

## Child and Family Centres—Client satisfaction surveys

- 5.15. Directorate officials provided the following overview of the Child and Family Centres client satisfaction survey:

Each quarter we contact...clients after their case is closed and ask them a series of questions, including their satisfaction with the service that they received.<sup>95</sup>

- 5.16. Whether the survey could be affected by selection bias was discussed during the hearing. Directorate officials made the following comments:

We are always looking at the information that we collect and whether we are collecting the best information that we need. [The] new child and youth record information system for the [Child and Family Centres]...gives us an opportunity to review our data and the way we are collecting it. One of the things that we are planning to do, now that that is in, is to look at the timing of when we collect information and whether...we have the right questions to capture the right information. We think frequency is something we also need to deal with.<sup>96</sup>

### Committee comment

- 5.17. The Committee is pleased to note that, according to surveys conducted by staff of Child and Family Centres, client satisfaction with services has remained very high during current and previous reporting periods.
- 5.18. Nevertheless, the Committee considers that there would be value in reviewing how the Client Satisfaction Survey is undertaken, to ensure that it accurately measures client satisfaction and is not affected by selection bias.

### Recommendation 13

The Committee recommends that the ACT Government review how Child and Family Centres Satisfaction Surveys are undertaken and publish the results of the review.

## Demand for and access to Autism Spectrum Disorder (ASD) assessments

- 5.19. During the Committee's hearing on 28 February 2022, demand for ASD assessments was discussed.<sup>97</sup> Members of the Assembly noted that community stakeholders had reported

<sup>95</sup> *Committee Hansard*, 28 February 2022, p. 116. Officials noted that the survey is conducted via phone calls from staff at the Child and Family Centre.

<sup>96</sup> *Committee Hansard*, 28 February 2022, p. 116.

<sup>97</sup> The CSD's Child Development Service provides ACT residents with free ASD assessments for children up to 11 years and 11 months. referral from a Paediatrician or Psychiatrist is required. While assessment services were strengthened in 2020–21, challenges associated with wait times, service demand, and the recruitment and retention of assessors persisted over the reporting period. See ACT Government, Community Services Directorate, *Annual Report 2020–21*, p. 81.

large increases in lower-income families seeking ASD assessments for young people aged 12 years and older.<sup>98</sup>

- 5.20. Officials stated that the Directorate does not have data on the extent to which families with children aged 12 years and over are accessing ASD assessments in the private market:

[W]e do not have a lot of interest in or requests through the Child Development Service for access to private psychologists for those older cohorts of kids. People understand that the Child Development Service is really focused on earlier support and earlier intervention for these kids. The service system around families would be encouraging them to go directly to private psychologists.<sup>99</sup>

- 5.21. The Minister further indicated that obtaining data on people aged 12 years and over accessing ASD assessments may be difficult—largely owing to privacy issues. Moreover, data on the number of children aged 12 years and over accessing ASD assessments may not, on its own provide the information necessary to assess, for example, levels of demand for ASD assessments for this cohort.<sup>100</sup> Nevertheless, officials indicated that the Directorate would be willing to initiate conversations with stakeholders who may hold relevant data.<sup>101</sup>

#### Committee comment

- 5.22. The Committee is concerned that there appears to be a paucity of data as to the number and characteristics of those seeking assessments at this later life stage.
- 5.23. The Committee appreciates that the Directorate does collect data on people accessing ASD assessments in the private sector, and that there has been limited interest in the Child Development Service as means of referral to private psychologists and assessors. The Committee also notes the Minister's view that data on children aged 12 years and over accessing ASD assessment may be of limited use.
- 5.24. Nevertheless, the Committee considers that there would be merit in the ACT Government having access to data about the incidence of ASD assessments and diagnoses among people aged 12 years and over. This data might be used to understand reasons behind delays in accessing ASD assessments and designing appropriate solutions. The Committee also notes that the Directorate has indicated a willingness to initiative conversations with stakeholders who may hold relevant data.

#### Recommendation 14

The Committee recommends that the ACT Government begin tracking the incidence of delayed Autism Spectrum Disorder (ASD) diagnosis, including by collecting and collating data from the Child Development Service and community stakeholders.

<sup>98</sup> *Committee Hansard*, 28 February 2022, p. 117.

<sup>99</sup> *Committee Hansard*, 28 February 2022, p. 118. Officials stated that the CSD would 'certainly be keeping records if people were requesting assessments for children aged over 12 years.

<sup>100</sup> *Committee Hansard*, 28 February 2022, p. 119.

<sup>101</sup> *Committee Hansard*, 28 February 2022, p. 120.

## Awareness of the need for and benefits of early diagnosis of Autism Spectrum Disorder (ASD)

- 5.25. Also discussed was awareness of the need for and benefits of early diagnosis of ASD. Directorate officials observed that ASD assessments are ‘pretty well known’, and there are good referral processes and information available to families. Those that support children in various settings are ‘well aware’ of how, when and why they would refer children and parents for assessment.<sup>102</sup>
- 5.26. Officials also noted that work to raise awareness of developmental delay in children and the need for early intervention is being progressed via work associated with the *First 1,000 Days Strategy*, stating:

The work that we are doing around the Strategy...to increase people’s awareness is a co-design project with Health, Community Services Directorate and community services partners. We are asking those partners to check in with members of the community about how they could best support families to engage with services that they need, to know whether their children are meeting the correct milestones and to move their children into the best possible outcomes.<sup>103</sup>

### Committee comment

- 5.27. The Committee appreciates that there may be relatively broad awareness of the need for and benefits of early assessment and diagnosis of ASD and developmental delay. It also appears that the ACT government is progressing work to increase awareness of these matters among parents. Nevertheless, and consistent with the views expressed above, the Committee considers that more could be done to understand factors associated with the age of ASD diagnosis in the ACT, and where delays may be occurring.

### Recommendation 15

The Committee recommends that the ACT Government identify and address any delays in the diagnosis of Autism Spectrum Disorder (ASD) in the ACT.

<sup>102</sup> *Committee Hansard*, 28 February 2022, p. 122.

<sup>103</sup> *Committee Hansard*, 28 February 2022, p. 123. The *First 1000 Days Strategy* is a community awareness-raising strategy developed by the Federal Department of Social Services. See Australian Government, Department of Social Services, *The First 1000 Days*, <https://www.dss.gov.au/families-and-children-programs-services-children-protecting-australias-children/the-first-1000-days> (viewed 10 May 2022). Supporting families to establish a strong foundation for good health, in alignment with the *First 1000 Days Strategy*—is a focus of the ACT Government’s Preventative Health Plan 2020–2025. See ACT Government, Health Directorate, *Healthy Canberra ACT Preventive Health Plan 2020–2025*, p. 11. <https://www.health.act.gov.au/about-our-health-system/population-health/act-preventive-health-plan> (viewed 10 May 2022).

## Disability policy and programs

### Matters considered

5.28. Ms Emma Davidson MLA appeared before the Committee in her capacity as Minister for Disability on 28 February 2022. The following matters were considered:

- ACT Disability Strategy 2021-31.<sup>104</sup>
- NDIS independent assessments proposal.<sup>105</sup>
- Supports for individuals without NDIS plans.<sup>106</sup>
- Data on types of support accessed by people with disabilities.<sup>107</sup>
- Disability Justice Strategy 2019-2029.<sup>108</sup>
- Restrictive practices and related law reform.<sup>109</sup>
- Respite and recovery grants.<sup>110</sup>

### Key issues

#### Progress on measures under the Disability Justice Strategy 2019–2029

- 5.29. The *ACT Disability Justice Strategy 2019-2029* (Disability Justice Strategy) aims to achieve equity and inclusion for people with a disability in the justice system. Under the Strategy, the *First Action Plan 2019-2023* (First Action Plan) outlines the first for years of work and commitments made by stakeholders.<sup>111</sup>
- 5.30. Officials provided updates on the First Action Plan, noting that a key achievement under that Plan has been the installation of eight disability liaison officers in ‘corrections, child protection, community corrections, Canberra law courts, [Director of Public Prosecutions] and police.’ Officials added that the disability liaison officers are ‘on the ground forming relationships...and are not only supporting individuals with a disability’:

There may be people who have never identified that they have a disability but who connect with the justice system and do not quite understand what their part in the justice system is or why they keep ending up in this space.<sup>112</sup>

- 5.31. Officials also spoke to ongoing work under the Disability Justice Strategy, noting that a best practice guide is being developed with ACT Policing to support interactions with people

<sup>104</sup> *Committee Hansard*, 28 February 2022, pp. 56–57.

<sup>105</sup> *Committee Hansard*, 28 February 2022, pp. 57–58.

<sup>106</sup> *Committee Hansard*, 28 February 2022, pp. 59–60.

<sup>107</sup> *Committee Hansard*, 28 February 2022, pp. 60–62.

<sup>108</sup> *Committee Hansard*, 28 February 2022, pp. 62–63.

<sup>109</sup> *Committee Hansard*, 28 February 2022, pp. 63–66.

<sup>110</sup> *Committee Hansard*, 28 February 2022, pp. 67–68.

<sup>111</sup> ACT Government, Community Services Directorate, *Annual Report 2020–2021*, pp. 57–58.

<sup>112</sup> *Committee Hansard*, 28 February 2022, p 62.

with disability and was expected to be completed by the middle of 2022. The Disability Reference Group has additionally supported discussions in this area. Officials stated that ‘86 staff members [in] the justice system have already participated in easy English training’ to develop accessible documents for people with disability [with] lower levels of literacy.<sup>113</sup>

#### Committee comment

- 5.32. The Committee welcomes progress made so far by the ACT Government on the First Action Plan of the Disability Justice Strategy to ensure that the ACT justice system is inclusive and accessible for people with disability. The Committee is also pleased that the ACT Government is working to implement additional measures to improve support for people with disability in criminal justice settings.
- 5.33. The Committee encourages the ACT Government to continue supporting implementation of the First Action Plan and Disability Justice Strategy and looks forward to receiving updates on progress in the future.

#### Recommendation 16

The Committee recommends that the ACT Government continue to support implementation measures under the *Disability Justice Strategy 2019–2029* and associated Action Plans and continue to actively identify opportunities to better support people with disability in custodial and other criminal justice settings.

## Aboriginal and Torres Strait Islander Affairs

### Matters considered

- 5.34. Ms Rachel Stephen-Smith MLA appeared before the Committee in her capacity as Minister for Aboriginal and Torres Strait Islander Affairs on 28 February 2022. The following matters were considered:
- Measures to address systemic racism in the ACT.<sup>114</sup>
  - Funding and support for Aboriginal Community-controlled organisations.<sup>115</sup>
  - Reporting on cross-directorate initiatives such as the Aboriginal and Torres Strait Islander Procurement Policy (ATSIPP).<sup>116</sup>
  - Establishment of a national Aboriginal and Torres Strait Islander cultural precinct.<sup>117</sup>
  - Facilities for the Gugan Gulwan Aboriginal Youth Corporation.<sup>118</sup>

<sup>113</sup> *Committee Hansard*, 28 February 2022, pp 62–63. Officials noted that the Directorate would be in a position to update the Committee on progress during hearings in relation to subsequent annual reports.

<sup>114</sup> *Committee Hansard*, 28 February 2022, pp. 124–125

<sup>115</sup> *Committee Hansard*, 28 February 2022, pp. 125–126

<sup>116</sup> *Committee Hansard*, 28 February 2022, pp. 126–127.

<sup>117</sup> *Committee Hansard*, 28 February 2022, p 128.

<sup>118</sup> *Committee Hansard*, 28 February 2022, p 129–131.

## Key issues

### Aboriginal and Torres Strait Islander Procurement Policy—targets and reporting

- 5.35. The ACT Government's Aboriginal and Torres Strait Islander Procurement Policy (ATSIPP) aims to reduce barriers to procurement encountered by Aboriginal and Torres Strait Islander enterprises. It sets targets for public sector entities in relation to engaging Aboriginal and Torres Strait Islander enterprises in government procurement. In 2020–21, the target was 1.5 per cent of addressable spend.<sup>119</sup>
- 5.36. At the hearing on 28 February 2022, the extent to which the Directorate had met ATSIPP targets was discussed. The Minister noted that the Directorate had not met the 1.5 per cent target for the financial year. However, the Minister explained that there has not been a significant amount of procurement through CSD since the ATSIPP came into effect.<sup>120</sup>
- 5.37. Also discussed was whether there was a role for the Directorate (for example, through the Office of Aboriginal and Torres Strait Islander Affairs (AOTSIA) in supporting compliance with the ATSIP. The Minister observed that the ATSIPP is not the responsibility of the OATSIA, but rather of Procurement ACT.<sup>121</sup> However, officials indicated that in promoting work through the OATSIA, the Directorate would continue to explore opportunities to help other Directorates meet their ATSIPP targets.<sup>122</sup>

### Committee comment

- 5.38. The Committee considers that the ATSIPP is critical to reducing barriers to procurement encountered by Aboriginal and Torres Strait Islander enterprises, and to promoting economic participation for the ACT's Aboriginal and Torres Strait Islander community.
- 5.39. The Committee considers that there would be value in the Community Services Directorate supporting other Directorates to meet their ATSIPP targets. As part of this work, the Community Services Directorate should include in its annual reports information on performance in relation to cross-Directorate initiatives such as the ATSIPP.

#### Recommendation 17

The Committee recommends that the Community Services Directorate expand its annual reporting to include information on performance in relation to cross-directorate initiatives such as the Aboriginal and Torres Strait Islander Procurement Policy.

<sup>119</sup> Community Services Directorate, *Annual Report 2020-21*, pp 425–426.

<sup>120</sup> *Committee Hansard*, 28 February 2022, p 127. In answer to a question taken on notice, the Minister noted that the CSD had in fact exceeded the 1.5 per cent target (achieving 1.79 per cent). Housing ACT also spent additional funds supporting the Aboriginal and Torres Strait Islander community in ways that are outside the scope of the ATSIPP target. See *ECI QTON 28 ANSWER*, [p. 1].

<sup>121</sup> *Committee Hansard*, 28 February 2022, pp. 100–102.

<sup>122</sup> *Committee Hansard*, 28 February 2022, p 126.

## Gender equity

### Matters considered

- 5.40. Ms Yvette Berry MLA appeared before the Committee in her capacity as Minister for Women on 28 February 2022. The following matters were considered:
- Gender-responsive budgeting processes, including the role of the Office for Women.<sup>123</sup>
  - Implementation of the first Action Plan for the *ACT Women's Plan 2016–26*, with a focus on gender impact analysis.<sup>124</sup>
  - Progress on the second and third Action Plans for the *ACT Women's Plan 2016–26*.<sup>125</sup>
  - Gender equity in government procurement.<sup>126</sup>
  - Staffing within the Office for Women.<sup>127</sup>
  - Active transport and women's safety.<sup>128</sup>
  - Use of public transport and other public services by gender.<sup>129</sup>

### Key issues

#### Gender equity in procurement practices

- 5.41. The Second Action Plan 2020-22 under the *ACT Women's Plan 2016-26* focuses on the ACT Government's commitment to achieving 'Equity Together'. An objective of the Plan is to foster gender equity in Canberra workplaces, including in traditionally male-dominated trades and occupations such as the building and construction industry.<sup>130</sup>
- 5.42. At the public hearing on 28 February 2022, gender equity initiatives were discussed. It was noted that a contract relating to women in construction was awarded the Construction, Forestry, Mining and Energy Union (CFMEU), notwithstanding that the CFMEU had no women on its Board.<sup>131</sup> Minister Berry explained that the intention of awarding such contracts is 'to increase the number of women...in organisations like CFMEU', stating:

In peak construction bodies that with small numbers of female representation, it is our goal to improve those situations so that there are more women within that sector. We have already aimed for that target of 10 per cent, and to achieve our

<sup>123</sup> *Committee Hansard*, 28 February 2022, pp. 100–102.

<sup>124</sup> *Committee Hansard*, 28 February 2022, pp. 102–104.

<sup>125</sup> *Committee Hansard*, 28 February 2022, pp. 105–106.

<sup>126</sup> *Committee Hansard*, 28 February 2022, pp. 107–110.

<sup>127</sup> *Committee Hansard*, 28 February 2022, pp. 110–111.

<sup>128</sup> *Committee Hansard*, 28 February 2022, pp. 111–112.

<sup>129</sup> *Committee Hansard*, 28 February 2022, p. 113.

<sup>130</sup> Community Services Directorate, *Second Action Plan 2020-22*, <https://www.communityservices.act.gov.au/women/womens-plan-2016-26/second-action-plan-2020-22> (viewed 18 May 2022)

<sup>131</sup> *Committee Hansard*, 28 February 2022, p. 106.

target we developed these programs to ensure that that can occur in a safe way, so that women and girls seek out work in construction and are welcomed onto construction sites and other male-dominated workplaces<sup>132</sup>

- 5.43. Also discussed were gender equity strategies and their role in procurement processes. Questions were asked as to the extent to which tenders are awarded to entities with gender equity strategies, and whether any preference is given to such entities.<sup>133</sup>
- 5.44. In response to a question taken on notice, Minister Berry explained that there were two actions under the First Action Plan of the *ACT Women's Plan 2016-26*, that relate to the use of gender equity strategies in procurement:
- Develop template and guidance material for Directorates and funded contractors to develop gender equity strategies.
  - Establish procurement strategies that prioritise contractors with equity strategies.<sup>134</sup>
- 5.45. The Minister also noted that in late 2018, Procurement ACT incorporated a survey into the Whole of Government Professional Services Panel to better understand the proportion of suppliers that have established gender equity strategies. The survey indicated that a high proportion of suppliers have policies and strategies in place to promote gender equity. Outcomes of the survey were also used to inform statutory and policy elements of the ACT Government Procurement Framework which promote gender equality in procurement.<sup>135</sup>
- 5.46. However, the Minister also noted that these measures are of the tender evaluation or contract management stages of individual procurement. There is no reporting obligation to identify if a procurement has included a gender equity strategy.<sup>136</sup>

#### Committee comment

- 5.47. The Committee strongly supports increasing the representation of women in traditionally male-dominated trades such as construction through further ACT Government initiatives.

#### **Recommendation 18**

The Committee recommends that the ACT Government continue to support women entering traditionally male-dominated trades and occupations.

#### **Recommendation 19**

The Committee recommends that the ACT Government prioritise organisations with a gendered focus in tender processes where procurement relates to initiatives supporting gender equity.

<sup>132</sup> *Committee Hansard*, 28 February 2022, p. 108.

<sup>133</sup> *Committee Hansard*, 28 February 2022, pp. 108–109.

<sup>134</sup> *ECI QTON 24-26 ANSWER*, [p. 1].

<sup>135</sup> *ECI QTON 24-26 ANSWER*, [pp. 1–2].

<sup>136</sup> *ECI QTON 24-26 ANSWER*, [p. 2].



- 5.48. The Committee is also pleased to note that the ACT Government has implemented targets for female representation across several traditionally male-dominated industries such as construction. However, the Committee is of the view that more could be done to improve representation for women in industry. One way this could be achieved is via changes to government procurement arrangements, including the setting of more ambitious targets.

### Recommendation 20

The Committee recommends that the ACT Government introduce targets for their procurement practices relating to gender equity and equal representation on private sector boards.

## Responsibility for preparing the annual women's budget statement

- 5.49. During the hearing on 28 February 2022, application of a 'gender lens' to the ACT Budget was discussed. Officials noted that the Directorate is continuing to progress gender-responsive budgeting, including producing an annual women's budget statement. Officials noted that the Directorate has engaged experts to source examples of international best practice and is working closely with the wellbeing framework team in the Chief Minister, Treasury and Economic Directorate (CMTEDD).<sup>137</sup>
- 5.50. It was suggested during the hearing that gender-lens budgeting would more appropriately sit with CMTEDD, in accordance with international practice. It was noted in this regard that the wellbeing framework sits in that Directorate. In response, officials stated:

[We are] working very closely with Treasury and the CMTEDD team...and will continue to work with the wellbeing team as they...look at this [matter] from a whole-of-government perspective. Where these things are successful is when you have that influence and it infiltrates across all aspects of government and policy decision-making. A centralised agency and the wellbeing indicators are a great way for that to happen.<sup>138</sup>

## Committee comment

- 5.51. Evidence before the Committee indicates that while the CMTEDD is responsible for the ACT Budget, responsibility for the women's budget statement rests with the Community Services Directorate. The Committee notes that work appears to be underway to centralise budgetary processes—including a more gender-focussed budget for the Territory. In line with this, and with international practice, the Committee considers that responsibility for the annual women's budget statement should be transferred to the CMTEDD.

<sup>137</sup> *Committee Hansard*, 28 February 2022, pp. 100 – 101.

<sup>138</sup> *Committee Hansard*, 28 February 2022, p. 101.

### Recommendation 21

The Committee recommends that responsibility for the annual women's budget statement be moved from the Community Services Directorate to the Chief Minister, Treasury, and Economic Development Directorate, in line with the approach taken in other jurisdictions.

## First Action Plan of the ACT Women's Plan 2016–2026—implementation of recommendations

- 5.52. Gender impact analysis introduced under the first Action Plan of the *ACT Women's Plan 2016–26* was discussed at the hearing on 28 February 2022. In response to a question taken on notice, Minister Berry noted that the Gender Impact Analysis Tool was developed to support ACT Public Service employees to undertake better analysis of the impact their programs and services will have on men, women and gender diverse individuals and provides a template for preparing a Gender Impact Statement where this is required. The tool was designed to also be of use to the broader ACT business and community sectors.<sup>139</sup>
- 5.53. Minister Berry noted that the use of the tool across the is not tracked, and the Directorate does not collect statistics on requests for assistance associated with the tool or preparing a Gender Impact Statement. It was estimated that requests for assistance occurred 20 times during 2021. Minister Berry noted that in the 2021–22 Budget process, all business cases were accompanied by a Wellbeing Impact Assessment, which also considers gender.<sup>140</sup>
- 5.54. During the hearing, officials also noted that there are measures in place to encourage people to seek information and assistance about gender impact analysis, and these have generated 'really fruitful and productive conversations' about how men and women might be impacted differently by a policy or program.<sup>141</sup>

### Committee comment

- 5.55. The Committee considers that the Gender Impact Analysis Tool is a valuable means of measuring the impact of policies and programs and identifying areas where there may be gendered differences in how they are received. While noting that it was not intended for formal reporting to attach to use of the tool, the Committee considers that collection of data on use of the tool is used is vital to assessing its effectiveness. The Committee holds the same view in relation to other measures arising out of the first Action Plan.

### Recommendation 22

The Committee recommends that the ACT Government review all the progress made on the recommendations from the First Action Plan of the *ACT Women's Plan 2016–2026* and report their findings to the Assembly before the end of 2022.

<sup>139</sup> *ECI QTON 23 ANSWER*, [p. 1].

<sup>140</sup> *ECI QTON 23 ANSWER*, [pp 1–2].

<sup>141</sup> *Committee Hansard*, 28 February 2022, p. 103.

## Gender and other demographic data on the use of government services

- 5.56. During the hearing on 28 February 2022, the collection of gender data on the use of public transport and active travel was discussed. It was noted that there was no gender reporting on the use of public transport (for example, data on registrations for MyWay cards).<sup>142</sup>
- 5.57. Minister Berry noted that while data on the use of public transport was not monitored, efforts would be made to improve the collection and sharing of information relating to this issue. Directorate officials elaborated as follows:

All the feedback that we receive from a multiple variety of sources, including questions such as from this committee, we can use to inform actions under our third action plan. We are very happy to take any advice that we receive for things to throw into the mix for the third action plan.<sup>143</sup>

### Committee comment

- 5.58. The Committee considers that the ACT Government should collect gender-based data on the use public transport and active travel. This data may be used to develop and refine measures to increase women's safety. The Committee is of the view that there would also be merit in collecting such data in relation to the use of other government services.

### Recommendation 23

The Committee recommends that the ACT Government start collecting gender disaggregated data for government services and initiatives (for example, public transport) to better understand the gendered use of such services and initiatives and make any consequent improvements.

## Multicultural Affairs

### Matters considered

- 5.59. Ms Tara Cheyne MLA appeared before the Committee in her capacity as Minister for Multicultural Affairs on 25 and 28 February 2022. The following matters were considered:
- Canberra's status as a Welcoming City.<sup>144</sup>
  - Cancellation of the National Multicultural Festival (NMF) in 2021 and 2022, and the use of unspent funds.<sup>145</sup>
  - Aged care for Canberra's culturally and linguistically diverse (CALD) community.<sup>146</sup>

<sup>142</sup> *Committee Hansard*, 28 February 2022, p. 113.

<sup>143</sup> *Committee Hansard*, 28 February 2022, p. 113.

<sup>144</sup> *Committee Hansard*, 25 February 2022, p. 48.

<sup>145</sup> *Committee Hansard*, 25 February 2022, p. 51.

<sup>146</sup> *Committee Hansard*, 25 February 2022, p. 54.

- Funding to ACT Community Languages.<sup>147</sup>
- Information Packs outlining health issues for ACT CALD women.<sup>148</sup>
- Impact of COVID-19 on Australian Citizenship ceremonies.<sup>149</sup>

## Key issues

### Canberra's status as a Welcoming City

- 5.60. Welcoming Cities is a national network of cities, shires, towns, and municipalities that are committed 'to an Australia where everyone can...participate in social, cultural, economic, and civic life.'<sup>150</sup> A central element of the Welcoming Cities network is the Welcoming Cities Standard (the Standard), which establishes a framework for local councils to benchmark their diversity and inclusion policies and practices; identify opportunities for improvement; and assess progress over time.<sup>151</sup>
- 5.61. Canberra became a member of the Welcoming Cities network in 2019 and achieved the 'Committed' level on the standard at this point. This indicates that Canberra has made a public statement of intent to champion principles of welcoming and inclusion.
- 5.62. At the hearing on 25 February 2022, Canberra's status as a Welcoming City was discussed. Minister Cheyne stated that Canberra achieved the 'Established' level (the second level according to the Standard) towards the end of 2021. The Minister added that the Canberra is believed to be one of four cities in Australia to have achieved the 'Established' level, and that the ACT Government is committed to achieving the 'Advanced' level.<sup>152</sup>

### Committee comment

- 5.63. The Committee welcomes the ACT Government's efforts to undertake accreditation as a Welcoming City, as this sends a strong signal in relation to the ACT's commitment to multiculturalism and inclusion. The Committee additionally believes that through the process of gathering evidence for the accreditation process, the ACT Government will be able to identify strengths and areas needing improvement.
- 5.64. The Committee is pleased that the ACT has achieved the 'Established' level and encourages the ACT Government to continue its efforts to achieve higher levels of accreditation.

<sup>147</sup> *Committee Hansard*, 25 February 2022, pp. 49–50.

<sup>148</sup> *Committee Hansard*, 25 February 2022, pp. 50–51; See also *ECI QTON 14 ANSWER*, [pp. 1–2]; *ECI QON 25 ANSWER*, [pp. 1–2].

<sup>149</sup> *Committee Hansard*, 25 February 2022, pp. 52–54.

<sup>150</sup> Welcoming Australia, *Welcoming Cities*, <https://welcoming.org.au/initiatives/welcoming-cities/> (viewed 13 May 2022).

<sup>151</sup> Welcoming Australia, *Standards & Accreditation*, <https://welcomingcities.org.au/the-standard/> (accessed 13 May 2022). Levels are 'Committed', 'Established', 'Advanced', 'Excelling' and 'Mentoring'.

<sup>152</sup> *Committee Hansard*, 25 February 2022, p. 48.

### Recommendation 24

The Committee recommends that ACT Government continue to pursue higher levels of accreditation as a Welcoming City.

#### Cancellation of the National Multicultural Festival

- 5.65. The NMF is held in Canberra's central business district in February each year. To enable multicultural communities to participate in the 2021 NMF, \$88,780 was made available through the 2020-21 Participation National Multicultural Festival Grant program.<sup>153</sup> However, the NMF was cancelled in 2021 and 2022 due to the COVID-19 pandemic.
- 5.66. Planning for the 2023 NMF was discussed during the hearing on 25 February 2022, with Directorate officials advising that planning for the NMF's 25<sup>th</sup> anniversary celebrations in 2023 was underway.<sup>154</sup>
- 5.67. Support provided to multicultural groups to offset the cancellation of the NMF in 2021 and 2022 was also discussed. In this regard, the Minister outlined how unspent funding had been used to support multicultural organisations:
- [W]e had a grant funding round for the National Multicultural Festival that was bigger than previous years, and groups have applied for that. It is \$177,560, to be exact. We were able to secure agreement from the Treasurer to repurpose those grants, not so much for the festival, but to work with the community groups who had applied for those grants to support them with their own events that they might wish to hold throughout the year, or through the opportunities that we have been able to create with Australia Day and with the Canberra Day events.<sup>155</sup>
- 5.68. The Minister noted that celebrations for Australia Day 2022 included support for nine multicultural organisations, and that the ACT Government had received 'good feedback from the community' regarding the celebrations.<sup>156</sup> In addition, the Minister observed that approximately \$400,000 in unspent funding been repurposed from the cancelled NMF festivals to support Canberra Day and, as a result, infrastructure and participation costs for multicultural organisations were expected to be waived.<sup>157</sup>

#### Committee comment

- 5.69. The NMF is significant not only in terms of celebrating diversity, but also in providing access to government grants and opportunities for multicultural organisations. As a result of the cancellation of the NMF, multicultural organisations may have missed fundraising opportunities and other related support in 2021 and 2022.

<sup>153</sup> Community Services Directorate, *Annual Report 2020-21*, p 51.

<sup>154</sup> Community Services Directorate, *Annual Report 2020-21*, p 51.

<sup>155</sup> *Committee Hansard*, 25 February 2022, p 51.

<sup>156</sup> *Committee Hansard*, 25 February 2022, p 51.

<sup>157</sup> *Committee Hansard*, 25 February 2022, p. 51.

- 5.70. The Committee is pleased that the Directorate has sought to repurpose grants otherwise used to support the participation of multicultural organisations in the NMF for Australia Day and Canberra Day events. The Committee considers that the ACT Government should continue to explore opportunities to support multicultural organisations which may have missed opportunities due to the cancellation of the NMF, including through the redistribution of unspent funds on cultural activities and events.

#### **Recommendation 25**

The Committee recommends that ACT Government continue to provide support to multicultural groups who have missed out on opportunities due to the cancellation of the National Multicultural Festival.

## 6. Conclusion

- 6.1. The Committee thanks Members of the Assembly and supporting officials who appeared at public hearings relating to the Inquiry into Annual and Financial Reports 2020–2021.

### Timeliness of responses: questions on notice and questions taken on notice

- 6.2. Pursuant to Standing Order 254D of the Legislative Assembly:
- responses to questions on notice must be provided within five business days of receipt of the question; and
  - responses to questions taken on notice during a hearing must be provided within five business days of the receipt of the uncorrected proof Hansard.
- 6.3. The Committee is concerned that several responses to questions on notice and questions taken on notice were not provided within five business days, in accordance with the standing orders. The committee is particularly concerned that responses to four questions on notice had not been received as of the date of this report. This was despite the Chair of the Committee writing to the responsible Minister seeking a response.
- 6.4. The Committee considers that that relevant information associated with inquiries must be supplied in a timely fashion, to assist Committee deliberations and to ensure relevant information can be put on the public record.

#### Recommendation 26

The Committee recommends that ACT Government ensure that all response to questions on notice and questions taken on notice are provided in a timely fashion.

Mr Michael Petterson MLA

Chair

Standing Committee on Education and Community Inclusion

## Appendix A: Witnesses

### 24 February 2022

#### Executive

- **Mr Andrew Barr MLA**, Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism

#### Chief Minister, Treasury and Economic Development Directorate

- **Ms Leesa Croke**, Deputy Director-General, Policy and Cabinet.
- **Ms Wilhelmina Blount**, Executive Group Manager, Policy and Cabinet
- **Mr Andrew Mehrton**, Executive Branch Manager, Social Policy Branch, Policy and Cabinet.

### 25 February 2022

#### Executive

- **Ms Yvette Berry MLA**, Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women
- **Ms Tara Cheyne MLA**, Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs

#### Education Directorate

- **Ms Katy Haire**, Director-General
- **Ms Jane Simmons**, Deputy Director-General
- **Ms Nicole Moore**, A/g Deputy Director-General, System Policy and Reform
- **Mr David Matthews**, Executive Group Manager; Business Services Group
- **Ms Kate McMahon**, Executive Group Manager; Service Design and Delivery
- **Mr Sean Moysey**, Executive Branch Manager Early Childhood Regulation and Non-Government Schools
- **Mr Robert Gotts**, Executive Branch Manager; Analytics and Evaluation
- **Mr Martin Watson**, Executive Director, Office of Board of Senior Secondary Studies
- **Ms Coralie McAlister**, Chief Executive Officer, Teacher Quality Institute

#### Community Services Directorate

- **Ms Catherine Rule**, Director-General
- **Ms Jo Wood**, Deputy Director-General
- **Mr Joseph Borgese**, Executive Branch Manager, Finance and Budget, Corporate Services
- **Ms Maggie Drejer-White**, Executive Branch Manager, People Management Branch, Corporate Services



- **Ms Christine Murray**, Executive Group Manager; Inclusion and Participation
- **Ms Jessica Summerrell**, Executive Branch Manager; Social and Community Inclusion

## 28 February 2022

### Executive

- **Ms Emma Davison MLA**, Assistant Minister for Seniors, Veterans, Families and Community Services, Minister for Disability, Minister for Justice Health and Minister for Mental Health
- **Mr Chris Steel MLA**, Minister for Transport and City Services, Minister for Skills, Special Minister of State
- **Ms Yvette Berry MLA**, Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women
- **Ms Rachel Stephen-Smith MLA**, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health

### Chief Minister, Treasury and Economic Development Directorate

- **Mr Stuart Hocking PSM**, Under Treasurer
- **Ms Kareena Arthy**, Deputy Director-General, Economic Development
- **Mr Graham Tanton**, Executive Group Manager, Property and Shared Services
- **Mr Daniel Bailey**, Executive Group Manager, Operations
- **Mr Jonathan Kobus**, A/g Executive Group Manager, Policy and Strategy
- **Ms Josephine Anderson**, Executive Branch Manager, Skills Canberra
- **Ms Rebecca Kelley**, Executive Branch Manager, Sport and Recreation
- **Mr David Jeffrey**, Senior Director, Sport and Recreation

### Community Services Directorate

- **Ms Catherine Rule**, Director-General
- **Ms Jo Wood**, Deputy Director-General, Programs and Operations
- **Ms Anne-Maree Sabellico**, Deputy Director-General, Reform
- **Ms Jacinta Evans**, Executive Group Manager, Strategic Policy
- **Ms Helen Pappas**, Executive Group Manager, Children, Youth and Families
- **Ms Christine Murray**, Executive Group Manager; Inclusion and Participation
- **Ms Jessica Summerrell**, Executive Branch Manager; Social and Community Inclusion
- **Ms Sally Gibson**, Executive Branch Manager, Quality and Regulation
- **Ms Lisa Charles**, Executive Branch Manager, Office for Aboriginal and Torres Strait Islander Affairs
- **Mr Joseph Borgese**, Executive Branch Manager, Finance and Budget, Corporate Services
- **Ms Maggie Drejer-White**, Executive Branch Manager, People Management Branch, Corporate Services

- **Ms Ellen Dunne**, Executive Branch Manager - Office for Disability, Inclusion and Participation
- **Ms Janet Plater**, Executive Branch Manager, Children and Families, Children, Youth and Families
- **Ms Melanie Thompson**, Senior Manager, Child Development Service, Children, Youth and Families
- **Mr Gerard Nolan**, Centre Manager Gungahlin Child and Family Centre; Children, Youth and Families
- **Ms Tracey Harkness**, Senior Practitioner

#### Canberra Institute of Technology

- **Ms Leanne Cover**, Chief Executive Officer
- **Mr Craig Sloan**, Board Chair
- **Ms Cheryl Steff**, Acting Executive Director, Corporate Services
- **Mr Andrew Whale**, Executive Director, Training and Education Services
- **Mr Greg Tong**, Senior Director, CIT Finance

#### Major Projects Canberra

- **Mr Duncan Edghill**, Chief Projects Officer
- **Ms Rebecca Power**, Projects Director, CIT Campus Woden Project
- **Mr Shaun Strachan**, Deputy Chief Projects Officer
- **Mr Adrian Piani**, Executive Group Manager, Infrastructure Delivery Partners/Chief Engineer

#### ACT Building Construction Industry Training Fund Authority

- **Mr Glenn Carter**, Chief Executive Officer
- **Mr Michael Young**, Chairman

## Appendix B: Questions on notice and taken on notice

### Questions on notice

No.	Date	Asked by (MLA)	Asked of (Directorate/Portfolio)	Subject	Response received
1	01/03/2022	Lee	Education	Tenders awarded by the Education Directorate	11/05/2022
2	01/03/2022	Lee	Chief Minister, Treasurer and Economic Development (Skills)	Tenders awarded by the Canberra Institute of Technology	11/03/2022
3	02/03/2022	Hanson	Education	Student equity; census of ACT public schools	21/04/2022
4	02/03/2022	Hanson	Education	Identification with school	21/04/2022
5	02/03/2022	Hanson	Education	Public high school and secondary college education	21/04/2022
6	02/03/2022	Hanson	Education	Disability education in ACT public schools	21/04/2022
7	02/03/2022	Hanson	Education	Student wellbeing; Safe and Supportive Schools; suspension data	21/04/2022
8	02/03/2022	Hanson	Education	Scrutiny of Auditor-General's reports	06/05/2022
9	02/03/2022	Hanson	Education	Auditor-General's report on teaching quality in ACT public schools	19/05/2022
10	02/03/2022	Hanson	Education	Workplace Health and Safety	<b>NOT RECEIVED</b>
11	02/03/2022	Hanson	Education	Workforce profile	21/04/2022
12	02/03/2022	Hanson	Education	Capital works	21/04/2022
13	02/03/2022	Hanson	Education	Government contracting	11/05/2022
14	02/03/2022	Hanson	Education	Investigation of complaints	<b>NOT RECEIVED</b>
15	02/03/2022	Hanson	Education	Contracts and performance measurement	21/04/2022
16	03/03/2022	Lawder	Education	Outdoor education	11/05/2022
17	03/03/2022	Castley	Community Services	Mental health services for non-government schools	16/03/2022

18	04/04/2022	Kikkert	Community Services	Youth employment	17/03/2022
19	04/03/2022	Kikkert	Community Services	Youth InterACT scholarships	17/03/2022
20	04/03/2022	Kikkert	Community Services	Youth Week	17/03/2022
21	04/03/2022	Kikkert	Community Services	Representation on the Youth Advisory Council	17/03/2022
22	07/03/2022	Kikkert	Community Services	Autism spectrum disorder (ASD) assessments	<b>NOT RECEIVED</b>
23	07/03/2022	Kikkert	Community Services	Capacity of Child and Family Centres	<b>NOT RECEIVED</b>
24	07/03/2022	Kikkert	Community Services	Aboriginal and Torres Strait Islander Affairs; Treaty Process	21/03/2022
25	07/03/2022	Lawder	Community Services	Information packs for culturally and linguistically diverse women	22/03/2022

## Questions taken on notice

No.	Date	Asked by (MLA)	Asked of (Directorate/Portfolio)	Subject	Response received
1	02/03/2022	Davis	Chief Minister, Treasurer and Economic Development (Social Policy)	Support available to intersex people through Canberra Hospital	Answered during hearing
2	02/03/2022	Lawder	Chief Minister, Treasurer and Economic Development (Social Policy)	Health policy scoping study	04/03/2022
3	11/03/2022	Davis	Education	Safe and Supportive Schools contact officers	21/04/2022
4	11/03/2022	Hanson	Education	Audit of Education Directorate procurement practices; scope of audit	17/05/2022
5	11/03/2022	Lee	Education	Audit of Education Directorate procurement practices; independent auditor	06/05/2022
6	11/03/2022	Davis	Education	Tharwa Preschool and Gordon Primary School	21/04/2022
7	11/03/2022	Davis	Education	Denial of enrolment to a preschool program	21/04/2022

8	11/03/2022	Davis	Education	Community use of Tharwa Preschool	21/04/2022
9	11/03/2022	Davis	Community Services	Youth InterACT grants; grants vs applications	Answered during hearing
10	11/03/2022	Davis	Community Services	Youth InterACT grant program; underspend and reallocation of funds	24/03/2022
11	11/03/2022	Davis	Community Services	Youth InterACT grant program; underspend and reallocation of funds	24/03/2022
12	11/03/2022	Davis	Community Services	Youth InterACT grant program; underspend and reallocation of funds	24/03/2022
13	11/03/2022	Kikkert	Community Services	Youth interchange program; case management	04/05/2022
14	11/03/2022	Lawder	Community Services (Multicultural Affairs)	Information packs for culturally and linguistically diverse (CALD) women	07/04/2022
15	11/03/2022	Davis	Community Services (Multicultural Affairs)	Number of citizenship conferrals for 2021 relative to previous years	Answered during hearing
16	11/03/2022	Lawder	Chief Minister, Treasurer and Economic Development (Skills)	CIT Woden campus project funding	15/03/2022
17	11/03/2022	Lawder	Chief Minister, Treasurer and Economic Development (Skills)	CIT Woden campus project funding	15/03/2022
18	11/03/2022	Milligan	Chief Minister, Treasurer and Economic Development (Skills)	Certificate II Construction; 2021 numbers	24/03/2022
19	11/03/2022	Milligan	Chief Minister, Treasurer and Economic Development (Skills)	Certificate II Construction; public and private education providers	24/03/222

20	11/03/2022	Lawder	Chief Minister, Treasurer and Economic Development (Sports and Recreation)	ACT pool management satisfaction	18/03/2022
21	11/03/2022	Milligan	Chief Minister, Treasurer and Economic Development (Sports and Recreation)	Closure of Stromlo pool for maintenance	29/03/2022
22	11/03/2022	Lawder	Chief Minister, Treasurer and Economic Development (Sports and Recreation)	Elite sports programs	18/03/2022
23	11/03/2022	Lawder	Community Services	Gender Impact Analysis Tool	22/03/2022
24	11/03/2022	Lawder	Community Services	Procurement and gender equity	20/04/2022
25	11/03/2022	Lawder	Community Services	Procurement and gender equity	20/04/2022
26	11/03/2022	Lawder	Community Services	Procurement and gender equity	20/04/2022
27	11/03/2022	Lawder	Community Services	Awarding of contracts; whether there is a focus on gender equity within successful tenderers	Answered during hearing
28	11/03/2022	Lawder	Community Services	Aboriginal and Torres Strait Islander Procurement Policy targets	21/03/2022
29	11/03/2022	Lawder	Community Services	Additional detail on contracting outcomes	Answered during hearing
30	11/03/2022	Lawder	Chief Minister, Treasurer and Economic Development (Sports and Recreation)	Organisations receiving participation support from government	18/03/2022
31	11/03/2022	Davis	Chief Minister, Treasurer and Economic Development (Skills)	Construction sector training; apprenticeships	15/03/2022



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON EDUCATION  
AND COMMUNITY INCLUSION**

**(Reference: Inquiry into annual and financial reports 2020-2021)**

**Members:**

**MR M PETTERSSON (Chair)**

**MR J DAVIS (Deputy Chair)**

**MS N LAWDER**

**PROOF TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**FRIDAY, 25 FEBRUARY 2022**

This is a **PROOF TRANSCRIPT** that is subject to suggested corrections by members and witnesses. The **FINAL TRANSCRIPT** will replace this transcript within 20 working days from the hearing date, subject to the receipt of corrections from members and witnesses.

**Secretary to the committee:**

**Mr J McAdam (Ph: 620 70524)**

**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.

## **Privilege statement**

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

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*



PROOF

**The committee met at 12.51 pm.**

## Appearances:

Berry, Ms Yvette, Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, 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

Haire, Ms Katy, Director-General

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

McMahon, Ms Kate, Executive Group Manager; Service Design and Delivery

Gotts, Mr Robert, Executive Branch Manager; Analytics and Evaluation

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

**THE CHAIR:** Welcome to the second public hearing of the Standing Committee on Education and Community Inclusion inquiry into annual reports for 2020-21. 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 or watching today's event.

In the proceedings today we will examine the annual reports for the Education Directorate in relation to schools and the Community Services directorate in relation to youth and multicultural affairs.

Please be aware that the proceedings today are being recorded, broadcast and web streamed live. When taking a question on notice, it would be useful if witnesses could use the words, "I will take that as a question taken on notice."

As there are no opening statements, I will lead in to questions. Minister, I was hoping that the committee could get an update on the progress of the government's plan to build new and improved schools in Gungahlin.

**Ms Berry:** Thanks very much, Chair. Gungahlin has the fastest population growth in the country, so we need to continue to grow our schools—not only grow our existing schools, but also grow new schools. The new primary school at Throsby opened for the first time from day 1, term 1, this year, which was very exciting for that community. We are also making expansions at Margaret Hendry and will build a new high school at Margaret Hendry later on as well. I can get actual dates and time frames from Mr Matthews, which might assist in that area, and particularly around some of the upgrades and improvements to our existing schools in Gungahlin. I will ask Mr Matthews to provide a little more detail for the committee.

**Mr Matthews:** The minister outlined some of the key projects that we are embarking on in the Gungahlin region. We continue to build new schools, as well as expanding

## PROOF

and improving the infrastructure in existing schools. I had the pleasure, with this committee, of visiting Amaroo School this week, for example, where we—*Interruption in sound recording*—in the high school setting, which was a range of classroom and specialist facilities. That was opened for the beginning—*Interruption in sound recording*—school year. That was an example of some modern high school infrastructure which is available in the Gungahlin community.

The committee also visited the Margaret Hendry School, and a new area of that school that had been completed for this year, which was a multipurpose and learning space that—*Interruption in sound recording*—students in that community.

In addition to the 90th school, which opened up at Throsby this year for 2022, there are a couple of other major construction projects that have been funded by the government and are in various stages of redevelopment, whether it be the procurement process contracting phase or in the construction phase. The minister has referred to a new high school in the suburb of Taylor, which will be adjacent to the current Margaret Hendry School—another 600 places at Margaret Hendry School in terms of additional primary school capacity. The government has also funded a new high school at Kenny in east Gungahlin to meet the growing needs of that part of the city.

We have focused on the Gungahlin region as part of this answer, but the government continues to invest in infrastructure across the city and will be opening up a new high school in Molonglo, the Evelyn Scott high school, from next year, and continuing to introduce both temporary and fixed infrastructure improvements over coming years.

**THE CHAIR:** I was hoping for a little more detail on some of those projects. Could you give me a project update on Taylor high school? How is that project progressing?

**Mr Matthews:** That is progressing to the point where we have just completed contract negotiations with the successful tenderer. The successful tenderer will be responsible for delivering both the Taylor high school program and the primary school expansion at Margaret Hendry. The Margaret Hendry expansion is due for completion at the beginning of the 2023 school year, and the high school component for the 2024 school year. Soon we will be making an announcement around that successful tenderer and commencing those works, which, of course, have already been subject to some design work through the master planning of that site.

When the government originally built the Margaret Hendry School, it invested in nearby sporting infrastructure as well, to provide important community infrastructure in the suburb of Taylor, as well as some recreation and outdoor sporting space for those particular schools. We are very well placed to deliver those projects once the contractual arrangements have been finalised and the successful contractor begins their program of work.

**THE CHAIR:** Could I have a project update on Kenny high school?

**Mr Matthews:** The update on the Kenny high school is that, again, we have taken possession of that site and initial works have commenced on that site. It is on Old Well Station Road. It will be, again, a new high school for the region. The works include not only the construction of the high school itself but also some related road

## PROOF

work. We are also engaging with some conservation work associated with the neighbouring nature reserve. There is also some work with the EPA regarding the nearby Mitchell Resource Management Centre.

There are a number of particular elements to that project. That project has already experienced some delays, associated primarily with weather. A large portion of our projects have been very impacted by a delay of more than 100 days, due to weather, given the very wet summer that we have all experienced, and that you will all know about. That project was initially due for completion prior to the commencement of the 2023 school year. We can confirm that we will not be able to meet that particular date. We are currently looking at the program options for that, to bring that project online as soon as possible.

**THE CHAIR:** The expansion of the Franklin School: is that finished yet?

**Mr Matthews:** I will just check my notes, and add to it if I need to; essentially, yes. The infrastructure, of course, with Franklin is an expansion of that school community. It is providing additional learning space capacity, and it is being supported through relocatable learning units during that particular construction phase. My understanding is that the 450-place refurbishment has been handed over to the school for use early in 2022.

**MS LAWDER:** This week we have heard reports in the press about the Auditor-General's report on procurement processes for Campbell Primary School. I raise this as a supplementary because we have just been speaking about various procurement processes. Minister, as the minister responsible for this directorate, when were you first made aware of these probity issues, and why—

**THE CHAIR:** Ms Lawder, this is not a supplementary to the line of questioning.

**MS LAWDER:** We are speaking about procurement processes.

**THE CHAIR:** Ms Lawder, I am the chair, and I do not think it is in line. Are there any supplementaries on this one?

**MS LEE:** I have one, Chair. You talked about the new Kenny high school. Do you have a determination of the priority enrolment area for that school?

**Mr Matthews:** We have not yet finalised the priority enrolment area for Kenny because enrolments have not yet opened for that high school. We have been reviewing all of the neighbouring priority enrolment implications for neighbouring schools, such as Harrison School, which is nearby. We would be expecting, for example, a large portion of the children at the Throsby School to be going to east Gungahlin high. In short, we are doing that work, but we have not finalised that yet because enrolments have not opened for that high school.

**MR DAVIS:** I want to talk about the Safe and Supportive Schools policy. It is particularly relevant, given what we have seen out of federal parliament in the last few weeks. Thank you, Minister, for getting on the front foot and promoting that so actively in recent days. It has been appreciated by a lot of people. I understand that

## PROOF

each school is required to have at least two Safe and Supportive School contact officers. Can you clarify whether these roles are voluntary, extracurricular work for existing staff or if they are stand-alone, separate roles in schools?

**Ms Berry:** Thank you very much, Mr Davis, for that question. Of course, it is about making sure that our schools are as inclusive as possible for all young people, and particularly LGBTIQ+ young people, to ensure that they feel welcomed and safe within their school communities. That is why the ACT continued to work with Sexual Health and Family Planning ACT to make sure that we had the right tools in place, not only for young people but for parents and teachers as well, to support each other.

When we introduced or continued the program here in the ACT, it was at a really challenging time for young people, and we wanted to make sure that they felt safe and loved within our school communities. We committed to the Safe and Supportive Schools program, which is a program of tools which are available to be accessed by each school community, including non-government schools, and it is available online. We also have a really strong relationship with SHFPACT to make sure that, when opportunities arise or when that is required in schools, we can bring in extra resources to support young people, teachers and parents that might need that extra support or tools to understand what is going on in their school communities.

You are right; it is a very challenging time for LGBTIQ+ young people, particularly with the conversations that are happening nationally, and the impact that it has on them. I am particularly concerned about our trans young people, and the impact that the conversations around access to sport might be having on those young people.

I will ask Ms McMahon to respond specifically to those questions that Mr Davis asked around capacity within schools to deliver on those programs.

**Ms McMahon:** I have read and acknowledge the privilege statement. The contact officers that you were asking about are available in every school. We have two contact officers, one male identified, and one female identified officer in each of our schools, and they provide a service to our students. They are a connection point for kids to come and talk through any issues that they may be having and provide links to resources for not only students but also our teaching staff. They are voluntary positions. They receive training from our central office and a range of supports, one of which is the Safe and Inclusive Schools supports program.

With all of our teachers, not only do they have their teaching responsibilities, but also they have whole-school responsibilities that they take on. The Safe and Inclusive officer, the SASSCO officer, is a position that teachers would volunteer to be a part of, because they would be passionate about providing that service to our students. A number of our larger schools will have more than two officers, especially our schools that have a primary and a secondary setting. They would have potentially four officers in those settings.

**MR DAVIS:** Just to clarify, every single school right now has two officers?

**Ms McMahon:** That is correct. That is what they should have; one male identified and one female identified officer in each of our settings.

## PROOF

**MR DAVIS:** Importantly, if you were a young person in a school community questioning or challenged by sexuality and gender identity questions, how would you know which teachers they are, and where and when it is appropriate to connect with them?

**Ms McMahon:** From my experience in leading schools, we would always, at the beginning of a school year, identify who those officers are for our students. You do that in a range of different ways. It might be through notifications to school communities, depending on how they organise those, either online or verbally at an assembly. Lists of staff and what their responsibilities are would be published in a newsletter or published within their school setting. Schools also make available school psychologists. Psychologists would also know who the SASSCO officers are.

**MR DAVIS:** How are these officers trained? Specifically, is that training, which I assume they are offered in some form, in any way relevant to the ongoing professional development of teachers?

**Ms McMahon:** Yes, certainly. The training used to be done in person over a number of days, and teachers would be released from their duties to attend central training for that service. Because we have not been able to do as much in-person training, we have shifted a lot of that training to an online platform, and teachers need to engage in that training to be able to become those officers. That training can be recognised through the Teacher Quality Institute and is part of their record of professional learning that they need to fulfill on a yearly basis for their TQI qualifications or certification.

**MR DAVIS:** I appreciate that this question may need to be taken on notice: could we get the exact number of teachers across our system that have done that training and what percentage that makes of teachers in our system?

**Ms McMahon:** Certainly; I will take that one on notice.

**Ms Berry:** Mr Davis, that might be a point-in-time group of data; obviously, that will change and grow as teachers access training. I remind the committee that many of our schools also celebrate Wear It Purple Day and IDAHOBIT. That is a really great opportunity for young people and teachers to see within their school communities where those supports might lie or where those different little community groups have popped up in our school communities. I know that you have visited Caroline Chisholm high school, which has a particularly strong and active group of young people who support not only each other but also others who might need additional support, or just a group to hang out with. Those kinds of activities are really important for our schools in the ACT, to make sure that we are not just talking about these things or having supports online or whatever, but that we actually show, by being very present in the school communities, that those supports are there.

**MR DAVIS:** It was Calwell that I had the privilege of visiting, but they are south side schools, so they are all good.

**Ms Berry:** Calwell; you are absolutely right.

## PROOF

**MS LAWDER:** As the minister responsible for the Education Directorate, when were you first made aware that the procurement process for the Campbell Primary School modernisation project lacked probity, and why weren't tenderers dealt with fairly, impartially or consistently?

**Ms Berry:** I think it would be around the time that the Auditor-General's report came out. The government will respond to the Auditor-General's report. As far as I am aware, there was nothing wrong that was done, and the procurement processes were followed. However, the Auditor-General has recommended that those processes can be tightened up. The government will consider those processes. I understand that Minister Steel, who is responsible for that area of work, will be taking that particular recommendation by the Auditor-General into account. The government, as I said, will respond to that report in due course.

**MS LAWDER:** In terms of ensuring that tenders were fair, impartial and consistent, what processes were in place, and why wasn't a red flag raised when the top two or so tenders were assessed over and over again? It seemed a bit like you were trying to get a specific result.

**Ms Berry:** Ms Lawder, as you would know, and as all committee members would know, ministers are very much at arm's length on procurement processes. With respect to whatever was occurring in that space, that is not something that ministers in the ACT government, as appropriate, would involve themselves in. I will ask Ms Katy Haire to provide you with a bit more detail on the process for procurement for school upgrades and school builds in the ACT, so that you can understand clearly the processes that are involved when procuring that work on behalf of the Education Directorate and on behalf of government.

**MS LAWDER:** That would be great, although do not forget that you are the minister responsible overall.

**Ms Berry:** It would be entirely inappropriate, Ms Lawder, for a minister to interfere in any procurement process.

**MS LAWDER:** I am not suggesting that you interfere; I am merely saying that the buck stops with you, eventually.

**Ms Berry:** Yes, and the Auditor-General has provided a report, and the government will respond to that report on procurement processes in the ACT government, as appropriate.

**Ms Haire:** Just to follow on from the minister's comments about the Auditor-General's report, the protocol with Auditor-General's reports is that the minister is informed of the process but has no visibility of the content until it is tabled in the Legislative Assembly. I am just confirming that that is the process. In terms of the processes for tenders for major infrastructure projects, I will ask Mr Matthews to take you through that, Ms Lawder.

**Mr Matthews:** Chair, I should also acknowledge that I have read and understood the privilege statement. I did not do that earlier.

## PROOF

Your questions go to the conduct of the actual procurement process. The Auditor-General's report fully documents the conduct of the Campbell Primary School procurement. It also describes that what occurs is that a tender evaluation team is constructed to undertake an assessment of tenderers against an evaluation plan. All public servants are responsible for making sure that their decisions are fair and free, and are covered by the Public Sector Management Act in terms of their obligations as public servants to act with probity and fairness.

The way that the tender processes work in a construction environment is that, as part of the assessment, a range of technical reports are produced, including advice on the designs, the sustainability and the finances of individual projects. All of those contribute to being inputs into the decision that the tender evaluation team makes by way of a recommendation to a delegate. The delegate is then responsible for taking the decision under the Financial Management Act and satisfying themselves of the outcome and the overall value for money and best interests of the territory being supported with the preferred outcome.

Those processes in relation to this were documented, and the Auditor-General has, obviously, made a number of recommendations around how those processes can be strengthened to support confidence in the procurement being undertaken by the government, and the government will respond.

**MS LAWDER:** Mr Matthews, you said that was well documented; but the Auditor-General's report said that those processes were characterised by "informal, uncontrolled and poorly documented" communication. That seems quite at odds with your statement that that was well documented. We are talking about large amounts of public money here, and there appears to be quite a breakdown in roles and responsibilities, and their definitions.

**Ms Berry:** As I said, the government will respond to the Auditor-General's report in due course. I have asked Mr Matthews to provide information on the process, generally around procurement for schools and upgrades for schools in the ACT. I think he has done that. If there is something in more detail that you would like to know about how that occurs, then that might be useful for the committee. The government will respond to the Auditor-General's report in due course, and that responsibility will lie with Minister Chris Steel.

**MS LAWDER:** Absolutely; we would expect nothing different, but are you refusing to answer further questions on this topic from a committee of the Assembly at this time?

**Ms Berry:** Ms Lawder, I did not say that I was refusing or that any of us were refusing; I was merely pointing out that Mr Matthews was responding to your questions.

**MS LAWDER:** Sure; that is why I asked them.

**MR HANSON:** Minister, have you read the Auditor-General's report?

## PROOF

**Ms Berry:** Yes, I have read the Auditor-General's report. I do not have it with me at the moment and I cannot respond to each page in detail.

**MR HANSON:** I am not going to ask you to but, having read that report, can you tell me what actions you have taken and the directorate has taken to make sure that this will not happen again and, indeed, is not happening across the board with other procurements?

**Ms Berry:** Yes. As I said, the government will respond to the report in due course. Of course the ACT government and every directorate of the government want to ensure that there is appropriate probity and transparency around all the work that we do, and we take very seriously the recommendations of the Auditor-General in reports such as this one. We will continue to ensure, as a government, that—

**MR HANSON:** But what are you doing? You are not actually giving me specific actions. What are you actually doing? You have read this report, you are aware of the problems, therefore, within this procurement. What are you doing to make sure that this is not systemic within the directorate and will not happen again?

**Ms Berry:** Thank you very much again for your question. The Education Directorate, specifically, is always ensuring that it has appropriate probity, transparency and governance around all the work that it does and will continue to do that.

**MR HANSON:** But that is not what the Auditor-General said and that is not what the Integrity Commissioner is saying. You are saying one thing—that we always make sure that this is happening—but what is very clear from what the Auditor-General said is that there was a breakdown here. I want to know what you are doing to make sure that this does not happen again. It is a reasonable question.

**THE CHAIR:** Minister, before you respond—Mr Hanson, this is an online hearing. It would be helpful to everyone if you could let the minister finish her answer before interjecting. Ms Berry.

**Ms Berry:** Thank you, Chair. As I said, the Education Directorate is always wanting to ensure that it has appropriate governance and transparency around all the work that it does. I will ask Ms Haire to talk through some of the work that has been happening in that space.

**Ms Haire:** I should have said earlier that I have read and noted the privilege statement too. Apologies for that.

As the minister said, the government will provide its formal response to the Legislative Assembly. What I am about to speak about does not pre-empt the government's decisions in any way. The Education Directorate takes all reports from the Auditor-General very seriously and, in particular, as a learning organisation, where a report identifies where there could be improvements in the process, we are determined to learn from those and to take action.

The report was received in December 2021, as you are aware. We have commenced a process, alongside our colleagues in Major Projects Canberra, to look at a range of



## PROOF

process improvements, which I will list for you: firstly, looking at how we can improve communication protocols, the role of probity advisers and change management processes; secondly, looking at improving protocols and practices for record-keeping; thirdly, reviewing protocols for communication tenderers and stakeholders; and lastly, identifying areas for training and professional development. We are also looking at the role of probity advisers in all major projects since we received the report. They are immediate actions which do not pre-empt the government's response to the six recommendations that are in the Auditor-General's report.

**MS LEE:** Minister, can I take you back to a statement that you mentioned in your previous answer to Ms Lawder's question, because I think it is extraordinary that you have stated that there is nothing wrong with the procurement process except that the Auditor-General has made some recommendations to tighten the process. It is just extraordinary that you are able to portray it in that way when it is a scathing report by the Auditor-General. It was serious enough that the Integrity Commissioner has sought broad, public input on reasonable, suspected corruption in the ACT government procurement processes.

Do you think that, despite the fact that you are standing by "the government will respond", your words just now in that answer are, indeed, despite what you say, pre-empting the government's response?

**Ms Berry:** I do not really appreciate being verballed in the committee in such a way. What I suggested was that the process that was—

**MS LEE:** Is that not what you said?

**Ms Berry:** The process that was followed was the procurement process in place. However, the Auditor-General has identified that there are issues with that process around probity and has suggested that that process needs to be checked. I have not said that those are the exact words in the Auditor-General's report, but in the recommendation that is generally what the Auditor-General is suggesting.

The ACT government is taking that recommendation seriously and will respond in due course. The Education Directorate has already, as Ms Haire has pointed out, put a number of additional processes in place which do not pre-empt the ACT government's response but, as you know with Auditor-General's reports, the ACT government responds in due course.

**MS LEE:** And when will that be, minister?

**Ms Berry:** Not before a committee hearing but when it is required to, which I believe is a four-month period from the time that the report was tabled. I can say that that will definitely be the case and, if you have more questions around procurement generally, those are the kinds of things that you might need to ask of Minister Steel through his responsibilities in Major Projects Canberra. As Ms Haire has pointed out, the Education Directorate has already put in a number of additional measures to ensure that we are responding in a way for the Education Directorate to ensure that there is improved governance and transparency around the work that they do around procurement.

## PROOF

**MS LEE:** In relation to this specific Auditor-General's report that was tabled in December, did the Education Directorate refer the matter—it was a pretty serious matter—to the Integrity Commission?

**Ms Haire:** No, we did not.

**MS LEE:** Why was that? What was the reason for that decision?

**Ms Haire:** We did not consider that it was a requirement. We did not consider it met the requirements for a referral to the Integrity Commission.

**MS LEE:** The Auditor-General's report which found that the procurement process lacked probity, that tenderers were not dealt with fairly, impartially and consistently, and raised alarm about the lack of note-keeping even—you did not consider that to meet the bar to even just refer it to the Integrity Commission?

**Ms Haire:** No, we did not at that time.

**MS LEE:** What is the bar?

**Ms Haire:** I do not have the Integrity Commission information in front of me, I am afraid. I would have to check the exact words for you but I think it relates to "serious misconduct and corruption". I think they are the words but I would have to come back and check that for you. Apologies.

**MS LEE:** What is the process that is in place within the Education Directorate to make sure that it is assessed appropriately so that any delegate is able to look at issues that come up like this and is able to make a judgement call about whether it is to be referred to the Integrity Commission?

**Ms Haire:** I might ask Mr Matthews to speak to that, because there is a whole-of-government process that relates to that, that every directorate follows, which is called the disclosure process. I will ask Mr Matthews to describe that to you.

**THE CHAIR:** Mr Matthews, before you begin—members, we have been on this line of questioning for a substantial period of time at this point. I will give you a few more minutes and then we will need to move on. Mr Matthews.

**Mr Matthews:** One further bit of context I would like to add is that we were certainly aware that the way this Auditor-General's audit was initiated was through a disclosure to the Auditor-General. Through the course of the audit and subsequently, we did understand that the Integrity Commission had line of sight of this particular matter. Obviously our role as public servants was to engage with and fully cooperate with the Auditor-General, which we did, and we made available all relevant documentation that was requested and made available all relevant staff to participate and give sworn evidence. Everybody that was requested to do so by the Auditor-General willingly participated and all documents that were requested were willingly provided.

Ultimately, the conduct of the Integrity Commission and the requirements for referral

## PROOF

are a judgement call for individuals to determine whether they understand the threshold to be met regarding corruption and serious misconduct, as Ms Haire has outlined.

I am in no way downplaying the seriousness of the Auditor-General's report and the issues that were raised. The report highlights a range of process failings and improvements and there are six recommendations that are directed at Major Projects Canberra, as the minister has mentioned, which provide a whole-of-government focus to process improvement regarding the conduct of procurement activities. We have also initiated the steps that Ms Haire talked about

Just very briefly, I can advise that, in the recent procurement that I have already referred to today for the Margaret Hendry school expansion and the high school, I am the delegate for that process and I commissioned independent probity advice for that tender evaluation panel, which involved that panel being briefed about probity issues and the independent probity adviser actually being involved with or sitting in and observing the conduct of that tender evaluation team's deliberations and providing advice to me as a delegate on the integrity or probity of that process—to give you a real-time example of the measures that have been introduced with the latest major procurement process that the directorate has undertaken.

Ultimately, after the committee's report has been tabled and the government response occurs, the directorate is fully aware that other entities, including the Integrity Commission, are likely to want to undertake their own reviews of or investigation into this matter—and of course they are free to do so. As is the case with the Auditor-General's reports, the directorate and individuals will fully cooperate with those.

**MR HANSON:** Minister, the Integrity Commissioner has put out a press release and made comments about concerns that this may be endemic. What steps have you taken to make sure that what has happened here in this instance has not happened previously? Have you commenced an audit of previous procurement processes to make sure that this is not something that has happened on a regular basis within the directorate? If it has happened once, has it happened before and, if so, how many times, and what steps are you taking now to review that?

**Ms Berry:** I will ask Ms Haire to respond to that because these kinds of procurement processes are within the Education Directorate's remit. I will ask Ms Haire to respond to that.

**MR HANSON:** Before you do, minister, if something has gone wrong within your directorate, you are the minister, have you not then said, "Hang on, do we make sure that we are squeaky-clean on all the other procurements."? Would not you issue a directive or something like that or not?

**Ms Berry:** We have definitely, as Ms Haire has noted, made some adjustments to the way those processes work within the Education Directorate. I think that is a fair question that you have asked. I understand the Integrity Commissioner has suggested that he is considering an investigation around procurement across the ACT government. As Mr Matthews said, if that is the case, then of course we will comply

## PROOF

with it. That would be the Integrity Commissioner doing the job that they are supposed to do. We welcome that.

It is the same with Auditor-General's reports and suggestions that they make. We always appreciate recommendations where directorates, including the Education Directorate can do things better and improve on the work that it does. I will ask Ms Haire to respond to the specifics of your question.

**Ms Haire:** I will just note that the statement from the Integrity Commission was released, I believe, on Wednesday morning; so we have only, like everybody else, just become aware of that. We will take the necessary steps to consider the implications for us and of course, as Mr Matthews has said, cooperate fully with any requests for information. More importantly, as I have already outlined, what we have done already is identify the steps to improve our internal processes immediately without pre-empting the government's response to the Auditor-General's report.

We are also working closely with our colleagues across government, not just with Major Projects Canberra but also with Procurement ACT who are undertaking a process of continuous improvement in procurement practice, which includes professional learning, with learning modules including probity and procurement; training sessions; and the development of a procurement capability framework. A probity and procurement guide was published in January 2021 and further advice on procurement was released in January.

**MR HANSON:** That is good work and I am glad to hear that is happening. My question specifically then is: looking at previous procurements, the Education Directorate has spent a lot of money on refurbishments and on new schools. I am looking back retrospectively over a period of time, be it three years, five years or however long it is, to make sure that there are no other incidents of this. Surely you are not going to wait until the Integrity Commissioner comes knocking on the door? You have been alerted to a breakdown within your own directorate. Are you not now going to look at whether this has happened in other procurements or are you going to sort of wait for that knock on the door?

**Ms Berry:** No. As Ms Haire has pointed out, there have been a number of changes made within the Education Directorate, which she has described in a lot of detail to you. The ACT government, through Major Projects Canberra, will respond to the Auditor-General's report as well, and the Education Directorate will be making sure that previous procurement processes do meet with the ACT government's general direction around procurement, as it occurs, in its response to the Auditor-General's report.

Following the Auditor-General's report I think we have already done a lot of work in improving those for future projects. But I do not think there is any issue with the Education Directorate looking at previous procurement to ensure that they meet with the current procurement guidelines and then seeking to make improvements if there are more, following the ACT government's response in April.

**MR HANSON:** So you are going to be conducting some form of audit of previous procurements then; is that what you are saying?

## PROOF

**Ms Berry:** Definitely. I think it is appropriate for the Education Directorate to have a look at that. I do not think there is any issue with that. As Ms Haire said, the Education Directorate is a learning organisation and is always there for continuous improvement in all its work, not just within our schools in teaching, but also in how the Education Directorate conducts—

**MR HANSON:** And in consideration of those previous procurements, have you considered then what time frame you are going to look back over and the procurements over what amount? What is the dollar amount for a procurement to be looked at, and retrospectively over what period?

**Ms Berry:** I think I will take those suggestions of yours on notice. There has been no kind of detailed decision-making around time frames and the like that you have described in those suggestions. I think I might just take your suggestions on board and the Education Directorate will consider a way forward.

**MS LEE:** Minister, will you commit to getting an independent—

**THE CHAIR:** Ms Lee, members, it has been 10 minutes since I interjected about this line of questioning and the length. I must insist that we move down the line of members. Mr Hanson with a substantive question.

**MR HANSON:** Still on Campbell Primary School, looking at the impact on the students of what has happened, a number of parents have come forward and raised significant concerns about the impact on students there, their wellbeing, their ability to learn, cramped classrooms, the library being used as a classroom, outside playtime being reduced—and if I can quote from one of the parents, “I think students and teachers at Campbell deserve better”—and the treatment that they are getting from the ACT government. There are complaints about the directorate not getting back to parents who have made a complaint. How do you respond to that? There is a real problem with the way this procurement was done, but then it seems that this is dragging on and is disrupting and disadvantaging kids. What are you doing to mitigate that?

**Ms Berry:** Any school upgrade does provide disruption to the school community, absolutely, and I completely understand the concerns that parents and young people and teachers may be experiencing at Campbell Primary School. I remember when my children were in primary school during an upgrade—an expansion of MacGregor Primary School actually—we went through similar kinds of processes. I do understand and completely empathise with that school community about the disruption that these kinds of construction projects can cause.

They are also opportunities for young people and teachers to use the experience as a learning experience as well. But I do know that it has been quite a stressful period and quite frustrating for that parent community.

**MR HANSON:** But what are you doing to mitigate the effect? What you just said there is, “Other kids have been through this: so they have got to suck it up and use it as a learning experience.”

## PROOF

**Ms Berry:** If you had not interrupted I could have completed my answer to your question. I actually met with the parents from the school yesterday to hear from them directly about their concerns and have committed to go and visit the school to better understand some of the issues that they have raised. I was able to visit the school during the project's construction period, but I am going to go back to the school and visit with the school and then directly respond to the parent community and the school community about the concerns that they have raised. That is our plan going forward.

Thank you very much for your question. I have appreciated very much having the opportunity to hear directly from some of the parents from the school about the impact that the construction has had and have committed to meet back with them and talk about a way forward. Perhaps I could get Mr Matthews to talk through some of the time frames that we are talking about here, moving forward.

**Mr Matthews:** I did make a visit to the school yesterday and spoke with the principal, and the principal took me around to all parts of the school—both the new areas that are currently being constructed and the current school—and showed me how it was being used, and was able to show me the amazing efforts of the school staff to maximise the learning experience for their students during these construction works.

We really do understand that the school community wants the work to be finished and they want their school back. They want the completed result. We are working towards a timetable that the new construction and the landscaping work will be finished for the beginning of term 2 this year so that, after the school holidays, the school community will be able to occupy their new learning communities and also additional outdoor space.

Then we will work with the community around the other parts of the school site, including the removal of the relocatable learning units that were put on site during the construction phase, and also looking at what other enhancements we can make, particularly to the outdoor facilities that the school has requested us to look at.

**MR HANSON:** Parents have been raising these issues for months and then it takes an article in the *Canberra Times* before you go out to the school and the minister meets with the parents. Why is the Education Directorate so unresponsive to parents? They have been complaining and I quote, "The directorate has not responded to many of our emails, so it is really disappointing." All of a sudden, once it is in the media, there is this flurry of activity. Why have you and the directorate and the minister taken so long to respond to the parents?

**Mr Matthews:** With respect, there has been ongoing communication with the school and with the principal. Of course we are responsive to concerns that are expressed. If the school community are saying that they need more information or they do not know what is going on, of course we will redouble our efforts to make sure that we can address those concerns. We very much are in the last phase of a very difficult and prolonged project, and we do appreciate the frustration that comes with that.

It might be worthwhile to briefly mention that one of the reasons why this project has been extended is that the project was initiated when the government acted very

## PROOF

quickly to demolish the junior school building which had friable asbestos in it, and made a very quick decision to take action to provide temporary learning space for the school community and to act quickly to demolish that building and to relocate students.

It was then always going to have a time lag associated with the next phase of getting the resources and undertaking the construction project to essentially replace that school infrastructure, and that is really what has occurred since the beginning of 2021 when the contractors have been on site. We are very confident that overall, at the end of this project, the school community will have much-improved school infrastructure.

We do appreciate the impact on the school community during the construction phase, certainly exacerbated by COVID. That is actually more than a general statement. We have had periods where there were confirmed COVID cases on site on this particular project that resulted in it having to stop and, as I have mentioned, more than 100 days of rain delay. We very much appreciate that, given the combined impact of all that stuff, the community is really looking for a very clear exit and a very clear understanding of what the end outcome will look like for them. That is how we are engaging with them.

**MS LAWDER:** You mentioned, Mr Matthews, that there had been some COVID in the school and that had impacted on the construction a bit, but we also read in the article yesterday that children have had their outside playtime limited, I think to 30 minutes, with half the school using the playground at one time and the other half the other time because the construction is taking up a significant amount of space. In terms of the mental and physical health of children and the fact that you would presume that playing outside may be even more COVID safe than being inside the classroom, have you done any thinking about or any work on the impact on children of having that outside time shortened to 30 minutes?

**Mr Matthews:** Ms Lawder, I can confirm that I spoke about the break times with the principal when I was at the school yesterday. What the principal confirmed was that her decision was based on the overall management of the school. Campbell Primary School previously had longer breaks than other equivalent primary schools, so the decision to shorten the breaks was a school decision. In terms of the phasing of break times for different cohorts, that is a very normal practice across all of our schools, so it is not, in fact, very common that all parts of the school community have their breaks at the same time. It is very regular that that can be phased. We definitely appreciate, though, that the reduction in outdoor space has affected this school community.

It does have a nearby oval, a very large oval, as well as some neighbouring tennis courts and some other outdoor play space. In saying that, I am absolutely acknowledging that the school have lost some of their outdoor spaces during this construction and they will be very happy to get them back at the end of the project, but there have been outdoor facilities and the ability for children to play outside.

**MS LAWDER:** Just finally, if I may, one last question. It was also, I think, discussed in that article that some classes moved into the library. The library went to the staffroom. At a time when teachers have absolutely stepped up and done a heroic job under difficult circumstances, where is the staffroom now for the teachers at Campbell Primary School?

## PROOF

**Mr Matthews:** It is true that the year 5/6 cohort is using what was the former library and the library has relocated to what was the staffroom. That space is currently being shared by staff and the library facilities. I would emphasise as well, Ms Lawder, and for the committee, that the way that libraries are operating during COVID is quite different because of the cohorting arrangements that exist within schools. In order to manage COVID, we are keeping cohorts separated. In fact, many schools are adopting a takeaway service, if you like, in the way that they are using their library, where books are going into the learning areas and classroom areas. So the traditional use of the library has also been affected by the cohorting arrangements. The advice that I got from the principal was certainly that it is not ideal for that to occur but that it was satisfactory for the current circumstances.

**MS LAWDER:** Thank you.

**THE CHAIR:** A new line of questioning, Ms Lee?

**MS LEE:** Thank you, Chair.

**Ms Berry:** Sorry, Chair, before Ms Lee goes to her question—

**THE CHAIR:** Yes, Minister.

**Ms Berry:** I just wanted to clarify: Mr Hanson suggested that we had met with the parents only after the *Canberra Times* article, but that was actually not the case. The meeting had been arranged prior to the *Canberra Times* article, after receiving correspondence from the parents from the school.

**THE CHAIR:** Thank you. Ms Lee.

**MS LEE:** Thank you, Chair. Minister, I welcome your commitment to undertaking an audit in relation to whether any other procurements within your directorate have had issues. Will you commit to ensuring that it is an independent auditor that undertakes this audit?

**Ms Berry:** Ms Lee, I will take that on notice because the suggestions from Mr Hanson around what the Education Directorate might look at have not been confirmed yet. We will just look into that, and then I can provide some more information about what the audit might look like.

**MS LEE:** Okay. If that is the case, will you commit to publishing the terms of reference or the ambit of the audit publicly?

**Ms Berry:** Ms Lee, it might be appropriate to wait until after the government has responded to the Auditor-General's report before the Education Directorate firms up a position on considering previous procurement processes, because in the ACT government response there might be other suggestions or other actions that would include more broad responses, rather than just the Education Directorate. If you could just bear with us for the time being, then I can provide some more information.



## PROOF

**MS LEE:** Okay. Just so that I understand, and for the benefit of the committee, when you said previously that you thought it was an appropriate step for the Education Directorate to undertake an audit, you are now clarifying that answer to say “subject to the government’s response to the Auditor-General’s report”?

**Ms Berry:** Only in the case that there might be something else that we do not want to add on later and attach to an audit process—that it might be broader than just the Education Directorate. I think it might be appropriate to wait. We have said we are going to do an audit process. As to what that will look like, we will wait for the government to respond to the Auditor-General’s report more fully, because it is really an all-of-government Auditor-General’s report, although it was focusing on this particular procurement process at Campbell. So if you could just bear with us for a little bit longer on that one, then we can provide some more detail.

**MS LEE:** All right. Thank you, Minister. Given the findings of the Auditor-General’s report about the decisions that were made by the delegate in this case, what has happened to that delegate in terms of either disciplinary action or referral of that delegate to the Integrity Commission?

**Ms Berry:** Mr Matthews, can I ask you to provide some information there, if we have any?

**Mr Matthews:** Minister and Ms Lee, it would be inappropriate to canvass what action or otherwise would be taken in relation to an individual associated with a finding—

**MS LEE:** With all due respect, Mr Matthews, we are talking about a scathing Auditor-General’s report. It has been tabled; it is public. It is serious enough that the Integrity Commission has commented. I am not asking you to name the individual; I am not asking you to go into specifics; I am specifically asking what is happening. I think the public have every right to know, when a scathing report like this comes out, what is going to happen to the delegate who has made that decision.

**Mr Matthews:** Obviously, we would not want to pre-empt the outcome either, Ms Lee, in terms of any subsequent process, but I can advise that we have engaged with relevant agencies on the implications of the audit report. I am not in a position to be any more specific around the outcomes for any individual public servant.

**MS LEE:** So, from the directorate perspective, you have not taken any disciplinary action against the delegate; is that right?

**Mr Matthews:** Ms Lee, in terms of disciplinary action, I am happy to explain to the committee what is involved with that, according to the EBA, and how that process would work. Of course, that is fundamentally based on the principle of natural justice and procedural fairness. That would involve a properly constituted process; the ability for all parties to be afforded that natural justice, to give any evidence or supporting information; and, again, for that matter to be provided, through the appropriate HR processes, for final decision. So it is pre-emptive and would be pre-emptive to foreshadow the outcome of any process.

**MS LEE:** I am not asking you to foreshadow the outcome; I am asking what action

## PROOF

has been taken. You have just given a very good outline of the generic process that is involved under the EBA. I am asking where it is up to in this instance.

**Mr Matthews:** I refer to my earlier answer, Ms Lee: that we have engaged with the appropriate external agencies on that. I am not in a position to talk about that any further.

**MS LAWDER:** Could I just make the point, Mr Matthews, that surely the tenderers in that procurement process thought they would have natural justice and procedural fairness as well?

**Mr Matthews:** Absolutely, Ms Lawder, and that is, in part, what the Auditor-General report itself provided them; it provided them with the opportunity to have the process fully examined and also to participate in that process, and they did. The tenderer that you are referring to had the opportunity to contribute to that process and make comment in the final report, and they did so.

**MS LEE:** Yes, but they missed out on the tender, didn't they? Mr Matthews, can I just confirm that you are now refusing to answer any further questions about the process and what action has been or is being taken?

**Mr Matthews:** In relation to an individual—

**MS LEE:** I have never asked you to name the individual; I have asked whether there has been any disciplinary action taken or whether any is being taken.

**MR DAVIS:** Chair, I am just noting the time. We have spent over an hour on this subject. Ms Lee has now asked the same question three times and I think Mr Matthews answered. I have a number of questions that—

**MS LEE:** I just wanted to confirm that he is now refusing to take any more questions. Is that right? You are just refusing to answer them?

**THE CHAIR:** Mr Davis, I share your concern as well. We have been on this topic for about 50 minutes now.

**MS LEE:** And I am happy to wrap up, Chair. I am just confirming that he is now refusing to answer those questions. Is that right?

**THE CHAIR:** Ms Lee, you are a visitor in this committee. You are here by leave. I am the chair. I am running this meeting. It is time for a new line of questioning.

Minister, the annual report noted that, due to NAPLAN testing not occurring in 2020, there are no performance data or other measures of success available to parents, students or teachers for that year. Are there any plans to address this issue if NAPLAN is disrupted in the future?

**Ms Berry:** Thank you, Mr Petterson. Yes, NAPLAN was obviously interrupted by COVID. It was a decision by education ministers nationally that NAPLAN not go ahead at that time. That is something that would be considered again by education

## PROOF

ministers if it was the case that having a national standardised test like NAPLAN occur would create inequality of outcomes. That will be considered closer to a time when we know where each state and territory is sitting as far as its response to COVID goes. Perhaps I can ask Mr Gotts to provide some more information about that plan more generally.

**Ms Haire:** Thank you, Minister. Sorry, Mr Gotts. I just wanted to note, Mr Pettersson, that NAPLAN is not the only way in which we understand students' learning; nor is it the prime way in which we assess the growth and learning of our students. In the ACT we have continuous formative assessment, which is a significant element of the teaching and learning approach that we take on board. We have professional learning communities of teachers who share their information, discuss learning data and plan together to ensure that children are learning.

While NAPLAN, as the minister often says, is a point-in-time indicator, it is certainly not the prime source of information for teaching and learning. However, as Mr Gotts will set out, NAPLAN did take place last year. Discussions are going on, with the expectation that NAPLAN will occur this year, subject to the pandemic of course. However, we do not rely solely on the NAPLAN data in order to understand how our children are learning. In fact, I am very proud of the approaches that our teachers take every day to personalise their learning. When Mr Gotts has finished, you might like to hear from Ms Kate McMahon in more detail about the way we support teachers to work together to assess and personalise the learning for children in the ACT.

**Mr Gotts:** Thank you, Ms Haire. Before going on, I will just note that I have read the privilege statement and understand it.

I will confine my comments to your questions in relation to the conduct of NAPLAN. As Ms Haire said, it did go ahead last year. The ACT is wholly online for the conduct of NAPLAN and has been since the start of NAPLAN online. We are currently quite deep in consultations and preparations for the conduct of NAPLAN in 2022. That process kicked off before the end of last calendar year. We have a committee that involves the non-government sector, as well as us, that meets regularly to prepare for the conduct of NAPLAN.

Naturally, as part of that, we take account of things that might disrupt NAPLAN, be they low-level disruptions all the way up to a very significant disruption. That is, again, part of the planning this year. So far we are not seeing anything that suggests that NAPLAN will not go ahead this year, but we have one eye on the future and we cannot be absolutely certain, so we are preparing for anything. Thank you.

**Ms Haire:** Ms McMahon, did you want to speak a bit more about the other ways in which we assess children's learning outside of the NAPLAN process?

**Ms McMahon:** Certainly, Ms Haire. There are a range of different strategies that our teachers will employ on a regular basis to understand students' growth and learning, and their next steps in learning. Formative assessment is the strongest tool that we use when we look at how a child is developing and what they need for their learning. We do lots of whole class formative assessment and we do individualised formative assessment for students so that we are able to determine what they need to learn, to

## PROOF

take that next step in learning.

Teachers plan together in their teaching teams, whether that is in a faculty or whether it is in a year level teaching team, to understand the strategies that they are using and their success with students so that students are making the significant progress that they need to be making. That can be with teacher-designed assessment tools. It can be also with some commercially available assessment tools, some of which our schools use through ACER. The Australian Council for Educational Research develops a whole lot of resources, performance assessment tests, and also lots of reading assessments and mathematics assessments. It really does depend on the program that the schools are putting in place at the time.

All of our assessment is so that we can monitor and gauge how students are learning and what we need to do, as teachers, to improve that learning and take those next steps. All of that learning is then reported through to parents, utilising the achievement standards of the Australian curriculum. We report to parents formally, twice a year, in a written format, using those achievement standards and an A to E scale, and we provide written commentary to parents about students' progress. Schools will also have a range of other ways of communicating students' learning, whether that is on a daily basis, through applications like Seesaw to share learning, or whether it is through parent-teacher or three-way conferences that our schools hold on a regular basis.

**THE CHAIR:** Wonderful. In the annual report, your strategic objectives are outlined for measuring student growth. None of those forms of measurement have made their way into the annual report. The strategic objectives have just kind of been written off for the year, saying, "Without NAPLAN we do not have a good answer." Is there a way that other forms of assessment or measurement could have made it into the annual report?

**Ms Haire:** Thank you, Mr Pettersson. As Mr Gotts said, we do not have results for a number of the measures because of NAPLAN not going ahead in 2020. But it did go ahead in 2021, so those measures will be reported against in 2021. However, I think what you are saying may well have struck a note with Minister Berry, who has championed, through the education ministers' meeting, developing a national formative assessment tool where we might ultimately have a different approach to having nationally comparable assessment of students. That is a project that has been underway for a number of years. I do not know if you want to speak about that briefly, Mr Gotts?

The other point is that, in terms of the annual report, the measures were already in place and our report reflects the published measures. In the future we may well look to broaden those measures to include other tools such as a national online formative assessment system, when it is developed.

**Mr Gotts:** Thank you, Ms Haire. Just to provide some additional detail, one of the strategic indicators was not affected by COVID, in the sense that it did go ahead. That was the indicator on student identification. It is in there as a lead indicator on the basis of improvements in the strength of a student's identification with their school, a sense of belonging, as it were. It is a lead indicator for better engagement in school et cetera.

## PROOF

So that indicator did go ahead. The headline figure shifted from 60 per cent of students reporting a very strong identification with their school up to 66 per cent.

That was a very large increase. Given that the survey was conducted very shortly after students went back from a period of remote learning in 2020, it is possible that what we were seeing was a reflection of students understanding the value that being physically at school had in their lives. It was a burst of joyfulness, as it were, at being back at school, if I can use that non-technical term. So that is the indicator that did go ahead.

**THE CHAIR:** All right.

**MR DAVIS:** There has been a lot of conversation nationally and locally about the value of NAPLAN. What is standing in the way of the ACT, should we choose to, scrapping NAPLAN altogether and using some of these other testing and performance measures that Ms McMahon has explained?

**Ms Berry:** Thank you, Mr Davis. It is part of our funding agreement with the federal government that NAPLAN is conducted annually. Believe me, I have asked that question a number of times—how that could possibly occur and whether we could develop our own formative assessment tool which would give us the information that we need that supports children in their learning, gives teachers the data that they need and advises parents about how their children are performing, beyond the narrow margins that NAPLAN considers.

However, as Ms Haire said, there is work continuing on the development of a formative assessment tool that goes more broadly beyond maths and numeracy and English and literacy, which would make a difference to young people's learning and teachers being able to have that really important informative data. As Ms McMahon said, teachers know their students best and they are continually assessing in a range of different ways. The best way to understand a child's learning within a school is for the parent to engage with the teacher, and to understand that the young person can broaden their horizon in a range of different ways, beyond just the point-in-time test that NAPLAN is.

**MR DAVIS:** Thank you, Minister. I have another quick supplementary on that, probably from the directorate level. Do our teachers value NAPLAN? I guess I am interested in getting some feedback from the staff directly on whether there are teachers across our system that actually do value this as one of their many ways to measure student performance, or whether, on the whole, teachers are not huge fans? I am curious about what feedback you have received from the educators.

**Ms Haire:** Thank you, Mr Davis. There are certainly different views in the teaching profession. The one thing we could say for certain is that I have not ever met a teacher who thinks that NAPLAN is the be-all and end-all of assessment. In fact, more would perhaps think otherwise.

In addition to being part of a project to develop a national online formative assessment tool, the ACT has been part of a project, alongside our colleagues in New South Wales, Victoria and Queensland, to look at how the existing NAPLAN could be

## PROOF

improved. That involved consultation with the workforce to get their views about how it could be made more effective and more meaningful.

We certainly know that there are strong views from some industrial representatives that techniques such as formative assessment are much more effective than a point-in-time, one day of the year assessment. I might ask Ms McMahon if she has any other reflections on that, or if that has pretty much summarised the case.

**Ms McMahon:** Ms Haire, that has probably summarised it. I think NAPLAN can be used as one piece of information alongside a range of other tools and pieces of information that schools and teachers use, and that parents use as well. I think you have probably summed it up really well, Ms Haire.

**Ms Berry:** Mr Davis, I can supplement that. The perspective from teachers and from some parents who have provided feedback to me is that the data is one useful tool, as Ms McMahon said, for teachers to use. The most disagreeable thing that I have feedback from school communities about is the whole kind of circus and palaver around NAPLAN results and the pitting of schools against each other, based on that very, very narrow assessment tool.

For me, that has been the most important part of my work in trying to evolve NAPLAN into a more modern tool that actually goes beyond that narrow margin and provides some good, positive feedback, rather than the whole reporting circus around it, which leads to some inequality within our school communities because of the way that they are reported on. For me, that has been the main issue, really. That is what I hear from the community, teachers and parents as well—that that is probably their main concern with how NAPLAN is reported on online.

**MR HANSON:** Regarding the Auditor-General's report into performance information in ACT public schools, I think page 88 of that report had a survey of principals, and only 10 per cent of principals did not agree with the statement that NAPLAN data is useful in supporting their decision-making. So I assume that it is useful, if that is what the principals are saying.

**Ms Berry:** That is right. One of many, Mr Hanson.

**MR HANSON:** Sure. On “one of many”, there are other measures. The annual report goes to ATAR results, students getting ATARs of 60 or above and 90 or above. I notice that when you compare 2019-20 and 2020-21, there has been a decline in both of those. ATARs seem to be sliding backwards. Then there is a big disparity, and that blows out for boys, when you break it down on gender lines. Could you explain why ATAR results are seemingly getting worse in this annual report, compared to previously, and why the gender gap?

**Ms Berry:** Thank you, Mr Hanson. I will ask Mr Watson to provide some advice on that question. Thank you, Mr Watson.

**Mr Watson:** I have read and acknowledge the privilege statement. Thank you for the question. There are a range of annual variations in data in senior secondary that occur over time. At the moment it would be very difficult to ascertain specifically why those