One of the high school support centres operates only for a couple of days a week, and the child is back in their mainstream school on the other days. That is enough of a release from school to keep them well.

**THE CHAIR:** We need to finish now but I would like to briefly go back to early intervention. That was one of the things that you said was important.

**Ms Smith:** Yes. We think that early intervention is absolutely key. Students can sometimes go through several years of school before they are diagnosed with a learning difficulty, a behavioural situation, autism or whatever it might be. Those early years are absolutely crucial. We know from many studies that, if you intervene early with a diagnosis and then provide support for that student and their family, the success rate is much better and the outcomes are much better for that student.

**THE CHAIR:** We have heard examples of introducing restorative justice at a very early age in the classroom in preschool and primary school where it sets up a culture which then supports more constructive behaviour in the classroom. We have heard evidence that 40 per cent or even 50 per cent of the time being spent in the classroom controlling the classroom can be reduced to the whole classroom time being used for

learning instead through the use of restorative justice as a normal sort of circling in the morning to talk about how we are feeling et cetera. So it is not as an intervention but as something that we normally do: “this is our normal behaviour”. Do you think that that could have a role in helping children to have a better understanding of relationships and how to work with each other and with the teacher?

**Ms Ballantyne:** There is no doubt that it does. It goes back to what Cathy was saying before about the need to deliver social skilling programs through explicit teaching to a number of students in a way that perhaps was not necessary in the past. It seems to me that a restorative justice program can do that—or any program that is about how to get on. It is really about communication skills, thinking of others and so on, isn't it? The schools that do that do it hand in hand with a kind of social skilling program that they are delivering to their littlies too.

**THE CHAIR:** We have run out of time, but it has been very interesting. I thank both of you for appearing before us. We will get the transcript to you as soon as possible. That should be within a few days. Please check that for any errors or whatever.

**Ms Ballantyne:** Anything we wish we had not said!

**THE CHAIR:** No, you cannot take back what you said. But if something has been misinterpreted by Hansard, you can certainly let us know about that.

**The committee adjourned at 12.06 pm.**