



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE

Estimates

(Public)

THURSDAY, 15 FEBRUARY 2024

CANBERRA

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EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE

Thursday, 15 February 2024

Members in attendance: Senators Allman-Payne, Brockman, Cox, Davey, Faruqi, Fawcett, Ghosh, Grogan, Henderson, O'Sullivan, Payman and Sheldon

EDUCATION PORTFOLIO**In Attendance**

Senator Anthony Chisholm, Assistant Minister for Education, Assistant Minister for Regional Development

Department of Education**Secretary**

Mr Tony Cook PSM

Corporate and Enabling Services

Mr Marcus Markovic, Deputy Secretary

Ms Jasna Blackwell, First Assistant Secretary

Mr Craig Boyd, First Assistant Secretary

Ms Mary McLarty, First Assistant Secretary

Ms Kerry Kovacevic, First Assistant Secretary

Ms Gemma Smith, Assistant Secretary

Ms Dijanna Ratajkoski, Assistant Secretary

Ms Carolyn Shrives, Assistant Secretary

Ms Genevieve Davin, General Counsel

Early Childhood and Youth

Ms Kylie Crane PSM, Deputy Secretary

Ms Anne Twyman, First Assistant Secretary

Ms Emma Hill, Assistant Secretary

Ms Gemma Sandlant, Acting Assistant Secretary

Mr Tristan Reed, First Assistant Secretary

Ms Michele Arcaro, Assistant Secretary

Ms Julia Chandra, Assistant Secretary

Schools

Ms Meg Brighton, Deputy Secretary

Ms Jessica Mohr, First Assistant Secretary

Mr Fabian Harding, First Assistant Secretary

Ms Julie Birmingham, First Assistant Secretary

Ms Robyn Beutel, Assistant Secretary

Mr Felix Donovan, Assistant Secretary

Ms Genevieve Watson, Assistant Secretary

Ms Rachel O'Connor, Assistant Secretary

Mr Chris Mudford, Assistant Secretary

Higher Education, International and Research

Mr Ben Rimmer, Deputy Secretary

Ms Karen Sandercock, First Assistant Secretary

Ms Rachel Lloyd, Assistant Secretary

Ms Alexandra Procailo, Assistant Secretary

Ms Dan Donegan, First Assistant Secretary

Mr Adi Smith, Assistant Secretary

Ms Kate Chipperfield, Assistant Secretary

Mr Dom English, First Assistant Secretary

Ms Fleur de Crespigny, Assistant Secretary

Mr Brett Nordstrom, Acting First Assistant Secretary

Ms Peta Brill, Acting Assistant Secretary

Ms Annette Cannell, Acting Assistant Secretary

Australian Curriculum, Assessment and Reporting Authority

Mr Stephen Gniel, Acting Chief Executive Officer

Ms Sharon Foster, Executive Director, Curriculum

Mr Russell Dyer, Executive Director, Assessment and Reporting

Australian Institute for Teaching and School Leadership

Mr Edmund Misson, Acting Chief Executive Officer

Mr Danny Pinchas, General Manager, Teaching and School Leadership

Ms Judith Page, Director, Initial Teacher Education

Australian Research Council

Dr Richard Johnson, Acting Chief Executive Officer

Professor Christina Twomey, Chief Research Officer

Ms Claire Forsyth, Branch Manager, Research Evaluation and Policy

Ms Alison Beasley, Branch Manager, Programs

Tertiary Education Quality and Standards Agency

Emeritus Professor Peter Coaldrake, Chief Commissioner

Dr Mary Russell, Acting Chief Executive Officer

Mr Nicholas Riordan, General Counsel

Australian Education Research Organisation Limited

Dr Jennifer Donovan, Chief Executive Officer

Australian Children's Education and Care Quality Authority

Ms Gabrielle Sinclair, Chief Executive Officer [by video link]

Mr Craig Boyd, First Assistant Secretary

Ms Mary McLarty, First Assistant Secretary

Ms Kerryn Kovacevic, First Assistant Secretary

Ms Gemma Smith, Assistant Secretary

Ms Dijanna Ratajkoski, Assistant Secretary

Ms Carolyn Shrives, Assistant Secretary

Ms Genevieve Davin, General Counsel

Committee met at 09:03

CHAIR (Senator Sheldon): I declare open this hearing of the Senate Education and Employment Legislation Committee into the 2023-24 additional estimates. I begin by acknowledging the traditional custodians of the land on which we meet today and pay my respects to their elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

The committee has resolved that written questions on notice should be received from senators by close of business on Friday, 23 February 2024. The committee has fixed Friday, 5 April 2024 as the date for the return of answers to questions taken on notice.

The committee's proceedings today will begin with the corporate enabling services of the Education Portfolio. Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice. I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee. Such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence. The Senate has endorsed the following test of relevance of questions at estimates hearings:

Any questions going to the operations or financial positions of the departments and agencies which are seeking funds in the estimates are relevant questions for the purpose of estimates hearings.

I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise. The Senate has also resolved that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Witnesses are reminded of the Senate order 2009 specifying the process by which a claim of public interest immunity should be raised. I will incorporate the public immunity statement into the *Hansard*.

The extract read as follows—

Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)

(Extract, Senate Standing Orders)

CHAIR: I remind all senators that as we continue our work implementing the *Set the standard report*, as chair I will ensure that proceedings are conducted in an orderly, respectful and courteous way.

Department of Education

[09:05]

CHAIR: I now welcome Senator the Hon. Anthony Chisholm, Assistant Minister for Education and Assistant Minister for Regional Development, representing the Minister for Education. I also welcome representatives from

the Department of Education, including the secretary, Mr Tony Cook PSM. Assistant Minister Chisholm, do you wish to make an opening statement?

Senator Chisholm: Good morning, Chair. No, thanks.

CHAIR: Mr Cook?

Mr Cook: No, Chair.

CHAIR: Senator Henderson, you have the call.

Senator HENDERSON: Secretary and Minister, good morning. I want to start by raising the question of transparency in relation to answers provided in Senate estimates. I'm also going to ask Senator Brockman to raise concerns he has on this matter. Secretary, your department is bound to follow the rules of the Senate. You understand that, don't you?

Mr Cook: Yes. Sorry, I didn't realise that was a question. Yes, absolutely. We do that as well.

Senator HENDERSON: I am afraid, Secretary, that in a number of very important respects that hasn't occurred. I want to raise question No. SQ23-001153. When I sought a copy of the Yadha Muru partnership agreement, the department responded that it's of a commercial-in-confidence nature and providing a copy could harm the business interests of third parties. Secretary, do you understand that estimates is about scrutinising government expenditure?

Mr Cook: Yes, Senator, I do.

Senator HENDERSON: On what basis did you not answer that question?

Mr Cook: Senator, after we received communication—

Senator HENDERSON: Just to clarify, that answer doesn't comply with the rules of the Senate.

Mr Cook: Senator, thank you for the question. I will clarify. We received correspondence, I think from the secretariat, raising concern about this question on notice. I think there was a second one as well. We sought some advice from the secretariat around a range of things in relation to that question. The first was the nature of the concern. I think it was about public interest immunity that was raised. I reviewed both those questions.

Senator HENDERSON: Secretary, we have limited time in corporate. I am just going to ask you to answer—

Mr Cook: Sorry, Senator. I'm trying to answer the question.

Senator HENDERSON: I ask you to answer the question. What is the basis on which you have declined to answer that question? The answer you say is that it is commercial-in-confidence. That doesn't meet the rules of the Senate, Secretary. The only basis on which you may not answer the question is if a public interest immunity claim is lodged by the minister. Do you have a public interest immunity claim from the minister?

CHAIR: Mr Cook, could you answer the question? If you could answer the senator's question. If you want to explain your answer, you are within the bounds to do that.

Mr Cook: Thank you, Chair, and thank you, Senator. I was about to say that once we realised what the concern was, I reviewed both those questions. We have copies, I think, of revised answers in relation to both questions that were raised with us. The confusion we had in relation to the matter was we sought advice from the secretariat about the questions becoming unanswered. We didn't understand how an answer was now categorised as unanswered. We were seeking some procedural advice to help us with responding to the question. We hadn't received that procedural advice. We don't understand a question becoming unanswered. We didn't know whether there was a standing order issue that we needed to be aware of. We have now revised both those questions. We have provided the information. It was an error on my behalf, on the department's behalf. I am happy to accept that. We have now provided that. I think we brought copies. The reason is that I wanted to ensure that the questions were correctly answered.

Senator HENDERSON: Secretary, you have referred to both questions. We need to clarify. This is both the Yadha Muru—

CHAIR: Senator Henderson, I am not cutting across your questions. I want to get copies of those responses for the committee.

Senator HENDERSON: This is the Yadha Muru partnership agreement and the—

Mr Cook: So 1153 I have.

Senator HENDERSON: And Senator Brockman's question, which is 000872.

Mr Cook: That's correct.

Senator HENDERSON: The question was in relation to how many eligible providers the department sent invitations to—

Mr Cook: That's correct.

Senator HENDERSON: in the first round of the \$72.4 million workforce subsidies as part of the workforce professional development work. You've responded that it's not in the public interest. Mr Cook, what concerns me about your responses—you have admitted that it is an error—is that it appears to be a response that anyone in the department would know is not within the rules of the Senate. How did that error occur?

Mr Cook: Senator, I don't know. I'm happy to take that on notice. I didn't answer the question. When the concern was raised by the secretariat, I took it upon myself to review those questions. We have now provided the response to those questions.

Senator HENDERSON: Have you made any other errors in relation to questions asked of the department?

Mr Cook: Not that I'm aware, Senator. The secretariat hasn't raised any issues with me.

Senator BROCKMAN: We've heard at previous estimates rounds—this is widespread practice—that answers to QONs go through the minister's office. Was the first draft of these responses as presented to us, the original answers, from the department or the minister's office?

Mr Cook: They were from the department, Senator. As you said, it is the practice of every government I have been involved in that every question on notice goes through the minister's office.

Senator BROCKMAN: So they were signed off by the minister's office but they were the responses prepared by the department?

Mr Cook: They are not signed off by the minister's office.

Senator BROCKMAN: They weren't signed off by minister's office?

Mr Cook: QONs aren't signed off by ministerial offices in any government I've worked for, Senator. They go to ministerial offices, but they are departmental responses.

Senator BROCKMAN: They just get a copy. Is that what you're saying?

Mr Cook: They get a copy, that's right. As is our normal practice, again, with any government I've worked with, QONs have always been gone to ministerial offices.

Senator HENDERSON: So you are saying that there is no feedback or amendment?

Mr Cook: No. I didn't say that. I said they weren't signed off by the minister's office.

Senator HENDERSON: In other words, the minister—

Mr Cook: I've often had conversations, Senator, with ministerial offices.

Senator HENDERSON: Just to clarify, when you provide your responses in draft to the minister's office, the minister has an opportunity to amend or change your proposed answers; is that correct?

Mr Cook: I'm not aware of the minister, Senator. I've never spoken to the minister about question on notice answers.

Senator HENDERSON: That's not my question, Secretary.

Mr Cook: You asked the question about the minister, Senator.

Senator HENDERSON: So there is an opportunity, and it does occur, that there are questions that are changed or amended by the minister's office?

Mr Cook: There is an opportunity for them to raise issues for us, absolutely, as there always has been.

Senator HENDERSON: Including to amend questions?

Mr Cook: To seek clarification on the response.

Senator HENDERSON: Please, just give straight answers.

Mr Cook: I have provided a response, Senator.

Senator HENDERSON: Including to amend questions?

Mr Cook: As I said, to provide feedback on the responses that we have provided.

Senator HENDERSON: Including amendments. It is very regrettable that we get this literally right now. We had no time to read these documents.

Mr Cook: Senator, we've responded to the request.

Senator HENDERSON: I'm going to ask, Secretary, that this doesn't continue to happen. At the end of the day, the department is comprised of people who are servants to the public. I understand that you work with the government. Fundamentally, the department is comprised of employees who are public servants. This error is deeply concerning. If you become aware of any other errors or instances where you've not complied with the rules of the Senate, could you please bring those to our attention straightaway?

Mr Cook: I'm very happy to, Senator. Chair, I will be very quick. The thing that we're still a bit unsure of is how we deal with questions that have been deemed as being unanswered. Is there any clarity the committee can give us?

CHAIR: I will ask that both the answers that have been given now go up on the site. If there's any further detail, I will be having a conversation with the secretariat. They will be able to give some assistance and guidance.

Mr Cook: That would be great. It's only from a resource perspective to see whether the department has to continue to monitor the website to see whether questions become unanswered. We weren't notified that the questions were unanswered; that's all. We just need to make sure that in terms of information to the public we have clarity around some of that. Thank you.

CHAIR: That's a question to ask the secretariat privately. The two answers will shortly be on the site.

Senator Chisholm: We are appreciative of the fact that the answers have now been provided.

Mr Cook: Thank you, Senator. I acknowledge, Senator Henderson, just to pick up your point, that I was very upfront about the error when I reviewed it. I didn't agree. I think the contract was commercial-in-confidence. I think the concern was banking details that were in it. They can be redacted and they have been redacted.

Senator HENDERSON: Of course they can. You can redact that.

Mr Cook: So we've addressed that. Thank you for raising the issue.

Senator HENDERSON: Thank you, Secretary. I want to move to the minister's public statement as reported in a *Daily Telegraph* article called 'Cost of living contempt: fine dining, trips, cultural perks for education fat cats blasted'. I raised a number of concerns about expenditure by your department, Secretary—

Mr Cook: Yes, Senator.

Senator HENDERSON: including holding meetings in fine dining restaurants. No matter who it is, holding a meeting should be in a meeting room with a cup of tea and a biscuit. Do you agree, Secretary?

Mr Cook: Senator, in terms of location, I think there's a range of possibilities. Is it possible to get that article tabled? You are referring to a ministerial comment. I don't know. Some of them were overseas, for example.

Senator HENDERSON: In the case of meetings being held in fine dining restaurants, the minister in this article said, 'I have instructed my department to ensure taxpayers' money is spent appropriately.'

Mr Cook: He did, Senator. He spoke to me personally about the matter.

Senator HENDERSON: So what did the minister say? Do you have anything in writing in relation to this matter from the minister? Has there been any communication between yourselves and the department? If so, could you please provide a copy of the communication on this matter? Frankly, it's deeply concerning that hundreds of thousands of dollars are being spent in a way that is arguably wasteful, particularly when meetings are held in restaurants. That's just a complete rort of taxpayers' money, in my view, Secretary. I ask you to respond to that.

Mr Cook: Thank you very much, Senator. I agree with you. I think we have let the taxpayers down in terms of what they would expect from public servants. There's no written correspondence because the minister spoke to me verbally face to face on 31 January about this issue when it was brought to his attention. I have responded to that within seven days by revising the department's hospitality policy. We now have limits on the expenditure that is allowed to be made. That limit reflects the Australian Taxation Office travel allowance rates that the public is eligible to. The maximum rate means that the majority of those restaurants would be completely out of our new policy. The maximum rate is \$77. The policy asks our staff to ensure that they try to bring the maximum rate below that, if that makes sense. That is the ceiling, which is the ATO ceiling that I think applies in terms of travel allowances for most public officials all around Australia. That has been implemented. That was implemented.

Senator HENDERSON: Could we have a copy of that policy, please?

Mr Cook: Yes, sure. Very happy to.

Senator HENDERSON: Have you got one available?

Mr Cook: I've got a marked up copy, but we can probably find one in my folder.

Senator HENDERSON: Secretary, thank you for updating the committee on the new policy. I have to say: how did this happen in the first place? How could you run a department which allows this sort of flagrant waste of taxpayers' dollars?

Mr Cook: Again, I take your point. I think we have let the taxpayers down. As I said, if you look at the range of those restaurants and the numbers, I think some of those restaurants were under \$40 a head, including ministerial receptions for overseas ministers for education. For example, the Indian minister for education we hosted in a restaurant with diaspora and a whole range of community members. There was a discussion as part of the work that he had done. But in terms of formal policy, Senator—

Senator HENDERSON: But I—

CHAIR: By all means do a follow-up question, but we'll come back to you on the rotation. It's now—

Senator HENDERSON: Can I finish this last question, Chair?

CHAIR: Yes, last question.

Senator HENDERSON: Secretary, my concern is meetings being held in restaurants like Courgette, which is a one hat fine dining restaurant where the expenditure was over \$1,200. Are we going to see an end to that now?

Mr Cook: Senator, the new policy prevents that. On average, that would have been about \$100 a head, I think it was, for the number of people there. The new policy would automatically rule that out.

Senator HENDERSON: Thank you very much, Secretary. Thanks, Chair.

Senator GROGAN: Good morning. Could you step out for us the staff training plan for the department? Where do you see the needs for training for your staff on the important things as you are making such great revisions to education across Australia?

Mr Cook: Thank you, Senator. There are a range of things. I might ask Mr Markovic to add to my answer. There's obviously a focus for us at the moment on the important issues of integrity in the department. We are undertaking an extensive training program for our senior executive staff around integrity. It's not just the national anticorruption commission but integrity more broadly. Part of that is about the use of consultants and all the issues that go around that as well. We have been doing ongoing training with our staff around the management of staff as well, which is really important. When you've got large numbers of people in your department, it is ensuring that those people are a part of teams and how we provide feedback. It is how we have, dare I say, difficult conversations. We have been doing training on difficult conversations, particularly around issues such as performance management and things like that. Individual staff, then, through their managers, in their personal development plan, actually outline professional development that is relevant to them. It might be content professional development. It might be something about curriculum or literacy and numeracy, whatever the case might be in the schools area, for example. It might be something about training around how to use some of the databases we use and some of those things. Mr Markovic can probably add to that as well.

Mr Markovic: In addition to the items the secretary has mentioned, we have a mandatory training suite that we offer all staff, so they are on a one- or two-year cycle. There's a range of mandatory training that includes things such as security, freedom of information and good record keeping. We've been focusing on leadership and management training—leadership for our more senior staff and management training for our APS 6 to EL1 officers. Integrity training has been a real theme through the organisation, particularly over the last 12 months. We're doing some work around psychosocial safety for our staff at the moment as well. We have a fairly significant program on the back of some of the reforms. Of course, we're looking after the work health and safety of our individual staff members.

Senator GROGAN: Thank you. That is all I wanted to cover.

Senator O'SULLIVAN: Just quickly, before we go back to Senator Henderson, I want to place on the record the coalition's appreciation for allowing us to go through those first matters. They are matters that go to the integrity of the Senate and our procedures. I want to place on the record the coalition's thanks for allowing us to facilitate that.

CHAIR: Thank you, Senator O'Sullivan.

Senator HENDERSON: Secretary, I note with concern that I made a particular FOI application and the department sought to impose charges on me, which I believe was an attempt to shut down the FOI application. What is your policy in relation to FOI charges with respect to applications made to the department? I've made subsequent FOI applications where you haven't sought or suggested that you will charge me. Could you please provide some insight into that? As part of the accountability of the government, the FOI process is a very

important process. I am very concerned that a department with your level of resources, budget and scale has sought to charge any individual. Could you please update the committee on what your position is on FOI charges?

Mr Cook: Sure. Thank you very much for the question, Senator. I will ask Ms Davin, who basically oversees our FOI process, to give details. To the best of my understanding, unless Ms Davin corrects me otherwise, I think it is legislated in relation to charging. We basically are following the law. In terms of, again, having worked in many states and other jurisdictions, it is the same policy in relation to that.

Senator HENDERSON: Secretary, because we have limited time, I ask you to answer my specific question. What is the department's policy, please?

CHAIR: Let me say this for everybody. The senator is very welcome to press her question, as any other senator is welcome to. Mr Cook should also be given an opportunity to answer the questions. I appreciate that if the answer is going too long, the senator asking the question may ask for a shorter answer. But if we—

Senator HENDERSON: And, Chair, it needs to be directly relevant. Because we have very limited time, could you answer the exact question?

CHAIR: We're only a short way into the answer. I am paying attention, Senator Henderson.

Senator HENDERSON: Thank you.

CHAIR: It's important for Mr Cook to complete his answer. In a tight fashion would be of assistance. I appreciate that you are giving an accurate description of what you want to say.

Mr Cook: Thank you, Chair. Senator, I am sorry. I do understand what you are saying about it being directly relevant to the question. Again, my understanding is that it is a legislative requirement. I will ask Ms Davin to provide detail in relation to the charging.

Senator HENDERSON: Secretary, I have a follow-up question. I understand the legislation. What is your department's approach to charges? How many applicants since the election of this government have been hit with an FOI charge?

Mr Cook: Is that a new question, Senator? You didn't ask that originally.

Senator HENDERSON: I asked what your policy is in relation to charges imposed on individuals referencing the fact that there is a proposed charge against me. How many times has this occurred?

Mr Cook: Against you or against anyone who has applied for an FOI?

Senator HENDERSON: No. Any individual.

Mr Cook: Thank you. I will hand to Ms Davin.

Ms Davin: The department imposes charges consistent with the statutory regime under the FOI act and the regulations. That provides for circumstances where the department is not able to charge—for example, where an applicant is seeking their own personal information. Of course, the department has a discretion not to charge.

Senator HENDERSON: The question was actually on how many applications the department has proposed to charge an applicant.

Ms Davin: I'm happy to take that on notice. I don't have the specific figure with me, I don't think.

Senator HENDERSON: Thank you. We have a fair bit to cover, so I'm trying to race through these matters as quickly as possible. Secretary, I draw your attention to your response to a question on notice, which is SQ23-000922, where we sought statistics on the number of FOIs received, processed and granted from the minister's office. The answer provided by the department referred to quarterly and annual statistical returns the agency provides to the Information Commissioner and directed me to the Information Commissioner's website. Who in your department is responsible or was responsible for preparing this response?

Mr Cook: Senator, it would have been our corporate area. I think the issue might be that we don't manage ministerial FOIs. Again, I will seek some advice.

Senator HENDERSON: Which executive cleared that response?

Mr Markovic: Senator, that would have been me. It would have been prepared by our FOI area and cleared by me.

Senator HENDERSON: Cleared by you?

Mr Markovic: Senator, I'm responsible for clearing the cross-portfolio QONs for the department.

Senator HENDERSON: Did you or another officer in your department provide advice to the Australian Research Council or to TEQSA to align their responses with your response? What I am concerned about is there's identical wording used in these responses. It looks like you are conferring with these agencies in these responses.

Mr Markovic: Senator, I did not provide advice to our portfolio entities on how to answer this question, no.

Senator HENDERSON: So how come we have identical wording?

Mr Markovic: Senator, I can't explain. I've answered the previous question. I did not provide advice to those agencies about responding.

Senator HENDERSON: Did anyone in the department?

Mr Markovic: Senator, not to my knowledge. When we get the questions on notice, they're given out to the entities. Obviously people have visibility of the QONs and how they are being answered. From time to time, answers will be shared. But certainly we don't direct any of our portfolio entities about how they should answer a question on notice.

Senator HENDERSON: I didn't ask that question. I am concerned that there is inappropriate communication between the department and other agencies or bodies. It is just too much of a coincidence that the same wording is being used. I ask you on notice to provide us with correspondence and communications in relation to those FOI claims.

Mr Markovic: Certainly.

Senator HENDERSON: Could you come back to the committee? Someone has been inappropriately dealing with those agencies. As I say, it's—

Senator Chisholm: Well, you don't know that. You can't say that, Senator Henderson.

Senator HENDERSON: There has been communication.

Senator Chisholm: You don't know that. They have said they will take it on notice. You shouldn't make allegations of that nature without any evidence.

Senator HENDERSON: I'm entitled to make allegations, particularly when there's evidence to support my allegations.

Senator Chisholm: This is no evidence to support it. They said they would take it on notice.

CHAIR: Senator Henderson has made an assertion. Senator Chisholm has an opportunity now to respond.

Senator Chisholm: There is no evidence to back up your claims, Senator Henderson. They've said they will take it on notice.

Senator HENDERSON: Well, we have a different view, Minister.

Senator Chisholm: On a lot of things.

Senator HENDERSON: Secretary, I want to ask about SQ23-001051. You've provided information on payments to members of boards and reference groups. I refer to the Australian Universities Accord panel and the amounts paid to each of the accord panel members. I know the panel members were meeting almost weekly at some point. There are more than 40 meetings in the year. The vice-chancellor of the University of Western Sydney has been paid \$37,000 or so. On what basis did he accept that payment? Did he stand down from his work as vice-chancellor in accepting that payment? The vice-chancellor receives about \$1 million a year. If he is also being paid to do a separate job, did he stand down or forgo some of his salary at the university?

Mr Cook: I certainly know he didn't stand down. I don't know—we would have to ask the university—about the second part of your question, about forgoing any of his remuneration. That's a matter between him and his board. As you know, we are not responsible for the running of the university. That is a responsibility of the board. The payment would have been made in relation to the rates of payment that the Remuneration Tribunal would allocate for boards of government. That is a standard payment. We would have met the requirements that the Remuneration Tribunal sets in terms of payment for members.

Senator HENDERSON: I'm not disputing the payment where people are working and they are being remunerated. In the case of the vice-chancellor, he is being paid \$1 million a year to work full time at the university. These meetings were during the week, during the time he is meant to be working as the vice-chancellor. On what basis would you as the department be paying him an extra \$37,000, because he is already being paid to be the vice-chancellor and he is in a full-time job? You are in charge of expending money from the department to ensure the proper expenditure of taxpayers' funds. I note that the chair Mary O'Kane did not take any payment even though it was offered. On what basis is it appropriate for the vice-chancellor to take that payment?

Mr Cook: I will make a few points of clarification. While it says that there's no payment against Professor O'Kane, it doesn't necessarily mean she won't receive payment. We pay based on claims. Professor O'Kane may not have claimed her time to this point.

Senator HENDERSON: She hasn't invoiced the department yet.

Mr Cook: That's right. That's correct. That is just to clarify that. You say that she has not taken payment. I don't know whether that is the answer or not.

Senator HENDERSON: But Mr Glover has?

Mr Cook: That's correct.

Senator HENDERSON: He has invoiced the department for \$37,000. How can he be charging the department to attend meetings—I think they were generally held on a Tuesday—when he is already being paid to be the vice-chancellor and to serve the university on those days? It looks very much like he is double-dipping.

Mr Cook: We apply the Remuneration Tribunal policy in relation to any board. My understanding is that the only people who can't take payments are public servants paid by the Commonwealth. For example, when I am on a board, I don't take payment, for example. I don't believe those rules exist for other people outside the APS. I understand what you are saying about working throughout the week. I also understand that the panel had many discussions on weekends and so it was time outside his normal work time. Mr Glover, as anyone would be, is entitled to those payments under the Remuneration Tribunal policy.

Senator HENDERSON: I suggest that you take that issue back to the minister as well. This looks like a blatant case of double-dipping. The chair of the committee has not sought to invoice the Commonwealth—

Mr Cook: As at this point.

Senator HENDERSON: and yet Mr Glover has sought to do so. I understand that it's quite reasonable that people are paid for work when they do work for the Commonwealth. Of course public servants are not allowed to double-dip. Why should the vice-chancellor of this university effectively be allowed to double-dip, particularly when he is getting a million bucks a year, Secretary?

Mr Cook: I don't know the remuneration of Professor Glover. But in terms of the Remuneration Tribunal policy, the policy applies equally to anyone whether they are employed or otherwise other than public servants.

Senator HENDERSON: Can I suggest to you that the policy is wrong. It's not right that when Australians are struggling to put food on the table you have a vice-chancellor earning a million dollars a year who then seeks to charge the Commonwealth another \$37,000 for working during the week when he is already being paid by the university. Of course, as we know, universities are very substantially funded by the Commonwealth.

Mr Cook: I don't have any influence on the independent Remuneration Tribunal's policies.

Senator HENDERSON: I suggest that you revisit your policy, Secretary. Could you raise this matter with the minister?

Mr Cook: Sorry, Senator. It's not our policy. It's the Remuneration Tribunal policy. It relates to government boards.

Senator HENDERSON: I suggest that you raise this matter with the minister. Frankly, this does not pass the pub test, Secretary. This looks like a case of blatant double-dipping. When someone is earning a million bucks a year, that is not fair.

CHAIR: A couple more minutes.

Senator HENDERSON: I might hand over to Senator O'Sullivan, who has a number of questions, particularly on Australia Day.

Senator O'SULLIVAN: Chair, do you want to rotate? I would rather have a block.

CHAIR: Let's do it that way. Mr Cook, you were about to partially step us through the Remuneration Tribunal making a decision on remuneration for these committees. Can you step that out for me briefly?

Mr Cook: There's a policy. That policy is publicly available, I think. It is about the rates of chairs, deputy chairs and daily rates of members of government boards. It sets it out clearly what those amounts are. As we do for any board, we make determinations about, first of all, whether the board will be remunerated. It depends on the status of the board. This board absolutely is remunerated. They are remunerated against any other board that the Commonwealth establishes, whether people are employed or otherwise. As I said, the only people who are exempt from payment are public servants in the APS.

CHAIR: This is consistent with previous Remuneration Tribunal deliberations and guidelines?

Mr Cook: That's my understanding. Mr Markovic can probably add to it.

Mr Markovic: Correct. It's the Remuneration Tribunal guidelines that we follow for these boards.

CHAIR: Those guidelines have been in place for more than two years?

Mr Markovic: Certainly.

CHAIR: More than 10 years?

Mr Cook: I would imagine. They are updated, of course, in terms of their rates and things like that. That's the Remuneration Tribunal's decision.

CHAIR: It may be helpful for the committee—I know it's accessible—to take on notice exactly when these particular guidelines were in place that you are obliged to abide by.

Mr Cook: That's correct. That's right.

CHAIR: It's not a matter of choice for the secretary to make a decision contrary to that?

Mr Cook: I don't have that choice, Senator, no.

Senator GROGAN: I am interested in the Be That Teacher campaign. Can you step us through a bit about that campaign and what sort of feedback you've been receiving?

Mr Cook: Thank you, Senator.

Senator HENDERSON: I apologise. I want to jump in. I don't have an issue at all. Are you saying that we can ask these sorts of questions in corporate?

Senator GROGAN: Well, it's an overarching—

Senator HENDERSON: That's fine. If it's okay—

CHAIR: There may be some questions that Mr Cook would not be able to answer because the people aren't appropriately present. We are going to deal with it in the other matters.

Senator HENDERSON: I am fine. If that's okay, I might jump in too.

CHAIR: This is of a high-level, general nature, not of finite detail.

Senator GROGAN: To the extent it is from a corporate perspective; that is really where I'm heading with this.

Mr Cook: Well, it's actually managed by our communications part of the department, so it makes sense. We've always done campaigns in corporate. There are two things around the campaigns, I guess. We can go into the detail of costs, if you have any of those questions, Senator Grogan, including the number of hits we've had on the website, for example, and the take-up and things like that. We can certainly go into that detail. As you would be aware—

CHAIR: I think we're asking for the higher level. For details, it's probably more appropriate that we do it later.

Mr Cook: Sure. The campaign is a decision of all ministers of education, so it's jointly owned by state and territory ministers and the federal minister. It's part of the national teacher workforce action plan, which is looking at heightening the status of the teaching profession. In the work we did, we worked with states and territories to identify teachers who could be part of that campaign. We had over 900, I think, teachers approach us wanting to be part of that campaign, to talk about their personal experiences of being a teacher and what it means to them and how they basically change the impact of young children's lives. We then filmed those stories. We didn't script those stories. Those stories and the script were done by the teachers themselves. You've seen the campaign, which is now running online. It's also on billboards, I think, on bus shelters and things like that. It's effectively a call to action. It's about recognising that the view of the teaching profession has probably declined over the last decade, and that successive governments across Australia agree that we need to enhance the status of the teaching profession by having teachers' voice be heard. I think you've seen some of those campaigns. They are pretty emotional. They tug at your heart about what various teachers are doing across Australia and the amazing work that they're doing.

Senator GROGAN: What sort of feedback have you had from the campaign?

Mr Cook: Very positive. I think we've had over half a million hits on websites. We've also had teachers wanting to add their stories to the website. There's a call to action in it. There's a whole range of other teachers who have told their story. I think they might have even made their own videos and sent them in. Not yet. Maybe that's coming up.

CHAIR: I would call that a teaser.

Mr Cook: It's the secretary's trailer. But it's really, I guess, from a community perspective, acknowledging the important role of teaching, acknowledging that teachers make a significant difference to young people's lives and encouraging young people—people in senior school—to consider teaching as their career.

Mr Markovic: We do have some metrics on the number of people who have interacted with the campaign.

Senator GROGAN: That would be helpful, yes, thank you.

Mr Markovic: They go to your questions. I might invite Ms Ratajkoski to provide some details on that.

Ms Ratajkoski: With regard to the Be That Teacher campaign that we've been speaking to, there are just over 555,000 hits on the website to date. The campaign went live on 1 November. This figure I have is at 31 December for just three months. In terms of subsequent information, the next most viewed page on that website is a page called Become a Teacher. That has information both of details of Commonwealth opportunities and incentives to support people who would like to become a teacher. It also hooks off to all the states and territories and various information they have, given it's a joint program. That's our next most viewed page. So sentiment has been positive. We have had quite good feedback across the board from members of the public. We're in ongoing communication with the eight teachers who feature as part of the campaign as well. They are, I guess, very excited and honoured to be part of that process. The other teachers that Mr Cook referred to have participated in that. We have a teacher gallery, for example, where other teachers can submit their stories.

Senator GROGAN: Thank you very much. It looks good from the outside.

Senator O'SULLIVAN: I have a fairly succinct line of questions. Did any Department of Education staff elect to not take the Australia Day public holiday?

Mr Cook: Yes. The new agreement that we put in place allows staff to do that now. The previous agreement did not allow staff to do that.

Senator O'SULLIVAN: How many this year?

Ms Blackwell: We had 21 staff who substituted the day.

Senator O'SULLIVAN: What is the total staff that you have?

Mr Markovic: We have 1,570 full-time equivalent staff.

Senator O'SULLIVAN: What levels were the staff?

Ms Blackwell: I don't have that level of information, but I can come back with that.

Senator O'SULLIVAN: You can provide that on notice, thank you. How many were SES staff?

Ms Blackwell: No SES staff substituted the day. Their determinations don't actually have the provision for substitution within them.

Senator O'SULLIVAN: Thank you. I want to ask about the lease arrangements on your buildings. When does your existing lease expire?

Mr Markovic: Our leases are managed by the Department of Employment and Workplace Relations. You'll recall we had some machinery of government changes on 1 July 2022. The department at that time shared premises with the Department of Employment and Workplace Relations across Australia in multiple locations. At that time, we made the decision that we would continue in shared and joint premises rather than separate. At the moment, all of our leases are managed by the Department of Employment and Workplace Relations. We pay a proportion of the property costs, so it's managed as a portfolio of buildings. They would be able to answer questions, the department yesterday, in terms of—

Senator O'SULLIVAN: Is that a continuing arrangement?

Mr Markovic: That is a continuing arrangement. We have a memorandum of understanding in place. At the moment, given our relative sizes, it makes sense to benefit from the economy of scale of managing property as a portfolio rather than us entering into separate leases.

Senator O'SULLIVAN: Is there a search for a new premises going on at the moment?

Mr Markovic: There is a project underway for Canberra based property. The departments—and I speak of DEWR and the Department of Education—

Senator O'SULLIVAN: But you have a role given that you are co-tenants?

Mr Markovic: So the approach to market is currently being conducted by DEWR and the Australian—

Senator O'SULLIVAN: They are managing that approach to market?

Mr Markovic: Correct.

Senator O'SULLIVAN: You are involved?

Mr Markovic: We're not a party to that agreement, but we participate.

Senator O'SULLIVAN: You would be specifying what your requests are.

Mr Markovic: We participate in the governance and we provide input to requirements, that's correct.

Senator O'SULLIVAN: Thank you. I want to ask you about the working from home arrangements you have for staff. Am I correct that most of the 1,500-odd staff that you have work here in Canberra?

Mr Markovic: The majority of staff are Canberra based; that's correct.

Senator O'SULLIVAN: How many would that be?

Mr Cook: It is 1,373.

Mr Markovic: That's correct.

Senator O'SULLIVAN: Thank you. How much do you pay for the lease of your office space at the moment, or that DEWR pays?

Mr Markovic: DEWR basically provide the whole portfolio and then send us a bill for our part.

Senator O'SULLIVAN: What is your contribution, then?

Mr Markovic: I would need to take that question on notice to get you the accurate number.

Senator O'SULLIVAN: That's fine. The response to QON SQ23-001049 noted that 697 staff have work from home arrangements. Is that number roughly the same now?

Mr Cook: I have data here from 31 December. It is slightly less. It is 684.

Senator O'SULLIVAN: And 181 staff work one day per week from home; 458 do two days per week from home; 37 do three days per week from home; nine do four days; and 12 staff work five days per week from home. Have those ratios kept the same or has that altered significantly?

Mr Cook: I would anticipate so.

Mr Markovic: We have tracked over time the average days of working at home. That sat at around 1.9. Certainly for the last few years it has been around that number. That profile would be broadly consistent. It hasn't changed materially.

Senator O'SULLIVAN: I will wrap up quickly. What are the primary reasons that an employee requests to work from home?

Mr Markovic: Employees request a work from home arrangement from their manager. It can be for a variety of reasons. Typically, it's to do some work in the workplace and some work at home. Many staff find the working from home arrangements or working remotely arrangements enable them to have focused time to undertake specific activities and then benefit in the workplace from being able to work with their team. The actual arrangements vary probably on an individual basis. Ms Blackwell, is there anything you want to add?

Ms Blackwell: No, nothing.

Senator O'SULLIVAN: Given that there is such a high proportion of staff who do have some form of working from home arrangement, does that mean that in your submission, as part of searching for a new premises, you are saying there will be a reduction? Can you go for a smaller premises and potentially save taxpayers some money?

Mr Markovic: We are working through that at the moment. For our site in Melbourne, we have piloted desk sharing arrangements. That pilot is under review at the moment. We will be looking at whether that might be applicable for some of our other sites. In some of our other sites, we have informal arrangements for desk sharing arrangements already.

Senator O'SULLIVAN: Finally, on SQ23-001054, you provide details of the locations across Australia that you have offices. I'm happy for you to take this on notice. Can you provide the number of staff at each location and how many of those staff have working from home arrangements as well?

Mr Cook: I have some quick numbers now, if you want numbers. We can do it on notice for you.

Senator O'SULLIVAN: Let's do it on notice. I'm happy to take that as a table.

Senator HENDERSON: I want to refer you back to SQ23-000829 in relation to the meetings held in various restaurants. We have sought information about these meetings. Could you please advise if they were lunchtime or evening? I am looking at the answer. There's a whole range of different meetings. There is the Mezzalira restaurant in Canberra. It says, 'Discuss and draft the second round of the expert advisory group advice from the preschool outcomes measure.' I won't go through them all. There's the Black Fire restaurant, the Ginger Indian restaurant, the Mezzalira restaurant, Big Esso (Mabu Mabu) and the Sukgalbi in Seoul. Of course we know about Courgette. There is Tattersalls, Hanuman, Malt Dining in Brisbane and Brunello in Canberra. You haven't provided the expenditure at each of those restaurants in some cases. Do you have that expenditure?

Mr Cook: I thought we had done that on other questions on notice, the total expenditure, or not?

Senator HENDERSON: We have some of the details, but not all.

Mr Markovic: I have the information on the cost and the average cost. I'm happy to read them.

Senator HENDERSON: Could you go through each of those restaurants and provide the expenditure?

Mr Markovic: Certainly. I might start with the total cost so that it all adds up. The total cost for those restaurants was \$12,637.31. The average cost person was \$81.53. Taking the restaurants in order, the first one is \$509.

Senator HENDERSON: That is the Black Fire restaurant?

Mr Markovic: Correct. The average cost is \$84.83. The next is \$1,840 for an average of \$43.81. The next—

Senator HENDERSON: That is the Ginger Indian restaurant?

Mr Markovic: That's correct. I am reading them out in the same order that they appear in the table.

Senator HENDERSON: The Mezzalira restaurant?

Mr Markovic: It is \$1,543.50. The average cost is \$171.50.

Senator HENDERSON: Was any alcohol consumed at that restaurant? It is \$171 per head.

Mr Cook: No alcohol, on my understanding, Senator.

Mr Markovic: I don't have that level of detail.

Senator HENDERSON: Could you maybe find out and bring that back?

Mr Markovic: Certainly. The next item is \$3,000 at an average cost of \$125. The next item at the dinner—

Senator HENDERSON: That is the Big Esso (Mabu Mabu) in Melbourne?

Mr Markovic: Correct.

Senator HENDERSON: This is extraordinary.

Mr Cook: I agree, which is why I changed it.

Senator HENDERSON: These are meetings.

Mr Cook: I totally agree with you, which is why I changed the policy—

Senator HENDERSON: It's just appalling.

Mr Cook: to ensure this doesn't happen again. I agree with you entirely. I agreed earlier this morning that it should not have happened. We should not have been utilising taxpayers' money in those sorts of expenses. We've now aligned the policy to ensure it meets the expectation of the Australian Taxation Office.

Senator HENDERSON: These are just restaurant rorts. It's a disgrace, Mr Cook.

Senator Chisholm: It's not unusual, Senator Henderson, for people—

Senator HENDERSON: Excuse me, I'm talking to the—

Senator Chisholm: I'm happy to provide—

Senator HENDERSON: Sorry, Minister, I'm addressing that to Mr Cook.

Senator Chisholm: And I'm able to provide answers as well. The minister appropriately expressed his view about the use of taxpayers' money. The secretary and department have provided that response. It's not unusual from time to time for politicians to have spent money. I am aware of a story from 2017 when the Leader of the Opposition spent \$4,000 on a dinner in the US. He invited 10 guests, including his chief of staff.

Senator HENDERSON: What I am raising is that these are meetings.

Senator Chisholm: There are—

Senator HENDERSON: Excuse me, Minister. There are meetings being held—

Senator Chisholm: I am providing an answer.

Senator HENDERSON: in restaurants; that's the issue. I'm not quibbling about—

Senator GROGAN: Chair, the minister—

Senator Chisholm: I am providing an answer.

Senator HENDERSON: There are meetings being held in restaurants.

Senator GROGAN: He wants to answer the question.

Senator Chisholm: This is described—

CHAIR: Can we just all stop for a moment?

Senator HENDERSON: So—

CHAIR: If we just hold for a moment?

Senator HENDERSON: So could I please ask—

CHAIR: No. Can we all hold for a moment?

Senator HENDERSON: Chair, I do have the call. I would ask that—

CHAIR: No. I am the chair.

Senator HENDERSON: Yes. And I have the call.

CHAIR: You can disagree with what I say.

Senator HENDERSON: Chair, I have the call.

CHAIR: You are more than welcome to do that.

Senator GROGAN: You should pay some respect to the chair.

Senator HENDERSON: Don't talk to me about respect, please, Senator. I have the call and I know—

CHAIR: Can I just speak, everyone? There's a question—

Senator HENDERSON: It's about taxpayers' money.

CHAIR: A question has been asked by Senator Henderson.

Senator HENDERSON: Thank you, Chair.

CHAIR: Minister Chisholm is responding to that answer, which he has the right to as the minister. The call will go straight back to you, Senator Henderson, after the minister has—

Senator HENDERSON: I am asking—

CHAIR: After the minister has completed his answer.

Senator Chisholm: So this was described—

Senator HENDERSON: Chair, I am—

Senator Chisholm: as a working dinner. It cost \$4,000. It included seven bottles of wine. It was hosted by the Leader of the Opposition at a prestigious luxury hotel in Washington DC that was a contender for the best restaurant when someone else was paying. The someone else paying was the taxpayers on that night. I am happy to table—

Senator HENDERSON: Minister, thank you for running interference.

Senator Chisholm: that article from the *Sydney Morning Herald*, because I think it's important that you see it, Senator Henderson.

Senator HENDERSON: Thank you for running that interference. Could you please continue with the restaurants? We are now at Courgette. I think that was more than \$1,200. Is that right?

Mr Markovic: I think we said that for the Seoul item, the total cost was \$239. That needed to be converted from Korean won to Australian dollars. That was the conversion rate for an average cost of \$26.56. Courgette we have previously provided, so you have that number.

Senator HENDERSON: That was twelve hundred and—

Mr Markovic: Nine dollars. The average cost is \$120.90. The next item is a total cost of \$585 for an average cost of \$39. The next one, which is Alice Springs, is \$1,870 for an average cost of \$77.92. The next item for Brisbane is \$1,300 for an average cost of \$118.18. The final item on that table is \$541.81 for an average cost of \$108.36.

Senator HENDERSON: Secretary, you will note that I didn't raise concerns about official ministerial dinners. I accept that it is appropriate that there will be, for Minister Clare and Minister Aly, a number of official dinners with state and territory education ministers. I didn't raise concerns about that because I think that, in my own view, is reasonable within a reasonable limit. The concern I have raised here is that these are departmental meetings. They are being described as meetings being held in restaurants. I welcome a copy of the policy that you have now implemented.

Mr Cook: Sure. I can provide one today, actually, I think.

Senator HENDERSON: If you could table that?

Mr Cook: Very happy to.

Senator HENDERSON: The final question is: do you apologise to taxpayers for this expenditure?

Mr Cook: I think I have already referred to that in my earlier statement. We have let the taxpayer down. I am in furious agreement with you. You and I will not be disagreeing on this matter in relation to public officials particularly. Thank you. You have acknowledged that if you have a minister for education from another country coming, of course it's appropriate if that's what happens.

Senator HENDERSON: I do think it's appropriate.

Mr Cook: Thank you for acknowledging that.

Senator HENDERSON: As you know, I consistently didn't raise concerns about the official dinners the minister and the other ministers in the portfolio had with the state and territory education ministers.

Mr Cook: Yes, absolutely.

Senator HENDERSON: I think there are some things where it is appropriate to have official dinners. What I am concerned about is that meetings should be held in meeting rooms with a cup of tea and a biscuit, not at restaurants. I welcome this change of policy. It is very regrettable that this has happened, because every dollar matters.

Mr Cook: Senator, I couldn't agree more. Again, we're in furious agreement, so thank you for raising it. I think that's the policy.

Senator HENDERSON: Can you ask why those costs were not provided when we sought them initially?

Mr Cook: I didn't think they were asked for, Senator.

Senator HENDERSON: I think they were.

Mr Markovic: They weren't in the question when it was asked.

Mr Cook: You asked for any other meetings of any other working groups within the department that have been held in prestigious restaurants. You didn't ask, in that particular question, 829, for information on the costs, to the best of my knowledge, unless I've missed something in your question there.

Senator HENDERSON: I think it was in the context of other restaurants where we had actually received the cost. In any event, I thank you for putting that on the record.

CHAIR: We are at 10 o'clock now. Are we right?

Senator HENDERSON: I think we probably are.

Mr Cook: I seek a clarification regarding the questions you asked about Professor Glover's payment.

Senator HENDERSON: Yes.

Mr Cook: I have been advised that Professor Glover donated that payment to the university and he hasn't taken that payment personally.

Senator HENDERSON: Did that payment go into his bank account?

Mr Cook: To the best of my knowledge, it wouldn't have been. He said he donated the payment after tax to the university.

Senator HENDERSON: After tax.

Mr Cook: Therefore, it has gone, I am advised, to the health research centres in the University of Western Sydney.

Senator HENDERSON: Wow. So the invoice—

CHAIR: I am mindful that is the 15 minutes.

Senator HENDERSON: Sorry, Chair. I do have more questions.

CHAIR: If you ask a question about this, then go ahead.

Senator HENDERSON: I am able to continue until I finish my questions. I will be as quick as I can. So Professor Glover has now donated that money.

CHAIR: Well, I will allow one question because then we will rotate.

Senator HENDERSON: Was that money paid into his account? When did you learn that he has now donated that money?

Mr Cook: Professor Glover himself has sent me a message.

Senator HENDERSON: Sent you a message after hearing this in estimates?

Mr Cook: That's right. He has provided that advice to me to help the committee with the understanding of that payment.

Senator HENDERSON: So he has been embarrassed or shamed into now having to—

Senator Chisholm: Why would you mischaracterise it like that?

Senator HENDERSON: Into donating that money. That doesn't cut the mustard. He gets exposed for taking money. He earns a million bucks a year. He takes another \$37,000 from the taxpayer. We expose it in estimates and, what, within half an hour he advises that he has donated the money. How much was donated?

Senator Chisholm: Seriously, Senator Henderson.

CHAIR: I will take that as a statement. I will—

Senator HENDERSON: Why did he charge it in the first place?

CHAIR: I am now going to rotate.

Senator HENDERSON: I have more questions on this, Chair, thank you.

CHAIR: I am going to ask a question. It has rotated to Labor. Mr Cook, I appreciate that we may have to clarify an answer we've already given to all the senators here. Was it within the guidelines? Was there any requirement in the guidelines for people to pay the money to somewhere else if they receive it as per the guidelines?

Mr Cook: No. In terms of the policy, any member of a board is entitled to payment under Remuneration Tribunal policy other than public servants. What those members then choose to do with that payment is entirely up to them.

CHAIR: Minister, it would seem to me that an act of altruism regardless of income is something to be applauded rather than something to be abused. Have you got any view on the approach to this payment?

Senator Chisholm: Look, I have only become aware after the answer from the secretary. There has been a bit of a common theme in the last 24 hours here, where there are some opposition senators who seem to want to smear Professor Glover. I think that's unfortunate given his long history and commitment to the higher education sector in this country. It is disappointing that people would want to take personally and use against him what seems like a gesture on his part to support his university and not take this money. That seems outrageous. It also seems like we've got a common theme from those opposite where they want to target Professor Glover.

CHAIR: I understand that Professor Glover has been appointed to various roles by successive governments of different political colours. Is that accurate?

Senator Chisholm: That's my understanding, Chair. I do know that he was appointed by the previous government to the taskforce on foreign interference at universities. I also know that he has an extensive history at multiple universities across Australia. I know that was really valued by the accord panel as well, given the important work they've been doing over the last 12 months. I am mindful that other senators are on a tight time line.

Senator HENDERSON: Thank you very much. I will do the best I can. Secretary, you mentioned that Professor Glover has donated this money after tax. What is the precise amount of money that Professor Glover has now donated?

Mr Cook: I will have to take that on notice. I don't know the tax arrangements for Professor Glover.

Senator HENDERSON: Can you confirm that when any member of the accord panel invoices the department, they provide their own personal bank details?

Mr Cook: Again, I would have to take that on notice, Senator. If it's a personal payment, yes. Some members may choose to have the payment made to their organisation directly, and the organisation may then pay them. I just don't know. I will take that on notice.

Senator HENDERSON: Could we have a copy of the invoices that Professor Glover has submitted to the department?

Mr Cook: Again, I will take that on notice.

Senator HENDERSON: We don't want to see his personal bank details. I would like to verify where that money went. Did it go into his own personal bank account? If he is taking this money after tax, it does very much sound like it wasn't a donation directly to the university. He received the money in his own name and he is now rediverting it after hearing about this in Senate estimates.

Mr Cook: It was donated in June last year, to be fair.

Senator HENDERSON: Sorry?

Mr Cook: I am advised it was donated in June last year.

Senator HENDERSON: Could we please have a copy of those details, including the copies of the invoices that were submitted by Professor Glover to the department?

Mr Cook: Sure. We will have the invoices. We are happy to take that on notice.

Senator HENDERSON: Has anyone else donated any funds received?

Mr Cook: That is a matter for individuals, Senator. We don't record what individuals tell us.

Senator HENDERSON: I am asking whether you are aware of any other donations?

Mr Cook: No, Senator. I am not aware. It doesn't mean it hasn't happened. Professor Glover was made aware of the line of questioning, I think, this morning and has provided me a direct response in relation to those circumstances.

Senator HENDERSON: Who made Professor Glover aware of the questions?

Mr Cook: Well, I am assuming Professor Glover is watching estimates, Senator.

Senator HENDERSON: Sorry?

Mr Cook: Many people watch estimates, Senator. I could ring him and ask him who made him aware.

CHAIR: There are many of us tragics out there. The idea we broadcast—

Mr Cook: Including my mum sometimes, Chair.

CHAIR: Again, I would encourage everyone to listen to estimates.

Mr Cook: Honestly, I don't know, Senator. I'm sorry. Professor Glover has contacted me directly. I don't know why he was watching estimates. I can't help you with that.

Senator HENDERSON: Thank you very much, Secretary. Thank you, Chair. No further questions.

CHAIR: That is the end of corporate. We will now go to—

Mr Markovic: Chair, Senator Henderson asked a question earlier about Mezzalira and whether alcohol was purchased. I can advise that there was no alcohol purchased at that meal.

Senator HENDERSON: Thank you very much.

CHAIR: Thank you to corporate. We will now go to outcome 1.

Senator ALLMAN-PAYNE: Good morning, everyone. It's nice to see you again. My first lot of questions this morning relates to a joint media release put out by the Minister for Education along with the Premier of Western Australia and the Minister for Education in WA. It's dated 31 January 2024. The headline for that media release is 'Australian and WA governments agree to fully and fairly fund all Western Australian public schools'. My first question is: could the department explain what their understanding is of that agreement and what it entails?

Ms Brighton: Thank you for the question, Senator. That agreement is a principles based agreement. We are referring to it as a statement of intent. That is an agreement between the WA government and the Commonwealth government to put all public schools on to a pathway of full and fair funding. That commitment of funding will ensure that, in 2025, WA's most disadvantaged schools will be fully funded and all public schools will be fully funded in 2026. That's the intent of the agreement. The details will be worked through in the heads of agreement and the bilateral agreement that we will settle this year.

Senator ALLMAN-PAYNE: So your understanding is that it's an agreement to make an agreement for full funding?

Ms Brighton: It's an in-principle commitment, a statement of intent, between the parties. We will settle the detail through a heads of agreement and a bilateral agreement this year.

Senator ALLMAN-PAYNE: When you refer to full funding, can you elaborate on what you mean by that?

Ms Brighton: When we talk about full funding, we are talking about achieving the ambition as set out in the Gonski review and which characterises 100 per cent of the SRS, the schooling resource standard.

Senator ALLMAN-PAYNE: Can you explain for us again what the schooling resource standard is and how it's calculated? What is it based on?

Ms Brighton: Certainly. I might need the assistance of some of my colleagues to come to the table. The schooling resource standard was developed as a mechanism of what is the baseline funding necessary for schools in order to be able to deliver high quality education to students.

Senator ALLMAN-PAYNE: You say high quality. What is the actual outcome that it is based on? When the Gonski panel developed the SRS, what did they actually say it was designed to achieve? What is the outcome?

Mr Cook: Senator, in terms of how the formula was developed, the Gonski panel identified schools across Australia where 80 per cent of students over, I think, three consecutive years had achieved above the national average or the minimum—

Mr Donovan: The minimum standard.

Mr Cook: minimum standard—thank you—in both literacy and numeracy. There were a couple hundred of those schools. The panel looked at the resources that those schools had received. They benchmarked that as setting the standard for what they would describe as quality, I guess. They defined quality as 80 per cent of students achieving above the national minimum standard.

Senator ALLMAN-PAYNE: So it wasn't calculated on getting every student achieving really high grades? It was achieved based on 80 per cent—

Mr Cook: That's correct.

Senator ALLMAN-PAYNE: to the minimum standard?

Mr Cook: Above the national minimum standard; that's correct. Not to the minim but above the minimum standard. That's correct.

Senator ALLMAN-PAYNE: Arguably, there's another 20 per cent of kids who aren't getting across the line—

Mr Cook: That's correct, based on that.

Senator ALLMAN-PAYNE: on that calculation?

Mr Cook: That's correct, yes.

Senator ALLMAN-PAYNE: So it's a calculation to get four-fifths of kids above the minimum standard?

Mr Cook: That's right, based on that calculation.

Senator ALLMAN-PAYNE: Can you explain to me, then, what sorts of resources the SRS calculation is based on?

Mr Cook: Resources? Sorry, Senator. I don't understand.

Senator ALLMAN-PAYNE: You said it looked at the resourcing of schools to get 80 per cent of kids to the minimum standard. What sort of resourcing are we talking about? What did Gonski contemplate that funding would resource?

Mr Cook: My understanding in terms of the calculation of the formula is that the panel simply looked at the budget those schools had received—how much money each school's budget represented. They used that as the basis for their calculations of the amounts in terms of particularly the individual student amount, the amount for primary school and the amount for secondary school. They did additional work around loadings to identify on top of that the loadings that would be required for those students with a disability and those in rural and remote areas that you are fully aware of. They didn't go through a particular component, such as this is the literacy component of the resource or a numeracy component of the resource. They just looked at the total school budget.

Senator ALLMAN-PAYNE: So it was actual money received by schools?

Mr Cook: That's correct. This is 2010 or 2011, whenever it was.

Senator ALLMAN-PAYNE: Just so I'm clear, the SRS, which is what the department is referring to when it's talking about full funding, is 100 per cent of the SRS, the schooling resource standard. The schooling resource standard is the amount of money that the Gonski panel determined was required to get 80 per cent of students to the above the minimum standard?

Mr Cook: Correct.

Senator ALLMAN-PAYNE: And it was calculated on actual money going to schools. Am I understanding that correctly?

Mr Cook: Mr Donovan can probably help me.

Mr Donovan: What the secretary has said is correct. I would add that when we talk about 100 per cent of the SRS, we are talking about not just the base amount that has been referred to and was calculated based on that reference set of schools back when the Gonski review was first done in 2011. It is also based on the six loadings that also comprise the schooling resource standard. The value of those loadings is quite high. We're happy to go through what those loadings are.

Senator ALLMAN-PAYNE: Could you reiterate again what the six categories of loadings are?

Mr Donovan: Of course, Senator, yes. There are two school based loadings—school size and location. There are four student based loadings—one for students with disability, one for Indigenous students, one for students experiencing socio-educational disadvantage and one for students with low English language proficiency.

Senator ALLMAN-PAYNE: Am I correct in assuming, again, given the original basis of the Gonski SRS calculation, that it is a loading of money that goes to schools for resources in schools? Can you give me an example of the sorts of resources the department would expect that would cover?

Mr Cook: It could cover additional teacher aides, for example, and teaching assistants to support students with additional needs. It could be literally resources. It could be resources that they are using in terms of braille or things like that for students who may be blind, for example. It could also be used for professional development. Teachers could actually receive professional development with that money to support them with teaching students with particular needs. In terms of the school based funds, of course, it's recognising the additional cost of a school to get resources out to that school. If you are in Charleville—Senator, you know Queensland well—that school would get additional money based on its location. If you are a small school, you would also receive a loading based on the fact that you don't have the economy of scale that some of the bigger schools have as well.

Senator ALLMAN-PAYNE: Okay. But it's clearly designed to calculate an amount of money that goes directly to a school to assist the resourcing and education of kids in that school?

Mr Cook: That's correct. There's a bit in there. Gonski said a bit of capital maintenance is part of that.

Ms Birmingham: Did Gonski say that it is capital maintenance?

Mr Cook: Yes. It's maintenance. It's not new capital. I think there's maintenance in terms of—

Ms Birmingham: Can you define what you mean by capital maintenance? Is that actual buildings, and building stuff?

Mr Donovan: If it's useful, I'm happy to quote directly from the Gonski review. Recommendation 10 states: The schooling resource standard should:

- be a recurrent resource standard, which includes a provision for general maintenance and minor acquisitions below an established capitalisation threshold but does not include capital costs
- So there is a provision for operating costs that will include that type of maintenance.

Senator ALLMAN-PAYNE: Okay. But that's actual money spent on doing things in the school?

Mr Cook: That's correct—in terms of school building. It's not new buildings and it's not big capital, but it's general maintenance of a school, yes.

Senator ALLMAN-PAYNE: I am trying to understand what that money is. For example, might it mean running repairs to projection equipment in classrooms?

Mr Cook: It could be, or minor maintenance around a school that doesn't require a significant capital build. It could be leaking taps and those sorts of things.

Senator ALLMAN-PAYNE: Making sure the bubblers are working so that kids can access them in physical education classes?

Mr Cook: Exactly, yes.

Senator ALLMAN-PAYNE: So it's still money being directly spent in a school?

Mr Cook: That's right.

Senator ALLMAN-PAYNE: Does it include buses and the cost of a government transporting kids to school? Is that what Gonski included in the original calculation?

Mr Cook: I'm not aware that it does, Senator, no.

Senator ALLMAN-PAYNE: Does it include tax write-offs for depreciation on buildings? Is that in the original Gonski calculation?

Mr Cook: Not in the calculation. It is not in there as far as calculations, Senator.

Senator ALLMAN-PAYNE: So the SRS is meant to be money that goes directly to schools for resourcing and a tiny bit of maintenance of stuff that they need. It doesn't include, according to Gonski, depreciation or the cost of bussing kids to school. Am I right?

Mr Cook: That's correct.

Senator ALLMAN-PAYNE: Does the agreement between the WA government and the federal government, or the agreement to make an agreement because you've said it's in principle, include four per cent for things like depreciation and bussing kids to school?

Ms Brighton: Under the existing National School Reform Agreement, which is the agreement we have at the moment, there is a four per cent component of the SRS that allows jurisdictions to count the costs towards education as part of their contribution towards the SRS. That's under the current National School Reform Agreement. Those costs can be everything from curriculum, teacher registration authorities, early childhood in a couple of jurisdictions, school transport in some jurisdictions and capital depreciation.

Senator ALLMAN-PAYNE: So all things that do not directly contribute to what goes on in school?

Ms Brighton: Senator, I think things such as the curriculum supports and resources, teacher regulation and registration bodies do contribute to what happens in—

Senator ALLMAN-PAYNE: Did Gonski include that in the calculation?

Mr Donovan: Just on that specific point, Senator, and again reading from the same recommendation in the Gonski review, the panel concluded that the school resourcing standard should—I quoted the previous piece: ...include the full costs of delivering schooling services regardless of whether these are delivered in an independent school or a systemic school.

That is, there are some centralised costs that are accrued by the system on behalf of schools that are for the benefit of the school. Gonski envisaged that those costs would be included.

Senator ALLMAN-PAYNE: When they calculated the amount of money that was going to the schools that were getting 80 per cent of kids across the line, did they include those costs?

Mr Cook: We have to go back. It really depends if there were transport costs in those school budgets at the time, for example. Some of these schools are non-government schools.

Senator ALLMAN-PAYNE: Aren't those government costs? Isn't that money that the state government pays that the school doesn't pay?

Mr Cook: Some of these schools were non-government schools as well. There were both Catholic and independent as well as government schools in the mix. There were 200 and something schools; I should know the number. They may have had some of these costs in their school budget. I am sorry, but I don't know. I don't even know whether we have it on record.

Senator ALLMAN-PAYNE: I guess what I'm trying to understand is this agreement to make an agreement in WA allows the WA government, does it not, to include depreciation of buildings, for example, in their calculation of their contribution. Yes or no?

Mr Cook: That would be a matter for the new agreement. The new agreement hasn't been formed.

Senator ALLMAN-PAYNE: Minister, could you answer the question? Has the government ruled out that the states will no longer be allowed to calculate depreciation of buildings and bussing kids to school, which I would argue have no direct impact on what goes on in a classroom? Is the government going to commit to saying that will not be allowed to be included in the agreement, or are we going to stop at 96 per cent?

Senator Chisholm: Well, obviously, the current agreement is one that was put in place by the previous government, Senator Allman-Payne.

Senator ALLMAN-PAYNE: I'm not worried about the current agreement. My question to you, Minister—

Senator Chisholm: I am answering the question.

Senator ALLMAN-PAYNE: is whether the government is going to rule out allowing states to include four per cent of non-school costs in the next round of agreements? Given that you have an in-principle agreement with WA, I would have thought that would be discussed and you should be able to answer that question yes or no.

CHAIR: I will go to Senator Cox because I know that Senator Cox has to leave at 10.30 am or thereabouts.

Senator ALLMAN-PAYNE: Yes. I just want an answer to this question.

CHAIR: Yes.

Senator Chisholm: We're obviously in the process of negotiating new agreements over the course of this year.

Senator ALLMAN-PAYNE: So at this point in time, the government is not ruling out allowing states to include four per cent for things such as capital depreciation, which I would argue as a classroom teacher makes no

difference at all to what goes on in my classroom and certainly doesn't help to support kids who need additional support. What you are saying is that the government at this point in time is not ruling that out?

Senator Chisholm: What I am saying, Senator Allman-Payne, is that we're in the process of negotiating a new agreement.

Senator ALLMAN-PAYNE: I will take that as a no. Over to you, Senator Cox.

Senator COX: At the last estimates, I asked some questions about the Australian Indigenous Education Foundation. I want to follow on from those questions. Does the department have any data around the retention rate for the Australian Indigenous Education Foundation? They are claiming a 90 per cent retention rate. In a report done in 2022, it's really unclear whether this includes students who failed to meet the mandated outcomes of their contract. Does the department have any data on what that retention rate is?

Ms Brighton: I will ask Mr Mudford to respond to that.

Mr Mudford: I have data that confirms the 90 per cent annual retention rate. I don't have data on the students who failed to meet the contract requirements that you have talked about. I don't have that data with me.

Senator COX: Are you able to take that on notice?

Mr Mudford: I'm happy to take that on notice. I will have to follow up with the AIEF.

Senator COX: They are saying that there's a 95 per cent retention rate. I am really interested to hear how that information is disaggregated. Are we talking about kids who only complete the first year or three years? How is that broken down to get to a figure of 95 per cent retention? We know that target 5, target 6 and target 7 are not on track. We have a very slight improvement in relation to closing the gap for Indigenous kids. At last estimates, I talked about how since 2008 the federal government has provided \$153 million to the AIEF and sent a handful of our kids off country to private schools and away particularly from culture but also from country. Can you confirm how much money has been spent on repairing and supporting schools on country in remote and regional Australia or ensuring that these schools have classes and curriculums that are culturally appropriate for First Nations children and students?

Ms Brighton: Thanks, Senator, for the questions, some of which I will be able to answer today. Some of it is really from the jurisdiction perspective that we would need information. In addition to organisations such as AIEF that are supporting students whose families are encouraging them to pursue those different pathways, the government has invested \$40 million into Central Australia. That work is specifically about supporting students to engage in learning across all sectors in Central Australia. Those—

Senator COX: Ms Brighton, can I be so frank in saying that there are kids outside Central Australia. There are black kids in all remote areas in Australia, not just in Central Australia. I hope the department realises that and the government. This is not just about Central Australia.

Ms Brighton: Thanks for that feedback. I was starting with Central Australia and going to talk about the work we have been doing in Western Australia and across the country with organisations such as Good to Great Schools. The Commonwealth has invested in them to support students around literacy and strengthening their reading and engagement with schools. Mr Mudford can work you through some of the details. Before we go to Mr Mudford, in addition, we have work around supporting families. Some of that is about boarding schools. In addition to the scholarships through AIEF, there are also regional scholarships that have been offered. One hundred students have been able to access additional scholarships that will see them through all their years of secondary schooling. We understand that takes kids off country and many families don't want their children to be learning off country. In addition to that and the work we are doing in Central Australia, there is—

Senator COX: I think the correction, Ms Brighton, is not that they don't want their kids to go off country. They don't have any choice. The governments of this country continue to not maintain and fund and provide bilingual education on country for our kids in remote and very remote areas. The minister sitting at the table here today put out a press release to talk about how we want to send our kids to the bush. We want to have a cultural exchange with four schools. Is that right, Minister? We would rather teach our kids and our kids teach other people, adults in Catholic schools, about our culture? That's not our students' jobs. It's not our kids' jobs. It is for the department. It is for the government. You don't set up programs and put our kids in such a compromising position where they have to teach culture to adults. That's not how this works, Ms Brighton. We are supposed to be providing education to our children, yes, but you are sending our kids away from their family, their culture, their kin. Why are we continuing to do this? Why are we not funding and maintaining schools in remote locations and in regional locations in Australia?

Mr Cook: I speak, I guess, from the perspective of someone who used to run a system. You have raised a point about not just the role of the Commonwealth but the role of state governments around the provision of secondary education, particularly in some of these remote locations. There are two points here. The point you have made is about the quality of the actual schooling itself. As you would be aware, in many of our remote locations, state governments don't provide secondary education. We're working with the Northern Territory around that, for example, and what they've done. I think it's a fair point about what is the best education in the location that those young people and their families are in. If it's about schooling and up to year 12, for example, in a remote location, how do we do that? There's a reality that sometimes, for any child in that remote location, the provision of a school is not possible. What are the other ways you can do this? How do you actually engage with the local community to employ the local community as part of that? We're looking at that in terms of how we employ more Indigenous staff to be teachers in local communities. We are also looking at some of the IT issues as well. Some states and territories are looking at that. I know that has equity issues because the family has to have IT access.

You have raised a very valid point, I think, about the Commonwealth working with states and territories. It is part of the agreement we're doing at the moment. It is about how they provide that education on site where those children and families live.

Senator COX: I know, Mr Cook, that no-one waited for me to come to this parliament in 2022 to raise that issue. People have been saying that for a long time. Can I finish off this one question?

CHAIR: You can ask one question. We are going over time. This is your final question.

Senator COX: Thank you, Chair. We have been in this conversation for a long time, Mr Cook, Ms Brighton and others at this table. Minister, one question I have for your government is this: since 2022, Minister Clare talked about the gap for our children. The gap for preschool is 11 per cent; for year 12, it is 25 per cent; and at university it is 30 per cent. These targets are not on track. Targets 5, 6 and 7 are not on track. We have more First Nations kids in this country going to prison than they are to university. I want to know what this government is going to do differently from the last government. What are you going to do to not fund these foundations that use our kids as a PR stunt, that don't provide the proper wraparound and that put them in unsafe situations where they are subjected to racism and other things? I know that from personal experience. What is your government going to do differently?

Senator Chisholm: Thanks, Senator Cox. The first time I heard that figure about more First Nations kids in jail than going to university was from the minister himself. I know that this is something he wants to focus on. Look at the work we have been doing across early childhood, across schools and across university. It's obviously all coming to a juncture this year where we need to get runs on the board in terms of delivering and making a difference. I know that the minister is extremely motivated to make progress on these issues. I think the department is well prepared to work with us to do that at the same time. We certainly know that the various things we have out there we think will help to make a difference. I have some different experiences than you from people I have spoken to, who have been through the education foundation program. I understand that there would be different experiences as part of that. We certainly know that we need to ensure that in early childhood, in schools and resourcing and in access to university we're making a difference for First Nations people. I am confident that will be a real motivating factor for the government this year as we land these policies that are going to set the direction in education, we hope, for the next couple of decades.

Senator COX: That's not much of an answer, but thanks for trying. Thank, Chair.

CHAIR: We'll now suspend for 15 minutes.

Proceedings suspended from 10:36 to 10:54

CHAIR: We will go back to Senator Henderson.

Senator HENDERSON: Thank you very much, Chair. Secretary, I would like to begin by asking about the Grattan report on the importance of evidence based teaching methods in Australian schools. It appears that the minister was rolled by the state and territory education ministers in the education ministers meeting last December. Could you update the committee on when these vital reforms are going to be implemented across the country rather than the very piecemeal approach we see at the moment?

Mr Cook: Thank you for the question. Do you have a particular question about the Grattan report, or are you just referring to the Grattan report in your opening statement?

Senator HENDERSON: I referred to the Grattan report as well as further mounting evidence. We have one in three children failing NAPLAN. We know that evidence based teaching methods turn around and massively increase the results of children at school. We know what works despite what the Australian Education Union says.

Can I ask for an update on how those reforms are being rolled out? It looks to be a pretty dire situation where only one state, Western Australia, has agreed in principle to the funding deal that has been offered by the government. Five states have said no deal. There is no agreement at all in relation to any reforms. Even small group tutoring has now been brought into question as a result of a New South Wales government initiative. I am very concerned about the state of play given the minister said he was going to reform the education system. All we've seen is a funding war.

Mr Cook: Thank you for your question. I will go back to the ministerial meeting that you referred to. As you know, the review to inform a better and fairer education system was released after that meeting. It was a comprehensive document that made a range of recommendations to ministers. A lot of those recommendations align with the Grattan Institute recommendations. You would be aware of that. In fact, I think someone from the Grattan Institute was actually on the panel as well. Ministers accepted that report at the ministerial meeting in December. That report is the basis for the negotiations on the next new school funding agreement, as you would be aware. There are reforms in place at the moment. Those reforms are part of the current funding agreement. That funding agreement goes until the end of 2024. There's a range of reforms listed in that. AESOC, which is secretaries of my equivalence across the nation, met last Friday to begin the process for the negotiation of that agreement. A requirement of that agreement is agreement around the reforms that will make a difference. A lot of these reforms in the Grattan report align with the report that ministers accepted and an expectation, certainly from the Commonwealth, that those reforms would be accepted by the states and territories going forward. They include things like the year 1 phonics test. We talked about this previously. I think we gave you on notice those states that are doing a year 1 phonics test. The minister has a strong view about literacy and numeracy and ensuring that children in their early years have the foundation they need in literacy and numeracy and that we're able to assess that. They are conversations we're having with the states and territories.

Senator HENDERSON: Secretary, the minister may have a strong view, but nothing has changed. There has been no agreement as to any reforms to be implemented. You don't need a bucket of money to implement the grade 1 phonics test across the country. We know that. New South Wales and South Australia are currently doing that with some great success. Why hasn't the minister been able to get the states and territories on board in relation to these basic reforms that are so critical to student outcomes?

Mr Cook: Senator, thanks for the question. I'm not sure it's about states and territories on board as such. As I said, the ministers asked for a review of school education more broadly. They received that report in December last year. The ministers are now having the conversations. Jurisdictions will have the conversations with the Commonwealth about the reforms that will be adopted. They will be part of the new agreement that will be formed.

Senator HENDERSON: Let's be very frank about this. The minister has said, 'I'm going to tie new funding to these reforms,' when we've already seen that there are some states implementing important reforms, such as the grade 1 phonics test, so they can test whether kids are learning to read. These are being done within the current funding envelope. Why can't the minister drive these reforms that are so desperately needed across this country? The situation is dire. The Grattan report says this is costing our country \$40 billion because of our declining standards. Why can't he get those reforms in place right now?

Mr Cook: Senator, I said I'm happy to repeat it. The process around reforms, as they always have been from a national perspective, is through a national formal agreement. There's a current agreement in place. That agreement will expire this year. The minister is working, and we are working with our officials across states and territories, on forming a new agreement. The basis of that agreement will be the reforms that match very closely with the Grattan report, which were part of the review to inform a better and fairer education system.

Senator HENDERSON: Secretary, to be very fair, the minister has tied these reforms to new funding when we know that some states have already implemented very important reforms without additional funding. Why in nearly two years hasn't the minister been able to deliver some really important reforms and get the agreement of the states and territories right now?

Mr Cook: So, Senator—

Senator HENDERSON: He was completely rolled in that last education ministers meeting. He came out of that with just a motherhood statement and no agreement.

Mr Cook: I'm sorry, Senator, I can't comment on your view about being rolled. I was at that meeting. I don't understand what 'rolled' means from your perspective.

Senator HENDERSON: I'm saying there was no substantive agreement as to what reforms would be implemented in the last education ministers meeting.

Mr Cook: I think the statement is quite clear from the education ministers meeting about what was agreed. They agreed that there were three focused areas particularly. I'm sure you've accessed the communique.

Senator HENDERSON: Yes, I do. I'm very aware of the statement.

Mr Cook: They were very clear that there were three things that all ministers would agree to. They were issues around equity, student wellbeing and teacher workforce. The detail, then, of what those reforms look like is being informed by the national review that was undertaken that all ministers accepted in December. There are also other reviews, such as the Grattan review, which I have to say we welcomed because we think there are some very good things in there which align very much with what the recommendations are from the national review as well.

Senator HENDERSON: Let's go back to the grade 1 phonics test. Can you please explain why that can't be implemented across the country right now? One in three kids is not learning to read to the proficient standard. Could you explain why the minister can't get the states and territories on board right now just in relation to that one test?

Mr Cook: That's a matter for state governments; they run education systems and they make those decisions.

Senator HENDERSON: No.

Mr Cook: Yes, they do, Senator.

Senator HENDERSON: You're contradicting yourself, Secretary.

Mr Cook: I don't run a state—

Senator HENDERSON: You've just explained that the National School Reform Agreement includes important reforms.

Mr Cook: Yes, which states and territories agree to—correct.

Senator HENDERSON: Given that he has been in the job for nearly two years, and this is a dire state in our country, is there any reason why the minister can't get something like that in place now?

Mr Cook: So tear up the previous agreement? Is that what you're suggesting?

Senator HENDERSON: No. I'm not saying that, Secretary. Please don't put words in my mouth.

Mr Cook: But that's the agreement that exists.

Senator HENDERSON: I'm just asking why the minister can't lead the charge on ensuring that the grade 1 phonics test, which has proved to be such a success in two states, is implemented across the country right now. He hasn't even got an agreement to do so. That's the point.

Mr Cook: That's because the current agreement in place didn't have that, Senator. There's no difference—

Senator HENDERSON: But why didn't that come out of the education ministers meeting? There have been no substantive agreements on reforms.

Senator Chisholm: That was the one negotiated by your government.

Senator HENDERSON: Thank you, Minister.

Senator Chisholm: The one when you were in power for three terms. You did nothing on it.

Senator HENDERSON: There have been no substantive agreements on those reforms.

Mr Cook: Because the agreement will be part of the next agreement. I'm sorry, I feel like I'm going around in circles. I'm not trying to be difficult.

Senator HENDERSON: Well, it has already been delayed by a year.

Mr Cook: It was extended to enable the review to be undertaken.

Senator HENDERSON: It has already been delayed by a year. Even the Australian Education Union has been incredibly—

Mr Cook: It is extended for a year for the reforms to be identified; that's correct, yes, Senator.

Senator HENDERSON: Been incredibly critical. I want to ask about the Productivity Commission's recommendation that all schools lose DGR status. Minister, I will direct this to you. This has sent alarm bells through the non-government schools sector. The National Catholic Education Commission estimates this will cost Catholic schools \$2 billion a year. Independent Schools Australia says that it will cost independent schools more than \$1 billion a year. Will you rule out adopting this egregious recommendation, which would bring many schools, particularly low-fee-paying schools, to their knees?

Senator Chisholm: Thanks, Senator Henderson. As you are aware, it was a draft report from the Productivity Commission. It doesn't represent government policy. As the Treasurer has said already on this issue, this is not something we're considering.

Senator HENDERSON: This is not something you're considering. Could you provide a copy of when the Treasurer actually said that?

Senator Chisholm: I'm happy to find that and provide it.

Senator HENDERSON: When did he say that?

Senator Chisholm: I believe he said it after the draft report came out.

Senator HENDERSON: Well, I would appreciate having a copy of that. In relation to these proposals, both the shadow Treasurer, Mr Taylor, and I called on the Albanese government to rule this out. There has been no definitive statement.

Senator Chisholm: It is 31 January. Hopefully, my office can provide it. I'll table it. It's not something we're considering. I can't be any more clear than that.

Senator HENDERSON: So is this confirmation that no decision will be taken in relation to this recommendation?

Senator Chisholm: It's not something we're considering.

Senator HENDERSON: That wasn't my question. Is this a confirmation that no decision will be taken, that this won't be happening?

Senator Chisholm: It's not something that we're considering.

Senator HENDERSON: I appreciate that. Is this confirmation that this will not happen?

Senator Chisholm: It's not something we're considering, Senator Henderson. I can't be any clearer than that.

Senator HENDERSON: Minister, do you understand how devastated non-government schools were when they saw that recommendation? The cost particularly to low-fee independent and religious schools is through the roof. As I say, it's more than \$3 billion in total.

Senator Chisholm: It was a draft report by the Productivity Commission. It never represented government policy. It's not something we're considering.

Senator HENDERSON: Do you support the right of school communities to donate to school building funds to support schools build and maintain their infrastructure?

Senator Chisholm: I support the current circumstances that are in place.

Senator HENDERSON: So you do support the current DGR status for schools? We're not just talking about non-government schools. The recommendation extends to all schools, including many public schools that have school building funds.

Senator Chisholm: Understood.

Senator HENDERSON: And you support that?

Senator Chisholm: I support the current circumstances.

Senator HENDERSON: This looks like an egregious attack on non-government schools in particular. In order to provide the certainty that these schools need across the country, can you provide them with the certainty that they require that this will not be happening under your government?

Senator Chisholm: I will be clear: it's not something we're considering.

Senator HENDERSON: I appreciate what you have said. Can you provide them with the certainty that this is not something you will consider in the future, that this is completely off the table?

Senator Chisholm: I can't be any clearer, Senator Henderson. It's not something we're considering.

Senator HENDERSON: Minister, do you understand how upset schools are about this proposal?

Senator Chisholm: Well, it was a draft report from the Productivity Commission, Senator Henderson. It never represented government policy. It's not something we're considering.

Senator HENDERSON: Secretary, would you be able to provide to the committee all correspondence between your department and the minister's office in relation to this issue? By that I mean all emails, correspondence and any briefing notes, informal and formal? There have been representations made to the minister in relation to this matter, including representations from schools. Can you provide the committee with that correspondence? As I say, this has sent absolute alarm bells ricocheting throughout non-government schools.

Secretary, are you able to update the committee on the work that you've done in relation to this matter? Have any concerns been raised with you or your department?

CHAIR: Secretary, before you answer, if you want to do a follow-up question, I'll rotate the call following it.

Senator HENDERSON: I want to ask the secretary to answer that question.

CHAIR: Absolutely.

Senator HENDERSON: Thanks, Chair.

Mr Cook: The first I knew about it was when the draft Productivity Commission report was released. As you know, the PC is not part of the department. I've had no direct representation to me on the matter, but I am aware of the press releases put out by the independent schools—for example, the National Catholic Education Commission. I'm aware they appeared yesterday, I think, as part of the public consultation in relation to this with PC. But nothing has come to my immediate attention from any one individual. We are happy to take on notice any information we might have given to inform meetings with ministers and stakeholders.

Senator HENDERSON: Chair, I have a quick follow-up.

CHAIR: Sure.

Senator HENDERSON: I reiterate: we've had major issues with your department in terms of getting all of the documents. We've had major issues with the ATO, as I raised again last night. I reiterate that when we ask for all correspondence, we do seek all of the correspondence, please—

Mr Cook: Thank you, Senator.

Senator HENDERSON: in relation to this issue.

Mr Cook: I'm concerned that you said you have major issues with what we have provided you.

Senator HENDERSON: I will raise them later in relation to another matter.

Mr Cook: Sure. I can commit that we will provide you what we are able to provide, absolutely.

Senator HENDERSON: Within the rules of the Senate. Thank you very much, Secretary.

Mr Cook: Yes. As well as cabinet rules and things like that, of course.

Senator GROGAN: Mr Cook, you've referenced the current National School Reform Agreement as signed in 2018. Is that correct?

Mr Cook: That's correct, yes.

Senator GROGAN: And that was under the previous government, as was referenced. A review of that agreement was commissioned by Josh Frydenberg. Is that correct?

Ms Brighton: Just to clarify, are you referring to the Productivity Commission review?

Senator GROGAN: Yes.

Mr Cook: Sorry, yes. Yes.

Senator GROGAN: The Productivity Commission was asked to assess the effectiveness of the national policy initiatives. Is that correct?

Mr Cook: That's correct, yes.

Senator GROGAN: What was their assessment of those initiatives?

Mr Cook: I'll ask Ms Brighton to provide some information to assist you with that question.

Ms Brighton: The Productivity Commission concluded that there's a history of collaboration between the Commonwealth and the jurisdictions but that the initiatives had done little to improve outcomes. It was a sound platform that could be used for national collaboration and an improvement in outcomes. The head also recommended that the next agreement should have firm targets and address the common reform challenges.

Senator GROGAN: The common reform challenges across the whole country?

Ms Brighton: Yes.

Senator GROGAN: So each of the jurisdictions by nature of their shared responsibilities?

Ms Brighton: Absolutely, yes.

Senator GROGAN: One of the things that the Productivity Commission report said was that the NPIs, the national policy initiatives, were 'unlikely to have affected the education outcomes of Australian students'. It also found, alarmingly, that 86,632 didn't meet the minimum standard in literacy or numeracy. The gap between advantaged and disadvantaged students had become bigger over the period of time, and the teacher shortage had

gotten worse. That was that 2018 period. Given that is quite damning—obviously not what people are looking for in terms of how we progress our education system—and that 2018 to 2022 period was obviously a bit of a disaster, can you tell us what steps have been taken, now that this review is there and you're looking at it, to ensure that the next school reform agreement is actually going to help Australian students?

Ms Brighton: The findings of the Productivity Commission about the current National School Reform Agreement, particularly about the lack of concrete targets and practical reforms, are certainly an input into our considerations and negotiations on the next agreement. Minister Clare has been overt in his expectations that with any additional funding that might come from the Commonwealth, funding will be tied to practical reforms in the classroom and in schools. Those reforms need to be anchored into the context of each of those jurisdictions. For instance, one of the often quoted areas of practical reforms is that students who have fallen behind will need additional support in order to catch up and to keep up. There's a range of different strategies that can be used to do that. One is small group tutoring, which is an opportunity for students to have more intensive instruction in quite small groups. Importantly, as observed just in the last week by the Grattan Institute, those sorts of initiatives need to be implemented with really clear targets. They need to be implemented with fidelity in order to have the impact and to help students catch up and be able to participate in class with their peers. So that's one of the very practical reforms.

Certainly, the Productivity Commission highlighted the needed for specificity. The NSRA review panel pointed to those sorts of reforms. They also pointed to reforms about strengthening the capability of our teaching workforce, which is doing an amazing job but needs support to be stronger. Part of that is about ensuring that professional development is available for staff in a timely way, as well as resources for those staff. Ms Mohr might want to add to some more practical elements of it.

Ms Mohr: The Productivity Commission did make the findings and the statements that you, Senator, and Ms Brighton talked about. I would add that the Productivity Commission was an input into the review commissioned by Minister Clare, which is the review to inform a better and fairer education system. It really fed into the terms of reference that asked that panel to look at specific reforms and specific targets in response to the Productivity Commission's findings earlier in the year. There's a significant number of reforms and targets set out in the review that will inform the negotiation of the next agreement.

Senator GROGAN: Would you say that you're making progress on the new agreement? Is it going well?

Ms Brighton: As the secretary said, we've started engagement with the jurisdictions and we'll negotiate that agreement through the year. In addition to those negotiations, there are decisions that education ministers have made in order to progress reform and improvement to the education system. One of them stems from the Teacher Education Expert Panel, which concluded their work in July last year. One of those elements was about strengthening the quality of initial teacher education. Decisions had already been made to amend teacher standards and then, by the end of 2025, implement new core content into initial teacher education programs. So decisions that education ministers have made in the last 12 months are already in the process of being implemented. Not only can they strengthen the supply of teachers in terms of the quality of their experience at university and the accessibility of the teaching degree but also support teachers already in the workforce by way of professional development, workload reduction and a range of initiatives that ministers have collectively agreed under the national teacher workforce action plan.

Senator GROGAN: Great. You referenced that you already have one agreement underway with a statement of intent from WA?

Ms Brighton: That's right.

Senator GROGAN: I assume this is a process as you're making these decisions and as you get agreements. Do you anticipate that the other states will then roll out through the remainder of the year?

Ms Brighton: The statement of intent is an agreement in principle between the Commonwealth and Western Australia. We anticipate in our discussions that we'll enter into heads of agreement and bilaterals during this year so we have a new National School Reform Agreement to commence from 1 January next year.

Senator GROGAN: Great. The education ministers meeting is pretty much where a lot of that negotiation happens for consistency and agreement across the country?

Ms Brighton: Yes.

Senator GROGAN: How is that progressing? Some of the commentary earlier would imply that it's a difficult or contentious forum.

Ms Brighton: The education ministers meet regularly to get updates from officials about the progress of reforms that they have agreed to and to discuss critical issues. Sometimes there are matters that sit outside the National School Reform Agreement and don't need a national school reform agreement to reach agreement. One of them would be the use of mobile phones in schools. It was very evident from what schooling systems were saying, what different panels were seeing and what inquiries were finding that mobile phones have become an intense distraction. Education ministers discussed those matters and reached a national agreement about a position around mobile phones in schools. So there are immediate issues that can be dealt with by education ministers that don't necessarily need the hooks of a National School Reform Agreement to get action.

Senator GROGAN: Would you say it's a productive for though?

Ms Brighton: It's very collaborative. Ministers talk through the issues and reach outcomes. It's a consensus based for so they all work hard to make sure that they are listening to each other and responding accordingly.

Senator GROGAN: Great. I know the mobile phone ban ticked up quite large when it first started being discussed. There was an article in the *Courier-Mail* just a few weeks ago—I think it was 3 February—that outlined that kids were now playing basketball and playing out in the yard and playing cards and chess and all sorts of things like that. Are we seeing that as a direct result of this mobile phone ban?

Ms Brighton: All we have to work with is the feedback we get from our colleagues interstate. By and large, we are hearing positive commentary not dissimilar to what you saw in the media.

Senator GROGAN: That's good to hear. The agreement in that meeting was about the ban. What did they actually commit to? What did they agree to? Was it, 'We'll all ban mobile phones?' Was there any scope to it?

Ms Brighton: Ministers agreed to a national commitment to ban, restrict or manage the use of mobile phones and other personal electronic devices by students for personal use in government schools. Ministers in that discussion noted that the policy, approaches and their implementation are a matter for each of the jurisdictions. But this is a really good example of a principles based approach about what we agree to nationally and then how each of the education ministers will implement that in their jurisdictions. So at the time that decision was taken, which was July last year, Western Australia, South Australia, Tasmania, Victoria and the Northern Territory had already implemented bans. New South Wales decided to make its decision from, I think, term 4 at the end of last year. Queensland's took effect this year. The ACT were reviewing their settings at the time. I believe since that time they've made a decision around that. So that's a really good example of national agreement and a principles based approach executed in jurisdictions based on the particular context.

Senator GROGAN: Great. Another issue that is writ large in our education space is artificial intelligence. I understand that the education ministers meeting has discussed this and put in place a taskforce. Is that correct?

Ms Brighton: Yes. New South Wales has been leading the artificial intelligence taskforce. That taskforce has included not only public schools but also representation from the independent and Catholic sector as well. Ministers agreed to a national set of standards, principles and framework around artificial intelligence. That was released last year. We're in the process of implementing that and putting in place a series of mechanisms to apply that. New South Wales is currently still leading that work. I think there's a work plan coming back to education ministers this year. Now that framework is done and setting the expectations for schools and providers around that framework, it is about next steps. In addition, a number of jurisdictions have implemented pilots about the use of AI in schools. It is a very carefully managed and constructed pilot so that it's contributing to the learning of students in a deliberate and considered way.

Senator GROGAN: And to inform that sort of work going on in terms of developing a cohesive plan?

Ms Brighton: Yes.

Mr Cook: Australia is also leading work internationally on this. We're working with the OECD, Finland, the UK, Germany, Estonia and a few other countries. Australia is putting together a policy around how artificial intelligence may impact on education into the future. All these countries are working on this because we're all concerned about a whole range of things. The minister has been very clear about student privacy and the risk of student privacy for those students who are out in artificial intelligence land, if I can put it that way. The framework talks about some of those student safety requirements.

We're also doing work, as Ms Brighton said, with Education Services Australia basically around developing product specifications for developers. As you would know if you're in a school, every day you get 20 letters from someone who is trying to sell you something. The new thing to sell is an artificial intelligence product. We need to provide advice to schools about the safety and the product specifications around those products and about the use of those products in schools. And, to finish up, as Ms Brighton said, most states and territories now are developing closed trials so they can be done safely in a safe environment with young people. South Australia is

leading that. Queensland is doing some work as well. I think they spoke at the artificial intelligence inquiry a couple of days ago about this happening at the moment. They're doing some really interesting work that we're trying to lean on in this space.

Artificial intelligence has great potential to help teachers—great potential. In Korea and China, we learned that a lot of students now have artificial intelligence assistance as well as their teacher. They're working with this artificial intelligence to help them with catching up their learning. There's great opportunity, but there's also significant risk. Our job is to ensure that we take advantage of the opportunities but also respond to the risks.

Ms Brighton: I will add one point to the secretary's answer. Education Services Australia are working on technical standards. In tandem with that, AERO, the Australian Education Research Organisation, has been part of that ESA work on the education standards. So we're not just looking at the tech component but at the education standards that need to be part of that companion package.

Senator GROGAN: It's great to see you looking at it holistically. Will that feed into not just the Australian work but also the international work?

Mr Cook: That's correct.

Senator GROGAN: Excellent. Thank you.

Senator ALLMAN-PAYNE: Before I start on my next block of questions, I have a question for the minister relating to where we finished up. At a principals conference in New South Wales in 2022, the then opposition spokesperson for schools, Tanya Plibersek, said:

We will work with states and territories to lift our share and lift their share to stop states and territories saying that the school bus pass thing is a part of the schooling resource standard, the building we built is part of the schooling resource standard. So this is something that we need to do together with states and territories. Our commitment is there to get every school to 100 per cent of its Schooling Resource Standard. Our leader Anthony Albanese has said that publicly, you can take it to the bank.

Ms Plibersek was very clear there about stopping states and territories being able to include four per cent on things such as buses and buildings and depreciation. Has the government's position changed from that expressed by Ms Plibersek at that conference in 2022?

Senator Chisholm: Obviously, Senator Allman-Payne, what I was talking about before was that we are in negotiation with the states and territories over the course of this year.

Senator ALLMAN-PAYNE: That's not my question. My question is: has the government's position changed on the four per cent from that stated by Ms Plibersek to that conference in 2022, where she said we would stop them being able to include those things?

Senator Chisholm: Obviously, what I said is that we are in negotiation with the states and territories now on the next school funding agreement.

Senator ALLMAN-PAYNE: Okay. You're still not answering my question, but I will move on. I want to move to private school funding in relation to the schooling resource standard. Can the department refresh my memory on what the time frame for bringing all private schools that are currently funded beyond the schooling resource standard down to 100 per cent of the schooling resource standard?

Ms Brighton: Senator, we're heading toward the 2029 time frame.

Senator ALLMAN-PAYNE: So that's five years away, which is essentially an entire term of what the national school reform agreements have taken.

Ms Brighton: Yes. That was the agreement—that the transition would take place down to 2029.

Senator ALLMAN-PAYNE: I want to take you to an article that appeared in the *Sydney Morning Herald* on 13 February, a couple of days ago. It was by Sherryn Groch. It is called 'The private schools with the richest parents in Australia revealed'. It is an article about some analysis that had been done on information provided by the department in response to estimates questions that we had asked previously. Has the department seen the analysis as discussed in this article?

Mr Donovan: Yes, we have.

Senator ALLMAN-PAYNE: What is your understanding of what the data in the article shows?

Mr Donovan: Well, the article I think we're both referring to is by an organisation called Save Our Schools. The paper is called 'Over \$1 billion of taxpayer funding squandered on overfunding the richest families and schools'. The analysis uses two pieces of source data about the funding we provide to approved authorities and median income in ranges of non-government schools that is used in the direct measure of income calculations to produce analysis about funding outcomes for different schools at different levels of median family income.

CHAIR: We might table that.

Senator ALLMAN-PAYNE: Yes. What did it say about where the majority of the money was going in relation to median income?

Mr Donovan: The article itself makes a series of claims about what the author calculates as the degree of funding going to schools that are transitioning to their 80 per cent Commonwealth SRS share. I should note that a series of assumptions goes into those estimates, yes.

Mr Cook: Just to be fair, we have seen the analysis in the article. We haven't actually seen the analysis done by Save Our Schools. Is that right? Did they provide it?

Mr Donovan: We've seen the research paper. We don't have access to the underlying calculations.

Mr Cook: Just to be clear, they haven't given us their analysis. But we've certainly seen that and we've seen the research paper that is public.

Senator ALLMAN-PAYNE: That analysis says, for example, that Victoria's Penleigh and Essendon Grammar, where the median family income is between \$235,000 and \$260,000 a year, will receive more than \$24 million in funding above the agreed schooling resource standard in the six years to 2028. It also says that, in that same period, St Augustine's College in New South Wales, where the median family income is above \$260,000, will receive more than \$22 million in overfunding by 2028. Isn't this an egregious outcome where we've got only 1.3 per cent of our public schools at the bare minimum? The department said this morning that is the amount to get 80 per cent of kids across the line, so we've got a big conversation to have at some point about the other 20 per cent. Two schools alone are getting \$46 million above the schooling resource standard. Maybe that's a question for the minister. Is the government concerned about the inequity in that?

Senator Chisholm: I think the department have talked through that they are not able to verify the accuracy of the data, Senator Allman-Payne. What we know is that it is important that all schools are funded appropriately. That's what we've signalled we want to get on the path to. That's why the next school resourcing agreement is so important. It's why the minister has been so determined to ensure that we get a really good outcome with regard to ensuring that we get on that path.

Senator ALLMAN-PAYNE: Can you explain, then, why the greatest share of excess government money is going to private schools that have the wealthiest parents?

Ms Brighton: Senator, I will respond to that. These arrangements have been in place for some time. I haven't seen the analysis in this report, and nor have I seen the report, but all of those schools are on a pathway down to 2029.

Senator ALLMAN-PAYNE: You said to 2029. I understand that.

Ms Brighton: In an approach that enables them to—

Senator ALLMAN-PAYNE: I am going to stop you. The question is not about the pathway. I understand the pathway. The question, I guess, is to the government. You are in a situation where you have thousands of public schools that are well below the standard. I am trying to get an understanding of whether the government has any concern whatsoever that currently we have the greatest share of excess government money going to private schools with the wealthiest parents. I'm trying to get an understanding of whether that is of any concern whatsoever to the government.

Senator Chisholm: Well, I don't think highlighting individual schools is necessarily an accurate reflection of the pathway that we're on. I think the department have talked through the trajectory that we've been on. I know that we've gone through it at previous estimates as well. We obviously want to get there as soon as we can. The next school reform agreement, as I said, is really important so that we land those deals with the state governments and territories to ensure that we can lift standards across all schools.

Senator ALLMAN-PAYNE: We talked before about the fact that the schooling resource standard is meant to be needs based. It seems somewhat incongruous to me that we are giving millions and millions of dollars to schools with parents on incomes of \$260,000 and above whilst kids in both poor private schools and public schools are not getting the money. But here we are. When the Commonwealth calculates the financial need of private schools, what streams of income are considered in that calculation for the SRS?

Mr Cook: Mr Donovan can answer that one for us, Senator.

Mr Donovan: It uses the ATO's definition of adjusted taxable income, or ATI, as it's noted in the paper. That takes the median family income, which is given to us by the ATO, the basis for the direct measure of income calculation that forms the basis of those CTC scores. The CTC scores are then used to discount non-government

based funding by the capacity of that school community to contribute to the ongoing running cost of the school. I am sure you are familiar with these arrangements. That discount is between 10 per cent and 80 per cent.

Senator ALLMAN-PAYNE: Does that mean, then, that donations aren't taken into account?

Mr Donovan: As a measure of capacity to contribute, it doesn't directly measure fees, donations or other forms of direct income to the school. It was designed by a technical working group a few years ago constituted by independent experts, the department, the ATO, DSS and the ABS. It determined that the best way to measure this was the school community's capacity to contribute rather than the actual reported contributions.

Senator ALLMAN-PAYNE: So when 50 private schools receive \$611 million in donations, that's not factored into the calculation, is it? It's just based on their taxable income?

Mr Donovan: Yes. It's not directly factored in, Senator. The adjusted taxable income is seen as a way to measure the capacity of a school community to both pay and support donations.

Senator ALLMAN-PAYNE: Yes. So the answer is it's not factoring in donations. It's factoring in the taxable income. I note that many high wealth individuals have lots of ways of reducing their taxable income, so their take-home income is probably much higher than \$260,000. What about the rental income of some of those schools? We know that a lot of the big private schools get rental income. Is that factored into that SRS calculation?

Mr Cook: No.

Mr Donovan: No.

Ms Birmingham: What about investment income? We know that they also have big investment funds?

Mr Donovan: No.

Senator ALLMAN-PAYNE: So this might be an underestimate. If the Commonwealth doesn't factor those incomes in, it's fair to say, then, that those private schools may well be overfunded by a much more significant amount. Not only do they have high net incomes, but we're not factoring in massive donations, which they're also getting tax deductions for, I might add, and investment and rental income. None of that is factored in. Correct?

Mr Cook: That's not factored in, Senator, yes. This is government policy. We can't really give an opinion on your comment.

Senator ALLMAN-PAYNE: That is correct. But my understanding of that is correct?

Mr Cook: Your factual information is correct. That's right.

Senator ALLMAN-PAYNE: Thank you. Has the department been directed to prepare a response or a plan in dealing with this egregious level of overfunding?

Mr Cook: No. Senator, the current policy was established several years ago. I'm not aware of us being asked to change the policy.

Senator ALLMAN-PAYNE: So it's as it stands. We're just going to let that ride out until 2029?

Mr Cook: Well, other matters are internal to government. In terms of other conversations—

Senator ALLMAN-PAYNE: But at the moment, you haven't been directed to do anything in relation to that? It's as it stands? That's just going to roll on until 2029?

Mr Cook: We certainly provide advice to the minister on a range of issues to do with school funding, Senator. That's probably as far as I can say.

Senator ALLMAN-PAYNE: Have you been asked to provide advice about how that amount could be reduced more quickly?

Mr Cook: Senator, I have to say that any issues that we have been asked to provide advice on which might have a budgetary context are in the context of the budget. I am sorry, but I can't comment on that.

Senator ALLMAN-PAYNE: Maybe this is a question for the minister, then. Minister, does it seem fair to you that public funding goes to the wealthiest families when public schools are underfunded?

Senator Chisholm: Well, obviously—

CHAIR: Just before you answer, just a final question after that.

Senator ALLMAN-PAYNE: I am almost at the end of this block.

CHAIR: Final question after this. The coalition certainly had a lot of time for questions.

Senator Chisholm: Thanks, Chair. Thanks, Senator Allman-Payne.

CHAIR: Minister, go ahead. I have been allocating it fairly. I have been allocating it per arrangement.

Senator ALLMAN-PAYNE: I just want to finish this question, please. I am entitled to get answers to those questions.

Senator GROGAN: No-one said you weren't.

CHAIR: I'm not trying to cut you off. I'm just sticking to the arrangements we had.

Senator Chisholm: Thanks, Chair. Thanks, Senator Allman-Payne. Obviously, the school resourcing agreement has been in place for a number of years. As I mentioned, we are in the process of negotiating about that. What I have seen across schools when I have been out and about, and even back when I am home in Brisbane, is that parents make all sorts of choices when they send their children to school. Not everyone at that school would be a wealthy parent. Some people would be making enormous sacrifices to send their children to some of those schools because they think it's in the best interests of their children to go there. I think it's important that government recognises that some parents are making sacrifices and that those schools deserve support as well.

Senator ALLMAN-PAYNE: Just to clarify, is it the current position of this government and of the minister that schools with the wealthiest families should receive over \$1 billion in overfunding?

Senator Chisholm: Well, I don't accept your characterisation of the scenario, Senator Allman-Payne. As I mentioned, there would be parents from all different walks of life who are sending their children to some of those schools. They would be doing it for various reasons. It has been long established for many decades now that the government provides support to public and private schools and schools of different denominations all across the country.

Senator ALLMAN-PAYNE: So just to be clear, the government has no plan to end this current level of overfunding before 2029?

CHAIR: Just before you answer, once you answer this, we will be rotating the call.

Senator ALLMAN-PAYNE: Yes. This is my last question.

Senator Chisholm: Obviously, as I've said repeatedly, Senator Allman-Payne, we're going through the next reform agreement. Obviously, that will have an impact. Those negotiations will take place this year.

Senator ALLMAN-PAYNE: Thank you.

Senator HENDERSON: Minister, the Minister for Education promised full and fair funding, up to 100 per cent of the SRS. Why hasn't that been delivered?

Senator Chisholm: That is something that we are committed to, Senator. Obviously, we inherited the current agreement that was in place. The minister saw fit to engage Dr O'Brien to do a review. That is something that has been done in conjunction with the states and territories. That review came down in December last year. It was received by education ministers across the country. The work is now ongoing on reaching those agreements with the different jurisdictions.

Senator HENDERSON: Minister, you have answered a different question to the one I asked. I asked: why hasn't that funding been delivered? The states and territories are clearly saying, 'You promised full and fair funding.' There is another five per cent from 20 to 25 per cent, and five states have said, 'No deal'. Isn't this a blatant broken promise?

Senator Chisholm: Well, I think you're being a bit ridiculous there, Senator Henderson. We want to obviously ensure that the money invested in schools is actually making the difference. We inherited a pretty poor record from your government, when you look at the outcomes across schools in this country. We want to ensure that the money that is being invested is actually going to make a difference and improve outcomes in schools. That's what the review was about. That's why we will be working with the states and territories to achieve that this year.

Senator HENDERSON: I'm talking about your commitment to full and fair funding. Under the coalition, we took schools funding from \$13 billion a year up to \$25 billion. We had a pretty impressive record. The minister promised full and fair funding. He never said before the election it was contingent on the states providing billions of dollars. They've now said, 'No deal'. I put to you, Minister, that this is a blatant broken promise.

Senator Chisholm: Well, I think that's ridiculous, Senator Henderson. What we do know is that the Productivity Commission found under the coalition that 86,000 people didn't meet the minimum standard in literacy or numeracy. The gap between advantaged and disadvantaged got worse and the teacher shortage got worse. That is your record in government.

Senator HENDERSON: I would ask you to be directly relevant to the question.

Senator Chisholm: That's what we inherited. That's why—

Senator HENDERSON: Minister, I'd like you to answer the question about funding.

Senator Chisholm: we organised the review. We're going through that negotiation now because we don't want to see what happened under the decade of your government happen again. We want to improve standards. We want to get better outcomes. That's why we're working with the states and territories to achieve that.

Senator HENDERSON: We effectively doubled schools funding during the nine years of the coalition government. This minister promised full and fair funding before the election, Minister. He never said this was contingent on the states and territories delivering billions of dollars of their own. I put to you that your government, the Labor Party when in opposition and continuing in government, has blatantly misled Australians. This is a—

Senator Chisholm: So you don't think we should improve outcomes?

Senator HENDERSON: I'm asking about—

Senator Chisholm: You're happy with the current scenario?

Senator HENDERSON: I have championed better outcomes. You know well I have. Why don't you answer the question about your broken promise?

Senator Chisholm: Well, it's ridiculous. We're negotiating the agreement with the states and territories now.

Senator HENDERSON: But the states have already said, 'No deal'. They are saying you have failed to deliver full and fair funding. Five of the states have already said it.

Senator Chisholm: And we remain committed to doing that. We are going through the negotiation with the states and territories to get every school to 100 per cent of its fair funding level.

Senator HENDERSON: So your commitment remains that you will deliver 100 per cent of the SRS?

Senator Chisholm: Absolutely.

Senator HENDERSON: To public schools?

Senator Chisholm: I heard the Prime Minister mention that in his address to the Press Club on 25 January.

Senator HENDERSON: Why is it that the minister has only delivered an offer to increase the Commonwealth contribution under the Gonski funding model from 20 per cent to 22.5 per cent, not 25 per cent? That's not a commitment. He has only announced an intention to deliver another 2.5 per cent, Minister.

Senator Chisholm: As I said, we're going through the negotiations with the states and territories now about ensuring that we reach that standard.

Senator HENDERSON: Well, I put it to you that, based on the fact of what has occurred, you have delivered nothing more than a funding shambles and a massive broken promise.

Senator Chisholm: We inherited an education system that had degraded over the last 10 years of coalition government. We've got a lot of work to fix that. That's what the minister has been dedicated to. We are ensuring that we negotiate in good faith with the states and territories to achieve that.

Senator HENDERSON: Minister, as I said, under the former coalition government, we doubled education schools funding from \$13 billion to \$25 billion. Under your minister, who committed to full and fair funding, that has not been delivered. He has announced only half of that funding. I put to you that he has misled the states and territories and broken this commitment that was made before the election.

Senator Chisholm: You have to look at your record, Senator Henderson.

Senator HENDERSON: No. I'm asking about your record.

Senator Chisholm: You put a cut in the funding percentage in the Commonwealth legislation.

Senator HENDERSON: Stop dodging and weaving my questions. I am asking about your record. I am asking about what is going on right now. You are in government, Minister.

Senator Chisholm: And we've got a lot of work to do—

Senator HENDERSON: You certainly do.

Senator Chisholm: to undermine the damage that you did. That's what we're committed to doing.

CHAIR: Rather than have banter, I will assume that the minister has just finished his answer. Questions can be asked. The minister can respond. I respect the fact that the coalition and others will respond to that response.

Senator HENDERSON: Thank you, Chair. I will continue. Secretary, I want to go to the school upgrade fund and the targeted round, which, I put to you, is a slush fund for the Labor Party's election commitments. I will start

by asking for a full list of projects and the status of each of the projects funded under the targeted round, including the work completed to date and the projected completion date. If you have anything in writing that you can hand up or table, I would appreciate it. What can you provide to the committee right now?

Mr Cook: I don't have a single thing on me, but I will refer to my officers in relation to that.

Mr Donovan: Senator, we have information here on the number of projects in the targeted round. But I think the level of detail you're after we would need to take on notice.

Senator HENDERSON: So has the number of projects changed since the last estimates? Has the number of projects changed since the last estimates?

Mr Donovan: No. It's still 220 projects.

Senator HENDERSON: I am referring to question on notice answer 000667. I am particularly concerned about a number of these projects. Can you update me on the new science building at the Mt Eliza School?

Mr Donovan: I don't have that quantum.

Senator HENDERSON: Could someone get that detail?

Mr Cook: We can try. We don't have details with us of 220 schools and their project status. When did the last report come to us, do you know?

Mr Donovan: We are getting completion reports now, so I can go through the aggregate of the number that we know are already completed and have reported fully to us on that completion. But in terms of a project by project breakdown for each of those 220, I don't have that with me.

Senator HENDERSON: Is it possible, Secretary, to get that information?

Mr Cook: We can certainly seek it. Remind me of the school again just to help us.

Senator HENDERSON: Well, I'm keen if you have anything that sets out the project status of all of these projects.

Mr Cook: I don't think we will necessarily because not all reports will come in at the same time. So we won't have a consistent report of everything.

Senator HENDERSON: So you don't have a report of—

Mr Cook: We'll have some report we can give you, but not everyone has reported.

Senator HENDERSON: Can you provide what you have on notice?

Mr Cook: We will take it on notice.

Senator HENDERSON: Can you provide a full report of every project?

Mr Cook: I'm happy to help.

Senator HENDERSON: Can I confirm whether there are any funding agreements in relation to these projects?

Mr Donovan: Yes. There's project information that is sent to every school that confirms the project cost and scope and goes through the reporting and acquittal arrangements with those schools that are required to report on the progress and completion of that project and provide evidence of it. Through states and territory governments and approved authorities, we receive the financial acquittal against each one of them.

Senator HENDERSON: Is there any funding agreement in relation to each project?

Mr Donovan: Yes. Under the project guidelines, schools are bound to meet those conditions with the funding.

Senator HENDERSON: I am asking whether there is a funding agreement. I understand that there are guidelines. Is there a funding agreement, or is it just an email correspondence?

Mr Donovan: The department, in providing that funding, has a set of expectations they make clear to each school. I am not exactly sure the type of agreement that you might be referring to.

Senator HENDERSON: A normal funding agreement which is signed by both parties. Is there a funding agreement in relation to those projects?

Mr Donovan: There is an agreement between us and jurisdictions under the school upgrade fund. There is the statement of expectations that schools have to comply with.

Senator HENDERSON: There is a statement of expectations. When you say there is an agreement between the Commonwealth and states and territories, is that a funding agreement?

Mr Donovan: There is a funding agreement under school upgrade fund round 2 with each state and territory.

Senator HENDERSON: That's round 2. I'm talking about the targeted round, which is actually round 1.

Mr Donovan: Under round 1, it's a school based program. The agreement that is formed is under the guidelines and through the correspondence with each school that sets out the expectations.

Senator HENDERSON: Could you provide the correspondence in relation to each school which sets out the expectations, what the school must comply with, how funds are acquitted and how milestones on projects are reported? Could you provide that correspondence in relation to each school? It appears that while the department is setting out the guidelines, there is no formal agreement in place in relation to that funding. I'm concerned that it's taken a few estimates, Secretary, to learn about the project at Greenwood College. Could you describe the nature of that project, please?

Mr Cook: No. I don't know the details of that.

Senator HENDERSON: It's set out in one of your responses to a question on notice.

Mr Cook: I am happy to refer to my officers for that.

Senator HENDERSON: It is question on notice SQ23-001154. We did seek information about a \$2 million improvement to school facilities at Greenwood College. We've only just learned that it is to upgrade swimming facilities. Can you provide any more detail in relation to that?

Mr Cook: I will see whether any of my officers can help me. I don't have that information, Senator, sorry.

Ms Brighton: We don't have that information with us. Greenwood College is a public school in Western Australia. The funding was to upgrade its swimming facilities. It was provided under the election commitment. I think we said in the question on notice we don't have the itemised costings, but we are happy to take on notice and provide to you the information we have. We are getting those reports in from the different projects, so we can check what we've got from Greenwood College.

Senator HENDERSON: How is that consistent with the commitment that the Labor Party made before the election that funding would be provided for COVID safe improvements to schools, such as air purifiers, upgraded heating, ventilation and air-conditioning systems, which was what this school upgrade fund was all about?

Mr Donovan: I believe that part of the commitment was also for other priority projects, as identified by the government. Many of the targeted round projects fall under that. I think in the question on notice that we have been referring to, we have stated that the investment at Greenwood College is to support the school in providing a continued positive learning environment for students and promoting health and wellbeing.

Senator HENDERSON: Firstly, how is that consistent with COVID safe improvements to schools? Secondly, why is that a priority project?

Mr Cook: I think it was an election commitment, Senator. That is my understanding.

Mr Donovan: That's my understanding.

Senator HENDERSON: By the now minister, Aly?

Mr Cook: I'm not sure who made it. It's an election commitment. It has come to us, as it would normally do. We implement government election commitments no matter which government it is.

Senator HENDERSON: What is particularly concerning about the way this money is being acquitted is that there is no funding agreement. There doesn't appear to be any oversight. Can you please explain what oversight, what assurances, what scrutiny was applied by the department in relation to the expenditure of a very significant amount of money, being \$2 million.

Ms Brighton: I will clarify by way of language around funding agreements and scrutiny and oversight, if I may. With the targeted round, there are guidelines about how the funding should be used and a statement of expectation, which sets out what is expected from the parties. The parties are to report to us progress against the construction works, the infrastructure works, that they are doing. Those reports are coming in at the moment, with status update and the progress against the outcome. All funds had to be committed and projects commenced by a certain date. While we don't have details of individual projects with us, we are getting those reports through at the moment. We do have oversight about how the progress of those works is occurring.

CHAIR: One follow-up question.

Senator HENDERSON: I welcome the opportunity to look at the scope of that oversight. Has the money been expended? Has all this money for these 220 projects been provided to these schools?

Mr Donovan: All of the money has been provided to the schools. It is provided by the Commonwealth in a Treasury to Treasury payment, as is the normal course of our school funding, and then passed through to the relevant approved authority, which in the government system is the state or territory department.

Senator HENDERSON: Hang on. You are providing money for projects that you don't even know have been completed. Is that right?

Mr Cook: No. Our normal process in terms of—

CHAIR: Before you answer that question, I will rotate back to the coalition. After this question, I will go to another senator.

Senator HENDERSON: Chair, I would like to seek an answer. So you are providing money for projects which have not been completed?

Mr Cook: No. We would normally do what we do, which is we allocate money to states and territories. We can't have a direct allocation to government schools from the Commonwealth. It has to go through the state Treasuries. State treasuries then give it to their education department, which allocates that funding to schools.

Senator HENDERSON: That money has gone out the door before the project has even been completed?

Mr Cook: Yes.

CHAIR: Senator Henderson, I will come back to you.

Senator HENDERSON: That's a major concern.

CHAIR: I will come back to you after this if you want to follow up this line of questioning. There may be an answer to that before I go to Senator Payman.

Ms Brighton: Yes, Chair. Most schools aren't in a position to fund the capital works themselves or these infrastructure upgrades themselves from their existing funding. The money flows in order to pay specifically for those projects of we have an assurance mechanism through that reporting to confirm that it has been used for the purpose for which it was intended. Of course, if we ever discover that funding was used for the purpose not intended, we would follow that up with our compliance section.

Senator HENDERSON: But, Ms Brighton, normally the way a funding agreement works is that—

CHAIR: Can I—

Senator HENDERSON: you apply milestone payments so that you only pay once a certain part of the project has been completed.

CHAIR: Thank you—

Senator HENDERSON: That's the normal and typical way that Commonwealth funding agreements work. So you have delivered all of this money—

CHAIR: Can I—

Senator HENDERSON: and the projects haven't even been completed.

CHAIR: I will take that as a statement at the moment. Maybe there is an answer that somebody wants to follow up when it gets back to the coalition, if the coalition wants to comment on that.

Senator HENDERSON: It's very compelling, Chair.

CHAIR: On that matter. I will now go to Senator Payman.

Senator PAYMAN: I would like to ask about vaping in schools. On the weekend, I read an article in the Australian written by Natasha Bitá. This is what a principal had to say about his experience of vapes in school:

Students are fixated on getting their next hit. They are very disruptive and distracted from learning. We see the behavioural effects of withdrawal as kids disappear from the classroom so they can get a nicotine hit.

What impacts are we seeing of vapes on students across Australian schools?

Ms Brighton: Certainly vaping is a matter of much discussion between senior officials and education ministers. I know that Minister Clare has had many engagements with the Minister for Health about this very key issue and the need to provide not only more guidance to schools but for the health department to put in the various actions that it has put in around vaping. Ms O'Connor will be able to unpack a bit more what we have seen in schools and what the impact has been.

Ms O'Connor: We have been working closely with the department of health, which is the lead department from the Commonwealth, in terms of the response to vaping. Certainly, our colleagues in Health have been concerned about the impacts of vapes on students across schools. We understand that there are a number of teenagers aged 13 to 17 years that have obviously tried vaping. The department of health has a lot of the statistics in terms of the impacts of those vapes on those students. As Ms Brighton has stated, education ministers have committed to work closely with health ministers to support an education campaign across schools and communities in Australia in terms of preventing vapes in schools.

Senator PAYMAN: Thank you. The article also states that retailers are knowingly selling nicotine containing vapes in local shops near schools, with enticing displays of lollies lining the entrance, attracting the attention of young people. Do we have any information of how readily vapes have been made available to young people in that school environment?

Ms Brighton: Senator, as Ms O'Connor said, the department of health is really the lead agency on this. As with many things, schools often experience the consequences of these social issues at play, such as vaping. What we see is the impact in the classroom with children being distracted, often inattentive, maybe going out to the bathroom in order to access vaping. Really importantly, the school has a part in these social issues in terms of building up the capacity and capability of young people to make good decisions and to understand the health implications. We also want to be in a position where our teachers don't feel like they have to police these things. It is really important that this is a multipronged strategy led by Health about restricting the sale, restricting the import and ensuring that young people only have access to products that they are effectively authorised to.

Senator PAYMAN: Do you have any data on how it is impacting teachers and what sort of data you've collected from teachers on the impacts of vapes in disrupting classrooms?

Ms Brighton: We don't have the data specifically around that. What we do have is the feedback from teachers from jurisdictions about the level of disruption that comes in classrooms. Vaping is a component of that. Social media has been a component of that. Education ministers, as I was saying before, have taken action collectively around mobile phones. Now the health minister and the Australian government have taken action around vaping. The more we can do to enable students to be present and engaged and participate in learning, the better it will be for them and their families and the economy at large.

Senator PAYMAN: Thank you, Ms Brighton, Minister, I refer you to the article. Obviously referencing what the department said about the education ministers meeting on this very important issue, can you highlight how important it is for us to get bipartisan support on issues like this?

Senator Chisholm: Thanks, Senator Payman. It's pretty clear that vaping is having a negative impact in the school community. I think the impact on students has been highlighted and teachers and the extra work it is taking up from principals and those trying to enforce discipline as well shows how unhealthy it is. I think it is important work from the education ministers meeting that they have been able to make progress on this issue. It's concerning. I have seen figures. I think it's something like nine in 10 vape shops are within close proximity to schools. You can only conclude from that they are obviously targeting many communities like that. It is disappointing that at the federal level we haven't seen a bipartisan commitment around this. I know that the leader of the National Party has said that he wants to continue to see vapes sold in shops. I know we've seen similar comments from Senator Hughes as well. So it is disappointing that the coalition haven't been prepared to back this in.

Senator PAYMAN: Thank you, Minister. Thank you, Chair.

Senator DAVEY: I raise a point of order. I want to clarify that. The minister verbed the National Party there. He was incorrect in his assertion.

CHAIR: Thank you. I suggest that if you want to pursue a question in response to that, that would be definitely within your wicket to do that.

Senator DAVEY: Can the minister not misquote my leader?

CHAIR: You have put on record your view about what the minister has just said. I will go back to Senator Payman.

Senator GROGAN: Can I just step in?

Senator PAYMAN: Sure.

Senator GROGAN: On the point of Commonwealth funding structures, my understanding is that there are a multitude of different ways that the Commonwealth would fund different activities in different portfolios in different manners. It isn't just one size fits all and everything else is wrong, as was intimated by Senator Henderson. Can you point out to me some of the spread of different types of funding agreements that would be used?

Mr Cook: Sure. There are many funding agreements. There are national agreements. There are bilateral agreements. There are national partnerships. There are specific project agreements as well. They will be in various form depending on the nature of the agreement. A number of those total payments are made upfront to states and territories. Some of those agreements are based on incentives as well, such as some of the national agreements originally. The preschool reform agreement was based on incentives. If a state met a particular target,

for example, they received an incentive payment. But there's no one form of agreement. It's not unusual for funding agreements to include the full amount upfront, particularly if they are smaller funding agreements for a range of reasons, including the bureaucratic demand that would be required if it were doled out every \$100,000 or something like that. There would be additional costs by the additional reporting that would go around that. Reporting is very important, of course. We have a very strong assurance framework around that. You are right; there's not one form of agreement that the Commonwealth has. The only thing the Commonwealth can't do is pay direct funding to government schools. We have to pay to an approved authority. For government schools, the approved authority is the state government.

Senator GROGAN: Thank you. That's very helpful.

Senator HENDERSON: Minister, this is a very dramatic example. I will table this, if I can, Chair. This is a schoolroom in Yikarrakkal, which is in the Northern Territory. It's very grim. As Senator Cox already raised this morning, there is a dire situation with the funding and resourcing of schools, particularly in the Northern Territory. How can the government justify spending \$2 million on a swimming pool upgrade in Perth when we have schools like that suffering so badly?

Senator Chisholm: Well, obviously many schools around the country need improvements to their facilities. We obviously, as I assume the coalition did before the election, make a series of promises to different schools around facilities. I am assuming that you will do that in the lead-up to the next election as well. We are obviously determined to deliver them. We want to ensure that we can provide improvements across many schools in the community. Obviously, a lot of that responsibility falls to state and territories as well. We want to ensure where we can that we are doing our part to ensure that's the case.

Senator HENDERSON: Your election commitment, when of course Labor was in opposition, concerned small upgrades—air purifiers, upgrading heating, ventilation—yet \$21 million of this money was taken to fund Labor election commitments. Of the 218 schools which received money under this so-called targeted round, there was actually no funding provided for air purifiers and only one school received funding for air ventilation, yet \$2 million is going to a swimming pool. How can you justify that, Minister?

Senator Chisholm: Well, obviously that's delivering on our election commitments. I think that pools do play an important part in school life. I think it's important that children are given the opportunity to learn to swim. I think that's particularly important in a country like Australia. I'm not overly aware of that school or that pool in particular, but I certainly know across many schools that I'm aware of that you'll often have many schools and community organisations using those facilities as well. It obviously is important for those communities to have that opportunity.

Senator HENDERSON: Under the school upgrade fund, the funding for these COVID safe improvements, many schools applied and missed out altogether. So some schools applied for grants of up to \$25,000 and thousands of schools, in fact, missed out while some favoured schools, such as the school picked by Minister Anne Aly, received \$2 million. How is that fair? You talk about equity. How is that equitable, Minister?

Senator Chisholm: Well, obviously, all parties in the lead-up to an election make election promises. We obviously did that. I'm sure you did as well. I am sure you will in the lead-up to the next election, Senator Henderson. We also know that we've gone through an open round of funding. I know that many schools across your home state of Victoria have received funding through that program, including in Gippsland, Wannon, Monash, Flinders, Casey, La Trobe and Deakin. It shows you that a range of schools across the country have received support through the open round funding.

Senator HENDERSON: Can you table that document that you are reading from? It appears that you have a list of schools base on electorates, Minister. Could you table that document, please?

Senator Chisholm: I'm happy to take it on notice.

Senator HENDERSON: I am asking you to table that document that you are reading from.

Senator Chisholm: I'm happy to take it on notice.

Senator HENDERSON: If you have the information and the document, I am asking you to table it.

Senator Chisholm: I'm happy to take it on notice.

Senator HENDERSON: That's not appropriate. I am asking you to table the document from which you are reading. It now appears that you are reading from a document that has categorised school funding grants based on electorates. Is that how the department categorises their grants?

Senator Chisholm: I'm happy to take it on notice, Senator Henderson.

Senator O'SULLIVAN: They are public grants.

Senator HENDERSON: Yes. Under the open round, which is the \$32 million, giving schools the opportunity to apply for up to \$25,000, many schools missed out. In fact, several thousand schools missed out. That money that was meant to go to schools was reallocated to Labor's election commitments. Minister Aly's swimming pool gets \$2 million and some other schools get nothing, Minister.

Senator Chisholm: Well, that's not an accurate reflection, Senator, Henderson. We made election promises. As I said, I'm sure you did as well. We've also gone through an open round that was open. I am sure many schools did apply for funding under that. There wasn't an unlimited amount of money that was available. The successful schools I'm sure were very happy that they were able to receive some funding.

Senator HENDERSON: The unsuccessful schools are very unhappy because they see this as very inequitable. I will move to question on notice SQ23-000671. Secretary, the department advised you that it had received confirmation of the projects to be funded through this round from the minister's office on 24 October 2022. Can you please table this advice?

Mr Cook: I don't have that advice with me, so I can't table it. But I'm happy to take it on notice.

Senator HENDERSON: Can you please provide the committee with that on notice, thank you?

Mr Cook: Yes, sure. I'm very happy to do that.

Senator HENDERSON: The funding determination cites Mr Bruce Edwards as the delegate of the minister to distribute the amounts payable for these election commitments. Is Mr Edwards at the table? Is he available?

Ms Brighton: No. He has moved to a different role outside of the department.

Senator HENDERSON: Were there any questions raised about the appropriateness of this funding with the Department of the Prime Minister and Cabinet, Secretary?

Mr Cook: The appropriateness of the funding?

Senator HENDERSON: Yes. That's right.

Mr Cook: Not that I'm aware of, no. Raised by whom, sorry? By the department or by—

Senator HENDERSON: By your department?

Mr Cook: No, Senator. We would do what we normally do. Election commitments are verified through the budget process, which would normally happen no matter what government is in place. The scrutiny, therefore, of those election commitments is done through the budget process, which involves central agencies, our department and other departments as well. It would have gone through that process, which is the standard process for election commitments whenever governments come to power.

Senator HENDERSON: In response to that question, you state that the Office of Best Practice Regulation, now known as the Office of Impact Analysis, was engaged in an assessment of the program in the course of the department proposing amendments to the Australian Education Regulation 2013. Can you provide a copy of the advice provided to the Department of the Prime Minister and Cabinet?

Mr Cook: I am happy to take it on notice. The only reason I am hesitating is whether it is part of a cabinet budget process or not. Just to be very clear and transparent with you, that might have been part of the cabinet process. If not, I'm very happy to take it on notice and provide it.

Senator HENDERSON: Secretary, to be very clear with you, being part of the cabinet process, a document which informs cabinet is not a cabinet document. Please don't try that trick on this committee.

Mr Cook: Sorry, Senator. To be clear, it may have formed a document, or it may be part of a document, that went to cabinet.

Senator HENDERSON: Well, if it's a cabinet document, I appreciate the rules. But a document which informs cabinet is not a cabinet-in-confidence document. There has been an issue with the minister not handing up documents he should have handed up.

Mr Cook: Well, that's a matter for the minister, Senator.

Senator HENDERSON: I ask if you could table that advice—

Mr Cook: I'll take it on notice.

Senator HENDERSON: please, as well. Can you please provide an update on round 2 of the school upgrade fund as well, the \$215.8 million?

Mr Cook: Sure.

Ms Brighton: Round 2 is open at the moment. It opened in October last year and will close at the end of February. That is a fund of \$215 million. That is a government school capital upgrade fund. That fund is the

equivalent to the non-government school capital fund in terms of quantum. We have two programs of infrastructure funding at that level. We are expecting all applications to be in by the end of the month. They will work through their process with the view of notifying schools of successful projects. Mr Donovan will help me.

Mr Donovan: In the middle of the year. Before the middle of the year, yes.

Senator HENDERSON: So this money is going to the states and territories for government schools only?

Ms Brighton: This round 2 of the government school capital fund round is for government schools. We also have a capital grants program in 2024 that is valued in the order of \$227 million. That is for the non-government sector.

Senator HENDERSON: Why are non-government schools missing out on this funding?

Ms Brighton: As I have just said, the non-government sector have their own fund, called a capital grants program. That is for capital infrastructure in schools.

Senator HENDERSON: Minister, can I ask you, because this relates to the promise made by the Labor Party before the election? The teacher scholarships have discriminated against government schools. The Labor Party did not make it clear that the school upgrade fund would not go to non-government schools. Why have they been excluded under this fund?

Senator Chisholm: As the department just said, there was a separate fund available for non-government schools, Senator Henderson.

Senator HENDERSON: I am asking about your election commitment.

Senator Chisholm: There was a separate fund available for non-government schools, Senator Henderson.

Senator HENDERSON: Why didn't you make that clear when you made the commitment?

Senator Chisholm: There was a separate fund available for the non-government schools, Senator Henderson.

Senator HENDERSON: Chair, I seek some guidance from you on how much more time I have.

CHAIR: By all means, if you have another line of questioning—

Senator HENDERSON: I have another line of questions.

CHAIR: I will go to the Greens and I'll come back to you.

Senator HENDERSON: Thank you. Okay.

Senator ALLMAN-PAYNE: I'm interested in talking about Teach for Australia. I note that we've put in previous questions at estimates. Our most recent question and response was question No. SQ23-000372. I am wondering whether it's possible—you may be able to do this now or you may need to take it on notice—if we could be provided with some updated figures on the number of people who have commenced in the program. The figures that we have, I think in response to the last question, were up to 2023. We didn't have completion rates for 2022 or 2023. We didn't have the number currently teaching in schools for 2022 or 2023, nor did we have the number currently teaching in their original placement school. Could we get an update on that? I am particularly interested in the most up-to-date figures on the number of people who commenced the program, completed the program and are currently still teaching in schools. Do you have that to hand, or will you need to take that on notice?

Ms Brighton: I think we'll need to take that on notice given that we did this response at the end of last year. I am not sure we have up-to-date data yet from Teach for Australia.

Senator ALLMAN-PAYNE: On that, then, can I ask also: in relation to the remaining participant schools—those people who are still teaching in schools—can we get that information broken down by the school's socioeconomic scores? We're interested in knowing where these teachers are staying. My understanding is that the key goal of the program was to put teachers into hard-to-staff schools.

Mr Cook: It's an ICSEA score, Senator.

Senator ALLMAN-PAYNE: Yes. Thank you. I guess one of the reasons we're interested is that, based on the data you've given us up to 2021, it would appear that of the number of people who started, about 63.5 per cent still remain in schools. So at least one-third are no longer teaching. Of that, it would appear to us that less than 18 per cent of them are in the school they started in. So there is a very real question as to whether they are actually remaining in those schools with low ICSEA scores. Are you able to tell me how much in total the department has provided to Teach for Australia in total since the program started?

Ms Brighton: Senator, in that same question on notice, we did break down the funding by each one of those cohorts. Cohort 1 would have been the first cohort that Teach for Australia was funded, which was \$34.65

million. That was cohort 1 to 5. We are up to now cohort 16, which is the cohort in play. I haven't got my calculator here. Ms Birmingham might have a total in her mind.

Ms Birmingham: I don't have a total either, I'm sorry.

Ms Brighton: As outlined in that question on notice, that is the total funding that has been provided to Teach for Australia.

Senator ALLMAN-PAYNE: If I were to do a quick rough calculation based on what I can see in that previous answer, it looks to me that over \$100 million—

Mr Cook: That would be correct, yes.

Senator ALLMAN-PAYNE: has gone from the department to Teach for Australia. Could we get confirmation of the most up-to-date amount that has gone to Teach for Australia? That is a large amount of money, isn't it?

Mr Cook: Correct. I'm pretty sure that the information in that QON is the most up-to-date information we have. I don't think there has been an additional payment beyond cohorts 14 to 16, which is \$35 million. We've answered that question you've just asked.

Senator ALLMAN-PAYNE: Is that program still continuing? There would be an expectation that more money will continue to flow?

Ms Brighton: That program is funded until 2025-26 for cohorts 14 to 16.

Ms Birmingham: Teach for Australia is funded under a program called the High Achieving Teachers Program. There are actually two beneficiaries under that program. Teach for Australia is one. That is a time limited program. Another round of that program will be going into the market this year. There will be a grant opportunity for any number of people who want to put their hand up. It is subject to the outcome of that process.

Senator ALLMAN-PAYNE: Looking at the numbers that you've given us to date in our previous questions, it looks like roughly 500 teachers have remained teaching in schools since 2010. Can you confirm that? Does that look right?

Mr Cook: Currently teaching in schools? That is the column we're looking at, Senator?

Senator ALLMAN-PAYNE: Yes.

Ms Brighton: Probably over that.

Mr Cook: Maybe a little more than 500, yes.

Senator ALLMAN-PAYNE: So you have \$100 million going to a private company which has in return produced about 500 teachers. On the face of what you've provided, that seems to be over \$100,000 of government money to get one teacher remaining in a school. Is that an extraordinarily poor return on investment?

Mr Cook: Again, I think you are asking for an opinion on government policy. I wouldn't go there. Teach for—

Senator ALLMAN-PAYNE: I'm happy to put that question to the minister, if that's more appropriate.

Mr Cook: Again, in successive governments, the policy in relation to getting teachers into most disadvantaged schools has resulted in a range of government responses, as you have identified, since 2009. Teach for Australia has been able to demonstrate to successive governments their program. I take your point about the investment. That is something that we are always looking at. I think there was an evaluation of the program. Ms Birmingham might be able to help me. We asked the question about value for money. That information is public.

Senator ALLMAN-PAYNE: I'm interested in understanding the metric for success that you are using for this program. As I said, \$100,000 seems like an awful lot of money.

Ms Birmingham: I guess in terms of metrics for success, it is about getting people into the classroom. That is the first priority, I guess. Retention is an issue across the teacher workforce, as you know. For anyone coming out of university going into a classroom, the comparisons are there to be made about which programs support teachers into the classroom and which ones are better. There is an evaluation of Teach for Australia that has not quite been finalised. There is an interim evaluation report that is available on our website that was published, I think, in 2022.

Senator ALLMAN-PAYNE: Is that the Dandolo one?

Ms Birmingham: That's the Dandolo one.

Senator ALLMAN-PAYNE: So is there another one underway?

Ms Birmingham: It is just the finalisation of that one. That was the interim evaluation findings early in the program. So the Dandolo report will be able to shed light on the achievements of the program in more detail.

Senator ALLMAN-PAYNE: Has the department audited the program or done any sort of audit on it beyond just—

Ms Birmingham: No. The evaluation is the focus.

Ms Brighton: I will add to that. One of the things that Teach for Australia have shared with us, not dissimilar to those who have come through a mainstream university for their teaching, is about program placement numbers here currently teaching in the schools. Teach for Australia have also shared that the number of their graduates working in education departments is not dissimilar to the number who have been through a normal—

Senator ALLMAN-PAYNE: Was that the goal of the program—to get more people working in the education department?

Mr Cook: No, Senator.

Ms Brighton: No, Senator. I was saying that what we have provided you is those who are currently teaching in schools.

Senator ALLMAN-PAYNE: Which is what the program is for.

Ms Brighton: What we haven't given you is those who are teaching in schools and then who have subsequently moved into other roles.

Senator ALLMAN-PAYNE: I guess I am really interested in knowing where these teachers are, because it is \$100,000 to put people into a disadvantaged school. What I am hearing is that most of them are no longer in those disadvantaged schools. I think the fact that we've got less than 18 per cent in the school they started in is a pretty poor return on investment, if we're spending \$100,000 to a private company per teacher for them not to actually end up staying. I am really keen to know whether the department is actually keeping track of whether these teachers are remaining in those schools. If not, I suggest to you that maybe it's not the best spend of the government's money.

Mr Cook: We'll do our best on notice to try to identify what you've asked for, which is the teachers who are no longer in their original placement school and the ICSEA value of the schools they may be in.

CHAIR: Senator Allman-Payne, how long do you have?

Senator ALLMAN-PAYNE: I am happy to leave it there, Chair.

CHAIR: Thank you.

Senator HENDERSON: Secretary, I regret to raise another concern about the failure of the department to provide documents in accordance with Senate rules. I asked during the last hearing for you to provide a copy of a letter you sent to Studio Schools regarding the concerns I raised, particularly about some of the expenditure and some of the other integrity issues in relation to Studio Schools. You took this on notice. The department has now come back and said it can't be released because it may contain sensitive or commercial information. That does not accord with the Senate rules, Secretary. Could you please explain your refusal to provide this document?

Mr Cook: I will read the full explanation. I think you have chosen a part of that explanation. Part of it was also about this being a matter of an ongoing investigation and natural justice to the organisation. Our concern is that making that information public will adversely affect an investigation and the natural justice obligations we have in relation to the organisation.

Senator HENDERSON: Secretary, that doesn't comply with the rules of the Senate. Our job is to scrutinise the operations and the expenditure of your department. Could you please provide a copy of that letter and a copy of the response provided by Studio Schools and the date it was provided?

Mr Cook: I will have to check about responses. I am assuming responses have been received. I haven't seen any of that.

Senator HENDERSON: Secretary, you just can't keep on playing these tricks, alright. I'm sorry. You may have concerns, but your response does not comply with the Senate rules. I ask right now that you table these letters, please.

CHAIR: Secretary, if you would like to respond first to the question, I will then make a comment.

Mr Cook: Sure. Senator, I was simply trying to say I haven't seen any responses that we've received. I was just checking to see whether we have received a response. I am happy to take on notice the question you've got on that. I literally don't know whether the responses have been received. Other members at the table may be able to assist me on that.

Senator HENDERSON: Secretary, let's start at the beginning. The department wrote to Studio Schools. We asked for a copy of that letter. You are required to give a copy of that letter. You haven't made a public interest immunity claim in relation to that letter, so under the rules of the Senate you are required to provide the committee with a copy of that letter. Could you please arrange to immediately furnish a copy of that letter to the committee?

Mr Cook: Senator, I'll take it on notice. I will consider and seek advice from the minister about public interest immunity and whether that is appropriate or not. As I have raised, the issue I have around this is about—

Senator HENDERSON: Your issues are immaterial, Secretary, I'm sorry. You are required to comply with the rules of the Senate. You haven't. You've had four months. You have not made a public interest immunity claim in relation to this letter. You are required under the rules of the Senate to provide this letter, Secretary. Otherwise, you are blatantly disregarding the rules of the Senate.

Mr Cook: The secretary can't—

CHAIR: The minister wants to give an answer to that question.

Senator Chisholm: Thanks, Chair. As you would be aware, Senator Henderson, the secretary can't make a public interest immunity claim. It is a matter for the minister. The secretary has said that he would take it on notice. That is appropriate and longstanding practice. That is allowed to happen.

Senator HENDERSON: Minister, with respect, you may not recall, but I asked for this letter in October last year. The secretary has already been on notice for four months in relation to this letter. We started estimates with the secretary apologising for an error that was made in relation to the department's refusal to provide documents in accordance with the rules of the Senate. In the absence of the minister making a public interest immunity claim, the department is required under the rules of the Senate to table this document. I ask that it be tabled as soon as possible today.

Senator Chisholm: The secretary explained his position. He said that he would take it on notice.

Senator HENDERSON: Minister, he has already taken it on notice. He has been on notice on this for four months. It's not good enough.

Senator Chisholm: You made a specific request around PII. The secretary said that he would take that on notice.

Senator HENDERSON: No, I said that there has been no PII claim made by the minister. In the absence of a PII claim, it's therefore incumbent on the secretary to provide the committee with this letter.

Senator Chisholm: And he has said that he would take that on notice.

Senator HENDERSON: This is very disappointing, Secretary. You did say when I asked you earlier that there was going to be no other incidents of noncompliance with the Senate rules. Can I ask the date—

Mr Cook: Senator, I didn't say that. I am happy to check the transcript around that. I am simply raising issues around natural justice, ongoing investigations and the implications of that. I am happy to discuss that with the minister.

Senator HENDERSON: Secretary, we don't need to debate this any further. You may have issues. To be frank, your issues are immaterial.

Mr Cook: Well, they're not in terms of my response to government.

Senator HENDERSON: What is material is whether you are prepared to comply with the rules of the Senate.

Mr Cook: Sure. I have a right to advise government on these matters.

Senator HENDERSON: The minister has not taken a public interest immunity claim so you are required to table the document, otherwise you are in flagrant breach of the rules.

Mr Cook: Thank you, Senator.

Senator HENDERSON: In relation to the response provided by Studio Schools and the date that response was provided, was there more than one response?

Mr Cook: I will ask Mr Harding to respond to that.

Mr Harding: Senator, we received a response on 21 November.

Senator HENDERSON: Could I have a copy of that response? Could you table a copy of that response?

Mr Cook: Again, we're happy to take that on notice. We don't have a copy—

Senator HENDERSON: Hang on. I saw you whispering across the table. If you have a copy of that document—

Mr Cook: I am taking it on notice.

Senator HENDERSON: I ask that document be tabled.

Mr Cook: I'll take that on notice.

Senator HENDERSON: Do you have a copy of that document in your possession? Is that available?

Mr Cook: To be clear, I'll take it on notice.

Senator HENDERSON: How many responses have been received from Studio Schools? Could you describe? Is it just the one on 21 November?

Mr Harding: It was just the single response.

Senator HENDERSON: Could I ask for all correspondence between Studio Schools and the department over and above the request that I have already made?

Mr Cook: We're very happy to do that.

Senator HENDERSON: Sorry, Secretary?

Mr Cook: We're happy to do that. We will take on notice any correspondence. We did give some correspondence in terms of email correspondence in the last Senate estimates. So since that date—

Senator HENDERSON: I asked for all correspondence between Studio Schools, including individual correspondence. There may well be other correspondence, say, from the ATO in relation to members of the board, but I want all correspondence between the department, the minister's office and Studio Schools.

Mr Cook: Since the date of the last question on notice? This is to help me, because we've given you some.

Senator HENDERSON: Well, we've asked for your initial letter. Then we've asked for the response of 21 November. I'm also seeking all other correspondence and any other briefing documents, formal or informal, internal advice, messages and emails in relation to Studio Schools.

Mr Cook: Does that include the ones we've already provided you? Do you want them again? I am just checking.

Senator HENDERSON: No—not the ones that you have already provided. I'm seeking any further documents—

Mr Cook: I'm happy to help.

Senator HENDERSON: in relation to the concerns I first raised with you.

Mr Cook: Sure.

Senator HENDERSON: Secretary, why are you taking on notice the response sent to you by Studio Schools on 21 November?

Mr Cook: Because we don't have it. We'll provide it. As we would normally do, if we don't have information at the table, we take it on notice. We're happy to provide it on notice.

Senator HENDERSON: Have there been any decisions made in relation to the funding for Studio Schools?

Mr Cook: It's an ongoing investigation. I'm not involved in those investigations. It wouldn't be appropriate for me. I'm not the delegate.

Senator HENDERSON: Who is the delegate?

Mr Cook: Ms Beutel is a delegate.

Senator HENDERSON: Could you describe the nature of the investigation you are undertaking at the moment?

Ms Beutel: The review that we're doing is looking at the compliance with the Australian Education Act for Studio Schools Australia as the approved authority for Yiramalay Studio School.

Senator HENDERSON: What have you found to date?

Ms Beutel: Well, it's an ongoing investigation. We have asked a number of questions to seek information from Studio Schools Australia.

Senator HENDERSON: I appreciate that. What findings have you found to date, please, in relation to compliance with the act?

Ms Beutel: I have not been advised of any findings so far, because it's still ongoing.

Senator HENDERSON: I am asking you to be very careful with your answer here. You are under oath. You are not aware of any possible breaches of the act? You have not made any preliminary findings? We certainly found concerns about expenditure. In fact, my understanding is that some people working at the schools didn't even have working with children compliance checks.

Ms Beutel: My apologies. There was one finding. Studio Schools Australia provided an 18-month audited financial statement. Under the regulations you are required to reply with a 12-month statement for a calendar year. We did say that 18 months was noncompliant with that requirement.

Senator HENDERSON: Are there any other issues of noncompliance that you have found or determined or have raised concerns about?

Ms Beutel: Not that have been identified so far.

Senator HENDERSON: What about in the questions that you have raised?

Ms Beutel: In response to the correspondence?

Senator HENDERSON: The questions that you have raised with Studio Schools about compliance?

Ms Beutel: The compliance team continues to work with Studio Schools Australia to seek clarification on information around expenditure and to how they meet the requirements of the regulations.

Senator HENDERSON: I am asking for the detail. I am asking for what other specific questions have been raised in relation to noncompliance.

Mr Cook: Senator, they're in relation to the Australian Education Act. We can go through the requirements set out under the act. We sought assurances from Studio Schools that they are meeting those obligations in relation to the act.

Senator HENDERSON: Secretary, I understand that. I am asking for advice to the committee on what other specific concerns you have raised in relation to noncompliance by Studio Schools.

Ms Beutel: As to the compliance team, I don't get involved in that directly because I am the delegate. The compliance team is liaising with Studio Schools Australia requesting evidence in regard to expenditure and governance matters, as was outlined by the secretary at the last estimates hearing and again in the response to the question on notice.

Senator HENDERSON: Could you detail any concerns that you have? You're the delegate. You're responsible for ensuring that Studio Schools does comply. What are the concerns that you have identified or that you have raised with Studio Schools?

Ms Beutel: The department continues to ask questions around the financial management and governance of Studio Schools Australia as the approved authority for Yiramalay to make sure that they are meeting the requirements of the regulations. So while that investigation is still ongoing, the only finding so far, Senator, is that the 18-month audited financial statement was noncompliant.

Senator HENDERSON: So the fact that the investigation is ongoing doesn't excuse the department from answering these questions.

Mr Cook: You are asking about—

Senator HENDERSON: In terms of the expenditure—I am just addressing it—

Mr Cook: I am—

Senator HENDERSON: In terms of the expenditure issues that you have raised—if I could finish, Secretary—can you please detail the specific concerns you have raised with Studio Schools?

Ms Beutel: I don't have that information with me. As I mentioned, the compliance team does that work. Once they have finished their investigation, they will come to me with their findings and to seek a decision on whether there was compliance or noncompliance with the act or the regulation.

Mr Cook: I am trying to help. We have asked questions, I understand. The concerns were raised similar to the concerns you raise. It is about ensuring there are policies in place around good governance in relation to the school and ensuring that there are policies in place in terms of human resources and appointments and employment contracts. They are the questions that we have been seeking from Studio Schools. I haven't seen the response again, as I shouldn't. What would normally happen under any investigation is that a response is received. We will analyse that response. We usually go back, then, to seek further information in relation to that response. That is the process that we are currently going through at the moment.

Senator HENDERSON: We're about to go to lunch. Could you refer to the committee after lunch in relation to these documents that should have been tabled? This is an urgent matter, as I see it. The integrity of schools is critical, particularly for Indigenous children. These schools were established with very good intentions to educate Indigenous children in some of the most remote parts of the country. We have the CEO of Studio Schools taking charter flights from Cairns right across to the Kimberly and some other very dubious expenditure. There are other deep concerns about noncompliance. There are a whole range of other issues that I raised at the last estimates. Could you please come back and provide the committee with advice in relation to these documents, which should have been tabled? I cannot stress this strongly enough, Secretary. In the absence of a public interest immunity claim from the minister, what the department is doing is completely improper.

Mr Cook: I note your comment.

Senator HENDERSON: Thank you.

CHAIR: Thanks. I am loathe to make any further comment until you come back from the break. I will leave any comments I might make pending the response and the comments from the department.

Proceedings suspended from 12:44 to 13:48

CHAIR: Thanks, everybody. Senator Henderson, to you.

Senator HENDERSON: Thanks very much, Chair. Secretary, I asked before the lunch break if you could come back to the committee and update us on the department's failure to provide those documents in relation to Studio Schools. Do you have an update for us?

Mr Cook: What I am able to do today is table the original letter, which is the compliance letter that we sent to Studio Schools. I also commit to provide the responses. I have asked, however, for legal advice about anything that needs to be redacted from those letters. As soon as that is completed, we will get those responses to you as well. We had to redact some things in this letter, of course—contact details, signatures and things like that. With the correspondence we've got from Studio Schools, I just need to get some advice about redactions. I commit to the committee that we will then also provide that information to you. I will table this.

Senator HENDERSON: I do appreciate that. Thank you very much for remedying that issue. I don't want to harp on this. I did start the day by reiterating how important it was that the department complied with the rules of the Senate. Thank you very much for that remedying that.

Mr Cook: Thank you.

Senator HENDERSON: Can I please ask that this doesn't continue to happen.

Mr Cook: Thank you. We appreciate your advice. We will certainly ensure that we are responding to requests from the Senate.

Senator HENDERSON: In relation to this matter, could I please reiterate that I ask for all correspondence, messages and briefing notes, formal and informal—

Mr Cook: Yes.

Senator HENDERSON: in relation to this investigation. Secretary, just very quickly, can you update me on the program of school construction for Studio Schools, putting aside—

Mr Cook: My staff can.

Senator HENDERSON: Putting aside the investigation?

Mr Cook: Sure. We're very happy to.

Ms Brighton: With regard to the construction at Manjali, which is the new site, Studio Schools have advised us that they are now close to resolving the issues around land access for that site and putting in place licences and contracts. They've advised us that the contract for construction will be signed within the next two weeks. They will be building prefabricated modular buildings over the period from the end of April until October. At this stage, they've advised us that they are on schedule for a January opening for 2025.

Senator HENDERSON: Is that for Manjali?

Ms Brighton: That is for Manjali, yes.

Senator HENDERSON: So they've changed their method of construction?

Ms Brighton: I'm not aware—perhaps my team are—about the original method of construction. They are using modular prefabricated buildings.

Senator HENDERSON: Which is exactly what I raised in relation to the tripling of costs that we saw, which of course is what first raised a red flag for me when I saw those costs, which were just inconceivable. Rather than

put school buildings or schools on ice, as was proposed, it appears that Studio Schools have now revisited the way in which they are building these schools?

Ms Brighton: Many schools these days are using prefabricated and modular buildings as a mechanism to move at pace.

Senator HENDERSON: Ms Brighton, that's why I actually suggested it initially some months ago—that perhaps Studio Schools should be looking at more affordable ways to build school buildings. Could you please provide all the latest information? The last round of documents was furnished with those original costings. Can you provide any other documents that you hold in relation to the costings of these projects? I can only assume that the costings have been revised. Is that correct?

Ms Brighton: I'm not aware that they have been revised. But we will take that on notice and see what we have beyond what we provided in our response to those questions on notice.

Senator HENDERSON: If we could have all relevant documents, communications, costings, business plans—

Ms Brighton: Certainly.

Mr Cook: Sure.

Senator HENDERSON: since you last furnished those documents—

Ms Brighton: Certainly.

Senator HENDERSON: which we appreciate.

Ms Brighton: We can take that on notice.

Senator HENDERSON: so we can understand the latest plans. It does sound as if things have changed. What about the school in East Arnhem Land that was meant to be built on a rocket launching site until Studio Schools discovered it was a rocket launching site?

Ms Brighton: We understand that Studio Schools is still working with community in the Northern Territory to identify an appropriate site.

Senator HENDERSON: Thank you very much. Minister, I want to ask you about the Minister for Indigenous Australians' comments on *Radio National* yesterday suggesting that truth telling should be in the national curriculum. Do you support what the minister said yesterday?

Senator Chisholm: I haven't seen the comments from the minister. Do you have a transcript available that I could look at?

Senator HENDERSON: There is a transcript that is publicly available. I don't have it with me, but I'm certain someone in my team could provide you with a copy of the transcript. Are you aware of what she said, Minister?

Senator Chisholm: I just said I wasn't aware, no.

Senator HENDERSON: You weren't aware?

Senator Chisholm: No.

Senator HENDERSON: It was a very brief comment. We will endeavour to get the transcript to you as quickly as possible. It was a very brief comment in relation to a range of broader issues, where Minister Burney said that truth telling should be in the national curriculum. There is a report in the *Australian* newspaper about that today. I'm just wondering as a general principle whether you would support that change to the national curriculum?

Senator Chisholm: Well, it would really be a matter for ACARA and the states and territories to work through any change to the curriculum. Obviously the current one that was signed off by your government, I think it was actually former Minister Robert at the time. That is the curriculum that is in place at the moment.

Senator HENDERSON: The federal government is involved in signing off, as you say, on the national curriculum. What is the position of your government in relation to changing the national curriculum including specifically truth telling, as proposed by Minister Burney?

Senator Chisholm: Well, I don't exactly know what was proposed by Minister Burney. You would have to question her about that. I don't know the date when the next curriculum is due. There is a bit of a hypothetical element to your question. It will be dealt with at a later time.

Senator HENDERSON: I am just asking you about a proposal or a comment made by Minister Burney in relation to the national curriculum—

Senator Chisholm: I understand.

Senator HENDERSON: so it's not hypothetical. I am relaying what was said.

Senator Chisholm: What I am saying is that it will be dealt with when the next curriculum is up.

Senator HENDERSON: I want to ask you about activism in the classroom. I've raised a number of concerns about the safety of students with the minister, particularly in the wake of the horrific attack by Hamas on 7 October. I raised particular concerns about one school teacher in Victoria, who made comments which seemed to endorse what Hamas did. Can you please respond to my concerns, particularly in relation to the teacher codes of conduct, as to what should be taught in the classroom and what should not be taught in the classroom?

Senator Chisholm: Thanks, Senator Henderson. We believe that teachers should act in accordance with Australian professional standards for teachers and any code of conduct that applies in relation to their employment. I understand that Minister Clare, I think, responded to a letter that you wrote with regard to these issues. He made it explicitly clear in that letter that there's nothing more important than the safety of staff and students. There is no place for anti-Semitism or Islamophobia in our education system, and classrooms should be a place for learning without political biases.

Senator HENDERSON: I have written to Minister Clare on a number of occasions on this issue. He certainly did respond to me. He didn't respond to me when I raised specific concerns about the conduct of this teacher, who I won't name. I won't name the school. Are you able to update the committee on whether any action was taken against this teacher?

Senator Chisholm: Well, obviously, the federal government doesn't employ any teachers, so it would be a matter for the jurisdiction that employs that teacher.

Senator HENDERSON: But surely you would be concerned, and the minister would be concerned, about such conduct?

Senator Chisholm: I think the minister, in his letter to you, outlined his expectations.

Senator HENDERSON: No. He didn't respond to me in relation to this matter.

Senator Chisholm: Well, I think he has outlined his expectations of teachers in general.

Senator HENDERSON: Are you able to, or could you on notice, provide me with any details as to what the minister may or may not have done on this matter? My understanding is that the teacher has been stood down. I would appreciate it if you could confirm that.

Senator Chisholm: It wouldn't be a matter that we are involved with.

Senator HENDERSON: But you would certainly be concerned about the conduct of teachers?

Senator Chisholm: And the minister—

Senator HENDERSON: There are national standards. That is a direct matter for the minister.

Senator Chisholm: And the minister has expressed that teachers should comply with them.

Senator HENDERSON: Could you possibly update the committee on whether the minister sought the advice of Victorian education minister Ben Carroll or made any representations? Could you provide on notice any documentation, letters or emails between the minister's office and the Victorian Minister for Education?

Senator Chisholm: I'm happy to.

Senator HENDERSON: Thank you very much. Secretary, do you have any data in relation to teacher shortages? The minister made a comment suggesting that there had been longstanding teacher shortages. This data is quite difficult to compile—I appreciate that—because the states and territories run schools and the data comes from different sources. Could you update the committee on the vacancy rate of teachers across the country? When I last looked, in the Victorian education system, there were around 1,200 teacher vacancies. In New South Wales, it's about 2,000. However, the ratio of teachers to students is actually falling. That suggests that a lot of people who qualify as teachers end up in non-teaching roles, which I think is a big part of the problem. Could you update the committee on that?

Mr Cook: You're right: it's public knowledge around teacher shortages. You mentioned a few statistics from some states. I will hand to Ms Birmingham to see whether there is any data we've got. As you would appreciate, we don't hold the data. We ask states and territories for the data. I will ask Ms Birmingham whether she can help with your question.

Ms Birmingham: There isn't any nationally aggregated data on teacher shortages that we would be able to share with you. There are certainly data points from states and territories, as you have mentioned. This is a longstanding issue that we're trying to grapple with through the national teacher workforce action plan under actions 25, 26 and 27. We've commissioned AITSL to do further work on modelling teacher workforce shortages

and future needs. The issue is really about understanding the needs at a local level. We can do modelling at a national level. You would have seen some of that in the past. We put a figure nationally a few years ago on having 4,000 teachers short over the five years to 2025. It's a pretty blunt estimate. We are trying to get a bit more nuance around the needs in different regions to see how that plays into the numbers and around different subject areas and things like that.

Senator HENDERSON: Could you provide the numbers that you do have in relation to teacher shortages? Can you take that back to 2010 so we can have some sort of historical overview as to what data you hold? I understand the difficulties with the data. I appreciate that. In terms of the data—

Ms Birmingham: I'm happy to take on notice what we can provide. In terms of going back to 2010, it will be a patchwork of numbers that we would be able to put together. It won't be a consistent or a comparable set of numbers that you could statistically say work as a trend analysis or anything like that. But I'm happy to take it on notice.

Senator HENDERSON: Thank you very much. If you could, I appreciate that there are some complexities with understanding teacher shortages. Minister, one of the initiatives of the Minister for Education was teacher scholarships, which was actually championed by our government. This was announced as a commitment. Under the cloak of darkness, when the actual commitment was announced for some \$50 million, any student teacher intending to teach in a non-government school—that is, a religious school, Catholic school or independent school—was excluded from applying for a teacher scholarship. What is the basis for making that decision?

Senator Chisholm: I think that was an election commitment we made. I would have to check that. It was something that we did. Obviously, we want to ensure that we get as many teachers into the workplace as possible because there are challenging circumstances across many parts of the country. I don't know what the percentage would be, but the overwhelming percentage of teachers in the country obviously come from government schools. Obviously, in terms of trying to tackle that challenge, it is more acutely felt there. I imagine that would go to some of the reasoning about why this program was targeted towards government schools.

Senator HENDERSON: That is certainly the case. About one-third of Australian schools are non-government schools. The rest are government schools. The issue I have, Minister, is that the Minister for Education was not transparent about that. He announced teacher scholarships. The non-government school sector was blindsided when it was announced and they learned that they were excluded. It is a very substantial amount of money. There are very significant teacher shortages right across the sector, not just in government schools. There just seems to be an increasing hostility from your government towards the non-government schools sector, I put to you.

Senator Chisholm: I completely disagree with that, Senator Henderson. When it comes to the teacher shortage that we inherited from your government, I think you've got to look at it in the whole range of what we're doing. We're working in conjunction with the states and territories. You identify the scholarships. There is a whole range of other policies that we're pursuing to ensure that we're meeting that challenge to get more teachers into the classroom.

Senator HENDERSON: Senator O'Sullivan chaired a very good inquiry into the increasing issue of classroom disruption. Teachers don't go to work to deal with violence or have chairs or tables thrown at them. Students can't learn in disruptive classrooms. It is a very big issue. Regrettably, despite some very important and significant recommendations by the Senate inquiry, we haven't seen any action on classroom disruption as a result of those Senate inquiry recommendations, including the explicit instruction of behaviour, a national behaviour curriculum and a behaviour survey. Are you able to commit to any of those initiatives?

Senator Chisholm: I don't think it would be good for my future employment prospects to start making unilateral announcements, Senator Henderson. We do acknowledge that classroom behaviour and student wellbeing is a really significant issue. I don't know if I talked to you about this at the previous estimates. At the roundtable we had in the room downstairs around the school reform agreement, when we had people from all over the country in the different sectors, I was really taken that the issue we spent the most time on was student wellbeing and student behaviour. Obviously, it is a significant challenge for many in the schooling sector at the moment. I know that there are initiatives we have to support wellbeing at the moment, be it through the student wellbeing boost or the student wellbeing program. I also know that it will be a significant focus of what we're doing in terms of negotiating the next school reform agreement as well. I get the sense that the different sectors, the different states and territories, know this is an important priority.

Senator HENDERSON: Student wellbeing is one thing. Classroom disruption is a different issue. I appreciate that you are not going to make any announcements on this today. Do you understand that Australia has

some of the most unruly classrooms in the country? We have a very unimpressive record, according to the most recent PISA results.

Senator Chisholm: That didn't really make sense, sorry, Senator Henderson. You said we have some of the most unruly—

Senator HENDERSON: Unruly classrooms in the world.

Senator Chisholm: Sorry, you said country.

Senator HENDERSON: Apologies. In the world, I meant.

Senator Chisholm: Look, I'm not saying it's not a challenge, Senator Henderson. The government will respond to the important work that Senator O'Sullivan did in due course. I do know that there are programs that we've put in place already to provide support. I do know that it is something that will be a significant focus in the next round of agreements that we try to reach with the states and territories in this regard.

Senator HENDERSON: Chair, I might just cede the rest of my time, if that's okay, to Senator O'Sullivan to pick up on this and the workforce action plan.

CHAIR: We'll rotate now because it has gone to 20 minutes.

Senator GROGAN: On the teacher workforce—sorry, I didn't realise I was next.

CHAIR: We always like to surprise our senators.

Senator GROGAN: I love to be surprised. There has been a lot of conversation about teacher shortages. It has been in the media. There have been calls from back in January for a national plan to address the issue. Can you step us through how this teacher shortage has played out? Did it just explode last year or the year before? Is this something that has been brewing? How does it play out nationally?

Mr Cook: Again, I'll probably hand to Ms Birmingham for more detail. It is a long-term issue. It ranges from declining enrolments in initial teacher education—fewer people willing to go into education. To be clear to the committee, this is anecdotal information that I'm talking about now. The anecdotal information is that there's a view that the community is valuing teachers and the teacher role less than perhaps they might have in the past. Issues that are then portrayed in the media about what might be happening in classrooms and things like that are informing or influencing people's decision when they decide what their career is going to be into the future. As you also know, many of our fantastic teachers are reaching retirement age. I don't know what the average age is any more. It would be above 40, not that I'm saying you retire at 40. Wouldn't that be nice?

Senator GROGAN: We'd miss you, Mr Cook.

Mr Cook: When I turn 40, that's right. We do have an ageing workforce. That is an issue that the states and territories have been grappling with. Some states have gone as far as developing workforce plans for every individual school in their state. I am aware of some of them. The department has gone out to the school, spoken to staff and spoken to school leaders about what their intentions are into the future—do they intend to retire, for example, and those sort of things—and put basically workforce plans in place for those schools. They've got a better sense about the need. We also know it's different. Some states would say they have an oversupply of primary school trained teachers—and a number of those teachers aren't in the workforce—but an undersupply of secondary trained teachers and then specialist teachers within that. Again, this is common knowledge. I guess I am preaching to the converted here, so I apologise for that. As Ms Birmingham said, I'm not sure we've got trend data. Is there anything, Ms Birmingham, you want to add to it?

Ms Birmingham: I draw attention to the national teacher workforce action plan. To Mr Cook's point, it's the sum of a whole lot of things—the inputs and the supply chain and people wanting to leave or being ready for retirement. The national teacher workforce action plan goes to all of those elements. It is trying to address teacher supply by providing more places, for example, and scholarships and different kinds of pathways into teaching. It's looking at workload reduction to try to keep the teachers we have and alleviate some of the pressures on them. It's trying to get better data, as I mentioned earlier, in terms of understanding the future needs and where we need to target our efforts and what kind of subject areas or parts of the country are in need and where we might need to put in more policy effort. So hopefully with all of that activity over time we'll start to see a shift.

Senator GROGAN: When did we start doing the work on this?

Mr Cook: Senator, 2022 was the roundtable that I think Senator Chisholm referred to earlier, where we brought practising teachers and school leaders together here in parliament, actually, with all the education ministers across the nation. We heard the real life experience of those teachers and those leaders about what they thought would make a difference. We then formed quite a large reference group to consider that information. We had state officials, we had principal associations, we had parent associations and parent groups, we had unions

and we had the non-government sector there—basically all the players, effectively. We developed what those proposals looked like. We then tested those proposals with practising teachers. We went back to the same group of teachers who had raised the issues around the roundtable.

Ms Birmingham: And the public consultation.

Mr Cook: The public consultation. Thank you, Ms Birmingham. You should speak to it because you ran it. Over to you.

Ms Birmingham: You've done a good job. You've got us to the point. The ministers agreed the workforce plan in December 2022. That's when it was first released. There are 27 actions in it. There's just a power of work going on across the country to implement it. Every education minister's meeting takes stock of where things are up to. I would say with 27 things in play at one time, ministers zero in on particular things for particular meetings. Where it makes sense for them to have a conversation about progress and things are rolling off the pipeline, so to speak, they will have a conversation. So it is just front and centre for every minister in addition to the state and territory workforce strategies that are in play as well.

Senator GROGAN: We started action in 2022. This has been brewing for how long? When were there first indications that we had teacher shortages?

Mr Cook: Many years. When I was secretary of the education department in Queensland—

Senator ALLMAN-PAYNE: It wasn't on your watch, was it, Mr Cook?

Mr Cook: It was. I am very open and upfront about that. In 2018, when I moved from the Commonwealth back to Queensland, we had teacher workforce shortages. Senator Allman-Payne was a teacher, I think, in a school at that time. There were shortages all across the state. There were shortages in small rural and remote schools. There were shortages in large schools. There were shortages in secondary schools as well. To call ourselves out, what we then did in Queensland was we went to every individual school and developed a workforce action plan. But the reality is we need the people. That's the strong work that we're trying to do with states and territories at the moment to get people into initial teacher education, to have people consider that teaching is the wonderful career that it is, to keep our teachers in our schools and to deal with the things that teachers are telling us are impacting on them, which is issues around workload and bureaucratic burden. It is being able to respond to those deep concerns that teachers in classrooms are raising with us. That is what we are doing. Again, the states and territories are developing their workforce plans, of course. It is everything, including incentives about working in rural and remote schools. As you know, the Commonwealth has a HECS relief scheme for teachers working in very remote locations to assist states and territories around that. There is a range of things we're putting in place around that. But it is long term. It is a decade, I would say. The impact has been going for at least a decade, I would say, yes.

Senator GROGAN: Congratulations on getting things moving. Hopefully we'll start to see the fruits of your labour in the work that has been done over the last short while. Minister, do you have anything to add about the skills shortages? I know you were heavily involved in some of this work that Mr Cook has just stepped out.

Senator Chisholm: The only thing I would add is that it is certainly something that I know Minister Clare is really passionate about. I can recall back to his first days as minister, where he went back to his old public high school and talked about the impact that a teacher had on his life. I can't remember that teacher's name, which I should. I think the elements of what we're doing include lifting the public esteem in which teachers are held—earlier questions you had today went to that—and trying to work constructively with states and territories as much as we can to ensure that we're getting good outcomes. There are so many parts to what we're doing. I think they are all important and valuable. If they lead to more teachers in the system, that's obviously a great thing.

Senator GROGAN: Excellent. Shout out to all the teachers out there doing a spectacular job. It's so critical, the work they do for the future of the country and for the wellbeing of our children. Big shout out to all those teachers.

Senator ALLMAN-PAYNE: Can I ask one question?

CHAIR: Yes. If you would like to ask a follow-up question, then I'll go to the coalition.

Senator ALLMAN-PAYNE: You might recall at an earlier estimates—it might have been the first estimates—I was involved in that I went through the teacher workforce action plan. At the next estimates I asked you a question about following up with the states on things they said they were doing to assist in particular with workload intensification and teacher workload. I pointed out that large numbers of things on those lists—for example, the Queensland list—had been in place for quite some time and that we're not making a difference. I am keen to get an update on whether you've gone back to them and where that currently stands. Certainly what I'm

hearing is that people are still drowning under excessive workloads. We are now in a spiral, it would seem, because as more people get more workload, they are leaving the profession. It is going to be very hard to arrest that.

Mr Cook: A list of projects is now being worked across the states and territories, I think, Ms Birmingham?

Ms Birmingham: Yes. That's right. We have a working group with states and territories and other people who are involved in the action plan to bring that kind of clarity to what is going on. We actually do have quite detailed information that comes forward through that process. I know you asked a question on notice that was difficult to aggregate into a single response. One thing we could do is provide some examples under each of those actions, if that's helpful.

Senator ALLMAN-PAYNE: Yes. I think you responded last time, Mr Cook. You acknowledged that there were things in the Queensland list that had been around for years. What I am really keen to understand is what is new—

Mr Cook: And different?

Senator ALLMAN-PAYNE: and what knowledge you have of what is new.

Mr Cook: Yes.

Senator ALLMAN-PAYNE: To me, that's where the rubber is going to hit the road, right?

Mr Cook: Exactly. We're happy to take that, Senator, and provide that advice to you.

Senator ALLMAN-PAYNE: Thanks.

Senator HENDERSON: I want to take just a couple of minutes. I indicated that I would table the report in the *Australian* today, which relates to truth telling in the curriculum. I will hand that over. Minister, I was just doing a quick search of the national curriculum. Are you aware that truth telling is already throughout the curriculum? It comes up in the context of mental health and wellbeing modules, respectful relationships and specifically for cultural awareness as well as history and civics.

Senator Chisholm: Thanks, Senator Henderson. I am not an expert on every aspect of the curriculum.

Senator HENDERSON: Thank you very much, Minister. Based on a quick glance as to truth telling in the curriculum—it is part of, as I say, history and civics and other modules—is the minister taking seriously Minister Burney's suggestion?

Senator Chisholm: I don't know, Senator Henderson. I'm not aware. I haven't had a conversation with him about it so I can't really add to that.

Senator HENDERSON: If you could take that on notice and just find out, including whether the minister has had a discussion or met with Minister Burney in relation to this proposal?

Senator Chisholm: I'm happy to.

Senator HENDERSON: Secretary, I want to pick you up on the domestic enrolments in all teacher education courses. I am looking at some data from 2009 to 2021. It's actually at a record high. There have never been more people enrolled in ITE degrees. In 2009, it was about 84,000. In 2014, it got up to 108,000. There's a bit of a decline. Now it is sitting at 109,861 as of 2021; that is the most recent data I have. I want to challenge your—

Mr Cook: But there has been a decline, Senator. Is that what you said?

Senator HENDERSON: No. I am saying that there has been an increase since 2009, which was 84,000. It is now sitting at 109,000. I want to ask for some clarity in relation to—

Mr Cook: It would be useful to have the information you're referring to. I don't know what that information is, so I can't comment on that information.

Senator HENDERSON: I am looking at my own data.

Mr Cook: Senator, I'm happy to look at your data.

Senator HENDERSON: Could you provide the committee with what data you have in relation to initial teacher education students? Based on what I am looking at, which is just my own notes, it appears that there are not falling numbers of ITE students.

Mr Cook: Senator, just to clarify—and apologies—I didn't give a time line. I don't think I did. I am happy to look at the *Hansard*. From the data I have in front of me from 2021 to 2022, there was a decline in IT enrolments of about four per cent. I am happy to find a data source. I don't know what data source you're utilising. We would normally use the information from universities to inform us of that. I think we have that information. I am happy to correct the record.

Senator HENDERSON: ACARA also reports on this.

Mr Cook: ACARA reports on ITE?

Ms Brighton: AITSL?

Mr Cook: I wouldn't have thought ACARA reports on initial teacher education.

Senator HENDERSON: Well, there's a report that ACARA did. I can come back to you on this. I am keen from what you hold. What figures do you have for 2022?

Mr Cook: Ms Brighton has those figures, so I will hand to her.

Ms Brighton: There are two lots of figures at the moment available to us. AITSL released a publication on Tuesday, I think, which is the initial teacher education pipeline publication. That goes to initial teacher education to 2021. AITSL are here, so they can take any questions on that. In addition to that, the most recent higher education statistics data that we have on our website goes up to and includes 2022. What that data shows on the higher education statistics collection is a decline in ITE enrolments between 2021 to 2022. So it's a time series issue. I'm sure AITSL—

Senator HENDERSON: Well, that has obviously happened under this government. As I say, based on the data I have, it was going up—

Mr Cook: We can give a year-by-year comparison, Senator, to help you about how to view this decline.

Senator HENDERSON: to 109,000. There has been a decline in 2022. Do you have 2023 statistics?

Mr Cook: Do you have a source? We really can't comment unless we know what you are referencing.

Senator HENDERSON: Well, I'm just saying that I have my own internal notes at this point, Secretary. I am just keen on the data you hold.

Ms Brighton: I want to clarify in case I misspoke. This data of the four per cent decline is on initial teacher education enrolments in 2022. You usually do your application to universities at the end of the prior year, and then your enrolment takes place early in the year of, in that case, 2022. But we're happy to take it on notice. If you're able to share with us, we can look at the different data sets and provide you with it year by year as we've got it available.

Senator HENDERSON: What we are seeing without any doubt is that there are fewer students per teacher. So the ratios are improving. Do you have any data as to how many teachers end up in non-teaching roles? I think, as I indicated before, that is a big issue.

Mr Cook: We wouldn't have that data.

Senator HENDERSON: I'll come back to you on notice.

Mr Cook: Sure.

Senator HENDERSON: I will cede some of my time to Senator O'Sullivan.

Senator O'SULLIVAN: I want to start briefly on the matter that Senator Henderson was raising in relation to classroom behaviour. As we discussed, the references version of this committee undertook an inquiry into this issue, which I am sure you're aware of. I again place on the record my appreciation for the way the committee approached it in such an open way. The first point to make is that students reported back—this is through the OECD—that they think the world of their teachers. We have the best teachers in the world. There's no doubt about that. One of the really striking things that came through was the fact that they really feel supported and cared for and there's real compassion they feel from teachers. We also heard that Australia is ranking very low on the tables. We're 33 out of 37 in the OECD when it comes to disorder and disruption within classrooms. So the committee made many recommendations. There are three key ones I want to highlight. One is improving initial teacher education to ensure that ITE courses at universities contain core units around evidence based methods of classroom and behaviour management. It is making sure that teachers are equipped before they are sent out into the classrooms with the skills that are necessary and the knowledge and how to manage behaviour in a better way. The second one is introducing a behaviour curriculum within the curriculum so that kids are explicitly taught how to manage their behaviour themselves. The third one is implementing a national behaviour survey. Rather than just waiting on the OECD to provide an update every half a decade or so, we want to get more iterative feedback from students about steps the government and jurisdictions across the country might put in place to ensure we lift these standards. Has the government responded? Has the department been looking at this report and looking at this issue? Are there some steps that you can update us on that the department is taking and the government is taking to address this very important issue?

Mr Cook: I will go through the three of them. Again, Ms Birmingham and Ms Brighton will help me. The first one is effectively done. Education ministers agreed last year that we would amend the initial teacher education accreditation standards to include an explicit requirement that the universities have evidence based classroom management lectures, information and training for initial teacher educators. All ministers signed that off last year. AITSL will be here later today, if you want to ask questions about them. They have made those amendments to the accreditation guidelines. We've given universities two years to implement that and be able to demonstrate that they've implemented that. The first one is in progress.

Senator O'SULLIVAN: It's a two-year time frame?

Mr Cook: In terms of changing initial teacher education programs, that is the length that traditionally we have given universities, including the work that we did originally out of the one that Minister Pyne did on the teacher education ministerial action group, or TEMAG. It was done as part of that process. Teacher regulatory bodies will then be required to assure and assess that initial teacher education providers have done that. In addition, ministers have agreed that there will be a national panel established, which will be chaired by Victoria, to do spot checks on initial teacher education programs to ensure they are implementing effective programs. That was also agreed by ministers late last year. That is currently being set up. It will be chaired by Victoria. That is the first one.

Senator O'SULLIVAN: Part of their curriculum?

Mr Cook: I have to go back and remember the next two. The curriculum was a behaviour management curriculum. Is that correct?

Senator O'SULLIVAN: Yes.

Mr Cook: I will hand over to Ms Brighton on that.

Ms Brighton: In the Australian curricula there are already a range of mechanisms available regarding the expectations of students and teaching around behaviours. Importantly, AERO has been commissioned by the Australian government to develop a set of evidence based tools and guidelines to specifically assist with classroom disruption. AERO is here to give evidence shortly. I'm sure the CEO would be very happy to talk about those resources. As a companion piece, we have also commissioned the University of Adelaide to develop a series of micro-credentials for teachers to support them in their professional development about managing classrooms. In addition to that, wellbeing is a key feature that will be part of the next national school reform agreement. I am sure the CEO of AERO would be happy to talk about what their research is showing about interventions that are critical to support students to engage in classrooms. This includes a common set of behaviours around a framework, such as positive behaviour for learning, where expectations are set and students, the community and teachers all work together to manage them. So that's on the behaviour curriculum.

The third element is the survey. One of the recommendations of the NSRA review panel is looking at something like a wellbeing index. Each jurisdiction has a mechanism they use—surveys and other things—where they capture information from students and staff and look at what opportunities there might be at a national level. That will be part of our conversations with jurisdictions and subject to any negotiations.

Senator O'SULLIVAN: Finally, is the department preparing a response for the government on the report that was tabled?

Mr Cook: As we would normally do, there will be the response in terms of a Senate report.

Senator O'SULLIVAN: When will that be done?

Mr Cook: I think the work is happening at the moment.

Ms Birmingham: In due course.

Mr Cook: Yes. Due course.

Senator O'SULLIVAN: Thank you for all that. I want to go to the National School Resourcing Board. When will the 2022 state and territory compliance with section 22A of the act be completed?

Mr Cook: All of the state reports have now been received. The board will now, as they would normally do, undertake a review of those reports that have been provided by the states and territories. Mr Brighton is going to tell me it is mid-year.

Ms Brighton: It be about the end of April that report will be available.

Senator O'SULLIVAN: The Northern Territory was found to be non-compliant for the 2021 and 2020 reviews, I believe. Queensland was also non-compliant in 2021. Given that the negotiations on the school agreements are underway, has the department or the board looked at the states' non-compliance with funding? Will this be considered when it comes to new funding arrangements?

Mr Cook: There are just a few things, particularly around 2021. There was a decision by the government at the time that would allow leniency around compliance as a result of COVID. There was actually something issued by the federal minister at the time, a statement of intent, which basically said to states and territories that, as a result of COVID, if you haven't met your target obligation, you would effectively be not deemed non-compliant, even though it may be described that way in the National School Resourcing Board report. Mr Harding can give a bit more detail around that.

Having said that, it would certainly be my view that the intent will continue to be if states and territories are making a commitment around a particular funding target, the National School Resourcing Board will continue to monitor that compliance and make assessments around the compliance of that into the future in terms of the new agreement as well. Mr Harding just quickly might be able to give you a position on Queensland and the Northern Territory.

Mr Harding: For 2021, the Northern Territory attributed the shortfall essentially to reduced travel and staffing shortages caused by COVID-19. That was for 2021 for the Northern Territory. Queensland attributed it to a temporary deferral of public sector wage increases in response to the economic impact of COVID as well. They were both COVID impacts in 2021.

Senator O'SULLIVAN: If we know that a jurisdiction is not compliant in terms of meeting their obligations, is that not a factor in negotiating future agreements?

Mr Cook: Under legislation, there's a whole range of sanctions we could put on those states and territories as a result of non-compliance. The government of the day chose not to undertake any compliance action on the basis that the minister had made a decision in relation to the effects of COVID. I hear what you are saying. It was a particular year in relation to COVID.

Senator O'SULLIVAN: Sure.

Mr Cook: And those reasons were that. I think we would be saying as a result of COVID you were non-compliant, therefore—

Senator O'SULLIVAN: What about now? What about jurisdictions now that are non-compliant?

Mr Cook: I don't know of any that are noncompliant at the moment.

Mr Harding: No, noncompliant. Basically, the board can look at mitigating circumstances and consider whether they think those mitigating circumstances are sufficient to not call it non-compliant. So the board reviews this and they form an opinion saying whether these mitigating circumstances apply or not in these circumstances.

Senator O'SULLIVAN: Finally, from me, how many vacancies are there on the resourcing board currently?

Mr Harding: Senator, there are two vacancies on the board at the moment.

Senator O'SULLIVAN: Where are we up to with the recruitment of those positions?

Mr Harding: That is an ongoing process at the moment for the two remaining vacancies.

Senator O'SULLIVAN: Is the chair position currently vacant?

Mr Harding: Yes. Professor Fredericks is the current interim chair.

Senator O'SULLIVAN: How is the process going for her replacement?

Mr Harding: That is an ongoing process. We are working through that process of trying to recruit the long-term chair and the other Australian government member.

Senator O'SULLIVAN: I'm really interested. Is there a time frame you are working through to have this position filled permanently?

Mr Cook: Yes. We are working on that currently. We anticipate that there will be something in the not-too-distant future around that. As you are aware, we work with the states and territories around that. There are two new appointees, I think, that have just been appointed out of nominees from states and territories. There is a requirement under the act, I think, for us to consult with states and territories around nominees as well.

Senator O'SULLIVAN: When did the position for chair become vacant?

Mr Cook: I think it was late last year, yes. That was Mr Billing, I think.

Senator O'SULLIVAN: November-December.

Ms Brighton: Late last year.

Senator O'SULLIVAN: Can we get the date—I'm happy for you to provide it on notice—when it became vacant? Has the position for chair been advertised?

Mr Cook: No, Senator. They are not advertised per se, usually. They're nominations from jurisdictions or the federal government.

Senator O'SULLIVAN: Are you going through the process of shortlisting or selection?

Mr Cook: We are in the process of identifying names at the moment, Senator, that's correct.

Senator O'SULLIVAN: Thank you.

Senator DAVEY: I want to return quickly—I will be brief because I know people want to move on—to the issue of teacher shortages, particularly in rural, regional and remote areas. Is the department keeping a watching brief on that? Do you collect data of teacher numbers and what the shortages are in those areas?

Mr Cook: Certainly yes to the first one. As you are aware, there are Commonwealth initiatives I mentioned before about HECS relief for teachers in very remote locations. We don't, however, collect the data per se. That's something the states and territories have. We don't collect that data ourselves. They can provide it to us, but we don't employ them. We rely on the states and territories providing that information to us.

Senator DAVEY: Is it possible for you, noting that it is state data, to collate that data for the committee to look at so we can get an understanding of that?

Mr Cook: We can ask the states and territories to provide that data. I can't compel them to, but I can certainly request them. I'm happy to do that.

Senator DAVEY: That would be appreciated. I totally understand that the states and territories are in charge of employing teachers. Is the department looking at any potential actions that we could take federally that would incentivise teachers into the regions?

Mr Cook: The one that currently exists is the HECS relief, or the pause on the indexation if you teach in a very remote location. As you would be aware, I think there are 300 schools and early childhood centres listed on our website. The university guys will probably have to give us the data. Later on tonight, the university team will have the data about how many of those teachers have taken up that opportunity.

Senator DAVEY: I have questions for them.

Mr Cook: That's one of the main things that the government is doing at the moment. The states and territories are also looking at incentives for attracting teachers to rural and remote areas—their accommodation, Internet access, their return to home and those sort of things.

Senator DAVEY: We saw the report late last year that some schools in the Territory, and one in particular, had gone without any teacher for five months. The Territory is unique because it's not a state; it's a territory. What can the federal government do to ensure that Territory schools in particular aren't left in such dire straits?

Mr Cook: We have regular conversations with the education department. Again, Senator, the Territory education department—I know they are a territory, but they still have their own education department—are responsible for teacher employment. They have just done a review on secondary education, I think, in the Northern Territory. They are looking at what that provision looks like and, therefore, what their teacher workforce needs to be. I know Ms Brighton is in regular contact with the secretary of education in the Northern Territory. I don't know, Ms Brighton, whether there is anything you want to add to that.

Ms Brighton: Certainly, just to add to what Mr Cook said, the conversations I'm having with the CEO of the Northern Territory department are about the different strategies they are looking at to attract and retain teachers and to creatively affirm the expertise of First Nations educators and to ensure that First Nation educators are recognised for that expertise. We do work quite closely together. We're doing work through things such as Commonwealth teaching scholarships, which I recognise is not an immediate action. There will also be an incentive payment to individuals who take up roles in regional and remote areas. This is in addition to the incentives that jurisdictions have for their workforce as well, be it everything from a housing allowance to incentive payments to try to attract people.

Senator DAVEY: I recall in the deep dark past that there was almost a locum like system for certain areas of the Territory, where people could go up and spend three months or six months instead of committing to move there permanently. Are there still things like that happen in the Territory, or has that finished?

Ms Brighton: Not that I'm aware. I am happy to ask the Northern Territory. When I was up there talking to a school community, something one of the teaching assistants said to me is that their experience historically of teachers moving in and out led to a bit of disruption in community connectivity and student connectivity with the teachers. I think that multipronged approach to maintaining a workforce in those schools is really important.

Senator DAVEY: I accept the disruption. We would all much rather people move permanently to the regions. I did. But a teacher is better than no teacher.

Ms Brighton: Absolutely.

Senator DAVEY: It is similar with the doctors issue. If you haven't got a doctor, you take a locum regardless of how it happens. I think it's something we need to be very aware of. Do you think there is a link with the issues in the Territory and some schools going without a teacher to the reports we also read last year about the failure of some schools in the Territory to receive their full funding despite the fact that the Commonwealth was meeting its obligations to fund the Territory?

Mr Cook: Senator, I don't think we would have the information available to make that link. I understand the question you are asking. We don't have the data about why the schools aren't being staffed in the Northern Territory, I'm sorry.

Senator DAVEY: Anything you find out would be appreciated.

Mr Cook: Sure. We're very happy to.

CHAIR: I think we're ready to go to AERO. Ms Brighton, you want to add something?

Ms Brighton: Chair, I will clarify that the chair of the National School Resourcing Board was made vacant on 29 October last year.

Senator HENDERSON: I have about another five minutes, Chair, so I will be very quick.

CHAIR: If you can keep it quick, that would be greatly helpful to us because we are trying to catch up time.

Senator HENDERSON: I will. We will put a whole lot of questions on notice. We are going to be expecting brilliantly answered questions.

Mr Cook: Looking forward to them, Senator.

Senator HENDERSON: On time and complete, Secretary.

Mr Cook: On budget.

Senator HENDERSON: Secretary, you asked me. I have done some more drilling down in relation to teacher shortages. I think the minister has tried to give the impression that this has been a longstanding issue and tried to blame our government. I am looking at the data. In fact, I am looking at the ACARA website, which is domestic enrolments in all teacher education courses by field of education up until 2021, which is sourced from the Australian government Department of Education, which is your department. It is showing that teacher enrolments went up from 86,000 to 109,000 in 2021. You are now indicating that there has been a four per cent decline in 2022.

Mr Cook: That's correct.

Senator HENDERSON: That's the source. I am keen to understand how you reconcile that data with the teacher shortage crisis, which the minister has admitted.

Mr Cook: Do you have the completion data as well, Senator, about how many of those students actually complete and become teachers at all, just to help?

Senator HENDERSON: That is the enrolment data. I also want to draw your attention to the ABS report on scores released yesterday. That is abs.gov.au/statistics/people/education/schools under the heading 'Latest release'. So that's the schools report. In very general terms, between 2006 and 2023, that is showing that the number of full-time equivalent teachers has increased by 30 per cent and the number of full-time equivalent students has increased by 21 per cent. There are fewer students per teacher. Again, based on that data, I would ask why we've got a deteriorating situation in the last couple of years.

Mr Cook: In terms of teacher shortage?

Senator HENDERSON: In terms of teacher shortages or vacancies.

Mr Cook: We'll go back to the data we've got, which includes the university data as well. As you said, the data source is our department. I wouldn't mind interrogating some of those things. We also know that in some of those courses less than 50 per cent of those teachers who enrol finish. They are actually not completing the initial teacher education course. You would be aware of that as well, which we're gravely concerned about, which is why we're trying to improve what is happening in initial teacher education. I absolutely take your point. Let me take the data. We'll also look at the ACARA data website that you've just referenced to us as well.

Senator HENDERSON: Certainly the ABS data released just yesterday paints a rosy picture in terms of teachers coming through the system and more attractive ratios. That is making many more teachers in the system

compared to students. The question that remains is: where are things going wrong? If there are thousands of teacher vacancies, what is going wrong? Are you able to verify how many qualified teachers move into non-teaching roles?

Mr Cook: We'll do our best. I just don't think we have that data, Senator, to be honest with you. We don't ask teachers where they go after they graduate. We don't have that data set. I hear what you are saying. We'll take it on notice and do our best to answer.

Senator HENDERSON: But there is data which shows how many teachers are teaching in each system. The ABS released the latest data yesterday.

Mr Cook: I understand that. But your question was about how many teachers go into non-teaching roles.

Senator HENDERSON: Sure. I appreciate that.

Mr Cook: I don't think I've got that. I am happy to see what we can do to assist in terms of that data.

CHAIR: That completes outcome 1. I now call representatives from the Australian Education Research Organisation, including its chief executive officer, Dr Jenny Donovan.

Australian Education Research Organisation Limited

[14:50]

CHAIR: Welcome.

Senator HENDERSON: We always love having AERO appear before us. I want to start by asking about the Grattan Institute report, *The reading guarantee*, report released on Monday. Are you familiar with that report and the extent to which it aligns with your very good research on evidence based teaching? I want to ask you about the cost of not teaching children to read properly. As we know, one in three children are failing NAPLAN at the moment. It is a dire situation in this country. Grattan has cited a cost of \$40 billion to the economy over a person's lifetime as a result of not mastering the essential skill of reading. How does all of that align with your research, Dr Donovan?

Dr Donovan: Thank you for the question, Senator. Could I have your indulgence for a moment given this is only my second time addressing this committee? I prepared an introductory statement.

Senator HENDERSON: I'm sorry, yes.

CHAIR: So my—

Dr Donovan: The only reason I thought it might be useful is I think it speaks to some of the questions that are likely to come up.

CHAIR: My apologies, Dr Donovan. I should have invited you to make an opening statement. We are trying to catch up on time, so I rushed a bit. If you could keep it tight, and if you give a copy of the opening statement to the secretariat, we can circulate it and catch up time as well.

Dr Donovan: Yes. I will go to it and I will do it very quickly, I promise. Thank you for having me here again. Last time I came, because it was the first time, I did a brief kind of introduction to what AERO is all about and how we operate. Today I thought I would do a bit of a dive into one of our projects that gives a bit of insight into the work we do and the value it adds. Over recent decades, our understanding of how learning happens has dramatically improved. Learning involves knowledge being recorded in our long-term memories, which enables us to recall it and apply it with ease. This can be knowledge about facts or processes. Having knowledge in long-term memory is essential for skills such as critical thinking and problem solving. There's no known limit to the capacity of long-term memory, but the gateway into long-term memory is our working memory. Working memory is where we focus on information that we're trying actively to process at any given time, like you listening to me now. For new knowledge to be absorbed, it has to be processed within working memory and connected to existing knowledge in long-term memory. Unlike long-term memory, working memory is extremely limited. Overloading your working memory with too many concepts at once or other distractions makes it far less likely that any of those concepts will be properly processed and embedded into long-term memory. In short, it's really unlikely that learning will happen.

Where we are now is a very exciting time because this insight that we now have from cognitive science meets education research. Over decades, study after study has shown that explicit teaching and associated teaching practices are the most effective strategies to ensure that students learn and that they retain and can apply their knowledge. Now we know why explicit teaching works best—because it matches how we're designed to learn. The core of explicit teaching is that new knowledge gets presented clearly and in small sequenced chunks with an expectation of mastery and opportunity for practice and retrieval. Research has produced these findings

consistently across subjects, across student age groups and across gender. Explicit teaching has been shown to be particularly effective for students experiencing disadvantage and for students with learning difficulties. It's helpful for all. It's harmful to none. It's essential for some.

This is information every teacher should know. It doesn't mean every teacher must teach every lesson in an identical way every time, but it does mean that this approach to teaching should be the expectation, the foundation, the main approach, the default from which teachers make planned and considered judgements to depart.

Since I appeared before you last, AERO has released a summary of the evidence of how students learn and the implications for teachers and their practice. The practices in this summary were identified from extensive peer reviewed research using AERO's standards of evidence as a filter. Our standards privilege rigour and relevance to Australian contexts. They are available on the website along with a full reference list. We've also released a model of teaching and learning entitled *Teaching for how students learn*. It's an accessible resource for teachers. It gives a one-page schema about the various practices that make up evidence based teaching, the way they all fit together and how they align with learning happening. It includes the explicit teaching of knowledge, which I have referred to, but also practices around classroom management that have been discussed today. AERO worked with research experts, with stakeholder groups and with teachers themselves in the development of the model to ensure that it isn't only evidence based but it's also engaging, it's actionable and it's relevant to the work that they are doing. We are now working to add supporting resources, including guides and videos. We're also working in schools in various jurisdictions so that we can learn about what is getting in the way of teachers adopting these practices in their classrooms and how we can help them.

Thank you for giving me that time. I thought the example might be useful because there's been so much discussion already today that I have been listening to about explicit practice. I'm happy to take questions and go back to your question, Senator Henderson, if you like, about this and any other aspects of our work.

Senator HENDERSON: That's a really wonderful overview. Do you believe that explicit instruction and other evidence based teaching practices should be mandated in every Australian classroom? Is that the goal? Some schools are doing it brilliantly and others aren't. Some teachers are and others aren't. That is through no fault of teachers, I might add, because the training at universities has been generally so poor. There are some good exceptions. This is the key to our success and the success of students, I put it to you.

Dr Donovan: This approach to teaching should be the expectation of teachers, schools and systems because it is the approach that leads to efficient learning outcomes for students. The language of mandating just gets people's backs up. We're talking about professionals who are doing their job because they are committed to good outcomes for students. That is the way to explain to them why this is the approach that should be taken.

Senator HENDERSON: I go back to my question about the Grattan report *The reading guarantee* report. How does that report and its findings align with your research, including the cost of \$40 billion to the economy over a person's lifetime as a result of not mastering the essential skill of reading? Are you able to make any comments on that report?

Dr Donovan: AERO hasn't looked at the costs in the way that Grattan did. But the report aligns very closely to the evidence base around the teaching of reading and work that we have done that demonstrates the really dire outcomes for students who fall behind in their learning early on. If a student hasn't learned to read by year 3, the chances are that they are not going to learn to read throughout their schooling. Their performance, engagement and attendance, all of these things, will suffer. I think the last time I spoke to this committee, I talked about research we had done that identified that students really need to close that gap very quickly. The opportunity they have if they are not reading well by year 3, if they are not reading well by year 5, is gone.

Senator HENDERSON: Dr Donovan, a recommendation in the report suggests that students' progress be tabled in parliament. Do you agree with that level of accountability?

Dr Donovan: Sorry, can you repeat the beginning of that question?

Senator HENDERSON: Sure. Recommendation 1 suggests that a report on students' progress be tabled in parliament, of course, to drive accountability. Is that something that you would agree with?

Dr Donovan: There is information in the public domain published via the My School website, which ACARA manages, that provides that information. It's available.

Senator HENDERSON: What about recommendation 2 that suggests that AERO could develop teaching guidelines on reading instruction? I know you have worked on a number of guides. Could you respond to that recommendation?

Dr Donovan: AERO undertakes work that falls under priorities identified by ministers. It's not an explicit task that we have been asked to undertake in the past. There is already quite a lot of information available for teachers about how to go about explicit systematic instruction in reading. AERO certainly can. We could.

Senator HENDERSON: On that issue of your work as directed by the minister, does that constrain you? If you are not following the evidence, if you find something and think, 'We now need to do some other work', are you constrained by the current way in which you are asked to operate?

Dr Donovan: Not at all. In fact, because we're owned by all of the ministers and they all agreed on the constitution that we operate under, we have governance that is very separate to the ministers. We consult with ministers annually about the priorities they would like us to set. Beyond that, the work that we do, the way we do it and the way we resource it is all governed by our independent expert board. That provides a kind of arm's length opportunity for us to operate independently and with integrity, I would argue.

Senator HENDERSON: I will go back to the Grattan report. Recommendation 4 supports the development of data being built into a student's unique student identifier, the USI, so that there's a record of the student's performance no matter what school they attend, when they move and if they go interstate. The issue, of course, is the slowness with which the USI is being implemented. Can I ask you to comment on that recommendation and the importance of tracking student progress?

Dr Donovan: AERO doesn't hold a position about that other than to say the more consistent and comprehensive data sets are, the better the analysis that can be done with them.

Senator Chisholm: Chair, I don't want to interrupt Senator Henderson's line of questioning. I think we have to be careful when Senator Henderson is straying into asking for an opinion from Dr Donovan. I want to raise that.

Senator HENDERSON: Sure. I appreciate that. Dr Donovan, can you give the committee any more details on some of the guides and other work that you've prepared for teachers and schools? You are doing an awful lot of practical work to support schools.

Dr Donovan: We have been. We have three main purposes. One is to undertake research, to do analysis and to build the evidence base that we have about what works in education in this country. The second is about making sure that information is accessible and available to practitioners, school leaders and policymakers in education. Our third purpose, by the way, is about implementation. It is about making sure that we don't just know this and we make it available but that we understand what it takes for teachers to change practice and to adopt evidence based practice. We have had a big focus on ensuring that resources are available and that evidence is translated into consumable, engaging, usable formats for teachers. We've done the piece of work I described at the beginning. Since I spoke to this panel, we've also published a comprehensive suite of resources around effective practices for classroom management. This has been work commissioned by the Australian government, actually, ahead of the report from the committee. It provides a kind of curriculum I suppose, that describes in great deal the practices that are effective for managing classrooms that are not disruptive and that are conducive to learning happening. I could go on. It's probably quicker to say let's take it on notice and I can send you the complete list of work that we've done, if that's helpful.

Senator HENDERSON: I'm just looking at your website. It's edresearch.edu.au. There is a section on guides and resources. For all those teachers who are following your work or reading *Hansard* there's a wonderful array of guides for teachers, including the *Foundational classroom management resources handbook*. I'm very pleased to see—it's a personal passion of mine—that you are focused on grammar and issues such as punctuation. I was quite frustrated when I saw some answers to questions on notice from the Australian Taxation Office last night, where they kept confusing whether the ATO was singular or plural. It was very frustrating to read some of their answers. I think that comes from the nuns when I was in primary school. They were very focused on teaching grammar. What is the point of punctuation and grammar? Why is it so important?

Dr Donovan: Because it makes the text readable. The bottom line is that it enables people to access meaning. If you want people to understand what you are writing, you need to conform to certain rules. Grammar is the description of the rules that we have agreed apply to our language. That work is there because of a deep piece of analysis we did over 12 months ago now looking at ACARA's writing assessment. It's part of the NAPLAN testing that is done. We looked at a data set over a period of a decade and looked at students' performance on the writing assessment and discovered that there has been a decline in their writing achievement over that time. It has been particularly pronounced in the secondary years. So the work that we've done subsequently has been looking at what can be done about what we know is a problem. What are the evidence based approaches to addressing this problem that we have with writing achievement? The answer, as usual, is good explicit teaching. What we have done is develop materials for teachers that go to the small details of developing good writing. It goes down to the

level of punctuation and sentence construction so that, as I was talking about the at beginning, we're not overloading students with the new concepts they need to learn. We're not giving them something that is too big to absorb instantly. We're breaking it down and doing it in a sequenced way so that their knowledge is built up over time.

Senator HENDERSON: I am only looking at this online. There is a report in the *Financial Review* in which you are quoted. It is a story by Julie Hare that suggests that explicit instruction of science is a very important way of turning around student performance. You make the very important point that you've made in your opening statement about working memory and the importance of long-term memory. Can you expand on the comments you've made today in the *AFR*?

Dr Donovan: Yes. Somewhat uncomfortably because I didn't make a comment to the *AFR* for that story today.

Senator HENDERSON: You didn't?

Dr Donovan: It may have drawn on comments I have made earlier for previous interviews. However, the story today is looking at a report that has been published about the science of learning. The science of learning is another name for everything I described to you at the beginning today. It is about taking an approach that understands the science of how brains learn and applies it to what that means for the way we teach. I think that the comment attributed to me is about observing that some of the practices that vary from explicit instruction are not as evidence based.

Senator HENDERSON: And the evidence based work and methods are just so critical?

Dr Donovan: Yes.

Senator HENDERSON: Congratulations, Dr Donovan. I could ask many more questions about your work, but time is limited. Thank you so much for answering my questions. I look forward to reading more of your great work.

Dr Donovan: Thank you.

Senator ALLMAN-PAYNE: Good afternoon, Dr Donovan. What is the range of publications that AERO produces?

Dr Donovan: Can you explain what you mean?

Senator ALLMAN-PAYNE: What types of publications does AERO produce?

Dr Donovan: There is quite a range. It ranges from research reports that might contain data analysis, in which case there would be a technical report associated, to literature reviews and environmental scans. In terms of the products that are directed for teachers and for early childhood educators, there are practice guides and explainers. Usually they are linked with a longer research report that lays out, for those interested in looking at the detail, everything that these things are built on. But we're conscious that teachers are really busy people. If we can get things into a format that is attractive and short and gives them what they need to know in a punchy way, it's much more likely to be attractive to them.

Senator ALLMAN-PAYNE: Okay.

Dr Donovan: We're also developing, in association with that classroom management material, a handbook, which is kind of a compilation of some of these pieces. Everything that we publish for a teacher we workshop with our panel of teachers and educators to ensure that it's going to hit the mark. We take advice from them about the formats that will appeal to them and be helpful.

Senator ALLMAN-PAYNE: Roughly how many publications do you think AERO would produce on average each year?

Dr Donovan: That is a really good question. We have built up gradually to a point that is unsustainable for us, to be honest, going forward. I think this year we have something like 300 publications planned. Last year, we published over 200. We did that deliberately because we wanted to get material available to the people whose practice we want to affect as quickly as we could. We went fast and hard at making sure we could get content out there that was for teachers so they would know who we are, they would know that they could trust what we have to tell them and they would find something that would be useful. I think we will start to wind that back a bit and consult with the jurisdictions, with the ministers and with our stakeholders about the kind of product that is going to be valuable to them going forward. There are lots of places where we could keep going deeper, but we'll take advice.

Senator ALLMAN-PAYNE: Two hundred plus and 300 is an extraordinary number of publications. Are they all produced in house?

Dr Donovan: They are all produced in house. They're not all produced by my staff necessarily. We very often, especially on our bigger research projects, partner with academic partners, universities, sometimes jurisdictional partners and experts in the field. Some of our work is commissioned to other bodies to do for us. What we do is the quality assurance and ensuring that it looks like and meets the standards of AERO's work. No, my staff don't hold the pen on absolutely everything.

Senator ALLMAN-PAYNE: It's a combination of stuff that's produced in house and it's externally contracted out?

Dr Donovan: Or partnered, collaborated on.

Senator ALLMAN-PAYNE: What would you say is the percentage? For example, how many publications last year, did you say?

Dr Donovan: Can I take that on notice so I can give you an accurate figure? It was around 200.

Senator ALLMAN-PAYNE: Of those 200, roughly what percentage would have been wholly completed and worked on in house within AERO and what percentage would have been either partnered out or worked on by external people?

Dr Donovan: I know the point of your question. I would say that zero per cent would have been wholly produced in house without any kind of consultation or review by anybody else. Everything we do goes through a process of review that involves people who are external to the agency. I would like, if I can, to take on notice that balance. I would like to get you an accurate figure. It's not available off the top of my head, I'm sorry.

Senator ALLMAN-PAYNE: How many educational experts are on staff at AERO?

Dr Donovan: The entire staff has some sort of educational expertise. Around 30 per cent of the staff, at my last count, actually were teachers or early childhood educators themselves at some point in their career. Some of them remain so. They might be in part-time employment with us or they've just come to us from a classroom based position. We have people on staff who have come from university backgrounds who have specific expertise in association with particular projects that we might be doing. Obviously, we have operational staff as well.

Senator ALLMAN-PAYNE: How many staff are there at AERO who you would consider are educational experts?

Dr Donovan: I don't want to guess. I would rather give you the answer that you are looking for by taking—

Senator ALLMAN-PAYNE: Ballpark? Are we talking five, 10, 20 or 30? Roughly? I'm happy for you to give me the exact number on notice. I would be keen to know now roughly.

Dr Donovan: The majority of the staff would have come from education backgrounds of some form or another.

Senator ALLMAN-PAYNE: And how many staff are there at AERO?

Dr Donovan: There are around 100 at the moment, but they're in a variety of different arrangements. We operate largely with short-term contracts to match the projects that we're running. More of the staff are on time limited contracts than are ongoing.

Senator ALLMAN-PAYNE: Firstly, what is the quality assurance process that you use in making decisions about who you will give a short-term contract to. Secondly, what is the framework that you apply to make decisions about who is appropriate to contract out work or to engage in reviewing work that's not part of AERO? Is there a framework? Is there a quality assurance process around that?

Dr Donovan: There is a quality assurance process. I could send you a copy of what we use. It will depend a bit on the specific project that we're pursuing, but we will look for people with relevant expertise for that work. In the first instance, it might be people with research expertise. If we're looking at developing resources for teachers, it's a different kind of expertise that we might be looking for. In house, the quality assurance process that we apply involves all of the quality assurance processes you would expect a piece of work to go through, but it also includes that external review that I described earlier. Research reports will be reviewed by people with expertise in the domain in the field. Similarly our data analysis reports will be examined by independent people who have the right expertise to do that. The work that we do that is intended for use by classroom practitioners will be reviewed by an external panel that we've assembled for that purpose and they'll give us feedback on its appropriateness.

Senator ALLMAN-PAYNE: On notice would you be able to provide us with a list of all research that's had external input, and to clarify exactly what contributions have been made in relation to that research? I would also like a copy of the framework that you used to quality assure that work.

Dr Donovan: Yes.

Senator ALLMAN-PAYNE: When research is being produced externally, can you talk me through the safeguards you have in place and your methods to check the veracity of that research?

Dr Donovan: I mentioned earlier the standards of evidence that we have on our website that we apply both to our own work and to anybody else's work, and any work we might want to be endorsing or promoting for any other reason. We're very clear that it needs to meet our standards so that it can be trusted and advocated for. I'm not sure if that answers your question, though. Do you want to follow up?

Senator ALLMAN-PAYNE: I'm particularly interested to know what safeguards you have in place to check the veracity of the work that's going out.

Dr Donovan: The usual review processes. It goes through quality assurance internally and it goes through review using—

Senator ALLMAN-PAYNE: Is that peer reviewed? Do you utilise the peer review process at AERO for all of the work?

Dr Donovan: Very often. With our data analysis we always use peer review.

Senator ALLMAN-PAYNE: Maybe on notice, if you could indicate for us in that list of research what's been peer reviewed and what hasn't?

Dr Donovan: Yes.

Senator ALLMAN-PAYNE: Have you got any other types of peer review processes or similar that you could elaborate on at this point in time?

Dr Donovan: I think they're pretty comprehensive. With the process that I've described for you aside from the internal ones, including all of the external eyes that are across what we do, we're pretty comfortable. We also have, of course, our independent expert board. They will often ask us to present to them about work that we're doing and give them a chance to review it as well.

Senator ALLMAN-PAYNE: Does everyone on the independent expert board have formal qualifications in education?

Dr Donovan: Yes. Would you like me to run through it?

Senator ALLMAN-PAYNE: Is the expert board different to the board?

Dr Donovan: No. The board is the board. They are experts.

Senator ALLMAN-PAYNE: The board—

Dr Donovan: I make that distinction because they're not a representative board. We don't have a person on the board representing each of the jurisdictions. They are experts with expertise in the work that we do.

Senator ALLMAN-PAYNE: Would I be able to get on notice the formal qualifications of the members of the board?

Dr Donovan: They're all on the website. You'll find all of that information publicly available on the website.

Senator HENDERSON: Chair, could I also correct the record. I kept referring to 'Ms' Donovan; I didn't have my glasses on, Dr Donovan. My apologies.

CHAIR: I want to thank you, Dr Donovan, for all of that work. That's a lot of work you've succeeded in achieving last year. You have an ambitious program for this year. It's a great deal of assistance to the Senate committee but also to the country, literally.

Australian Curriculum, Assessment and Reporting Authority

[15:21]

CHAIR: I'd now like to call representatives from the Australian Curriculum, Assessment and Reporting Authority, including its acting Chief Executive Officer, Mr Stephen Gniel. Do you have an opening statement?

Mr Gniel: I look forward to the questions this afternoon. I do have an opening statement, and I'm aware that you're trying to catch up on time. I might just pull a couple of key points out of that for the committee, if that's okay?

CHAIR: That would be wonderful. If you could give that to the secretary, we'll circulate the rest of it.

Mr Gniel: I think that's been submitted. This is obviously my first appearance before the committee since starting in the role as acting chief executive in late November. I did want to just take a moment to address the committee formally in terms of an opening statement. My substantive role, of course, is the Chief Executive Officer of the Victorian Curriculum Assessment Authority. I also have been a board member of ACARA for a couple of stints as the ACT representative and also as the representative for Victoria in those roles, or the nominee of that minister. Importantly, I wanted to raise the fact that I started my career as a primary school teacher, a very proud male primary school teacher, and also worked as a principal. I really feel privileged to be here in this role and overseeing the really important work of the Australian Curriculum Assessment Authority.

I won't go into detail about the things you all know, but we have recently released the Australian Curriculum. It was only released in 2022, as the committee is aware. That process of implementation is happening right now in different jurisdictions on different timelines. We're really focused, and it follows on from some of the conversations that the committee has had already today on supporting teachers to bring that curriculum to life. A curriculum is words on a page. To take that into life in classrooms is the key work of our wonderful teachers, as the committee has already spoken about. We are doing that already. You'll have heard also from AERO in some of the work they're doing. We also last year, for the first time, ran a national assessment program for literacy and numeracy in term 1. That was a fairly significant change. We're into planning now for 2024, which is next month. So, it's a busy time. Just a reminder, really, that's 1.3 million students across the country. It is a huge logistical task that we do in partnership with the jurisdictions, but also directly with schools, teachers and families as well as, of course, our students.

We're really focused on ensuring that assessment and other assessments we produce remain one in a range of tools for schools to ensure all young Australians are developing the literacy and numeracy skills that provide the critical foundations for learning for their adult life. Again, you've spoken about some of that already today. ACARA is committed to strengthening these programs of work that we work on with the ministers around the country—all education ministers, of course.

In closing, ACARA is leading and adapting to the change, and it is significant in a range of ways. We're consulting with those diverse stakeholders, which is a core part of our work, acting on recommendations from various committees and inquiries and working with all jurisdictions to support our teachers, principals, students and their families. We'll continue to do so as ACARA is committed to ensuring we inspire improvement in the learning of all young Australians through world-class curriculum assessment and reporting.

CHAIR: Senator Henderson.

Senator HENDERSON: I want to raise concerns about your role at the Victorian Curriculum and Assessment Authority. You were CEO of the VCAA and presided over a series of mistakes in last year's VCE exams. They included errors in the general and specialist maths exam, and various confusing typos in some exams. Some students were also given the wrong exam for a Chinese language test, and then some students were awarded bonus points. In other words, it was a real mess—such a mess that the Victorian Minister for Education, Mr Carroll, declined to award a pay rise to staff at the VCAA, and you apologised for this. I'm just wondering how you got the job you're in now, because it wasn't a very good track record given the performance of your work last year.

CHAIR: Firstly, questions can be asked, and they'll be appropriately answered in a way the witness wants to answer it. But I'm also mindful that witnesses are at a disadvantage because there are documents from a previous organisation that we do not have authority to get. So, there are complications about trying to answer that question for Mr Gniel. It would be helpful if you could connect your back question with this particular item.

Senator HENDERSON: Chair, I'll table this report from the *Age*, 'More eyes to cross the Ts in VCE exams'. The issues I've raised are in this story. This is obviously a difficult question to raise, Mr Gniel, but I have to ask: how do you explain what happened last year with the VCE exams in Victoria?

CHAIR: I am trying to be helpful.

Senator HENDERSON: Chair, can I just say—

CHAIR: I'm not cutting you off.

Senator HENDERSON: If the question is in order, I would just ask that you allow me to ask the question.

CHAIR: I'm trying to be helpful to you.

Senator HENDERSON: You're running interference.

CHAIR: No. Can you put it in the context of what this actual hearing is about?

Senator HENDERSON: Yes. This is about your role as acting CEO of ACARA and your role with ACARA. I'm raising concerns about the credentials that you bring to the role, Mr Gniel, and I would ask if you could perhaps explain what happened last year, and to give Australians an assurance that calibre of work won't continue at ACARA?

CHAIR: To the role of acting chief executive?

Senator HENDERSON: That's right.

CHAIR: Thank you. That's what I was asking.

Mr Gniel: I'll try to best answer that. There were a lot of statements there. I'd like to refute some of those. I will say that you're absolutely right about Minister Carroll in Victoria. Obviously the state commissioned through the secretary there a review of that process. To my understanding, that review has not been handed down as yet. When that review is handed down, and those recommendations are made apparent, I think myself along with all people responsible for really significant programs of work across, as you've heard, millions of students working with teachers, will take into account any of those improvements. That's what I will do. As a chief executive of large organisations with work that impacts on children, young people and families across the nation, we have to be able to apologise when things don't work and when things go wrong and learn from those things. Certainly I know the VCAA team, most of whom are teachers, work incredibly hard to make sure those sorts of things are reduced in likelihood as much as possible. As I said, some of that is working with our partners. That is not something that these small teams can do by themselves. Once that information is made public, I'll be making sure I read that to see if there was anything that could have been done better in that time, and I'll bring that into this job and any further jobs I have in my area of great passion, which is education.

Senator HENDERSON: We're waiting for that review, as you mentioned, to be handed down. In his words, the minister did talk about a series of stuff-ups that impacted on a great many students sitting the VCE exam in Victoria. Have you learnt those lessons? What changes were put in place in the time that you were still the CEO of the VCAA to ensure that those errors didn't continue this year? I understand you've left that role now. I'm talking about the confidence level that you bring to the role as acting CEO of ACARA.

Senator Chisholm: If you want to run for Victorian parliament, you're more than welcome to do so. Mr Gniel is here appearing as the—

Senator HENDERSON: We need a Liberal premier, that's for sure, because the current one is not doing a very good job.

Senator Chisholm: You've never had much success, but we could debate that for a few hours. Mr Gniel is here to answer questions about—

Senator HENDERSON: It's going as badly wrong under Jacinta as it did under Daniel Andrews.

Senator Chisholm: Yet we still win. Mr Gniel is here to answer questions about ACARA. I'd encourage you to put questions to him that are relevant to his appearance here.

Senator HENDERSON: Competency in the job is relevant. I'm asking questions that I think many Victorian parents would want asked.

CHAIR: Can I—

Senator HENDERSON: Chair, I'm going on to another question now.

CHAIR: Go to the next question.

Senator HENDERSON: Mr Gniel, can I ask what the terms of your appointment are? You're the acting CEO?

Mr Gniel: Correct.

Senator HENDERSON: What was the recruitment process in relation to that and have you applied for the permanent CEO role? Could you explain.

Ms Brighton: Mr Gniel has been appointed for nine months, until the end of August, or until the ongoing CEO has been appointed. The way that appointment works is that appointment is based on the recommendation of the board. The board then consults with the Australian government Minister for Education. That's for the temporary appointment. There will be advertising for the CEO this year. Once that advertising has happened and the recruitment process is gone through, there will be an ongoing CEO for ACARA.

Senator HENDERSON: Mr Gniel, can you update the committee on the work of ACARA in relation to this year's NAPLAN test? I imagine there will be lots of hard work to ensure there are no errors in the NAPLAN test?

Mr Gniel: I can. ACARA and our partners across jurisdictions work hard every year. NAPLAN is an annual assessment, as you know, and has a range of checking mechanisms in place to ensure that they're produced without error to the best of our ability. That's happening as it does each year. I can ask Mr Dyer to go through some more detail of that if that would help.

Senator HENDERSON: In terms of the fact checking?

Mr Gniel: Absolutely.

Senator HENDERSON: And the verification to ensure there are no errors in this year's NAPLAN.

Mr Dyer: In answering your question, we have extensive quality assurance processes that we use at ACARA to ensure the quality, content and accuracy of our assessments in NAPLAN. This is a long and extensive process, which goes back to the original construction of the assessment items. Those assessment items are then scrutinised by experts across jurisdictions who are employed to look at those assessment items and quality assure them. The assessment items go through that rigorous process and then from that process we select items to go into the platform, and there's a quality assurance process in the upload of those items into the platform. We need to make sure those items are going to behave how they should in the platform and that they're built for purpose. All of those quality assurance processes are quite extensive. My team has only just finished uploading the final test that goes into NAPLAN. We're doing final QA testing of the items, looking at every single item and making sure they function across all of the different devices it's possible students would use.

Senator HENDERSON: When will the NAPLAN results be ready this year? Last year—and I realise you weren't in the job, Mr Gniel—there was a commitment to bring forward NAPLAN results by reason of the online test. The test was done in March of last year and yet the results weren't made public until about August. It took a considerable time. The promise was we're going to do it early so it will inform teachers early in the year, giving them the opportunity to address any issues or intervene in terms of learning outcomes. What's the time line for delivering NAPLAN this year?

Mr Gniel: There's a timeline for delivering those results back to schools, individual student results, that can help inform responding to either needs of students who are not where we would like them to be or indeed those students who are excelling. We want to make sure we're supporting all students across the learning spectrum. They will be returned within four weeks to schools. That information can then be used by those professionals, as you say, to triangulate and use with other forms of assessment they have, and with the teachers who know each of their students intimately. That's the part I want to reinforce. This is additional information to the already plethora of information that teachers themselves have on those students. It's really important that they do receive this information. It's a checking mechanism about what they're seeing. That's the individual student component of this. Also, of course, they'll see if there are any patterns within the school that they need to address. Are there areas where their students have not performed as well as they would have liked, and that they can address those immediately? That will be in the middle of term 2. So, four weeks, and that brings it much earlier in the year from when the assessments themselves were conducted later in the year as well. It's a significant shift in when teachers will receive that information.

Senator HENDERSON: Can I clarify: when will the NAPLAN results be made public?

Mr Gniel: They're not public at that stage. That's information to—

Senator HENDERSON: To individual schools. But when will they be made public?

Mr Gniel: And teachers. Yes, that will inform that information. As to the individual student results that go to parents, they're obviously only single ones to each of the parents or carers of the child. The data itself that informs at the national level will be earlier again. I might seek some advice from Mr Dyer on the exact dates for the publication of the NAPLAN results at the state and territory levels.

Senator HENDERSON: When will the results be made public?

Mr Dyer: I can find out the exact date, but it will be in August, but early in August compared to last year. These are the published results that go out to media and then published in a NAPLAN report which is found online.

Senator HENDERSON: Not just to the media, to all Australians?

Mr Dyer: Yes.

Senator HENDERSON: Including obviously very importantly to parents?

Mr Dyer: The parents would have already received the individual information.

Senator HENDERSON: Yes, I understand that, but parents are also interested in results across-the-board.

Mr Gniel: That is the bit that takes time. It's one thing to give information about an individual student and their result; when you're looking at aggregating the data for a million-plus students over five domains, that's a lot of information that you need to pull together for a report, whilst also ensuring you're doing all of the quality assurance. You asked about that with AERO. To make sure that's accurate there is a time lag in that. If you look at other large-scale assessments like PISA, there's a significant amount of time that goes between the students sitting the assessment and the results of these large-scale tests.

Senator HENDERSON: I have one final question to Ms Brighton. Were you aware of the issues with the VCAA before Mr Gniel was appointed? Was that something that was known to the department?

Ms Brighton: I'd have to look at the exact timing. We had certainly seen media in Victoria, but as to the sequence of that timing I'd have to go back and check to be clear.

Senator HENDERSON: What was the date? When was Mr Gniel appointed as acting CEO?

Ms Brighton: I don't have that with me. But I'm happy to take that on notice.

Senator HENDERSON: Mr Gniel?

Mr Gniel: My first day in the job I think was 20 November, if I remember correctly.

Senator HENDERSON: When were you contracted? When was the deal done, so to speak?

Mr Gniel: I'd have to have a look about when I signed on the dotted line. I know that I wanted to see through the exam period in Victoria, given what was happening at that stage, and support both the community and being the public face of that, as you said. I was out there apologising for that. I did stay until that was done. But we can get the dates fairly easily.

Senator HENDERSON: I do appreciate that.

Ms Brighton: If I could add to Mr Gniel's evidence just about the NAPLAN reporting, if I may?

Senator HENDERSON: Yes.

Ms Brighton: This has been a matter that has been deeply discussed by all education ministers, wanting to bring forward those dates. A decision was made by education ministers about a consolidation of reports so that the reports could be made available earlier. As to that report that Mr Gniel is referring to in August—previously we had a sequence of reports. Now this August report replaces what was two reports previously.

Senator HENDERSON: So, it's only been brought forward by about three or four weeks, though, hasn't it?

Ms Brighton: There used to be another report that was released. Mr Dyer will correct me if I have it wrong. I think the second report was released in around December.

Mr Dyer: Yes.

Senator HENDERSON: But the first report was released in late August.

Ms Brighton: There used to be two reports. Perhaps I'll get ACARA to respond to the detail on this. My understanding is that there used to be two reports. Now we have one report, and the comprehensive report is available in August as opposed to waiting until December. But perhaps ACARA can confirm.

Mr Gniel: Yes, that's correct. It might be helpful if we just send you those dates for the last few years.

Senator HENDERSON: Last year was a bit of a farce. That's my view, of course. Parents had an expectation that they would see data across-the-board, as all Australians did. To really get that first report in August and the second in December was pretty disappointing.

CHAIR: Senator Grogan.

Senator GROGAN: I'm interested in NAPLAN and the information that parents receive, in particular where you've identified that students might need some support.

Mr Gniel: I can ask Mr Dyer to go into the details here, but the usefulness of those reports has to balance what parents are able to access as well but also recognise that they are key partners of course in the education of our young people. So, making sure that information is put to them so they can then assist. Also, though, it's having those relative measures. So, not just, 'How did my child go?' It's about where was the Australian mean. What does that look like compared with the rest of the country? ACARA did that work with education ministers last year to move away from having 10 bands named 1 through 10, to naming the bands in more parent friendly language that made more sense to those people receiving those reports. Those four bands include one band that is 'needs additional support'. That was something that although confronting for some people really was put in place purposefully to make sure it was clear that on this test, on this day, it indicated this student needed help. I think that's a really important part of it.

Parents receive that information as well so they then understand which of the proficiency levels their student has fallen within, and of course for some students that's different across different domains. You can have students who are in the higher levels, so strong or exceeding, let's say, in mathematics or numeracy, and then in spelling might need additional support. We're really fortunate in this country to have an assessment program that does look very broadly at those five domains and also then is able to provide that level of information back to parents that can assist them. I do make that point as I made through that last series of questions that takes time. So, making sure that you get that right, including with writing, of course, which has to be marked by humans who are doing that work, our teachers and retired teachers and others who mark those writing assessments against a rubric, a scale, and provide that information back to schools as well as families. So, the information is the product of the time and diligence taken to get that information into the hands of parents.

Senator GROGAN: With the information you send out to parents, obviously it's sent out individually through a personalised communication?

Mr Gniel: Yes.

Senator GROGAN: Is there a sense of what the next steps are for the parent?

Mr Gniel: I'll hand to Mr Dyer, but an important part of this as well is we had teachers work with us to identify what the skills were that were needed for that age and that part of their school, and where they were up to in years 5, 3, 7 or 9. So, where would we expect them to be and what type of knowledge and skills would they be able to exhibit? Those are the sorts of things that were on those reports to help parents. Importantly, I'd go back to the partnership part about this, though, as well. That's about how the parent would sit down with an educator, if they need to. Obviously there are a lot of parents who will be able to pick that up and make sense of that themselves. But it's the strength of the relationship between the school and the family that we know will have the greatest impact on either supporting those students who are falling behind, and need that additional support, but equally those students who need support because they're excelling. I might just ask Mr Dyer to explain exactly what's on that report, if that would help.

Senator GROGAN: Yes, just briefly, because I think you covered what I was looking for. But maybe just a brief response from you, Mr Dyer?

Mr Dyer: I was just going to add that the individual student report contains enough information for the parents to be informed about the achievement level of their child as well as some information about what they can or could be doing if they were to move into a higher proficiency level. But I think more importantly it allows them to then have a conversation with their teacher, the teacher of their child, and to actually go down a path where NAPLAN shouldn't be providing any surprises. We're hoping that is the case so they can have that conversation to build on the evidence presented in the individual student report.

Senator HENDERSON: Mr Gniel, there's been quite a bit of media attention in the last few weeks about declining attendance rates for students. I asked a question on notice at the last hearing, SQ23-001167. I questioned the data collection points and the transparency of those data collection points. Are you able to update the committee on the reasons for student absence and where student attendance is sitting now?

Mr Gniel: I can answer the part about student attendance with the latest data that we have. In terms of the reason for attendance, that's not part of the information that ACARA collects from the states and territories. We are informed by ministers who sign off on our measurement framework, and that's an agreement across all of the jurisdictions about what we collect and what we publish. I'll hand to Mr Dyer, who can give you some updated figures on attendance.

Senator HENDERSON: Is there any reason you can't collect that data? That's probably really important in terms of informing schools and understanding why we have this real issue with declining attendance.

Mr Gniel: Simply, as I said, we're not able to collect that data because it's not part of our remit. So that's the barrier.

Ms Brighton: If I could assist with that, the education ministers have commissioned AERO to do a piece of work for them on this issue of attendance, in particular given the declining attendance rates, to look at in particular what are some of the drivers and what are some of the practical strategies in response to that. Certainly, Mr Gniel is right. As to the level of visibility about the absence, what's driving the absence, the reasons for it—that's not visible in the national dataset. Jurisdictions have a greater degree of granularity, and certainly part of the national school reform panel work called that out as well. I'm sure that will be something we discuss this year with states and territories as we negotiate the next agreement.

CHAIR: Mr Dyer, you were going to give us something on the reporting authority's responsibilities and some figures for the senator?

Mr Dyer: I can provide the senator with figures that the attendance rates of students in years 1-10 was 88.6 per cent, and that was up from 86.5 per cent in 2022. The student attendance level, which is the percentage of students with above 90 per cent attendance, was 61.6 per cent, up from 49.9 per cent in 2022. So, these figures are not representative of pre-COVID times. There is still some growth that needs to occur in those measurements. The other thing that I just wanted to mention was that in terms of the national datasets there has to be consistency in the collection of that data, and that's agreed upon through the measurement framework. If jurisdictions have the capability to disaggregate further, that's something that will be discussed, and I think if it's on the agenda for the national education agreement maybe that's something we can look forward to.

Senator HENDERSON: It would certainly be very helpful to understand the reason for student non-attendance, but I appreciate the current position. I'll move through this as quickly as I can. Can I ask about the implementation of the current version of the national curriculum? To what extent is this now adopted by the states and territories? Could you provide us with an update and also an update on the next review of the national curriculum? When will that commence?

Mr Gniel: In terms of the implementation, of course, that's a responsibility the states and the individual schools take about the timeline for implementation. Of course, we've produced a curriculum that is an improvement on the last one, so we want to see that in those schools as soon as possible. That's why I stated in my opening address that our focus is on support for implementation. I think we've also had AERO talk about a lot of their work around supporting implementation of the curriculum as well. In terms of where states are up to, I can ask Ms Foster to give you an update. But in terms of your question about which states have adopted it, all ministers signed off on that.

Senator HENDERSON: I realise that, but in terms of implementation where are we up to?

Mr Gniel: They have all adopted it, but their implementation schedule—

Senator HENDERSON: Where are we up to with the implementation?

Ms Foster: As Mr Gniel just explained, we don't actually get to control the implementation timelines. We get some broad guidance from the jurisdictions who share that with us. As we've talked about before, Tasmania implemented last year. They were the first jurisdiction to implement the entire curriculum. The remaining jurisdictions, or many of them, are choosing to phase in the implementation. Most of them are actually starting off with English and maths, which wouldn't be a surprise, I don't think. But they're making choices, then, about whether they're implementing primary levels and secondary levels at the same time or whether they're doing staggered approaches. I don't have the detail of every one of those, because in fact we don't publish that or keep that information in the broader sense of the word.

Senator HENDERSON: The National Teacher Workforce Action Plan recommended that the federal Department of Education monitor the implementation of the national curriculum and really track that very closely. So, are you saying based on the advice you've received it's only Tasmania and some states? Which states have adopted parts of the national curriculum, the current one?

Mr Gniel: All jurisdictions have.

Senator HENDERSON: When I say 'adopted', I mean implemented.

Mr Gniel: We can try to get that information from the jurisdictions and we'll have to then provide that to you through that process. I'm happy to take that on notice and give you what we can. In terms of the National Teacher Workforce Action Plan—

Senator HENDERSON: There was a recommendation.

Mr Gniel: Are you talking about a specific recommendation about the Australian government?

Senator HENDERSON: Recommendation 19. It's fine if you take that on notice.

Mr Gniel: Recommendation 19 included the cycle of review of the curriculum as well, which was part of your other question, if you'd like me to answer that?

Senator HENDERSON: Yes, please.

Mr Gniel: We've been asked to get back to ministers with advice about how quickly or not that should be reviewed. You'll appreciate that there's a flow-on effect of a significant amount of work for teachers if we change the curriculum and when we change the curriculum. We balance that with the need. So, what is needed to be changed? Obviously, if there are things that need to change immediately, those are things we need to do. If there's different science that tells us something has changed or there are particular things that happen that need to be addressed, those need to happen more immediately. In terms of full reviews of the full curriculum and the flow-on effect of what that means and the time period taken to implement the curriculum itself, they're the things we've

been asked to return to the ministers about as a recommendation. With that in mind, that's why it's in the Teacher Workforce Action Plan; it's a teacher workforce as well as a curriculum issue.

CHAIR: I think Ms Brighton was going to add something to assist?

Ms Brighton: As to the other component of action 19, there were two parts. One was the next review of the curriculum and the first part of that was about ways to develop and deliver further resources to support the implementation of the curriculum. So, that's a piece of work that ACARA has done some initial consultation on, and they're working with Education Services Australia to prepare further advice to education ministers about a way forward with that. That augments the work that jurisdictions are already doing about the implementation of the curriculum in their own states and territories.

Senator HENDERSON: What about the recommendation by the Senate references committee in relation to a behaviour curriculum? Is that something ACARA has considered?

Mr Gniel: We've certainly read that report. Demonstrating that I've read it, that was in the interim report.

Senator HENDERSON: That's right.

Mr Gniel: Then in the final report that wasn't one of the recommendations.

Senator HENDERSON: It was already recommended in the interim report.

Mr Gniel: Yes, and that looked either way—

Senator O'Sullivan interjecting—

Mr Gniel: That's helpful for us as well. In a conversation at that hearing ACARA explained what is in the curriculum about learning self-regulation, the impact of one's own behaviours on others—those things. There are already behavioural elements in the curriculum as you would expect there to be. We've also heard from AERO about their resources to translate that curriculum into a behaviour curriculum. I'm very happy to talk further about that with those who are interested. We'll be talking to our board about that recommendation and waiting on the government's response to that as well to inform what we do as a next step around those recommendations. I would say that the use of the term 'curriculum' often is used to encompass everything we know. We already have elements of behaviour in the curriculum that we're really confident will provide the foundation for what is then being produced by AERO, which is much more around the climate within the school. Those sorts of things talk about curriculum materials. That's the essence of the Grattan report as well. They're the things absolutely we're focused on and talk about. The implementation of the curriculum is the key.

Senator HENDERSON: What does ACARA do when schools step outside the national curriculum? There were concerns raised in relation to a school in Sydney teaching critical race theory. A number of parents were very concerned about that. What's ACARA's role in that respect?

Mr Gniel: Ms Brighton can talk about that part of that question. ACARA doesn't regulate any schools. That's a state and territory role in terms of what's happening in each of their schools. They have their own legislation around child safety and all of those sorts of things that is part of that.

Senator HENDERSON: I was just wondering about the extent to which ACARA—

Mr Gniel: We don't have a role.

Senator HENDERSON: has any sort of role or raised any concerns?

Mr Gniel: No, we don't have a role.

Senator HENDERSON: Ms Brighton, can you add to that?

Ms Brighton: I was going to say what Mr Gniel said; that's a matter for states and territories in terms of the regulation of the school. If it's an independent or a non-government school there's also a role for the Commonwealth in that. The states and territories provide authorisation for the school to operate, and then we also have a compliance role for the non-government sector. We will often work hand in glove with the states and territories on compliance matters.

Senator HENDERSON: So, this was a non-government school, this particular school.

Ms Brighton: It would be a matter that the jurisdiction would have taken the initial leading hand on, and then we would have usually done an assessment from our perspective about compliance with expectations under the Australian Education Act.

Senator HENDERSON: Have there been any issues raised in relation to that and other concerns about compliance with the national curriculum?

Ms Brighton: Usually when it's a curriculum concern being expressed, the state and territory will take responsibility for the consideration, gathering the evidence and making the determination. We look at it in the context of the fit and proper person, the funding under the Australian Education Act. We both have a compliance role and a regulatory role, but they are separate in terms of what they look at. The specifics of that particular school I'd have to take a look at, but I'm pretty sure the jurisdiction would have looked into the compliance.

Senator HENDERSON: If you could advise what action you took as the department and any discussions that were had between that school system or school and the department and any regulatory concerns that were raised as a result?

Ms Brighton: We'll happily take that on notice and give you what we can.

Senator HENDERSON: I'll put my other questions on notice.

CHAIR: Senator Allman-Payne.

Senator ALLMAN-PAYNE: I've been involved in a number of curriculum reviews. I was involved in the very first national curriculum review in I think 1994. I have since had input into a number of them, including the most recent one. The question or the point I'd like to ask you to comment on is: changing the curriculum isn't something that happens lightly, is it?

Mr Gniel: No.

Senator ALLMAN-PAYNE: It has a significant workload implication for the teachers who are asked, firstly, to inform the review; and, secondly, to then roll out that implementation. I would imagine then too that in a situation at the moment where we have different jurisdictions with different degrees of challenges around teacher workforce shortages, that has an implication on teachers' ability to have the resourcing and professional development time to actually implement a new curriculum properly? If you'd like to comment on that and I guess also the difference for primary school teachers who aren't just being asked to roll out one new curriculum but multiple new curriculums?

Mr Gniel: We rely on the profession to do the work with us. It sounds like you've been part of that. That does take time. We have a really willing and ready workforce that do that. They understand the importance of the curriculum getting it right and making sure it is the teachers informing that process as well and leading a lot of that process. In terms of the changes to the curriculum you're right; that has an impact, and that's why we've been asked to get back to ministers within the umbrella of workforce. I've said in my opening address that our focus is now on implementation and supporting that; otherwise, you can be in a constant review of the curriculum cycle. The balance to that, as I said, is you also don't want to be so structured that you can't update things when they fundamentally need to be, if there's evidence. That is a judgement call. Keeping in mind that has ramifications, and balancing that with the needs of our children, and the importance of what we have in our curriculum as the key knowledge and skills that we want for them through our schooling. It sounds like you know exactly what I mean.

CHAIR: Thank you, Mr Gniel. You're released.

Proceedings suspended from 16:07 to 16:25

CHAIR: We welcome representatives from the Australian Institute for Teaching and School Leadership Limited, including the acting Chief Executive Officer, Mr Edward Misson. Do you have an opening statement?

Mr Misson: No.

CHAIR: You have ticked the first box. You are welcome if you have some comments, and we're looking forward to your engagement with the Senate.

Senator O'SULLIVAN: There are a number of board appointments that come to an end this year. I believe the deputy chair has been in place since 2016 and appointed for five consecutive terms and his term comes to an end on 30 April. Is that vacancy going to be advertised?

Mr Misson: Those appointments are a matter for the minister, so I might see if either the minister or the department can assist there.

Ms Brighton: AITSL's constitution states that the board must have a chair, a deputy chair and no fewer than three but no more than nine board directors. With vacant board directors for AITSL the usual process is jurisdictions are invited to nominate experts who are then considered by EMM for appointment to the board. That's the usual process that we go through for vacancies.

Senator O'SULLIVAN: There are a further three board appointments whose term ends in September of this year. Can I confirm that those positions will follow that same process?

Ms Brighton: Yes, we'll go through a process to make sure that the board is quorate and make sure that experts are available to join the board.

Senator O'SULLIVAN: So, the jurisdictions nominate someone. How is the selection then finally made?

Ms Brighton: If I could just check with my colleagues. With the portfolio agencies, they all have slightly different governance arrangements. I didn't want to be misleading the committee. So, it's a good thing I paused there. My colleague has just advised me that the board appointments are made by the Australian government and approved by the Prime Minister. Certainly, the Prime Minister advises cabinet if a reappointment is required. We would go out to jurisdictions usually and seek their views about members, but the decision-making is the Australian government Minister for Education.

Senator O'SULLIVAN: The Australian government being a jurisdiction in a way. Can nominations come from the Australian government?

Ms Brighton: Yes.

Senator O'SULLIVAN: Or can it only come from there?

Ms Brighton: No, the Australian government would also put forward suggestions of board members who have the right expertise to help the governance of AITSL.

Senator O'SULLIVAN: In answer to a question earlier, SQ23-001191, in relation to the board, we were advised of a gender balance of five to one, being five female to one male; there were no members who identify as Indigenous and no members with a disability. Will this be considered when appointing new members?

Ms Brighton: Ensuring the right balance of gender and representation is always important on government boards, and we make every endeavour to ensure there's a good cross-section of individuals, in particular around first nations or folks with a disability. That features into the board appointments on a usual basis.

Senator O'SULLIVAN: We're a vast nation. Would members with rural, regional or remote experience be considered?

Ms Brighton: The practice is to look at the full breadth of the representation of what's required for the board, and the necessary skills for governance of the entity. As it's an Australian government company; we make sure those who are appointed to the board have the necessary governance skills.

Senator O'SULLIVAN: How many times does the board meet per year?

Mr Misson: Typically, four or five times.

Senator O'SULLIVAN: So, at least four?

Mr Misson: Yes.

Senator O'SULLIVAN: Does the board always meet in person?

Mr Misson: No, it's been mixed over the last few years.

Senator O'SULLIVAN: Can you provide for us—and I'm happy for you to take this on notice for the sake of time—the travel costs to date for the meetings of the 2023-24 year?

Mr Misson: Yes, we'll provide that on notice.

CHAIR: Senator Henderson.

Senator HENDERSON: Could I ask you to update the committee on the National Teacher Workforce Action Plan and the measures for which AITSL is responsible, in particular given the minister's admission that we have a full-blown teacher shortage crisis? What steps is AITSL taking with respect to its responsibilities?

Mr Misson: I can run through those actions where we have the lead. In relation to action 5, which is around the conditional or provisional registration, we're continuing to work with teacher regulatory authorities under a statement of expectation that we received from Minister Clare. In the first half of 2024 we'll bring back any changes that are recommended to the National Framework for Teacher Registration. I'm just looking for the others where we're the lead.

Senator HENDERSON: What about action 8? This is the teacher education panel response in relation to the accreditation of initial teacher education programs in Australia.

Mr Misson: We're not the lead on everything there. But the work we've done is that in December ministers agreed to changes, including core content in initial teacher education programs. We're also working on guidelines for professional experience placements in schools.

Senator HENDERSON: I'm looking at your response to question SQ23-001195. AITSL said that AITSL would provide to ministers proposed amendments to the accreditation of initial teacher education programs in Australia in December '23. Did that occur?

Mr Misson: Yes, it did, and those amendments were endorsed by ministers.

Senator HENDERSON: Could we have a copy of those amendments?

Mr Misson: Yes, of course.

Senator HENDERSON: What about action 11?

Mr Misson: Again, that was part of the amendments that ministers agreed to in December. As it says in the action, it was to require all students to have the opportunity to sit the literacy and numeracy test in their first year of initial teacher education.

Senator HENDERSON: Can you make some comments about that? There seems to be some flexibility adopted in relation to the sitting of that test.

Mr Misson: In what sense?

Senator HENDERSON: If a teacher doesn't pass the test, they're given multiple chances to sit the test. Is that correct?

Mr Misson: That's correct. The test is actually administered by the department, along with ACR, which develops and runs the test. It might be the more appropriate place for questions around number of attempts and so on.

Senator HENDERSON: Can I ask you about that, Ms Brighton? There were concerns raised about giving teachers or student teachers continuing opportunities to pass the test; that did raise concerns about proficiency in those literacy and numeracy proficiency standards.

Ms Brighton: Certainly. Action 11 of the National Teacher Workforce Action Plan has a trial to increase the number of permitted attempts. That trial is really about providing candidates with better feedback on areas that they need to improve upon. We want to make sure that as students are participating in the trial and getting results, the universities are supporting those candidates to be the very best they can. The education ministers will consider the feedback from the trial and make a determination about what they do on an ongoing basis. The whole framing of this is making sure that when individuals are studying to be teachers they're equipped to be the best teachers they possibly can, including making sure that their own literacy and numeracy skills are strong.

Senator HENDERSON: If a student teacher doesn't pass the test, is there any remedial or intervention teaching that occurs to support the student teacher?

Ms Brighton: This is why we have the trial, to ensure that a student can participate in a test. If they don't pass it, our expectation is that the university works with them to support them to be in a stronger position when they retake that test. That's the expectation.

Senator HENDERSON: I'll just ask about the other actions under the National Teacher Workforce Action Plan.

Mr Misson: I'll keep going.

Senator HENDERSON: Action 14?

Mr Misson: Again, in December ministers agreed to the guidelines for induction of early career teachers and new school leaders. Those are now public on our website. I'm sure jurisdictions are taking those into account as they work on induction for their teachers. On action 15: again, in December we provided advice to ministers about an accreditation process aligned to the Australian Professional Standard for Principals. On our advice, ministers decided not to pursue that at this stage. Action 17 relates to highly accomplished and lead teachers. I think the answer to the QON states that we've developed, and ministers have agreed to, the framework for certification, which will allow jurisdictions to streamline their processes.

Senator HENDERSON: I probably won't take you through any more of the actions, only because I know you have set that out in some detail in your response to a question on notice.

Mr Misson: Yes.

Senator HENDERSON: Given the acute issue with teacher workforce and teacher shortages, has the minister or the department asked you to speed up any of these matters for which you are responsible to get more teachers into the classroom and to retain more teachers in the classroom?

Mr Misson: No; we're working to the time lines that were in the Teacher Workforce Action Plan, which were mostly inside the first 12 months. The action plan was agreed in December of 2022 and I think I've just run through some of the things that were completed by the end of 2023. There are some still outstanding which often follow on from those first actions.

Senator HENDERSON: From the perspective of AITSL, what more can be done to support teachers both to enter the profession and stay in the profession?

Mr Misson: I think the National Teacher Workforce Action Plan does cover the field, if you like. It's a very broad and comprehensive approach. I'm aware there's more being done inside jurisdictions—inside individual school systems. There's certainly work that we'll continue to do, for example, about supporting implementation of the induction guidelines there's still work we're commissioned to do on understanding supply and demand better; and the reforms to initial teacher education are still to roll out. They've been agreed but they're still to roll out. I think that adds up to a comprehensive response. We'd be happy to do more work if commissioned.

Senator HENDERSON: On the Literacy and Numeracy Test for Initial Teacher Education, is it possible to provide the committee with a copy of the current test that is used?

Mr Misson: Again, I think that might be one for the department.

Ms Brighton: I'll take that on notice. I think the test rotates and has a series of questions that then use a subset of questions available to students. I'll take that on notice and come back to you.

Senator HENDERSON: We've seen some samples of questions, but if we could have a copy of the current test, in whatever form, we'd be grateful.

Ms Brighton: I'll flag that because the test is used as a mechanism to assess initial teacher education competency in literacy and numeracy, attaching the full range of questions to a question on notice would mean that would be publicly available for the students. When we do the test, it might not be an accurate assessment about their skills and knowledge at the point in time when they do the test.

Senator HENDERSON: We don't want to compromise the integrity of the test. Maybe we could look at that as a private document. I'm happy to take that offline. I'm very happy if that could be provided in-confidence to the committee. I appreciate the issue that you raised.

I now want to go to the whole program, item 17, about highly accomplished and lead teachers. One of the big issues so many teachers face right now is incentives to stay in teaching. There are lots of challenges, feeling overworked and underappreciated, overburdened and not properly supported. What work is AITSL doing to make life better for Australian teachers?

Mr Misson: We provide a whole range of supports to teachers, including support about, for example, selecting effective professional learning, examples of teaching practice that they can learn from and improve their own practice. We have a small role in supporting teachers, but we try to fulfil that as effectively as we can and meet their needs through consultation with the profession.

Senator HENDERSON: Can you provide data as to how many registered teachers there are in this country?

Mr Misson: Our best estimate of that is 515,000.

Senator HENDERSON: Are you able to provide on notice where those teachers are based, and also the gender breakdown of teachers? I know there's quite a lot of data that came out through the ABS yesterday. What's the source of your data?

Mr Misson: Our data is from the data held by teacher regulatory authorities. It will be higher than the ABS. My understanding is that the ABS counts those teachers who are actually working in schools, whereas we have all registered teachers.

Senator HENDERSON: And you don't have insight into teachers working in schools?

Mr Misson: We have that through a survey. It's probably less accurate than the ABS, I'd say.

Senator HENDERSON: If you could provide us with the data that you do have, that would be appreciated. I have other questions but because we're short of time I might need to put them on notice. Ms Brighton, just in relation to the Literacy and Numeracy Test for Initial Teacher Education test, perhaps if there are sensitivities about the current test you might provide us with a recent sample of the test? Or a recent version that doesn't compromise the integrity of the test?

Ms Brighton: If I understand your question correctly, what I'm hearing is you're interested in understanding the full spectrum of the types of questions that candidates are asked?

Senator HENDERSON: Yes, that's right.

Ms Brighton: We'll use best endeavours to give you something that will be an answer to that without being in a position that the whole test becomes available.

Senator HENDERSON: Thank you.

CHAIR: Senator Ghosh.

Senator GHOSH: Do you have data on initial teacher education degree completions?

Mr Misson: Yes, we do.

Senator GHOSH: Can you provide that to the committee or a summary of that to the committee?

Mr Misson: I can. Mr Pinchas has it on his screen.

Mr Pinchas: In 2021, IT completions totalled 15,397.

Senator GHOSH: Are you able to provide that data for the period 2019 to today? I'm not sure how up-to-date it is.

Mr Pinchas: For 2019, 15,872; and, 2020, 15,042, so a slight decrease. And then another slight decrease to 2021. Sorry, a slight increase from 2020 to 2021.

Senator GHOSH: And 2021 to 2022?

Mr Pinchas: That data isn't part of our Australian Teacher Workforce Data that's been published, but we have annual reporting data that indicates a decline from 2021 to 2022, and the department holds data from IT providers.

Ms Brighton: We had a brief conversation on this earlier. The two sets of data are what AITSL holds, but also the higher education collection that the department publishes on its website. The higher education data shows that for commencements I think there has been a four per cent decline since the beginning of 2022 in ITE enrolments.

Senator GHOSH: Is there any indication of the reason for that? Are there any other conclusions you would draw from that trend?

Ms Brighton: When the roundtable was held that led to the National Teacher Workforce Action Plan there was a range of matters discussed by those in the roundtable. That plan then was constructed to deal with the issue about supply but also the issue about retaining teachers. Some of the feedback was around the esteem of the profession and that's where the Be That Teacher came from, to esteem the profession and give a profile to the expertise of our teaching workforce. The other elements of that action plan in dealing with supply were about making sure that places were available, there was financial support available, to people to participate in teaching; that teaching students were experiencing a really high-quality education experience at university, which is where the teacher education expert panel recommendations come in, about what is the core content necessary for every ITE provider in the country in order that, when a teacher graduates, they are classroom ready.

We can't point to the very specific issues, but what we do know from that work is that it's a combination of how people feel about the workforce, the regard in which they're held, how strong and equipped they feel to participate and teach in the classroom, and the support they have around it. For those teachers who are in place at the moment, we know that workload is a very significant factor. The government has implemented a workload reduction fund. We've had one round of that fund, which was in the order of \$6 million, and then round 2 of that fund will occur this year, and that's another investment for the states and territories to look at other strategies that will reduce the workload of teachers. All of those elements together are about uplifting the profession and enabling them to focus on their core areas of expertise, which is teaching.

Senator GHOSH: Can you elaborate on for my benefit that link between the ITE and teacher esteem?

Ms Brighton: One of the things that we've seen over the years is the number of individuals who start a teaching degree and then don't finish the teaching degree. There's a whole range of factors that contribute to that. What we are trying to do as part of these short-, medium- and long-term strategies is attract people to the profession, hold them in that degree and ensure when they finish the degree they're well supported. It's a pretty intimidating thing to finish a degree and then end up in a classroom of 20 or so students. So, to make sure that the wraparound and the induction support is really strong, and that goes to the work AITSL was just talking about around the induction guidelines.

Mr Misson: I think that's right. It's not so much the completion rate as the attraction in in the first place that's affected by the status of the profession. I can back this up with some data. When we survey teachers and we ask them whether they're thinking of leaving the profession before retirement, the second most common reason is recognition and reward. I do think that work on the status of the profession is incredibly important. We all have a part to play in that in the way we talk about the profession in public debate alongside things like the Be That Teacher Campaign.

CHAIR: Thank you, Mr Misson and your team. I now release you. We'd like to now go to outcome 1, early childhood and youth.

[16:51]

CHAIR: I now welcome representatives from the Australian Children's Education and Care Quality Authority. Senator O'Sullivan, you have the call.

Senator O'SULLIVAN: I want to ask about child care. Before 1 July 2023, the government spruiked that a family on \$120,000 would be \$1,700 better off, and this was based on the higher subsidy, and didn't take into account any increase in fees. Using the same modelling, how much better off was that family on \$120,000 post 1 July 2023?

Mr Reed: I don't know whether I've got any remodelled scenarios with me today. Is your question saying with updated average fees and things like that what would the same—

Senator O'SULLIVAN: In terms of the bottom line for families, how much more?

Mr Reed: I don't have a particular scenario with me, but what I would say is that same family with a higher fee and a higher subsidy rate would actually be even more better off, because the higher subsidy rate is subsidising a higher fee.

Senator O'SULLIVAN: Is the increased subsidy just being taken up by increased fees? So, what is the actual impact on that family that's earning \$120,000?

Mr Reed: I can't talk about that family; I don't have the cameo of a family earning \$120,000 in front of me. What I can say is the out-of-pocket costs for families have significantly reduced. The average hourly out-of-pocket costs are now \$3.68 per hour, and that's the lowest they've been since December.

Senator O'SULLIVAN: Is that to say that if the subsidy weren't there then because of the increased fees the out-of-pocket costs would have been more if it weren't for the subsidy?

Mr Reed: The out-of-pocket costs are the fees minus the subsidy rate, and they're the lowest they've been since December 2018. So in five years the average hourly out-of-pocket costs haven't been lower than they are now.

Senator O'SULLIVAN: My definition of 'out-of-pocket cost' is what are you pulling out of your household budget after tax that you're giving to the childcare provider.

Mr Reed: That's right. That's exactly what the average out-of-pocket costs are per hour—\$3.68 an hour, which is the lowest they've been since December 2018. The other measurement we use for out-of-pocket costs is the childcare CPI, which is measured by the ABS, and that's 10.4 per cent lower than it was in June 2023, and it's lower now than it was in September 2017.

Senator O'SULLIVAN: Are you going to update this modelling? Could you come back to us with a figure?

Mr Reed: Yes, I could take that on notice and come back to you.

Senator O'SULLIVAN: That's on the \$120,000 household income. How many parents with children under eight were not currently working? Do you have the cameo? Do you have the data that was relied on with you now?

Mr Reed: I feel like this is the first estimates I haven't brought a list of cameos to in a long time, but I don't think—

Senator O'SULLIVAN: The government was spruiking this group, people on \$120,000, a family on \$120,000.

Mr Reed: I know the example you mean.

Senator O'SULLIVAN: I want to go to parents with children under eight; I want to dissect that a bit. Do you have that?

Mr Reed: I don't have that, no, sorry.

Senator O'SULLIVAN: I'll put these questions on notice for you so you can come back to us. I'd like to understand answers to these questions, but I don't want to prolong the committee if you don't have it directly there now. I might come back to this in a moment. I'll go to a different line of questions. In relation to the ACCC inquiry into child care: whose decision was it to delay the government's response to the ACCC inquiry until after 30 June 2024?

Mr Reed: The timing of the government response is a decision of government.

Ms Crane: In talking about the ACCC, it has always been spoken about as an input to the Productivity Commission report, along with a number of other program reviews and other things that have been done.

Senator O'SULLIVAN: The government spent \$10 million on the ACCC report into childcare prices. Minister Clare was talking tough last October about naming and shaming providers imposing excessive fees on parents, and yet the government is yet to agree to or implement a single recommendation of the ACCC report. Has the government even started working on a response to the ACCC inquiry?

Ms Crane: The ACCC findings and their recommendations have a direct relationship with what we'll see coming out of the Productivity Commission report. Whilst we've been in conversations with the ACCC and, obviously, stakeholders about what they might mean, any active work on them to provide advice to government won't happen until we've actually considered that in the context of the Productivity Commission report as well. We'll understand what their modelling has been, what their rationale has been and the findings and recommendations that they've provided but, in the context of a broader response, the Productivity Commission is the primary response.

Senator O'SULLIVAN: Is the government going to respond?

Ms Crane: That would be a decision for government.

Senator O'SULLIVAN: Minister?

Senator Chisholm: Respond to?

Senator O'SULLIVAN: To the report from the inquiry?

Senator Chisholm: The PC? Sorry. I'm just trying to clarify.

Senator O'SULLIVAN: Yes.

Senator Chisholm: It was always the intention of government to use the ACCC inquiry to inform the PC inquiry. We were going to respond to both once that is complete.

Senator O'SULLIVAN: If the government isn't planning to address those recommendations in the ACCC inquiry until after 30 June 2024, does this mean there will be no cost-of-living relief for families in the early childhood space in the 2024-25 budget?

Senator Chisholm: The ACCC report said that costs are down 11 per cent following our reforms.

Senator O'SULLIVAN: Fees are going up. Are there going to be measures going forward that would actually help families?

Senator Chisholm: We've already seen the benefit of our reforms. I think the department has talked through that already. There's a range of other cost-of-living measures that we're implementing, which I know you haven't supported—a lot of them—but we have a significant record for what we've done on that. Cheaper child care has been at the forefront of that.

Senator O'SULLIVAN: The ACCC reported that the average fee increase in 2023 was around 10 per cent—10.2 per cent for private providers and 8.1 per cent for not-for-profit providers. Does the government have any data on which centres are imposing 12, 15 or 20 per cent increases?

Mr Reed: Our administrative data will show us which providers have increased their fees by which amount. I don't have that on me, but we do analyse that and we have access to that data.

Senator O'SULLIVAN: Can you provide that?

Mr Reed: So, you want a list of providers that have charged—

Senator O'SULLIVAN: Yes, and I'd also like to know what steps the minister has taken. He said that back in October last year he was pretty tough on naming and shaming providers. So, have there been any steps to name and shame and take some tough action against providers that are way in excess of the averages?

Mr Reed: Shortly, we will be publishing on the Starting Blocks website yearly fee increases dating back to 2022. That will go on the Starting Blocks website shortly, so parents will be able to see for every provider what their fee increases have been, and that will be updated every year. That is one step the government has taken. Over the last six months, the ACCC, as you know, has been requesting a lot of information from providers on their fee-charging practices. We have felt that it probably would be duplicative if we had done the same over the last six months. But it will be something we'll consider doing into the future.

Senator O'SULLIVAN: Have you provided the minister with a list of providers that are in excess of the averages?

Mr Reed: No.

Senator O'SULLIVAN: Has the minister requested it?

Mr Reed: Not that I'm aware of.

Senator O'SULLIVAN: Minister Clare said he was going to be tough, that he was going to name and shame. Why hasn't the minister requested this?

Senator Chisholm: Obviously, that's why we asked the ACCC to look at this in the first place, because we wanted to ensure that for families, when we did deliver the cheaper childcare reforms, it did have an impact in bringing costs down. That's what the ACCC has delivered in its report to show that those reforms have been working, which is what we took to the Australian people.

Senator O'SULLIVAN: We've just learnt that the department knows who is charging fees in excess of averages. So, you wouldn't need the ACCC to provide that information; you could go straight to the minister's own department?

Mr Reed: There are limitations on what we will be able to provide. We can only provide information as it relates to our obligations under the family assistance law. Even what we provide to the minister and what we might be able to provide to this community would be limited by that so I'd have to take on notice exactly what we can provide.

Senator O'SULLIVAN: What are the government's future plans to increase family day care educators, in particular in rural and regional areas?

Mr Cook: To increase the numbers?

Senator O'SULLIVAN: Yes.

Mr Reed: There's a number of things we're doing to increase the workforce more broadly, and I can talk about some of those.

Senator O'SULLIVAN: Centres and educators as well?

Mr Reed: Yes, that's right. Obviously, the Commonwealth, state and territory governments and the sector have developed the national workforce strategy, which is a 10-year long-term strategy. It has 21 actions in it, all supporting the retention and attraction of the workforce. This is not solely about family day care but as a whole. In relation to family day care, we have gone out to tender to trial in areas of thin supply, particularly regional and remote, different solutions to improve the integrity of the family day care model but also provide additional support to train family day care educators, and provide additional support to providers to attract educators. We're in the process of assessing that tender, but we hope that trial will commence a little later this year, and that will give us really good information—

Senator O'SULLIVAN: Did you say you're about to go out to market?

Mr Reed: We have gone out to market. We're in the process of—

Senator O'SULLIVAN: When does that happen?

Mr Reed: When did we go to market?

Senator O'SULLIVAN: Yes.

Mr Reed: It was late last year. I can get you a date before we finish the session.

Senator O'SULLIVAN: Thank you.

Mr Reed: It closed in January and we're in the process of assessing that.

Senator O'SULLIVAN: I have a number of other questions, but I wonder whether the chair would like to rotate the call?

CHAIR: Do you have much longer?

Senator O'SULLIVAN: A couple more minutes.

Ms Crane: There is also the Community Child Care Fund round. What we saw in the limited supply was an increased number of family day care services applying through that. We worked quite closely with Family Day Care Australia to support them with their application. We have round 4 now opened, and I suspect a lot of the work we did in that would also flow through to the number of applications we see coming through. Complementing the measures that Mr Reed has spoken about, typically in any childcare fund we would see family day care numbers increase.

Senator O'SULLIVAN: What are the government's future plans to increase access to early childhood education for Indigenous and disadvantaged children?

Ms Crane: There's a range of measures already in place. At this committee we have previously talked about the changes introduced last July in terms of the activity test, which opens an activity test and makes a base subsidy rate of 36 hours for first nations families. In terms of the early childhood education and care services, the work that we are doing to increase that regional and remote presence obviously increases the access in terms of those services there. Through the Connected Beginnings program quite a number of those services are transitioning to Aboriginal community controlled organisations. Again, that supports quite a large number of first nations, but it also then has a backbone that is the ACCCO sector.

Senator O'SULLIVAN: So, just increasing the number of hours that are available? What if there's not a place, if it's in a childcare desert, and if there's not actually a place? Even with that community engagement piece as well, it's actually engaging with Indigenous families to get them in the door even if there is a place there. I know in some of the communities across Western Australia where I'm from a lot of the places used to get taken up by the children of the police, teachers and doctors working in that community, and actually there were not many places available for general community. What is the government doing in terms of ensuring that there are both places and also that there is engagement with the community?

Ms Crane: All of what I've just spoken about has been developed first and foremost with first nations stakeholders. SNAICC is the first nations peak that we work with around that. If we take the activity test item as an example, part of the work with them has been not just in what was developed but in how do we get that message out about what's there and how you access it? You're absolutely right; having that option there isn't going to help much if you don't have a service available? Some of those other pieces that I talked about, particularly through the community childcare fund and other places, is important to build that capability in those areas of limited or no supply. Of course, there is ongoing work actively with SNAICC and others. I note that a number of the recommendations of the Productivity Commission go to how you might increase access and encourage take-up and participation.

Senator O'SULLIVAN: What are the government's future plans to address workforce shortages overall, not just in family day care?

Mr Reed: There are quite a number of initiatives under way. We've done a stocktake. Between the Australian government and state and territory governments there are over 70 initiatives underway. Probably the signature piece is the workforce strategy that I spoke about earlier, which has 21 actions. Last year National Cabinet asked all governments to review that strategy to accelerate some of those items. So, 17 of those 21 items are being accelerated. On top of that, there are a number of initiatives. In the budget before last, the government announced \$72 million to fund professional development for people working in ECEC, and also fund paid practicums for people studying an ECEC qualification. This year we'll establish a paid practicum exchange where services can register, so educators can undertake a paid practicum in different services, which will assist them to complete their degrees.

In addition to those measures there are additional university places for people studying ECEC degrees. As part of the 20,000 additional university places the government announced, over 1,400 are for ECEC qualifications. Out of the 480 fee-free TAFE places that were announced, last year alone there were about 16,000 of those allocated to ECEC qualifications, and more this year. There are over 5,000 scholarships for new teachers. There's HELP relief for teachers in remote locations. The government passed changes to the Fair Work Act last year that will enable sectors like early childhood education, who are low paid and generally female dominated, to make it easier for the sector to bargain for pay increases. In addition, there was a 5.75 per cent increase to the two main awards that cover 62 per cent of the ECEC workforce. Those show a number of measures to help retain and attract ECEC staff, but help with those people doing ECEC qualifications.

Senator O'SULLIVAN: I asked if there were any new plans?

Mr Reed: All of those are relatively recent. If you're asking if there are going to be new things in a budget, obviously that's going to be a matter for government to determine.

Senator O'SULLIVAN: What about future plans to reduce the cost of childcare for families who are struggling with the costs of childcare?

Mr Reed: As we've spoken about, the Productivity Commission will do a review. They've been asked to consider as one option a 90 per cent universal subsidy. The pathway forward for future reforms is really through the response to that Productivity Commission review.

Senator O'SULLIVAN: Does the government have any future plans to address access issues for families who work non-standard hours or have multiple children and cannot access the level of childcare they need?

Mr Reed: Again, I think that will be through the response to the Productivity Commission. They were asked to consider issues like access for people who work outside of the normal business hours or people who can't access through other barriers. The Productivity Commission is specifically looking at those issues. The government's response to that will outline the pathway forward in addressing some of those barriers.

CHAIR: Senator Faruqi.

Senator FARUQI: The ACCC's final report reiterated what many of us already know, that households with the lowest incomes spend a greater share of disposable income on childcare and are disproportionately impacted by the childcare subsidy activity test, which acts as a barrier to access and affordability. That's a quote from the ACCC's final report. This is after the Labor government's own Women's Economic Equality Taskforce and Economic Inclusion Advisory Committee recommended that the activity test be axed. All of these bodies noted that the activity test entrenches disadvantage. Minister, will you accept that the punitive activity test hurts children with disadvantage the most?

Senator Chisholm: I do accept what was in the ACCC report. It was always the intention of the government to respond, and for the ACCC report and the PC report to come down before we respond. In the ACCC report, they did say that you can't act in isolation; you do need to act when you consider the whole system. That will be the intention of the government once we see the final report from the Productivity Commission.

Senator FARUQI: Do you also accept that the activity test disadvantages women as well?

Senator Chisholm: The government will respond to the ACCC report and the PC report once they've both been completed. I accept what is in the ACCC report and I know that you've been raising these issues over time, as have other people in representative politics at the same time. I can't be any clearer than that the intention of the government is to respond in full once we've had the opportunity to see the PC report as well.

Senator FARUQI: For years people have been pointing out the punitive nature and the disadvantage that this test imposes on children and already disadvantaged communities. How long will it take for you to axe this test?

Senator Chisholm: The important thing I wanted to identify is that the ACCC report said you can't act in isolation. You need to act when you reform the whole system. That's why it's important we do wait for the Productivity Commission. I know you're impatient on this and I know plenty of other people are as well, but we need to ensure that we take into account the Productivity Commission report. If there are to be further changes made, they need to have a positive impact on the whole sector.

Senator FARUQI: So, people in the meantime will suffer for I don't know how many more months before those changes are made? I just want to go to the line of questioning that Senator O'Sullivan was asking before, which is about the average fee increases as reported by the ACCC, and the average, as Senator O'Sullivan said, of 10.2 per cent for private providers and 8.1 per cent for not-for-profit providers. You said you would provide us with more details. Do you have on you the largest fee increases, for instance? Is it 15 per cent, 20 per cent?

Mr Reed: I don't have that on me. Sorry.

Senator FARUQI: From what I have heard, I know of centres that have increased their fees by 15 per cent or even higher. Does that surprise the department?

Mr Reed: I would say that in a period where there is higher than normal inflation you would expect there to be higher than normal fee increases because the cost drivers that services face are the same costs that are in the general basket of goods for CPI.

Senator FARUQI: There hasn't been a 15 per cent increase in inflation.

Mr Reed: No. I think that is an important reason the government commissioned the ACCC to do this report, to have a look at price-charging practices. You'll note that the ACCC report does say that there weren't excessive profits being made across the sector and that—

Senator FARUQI: Fees are still going up.

Mr Reed: Fees are still going up. But also that there wasn't a large percentage of people who were increasing their fees by an unreasonable level in the report that was released. But that's not to say there are none doing that, and I think that is why the government has commissioned the ACCC to do this report, to provide further evidence and options on how you might be able to either indirectly or directly regulate prices into the future. That will be a decision of government, though, once it considers this report as well as the Productivity Commission report. There are other areas in the ACCC report around better transparency. We'll be updating the Starting Blocks website shortly, as I said before, around year-on-year fee increases for each provider but also for some of the large providers, and more transparency around revenue and profit and some enhancements to the usability of the Starting Blocks website will be released soon. There are some things the government is doing that are mentioned

and referred to in the ACCC report that will happen ahead of any response. Obviously, the ACCC has given a new amount of evidence and information for the government to consider to tackle unreasonable fee increases.

Senator FARUQI: Has the department written to any of the providers that have increased their fees by large amounts to ask them to explain themselves?

Mr Reed: We haven't done that recently. We did consider doing that late last year, but essentially the ACCC were doing the same thing. They were writing to providers asking for a lot of information about their fee-charging practices. We didn't at that time want to duplicate—

Senator FARUQI: The ACCC is not the department, though. If the department writes to them asking for an explanation it's very different to when the ACCC is asking them for data.

Mr Reed: The ACCC was asking them for information around their fee-charging practices as well.

Senator FARUQI: You have all of that information?

Mr Reed: The ACCC can't share that information.

Senator FARUQI: Why haven't you written asking them the same question?

Mr Reed: We may do that in the future but at the time when the ACCC is requesting very similar information from the sector, and the Productivity Commission is requesting information from the sector, we made the decision within the department that it wasn't the most appropriate time. But it is something that we will consider—

Senator FARUQI: But they have the information anyway; they just send the same information to you. It's not onerous on anyone.

Ms Crane: The powers the ACCC has to request information probably exceed what the department can ask for. We can't compel them to provide the same level of data and scope of data.

Senator FARUQI: You can ask them for an explanation of why they have increased their fees. They may or may not provide that information, but you obviously can ask them.

Ms Crane: Certainly we can ask them. I'm just acknowledging that the information the ACCC is able to collect exceeds what we can.

Senator FARUQI: I want to go to the Inclusion Support Program. The department has now received its own external evaluation of the Inclusion Support Program, as I understand it, and a batch of recommendations from the Productivity Commission on the inadequacy of inclusion support. Sector peaks and providers have been calling for increases to inclusion support in prebudget submissions, as you know, for many years. Will the government increase the funding rate for inclusion support workers to the current award rate for a diploma holder, for instance? It hasn't been increased since 2015. Maybe that's a question for you, Minister. Are you looking at increasing the funding rate?

Senator Chisholm: I know that the Productivity Commission was tasked with charting a path to universal access and while that work is being undertaken we've also invested more in support available to children with additional needs. My understanding is ministers Clare and Aly were advised the Inclusion Support Program had challenges, and it is something they are focused on. I don't know if the department can help me with a more thorough answer in that regard?

Ms Crane: I might take the question back a step, because what's talked about in the PC report and through stakeholders goes well beyond what the Inclusion Support Program is currently structured to do. So, in thinking about the response both to what the program review has come up with and in thinking about the PC, inclusion is an obligation for services to ensure they have and embed inclusive practices. It is part of what the National Quality Framework talks about. So, understanding what that looks like is part of it. The access to positions is obviously one of those things. Opening up places across early childhood education and care to ensure there is something to access is another. The Inclusion Support Program sits from a Commonwealth perspective as a piece that is intended to build capability and capacity. What that program review found last year is that it is not optimised to do that and in most instances the additional educator component of that is actually providing another set of hands and supplementing ratios. It is not actually building inclusion, and the intent of the program. It does sit alongside a number of other state and territory programs as well. In considering the response and providing advice to government, it is those things we will factor in and provide advice on in terms of where changes might need to be made in line with the program intent and in line with the broader system to support the children you're talking about.

Senator Chisholm: I'd expect the government response would come after the Productivity Commission report as well.

Senator FARUQI: While considering those changes, are you looking at increases in the funding rate for inclusion support workers? Are you looking at increasing the cap on hours from 25 to 50 so children can be supported for the whole time they are there? That's been one of the issues. Are you looking at increasing funding to the inclusion support agencies so they can clear their backlog of applications? I guess one of the reasons the program might not be doing what it is meant to be doing is that there are all of these barriers and issues. Are those part of the picture?

Mr Cook: You would see an increase in pays. You would have seen there was an increase to the Inclusion Support Program.

Senator FARUQI: But not to the same level as a diploma holder?

Mr Cook: For the actual Inclusion Support Program itself there was additional funding.

Senator FARUQI: I know it has been topped up many times in the past.

Mr Cook: Yes, that's correct.

Senator FARUQI: I do know that. Has there been base funding to the program which has been permanently increased? Has that happened at all or not? Is there any reason at all that hasn't happened?

Mr Cook: As Ms Crane said—and you're right—the review is now received. It's public. It's available on our department website. We are now looking at the intent of that program. There are weaknesses in the program, which has been acknowledged by both people involved in the program and also the independent review. We are now looking as a department at a holistic review of the program. We'll provide advice to government in relation to that in the near future. As Ms Crane said, it's more about a ratio program at the moment, the ISP. It's about reducing ratio. Those staff who are employed are not necessarily skilled in particular around supporting students with additional needs. They are people who are employed as educators more broadly. They're some of the things we're looking at going forward.

Senator FARUQI: I regularly hear reports of providers refusing to take on children with additional needs because the provider can't afford to cross-subsidise them. Has the department received any complaints from families about providers refusing to take children with additional needs? Have you heard those reports?

Mr Cook: I haven't.

Senator FARUQI: You haven't heard those reports at all?

Ms Twyman: No. We have heard of some of those; we haven't received formal complaints, to my knowledge. But we have heard of that. Obviously we look at that very clearly in terms of the responsibilities under the National Quality Framework about inclusion for all children.

Senator FARUQI: Wage bargaining negotiations for the early learning sector have been ongoing for some months. It is over a year since the Senate passed legislation for supporting multi-employer bargaining in ECEC. I understand the government is yet to make an offer to the parties on funding of the wage rise. When will that offer be made?

Senator Chisholm: I'm happy for the department to give an update. My understanding is that the Commonwealth is participating in conferences at the invitation of the Fair Work Commission, and negotiations are ongoing, but I'm sure the department can provide more information.

Mr Cook: It will be a matter for government about the offer, as you would appreciate, but we have been participating in the Fair Work Commission process. We've appeared twice. We will continue to participate as required by the commission. The question you have about when the offer will be made will be a matter for government. If there's an offer made, that will be a matter for government.

Senator FARUQI: My question was to the government. Has the offer been made and are you thinking of at least matching the 15 per cent interim wage rise awarded to aged care workers?

Senator Chisholm: As I said, those negotiations are ongoing and I won't pre-empt the outcome of those.

Senator FARUQI: Can you respond to the question of will the government be insisting that providers, in particular private providers, contribute towards the wage rise?

Senator Chisholm: No. That will be part of negotiations. Sorry. We can't go down that.

Senator FARUQI: Jobs and Skills Australia's monthly vacancy index shows that while vacancies are falling across the workforce as a whole, and noticeably in aged care—and I think that might have something to do with the 15 per cent wage rise—they continue to rise in the early learning and education sector, except I think for a seasonal fall in December. Are providers still expressing concern about workforce shortages to the department?

Mr Reed: For the last two months there has been a slight fall, but it could be seasonality in the JSA numbers. The answer is, yes, the sector is still advising the department that there are significant workforce shortages.

Senator FARUQI: The Australian Childcare Alliance's latest survey of providers in October showed that around half of the providers surveyed were having to cap places because of staff shortages, with over 11,000 places withdrawn from offer as a result of that. Does the department have any updated information on how many places were being capped because of staffing shortages?

Mr Reed: We don't have access to data that tells us how many places are capped. I think the ACA survey is probably our best source of data. So, no, we don't have any data there. There's no doubt that there are workforce shortages, but there are also promising signs. There are 240,000 people in the workforce now. That's higher than it's ever been before. There are over a million places available now, which is the highest it has ever been before. The number of services continue to increase. Not dismissing that there are no doubt workforce shortages; there are promising signs that the sector is still growing, but more needs to be done.

Senator FARUQI: Under action FA1-1 of the National Workforce Strategy, education ministers commissioned research to explore and identify the structural barriers to strategies for improving pay and conditions in the sector. I understand that Macquarie University was commissioned to do this work and that it has been completed now?

Mr Reed: That's right.

Senator FARUQI: Could you provide a copy of the study to the committee, even if it's on notice? Is that possible?

Mr Reed: Julia Chandra, the Assistant Secretary, Workforce Branch, might correct me, but that is still being considered by education ministers.

Ms Chandra: That's right. It's still going through the governance structure. There's a workforce working group and then it goes up through officials and then to education ministers. It's still going through that process so it's considered in the context of the whole strategy.

Senator FARUQI: When will that be made public or provided to the providers who actually might benefit from that research?

Mr Reed: That would be a decision of education ministers, I imagine.

Ms Chandra: The initial findings were presented to a workforce forum in November last year, and that group did have an opportunity to talk through those findings and implications, but I think the matter of being published will be a decision for ministers.

Senator FARUQI: And there was another action of the same National Workforce Strategy, which was to review existing migration processes and opportunities for overseas entrants to the sector. Has that report been completed? That was, I think FA2-2.

Ms Chandra: I think that one's still underway. It's on track to be completed by the end of this year.

Senator FARUQI: And will it go through the same process—go to the ministers and then be made public and given to the sector? Will it be made public?

Ms Chandra: Same process.

Senator FARUQI: Also, my understanding is that there are potentially thousands of educators who received temporary skilled migration visas prior to 2023 but will be unable to get those visas renewed because of the increase in the temporary skilled migration income level to \$70,000. Do you know how many educators are affected by that?

Mr Reed: We know that there are 343 educators in the ECEC space that have received a visa between July 2022 and 31 May 23 that were under the new TSMIT threshold, but nearly half of those were only just under. Whether they have now had increases to their salary which mean they would qualify for renewal, we're not sure. But there were 343 visas granted in the ECEC space that would be impacted by that TSMIT if their incomes haven't grown since then.

Senator FARUQI: Is the department working with the sector and Home Affairs to ensure that Australia doesn't lose the benefit of those skilled educators?

Mr Reed: We are working closely with the Department of Home Affairs. We have been working with them on the review of the Migration Strategy. The Migration Strategy that was released in December has the essential skills pathway. We have further work to do on that and we are definitely working with Home Affairs closely on how that pathway could support people working in the ECEC sector.

Senator FARUQI: Thank you, Chair, If you could come back to me for another five minutes later, that would be great.

CHAIR: Senator Payman.

Senator PAYMAN: My questions are around the national youth consultations, as the youth representative on this committee.

Senator HENDERSON: Harsh!

CHAIR: That's a bit unfair.

Senator PAYMAN: In terms of the national youth consultations, can you please step us through how many portions were held in regional, rural and remote communities and what significance or value that provided to the process?

Ms Twyman: I can certainly give you that detail. Thank you very much for the question, Senator. As you know, the youth consultations are around the preparation of the youth strategy. We had a very significant response to those and we did go very far and wide. I'll ask Ms Sandlant to give you those details on numbers and locations.

Ms Sandlant: The number of consultations was 58 in total. They were held between July and December last year. You asked for the breakdown, didn't you?

Senator PAYMAN: Yes.

Ms Sandlant: Twenty-nine were held in a capital city. We had 16 held in regional Australia, three in remote Australia and two in very remote Australia, and eight were held online.

Senator PAYMAN: And what did this allow you to learn about how young people want to engage with government and what they think about how the government's already engaging with them?

Ms Sandlant: I can give you some high-level feedback that we received from the consultations. Young people identified social media and engaging online as preferred ways that they would like to engage with the government. That was pretty consistent, regardless of where we were in Australia. They also identified that they like to engage through public events and face-to-face events as well—so events like the youth forum.

Senator PAYMAN: Referencing the face-to-face events, can you outline why it's important to hold in-person consultations in such a variety of locations as you've stepped out? Also, how was Minister Aly involved in these consultations—and just the general design of the consultation would be great for the committee.

Ms Sandlant: The Office for Youth did work closely with the minister and her office to design the approach to the consultations. The minister and her office worked with us on setting those expectations that the consultations did really go out to young people, to places that young people were, to make them accessible for young people across Australia. That included the consultations being held in formats that young people felt comfortable attending. So, for example, we went to existing events. We partnered with the PCYC in New South Wales to attend the Nations of Origin event, which is a First Nations youth-focused sporting event. We were able to engage many First Nations young people at those events. The benefit of going there is that you get young people who wouldn't necessarily turn up to a formal consultation in a government or other kind of—dare I say—boring, to them, type of building. They're actually at an event where they're already engaging in an activity that they're passionate about, and it frees them up and makes them a bit more comfortable to come and approach us and speak to us about the issues that matter to them. Minister Aly launched the consultations back in July or June last year in Perth at the town hall. Again, the consultation was really set to be accessible to young people, to have a look and feel that was a bit different to how government normally does things, and was quite successful. It had over 100 young people attending from a variety of walks of life, backgrounds. And they didn't all just live in Perth city; they came from far and wide. The way we approached that was ensuring that consultations were accessible by public transport and that they were promoted through organisations that young people were already connected into. And so, again, they felt comfortable, they were safe to attend and they were able to consult with us quite freely.

Senator PAYMAN: I've got first-hand feedback about how effective this has been for young people. Can you also let us know how the consultation's findings will inform the government's new youth engagement strategy?

Ms Sandlant: Absolutely. The strategy is still under development, but the consultations, as well as engagement with our youth steering committee, will definitely feed into that strategy and are definitely the foundation of how we have developed the strategy. We've been able to engage with young people on 'How do you want to engage with government? What are the issues on which it's important to you that government is listening

to you? How do you like to be consulted with? What do you want to see happen with the advice that you provide to government?' That will all form part of the strategy. As I said, that's under development at the moment.

Ms Twyman: And, Senator, if I might add to that—it's just the depth of the numbers of young people that have been involved. We've been very pleased with the response that we've had. As Ms Sandlant said, we had 58 consultations. We had over 2,100 young people and youth sector members join the consultations, with over 2,500 survey responses and 34 responses to the discussion paper as well. And as Ms. Sandlant says, we'll be using all of that information to inform the strategy.

Senator PAYMAN: That's excellent. Now, moving to the core group, the youth advisory group, can you give us an update on what sort of work they've been up to in 2023? I'm very curious to understand the examples of how they've been working across government and influencing policy or engaging with that policy area.

Ms Twyman: In 2023 our first set of advisory groups—we had five advisory groups, each with eight members on them. One of those advisory groups is actually continuing into 2024 as well. In 2023 we had the First Nations group and the mental health and suicide prevention. The department of industry supported a STEM advisory group. There was the climate change and COP 28 group and the safe and supported group, which will continue into 2024. Ms Sandlant will give you a bit of an update on the outcomes from that as well.

Ms Sandlant: Some of the high-level outcomes at the moment with the advisory group program—we do go back out to agencies for an end-of-program report, where we ask them to give us much more detail on what they've heard over the 12 months and then the outcomes of that and what they've done with that information now, but also what they'll continue to do with it in the future. That process is currently underway, but I will give you some examples of outcomes that we can advise of today. Our safe and supported advisory group that Ms Twyman explained works with the Department of Social Services. They've been engaging on the safe and supported framework. They've influenced the guiding principles for engagement with young people on the action plans of the safe and supported framework. Those guiding principles will be used by all governments as they undertake the actions and engage with young people in undertaking the action plans of the framework. They've also been able to engage on the housing and homelessness policy, to provide their experience and feedback as young people who have had a variety of experiences of accessing housing and of homelessness. That's being considered by the Department of Social Services as they work through that. Our COP 28 group, which works with the Department of Climate Change, Energy, the Environment and Water, mainly focused its work on the youth day at Australia's COP 28 pavilion last year. They worked on designing: 'What is your ideal youth day? At the pavilion, what are the topics that should be covered? Who are the speakers and how do you engage young people in that day?' They really made sure that pavilion served as a home away from home that included and embedded young people's experience with climate change. Our mental health and suicide prevention group worked with a few different agencies but their work with the National Mental Health Commission actually influenced the discussion paper that they put out on the impacts of digital technologies on youth mental health. They were able to work with the commission to incorporate changes to the content and the phrasing of the paper before its public release.

Senator PAYMAN: Awesome. Finally, what are the hot topics for 2024?

Ms Twyman: For 2024 we've had an incredible amount of interest. A large array of departments are looking forward to learning from what happened in 2023 and looking forward to the new arrangements. We have First Nations education, which is in partnership with NIAA and the Department of Education; creative industries, which is in partnership with the Office for the Arts. We have employment, which is in partnership with the Department of Employment and Workplace Relations; civic engagement, which is with the Department of Home Affairs; and prevention of gender based violence, in partnership with the Department of Social Services. And, as Ms Sandlant mentioned, we do have a carryover of one from 2023, which is the safe and supported group working with DSS, who will continue to support that group. We're very much looking forward to working together on those new areas as well.

Senator PAYMAN: Wonderful. Thank you so much.

CHAIR: Senator Henderson.

Senator HENDERSON: I want to table this document. I refer to a report in the *Australian* newspaper entitled 'Coalition accuses Labor of misleading parliament on 123,000 childcare enrolments'—1 February 2024. In a nutshell, Minister, it says, 'The coalition is accusing Labor of misleading Australians in parliament over the number of future childcare workers in the nation's training pipeline, arguing it has taken credit for enrolments made under the previous Coalition government.' I know you are waiting for this article to come to you. Essentially, 'Labor in October said it had made significant strides in bolstering the early childhood education and childcare sector, announcing in multiple media releases that Australia's early childhood education and care sector

had grown by more than 14,000 workers since May 2022, with a further 123,000 additional educators and teachers in the training pipeline.' This goes on and it particularly implicates the early childhood education minister, Anne Aly, who is reported to have said, 'I'm pleased to inform the House that since the Albanese Labor government came to office, there are over 14,000 new educators in the sector and 123,000 in training pathways, in no small part due to the efforts of this government through fee-free TAFE.' However, the concern I raise today, and I also direct this question to you, Secretary, is that the minister was not being accurate in her representation of the data—was she, minister?

Senator Chisholm: No, I think she was. I've got a press release from Minister Aly, Minister Clare and Minister O'Connor from 7 October 2023. I can read the first line: 'Australia's early education and care sector has grown by more than 14,000 workers since May 2022, with a further 123,000 additional educators and teachers in the training pipeline.' So I think that's pretty clear, Senator Henderson. I do believe that 14,000 workers can be updated from 7 October. The department might be able to help me with that one to what is the current number. It might be over 20,000 now, Senator Henderson.

Senator HENDERSON: The issue with what the minister said at the time is that under freedom of information—and I refer to the number LEX815—there was this piece of advice from the department. I'll read: 'Caveat: the aggregate figure of approximately 120,000 enrolments is derived from 2022 data for VET and 2021 data for higher education. Framing this aggregate figure as since May 2022 is not accurate.' Are you aware of that advice from your own department?

Senator Chisholm: I personally am not, Senator Henderson, but I do note that the press release from Minister Aly, Minister Clare and Minister O'Connor says 'has grown by more than 14,000 workers since May 2022, comma, with a further 123,000 additional educators and teachers in the training pipeline'. So for me, that would indicate that the 14,000 workers since May 2022 is what the ministers are talking about, and then a further 123,000 additional educators and teachers in the training pipeline. That seems pretty clear to me from the press release.

Senator HENDERSON: Secretary, I'm going to ask you to be very clear in terms of the factual matters here. Does the department believe this statement is factually correct? I'll read it out. 'Australia's early childhood education and care sector has grown by more than 14,000 workers since May 2022, with a further 123,000 additional educators and teachers in the training pipeline.'

Mr Cook: Senator, I think at the time there were 123,000 educators in the pipeline.

Senator HENDERSON: I don't think that's the issue. The issue is that the minister was claiming 'since May 2022'. I'm going to ask you again, Secretary.

Mr Cook: I'm reading the article: 'Australia's early child education and care sector has grown by more than 14,000 workers since May 2022, comma.'

Senator HENDERSON: With a further 123,000 additional educators and teachers in the training pipeline.

Mr Cook: Absolutely. In terms of punctuation and grammar, the 14,000 workers are related to May 2022. And then it says 'with a further 123,000 additional educators and teachers in the training pipeline'. It doesn't then say 'comma, since May 2022'.

Senator Chisholm: And I'd add to that by reinforcing, and I think you said this earlier, that grammar and punctuation is really important.

Senator HENDERSON: Right. It's the comma in the sentence.

Senator Chisholm: A good example of that, Senator, is this press release.

Senator HENDERSON: Right. Secretary, I draw your attention to this very important caveat that the department included in its advice to the minister: 'The aggregate figure of approximately 120,000 enrolments is derived from 2022 data for VET and 2021 data for higher education. Framing this aggregate figure as since May 2022 is not accurate.' Do you stand by that advice?

Mr Cook: Senator, that's the information we provided, absolutely. But that's not how I read this article you've provided me. I don't see that. The further 123,000 does not say 'since May 2022'. It says 'additional educators and teachers are in the training pipeline'.

Mr Reed: I can add to that. I think the original caveat was on a statement that said 'from May 2022, there are an additional 123,000 in the pipeline'. So I think the initial caveat was on a sentence that was not included in that media release.

Senator HENDERSON: Right. So the comma was in a different place.

Mr Cook: No, the words were different, Senator. I think that is the evidence we just received.

Senator HENDERSON: I'm reading directly from the FOI and so I'm reading from the caveat, 'Please find confirmation and comments on each of the figures in green below.' This is on 28 September 2023 in relation to the proposed statement, 'Since May 2022, there are more than 120,000 educators in the pipeline.' And then the caveat was made very clear from the department. I put it to you, Secretary, that the minister was, in the way she wrote that sentence, attempting to take complete credit for the increase in workers, when in fact that was all done under the former coalition government.

Senator Chisholm: I don't think that's the case. I think you would only be of that view if you were not good at your punctuation and grammar. That would be my observation.

Senator BROCKMAN: The word 'further' in there clearly links it back to 'since May 2022'.

Senator HENDERSON: That's right—the context of the sentence.

CHAIR: Can I just—

Senator HENDERSON: Sorry, Chair, this is a very important point.

CHAIR: Just because there's been an interjection—

Senator HENDERSON: I welcome the interjection. Senator Brockman has raised a very good point. The way in which that is written, the context of that sentence makes it clear that the reference was to 'since May 2022'.

Senator Chisholm: I've disagreed with that.

Senator HENDERSON: It says 'since May 2022, with a further 123,000 additional educators and teachers in the training pipeline'—since May 2022.

Senator Chisholm: That's not how I interpret it.

Senator HENDERSON: You can quibble over the comment and the meaning, but I think the meaning is clear. The minister was trying to take credit for the work of the coalition in increasing these workers in the childhood education and care sector and the 123,000 additional educators. What's concerning me, Secretary, is that caveat was provided. Who made those changes in the minister's office to ignore the advice from the department and just to continue to reference 'since May 2022'—in other words, take credit for that work under the Albanese government—when the department have properly warned the minister that was a misleading sentence?

Senator Chisholm: That's not an accurate reflection of what happened, Senator Henderson.

Senator HENDERSON: I was just asking the secretary, if I could ask that specific question. Secretary, do you know—

Senator Chisholm: The secretary is not responsible for the ministerial office.

Senator HENDERSON: Minister, if I could just direct this to the Secretary.

Senator Chisholm: You asked him about the ministerial office. It's not his responsibility.

CHAIR: The minister can take the question. The minister did take the question.

Senator HENDERSON: Assistant Minister, who made those changes in the minister's office to ignore the advice from the department? What happened was that the warning was given. Accepting that the minister may have made a genuine mistake, the warning was given and then the minister continued to put out that same claim, which at the very least was misleading. So who made the decision in the minister's office to ignore the advice of the department?

Senator Chisholm: I don't think that's the case, Senator Henderson, and I don't think that's been established. As I said, it's clear to me. 'Australia's early childhood education and care sector has grown by more than 14,000 workers since May 2022, comma, with a further 123,000 additional educators and teachers in the training pipeline'—which is accurate. I don't see what is inaccurate.

Senator HENDERSON: It's not accurate because those workers have not been delivered since May 2022. And that's the meaning of the sentence.

Senator Chisholm: No, it's not. It's taking—

Senator HENDERSON: You can quibble about the comma, but you obviously—

CHAIR: Can I just hold for a second? We might get Dr Donovan back.

Senator HENDERSON: I've got more questions, Chair, so if I could just continue—on 18 October, Minister Aly responded to a question from the member for Wills and said—and this is obviously well after this advice was given—I'm pleased to inform the House that since the Albanese Labor government came to office, there are over

14,000 new educators in the sector and 123,000 in training pathways, in no small part due to the efforts of this government through fee-free TAFE.' So she went further, Minister. She deliberately misled the House. She knew that this was false information and the department had warned her.

Senator Chisholm: Just because you get louder doesn't make it any more accurate. That's in line with what the press release said on 7 October 2023.

Senator HENDERSON: She's actually made it clearer as to her meaning in her original statement. She's clearly said that all of these new workers were delivered since the Albanese government came to office, Minister. I realise you didn't make the mistake, or the deliberate mistake, but I put it to you that someone in Minister Aly's office has deliberately ignored the advice of the department and not only misled people in a media release but then gone and done it in the House.

Senator Chisholm: That's completely inaccurate, Senator Henderson. And we don't have the transcript of what you're talking about, either, so I'm not going to take your word for it.

Senator HENDERSON: That's fine. We will arrange to get a transcript, a *Hansard* of the response on 18 October 2023. I'm very happy to hand that up. It just looks bad, Assistant Minister.

Senator Chisholm: I disagree.

Senator HENDERSON: It looks bad.

Senator Chisholm: If you're ill motivated, like you clearly are, I can see the points you're trying to raise. They just don't back it up with the facts, though; that is the problem for you.

Senator HENDERSON: I'm going to really take offence to that comment because the facts are set out in your own department's advice, where your own department gave the minister clear advice that this was not correct—that she was misleading in trying to suggest that all these new workers were delivered under the Albanese government since May 2022. Rather than fix it, she then doubled down and went into the House and repeated the statement, making it crystal clear that she was claiming all these workers were the good work of the Albanese Labor government.

CHAIR: Can I just intervene for a moment on process, on where we're at. I know Senator Davey wanted to get the call as well. We are on a tight schedule. Senator Faruqi has another short set as well. And we do want to try to get the Australian Children's Education and Care Quality Authority in. If you want to follow through on this line of questioning—

Senator HENDERSON: Yes, thank you; I'd like to continue.

CHAIR: If we could move on, that would be great.

Senator HENDERSON: I've got some more questions, thanks, Chair. I've just asked for one of my team members to bring copies of the *Hansard* to assist you, Assistant Minister. But when Minister Aly was asked by the *Australian* newspaper whether she had misled parliament, her office claimed it was Hansard's fault. Do you accept that this was the fault of Hansard, Minister?

Senator Chisholm: I haven't seen the *Hansard*, Minister. I'm not in that chamber, so it's hard for me to judge, but it does go to the point that grammar and punctuation is important. We're splitting hairs over this. I think the reality is—

CHAIR: I got the distinct—sorry, Minister; I didn't meant to cut you off.

Senator Chisholm: The facts of the matter are that there were 14,000 new workers that came on board since May 2022 and a further 123,000 additional educators and teachers in the pipeline. That is the case. That is something that isn't in dispute.

CHAIR: We're over the allocated time. I suggest we go to Senator Faruqi.

Senator HENDERSON: I've just got one or two quick questions and then I will wrap up, Chair, if I could.

CHAIR: If the one or two questions wrap up, then that's great.

Senator HENDERSON: Look, I'm raising concerns. Everyone can make mistakes, Assistant Minister. The department, in good faith, gave Minister Aly the advice that she needed to fix her wording to make it clear that all of those new workers weren't delivered under the Albanese government. My concern is that there was no attempt by her office to correct her language. And rather than take the advice of the education department, she's then gone out and blamed everyone but herself. Can I ask you on notice? I'm happy for you to take it on notice. Has Minister Aly been spoken to by the Minister for Education in relation to this matter? Is there any change in processes or checks or approvals that have been implemented as a result of this incident? And if you've got any advice you

could provide now—is there any other process that's been implemented by the department to make sure that where the department has concerns about the accuracy of statements, its advice can be properly regarded?

Senator Chisholm: Not that I'm aware of.

Senator HENDERSON: If you could take that on notice, I'd be grateful.

CHAIR: Senator Faruqi.

Senator FARUQI: Minister, the Victorian, New South Wales and ACT governments are now funding three-year-olds, mostly, through long day care, I think, but the government's activity test exemption for preschool programs only covers four-year-olds in the year before school. Have the states asked the Commonwealth to extend the preschool activity test exemption to three-year-olds?

Senator Chisholm: I defer to the department, Senator.

Ms Crane: We can confirm, but I don't believe so.

Senator FARUQI: Is there a reason why the government has given exemption to four-year-olds but not to three-year-olds, especially given that they most benefit from access to preschool and that if they don't meet the activity test, they would face the highest out-of-pocket costs and it would disadvantage them?

Ms Crane: I will start the answer and Ms Twyman might jump in. On the preschool side of things, there are some clear definitions around what constitutes preschool and the year before full-time school. Certainly the focus with the states through the Preschool Reform Agreement and other things has been very much on that year, which for the purpose of this conversation I'll say is four-year-olds. And there is a lot of work in that around ensuring that you get maximum take-up. Under the reform agreement, the focus there has been around funding following child, a new attendance measure—because obviously enrolment is one thing; attendance is actually important to get that dosage. And then the third big piece of that has been around a preschools outcome measure to actually support those teachers in the room. So the conversation with jurisdictions has rightly been on trying to get that right before then expanding out to others. So, yes, individual jurisdictions have made independent decisions around that but it hasn't been a conversation with the Commonwealth in the context of—

Senator FARUQI: Minister, is that going to be a conversation? Because it is counterproductive in a way to have universal access but then have people, because of the activity test barriers, not being able to do that.

Senator Chisholm: I'm happy to try to provide more information on notice, Senator Faruqi. I know we're committed to working collaboratively with the states and other jurisdictions on this.

Senator FARUQI: If you could please provide further information—thanks Chair; I'm done.

CHAIR: Thank you for that very efficient list of questions. Now it's up to you, Senator Davey. We're on a roll now.

Senator DAVEY: The pace has been set. Before I move on to my questions, I've just read this tabled *Hansard* where Minister Aly says she informs the House that 'since the Labor government came to office, there are 14,000 new educators in the sector and 123,000 in training pathways, in no small part due to the efforts of this government through fee-free TAFE'. Can you—and I'm happy if you take it on notice—tell us how many of the 123,000 in training pathways are there because of fee-free TAFE?

Mr Cook: We'll take it on notice, Senator, yes.

Senator GROGAN: Do you mind if I just make a clarifying point there. In the sense of saying 'in no small part', at no time did she say 'totally responsible for every single one of these'.

Senator DAVEY: But if fee-free TAFE started before this data was collected, there is no part that is there because of fee-free TAFE. So I think that she's taken a very great liberty to try and take credit for data that pre-dates fee-free TAFE.

Senator GROGAN: It didn't start until January 2023.

CHAIR: Can all the—

Senator DAVEY: Anyway, I will move on.

CHAIR: What happened? I turn around and what happens?

Senator DAVEY: You finally give me the microphone and I'm going to run with it. It's like karaoke.

CHAIR: Back to Senator Davey.

Senator DAVEY: Minister, you raised earlier the importance of delivering on your election commitments and how every party does it. You take things to the election. In one election commitment—it was a Morrison government commitment—Tony Pasin committed \$1.8 million to the Kingston South-East new childcare centre,

and it was matched by then shadow minister, now minister, Amanda Rishworth. She matched the announcement: also promised \$1.8 million for this new childcare centre. To date, no funding has been received, despite the fact that in the 2022 budget, money was set aside. Can you give us an update as to why this funding has not flowed through, given that it was an election commitment and you are so committed to delivering on those?

Senator Chisholm: Senator Davey, the department would be better than me to provide an update on it.

Ms Twyman: I'm happy to take that one, Senator. As you rightly pointed out, responsibility was transferred from the department of transport and regional development and communications to our department, Education, in the May 2023 budget. There were a number of election commitments, of which Kingston was one. The projects contribute towards upgrading or developing new early learning centres. There's Kingston in South Australia but there's also one in Tasmania and New South Wales. Where they're up to is, basically, that we have now issued grant opportunity guidelines and due diligence on those applications to all of those.

Senator DAVEY: So this is now a grant—what was an election commitment? The pool that we were talking about earlier today did not have to go through a new grant process, but this project and two others that you've mentioned are going to have to reapply. Two years after they were promised this funding, they're now being told 'You've got to reapply for funding' through a grant process, which in no way means it's going to be delivered to them. It could be anyone else.

Ms Twyman: Essentially it's an important part of the process to ensure that when we grant those moneys there is a set of terms and conditions and legal requirements that they will be bound to deliver. That information has been provided to the department. Those contracts are being negotiated as part of that process, and it will be due in the very near future.

Mr Cook: Just because the money's being delivered through a grant, Senator—just to be clear, we're not asking people to resubmit anything.

Senator DAVEY: So they don't have to reapply?

Mr Cook: No. The funding mechanism is a grant. That's the mechanism. With states and territories and schools, we don't provide a state government a grant, but because these are private providers, we fund them through a grant. Just to be very clear—I'm sorry if we weren't clear on that.

Senator DAVEY: Well, you did have me worried for a minute. So we can be sure that Kingston SE—the funding for their new childcare centre will be provided to them, provided they meet the grant criteria. It's not a new open-tender grant.

Mr Cook: That's exactly right. Our apologies.

Senator DAVEY: I was worried. But can you explain to me why it has taken almost two years—

Ms Crane: The responsibility transferred to us in the May budget. Concurrent to working with those organisations around what the actual scope of the request was, and need, we were working with other departments around how we can actually get the money out the door, not to put a finer point on it.

Senator DAVEY: So I can blame the tardiness of another department for sitting on it for a year before. When it finally came to you, you pulled all stops out to get things moving?

Ms Crane: I won't blame another department. I'll leave it up to you what you want to do with that. But certainly since it's come to us, Senator, that's what we've gone through. As Ms Twyman has said, all of them have been in contact; we've received information from them. And the grant is the mechanism for us to make that payment.

Ms Twyman: And we do hope that mechanism will be going out very shortly, by late March or early April.

Senator DAVEY: I hope so, too. Quickly, before I go to the Community Child Care Fund, after the June estimates you replied to our question on notice No. SQ23000282, where we asked for some numbers by electorate on how many families would be better off under Labor's cheaper childcare policy. The data that you provided, and thank you for providing that data, just shows the families that will be getting the cheaper childcare subsidy. It doesn't actually show which families are actually better off, does it?

Mr Cook: We are just pulling it up, Senator. We have 500 questions on notice to choose from, so we're just trying to find the right one.

CHAIR: Senator, how much longer will you be? We've got a few minutes and then I might go back to the coalition.

Senator DAVEY: I've got one or two on this and then I have some questions on the cheaper childcare fund. Does it just say how many families are receiving the payment—not specifically that they are actually going to be better off?

Mr Reed: No, this is how many families we estimate are better off.

Senator DAVEY: Can you explain why the data appears to be from 2021, which well pre-dates the cheaper childcare subsidy?

Mr Reed: What makes you say it's from 2021?

Senator DAVEY: That's what my notes are telling me. It seems to be that the data comes from 2021.

Mr Reed: No, this would have been—

Mr Cook: It says, 'Families that would be better off following the July 2023 changes is in the table below.' There's no reference to 2021 anywhere.

Senator DAVEY: Okay. I'm happy for you to take it on notice, because I like making you work really hard—

Mr Cook: We like helping.

Senator DAVEY: Can you provide that data back to us but broken down into electorate, local government area and also the modified Monash model area, so we can understand how many in rural, regional and remote areas are also better off? One of the big comments I keep getting is, 'It's all well and good but it doesn't trickle down into the regions, because half of the regions don't have child care anyway.'

Mr Reed: I'll have to check what level we can break that down to. But I'll take that on notice and we'll provide what we can.

Senator DAVEY: Thank you. That brings me quickly to the Community Child Care Fund, which is designed to help services located in regional, remote and very remote areas. Can you provide—and I'm again happy if it's on notice—how you define regional, remote and very remote?

Ms Twyman: We can talk to you about how we define the priority areas, as well, for those locations, if that's at all helpful. What we're looking at in terms of the priority areas is that we currently, as you may be aware, have round 4 out, which is the \$84 million round, which is open now, from 12 February, and closes on 8 March. What we're looking at in those priority areas for that round is we use the statistical standards. It's the SA2 which identifies those priority areas. We then also determine the AEDC, the Australian Early Development Census results.

Senator DAVEY: The priority areas are online, but what I'm looking for is the definition of rural, regional and remote. Do you base it on something like the modified Monash model, or do you have your own definitions?

Mr Cook: We're using SA2 data and then we overlay that with—

Ms Twyman: AEDC and SEIFA, and the population data as well, the ABS data on population in the age range, as well as the SEIFA data and the AEDC results on vulnerable and disadvantaged.

Mr Cook: We can take it on notice if you want more information around that, Senator. I hear what you're saying. Is it a locational definition? It's partly that, but we're adding other information to it as well. But if it's easier on notice for you, we're happy to do that.

Senator DAVEY: I'd really like to see it, because one of my biggest frustrations is that we always get announcements of regional funding in places like Hobart and Launceston. And with all due respect to Hobart and Launceston, wonderful as they are, one is a capital city and one has 123,000 people. The grant round also requires—it's broken into two streams. One is for capital, but if you apply for the capital support, you need to provide a co-contribution. Is that co-contribution meant to be matched dollar for dollar, or can it be in kind?

Ms Twyman: It can be in kind.

Senator DAVEY: That is one concern that has been raised with me. When you're talking about very small regional areas, they're not flush with funds but they've got a lot of mums and dads who are willing to come down and do the volunteer work.

Ms Twyman: Senator, on the requirement to provide a co-contribution—this is reading from the guidelines at 4.2—'The requirement to provide a co-contribution may be relaxed or waived on a case by case basis at the discretion of the decision-maker. It should clearly outline details of equivalent in-kind contributions or the ground under which the applicant considers the requirement should be relaxed or waived.'

CHAIR: Senator Davey, you'll get a follow-up question and then I'll go to Senator Grogan, then briefly come back to the coalition.

Senator DAVEY: Sure. While we're talking about the CCCF, last estimates we also asked about the list of communities that were eligible to apply for the \$19 million round that was finalised last year. In another question on notice response, SQ23000879, the department provided the SA2 data. That showed the data that the original 200 approved locations were selected from, and that data actually has 2,000 locations on it. Are you able to tell us how you broke it down and how you selected the 200 successful ones from a list of 2,000?

Ms Twyman: I will take that one on notice, Senator, to make sure I have the absolute detail on it.

Senator DAVEY: I'd appreciate that.

CHAIR: Senator Grogan.

Senator GROGAN: I'd like to go back to the ACCC report now. Can you just confirm for me when that came out? It was February this year, wasn't it?

Mr Cook: It was definitely this year, Senator. My colleague will tell me—29 January.

Senator GROGAN: So by 15 February, you wouldn't imagine that any recommendations would have been rolled out—just to clean that up from before. On the point that you made, Minister, in the earlier conversation about the ACCC report and its interaction with the PC, where would be the risk of jumping at the first report compared to waiting for the PC? What's the difference in scope?

Senator Chisholm: I think the risk is that you make one decision in isolation and then it has a flow-on negative effect on other parts of the system. That is what I think was the motivation in what the ACCC recommended about not acting in isolation. The government's intention all along had been to consider the ACCC and PC reports at the same time, one to inform the other, and then obviously make decisions with both of those reports available to government.

Senator GROGAN: When you have the full picture in front of you. Mr Cook or Mr Reed—I don't know who would be the right person—what did the ACCC say about the fees following the cheaper childcare reforms? There have been a lot of accusations flying around the room. What did the ACCC actually say?

Mr Reed: Without having the report in front of us, without saying word for word, essentially they said that they did not find any widespread price gouging and that out-of-pocket costs essentially came down considerably. I think in the ACCC report it was by 11 per cent.

Mr Cook: In terms of the detail, my understanding is that it was 11 per cent for base day care, 0.8 per cent for outside school hours care, 12 per cent for in-home care and 13.8 per cent for family day care.

Senator GROGAN: I asked you some questions last time we were here about family day care, because I'm quite interested in how it's playing out in the market. When I lived in Alice Springs, I used family day care and it was very effective. Have you seen any further trends? Is there anything in the ACCC report that would give us any further information about how family day care is playing out?

Mr Reed: It makes a number of findings in relation to family day care. I think one thing that we need to consider going forward is whether there are needs for different settings, for different subsectors in the sector. That is something we are considering and will provide advice to government on, particularly in relation to formulating their response to the PC report. I mentioned earlier in the session that we do find family day care is a really valuable part of the sector. Something we've been working on with that sector for a long time now is to improve some of the integrity and governance issues that have historically plagued the sector. But it is a sector we really want to support, particularly in regional and remote areas, to address that thin supply. We've only just closed a tender process to trial innovative ways to build the capability of that sector and also trial different ways to address some of the integrity and governance risks that we've seen in the sector in the past. We're in the process of assessing that tender, but we're really hopeful that—it will start off small scale but it will give us the confidence in the sector where we really can invest in it and support that sector to grow to address some of those areas of thin markets.

Senator GROGAN: Great, thank you. What did the ACCC find about the effectiveness of the hourly rate cap?

Mr Reed: Essentially they were very effective at limiting fee growth. It was at times confusing for parents, essentially because parents don't often think about the hourly rate that they pay; they think of it in a daily rate sense. So the ACCC did make findings and recommendations around whether you would consider introducing a daily rate, particularly for centre-based day care services.

CHAIR: Senator O'Sullivan.

Senator O'SULLIVAN: I want to revisit where we started on the out-of-pocket costs. I've refined my questions a little to try to get—hoping that you can provide answers, knowing that—

Mr Reed: Someone has rerun the cameo for post 2023. I can tell you the new estimated saving benefit of that family would be \$2,000.

Senator O'SULLIVAN: Let me dig down into that a little. I want to table a table that was used during the election campaign by the Labor Party. It's from Alicia Payne's website—the member for Canberra, I think. On that table, you can see there are different income brackets. I would like you to take on notice to answer the questions that I'm about to ask in their entirety right down each of those different income brackets. But I'll just focus on one particular bracket now. We'll use that \$120,000 figure, if we can, just to help me understand, and then if you can expand it further on notice, that would be really helpful. Does the department have CCCS data from Q4 2023? Do you have that with you now?

Mr Reed: Calendar year?

Senator O'SULLIVAN: Q4 of the calendar year—so December quarter 2023?

Mr Reed: No, we don't have finalised data for the December quarter. We have it for Q3, the September quarter.

Senator O'SULLIVAN: Okay. How many families are in that \$120,000 income bracket for that Q3?

Mr Reed: How many families are there in total?

Senator O'SULLIVAN: Yes.

Mr Reed: There are 1,009,500 families. That's total families. That's what you're asking? Sorry, no—you're asking for the \$120,000?

Senator O'SULLIVAN: Yes.

Mr Reed: I wouldn't have that breakdown, sorry.

Senator O'SULLIVAN: You don't have that broken down by income bracket?

Mr Reed: No, sorry. That's the total families in that quarter. The total families that access care in that quarter is just over a million, but I don't have it by income. We can definitely get it.

Senator O'SULLIVAN: Can you tell me the average out-of-pocket cost for a family in that \$120,000 bracket, using the average hourly rate, with two children attending child care five days a week?

Mr Reed: I'd have to take that on notice.

Senator O'SULLIVAN: When we asked questions like this before, we got a response back. I'll point you to SQ23001109. You said that you weren't able to provide answers to the more general questions because, you said: 'Out-of-pocket costs paid by families depend on a number of factors, including the fee charge, how much child care they use, whether the family is in receipt of additional childcare subsidy, how many children are in family or using care, and the application of the activity test. They'll therefore range for each income bracket from zero to 100 per cent of the fees charged.' So what I'm trying to do here is narrow it down to a particular example.

Mr Reed: We can definitely pick a scenario, pick a cameo of a particular family and compare that cameo to where that family would be at a different point in time. We could do that. I think the question, from memory, though, went to the minimum and maximum that a family under each one of those pays. And essentially the minimum/maximum is zero to 100 per cent of the fee, depending on their circumstances. So if we went to our system and said, 'What is the minimum someone in this family income would pay,' they could pay zero because they're, for instance, on additional childcare subsidy, receiving 100 per cent of their fees covered; whereas another family could have zero hours under the activity test, so have to pay the full fee. That's why we've said it could range from zero to whatever the fee is, because of those situations. But we could pick a cameo where we just say, 'This is a typical family,' and compare them from a point in time to another point in time.

Senator O'SULLIVAN: Let's go with an average family.

Mr Reed: I just don't know whether I can do it on average income.

Senator O'SULLIVAN: I'm happy with that. I'm just trying to discuss it so we get the right question, so we get the answer. Does that make sense? I realise that it might be something that's difficult to do across the table, but I really want to get an answer rather than have come back, wait the time to get an answer and just get one saying you can't answer it. So I want to make sure we tease out the question so that you can answer it in a way that gives us that. Ultimately what we're trying to understand is the actual out-of-pocket money that someone's paying, not compared to what it would have been if fees were going up and they were trying to match up to that. Does that make sense? I want to make sure that we're getting the actual amount, the dollar amount that people are actually having to pay out—how different it is from what it was before this policy was put in place.

Mr Reed: Sure. We can tell you that as an average level already. But if you've got a particular family scenario—

Senator O'SULLIVAN: Have you got an average now?

Mr Reed: I think the average out of pocket we did earlier. The average out of pocket is \$3.68 an hour. For all families in the system, that is their average out-of-pocket cost per hour, which is the lowest it's been since December 2018.

Senator O'SULLIVAN: Well, if you can come back to us, then, let's work on what the average out-of-pocket cost would be for each of those income brackets on that table, using the average hourly rate with two children in care for five days a week.

Mr Reed: I'm assuming we're talking about centre-based long day care?

Senator O'SULLIVAN: Correct. As opposed to what—family?

Mr Reed: We would need ages. We'll assume they're both under six.

Mr Cook: Daycare age.

Senator O'SULLIVAN: Yes.

Mr Reed: So the second child will get the higher subsidy rate because there are two children under six.

Senator O'SULLIVAN: Yes. What we're trying to do is standardise it so that we get a consistent response across all of those brackets. That will be very helpful to us. Thank you.

CHAIR: Are we there?

Senator O'SULLIVAN: We're almost there. I realise I'm standing between us and dinner. I'm just as keen as you are, by the sounds of it, and maybe everyone else here. Just give me one moment. No-one's screaming at me. I think I've got that right. Great, we'll leave it at that, thanks.

CHAIR: Thank you. That's the end of outcome 1. We'll be joined by the Australian Children's Education and Care Quality Authority next. We now release outcome 1. Thank you very much for all your effort.

Proceedings suspended from 18:32 to 19:37

Australian Children's Education and Care Quality Authority

CHAIR: I now welcome representatives from the Australian Children's Education and Care Quality Authority, including its chief executive officer, Ms Gabrielle Sinclair, who is joining us by videoconference. Ms Sinclair, do you wish to make an opening statement?

Ms Sinclair: No, thank you, Chair. I realise, of course, that the committee is running a little bit late, so I'm more than happy to say no.

CHAIR: Thank you, Ms Sinclair. I appreciate your assistance there. Senator O'Sullivan.

Senator O'SULLIVAN: I don't have a great many questions for you, Ms Sinclair. We'll get through it, I think, really quickly. I want to go firstly to the December 2023 ACECQA safety report into the sector. Can I confirm that the safety report has been discussed with education ministers?

Ms Sinclair: It is my understanding that the report has been presented to education ministers.

Senator O'SULLIVAN: Plural—ministers?

Ms Sinclair: Yes, because of the terms of reference and ACECQA was commissioned by all nine education ministers.

Senator O'SULLIVAN: Okay. Have the education ministers reached an outcome on the recommendations yet?

Ms Sinclair: I think that's a question for the department.

Ms Crane: It was considered at the December meeting. They have sought implementation advice from officials. And that implementation—

Senator O'SULLIVAN: Within their own jurisdictions?

Ms Crane: Officials have worked on the implementation advice and consulted with the sector—in a very limited way but with peaks, with employee representatives and with First Nations peaks—to inform that advice. That advice will be considered by education ministers at their next meeting.

Senator O'SULLIVAN: Is ACECQA concerned, given that states and territories often prefer to implement their own regulations, that many of these recommendations will either fail to be implemented or take an extraordinary length of time to be implemented?

Ms Sinclair: That's not a matter that I can comment on. We were asked by all nine governments to look at whatever it takes to improve child safety, and we delivered that report, as you said, Senator, ahead of time. It's a matter now for the nine governments to decide if and when and how the recommendations will be implemented.

Senator O'SULLIVAN: Was there a degree of urgency or a real emphasis in your report on making sure that these recommendations were implemented as quickly and efficiently as possible?

Ms Sinclair: That wasn't in the terms of reference at all. We were asked to do the desktop review with limited consultation with experts, which we did. We provided that report. And really, it's now a matter for the nine ministers to decide what they are going to do with the recommendations.

Senator Chisholm: It's obviously a really important issue and something that the government is taking very seriously. Obviously we need to work constructively with states and territories because—as I think you were going to—they would have some of the responsibilities. I do know that some of that work is underway. The next education ministers meeting is Friday the 23rd, so it's not far away from being discussed at that.

Senator O'SULLIVAN: All right, we'll follow it up at the next estimates. Changing the subject, in response to a question on notice, SQ23001024, you advised that you've got 140 full-time staff. Are you able to give us a brief breakdown of which levels those staff members are? I understand they're not APS staff. Do you have similar levels to the APS?

Ms Sinclair: Sorry, Senator, I don't know what the levels of the APS are. I can take that on notice, but we have our own.

Senator O'SULLIVAN: Rather than try to do a comparison if you're not familiar with it, that's fine. Can you just tell us what levels you have? You have different levels of staff, I take it?

Ms Sinclair: We do. I'll take it on notice because I don't think it'll make much sense, because I don't really know what APS levels are. So I'll take that on notice and provide that to the committee.

Senator O'SULLIVAN: Okay. On your website, you've got an organisational structure. Can you advise how many staff members you have under each of the streams? I'm also happy for you to take this on notice because it might take some detail to come back to me. And how many staff work on national projects? Also, how many are in leadership, quality and regulatory support? That would be quite helpful. We want to know where the majority of ACECQA staff are as well.

Ms Sinclair: I'll take it on notice

Senator O'SULLIVAN: Okay. Are ACECQA board members remunerated at all?

Ms Sinclair: Yes, they are.

Senator O'SULLIVAN: And what are their fees?

Ms Sinclair: It's established by the Remuneration Tribunal. Of course they don't set their own fees.

Senator O'SULLIVAN: That would be the federal Remuneration Tribunal; is that right?

Ms Sinclair: Yes, it is.

Senator O'SULLIVAN: Who pays the fees? Is it each jurisdiction, is it cost shared or is it a Commonwealth—

Ms Sinclair: Since the national partnership finished in 2018, the Australian Government has been funding ACECQA through the grant program and so the payment of remuneration for board members is made through the Commonwealth funding to ACECQA.

Senator O'SULLIVAN: Okay. And is your salary as well set by the Remuneration Tribunal?

Ms Sinclair: No, it's not. That's determined by the board.

Senator O'SULLIVAN: And may I ask what your salary is set at for this year?

Ms Sinclair: The full remuneration package, I'm not sure of. So can I take that on notice, please, Senator?

Senator O'SULLIVAN: Yes, sure. If you could give any information like total remuneration, including any bonuses or other incentive payments that might make that up, that would be good. In response to SQ23001025, I see that ACECQA currently rents an office at 1 Oxford Street, Sydney. How long is that lease for?

Ms Sinclair: We have that lease until 2033.

Senator O'SULLIVAN: Wow, that's quite long. Has that been recently renewed then?

Ms Sinclair: We only just got those premises in April of last year.

Senator O'SULLIVAN: And what's the utilisation of that office? How many employees have you got working in that physical office on any given day? A percentage is fine.

Ms Sinclair: The office that we have would not hold all of our staff if we bought them in. The board made a determination that, given the fact that we have, through our enterprise agreement, a working arrangement with our staff, we would not be able to fit all of our staff in if they all decided to come in at the one time. So we have an arrangement that the different groups bring their staff in together on different days so that we can have an efficient use of our accommodation.

Senator O'SULLIVAN: Do they hot desk?

Ms Sinclair: They do.

Senator O'SULLIVAN: What percentage of the workstations are not hot desk? How many people are there every day?

Ms Sinclair: All of the workstations are available to be booked to be hot desked. We also have a boardroom and a training room that we use; and other governments, if they need to meet in Sydney, are able to use those spaces.

Senator O'SULLIVAN: But are there some staff that are there all the time? For example, are you there every day?

Ms Sinclair: I'm there most days. I'm actually in Queensland at the moment. But the benefit of that working arrangement is that now we're able to recruit nationally, so we have staff working remotely on working arrangements in every state and territory now, which gives us an opportunity to select the best people across Australia, and we bring them in when the groups meet. We also require all staff to come in twice a year when we have our all-staff forums.

Senator O'SULLIVAN: What's the annual rent for that property?

Ms Sinclair: About \$1.2 million is the annual rent.

Senator O'SULLIVAN: How many workstations are there—did you say?

Ms Sinclair: There are 114 workstations.

Senator O'SULLIVAN: So that's will be over \$10,000 per workstation. Did you look at—1 Oxford Street is a pretty salubrious location. Did you look at other places that you could go that might be a cheaper alternative, particularly given the transient use of the facility? Did you look at other places?

Ms Sinclair: We did indeed, Senator. Thank you for the question. We looked at many of them. The floor that we're on now in 1 Oxford Street, used to belong to the New South Wales Department of Education. They used to lease it and it was there for early childhood before they moved early childhood to Parramatta. So for nearly eight years, that floor was vacant. So the landlord was very keen to offer us an extremely good price to occupy the space that used to be occupied by early childhood New South Wales.

Senator O'SULLIVAN: Is it optimal for you to have a situation where you can't have all the staff in there at once? Would it have been better to get a bigger premises where the cost per square metre might be less—say, out in Parramatta—where you could have more utilisation?

Ms Sinclair: That is a very good question. The board did consider not only the cost but also the location for staff and for others, because we serve the nine governments—how they could get to the premises when we have meetings such as the regulatory practice committee. But, as I said, the landlord gave us extremely good terms and conditions for that rental because it had been vacant for so long. Also, even though we've got that many workstations, as I mentioned, we have a board room and training rooms that we make available to our nine governments for use, free of charge of course, when they want to meet at a location in Sydney that's relatively easy to get to.

Senator O'SULLIVAN: Did you engage a real estate agent at all to provide you with other options, or was it just through that—

Ms Sinclair: We did. We engaged the services of someone who took us personally—I think I went to four or five different locations to have a look at the size and what was on offer in terms of fit-out. We could have gone with much bigger premises, and the board did consider having two floors in all the premises we looked at. But it was more economical to face the reality that we have staff across the country and that it would be more prudent to take a smaller footprint so that we were able to keep the costs down.

Senator O'SULLIVAN: I'm not overly familiar with Sydney prices, so I'm not going to make any judgment over the actual price. I'm just very keen to understand: is the taxpayer getting value for money? If you could

provide us with some evidence that would assist this line of inquiry in relation to the other options that you considered, so we can get a bit of a feel for whether or not value for money has been achieved—is that something you can provide on notice?

Ms Sinclair: Of course.

Senator O'SULLIVAN: Thank you. That's all.

CHAIR: Good. Thanks for your time, Ms Sinclair, this evening, and have a very good night.

Ms Sinclair: Thank you very much, Chair. Thank you, committee

Department of Education

[19:59]

CHAIR: I now call officers from the department in relation to outcome 2, higher education research and international.

Senator HENDERSON: Good evening. Secretary, before we move on to higher ed—just a bit of housekeeping. Can you give me an update in relation to the Studio Schools response letter? You were going to get some legal advice on redactions.

Mr Cook: I haven't received that legal advice at this point. The legal advice is about what we need to redact from—

Senator HENDERSON: Yes, I understand that.

Mr Cook: We also might have more than one correspondence. I'm sorry, I don't have an update from my schools group and they've been dismissed.

Senator HENDERSON: Do you have an estimated time as to when that letter will be provided?

Mr Cook: As soon as possible. It won't be tonight.

Senator HENDERSON: Okay. I want to firstly move to the Universities Accord. Can you provide an update on the release of the final Universities Accord report? Do you have a date for the release?

Mr Cook: The report was received by the minister on 28 December and it is a matter for government now as to when that report will be released.

Senator HENDERSON: The decision is yet to be taken?

Mr Cook: As I said, that's a matter for government. I don't have a decision in relation to that, Senator. That'll be a matter for government.

Senator HENDERSON: Assistant Minister, when will the final report of the Universities Accord be released?

Senator Chisholm: Sorry, Senator Henderson, I'm unsure.

Senator HENDERSON: So you don't have any—can we expect any measures to be announced in that as part of the release of the report?

Senator Chisholm: I don't know the answer to that.

Senator HENDERSON: There's some very consistent suggestion that the government is going to announce an international student tax. Minister, can you update the committee on that proposal? There have been lots of articles and looks like some quite deliberate dropping of various news pieces in relation to this. As you would appreciate, the university sector is very alarmed. Can you give us an update on that?

Senator Chisholm: I don't really have anything to update on, Senator Henderson. I don't know if the department has anything.

Mr Cook: Other than saying—

Senator HENDERSON: You've got to be very careful with your answers here, because if you know something about this, if you're aware of any proposals—I will ask you specific questions. Mr Rimmer, you shook your head. Are you not aware of any such proposal?

Mr Rimmer: That's a matter for government. Any matters in relation to government, particularly those that have issues in relation to cabinet processes, we will not be commenting on. What I was going to say was in relation to the tax. As you'd be aware, there were some submissions, which I think were quoted in the media, that did refer to a tax—or a levy, probably, rather than a tax. Some of those submissions themselves were from universities.

Senator HENDERSON: Yes, I'm aware of those. Secretary, has the department undertaken any modelling on different types of levies, looking at different variations?

Mr Cook: No, to the best of my knowledge. The accord panel is the panel responsible for advice to government in relation to those matters. You'd be aware of the report, and they talked about those things in the report.

Senator HENDERSON: Mr Rimmer is on the accord panel.

Mr Cook: That's correct.

Senator HENDERSON: So he's making submissions to himself, is he?

Mr Cook: I don't think he's making submissions to himself. He's there as an ex officio member. But your question was about modelling. To the best of my knowledge, the answer is no.

Senator HENDERSON: Do you have in the department's possession any modelling, any forecasts, any work whatsoever in relation to looking at various models concerning an international student tax?

Mr Cook: Again, there might have been work that was done for the panel. I'm not aware of that, Senator. I've not seen any models in relation to the question that you're asking.

Senator HENDERSON: Could I ask you to perhaps ask your officials here this evening and anyone in the room, or anyone here in the other room, who has any knowledge of any modelling, any work whatsoever on an international student levy? If this is being actively considered, then it would almost be without doubt that the department would have some of this work in its possession.

Mr Cook: Mr Rimmer might have something to add. I have nothing further to add on that, Senator.

Mr Rimmer: No, I have nothing to add.

Senator HENDERSON: Have you discussed this at all?

Mr Rimmer: The fact that the panel has considered this matter is in the public domain, and that's really the only thing I have to add to this.

Senator HENDERSON: What discussions have you had about this? Have you, as a member of the panel, looked at variations or proposals in relation to an international student levy or tax?

Mr Rimmer: The panel has considered, as I think you can see in the interim report, a huge span of options and proposals, including things that were raised with it through submissions from universities and other stakeholders. The idea of some kind of levy was raised by some submissions and by some stakeholders. So therefore it has been the subject of some discussion with the panel, but that's really all that there is able to be said about it.

Senator HENDERSON: Well—depending on what was discussed. Have you discussed what sort of revenue this could raise or where this revenue might go? Have you discussed it?

Mr Cook: That will be part of the final report. The final report is advice to government. My understanding is that's under consideration by government through the usual cabinet processes. So we cannot comment.

Senator HENDERSON: Sorry, Secretary. It's not an advice to government; it's a recommendation. It contains recommendations to government.

Mr Cook: Sorry—I correct myself.

Senator HENDERSON: And it's not an in-confidence document.

Mr Cook: I'm sorry, Senator, I don't know how you can make that statement.

Senator HENDERSON: Because the minister has committed to release it.

Mr Cook: That's right. That doesn't mean—there are many, many, many reports that go to cabinet which get released, which doesn't mean they're not cabinet documents.

Senator HENDERSON: So you're saying this final report is a cabinet document?

Mr Cook: I'm saying what I would normally say around this. If I believe there are issues here which have been discussed in cabinet, then we will not make any further comments.

Senator HENDERSON: Secretary, documents that inform cabinet are not cabinet-in-confidence documents? This is an issue that I will be raising shortly in relation to another matter.

Mr Cook: You said the document wasn't a cabinet document. I'm not aware of that information that you've provided to the committee.

Senator HENDERSON: Well, the fact that the minister has made an announcement that this document will be made public and released suggests that it's not a cabinet-in-confidence document. Going back to the modelling of the international student levy, Mr Rimmer, have you seen any charts or tables or work in relation to possible variations of an international student levy?

Mr Rimmer: Senator, you're asking me to disclose matters that are properly a concern of government.

Senator HENDERSON: But this is Senate estimates and we're talking about the operations and expenditure of the department. You're a departmental official, so this question is in order. So I'd ask you to answer the question.

Mr Cook: If these are matters that are under consideration by government, which may include government processes such as budget processes and cabinet processes, then—

Senator HENDERSON: I'm not asking about cabinet processes, Secretary. I'm asking whether Mr Rimmer has seen or had in his possession or looked at or considered various models or proposals in relation to an international student tax.

Mr Cook: Our response is the same.

Senator HENDERSON: I'm afraid, Secretary, that's a question that I would ask you to answer.

Mr Cook: I have answered.

Senator HENDERSON: Mr Rimmer?

Mr Cook: As the senior officer at the table, the question has been answered. To be very clear, from an official's perspective, if there are matters which are under government consideration through a budgetary or cabinet process, then we will not be able to provide the detail to the committee, which is consistent with what we have always—

Senator HENDERSON: Therefore, I can only assume that this is a matter that's gone to cabinet, if it's a matter that you're saying you can't address because it's being considered.

Mr Cook: Senator, officials also, as you're aware, don't talk about what's gone or what has not gone to cabinet.

Senator HENDERSON: Could I ask for a copy of the letter which has been reported on, sent by a number of universities to the minister, raising deep concerns about revenue losses. That's been reported. A number of universities have raised concerns with the minister about revenue losses, both by reason of international student visas not being processed and because of declining domestic student enrolments. Is it possible for you to provide a copy of that letter?

Mr Cook: We would have to seek that from the minister, Senator. The letter didn't come to us. It went to the minister. I'm happy to follow it up but, as you said, the letter went to the minister, not to the department.

Senator HENDERSON: Assistant Minister, do you have access to that letter at all?

Senator Chisholm: I do not.

Senator HENDERSON: Are you aware of this letter, Secretary?

Mr Cook: I'm aware of it based on the media.

Senator HENDERSON: Could you update the committee on what the issues are with the universities? Obviously there is deep concern in relation to declining revenues of the universities.

Mr Cook: I might ask Mr Rimmer to provide some comment on that.

Mr Rimmer: I am aware of the contents of the letter. I've talked to a number of the vice chancellors who are signatories to the letter. There are some concerns from some vice chancellors about the revenue impacts that flow from the changes to migration policy that were announced by the government in December. And we are doing the thing we would normally do in that situation, which is we're talking to them and trying to identify the nature of their concerns and how material they are and what they're experiencing in their student enrolment data.

Senator HENDERSON: I am getting my team to organise a copy of that article so we can table it. Could you outline in a bit more detail the concerns, because it relates to the fact that international student visas are not being processed, so it appears as if there is a deliberate policy now to backlog international student visa applications. Is that correct?

Mr Cook: We don't process international student visas.

Senator HENDERSON: I realise that. Mr Rimmer would be well aware of this issue.

Mr Cook: The policy of Minister O'Neil—is that the question you're asking, Senator?

Senator HENDERSON: I'm asking about the impact of the decision by the government to dramatically reduce the processing of international student visas and the impact that has on universities.

Mr Rimmer: Senator, as you know, we're not responsible for visa policy and we are recipients of that information as other people are in the system.

Senator HENDERSON: But you're responsible for universities, Mr Rimmer. I've got the article up and I'll get some copies. It's 14 February, only yesterday, by David Crowe.

CHAIR: By all means ask a question; otherwise I'm going to transfer—

Senator HENDERSON: Sure. 'Universities are warning of a \$310 million blowout'—I assume it is to their revenue—'from the federal government's plan to cut net migration from last year's record high, sending a furious complaint to Canberra over tighter visa rules for overseas students.'

Mr Cook: As Mr Rimmer said, we are actively talking to those universities. That's a report from yesterday; is that correct?

Senator HENDERSON: That's right.

Mr Cook: I think that even in the last 24 hours Mr Rimmer has been talking to some of those universities to get an understanding of what they've stated. So what percentage of their revenue—those are the sorts of questions we're asking so we can get a better understanding of that.

Senator HENDERSON: I have got a range of questions on this matter. I might have to hand the call over and I'll come back to it.

CHAIR: Senator Faruqi.

Senator FARUQI: The Department of Education data that was released in October last year shows that in 2022 alone, the number of first-year uni students fell by 8.2 per cent to the lowest enrolment levels in nine years, as far as I understand. And ANU academic Andrew Norton says this means enrolments are actually going backwards for the first time since the 1950s. Minister, what is your explanation of why university enrolments are declining so significantly?

Senator Chisholm: I'm sure Mr Rimmer will be able to add to this with a bit more detail. But from what I've seen, there obviously is a really strong labour market at the moment. And I've noticed a lot, particularly when I've been in regional Queensland, that there have been people who've decided to enter the workforce instead of going to university. I don't think that is unusual when people are making those decisions, particularly at the moment, given how impactful the cost of living is at the moment. But I'll see if Mr Rimmer might be able to add a bit more detail.

Mr Rimmer: I don't have a huge amount more detail. We are seeing changes in enrolment patterns coming out of the unusual circumstances around COVID, but I think our core assumption is that the very, very strong labour market is the primary driver.

Senator FARUQI: Could I put to you that a Melbourne University report from October last year found that the greatest barrier to young people enrolling in university is expensive tuition fees, as was indicated by 59 per cent of the surveyed students, and the second greatest barrier is reluctance to take on student debt. That was indicated by 52 per cent of the surveyed students. Given this, Minister, is the government looking at introducing measures? I want university to be free and student debt wiped, but are you at least thinking of introducing measures to lower tuition fees and to reduce the burden of student debt?

Senator Chisholm: There's no doubt that cost is a significant challenge for many people contemplating further study. I certainly know that it was a focus of the Universities Accord and it was one that was referenced by Minister Clare. I was alerted by my office—and this will be relevant for Senator Henderson as well—that apparently in question time today, the minister said that the Universities Accord report will be released in the next few weeks. So it sounds like that—

Senator FARUQI: I want to come to indexation of student debt, because student debt is a huge burden for 3 million Australians. There was an increase of 3.9 per cent in June 2022, another 7.1 per cent increase in June 2023, and it is set to increase again in June this year, which means that under just two years of Labor government, average student debt would have increased by almost \$4,000. And as you would know, women are disproportionately impacted because they owe more debt and they earn less income, and debts are rising faster than they can be paid off. So many young people now are faced with the prospect of not going to university or of going to university but being shackled by a lifetime of debt. If the government is serious about increasing participation in higher education, will you at least look at abolishing indexation and raising the minimum repayment income?

Senator Chisholm: As I mentioned before, there is a focus out of the Universities Accord process around affordability. We don't want that to be a barrier to choosing—and the minister is due to release that in the next few weeks. There's nothing really I can add to the question around student debt and indexation. It is set out in legislation in terms of how it applies at the moment; it's not like the government is making a decision on this on a regular basis.

Senator FARUQI: It could make a decision.

Senator Chisholm: We also understand the fundamental principle of it and how significant it's been in allowing more people to go to university since it was brought in over the last couple of decades.

Senator FARUQI: When university was free, it was even better. Minister, you said the accord report would be released in a few weeks. Is that what you said?

Senator Chisholm: I was alerted—I obviously didn't see it because I was here—that that's what Minister Clare has said in question time.

Senator FARUQI: Will the report be released with the government's response to the report?

Senator Chisholm: I don't know the answer to that. I'm assuming it will just be the report. But I'm happy to try to get some clarification.

Senator FARUQI: If you wouldn't mind—and, if not at that time, when will the government's response be released?

Senator Chisholm: Understood.

Senator FARUQI: This might go to the Migration Strategy but I guess it is kind of related to the Department of Education. Yesterday it was reported that international student enrolments have been cancelled by universities en masse by some universities in a bid to protect their risk ratings after the government's latest Migration Strategy. Do you know how many international student enrolments have been cancelled.

Ms Sandercock: Student enrolments are cancelled on a regular basis.

Senator FARUQI: En masse?

Ms Sandercock: It is quite common, particularly around the start of an academic period, be it a semester or other study period, for there to be a lot of change in student enrolments.

Senator FARUQI: But the report is particularly about enrolments being cancelled for international students en masse because universities want to protect their risk rating under the latest Migration Strategy. So I'm asking a specific question, not what happens every year. Do you know how many international student enrolments have been cancelled?

Ms Sandercock: We're aware of those reports and the specific institutions associated with them. What I was trying to explain, Senator, is that we can't differentiate the reasons for student visa cancellations.

Senator FARUQI: Do you have the numbers of enrolment cancellations this year?

Ms Sandercock: We would have numbers of enrolment cancellations at points in time, but they will be very large. We won't be able to differentiate around numbers that have been reported in the media associated with individual institutions.

Senator FARUQI: That's fine. Do you have the numbers of enrolment cancellations now as the year starts?

Ms Sandercock: I don't have them with me. We do have those at the high level and could provide them on notice.

Senator FARUQI: That would be great.

Senator GROGAN: Could we have that reference?

Senator FARUQI: It was a report, I think in the *Sydney Morning Herald*, yesterday. You said you couldn't relate back the numbers to each university that has cancelled.

Ms Sandercock: We can at the high level, but not for a reason.

Senator FARUQI: Sure, but you can give us the numbers—and maybe you could give us the numbers from last year as well at the same time.

Ms Sandercock: On that, as I recall, the numbers are broadly consistent with last year, having looked at this at a high level.

Senator FARUQI: According to the government's Study Australia website, the advice to international students is that they must first apply for university course enrolment and only after that point they apply to the

Department of Home Affairs for their visa. I'm relying on this report. The report does say that there have been cancellations because universities want to protect their risk ratings. So I'm trying to figure out if the universities are being incentivised to maintain a low risk rating by not accepting applications, or cancelling as they are doing now. I guess they're predicting whether those students will get visas or not and trying to protect their risk rating. Is that something that you have discussed with the Department of Home Affairs, to figure out if this is policy on the run and what kinds of longer term impacts it might have? Universities obviously should be enrolling students based on their academic criteria, not whether they will get a visa or not.

Mr Rimmer: The government released the Migration Strategy in December with a clear set of policy prescriptions about migration in general and student migration particularly. So what we're seeing now is that policy working out, working its way into practice and changing some behaviour in universities. And as I understand it, that's the policy intent. But that's really a matter for Home Affairs. It's about the visa end of the policy settings.

Senator FARUQI: I'm not talking about the visa end of the policy. Whatever that visa end of the policy is is there. What I'm saying is that universities are now making decisions pre-empting—that's what it seems like—whether international students will get visas or not, because if their visas are cancelled after they have been offered an enrolment, then the risk rating will change. That's my worry. Have you looked into that to see whether—this policy seems to be rushed and ill thought through because of the impact it is having on universities and how they make judgments on international students. That's what I'm concerned about.

Mr Rimmer: Again, it's really a matter for Home Affairs. But it's the explicit policy intent that the quality of visa applicants in the student stream will improve, that the integrity of the student application stream will improve. That's the explicit policy intent.

Senator FARUQI: Did the Department of Home Affairs consult with the Department of Education prior to making changes to student visas?

Mr Rimmer: There has been, as has been widely reported, some cross-government policy work on the Migration Strategy over the past six to nine months. The Department of Education has been part of that, along with—

Senator FARUQI: You have been consulted about this policy as well?

Mr Rimmer: We've been involved in those conversations. I wouldn't say consulted, but we've been involved.

Senator FARUQI: You've been told about it and not consulted. Is that what I'm hearing?

Mr Rimmer: No. I'm sorry; I'm perhaps not being clear. I guess I inferred from your comment a sense of whether we'd been asked for our permission, not—

Senator FARUQI: Not your permission but your advice.

Mr Rimmer: As part of the whole-of-government work on migration settings, the Department of Education has been involved because of the important role that universities play in the migration policy settings, as has, for example, the Department of Employment and Workplace Relations about VET and skills.

Senator FARUQI: 'Vice chancellors have written to Minister O'Neil and Minister Clare raising concerns that the changes to student visa criteria are potentially jeopardising Australia's brand as a preferred study destination and presenting significant financial threat to affected universities.' So prior to implementing the changes to student visas, did the Department of Home Affairs—you might not know but you might know—or the Department of Education consult with universities or international student representatives about the proposed changes? Do you know if they did or didn't, or if you did or didn't?

Ms Sandercok: I think we would have to seek advice from the Department of Home Affairs. We were involved in government-to-government discussions.

Senator FARUQI: You didn't consult with universities? The department didn't consult with universities or international student representatives about these proposed changes since there was going to be a huge impact on both of them?

Mr Rimmer: Senator, I think the reason why we're struggling is that the fact that the government was contemplating migration policy changes was openly discussed for some period during 2023. The Parkinson review was an important part of that. The Nixon review was an important part of it.

Senator FARUQI: Sure. But this is a specific aspect which impacts universities and international students, and you do have a remit of universities and international students.

Senator HENDERSON: She's asked very specific questions and it's incumbent on you to answer them.

CHAIR: When you get to your round, Senator Henderson, you'll be more than welcome to lend your support to whichever call you'd like to lend it to, but it's Senator Faruqi's time to ask questions.

Senator FARUQI: It's a pretty straightforward question. Were you consulted? Were you asked for advice? You said that you didn't, but did you ask for advice from universities or from international students or bodies representing—

Mr Rimmer: We were discussing migration policy settings with universities on and off throughout 2023.

Senator FARUQI: On this particular aspect?

Mr Rimmer: On all aspects of migration policy settings.

Senator FARUQI: Did the universities raise their concerns with you at that time, when you were discussing these aspects with them? Because they have raised their concerns now. Did they raise concerns at that time as well?

Mr Rimmer: I think that it's always clear in our discussions with universities that international education policy settings are important matters to those universities. The detail of the migration strategy was only publicly available, including to universities, in mid-December.

Senator FARUQI: So, obviously, this was not discussed then. You did not discuss this aspect with the universities, because you said they didn't know about this until it became apparent—until the strategy was released. That's what I'm asking, and that's the answer to my question. It wasn't discussed, and I think that's a real miss.

I want to go to another aspect of the migration strategy which says that the government plans to reduce the maximum eligible age for a temporary graduate visa from 50 to 35. There have been concerns raised by international students who did not know this would come into play when they started studying in Australia with the intention to apply for a TGV after completing their studies. They are no longer eligible because they will be over 35 by the time they graduate, and these students feel that reducing the maximum eligible age of TGVs would unfairly thwart their legitimate expectations and will significantly disrupt their life plans. Did you speak to the Department of Home Affairs about the need to make transitional arrangements to ensure that at least current international students who will be over 35 once they graduate can still be eligible for a TGV?

Mr Rimmer: We're aware, in broad terms, of the concerns that you're talking about—we've read the media reports—but they're really matters about the visa policy settings for Home Affairs.

Senator FARUQI: I understand that Home Affairs sets policies, but international students are being affected by those policies, and the Department of Education does have some responsibility to international students. I am just asking did you ever talk to Home Affairs about the impacts this would have on international students, and would they set up some kind of transitional arrangement for students who are here now who might actually cross the 35 years of age limit while they're studying.

Mr Rimmer: There are two parts to your question. Did we talk to Home Affairs about this matter? We talked to Home Affairs about the whole migration strategy.

Senator FARUQI: No—this matter! I don't care about any other matter. This is the matter I'm asking you about.

Mr Rimmer: I'd have to take on notice whether we had a specific discussion about this specific issue. The second part of your question is really asking me to go to matters of the nature of the advice that was provided, rather than the fact of the advice, and I don't think it's appropriate for us to answer that.

Senator FARUQI: Why not?

Mr Rimmer: Because you're asking us to go to advice that was provided to government to support government deliberations.

Senator FARUQI: Did you provide the advice? Don't give me the advice. Did you provide any advice?

Mr Rimmer: I'd have to take that specific question about that specific issue on notice.

Senator FARUQI: Sure. Experts, including Professor Tran from Deakin University, have said that reducing the maximum eligible age for TGVs means that a large number of students would become ineligible for TGVs, and Australia would fail to retain highly desirable research talent. Of the current cohort of international students undertaking PhDs in Australia, do you know how many will be aged over 35 when they complete their studies?

Ms Sandercock: We'll take that on notice. The matters that you refer to, as they have been raised in the media, are something that we have, of course, sought advice on from the Department of Home Affairs. We

understand they're having conversations with a range of institutions who have raised these concerns. One of the relevant pieces of information that they have shared with us is that most PhD students do not progress to a TGV.

They access other visas that align with skill visas and reflect the high degree of skill PhD candidates typically bring. We understand that this is something that is being discussed by the Department of Home Affairs.

Senator FARUQI: I'm very surprised that you find out about these things through media reports as well and then the department tells you that they are consulting with universities and completely bypassing the Department of Education. International students have said that reducing the eligible age for TGVs will have a particularly detrimental effect on women undertaking postgraduate studies, because they often take time out and generally are older. Perhaps the department analysed how many international students who are women would be disadvantaged? You can take this on notice. Is the department considering any measures to make the TGV changes more equitable for women—or is it again Home Affairs's job?

Mr Rimmer: We'll take on notice the question of whether we have done analysis on that, but, as you've foreshadowed, the substantive policy issue is one for Home Affairs.

Senator FARUQI: But the impact is on students, who are your responsibility in some ways. If you could take those on notice, I would appreciate that.

CHAIR: Senator Grogan.

Senator GROGAN: It's great to hear you've got the final accord report. I very much look forward to that. I know a lot of people are. Can you give us an update on where the five priority actions from the interim report are up to?

Mr Rimmer: Certainly. As you would be aware, the five priority actions included action on university study hubs, action on removing the 50 per cent rule and replacing it with the support for students policy, implementing demand-driven funding for First Nations students, extending the higher education continuity guarantee and strengthening university governance. There are two kinds of university study hubs: suburban hubs and regional hubs. On suburban hubs we have been seeking feedback on the best and most effective design. The consultation process was open between 3 September and 2 October. We received 44 submissions and we're now doing some further work, including with the assistance of some consulting support, to make sure we identify where suburban university study hubs will go to have the maximum impact.

On the regional university study hubs, a competitive process was set up to select new hubs. It opened on 28 September and closed on 15 December. Thirty-four applications were received. There's an assessment panel for that process. It has senior departmental staff and also the Regional Education Commissioner. That panel will consider those applications and make funding recommendations to the Minister for Education. The process is still underway. It's still in progress. It still has a little way to run.

There is a future round of the regional university study hubs as well with another up to 10 involved in that next round. So there is lots of action there. On the 50 per cent rule, as you recall, changes to the Higher Education Support Act passed parliament on 14 December. The guidelines about the support for students policy were made by the minister. The act created some change for higher education providers from 1 January and other changes from 1 April. There was a lot of consultation on this matter towards the tail end of 2023, since we last had the opportunity to discuss these matters, and I'm pleased to say that there has been quite a lot of action in universities and other higher education providers in getting ready for these changes and making the changes that they were required to have in place earlier this year.

On demand-driven funding for First Nations students, that's now law. That's now a measure that's out in the wild, having an impact for First Nations students as we speak. It will take some time for us to see the student numbers that flow through that, and obviously the wider environment about student demand will have some impact there, but that is available to First Nations students today.

The Higher Education Continuity Guarantee is in place now and will continue until the end of 2025. Universities will be required to use the money that they receive through the Higher Education Continuity Guarantee for new and expanded activities to support equity student cohorts. Relevant universities—not all universities are in this situation—are in the process of developing their equity plans and, at a suitable point in time, which I think is April, we will consider those plans and provide advice to the minister about them.

Probably the most intense work from the department's perspective has been in relation to strengthening university governance. Senators will know that education ministers released on 22 November a draft action plan on addressing gender based violence in higher education. That followed a lot of work with a stakeholder reference group with expert support from Ms Patty Kinnersly and lots of engagement with states and territories to get to the

draft action plan. There's been a consultation process since that time, and that draft action plan will come back to education ministers for final consideration when education ministers next meet.

The other stream of the work on university governance that flowed from the interim report of the accord panel was about governance and industrial relations. That work is on a slightly slower timeline and will be considered by education ministers at a suitable point during, I would say, the first half of calendar 2024. That's where those matters are up to.

Senator GROGAN: So they are on track and going well?

Mr Rimmer: All of it is on track and already having impact.

Senator GROGAN: I suppose we'll wait for the final report to be released, which I know a lot of people are really hanging out for. We look forward to it.

CHAIR: Senator Henderson.

Senator HENDERSON: I've distributed for tabling that document to which I referred earlier, reporting the letter sent to the Minister for Education, Jason Clare, expressing those concerns about the \$310 million drop in revenue to the universities. I do want to continue my questions about visa rejections. To that end, I would like to table a letter sent to the Minister for Education from ITECA, the Independent Tertiary Education Council Australia. A similar letter was sent to the Minister for Immigration, Citizenship and Multicultural Affairs. ITECA is the peak body representing independent providers in the skills training, higher education and international education sectors. In this letter, Mr Troy Williams writes:

It is with concern, however, that ITECA notes a significant discrepancy between the aims of the Strategy and the recent student visa processing data. According to the Department of Home Affairs, the visa grant rate for Indian students in December 2023 was 0.0%. This alarming statistic seems to contradict the Strategy's commitment to prioritising quality delivery and student experience for Indian students, regardless of their location and delivery method.

Assistant Minister, could you explain why it appears that Indian students are being targeted in that way and that no visa applications from Indian students in December 2023 have been processed?

Senator Chisholm: You would have to put that to Home Affairs, Senator Henderson.

Senator HENDERSON: So you're not aware of anything at all in relation to this?

Senator Chisholm: No, Senator.

Senator HENDERSON: Secretary?

Mr Cook: No, Senator. I have never seen this letter before. I'm not sure what they're referring to, because ITECA represents the VET sector as well. Are they referring to—

Senator HENDERSON: It also represents higher education providers.

Mr Cook: Yes, that's right. Who are the Indian students they are referring to? Do we know? Is it VET students? Is it all students? Is it higher ed students?

Senator HENDERSON: It appears it's across the board, because—

Mr Cook: I've never seen this information and I've never seen this data as well.

Senator HENDERSON: It's 12 February, so it's only a couple of days ago—

Mr Cook: Okay, fair enough.

Senator HENDERSON: that it was sent.

Mr Cook: Yes, I haven't seen it.

Senator HENDERSON: Then he goes on to say:

This disparity could inadvertently signal to potential Indian students and partners that Australia is stepping back from its commitment to being an accessible and quality education destination of choice.

Secretary, what precisely is the policy in relation to processing of international student visas? We suddenly see the government shutting the gates, and this, as Senator Faruqi has also raised, could do us enormous international reputational harm.

Mr Cook: Senator, I'm not responsible for visa policies; I'm responsible for education policy. Those questions would be to the Department of Home Affairs.

Senator HENDERSON: You're responsible for the university sector.

Mr Cook: I'm not responsible for visa processing—

Senator HENDERSON: I'm not debating that.

Mr Cook: That's the question.

Senator HENDERSON: I'm asking—

Mr Cook: Sorry—that's the question you did ask me, Senator, to be very clear; you asked me about the policy on visa processing, which is what this letter is about.

Senator HENDERSON: I am asking you about the harm this could do to the international university sector, for which you are responsible, Secretary.

Mr Cook: I'm aware of that, but that's not the question—

Senator HENDERSON: So—

Mr Cook: you asked me originally, Senator.

Senator HENDERSON: Please don't mischaracterise what I'm seeking—

Mr Cook: I was asked and I'm responding to the question you asked me originally.

Senator HENDERSON: to ask. So could you please address the question: what harm—

Mr Cook: I don't have any access to this information.

Senator HENDERSON: do you believe this may cause Australian universities?

Mr Cook: Senator, I cannot—

Senator HENDERSON: because we've seen—

Mr Cook: comment on this; I haven't seen this data, and I don't know whether this data is accurate. I'm not saying it's not, but I haven't seen it. I don't have access to it. So I can't comment on this letter. I understand the information—

Senator HENDERSON: Well, we've seen record numbers of international student visas being processed—through the roof—and now suddenly it appears that the government is deliberately creating a massive backlog. That is going to do our university sector and our broader education system enormous reputational harm, if that is the new strategy of this government. Mr Rimmer, do you have anything further to add on this?

Mr Rimmer: I do, Senator. I think we became aware of this letter within the last 24 hours or so. I would just point out that ITECA represent some higher education providers and some private vocational education providers; they don't represent the large public universities.

Senator HENDERSON: No. I'm aware of that, and I made that clear.

Mr Rimmer: So when you say this is a letter about potential harm to the Australian university sector, that's not how I would characterise this letter.

Senator HENDERSON: And to Australia's educational reputation.

Mr Rimmer: Sure, but that's—

Senator HENDERSON: Obviously these concerns are broader because you've already addressed the fact that there is a decline in international student visas being processed. The universities have raised these issues. So what's going on? Is the government no longer processing most international student visas?

CHAIR: This is not a fair question to ask—

Mr Cook: I appreciate—

Senator HENDERSON: Chair, I do have the call. Could I just ask Mr Rimmer to answer that?

CHAIR: Yes, you have the call. It is not the appropriate place to ask specifics about matters that are for another portfolio area, which is Home Affairs. I appreciate that, if you're asking questions about impact, that's a different question, but asking details about visas—

Senator HENDERSON: I'm asking questions about impact; I'm asking Mr Rimmer and the Secretary: What is going on? Are you aware of other issues with visa processing of international student visas?

Mr Rimmer: I wouldn't characterise myself as being particularly aware of visa processing issues at all. What I would say is that some universities are experiencing healthy international education demand and conditions at the moment. Others are experiencing market impacts that are flowing from decisions the government took in the context of the migration strategy. I'm really not aware, at the current time, of impacts of the migration strategy in relation to the private vocational education sector or the private higher education strategy because the migration strategy has been in operation for barely eight weeks. The data coming through the system has some lags. We do have some aspects of that through our CRICOS data, but really not the kind of data that would be necessary to

understand this matter. But, of course, we've had a letter written to the minister for education raising some concerns. We'll take steps to find out and provide advice to the minister.

Senator HENDERSON: Could you please provide the committee with all correspondence, emails, letters, advices—in informal and formal—in relation to international student visas between 1 July 2023 and now, currently, and going forward, because I refer to a media release issued by the minister for education on 28 February 2023, 'Australia-India visit to boost Australian higher education sector'. Certainly, in relation to private providers, that seems to have fallen through the floor. Do you have any other data or are you aware of any other issues with the processing of Indian international student visas?

Mr Rimmer: No, and I would say that the Indian relationship on higher education and education more generally is very important in the bilateral relationship. It's an important part of the discussions that happen between the two governments—between India and Australia—at all times and there is a very healthy engagement both with Australian universities offering courses in India and Indian students coming to Australia.

Senator HENDERSON: I'll ask you to take that on notice, in relation to that, because this is ringing alarm bells. Are you aware of any policy or any decisions or has any university raised concerns about visa processing rates or a deliberate strategy of the government not to process international student visa applications, creating a deliberate backlog? They're not being rejected, because that would impact on the student. They're just not being processed. In fact, my understanding is that students are being advised to withdraw their application so they don't effectively get a black mark against their name. Are you aware of this happening at other universities?

Mr Rimmer: I think we've answered that question. Yes, we are broadly aware of the concerns that some universities have, we're aware of this media article and we're in discussions with universities about some of those matters, but I wouldn't characterise it in the way that you did in some parts of your question.

Senator HENDERSON: What is the target number of international students that the government is aiming to achieve?

Mr Cook: I don't think there is a target.

Senator HENDERSON: You're not aware of any—

Mr Cook: There's not a target to the best of my knowledge?

Senator HENDERSON: There's not a target.

Mr Cook: There hasn't been any discussion with our department around targets, unlike Canada which has capped the number of international students. That's not the approach that's been taken by the government, to the best of my knowledge.

Senator HENDERSON: What's the approach that's been taken to reduce international students, because there's a deliberate strategy. How are students being identified? Are you targeting tier 2 or tier 3 higher education providers?

Mr Cook: I'm not targeting anyone.

Senator HENDERSON: I mean 'you', as in the government.

Mr Cook: The migration strategy is fairly clear in terms of the strategy in relation to that. I'm happy for Mr Rimmer or Ms Sandercock to provide more detail around the migration strategy.

Ms Sandercock: I think that's well set out in the migration strategy and the accompanying direction that I think we're aware has been issued to officials in the Department of Home Affairs who are responsible for student visa processing. That's also in the public domain as we understand it about the prioritisation of student visa processing, as set out by the responsible minister.

Senator HENDERSON: What does that mean for the universities in terms of the priorities? What are going to be the consequences for universities in terms of lost international students or reduced international students?

Mr Rimmer: It's too early to say. The university sector will experience some change as a result of the migration—

Senator HENDERSON: Mr Rimmer, to be respectful, I was actually addressing that question to your colleague, who's responsible for this policy.

Mr Cook: I can also take that question, as a senior official at the table. I think the standing rules allow me to do that.

Senator HENDERSON: I don't like the fact that Ms Sandercock is not being given the opportunity to answer the question. You shouldn't talk for her. I was addressing that question to her.

Mr Cook: As the senior officer at the table, I'm very happy to take the question.

Senator HENDERSON: You might be senior, but I was directing the question to Ms Sandercock, so if I could ask you to answer that.

CHAIR: Can I just clarify—Mr Cook can take the question on behalf of the department.

Senator HENDERSON: I don't think it's a good look, Secretary.

Mr Cook: I'm sorry, Senator. Goodness gracious!

CHAIR: Mr Cook is the secretary of the department.

Senator HENDERSON: You directed me to Ms Sandercock. I addressed the question to her, and then when I—

Senator Chisholm: No, you didn't. You did not.

Senator HENDERSON: Yes, I did.

Mr Cook: Senator, you did not direct the question to Ms Sandercock.

Senator HENDERSON: I did so.

Mr Rimmer: I'm sorry; I must not have understood where the question was directed. I apologise.

Senator HENDERSON: I'm sorry; I did. In fact, Mr Rimmer invited his colleague to answer the question.

CHAIR: Are you asking the question to Mr Cook and the department, or are you not asking the department, just so I'm clear? I don't want anyone to misunderstand.

Senator HENDERSON: I'm asking Ms Sandercock to explain because she has specific responsibility for this area.

CHAIR: Mr Cook does have a right to answer the question as the secretary of the department if he wishes.

Senator HENDERSON: If the secretary wants to add to the question, that's fine, but I will direct my question firstly to Ms Sandercock. What will be the consequential impact on international student numbers? Are you aware of what that might be for 2024?

Ms Sandercock: No, we're not aware of that. As Mr Rimmer said, it's very early. The Migration Strategy was released some—I think you said eight weeks ago, Mr Rimmer. Those changes are now working through the system, we would assume. I'm sure Mr Cook has more to add.

Senator HENDERSON: Are you able to provide any information—I appreciate this is a visa question, but to the extent that it impacts on international students—on any application fee increases? It appears that there will be additional revenue raised over five years, which apparently was to improve visa processing times, but now we see the opposite happening. Do you have any information in relation to that?

Mr Cook: That's a matter for the Department of Home Affairs. We don't deal with international fees—the visa fees, was it? That's not a matter for us.

Senator HENDERSON: Chair, I've got another block of questions, but it might be better to share the call.

CHAIR: That's probably good timing. Senator Payman.

Senator PAYMAN: I'd like to ask about sexual assault and sexual harassment on university campuses. I'm just wondering if you could take us through what actions are underway to improve student and staff safety on university campuses in regard to sexual assault.

Ms Donegan: As Mr Rimmer talked about before, there has been significant work underway with the release of a draft action plan in November last year. The action plan proposes a multipronged approach to create a higher education community free from gender based violence through seven actions: establish a national student ombudsman; have higher education providers implement a whole-of-institution approach to prevent gender based violence; introduce a national higher education code to prevent and respond to gender based violence; enhance the oversight and accountability of student accommodation services; identify opportunities and the potential for legislative and regulatory reform to ensure providers can prioritise victim-survivor safety; increase data transparency and scrutiny; and regularly review the action plan.

Senator PAYMAN: Can you walk us through the consultation period to get to this point? I'm curious to understand who was involved and how long the process took.

Ms Chipperfield: Following the release of the action plan on 22 November, the Department of Education, on behalf of education ministers, conducted a number of online consultations with a range of stakeholder groups. Stakeholders were also invited to submit to two surveys: one on the action plan itself and one on the detailed

design of the National Student Ombudsman. A number of stakeholders also submitted written responses directly to the department. Across those different streams, there were around 81 responses received, covering both the action plan and the Student Ombudsman. The department also managed a number of meetings with around 10 stakeholder groups. I note that states and territories also conducted their own consultations as well, including with their state and territory ombudsmen, with regard to the National Student Ombudsman proposal. A range of really positive feedback was received through that process, and that will certainly inform ministers' consideration of the final action plan.

Senator PAYMAN: Would you say, in these consultations, that students and staff were involved?

Ms Chipperfield: A big focus of the consultation was ensuring that the representation and lived experience of students, staff and victims-survivors. Victims-survivors, students and staff also made up the stakeholder reference group that had significant input to the design of the draft action plan. I can reflect some of their feedback through that consultation, if you like.

Senator PAYMAN: That would be great to have on the record.

Ms Chipperfield: Certainly. So with regard to the proposal for the National Student Ombudsman—there is very strong support for that, and this is both from student and victim-survivor advocates—there would be a need for ongoing outreach, consultation and engagement following the implementation, and it should also have sufficient scope and resourcing to be effective. In terms of the national code—there is very strong support to ensure that accountability and best practice across the sector—it should be setting best practice standards and it also must prioritise the safety of victims-survivors. There is also very strong support for measures related to increasing regulation around student accommodation providers and also increased data transparency. From staff: there should be a big focus on staff throughout the action plan as well, backing in what student and victims-survivors reiterated too.

Senator PAYMAN: That's great to hear. Would you say that they support the action plan? I know it's in the draft stage, but—

Ms Chipperfield: Certainly, and I think there has also been a lot of media around this, reflecting their views and their strong support.

Senator PAYMAN: Thank you, Ms Chipperfield.

CHAIR: Senator Henderson.

Senator HENDERSON: Assistant Minister, my understanding is that stakeholders are being briefed on the final report of the Australian Universities Accord on 23 February, and there will be an announcement on the 25th; is that correct?

Senator Chisholm: I am aware that there might be a briefing—I don't know how significant it is—on the 23rd, because I know the education ministers are meeting that day as well. I'm unsure on the release date other than what the minister said in question time today, which my office alerted me to.

Senator HENDERSON: So you're not able to give any insights into the priorities of the accord final report?

Senator Chisholm: No.

Senator HENDERSON: Secretary, can I ask you about the modelling. There's been some modelling undertaken by several universities which suggests that a five per cent levy on universities, with respect to international students, would reduce international students by between 27,000 and 30,000. Are you aware of that modelling?

Mr Cook: No, I haven't seen that modelling. Do you have the reference there at all, or the modelling itself?

Senator HENDERSON: I do have the reference. I'll need to track it down.

Mr Cook: My team may have, but, honestly, I have not seen it myself. I'm assuming the panel has, but I haven't.

Senator HENDERSON: So you're not aware of any of that work?

Mr Cook: I haven't seen it. I'm sorry.

Senator HENDERSON: We've seen record high enrolments of international students.

Mr Cook: That's correct, yes.

Senator HENDERSON: This is placing enormous pressure on universities, but particularly on housing in Sydney and Melbourne. With respect to the scope of the minister's responsibilities, what's being done to make sure that domestic students can access affordable housing, particularly in Sydney and Melbourne?

Mr Cook: I think Ms Sandercock has talked before about the work that we do with universities about housing, I think it might have been during questions that Senator Faruqi might have asked in past estimates. I'll bring Ms Sandercock back to talk about the work we do with universities and particularly with some of the accommodation private providers as well, where—was there a forum, or we've had a discussion or meeting? I'm sorry, I don't mean to—

Ms Sandercock: That's right. As the secretary said, we have regular discussions, particularly with our counterparts in the states and territories. We convene a Commonwealth, state and territory international education forum. Accommodation is regularly a topic of discussion at that forum, where we work to build a picture of accommodation solutions that are being effectively deployed in different jurisdictions based on different models. That can vary from things that we've seen. I may perhaps have answered on notice—apologies—about some of the study hub activities, be it from homestays or other initiatives, that aim to find increased accommodation for international and domestic students. That's an ongoing topic of conversation at the Commonwealth—

Senator HENDERSON: Have you done any work on the vacancy rate for student accommodation? This is anecdotal, but I'm advised that, for the first time in over a hundred years, the residential colleges at the University of Melbourne have closed early, because ordinarily students would go and live in a share house after a couple of years but the shortage of housing in Sydney and Melbourne is at such a critical point that students are deferring. Students from regional and rural Australia, wanting to go to university in Sydney and Melbourne, are literally not able to find anywhere to live.

Mr Cook: The question was around the vacancies?

Senator HENDERSON: The question was about vacancy rates. Do you have any data in relation to the housing shortage, the accommodation shortage, because, anecdotally, I'm suggesting that it is absolutely dire?

Ms Sandercock: I'll take your specific request for data on notice, but I can say that we do ask the states and territories and the peak bodies to share that information with us as they have it. We ask them to provide us with vacancy rates; they're often publicly reported and through other industries, as you would be aware. Similarly, we ask peak bodies, who are typically part of parallel conversations, to share with us information on accommodation pressures. We'll provide what we can on notice in relation to the data.

Senator HENDERSON: Thank you. I want to go to the proposed student ombudsman, which was a proposal the coalition has championed over a long period of time. Could you update the committee on progress with implementing an independent student ombudsman?

Mr Cook: I think Mr Rimmer actually provided some of that evidence in relation to a question from Senator Grogan just a minute ago, but we're very happy to provide that information again.

Mr Rimmer: The draft action plan on gender based violence included the proposal to implement a student ombudsman. That was put out as a draft. It's not yet a final action plan. It's not yet agreed to, finally, by education ministers. We anticipate that education ministers will talk about this at their next meeting—which is tomorrow week—among other things, and make whatever decisions are made in that meeting.

Senator HENDERSON: Mr Rimmer, if you could provide, on notice, all messages, emails, correspondence, notes and briefings—informal or formal—on the independent student ombudsman, I would be grateful. The student ombudsman is meant to deal with issues far greater than just issues of student safety, though, isn't it?

Mr Rimmer: Yes.

Senator HENDERSON: Do you have a proposal as to the scope of responsibilities of the ombudsman? How would it work? What would be the governance arrangements? What would be the funding arrangements? What information can you provide?

Mr Rimmer: The draft action plan had quite a lot of detail on the proposed student ombudsman. I think it had nearly a page of detail, which is the information that we have to hand. For example, the proposal is that the ombudsman would have the authority to consider whether actions taken by providers are wrong, unjust, unlawful, discriminatory or unfair, or whether they otherwise fail to meet the obligations of providers established by regulation. The draft proposal is that the ombudsman would have the power to make recommendations in the same way that an ombudsman would, more generally, have the ability to make recommendations to people in authority about: how to resolve a student complaint; how to resolve a complaint in general; and how to make progress in that area.

Senator HENDERSON: Are you suggesting the ombudsman would only have the power to make recommendations? Would the ombudsman not hold inherent powers in his or her own right?

Mr Rimmer: The action plan needs to be taken as a whole. There is an ombudsman function but there is also a proposal, as Ms Chipperfield outlined a minute ago, to have a national code, which is a regulatory instrument, which will have a compliance mechanism attached to it, which will have teeth so that universities will have an obligation to step up to a higher standard of performance on this important area of work.

Senator HENDERSON: To what extent will the role of the ombudsman intersect with other obligations on universities, including other bodies like TEQSA?

Mr Rimmer: The ombudsman will have the ability to consider escalated student complaints about anything to do with any student engagement with their providers—that might be an issue about reasonable adjustments for a student with disability, it might mean an administrative issue about timetabling or it might mean—

Senator HENDERSON: Course refunds for dud courses?

Mr Rimmer: I'll leave that one there. But it will have a wide range of scope around everything to do with the student experience, including where the provider operates student accommodation. As you know, in some cases universities themselves provide student accommodation. That is proposed to be within the scope of the ombudsman function from day one.

Senator HENDERSON: Can I ask about the Startup Year program? It is a great achievement of the minister in delivering a loan scheme for courses that students used to be able to do for free! As you would be well aware, I'm scathing about this loans program and about this dud scheme. There are a number of people within your own government who are equally scathing, I might add. There are 11 universities participating in the Startup Year program. I think it is unconscionable that, for over 100 accelerated and start-up courses that universities were providing for free, the government has now stepped in and has provided a scheme where students are being forced to take out the full-fee-paying loans—not even a Commonwealth supported place. I think it's completely scandalous. Can you update the committee on how many students have enrolled to date?

Mr Rimmer: We can't provide that information, because the first courses are in the process of enrolling students as we speak. I don't want it to appear on the record that I'm accepting the characterisation that you put of the impact of the Startup Year program—

Senator HENDERSON: No, I'm not suggesting that you would accept that, but I'm being very vocal in my criticism. I'm not suggesting that you share my concerns.

Mr Rimmer: Thank you, Senator.

Senator HENDERSON: But I would ask you if you can on notice provide the committee with details as to how many students, because if the courses start this year then one would think there would be applications in train right now.

Mr Rimmer: Sure, but it may not surprise you, having dealt with us over a number of estimates, that we don't have real-time data about enrolments at our fingertips. I can tell you that Flinders University's course will start in March. They are offering 50 places. The University of Western Sydney will start in just a little while, in roughly the same time period, with 40 places. The University of New South Wales, which is very excited about this program, will be offering 100 places. And I think the universities involved are very clear about how the Startup Year program fits into the wider ecosystem of Startup Year activities that are offered by universities and in fact by other participants in the—

Senator HENDERSON: On notice, could you provide the details of the universities offering Startup Year programs, including how many places, please?

Mr Rimmer: Sure.

Senator HENDERSON: Is it possible for someone in the department to ring those universities and check on their enrolments? I don't mean now.

Mr Rimmer: We did predict that you would ask this question, and, without appearing to overstep—

Senator HENDERSON: I would just say to every university student who is looking at a Startup Year program: don't enrol, don't subject yourself to a full-fee-paying course, for courses that universities—there was no issue with this. Universities were providing these courses at no charge. They were successful. It was working. The universities were doing a great job in this regard.

Senator Chisholm: What a sad statement for someone to make who purports to represent people in education.

Senator HENDERSON: I'll tell you why, Assistant Minister: because it's a full-fee-paying loan, and the only achievement that this minister has had in terms of alleviating student debt is to impose another full-fee-paying loan. And absolutely I would raise the alarm bells to students—for courses they could previously do for nothing.

Senator Chisholm: To discourage entrepreneurship, to discourage the creation of jobs, to discourage—

Senator HENDERSON: No, I'm not.

Senator Chisholm: That's exactly what you're doing.

Senator HENDERSON: I'm saying that these courses should be free—

Senator Chisholm: It's extraordinary.

Senator HENDERSON: and it's disgraceful. It's such a shocking legacy of this government.

Senator Chisholm: We know you like talking down education, but that's just remarkable.

Senator HENDERSON: Oh, give me a break! The universities were doing a great job on accelerated courses, on Startup courses, and you've completely—

CHAIR: I'll just call a cut for a moment, and then—I'm not sure whether there's a question in that—Senator Henderson, you've got the call. What question would you like to ask?

Senator HENDERSON: Well, what I was saying is that this is a shambles of a loan scheme. And I would strongly suggest to students to look at other options, particularly free courses, rather than take on a full-fee-paying loan, which is perilous at the best of times, particularly on top of other student debt. Going back to my question about the universities, could you please provide on notice the name of the course, the universities offering the course, the number of places and any update that you can possibly find in relation to enrolments? Do you have any details on the current HECS debt held by some three million Australians?

Mr Cook: Do you mean the amount?

Senator HENDERSON: Yes, the amount.

Mr Cook: It will not be different from last estimates because it was done on financial years, so June to June. But I will see whether Mr Rimmer can provide some advice.

Mr Rimmer: The nominal value of the higher education component of HELP debt as at 30 June—June is when we normally update that these figures—was \$71.9 billion. The fair value of the higher education component, which is the nominal value but with consideration of debt not expected to be repaid, was \$46.7 billion in June 2023.

Senator HENDERSON: Has that figure changed?

Mr Cook: That is right. It is June to June. [inaudible] does the calculations for us.

Senator HENDERSON: Assistant Minister, I will direct this question to you. The ATO and the finance minister, Minister Gallagher, confirmed that there was no proposal to reform the ATO HECS payment system in estimates last night. Does the government have any proposal or any solutions to the escalating student debt, which is crippling some three million Australians given, as Senator Faruqi has already raised, the—

Senator Chisholm: I don't wish to be getting a lecture from you on student debt given your record in government with \$100,000 degrees, changing indexation to make people pay on lower wages as well.

Senator HENDERSON: I would ask you to be directly relevant to my question.

Senator Chisholm: I am being relevant.

Senator HENDERSON: Under our government indexation was under two per cent on average over nine years—under two per cent.

Senator Chisholm: I am being very relevant because you have a record.

Senator HENDERSON: The last indexation rate of your government was 7.1 per cent compared to under two per cent, so could you please address my question. What solutions are you offering to three million Australians crippled with escalating student debt under your government as a result of your escalating inflation rate?

Senator Chisholm: I was highlighting your record when it comes to costs of university.

Senator HENDERSON: You might want to worry about your own record.

Senator GROGAN: Settle down and let the minister answer the question.

CHAIR: I have one point of order and then I will go to the next one.

Senator HENDERSON: I would also like to raise a point of order.

CHAIR: If the minister could be allowed to answer the question. Yes, Senator O'Sullivan?

Senator O'SULLIVAN: I raise a point of order. Mine is serious. On relevance, there was a direct question, and the minister simply talking about the previous government is clearly not relevant to the question that was asked. I would ask that you draw the minister back to the question.

CHAIR: I will do the three.

Senator HENDERSON: I was going to make the same point of order but I will not repeat myself.

CHAIR: I appreciate we do try to keep people specifically to the question but when people are making large long political statements, it is fair play there is some latitude given to a response. So we might just sort of go back to the minister.

Senator Chisholm: Thanks.

CHAIR: And I will go back to Senator Henderson.

Senator Chisholm: As I was saying—

Senator HENDERSON: On the point of order, the standing orders require the minister to be directly relevant. I appreciate the point that you have made but I did ask: Does the government have any solutions to escalating student debt in this country?

CHAIR: I try not to interrupt people who are making long statements. I might have been known to do it occasionally myself. But if you're making a statement and it engender some political response then there is some latitude. It would be helpful if it was clearly to the question.

Senator HENDERSON: That was a question. This is a very serious issue.

Senator Chisholm: Introducing \$100,000 degrees would not help with student debt, but there is a serious issue around affordability.

Senator HENDERSON: You are obviously ducking and weaving on this. You are not liking this question.

Senator GROGAN: On a point of order, interrupting and not allowing the minister to finish his answer just because you don't like the answer doesn't mean that the minister is not being relevant because he is being relevant to your preamble and question.

Senator O'SULLIVAN: The chair has been very fair and he has ruled and the minister should be reminded of that.

CHAIR: I heard the minister say that he was against the \$100,000 university degrees. Then there was a comment from Senator Henderson. Now we might just get the show back on the road. How about we go to a question without a long political preamble?

Senator HENDERSON: The question was the one that I just asked again.

Senator Chisholm: I did want to finish my answer, if that is okay. There is a serious issue when it comes to affordability. Senator Faruqi asked questions about this before. It is one that I know Minister Clare is taking seriously and has tasked the university accord panel to report on it, and we expect that report in coming weeks.

Senator HENDERSON: There is speculation and concern about teaching and nursing degrees. There has been criticism about the Job-ready Graduates program. That, of course, included many different elements including providing very significant relief to university students from rural and regional Australia. But there are suggestions that the government is proposing to increase the cost of doing teaching and nursing university degrees. Are those degrees or qualifications at risk of being increased in price at all, Assistant Minister?

Senator Chisholm: I haven't seen those reports.

Senator HENDERSON: What I was asking is—

Senator Chisholm: You said you had seen—

Senator HENDERSON: Yes, I referred to the reports, but my question is: Are university nursing and teaching qualifications at risk of going up in price?

Senator Chisholm: Which reports?

Senator HENDERSON: There has been a range of reports.

Senator Chisholm: Which ones?

Senator HENDERSON: If you would like me to furnish them, I will. I would have to obtain them.

Senator Chisholm: Well, you can't just make stuff up.

Senator HENDERSON: Please don't reflect on me; I am not making it up. I'm happy to find the particular report or more than one. But can I ask you to address that question?

Senator Chisholm: It is not based on any substance, from what I can tell.

CHAIR: You can rule it out. It would be useful if there is a reference to a report. I appreciate that you may still want to pursue that line of questioning. If someone can dig up the report so the minister can speak to it, it would be of assistance to the process of the hearing.

Senator HENDERSON: There has been a lot of discussion. There have been numerous submissions made about the Job-ready Graduates program.

Senator Chisholm: You said 'reports'. I want to see the reports. It is fair to ask for the reports, surely?

Senator HENDERSON: Have you got any comment to make in relation to the cost of those degrees?

Senator Chisholm: I would like to see the reports you mentioned.

Senator HENDERSON: I already said I will track those down for you. Are you able to provide any insight?

Senator Chisholm: I will be happy to comment once I have seen the reports you are talking about.

Senator HENDERSON: I will come back and I will table the reports. I want to move to last December's MYEFO statement. There were some pretty savage cuts to higher education and research. Secretary, can you walk us through those cuts and why those cuts were made?

CHAIR: Sorry, Senator Henderson, it is probably time to rotate the call, but I don't want to break when you start going down a line of questioning.

Senator HENDERSON: I don't want you to cut this question when I just asked about government funding cuts. So can we answer this question?

CHAIR: I would be reluctant to cut anyone's question, including yours.

Senator HENDERSON: Thank you, Chair. Are you able to update the committee on the basis for those funding cuts, Secretary?

Mr Cook: They were decisions of government, as they would normally be, through a budget process. I can outline the reprioritisation. It is in the MYEFO itself. Would you like me to read it out?

Senator HENDERSON: That is fair enough. I might direct that question to the assistant minister. Assistant Minister, are you able to give us any insight into why those programs were cut?

Senator Chisholm: I know that, as part of the universities accord interim report that was released in July last year, the government wanted to act on five of the actions that were identified in the interim report under 'uncommitted funds from research grants'. Programs in the education portfolio have been redirected to implement these priority areas. The government is still increasing investment in research and development through the education portfolio by 11.6 per cent over the next four years, totalling around \$16 billion, at an average of \$4 billion per year.

CHAIR: Senator Grogan.

Senator GROGAN: I want to go back to the interim report, as to the accord, and particularly talk about the demand-driven places for First Nations people. Can you step out why changing the parameters was seen to be important?

Mr Cook: As you would be aware—and I will let Mr Rimmer add to my response—the original proposal was only for First Nations students that were in remote locations. The majority of First Nations students are actually in metropolitan locations. So, effectively, based on the very strong feedback we had received from the sector, as well as, obviously, the First Nations community themselves, the proposal was extended from a small number of First Nations students to the total number of First Nations students.

Senator GROGAN: Was that change initiated by those stakeholders? Were there particular cohorts of people or particular organisations who were advocating?

Mr Cook: There were many universities and university representative groups that were advocating for that change. I think they have been advocating for several years for that change. They did that through, I think pre-budget submissions, which would be publicly available—the ATN, for example, I'm sure, did a pre-budget submission around that—but they also provided responses, I'm sure, Mr Rimmer, to the university accord itself when the accord panel sought submissions.

Mr Rimmer: Yes. As the secretary's laid out, it was a significant focus in submissions to the first stage of the accord process that led to the interim report, and stakeholders, including First Nations stakeholders, were very strongly in favour of expanding access. Mr Nordstrom may have this data. But I think in the Senate inquiry into the bill we talked about the period of time where, under demand-driven for First Nations, where access had

expanded quite rapidly, that then had a period of time where growth was far more constrained, and stakeholders could see that data and were very keen to move on the measure. From memory—and Mr Nordstrom may have the exact figure—the measure is about a \$48 million initiative over the forwards and will result in an additional 4,000 EFTSL over that period. Many First Nations students study part-time, so it will have a much larger impact than 4,000 in terms of the number of students involved in the program.

Senator GROGAN: There's been some commentary about this. Can you step us through the changes in terms of standards, application processes, qualification levels, and how First Nations people actually enter university? What other changes are there? Is it just a demand-driven place, or are the standards different and the application processes different?

Mr Rimmer: The application processes are not changed by this measure. It's simply that, through this legislative change, the government is now saying to universities that, if they have a candidate in front of them who meets the appropriate standards for admission to that course, then that student will bring with them a full funding commitment. That obviously means that universities can go about their business and plan for growth in that cohort in a way that ensures that everyone who is qualified for entry to the course is able to pursue that course. I would also say that the question of who qualifies for courses isn't only a simple question of ATAR. About 50 per cent of university students are now entering in ways other than through the post-school pathway, which is a great thing in terms of lifelong learning. I suspect that number is higher for First Nations students—I don't have that number right in front of me. Universities use a range of techniques to assess a student's suitability to meet the right academic standards to enter a course, and that presents a lot of opportunities in terms of First Nations students now being able to have more access to the university courses that will have the potential to create that transformational change in their lives.

Senator GROGAN: That's great. Thank you for getting that on the record.

Mr Cook: If your question was, where appropriate, to lower the standard to allow First Nations students to enter university—

Senator GROGAN: I didn't say that, but it has been said.

Mr Cook: If that's the implication, the answer is absolutely no.

Senator GROGAN: That's the implication which concerns me deeply because I know that not to be the case. I'm very keen to have that on the record.

Mr Cook: To be very clear, this program simply provides a guaranteed Commonwealth supported place for First Nations students. They have to meet the same entry criteria as others would in relation to what the university sets as the standard for entry into a course.

Senator GROGAN: That's very helpful, and I look forward to seeing how successful this program is over time.

CHAIR: Senator Faruqi.

Senator FARUQI: I just have one question about accessibility for First Nations people. Minister, if the government is serious about improving First Nations university participation—as was said in the Universities Accord interim report—why didn't it listen to the recommendations of NATSIPA and CAPA and look at extending Commonwealth supported places to postgraduate First Nations students? I did move an amendment at that stage, which wasn't accepted by the government. But the average cost, as you know, for postgraduate degrees is \$28,000 and this is a significant barrier for First Nations people to actually transition from undergrad to postgrad. Is that something the department is modelling, or the government is looking into?

Senator Chisholm: I can recall that from the Senate chamber. I don't know if the department can help or if they're aware of anything. I'd have to take it on notice and try and come back to you with something more fulsome other than, obviously, the full report of the accord is due out soon.

Senator FARUQI: But the number is very low for First Nations students transitioning from undergrad to postgrad so that is a serious issue, and I would really appreciate you looking into that.

Senator Chisholm: Okay.

CHAIR: Good, thank you. Senator Brockman.

Senator BROCKMAN: This will just take a couple of minutes, I hope. The draft ARC review response bill—where is that? Is it finalised? Is it close to be finalised? Is it with the minister?

Mr Cook: The bill's in the Senate.

Senator BROCKMAN: Sorry, that's my mistake.

Senator O'SULLIVAN: You'd expect us all to be across it.

Senator BROCKMAN: You would. The submissions received by the department to the draft bill—are they publicly available?

Mr Cook: I'll turn to the expert on this topic. Mr English?

Mr English: That's an excellent question. I would need to check that they've been published, but I believe they should've been published by now.

Senator BROCKMAN: They should have been published?

Mr English: I can double-check.

Senator BROCKMAN: Would there be any reason why they wouldn't have been made publicly available? Normally, they would be.

Mr English: The only reason we don't publish submissions in such processes is if the author themselves asks that we don't.

Senator BROCKMAN: Okay. If for any reason they're not publicly available, can we receive a copy of those submissions and all correspondence received in relation to the bill? If it didn't qualify as being a formal submission but you received correspondence directly about the bill, could we also receive a copy of that? Do we know how many submissions were received?

Mr English: To be clear, there were two processes of discussion with the sector about the bill. There were more than 230 submissions, I think, made to the inquiry run by the team led by Professor Shield from the Queensland University of Technology. That then was followed up by some targeted consultations we made on the elements of the bill that we were drafting. We received 11 submissions to that process in addition to the meetings we had with a whole range of people across the sector. I would need to double-check that 11 and confirm they've been published. I will take on notice the provision of those, or the location.

Senator BROCKMAN: We'd like to see a copy of them. Just quickly on Commonwealth supported places allocated to AUKUS, I know there's a link to the department's website for which universities have been allocated places. Can you quickly talk through the phasing of those Commonwealth supported places allocated to AUKUS over the four years?

Mr Rimmer: There are 4,000 places over four years. They are, to my knowledge, split equally over the four years.

Senator BROCKMAN: They're split equally?

Mr Rimmer: Yes—except in the allocation process that changes slightly. I think we might need to take that on notice. The original plan was to do 1,000 a year, but I think in the application process providers suggested a slightly different phasing, so we might need to come back to you on notice on that.

Senator BROCKMAN: And are the institutional allocations equal over four years or do they shift between years?

Mr Rimmer: Each provider made a different submission in terms of when they wanted the places to start and how they wanted that to flow over time.

Senator BROCKMAN: Can we have that phasing broken down by year and institution?

Mr Cook: We'll provide that on notice.

Senator BROCKMAN: This is a minor thing. You mentioned 4,000 places, yet I believe that there are 4,001 that have been announced. Why the one?

Mr Rimmer: I think that's correct. We have grown a place.

Senator BROCKMAN: Is that just—

Mr Cook: It could have been rounding.

Senator DAVEY: It's amazing what you can do with good soil and water!

Senator HENDERSON: What's the reason for that?

Mr Rimmer: When the universities bid for the number of places that they wanted to provide and the financial arrangements that they wanted to put forward, I think that was found to be possible and so it ended up with the extra place.

Senator BROCKMAN: Did that require any change of funding profile?

Mr Rimmer: No, it did not.

Senator BROCKMAN: Okay.

Senator HENDERSON: I have another question in relation to the AUKUS places. Are you able to provide a breakdown of the courses being provided by each university?

Mr Rimmer: We'll be able to do that on notice.

Senator HENDERSON: I know Melbourne, for instance, is providing what everyone is calling the 'submarine course'. But it would be helpful to understand the nature of the course and the qualification being offered.

Mr Cook: We'll have that information; we can certainly provide that.

Senator HENDERSON: Thank you.

Senator DAVEY: I've just got a few questions. Mr Cook, I promised you earlier that I'd come back to the teacher HELP debt program.

Mr Cook: I told my staff you're coming back, so they're ready to answer. We're ready to go.

Senator DAVEY: You're all prepared. See, prior warning works. Have you got there how many teachers have applied for a HELP debt reduction to date?

Mr Cook: This is for Mr Rimmer.

Mr Rimmer: Yes. I can tell you two things about this. One is that something over 910 applications have been received in total. Unfortunately, for some reason, the data I have for that number is at 16 November, so it's about 12 weeks out of date. But, as of 16 November, it was 910 applications. I can also tell you that in the calendar year 2023 there were 590 applications.

Senator DAVEY: So there were 590 in that calendar year. As at 16 November, 910—

Mr Rimmer: In total.

Senator DAVEY: Most people who were hoping to get themselves organised for this calendar year might be done. Do you think that will change much? Would you be able to take on notice to get more up-to-date figures if there's a change?

Mr Cook: For 2024?

Senator DAVEY: Yes, as at the start of this year. How many of those 910 have been approved?

Mr Rimmer: There have been 148 approved for debt reduction and 498 for indexation waiver. I believe it's the case that some were approved for both rounds. Those numbers aren't additive; there's some overlap between those numbers.

Senator DAVEY: Are some of those applications still being processed? It's not just that you've got 300 that have had rejections; they might still be in the pipeline being processed?

Ms Brill: There's a legislative time frame of 60 days to process an application, so there would be very few left from 2023 that wouldn't have been finalised.

Senator DAVEY: How many have been rejected? Have you got that there?

Ms Brill: Up to 16 November, 25 applications had been denied. I don't have a figure for 2023.

Senator DAVEY: Have you got the reasons for denial?

Ms Brill: Generally, the main reasons were that the teachers had not yet met the four-year working requirement, some did not have a current HELP debt and some were not working in a school that was classified as very remote.

Mr Rimmer: Can I just add one piece of information? I'm sorry—I've now read my notes more fully. We can also tell you that in 2024 we've received 63 applications so far.

Senator DAVEY: Will you be doing a review to evaluate the success or otherwise of the program?

Mr Rimmer: I think the intention is to do that. I don't think the matter is entirely finalised. I think I'm right in saying the medical HELP reduction has a legislated review.

Mr Cook: That's right.

Mr Rimmer: We are considering whether to do a review of the teacher measure in the same way at the same time, if that makes sense.

Senator DAVEY: Has there been any consideration given to recommending an extension or expansion if that review shows it's a successful program?

Mr Cook: There would be a matter for government. I'll do a plug for our common person, the Regional Education Commissioner as well.

Senator DAVEY: I'll lobby the education minister as well.

Mr Cook: She will have a view around this, obviously, and she may consider this to be part of the work plan into the future. That's a matter for the Regional Education Commissioner.

Senator DAVEY: I want to go to university hubs now.

Senator HENDERSON: Just before we go to that—on the HELP debt program, the numbers you gave are actually the same numbers that we received in the answer to the question on notice. Is there any reason why you don't have updated data?

Mr Rimmer: I just gave 2024 data, which was definitely not in the question on notice response.

Senator HENDERSON: Sorry—yes, you did. Is that the only up-to-date data you have?

Mr Rimmer: No, I also gave complete 2023 data, which was not in the question on notice response.

Senator DAVEY: Which is the 590.

Senator HENDERSON: Okay.

Mr Cook: Teachers traditionally wouldn't have submitted things over the school holidays. That question on notice was December.

Senator DAVEY: On the regional university hubs, how many applications were received for cohort 4 of the Regional University Study Hubs program?

Mr Rimmer: There were 34.

Senator DAVEY: Have you got a breakdown by state?

Mr Rimmer: Not with me, and I'm not sure that we should provide that at the moment, because the assessment is literally midstream.

Senator DAVEY: So it hasn't been finalised?

Mr Rimmer: The assessment hasn't been finalised. To divide the 34 by state would probably reveal more than we should about the process.

Senator DAVEY: This is the first cohort that's looking at redefining regions, for want of a better term, and establishing regional university hubs in western Sydney and outer suburban areas?

Mr Cook: That's a different process. There are two processes. That one is the regional university—the suburban hubs. That's a different process. Those 34 aren't part of that process.

Senator DAVEY: The 34 are the old, traditional what we used to call regional university centres but, in rebranding with the new government, are now hubs. When it's finalised and you announce it, you'll announce the locations, won't you?

Mr Cook: Yes, absolutely.

Senator DAVEY: But you can't do that yet. So you've commenced the assessment process. The minister is still the final decision-maker in this process; is that correct? Do you make your recommendations and then the minister gets the final—

Mr Rimmer: The minister is the decision-maker.

Senator DAVEY: I'm not going to ask you what he's going to do, but have you got a time line that you're working towards?

Mr Rimmer: I can say that the assessment process is literally underway as we speak—well, perhaps not at 10 o'clock at night, but certainly this week! I imagine the assessment process, and decision-making about that, will be a matter of a small number of months rather than a longer time period than that.

Senator DAVEY: If any applications are unsuccessful in this cohort, if there is a fifth cohort will they have to start from scratch or can they amend their existing application?

Mr Cook: There will be a fifth cohort, just to be clear. There is a further round for 10 more regional university study hubs beyond this one.

Mr Nordstrom: It would be a new round, but the opportunity to resubmit that material and make amendment would be open to each applicant.

Senator DAVEY: They effectively have to reapply but they can use the same information.

Mr Nordstrom: Yes—but I imagine some of them may wish to update some of the material.

Senator DAVEY: When do you expect to open cohort 5?

Mr Rimmer: That decision hasn't been made yet.

Senator DAVEY: Are you monitoring not just how many students enrol at a university hub but how many walk through the doors? Are you monitoring that data as well?

Mr Rimmer: There is an evaluation process in place for the regional hubs. The main metric that I'm aware of is, as you've described, student numbers. We can take on notice whether we're collecting other data from the hubs on a regular basis.

Senator DAVEY: Take this on notice as well: when you give me that information, if you've got any information over the last three years of enrolments and also completion, graduation, so that we can—my understanding anecdotally is they're very successful and they've got a very high completion rate. I'd like to keep up-to-date with and abreast of that.

Mr Cook: Happy to help.

Senator DAVEY: Thank you very much.

Senator O'SULLIVAN: We asked a question of TEQSA at the last estimates. On the number of second certificate enrolments of international students, they said it is a matter for the department—so I'm bringing this question to you now. The question reference is SQ23-001253. The question was: can you provide us with the number of second certificate enrolments for international students, can we get a list of the providers that have these enrolments, and are you able to advise the home countries of students with secondary enrolments? Have you got that information at hand?

Mr Cook: No. I wouldn't have that level of detail for thousands of students to hand. I will just check with Ms Sandercock.

Ms Sandercock: That's correct.

Mr Cook: Happy to take that on notice.

Senator O'SULLIVAN: If you could take that on notice; that's fine. We also sought a position from TEQSA, in the same question on notice, on comments made by immigration expert Abul Rizvi calling for universities, colleges and agents to be named and shamed. We'll provide this question to you as well. Basically, the answer from TEQSA was, 'Well, that's a matter for the department as well,' so I'd be interested in the department's views.

Mr Cook: There is work that we are doing—and I think it's been announced by government—around agents, which Ms Sandercock would be the expert on at the table. Is that a help in terms of the agent reforms that are happening?

Senator O'SULLIVAN: Yes. I'll quote from the *Australian* from 14 August last year, and it's in the question on notice:

Immigration expert Abul Rizvi said unscrupulous universities and colleges, as well as agents, should be named and shamed and that data should not only be made public but also be up-to-date.

So what is the department doing in that regard? Is there a response?

Ms Sandercock: As the government has announced increased integrity measures alongside the Migration Strategy, one of the measures that has been announced by government is increasing scrutiny of agent behaviour and providing better information to education providers who are responsible for engaging agents to help inform their decisions. So we are working to support that decision of government and looking at how we can build on information that is already shared with education providers about the performance of their own agents to increase transparency about that across all education providers so that they can see which agents have good performance outcomes in recruiting students who successfully complete their course, for example, and other metrics. That's work that's underway within the department.

Senator O'SULLIVAN: Is that information made publicly available, or does it go just to the providers?

Ms Sandercock: The government has talked about making it available to education providers.

Senator O'SULLIVAN: And they would access that through—

Ms Sandercock: Through the system that the department maintains, known as PRISMS, the Provider Registration and International Student Management System.

Senator O'SULLIVAN: So it's like an intranet type of thing. It's closed to the public, but they can see it.

Ms Sandercock: It captures all of the data of student enrolments and is used regularly by providers.

Senator O'SULLIVAN: I understand. The request from Mr Rizvi is that it be updated constantly and not just be static. Is that part of that?

Ms Sandercock: That would be the intent, and that is certainly what we're working to in taking this forward.

Senator O'SULLIVAN: In terms of declining enrolments, we've seen the significant reporting in recent weeks about the decline in domestic student enrolments. I know we've covered some of this already tonight, but I'm wondering if you could provide us with the latest data on student offers and enrolments for the 2024 year.

Mr Rimmer: We don't have access to that data at the current time. That data, I believe, is released in May in the normal cycle. Mr English might be able to provide a more accurate answer.

Mr Cook: I think it's offers and enrolments. Is that correct, Senator?

Mr Rimmer: Offers and acceptances—

Senator O'SULLIVAN: It was number of applications, offers and acceptances by course if possible. I appreciate that you might need to take it on notice.

Mr English: The timetable is reasonably clear. The applications and offers can be done in May through that data collection that takes into account the cycle of offers at the beginning of the year. Enrolments—or acceptances, as you call it—come next year once we've reconciled students who have started for the year, because that's a different data collection and actually requires students to hit census dates for it to be a completed enrolment, for example. So that won't be available until mid next year, but the applications and offers data gives you the first sign of student engagement and interest—

Senator O'SULLIVAN: Has there been a decline? Sorry, I didn't mean to cut you off. Do you want to finish what you were saying?

Mr English: I have finished.

Senator O'SULLIVAN: Has there been a decline?

Mr Cook: We don't know about 2024. We know about 2022 and 2023—do we have 2023 data yet?

Mr English: We've got collection for 2023, which was delayed but now completed and in the middle of processing. We've done some early work with providers and tax to see how trends are shaping up in 2024, and there is—

Senator O'SULLIVAN: We'll follow this up after the data's published. I'm running out of time. You've advised that the verified data for the government's election commitment on the 20,000 additional CSPs will not be made available until late this year, yet the places were made available in 2022. Is that correct?

Mr Cook: That's correct, because enrolment data can go right through to the end of 2023. We don't get verified data from universities until 2024 for 2023. It's always been that way. There's nothing different in that.

Senator O'SULLIVAN: Is there a way that that can be provided sooner? How do you keep track? Obviously, if there's a trend, you'd want to be onto it early, right?

Mr English: Certainly we always have some indication of what universities think will happen in the data they use to provide forecasts of their student loans and the like, but in terms of getting comparable data year on year about what's happened with enrolments, no, we are tied to that cycle of getting data from census dates.

Senator O'SULLIVAN: In terms of universities' financials—I know that Senator Faruqi was interested in this and chased this up at the last estimates—when will the 2022 university financial information be available on your website?

Mr Rimmer: I anticipate within weeks or perhaps a month. Certainly the data's in. It's being analysed and prepared for publication.

Senator O'SULLIVAN: Is it in any way delayed, or is that pretty consistent with normal publishing?

Mr Rimmer: It's pretty consistent, isn't it, the 2022—

Senator O'SULLIVAN: How long does it normally take to analyse and prepare and then publish the data?

Mr Rimmer: I can't answer that question right now, but I do know that that data is in the process of getting ready for release.

Senator O'SULLIVAN: Okay. Could you just come back to us? Have a look at previous years and how long it's taken and just come back to us with what the usual time frame is.

Mr Rimmer: Sure.

Senator O'SULLIVAN: Given the significant commitments potentially being brought forward in the accord, it's obviously vitally important to provide transparency with providers' finances. We're certainly hearing feedback and seeing media reports on the impact that declining domestic enrolments are having and will have on universities if the trajectory of enrolments doesn't change, so ensuring that that viability data is there is going to be critical. Would you not agree?

Mr Rimmer: That's a fair comment. The intel we're getting from providers on demand is a bit more mixed. Some are relatively healthy; others are perhaps less so. It changes by geography. It changes, perhaps, between metropolitan areas and regional areas. So there are quite a lot of moving parts in the demand situation at the moment, as we understand it anecdotally.

Senator O'SULLIVAN: Chair, Senator Henderson would like to ask a couple of follow-up questions if that's okay.

CHAIR: I'm such a patient person. Yes, that sounds very good.

Senator O'SULLIVAN: Thanks very much. You are very accommodating.

Senator HENDERSON: Thank you, Chair.

CHAIR: Can they be quick, because we really do need to have a break and I'm very mindful that we did miss the break earlier. There have been a lot of very patient people on the other side.

Senator HENDERSON: I'll be as quick as I can. Assistant Minister, you asked about a report in relation to concerns that teaching and nursing degree costs may increase. I table a report in the *Australian*, entitled 'Anthony Albanese facing a fight on university fees rejig', from 30 January 2024. It says:

Higher education expert Andrew Norton said the university sector's push for student contributions to be the same for every degree could nearly double costs for nursing and teaching students ...

Can you respond to that?

Senator Chisholm: It's got nothing to do with government.

Senator HENDERSON: The cost of degrees?

Senator Chisholm: That report.

Senator HENDERSON: You said you would respond to the question when I tabled the report. Do you have anything to contribute or respond to on that issue?

Senator Chisholm: I've got no idea what you're talking about, sorry.

Senator HENDERSON: I've just quoted the report. I've got copies to be tabled. I'm going to be as quick as I can. There's concern that if the arrangements for the charging of university degrees changes—

CHAIR: This may well take more than a few minutes, so—

Senator HENDERSON: I'll be as quick as I can. There is concern that teaching and nursing degrees may increase in cost.

Senator Chisholm: No.

Senator HENDERSON: That's not going to happen?

Senator Chisholm: No.

Senator HENDERSON: You're certain of that?

Senator Chisholm: Yes.

Senator HENDERSON: Well, that's good to hear for all the prospective nurses and teachers of the country. I want to quickly go to a letter I wrote to the Minister for Education on 8 December 2023, raising concerns about what I would call a dodgy PII claim. The minister declined to provide some documents in relation to his review of the HELP ATO payment system, asserting that documents were cabinet-in-confidence and therefore subject to a public interest immunity claim. I've raised concerns about this because his claim didn't meet the test as set out in *Odgers'*. I am concerned that there's an increasing tendency of the government to use this and, in fact, with respect, Secretary, you did reference this before. The 14th edition of *Odgers'*, page 665, reads:

A claim that a document is a cabinet document should not be accepted; as has been made clear in relation to such claims in court proceedings, it has to be established that disclosure of the document would reveal cabinet deliberations.

Minister Chisholm, are you able to provide any insight into the failure of the Minister for Education to provide documents in accordance with an order for the production of documents which was made by the Senate on 7 November 2023?

Senator Chisholm: Is this in regard to general business notice of motion No. 374?

Senator HENDERSON: I don't have the motion in front of me, but I have the letter to the minister, which is dated 8 December. The Senate agreed to the order for the production of documents on 7 November 2023.

Senator Chisholm: I don't know if what I've got matches up with what you've got, sorry, Senator Henderson.

Senator HENDERSON: I'm happy to put it on notice, but I would just raise quite genuine—I am always genuine—and serious concerns about the government's suggestion that it's not required to disclose documents because there's a connection with cabinet, or because they inform cabinet. It does not meet the test. I've set that out.

CHAIR: I think Senator Henderson is putting that on notice. Can we break, then?

Senator HENDERSON: One final question. On that basis—

CHAIR: It's almost torture.

Senator HENDERSON: given that the final report of the university accord is not a cabinet document and it doesn't reveal cabinet deliberations, can I ask you to provide a copy of that report to the committee, please.

Mr Cook: Sorry, Senator. How are you aware that it's not a cabinet document—just to help me understand that?

Senator HENDERSON: It doesn't meet the test because it's not a document which discloses cabinet deliberations, and therefore it's not protected. It's not a protected document. On that basis, can I ask for a copy of that document.

Mr Cook: I'll take that on notice and seek advice on that matter.

Senator HENDERSON: Thank you very much, Secretary. I appreciate that.

Mr Cook: Happy to help.

Senator HENDERSON: Thank you, Chair. Thank you very much for your forbearance.

CHAIR: We'll now take a break. Outcome 2 is over.

Mr Cook: That's very good news.

CHAIR: That's why we tried to push through. Thank you for pushing through.

Senator O'SULLIVAN: I thought you were enjoying our company!

Mr Cook: I missed you last time, Senator! Senator Brockman's very good, but I missed you!

CHAIR: We'll now have a 15-minute break.

Proceedings suspended from 22:09 to 22:17

Tertiary Education Quality and Standards Agency

CHAIR: I now welcome representatives from the Tertiary Education Quality and Standards Agency, including its Acting Chief Executive Officer, Dr Mary Russell, and Chief Commissioner, Emeritus Professor Peter Coaldrake. Dr Russell, would you like to make an opening statement?

Dr Russell: No, thank you.

CHAIR: Professor Coaldrake?

Prof. Coaldrake: No, thank you.

CHAIR: Senator Faruqi.

Senator FARUQI: In the October 2023 estimates—you probably recall this—I raised concerns with you about Swinburne university's policies which automatically stripped hundreds of international students of their scholarships with only 10 days and very strict conditions for appeal, while the national code required 20 working days for students to access internal complaints and appeals processes. In a written update from 22 December last year, TEQSA said that it was waiting to receive all the materials it had requested from Swinburne university. Have you not received all the materials you requested from Swinburne university?

Prof. Coaldrake: The matter has advanced significantly since October. In the first instance, Swinburne commissioned an external party to investigate matters that had been raised, and you'll be aware that the issues related to the circumstances of scholarships being withdrawn. As a result of that, I think a period of grace was proposed, and that's been implemented by Swinburne so the scholarship holders who fell slightly below a threshold would actually have an opportunity to remediate their position. The latest is that we are shortly due a further tranche of information from Swinburne to help close the matters off. I think we feel somewhat reassured

to date through the actions that they've taken, having acknowledged the issues, and they're progressing from the perspective of the students.

Senator FARUQI: Do you know how many students have been affected by the issue?

Prof. Coaldrake: I don't.

Senator FARUQI: Could you take that on notice, please.

Prof. Coaldrake: Yes, we could.

Senator FARUQI: So the investigations are about to finish.

Prof. Coaldrake: The most recent material from Swinburne is due about now or shortly. And we will—

Senator FARUQI: You will look into that, look at the actions they have taken—

Prof. Coaldrake: Of course.

Senator FARUQI: and make recommendations. Could you provide us with that once it's done.

Prof. Coaldrake: Yes.

Senator FARUQI: Thank you. I want to go to a discrepancy in the way TEQSA investigates issues relating to student safety and wellbeing. At the 2023-24 supplementary budget estimates hearing on 26 October last year, the TEQSA acting CEO stated:

... the term 'investigate' has a very particular meaning in our act and can only be applied to matters that might result in court proceedings. Matters that relate to providers not meeting the standards around sexual harm, student safety and wellbeing cannot be investigated, and therefore we do not report them as investigations.

However, in March 2018, at the 2017-18 additional estimates, the then Chief Commissioner of TEQSA, Nicholas Saunders, stated:

If we receive a complaint about sexual assault on an Australian university campus or any higher education provider, we will immediately investigate that.

Also, in January 2019, in a report to the Minister for Education, TEQSA stated:

TEQSA will give guidance and support to providers that want or need to take further action, and will rigorously investigate any complaints it receives.

.....

TEQSA's Compliance and Investigations Team has responsibility for handling complaints, including complaints in relation to sexual assault and sexual harassment.

Then, in November 2019, the then CEO told TEQSA's annual conference that 'we continue to investigate individual cases that have been brought to our attention by students or by the advocates where they believe the provider policies and procedures have failed in some ways'. And lastly, in July 2020, in the *Good practice note: preventing and responding to sexual assault and sexual harassment in the Australian higher education sector*, TEQSA stated:

TEQSA has also received and investigated complaints about providers' responses to incidents of sexual assault and sexual harassment, and has supported providers in implementing actions that will enhance the wellbeing and safety of students.

Sorry; that was quite a long read. But there seems to have been inconsistent advice from TEQSA over the past few years. Can TEQSA advise why it is unable to investigate matters related to student safety and wellbeing?

Dr Russell: It's a really important distinction. I believe that some of the lack of clarity here arises via the use in the past of the term 'investigate' in the colloquial sense. This has been used to indicate that TEQSA is assessing matters, making inquiries, speaking with victim-survivors, seeking consent and seeking information from universities. The types of activities that would commonly be understood to be investigative activities are the types of activities that have, over that period of time, been undertaken by TEQSA in response to sexual harm concerns when they have been raised. What I'm attempting to do by using the language in a very precise way is to be clear that those matters won't be reported in our annual report or elsewhere as investigations because, under the TEQSA act, the term 'investigation' can only be used for circumstances of conduct where it relates to a potential prosecution or civil penalty proceedings. Under the TEQSA act, that does not include sexual harm concerns. Those must be addressed and followed up under the compliance provisions of the act, and that's why I'm not using the term 'investigate' to cover those. But I believe that that's been used as a common meaning in the past.

Senator FARUQI: So what you're saying is that all these examples that I quoted from the past, from CEOs, chief commissioners and TEQSA's *Good practice note*, were using it colloquially and not in this sense.

Dr Russell: That is my sense.

Senator FARUQI: That's pretty ridiculous, I have to say. That is just absolutely ridiculous. For years, people have understood that there was an investigation happening, and now you're saying, no, you don't have the powers. Are there any other parts of the higher education standards that you're unable to—

Dr Russell: May I clarify? It doesn't mean that action has not been taken and that inquiries have not been made. Inquiries have been made about sexual harm matters throughout that period. It's just that we couldn't properly report those as being investigations. To all intents and purposes, people would look at the activities that are undertaken and say that they are investigative activities.

Senator FARUQI: Yes, sure, but people have been under the impression for years that that's what happened, and you've suddenly said, 'Well, no—not really.' In response to questions on notice, SQ23001083 from October 2023, TEQSA stated, 'For any investigation or compliance assessment that requires expert knowledge, TEQSA obtains relevant expert assistance.' Can TEQSA advise which experts in sexual assault and sexual harassment it has obtained assistance from?

Dr Russell: I can't tell you that at this time. We can take that on notice and provide you with that information.

Senator FARUQI: If you could, that would be excellent. In response to another question on notice, SQ23001252 asked on 26 October 2023, TEQSA advised that one university, the University of Sydney, 'is currently subject to annual reporting in relation to sexual assault and harassment'. Could you tell us for how many years the University of Sydney has been subject to annual reporting?

Dr Russell: I can't, but we can tell you on notice.

Senator FARUQI: What information is the University of Sydney required to provide to TEQSA in its annual reporting?

Dr Russell: We will also provide that to you on notice.

Senator FARUQI: What expertise does TEQSA possess to evaluate the effectiveness of actions taken by the University of Sydney to address sexual assault and sexual harassment?

Dr Russell: The evaluation that TEQSA undertakes relates to the extent to which the university's actions are compliant with the Higher Education Standards Framework. That it is a different expertise from what would be needed by a different type of agency to look at other aspects of responses to sexual harm. Some of that expertise has been acquired by members of the compliance team as part of additional training. Some of that expertise sits within the expertise of the commission, who have a long history of senior administrative and policy roles within universities. If there were a question around compliance with the standards framework, we would seek relevant expertise in relation to that. I do hasten to add that that is different from consulting providers who might provide expertise about individual response matters.

Senator FARUQI: So you would acquire that expertise to be able to evaluate whatever annual reporting Sydney university does on sexual assault and sexual harassment? Is that what you're saying?

Dr Russell: It would depend on the nature of the reporting that's been required.

Senator FARUQI: Isn't there a standard annual report that Sydney university provides you?

Dr Russell: There is but we will need to look into the details and provide that to you.

Senator FARUQI: I will put the rest of the questions on notice, Chair, in the interests of time.

CHAIR: Thank you very much.

Senator FAWCETT: Dr Russell, I think based on that conversation I'm probably going to be asking my questions of you. I had come in here armed to talk about your risk assessment framework, particularly the section that talks about student risk, load, student experience and outcomes. I'm interested to understand how you gather the data to assess risk or assess the things Senator Faruqi was talking about—whether that's reporting from institutions or whether you have an avenue for students or other people to record occurrences.

I'll tell you the scenario. I have a constituent who came to me—having exhausted all the avenues within the university and found out that this student is one of a number over a number of years—relating to the conduct of one professor, the head of a department, whose belittling, disparaging, erratic behaviour that has caused mental health problems for a number of students. Some have dropped out of the course; some have completed but have not followed the profession—all of which is pretty bad for experience and outcomes. How do you become aware of that kind of behaviour, and what are the avenues for individuals who've exhausted all other avenues to make you aware of it?

Dr Russell: Firstly, I'd say that I'm disappointed and concerned if there's been a pattern of behaviour of that nature that students feel hasn't been effectively responded to. The way that we assess provider risk incorporates a

number of different sources of information. There is an annual provider risk cycle, which uses data in the TCSI system, which is administered by the department, to provide an overview of provider risk in relation to relevant student metrics and relevant financial metrics. That gives us a starting point for assessing risk in relation to a provider.

Whenever there is a concern or there is a need to consider what we focus on in an assessment, be it a compliance assessment or a cyclic registration assessment, we combine that with whatever additional risk intelligence we have about the provider. That might include information that's brought to us as concerns by students. For example, if that experience is brought to us, that would be an important part of the risk information that we would consider in relation to a provider. It might include material change notifications, which are events that providers are required to advise us of. In some instances, that risk assessment includes material that's presented in the media from sources that are at arm's length from us but lead us to have significant concerns. It combines those relevant sources of data. If it's a matter that's raised a concern that we're looking at in the compliance framework, then we would often seek additional information from the provider directly that would help us assess the risk, and that would be information that is targeted to the nature of concerns.

Senator FAWCETT: Is there an obligation on the provider, if they've had a complaint by one or more students about a particular issue or a particular staff member, to report that to you, or are you looking to see that they have an internal complaints mechanism and that it has been actioned? Where does the data come from for you to get your metrics?

Dr Russell: I don't believe there's a specific requirement under the material change notifications to advise us of those circumstances. However, one of the questions that we explicitly look at now when we have concerns raised with us around student wellbeing or concerns raised about sexual harm is to inquire about patterns of concern, matters that had previously been brought to the awareness of the provider, how they had responded to those, whether the sorts of safeguards that are supposed to be in place have been triggered and, if not, why not? That would be part of the inquiries that we would make if those matters came to our attention. I'm not aware that the instance that you're speaking about has been brought to our attention.

Senator FAWCETT: Well, the constituent concerned didn't even know you existed. How would a student contact you and make their concerns apparent to you?

Dr Russell: We have an avenue for doing that directly on the internet, which is often the way that students will find us—that's the way they would search for information—and we do take those sorts of inquiries by phone and sometimes by email. If you would like to be able to pass some contact details on to that constituent, I'd be very happy to provide you with those.

Senator FAWCETT: That's good for this constituent, but, more broadly, for the thousands of students who attend Australian universities, how do they know you exist and that you have this function?

Dr Russell: The normal expectation is that the first point of call for students when they have concerns ought to be to providers, but typically providers would also identify that the relevant ombudsman services in the local jurisdiction may be available to help students if they're not satisfied, or TEQSA. That's not necessarily as prominent in all cases as we would like.

Senator FAWCETT: This person has exhausted all those avenues, but they weren't aware of you. I will touch base afterwards. Thank you, Chair.

Senator HENDERSON: Good evening to you all. Could I ask you to outline TEQSA's fee increases that came into effect from 1 January 2024, and what are the efficiencies that will be provided?

Dr Russell: Can I ask you to clarify what your focus is there on efficiencies?

Senator HENDERSON: I'm asking about the fee increases that came into effect on 1 January. TEQSA's justification for increasing the fees is to make an adjustment to reflect the actual cost to deliver its regulatory activity. What does that actually mean in practical terms?

Dr Russell: One of the activities that was undertaken in relation to the evaluation and review of the cost-recovery model in its first year was to look at where we identified that we had made process improvements. There were certainly some improvements in some areas around CRICOS related work and in some of our other regulatory processes that meant we needed to actually capture that data and reduce those fees, and there were other areas in which it appeared that we needed to adjust those fees upwards.

Senator HENDERSON: Are you able to outline those fee increases?

Dr Russell: Yes. Mr Riordan will speak to that.

Mr Riordan: Those are set out in Appendix A to our published updated cost-recovery implementation statement, which is available on our website.

Senator HENDERSON: Could you please table a copy of that for efficiency. I understand that it's on your website, but it would be very helpful if you could table a copy of that to the committee. What analysis has TEQSA undertaken in relation to the potential impact on small providers and their students?

Mr Riordan: The cost-recovery arrangements are designed by reference to the Australian government's cost-recovery policy. We as part of that have undertaken consultation with the sector. We've received a number of submissions, as you'd be aware from correspondence with your office, about the impact of cost-recovery arrangements on various parts of the sector, including smaller providers. So we're aware of those from submissions.

Senator HENDERSON: I'll race through these as quickly as I can. TEQSA has the following in its service charter: 80 per cent of general email inquiries responded to in five business days, 80 per cent of telephone calls answered on the spot, 80 per cent of web inquiries responded to in five days et cetera. Can I get a breakdown of how these service targets have been met, whether the information is public and if the targets have not been met why not?

Dr Russell: There are some technical limitations in our ability to actually generate accurate data about that, which we are addressing in the current rebuild of our customer-relationship management system. I'm happy to take on notice to obtain what information we can, but that is not something that we can track at an automated level at the moment. It is something we are working to be able to track at an automated level.

Senator HENDERSON: Why do you have that in your service charter then?

Dr Russell: I believe it's in the service charter because we see that as a reasonable expectation to set of ourselves and our staff, to share with providers and to provide a basis for providers to engage with us when they feel that their contact with us or the service that we're providing to them doesn't meet the standard. I don't have a way of systematically reporting that to you yet, but I do assure you we're working to obtain that.

Senator HENDERSON: If you provide any information in the regard on notice, I'd appreciate it.

Dr Russell: Yes.

Senator HENDERSON: How many complaints has TEQSA received in the last two financial years, and how long, on average, does it take to substantively respond to a complaint? Could you also detail how many complaints are outstanding for longer than 90 days, 180 days and 270 days?

Dr Russell: We'll take that on notice, but can I just clarify: you're referring to complaints about TEQSA rather than complaints about providers?

Senator HENDERSON: Complaints about any matter. Complaints about compliance matters, but if there are also complaints about TEQSA, I'd welcome information on that as well!

Dr Russell: Very happy to be transparent, but we will need to take that on notice for you.

Senator HENDERSON: I will quickly go to your attrition rate for the agency. Do you have that information for the last three financial years?

Dr Russell: I believe we have it for part of that period.

Senator HENDERSON: Could I ask you to take that on notice. I'm keen to understand your level of staff movement and staff attrition. If you could take that on notice, I'd be grateful.

Dr Russell: I could provide it to you—

CHAIR: If you could take it on notice, that would be wonderful.

Senator HENDERSON: Can you also take on notice the travel of your senior staff each year. I'm wanting to understand the travel that you incur for the last three financial years, including this year to date. Do you do a lot of travel or international travel?

Prof. Coaldrake: I'll have a go first, if you like. I'm one of the travellers. We're very attentive to this. The main travel costs in the agency are those of commissioners not based in Melbourne travelling to Melbourne. Sometimes we meet in Melbourne and sometimes we meet virtually. The international travel otherwise is negligible, apart from Helen Gniel, who runs the Higher Education Integrity Unit, which is focused on artificial intelligence. They're very internationally connected with what's going on, and she's had, I think, two trips in the last year. So, descriptively, that's the answer; we can give you the stats. But, descriptively, that's the answer.

Senator HENDERSON: Dr Russell, what about you?

Dr Russell: I have had no international travel in my time at TEQSA, and I would estimate that 85 per cent of my travel is to Canberra.

Senator HENDERSON: Aren't you lucky! Alright. Could you take that on notice and provide further details.

Dr Russell: I have provided that information in a recent question on notice, but I'll check whether there's an update we can provide to that.

Senator HENDERSON: If you can provide an update, including each international trip, the reason for the trip and the cost, and the overall cost on an individual basis—per person—we'd be really grateful. Thank you very much.

CHAIR: Thanks very much. You are excused.

Australian Research Council

[22:41]

CHAIR: I now call representatives from the Australian Research Council, including its acting chief executive officer, Dr Richard Johnson. Dr Johnson, do you wish to make an opening statement?

Dr Johnson: No, thank you, Chair.

CHAIR: Thank you for your patience as well. Senator Faruqi.

Senator FARUQI: Good evening, everyone. Thanks for being here at this time of the night. On 7 November last year the government published a draft of their Defence Trade Controls Amendment Bill 2023. Many prominent researchers have expressed serious concerns about this bill because it would make it illegal to conduct research with foreign citizens using any dual-use technologies unless a permit is obtained. As an example, the Australian Academy of Science president, Professor Chennupati Jagadish, said that he would need permits for everything they do, and, 'Without them, my collaborations would see me jailed.' This would have an effect on a large proportion of science projects also funded by the ARC. Many people have pointed out that it could have a really chilling effect on international collaboration and the employment of visiting researchers. This new legislation would directly affect how research you fund is conducted. Was the Australian Research Council consulted before 7 November 2023 about the draft bill?

Dr Johnson: Thank you, Senator, for that question. There may be elements of it that we need to take on notice regarding the specifics of your question. But we've certainly been in consultations with the department, and I think Ms Forsyth will be able to give you a flavour of those consultations, perhaps even some of the dates of them.

Ms Forsyth: We—it wasn't me but two people in my branch—did meet with the Department of Defence prior to that date. I don't have the date on me, so I'm happy to take that on notice. We then met with them I want to say early this year, but it could have also been late last year, so I will take that date on notice as well. It was after the submissions were received. So we've met with them twice to talk about the bill and what implications that may have for researchers and how we will adjust our processes accordingly.

Senator FARUQI: Okay. But did you give any advice to the government? Specifically, did the ARC advise against the new requirement to obtain a permit every time that researchers want to work with foreign citizens where dual-use technologies are involved?

Dr Johnson: I think we'll take that on notice. As Ms Forsyth has indicated, we were certainly in discussions with the department about that. Whether we gave specific advice—we'll take that on notice.

Senator FARUQI: Okay, and could you provide that advice as well. I'll ask this question of the department: how many submissions were received in the consultation process for that bill?

Mr Rimmer: I don't have that information to hand. I know who will have it to hand, but unfortunately they're not here.

Senator FARUQI: That's alright. Could you take that on notice, and maybe also give us a list of who made submissions. Will those submissions be made public?

Mr Rimmer: Of course.

Senator FARUQI: Good. I know you may have given advice, but did the ARC make a submission in response to the draft bill?

Ms Forsyth: No, we didn't.

Senator FARUQI: Why not?

Ms Forsyth: We met with them directly prior to the bill. We discussed it then and we didn't feel that we needed to make a submission. We made representations privately.

Senator FARUQI: I do find that incredible. The ARC Act says that the ARC's purpose includes advising government on research matters, and the proposal in this bill could have a very significant impact on the research that you fund, and yet you didn't provide a submission which would be publicly available. Hopefully we can get the advice that you gave. Do you think this is an important enough research matter to give written advice to the government on?

Dr Johnson: It's often a matter of judgement. There are numerous government processes where an agency may or may not choose to make a submission. There's no black-and-white answer to any given situation. It is a matter of judgement, but we can—

Senator FARUQI: If it's an important enough issue, though, surely you would make a submission.

Dr Johnson: We'll take that on notice.

Senator FARUQI: You said you didn't make a submission and you're not sure whether you gave advice.

Dr Johnson: No, we didn't say that; we said we'd take it on notice, and Ms Forsyth said—

Senator FARUQI: Surely, as the ARC, you should know whether you gave advice to the government or not.

Dr Johnson: We haven't answered that in the way that you're characterising. What we said was that we'd take your question on notice, and we're very happy to do that.

Senator FARUQI: Did you give advice to the government? Why do you have to take that on notice?

Dr Johnson: We've talked about the consultation and collaboration process that we've been involved in, and then you've asked us further. We want to make sure that we're giving you the most accurate answer. Some of the detail to the question we don't have to hand, so we're very happy to take that on notice.

Senator FARUQI: Can you take on notice whether you gave advice and then what advice you gave.

Dr Johnson: We'll certainly take those questions on notice.

CHAIR: Senator Henderson.

Senator HENDERSON: At the last hearing I raised concerns with the previous CEO about excessive expenditure by a research centre. The question was taken on notice—the reference number is SQ23-000896—however, you didn't address the concerns that I raised. Did you look into the expenditure of \$630,000 on travel by the Centre of Excellence for Automated Decision-Making and Society, or event expenditure of \$222,000?

Dr Johnson: Thank you for raising that at the last estimates hearing. Since that matter was raised we have followed up with both the university and the centre. As you would be aware, the contracting parties to research projects are the ARC and the university, so it was appropriate to also have a conversation with the university. Professor Twomey will be able to give you some detail of the nature of that follow-up.

Prof. Twomey: Based on the information we received from the university, RMIT, and the centre director, we are satisfied that the travel costs incurred were within the budget and that the expenditure that was incurred was eligible within our guidelines. For context and understanding the situation, the scale of the centre is relevant, I think. It has 247 participants across nine different universities, together with international partners. It's important to also keep in mind that one of the aims of the Centre of Excellence scheme is to foster collaboration to deepen research networks. Inevitably, travel and collaboration and meeting together is one of the ways in which the aims of the scheme are facilitated.

Senator HENDERSON: Are you able to provide a breakdown of the expenditure on both travel and events?

Prof. Twomey: The centre will complete an annual report that is submitted, so we will take that on notice.

Senator HENDERSON: Could seek that information and provide it to the committee?

Dr Johnson: We're very happy to take that on notice.

Senator HENDERSON: Thank you. I asked at the last hearing in October how many projects have been funded with a focus on education. You've responded using the terms 'education research', 'explicit instruction' and 'evidence-based teaching'. Only one project was funded in 2022 and 2023. Can you confirm if this was the only project submitted for funding, or if it was the only one that was funded?

Dr Johnson: We may take on notice one element of your question, which is how many proposals were submitted in a particular scheme. We can confirm, based on the information that we provided through that QoN that there is one currently under way. We're very happy to take on notice to have a look at how many applications may have been falling under that particular thematic.

Senator HENDERSON: Thank you very much. I have a range of questions that I will need to put on notice so we can finish on time. I want to go to your gift register.

CHAIR: I thought you were going to say 'finish early'.

Senator HENDERSON: You can't be that ambitious. On review of your gifts and hospitality register, there are two items recorded on 20 October 2023. It stipulates that these gifts were received in 2015 by the CEO—I assume it was the CEO at the time. Can I ask why these were only declared eight years after the CEO received them, around the time of the CEO's resignation?

Dr Johnson: You certainly can ask, and we're very happy to make inquiries on that and take it on notice. I'm not in a position to answer that. Did you say the gift register was updated in October 2023?

Senator HENDERSON: It was recorded on 20 October 2023.

Dr Johnson: Thank you, that's helpful. We'll take that on notice.

Senator HENDERSON: Is that normal practice? It seems extraordinary that it would take eight years.

Dr Johnson: Before I can make a judgement about whether it's ordinary practice, I'd really have to look closely at the matter, but we're very happy to take that on notice.

Senator HENDERSON: In question on notice SQ23-000967, it states that two briefs were returned from the minister's office to the ARC for redrafting; can you tell me the nature of those briefs and why they were returned for a redraft?

Dr Johnson: I don't think I have that to hand. I'm looking at my team and they may not have it either, so we will take that on notice.

Senator HENDERSON: It's quite unusual to return briefs for a redraft.

Dr Johnson: Again, I can't characterise the particular circumstance until we have a look at it.

Senator HENDERSON: Could we also have a copy of those briefs?

Dr Johnson: I'll certainly take that on notice, but it would be unusual to provide advice provided to ministers. I'm happy to take it on notice.

Senator HENDERSON: Sure, please take that on notice. How many freedom of information requests have you received in the 2023-24 year to date?

Dr Johnson: As of 31 December 2023, we had received 670.

Senator HENDERSON: Applications?

Dr Johnson: FOI requests. The bulk of those related to personal information—for example, applicants seeking access to their scores through the scheme evaluation process. We were able to deal with those expeditiously through a number of avenues. We've made some recent initiatives to provide applicants their scores so that there's no need for them to seek that through the FOI process.

Senator HENDERSON: Alright. I will leave it at that. Thank you very much.

CHAIR: Thank you very much for joining us this evening. We'll now release you. That concludes today's hearing. Thank you to all witnesses who appeared and to Hansard and broadcasting for their assistance—a wonderful job, as always. And thanks to the secretariat. I remind senators that written questions on notice should be received from senators by close of business on Friday 23 February 2024. Answers to questions on notice will be required to be returned by close of business on Friday 5 April 2024. I also want to thank the senators, who by and large were extremely ruly—not unruly, but ruly!

Committee adjourned at 22:55