

Tabled 18/5/10

(12 p.m.)

Attachment A

NSW Teacher's Federation

Managing Your Own BER Project

For schools that are considering managing their own projects, this is a summary of requirements you will have to meet.

The requirements that Principals must meet in order to get the Taskforce's approval to project manage their projects are listed below. This is not an exhaustive list, but it is designed to provide an understanding of the seriousness of undertaking any building project at a school that is funded from public money.

1. A security deposit of 10 percent of the construction cost is to be lodged by the school with the Department of Education and Training.
2. A project contingency of 10 percent is to be allowed and will only be committed to be spent with the specific approval of the Department of Education and Training.
3. The project schedule will identify key milestones where failure to meet these milestones may result in the Department of Education and Training stepping in and taking over the project.
4. Works must be managed by an experienced professional project manager.
5. Only appropriately qualified and licensed trades people are to be engaged.
6. Projects must comply with all the relevant statutes, regulations, by-laws and the requirements of Australian Government, NSW Government, local authorities, and the Department of Education and Training including the school facilities standards and information technology standards.
7. Projects must comply with infrastructure requirements, standards and state infrastructure planning which may impact on the capacity of a project to be insured, maintained, secured and integrated into the school infrastructure.
8. Building works must be approved by the Minister for Education and Training (the local Asset Management Unit may approve as delegated) as the owner of the land to ensure they align with services and future plans for the site.
9. Projects must have relevant planning approvals including the approval of the local government and the Department of Education and Training.
10. Tendering must meet the NSW Government Capital Procurement and Tendering requirements as summarised in chapter 3.5 and 3.6 of the Public Finance Audit Act.
11. Department of Education and Training Financial delegations must be complied with. Delegations relate to a complete project and not individual purchase elements.
12. At the conclusion of the project, work as executed drawings and asset data must be provided to the local Asset Management Unit so proper maintenance and cleaning can be scheduled.

13. Works must be undertaken and completed within the Commonwealth Government's stimulus package timeframes. If the project is delayed (even if it is because there were supply problems or unforeseen circumstances) the school will become liable for any unfinished work. For example if the school hall 'fit out' hasn't been completed by the end of the timeframe the Department of Education and Training will not be able to fund the fit out. There is no extra money on standby if timeframes aren't met.
14. Child protection is an important issue for all schools to consider. Schools are responsible for making sure that all workers on site are properly supervised at all times and that the proper work methods are in place to ensure students are protected.
15. Principals will be required to report both weekly and monthly to Department of Education and Training and the Commonwealth Government via the Taskforce Chairman on the progress of the project including expenditure, progress, jobs and apprenticeships. If the Principal fails to do so the Commonwealth Government may at any given time cease the funding of the project. The Department of Education and Training will not be able to fund any unfinished work if this happens.
16. Works must be completed within the approved funding allocation and scope, this includes all associated works to enable the project to become operational. For example, if a principal discovers part way through planning their project that a power upgrade, a sewer upgrade or any other extra work is needed to make the project operational, this must be done from within the school's Building the Education Revolution funding allocation. The Department of Education and Training will not be able to provide additional funding - the school could be liable for hundreds of thousands of dollars worth of extra building work.
17. All designs must comply with the School Facilities Standards, design templates, Building Codes of Australia and must comply with the environmental undertakings stipulated by the Commonwealth Government as part of Building the Education Revolution funding.
18. While your local AMU will do their best to give assistance, the advice they can provide will be limited because of the size and complexity of Building the Education Revolution projects, and they must also continue to deliver all of the NSW Government funded school capital works and maintenance projects.
19. If someone who is working on the school's Building the Education Revolution project is injured (and this can include students who wander onto the site) the Principal as site controller, will have to prove to WorkCover that you took all possible steps to prevent that accident taking place.
20. There are fines attached to any injuries that happen on building sites. The Department of Education and Training can be liable up to a maximum of \$550,000 for any accidents or injuries on these sites and the school Principal (as project manager) can be separately and personally liable up to \$55,000 for any accidents or injuries that happened on their site.

Principals will also need the formal approval of their Parents and Citizens Association or School Council before committing to project management.

Principals will be required to enter into an agreement with the Department acknowledging their understanding, agreement and acceptance of all of the relevant Building the Education Revolution project responsibilities.

How to proceed

Principals interested in project managing their projects need to email BER@det.nsw.edu.au by 8 May 2009 with "Local Project Management" as the subject line, stating their school name, project details and contact information in the body of the email. An information pack will then be emailed to the Principal.

Further information

If you have any queries about this process, you should contact your local Asset Management Unit (AMU).

Local Trades People

Managing Contractors have been appointed to your region. Your Managing Contractor will be your project manager for *Primary Schools for the 21st Century (P21)* projects.

If you have got a local quote for a project under P21 please provide this to your Managing Contractor by 15 May 2009. We will give you their details as soon as they are appointed.

They will assess your local quote, along with other quotes as part of their normal tendering process to deliver best value for NSW.

The Managing Contractor will manage the risks associated with a building project of this scale and scope so that you can concentrate on being a school principal.

It means they also bear the cost of any delays or contingencies as well as looking after OHS, child protection and the onerous but important reporting that is naturally part of any project that uses taxpayers' dollars.

If you have a local quote for a project under *National School Pride*, please provide this to your local AMU by 8 May 2009.

Together with you, they will assess your local quote, along with other quotes and if it is the best value for money will work with your local tradesperson to deliver the project.

Extracts from correspondence to a NSW Teachers Federation member, referred to by representatives in the Senate Inquiry into the implementation of the BER Primary Schools building program (Sydney, 18-5-10)

[REDACTED] REGION



[REDACTED]
 Principal
 [REDACTED] Public School
 [REDACTED]
 [REDACTED] NSW [REDACTED]

DOC 09/[REDACTED]

Allegation 6

You inappropriately attempted to enlist support from other principals to speak out against the BER project through comments made on principal email services and chat lines.

The allegation is sustained.

It is clear from the comments that you made on PASHN that you were encouraging principals speak out about the BER project. It is also clear that you fully aware that you were openly criticising State Government Policy and that you expected to be sanctioned about your comments.

Allegation 7

You implied in comments made on email services and chat lines that Departmental officers were acting fraudulently in the implementation of the BER P21 Project.

The allegation is sustained.

Your comments on the PASHN list service on [REDACTED] 2009

'I have come to the conclusion that we are in fact being ripped off shamelessly [REDACTED]

demonstrate your belief that Departmental officers were acting fraudulently.

Allegation 8

You breached the Department's Code of Conduct and Policy on making comments to the media by making comments to [REDACTED] on [REDACTED]

[REDACTED] (see

http://www.[REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] (see http://www.[REDACTED]

[REDACTED]

The allegation is sustained.

Section 44.3 of the Code of Conduct refers to comments made in a private capacity. The articles in the [REDACTED] and the [REDACTED] quote you as the Principal of [REDACTED] Public School, neither article refers to you as making comment on behalf of the P&C or School Council.

It is evident that you did not contact me or the Media Unit before making public comment.

I remind you of your obligations under the Code of Conduct in relation to making public comment. It is evident that you breached the Code of Conduct when you made public comment in the media and in posting a negative message to your colleagues on the PASHN list serve. It is my

expectation that in the future you do not engage in such activities. Your role as principal brings with it an expectation that you be a positive advocate for public education and that where issues arise they should be raised with the appropriate DET personnel.

Yours sincerely

A large black rectangular redaction box covering the signature of the School Education Director.A black rectangular redaction box covering the name of the School Education Director.

School Education Director