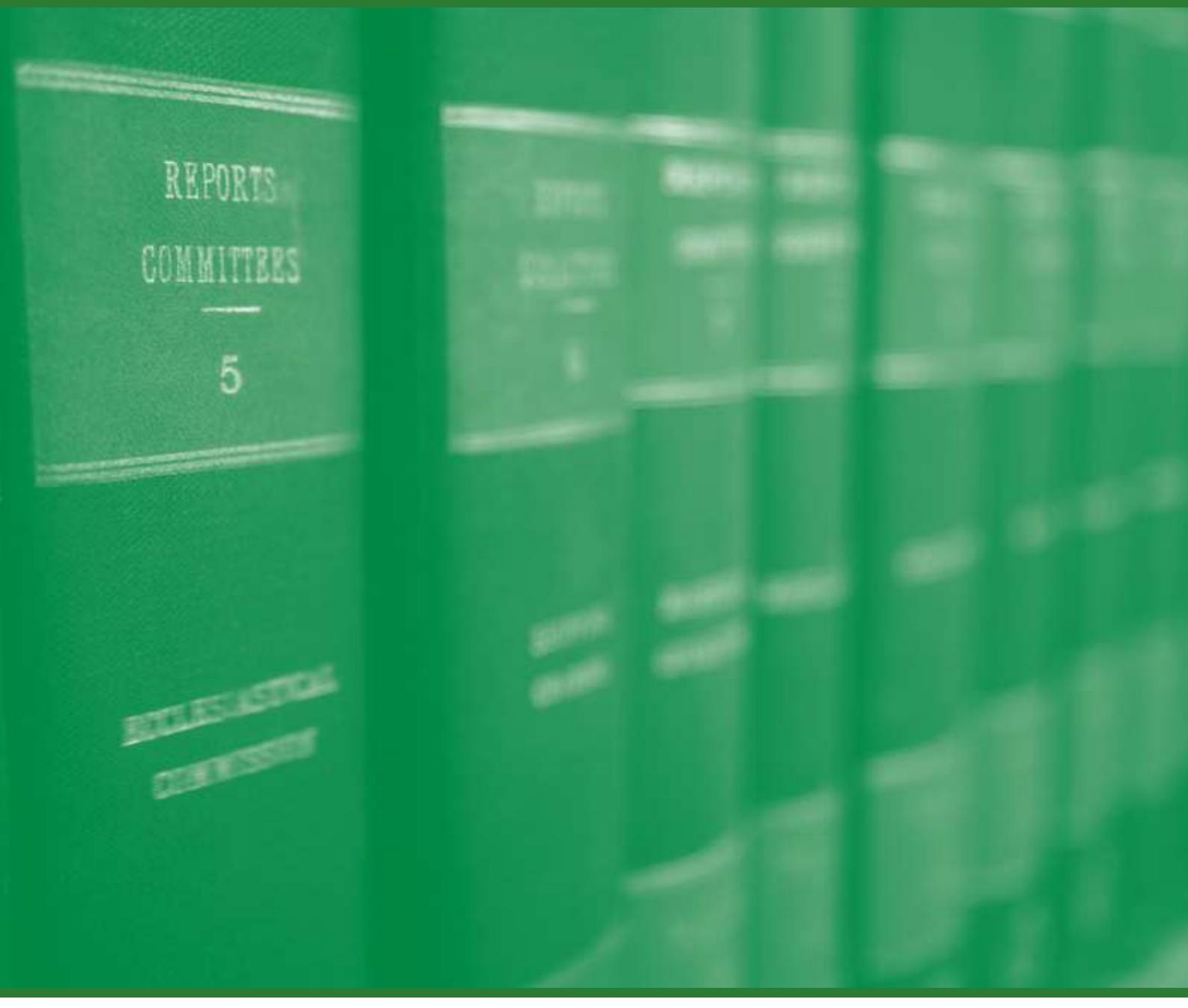




## Public Accounts Committee

REPORT 15/55 – MAY 2014

### EXAMINATION OF THE AUDITOR-GENERAL'S PERFORMANCE AUDITS APRIL 2012-AUGUST 2012





**LEGISLATIVE ASSEMBLY**

**PUBLIC ACCOUNTS COMMITTEE**

**EXAMINATION OF THE AUDITOR-GENERAL'S PERFORMANCE  
AUDITS APRIL 2012 - AUGUST 2012**

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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "Newly risen, how brightly you shine".

# Contents

Membership _____	ii
Terms of Reference _____	iii
Chair's Foreword _____	iv
List of Findings and Recommendations _____	v
<b>CHAPTER ONE – INTRODUCTION _____</b>	<b>1</b>
<b>CHAPTER TWO – IMPROVING THE LITERACY OF ABORIGINAL STUDENTS IN NSW PUBLIC SCHOOLS _____</b>	<b>3</b>
<b>CHAPTER THREE – SETTLING HUMANITARIAN ENTRANTS IN NSW _____</b>	<b>18</b>
<b>CHAPTER FOUR – MANAGING OVERTIME: RAILCORP AND ROADS AND MARITIME SERVICES _____</b>	<b>28</b>
<b>CHAPTER FIVE – PHYSICAL ACTIVITY IN GOVERNMENT PRIMARY SCHOOLS _____</b>	<b>35</b>
<b>APPENDIX ONE – LIST OF SUBMISSIONS _____</b>	<b>41</b>
<b>APPENDIX TWO – LIST OF WITNESSES _____</b>	<b>42</b>
13 FEBRUARY 2014, PARLIAMENT HOUSE _____	42
<b>APPENDIX THREE – EXTRACTS FROM MINUTES _____</b>	<b>43</b>

# Membership

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# Terms of Reference

Under section 57 of the *Public Finance and Audit Act 1983*, the functions of the Committee include the examination of any report of the Auditor-General laid before the Legislative Assembly and any circumstances connected with those reports.

## *Public Finance and Audit Act 1983*

### **57 Functions of the Committee**

(1) The functions of the Committee are:

...

(c1) to examine any reports of the Auditor-General laid before the Legislative Assembly,

(d) to report to the Legislative Assembly from time to time upon any item in, or any circumstances connected with, those financial reports, reports or documents which the Committee considers ought to be brought to the notice of the Legislative Assembly.

At its meeting on 19 September 2013, the Committee adopted the following terms of reference:

That the Committee inquire into and report on any circumstances connected with the following reports of the Auditor-General which the Committee considers ought to be brought to the notice of the Legislative Assembly:

- Settling Humanitarian Entrants in New South Wales
- Physical Activity in Government Primary Schools
- Managing Overtime: RailCorp and Roads and Maritime Services
- Improving the Literacy of Aboriginal Students in NSW Public Schools.

## Chair's Foreword

It is my privilege to present this report on the Examination of the Auditor-General's Performance Audits April 2012 – August 2012. This is the fifteenth report of the Public Accounts Committee in this fifty-fifth Parliament, and the fourth in its vital role of following up performance audit reports tabled by the New South Wales Auditor-General.

The purpose of the Committee's performance audit reviews is to follow up on action taken by agencies in response to recommendations in Audit Office performance audits. As part of the follow up, the Committee questions agencies about their response to the recommendations and, if required, conducts public hearings to examine witnesses.

The Committee's examination is designed to test action taken on all performance audits in order to maintain a high level of scrutiny of the agencies under review. Concrete outcomes of this process have demonstrated the value of following up the Auditor-General's report recommendations.

This report follows up four of the Auditor-General's audit reports: Improving the Literacy of Aboriginal Students in NSW Public Schools; Settling Humanitarian Entrants in New South Wales; Managing Overtime: RailCorp and Roads and Maritime Services; and Physical Activity in Government Primary Schools. The report makes ten recommendations designed to improve the performance of government agencies.

Six of the recommendations contained in this report relate to implementation of the Auditor-General's performance audit on Improving the Literacy of Aboriginal Students in NSW Public Schools. As part of its inquiry, the Committee visited schools in Broken Hill, Wilcannia and Menindee and heard directly from teachers and other staff about the work that they are doing to improve literacy among Aboriginal students, and the issues involved. Closing the gap in literacy outcomes between Aboriginal and non-Aboriginal students is essential to addressing Aboriginal disadvantage in the long term, and the Committee considers that more could be done to improve the identification, monitoring and assessment of those students who are in need of assistance.

Regarding settling legal humanitarian entrants in NSW, the Audit Office identified various challenges. The Government's response to such matters and the needs of these vulnerable people was somewhat confusing and inadequate. This has prompted two recommendations aimed at promoting better accountability in this area.

Finally, I record my appreciation for the assistance provided by the Auditor-General and the Audit Office staff. I also thank all my Committee members and the secretariat staff for their assistance in the inquiry process and the preparation of this report.

**Jonathan O'Dea MP**  
Chair

# List of Findings and Recommendations

## RECOMMENDATION 1 \_\_\_\_\_ 17

The Committee recommends that the Department of Education and Communities, as a matter of priority, implement its business intelligence tool to improve monitoring of students' progress.

## RECOMMENDATION 2 \_\_\_\_\_ 17

The Committee recommends that the Department of Education and Communities implement the Auditor-General's recommendation that it develop a means of routinely evaluating the effectiveness of schools' efforts to promote the involvement and support of Aboriginal parents and the local Aboriginal community.

## RECOMMENDATION 3 \_\_\_\_\_ 17

The Committee recommends that the Department of Education and Communities include development of Personalised Learning Plans for Aboriginal students and other students with additional needs in the Principals' Assessment Review Schedule and the associated self-regulation dashboard for principals.

## RECOMMENDATION 4 \_\_\_\_\_ 17

The Committee recommends that, following the assent of the Ombudsman Amendment (Aboriginal Programs) Bill 2014, the Minister for Aboriginal Affairs prescribe by regulation all education initiatives designed to improve educational outcomes for Aboriginal students.

## RECOMMENDATION 5 \_\_\_\_\_ 17

The Committee recommends that the Department of Education and Communities work with the Catholic Education Office to improve liaison and coordination between St Therese's Community School and the Wilcannia Central School.

## RECOMMENDATION 6 \_\_\_\_\_ 17

The Committee recommends that the Department of Education and Communities introduce minimum standards for Personal Learning Programs.

## RECOMMENDATION 7 \_\_\_\_\_ 27

The Committee recommends that the NSW Government ensure that the Community Relations Commission has explicit responsibility and authority for leading engagement with the Commonwealth and other stakeholders on humanitarian settlement matters.

## RECOMMENDATION 8 \_\_\_\_\_ 27

The Committee recommends that the Department of Premier and Cabinet and the Community Relations Commission provide Parliament with a report on actions taken to improve access to services for humanitarian entrants, particularly through the NSW Government Immigration and Settlement Planning Committee, by November 2014.

## RECOMMENDATION 9 \_\_\_\_\_ 34

The Committee recommends that Roads and Maritime Services, as a matter of priority, implement the Auditor-General's recommendations relating to the determination of



acceptable levels of overtime for operational purposes, revision of overall overtime targets, and ensuring that individual overtime targets are set for all major branches.

**RECOMMENDATION 10** \_\_\_\_\_ **40**

The Committee recommends that the Department of Education and Communities enhance its arrangements to effectively monitor physical activity in government primary schools and report on each child's engagement in physical activity to his or her parents or guardians.

# Chapter One – Introduction

## Overview

- 1.1 This is the Public Accounts Committee's sixth examination of the Auditor-General's performance audits tabled during the 55th Parliament. The audits examined by the Committee during this inquiry included those tabled from April 2012 to August 2012.
- 1.2 In examining these audits, the Committee has considered what the responsible agencies have done in response to the recommendations made by the Auditor-General. The Committee found that some work has been undertaken to address the issues raised in the audits. It is apparent that agencies have taken the audits seriously and instigated processes to implement those recommendations that were accepted.
- 1.3 Some of the recommendations will take time to implement, or are being addressed through the implementation of larger projects. The Committee encourages agencies to follow through on the work already started and commitments made, so that the potential benefits of the audits are fully realised.

## Inquiry process

- 1.4 As per its legislative mandate outlined in section 57 of the *Public Finance and Audit Act 1983*, the Committee conducted an inquiry into four performance audits completed between April 2012 and August 2012. The inquiry process was the same as that used in previous examinations of the Auditor-General's performance audits, examining each responsible agency's response to the performance audit twelve months after the report was tabled.
- 1.5 The process for these examinations includes:
  - inviting a submission from responsible agencies twelve months after the tabling of the audit;
  - referring agencies' submissions to the Auditor-General for comment; and
  - where the Committee determines that further information is required, inviting agency representatives and the Auditor-General to a hearing and/or to provide additional information.
- 1.6 The Committee examined four reports:
  - *Improving the Literacy of Aboriginal Students in NSW Public Schools*
  - *Settling Humanitarian Entrants in New South Wales*
  - *Managing Overtime: RailCorp and Roads and Maritime Services*
  - *Physical Activity in Government Primary Schools.*

- 1.7 The Committee received seven submissions: one from each of the agencies which were the subject of recommendations made in the audit report, and one from the Audit Office of NSW. These submissions were published on the Committee's website at: <http://www.parliament.nsw.gov.au/publicaccounts>.
- 1.8 The Committee resolved to conduct a more detailed examination of two audits, and a public hearing was held on 13 February 2014 to seek further information about *Improving the Literacy of Aboriginal Students in NSW Public Schools* and *Settling Humanitarian Entrants in New South Wales*. The Committee also sent the questions taken on notice during the hearing to the relevant agencies. Details of the witnesses who appeared at the hearing are included in Appendix Two.
- 1.9 The Committee further resolved to conduct visits of inspection in relation to *Improving the Literacy of Aboriginal Students in NSW Public Schools*. The Committee travelled to western NSW to visit schools with a high proportion of Aboriginal students. Details of these visits are included in Chapter Two.
- 1.10 The Committee chose to seek further information in writing regarding the other two audits, *Physical Activity in Government Primary Schools* and *Managing Overtime: RailCorp and Roads and Maritime Services*. The Committee's examination of these audit reports was based on the initial submissions, and answers provided by the relevant agencies in response to further questions from the Committee.

# Chapter Two – Improving the literacy of Aboriginal Students in NSW Public Schools

## Introduction

- 2.1 In 2013 there were 49,000 students who identified themselves as Aboriginal enrolled in NSW public schools.<sup>1</sup> As a group, Aboriginal students have lower levels of literacy than non-Aboriginal students. For example, the 2006 NSW State Plan highlighted the fact that Aboriginal students are 19 months behind in literacy by Year 3 and more than three years behind by Year 5.<sup>2</sup>
- 2.2 The NSW Government has made continuing efforts to address this disparity for some years. The 2006 NSW State Plan aimed to close the gap between Aboriginal and other students in primary school literacy rates by 2016. In 2008, the National Indigenous Reform Agreement agreed to halve the gap in reading, writing and numeracy achievements for Indigenous children within a decade. Similarly, the current NSW State Plan has as one of its priorities halving the gap between Aboriginal and non-Aboriginal students by 2018.

## The performance audit

- 2.3 The Audit Office of NSW conducted a performance audit of programs and initiatives to improve the literacy of Aboriginal students in NSW public schools, which was tabled in August 2012. The aim of the audit was to assess whether 'the Department of Education and Communities' processes to improve the literacy of Aboriginal students are likely to be successful'.<sup>3</sup>

## Audit conclusions

- 2.4 The Auditor-General concluded that there is 'no evidence to support the proposition that either closing the gap (by 2016), or halving the gap (by 2018), is likely to be attainable'.<sup>4</sup> Further, he found that there has been 'no significant improvement' in the performance of Aboriginal students in literacy tests, either in absolute terms or relative to the performance of other students.
- 2.5 In his findings, the Auditor-General acknowledged that the Department of Education and Communities has a range of programs and other measures in place to assist Aboriginal students. He also recognised that there are many factors outside a school's control that may impact on educational outcomes for Aboriginal students.<sup>5</sup> However, the Auditor-General found that the Department

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<sup>1</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Transcript of evidence, 13 February 2014, p1.

<sup>2</sup> New South Wales Auditor-General's Report, Performance Audit: Improving the literacy of Aboriginal students in NSW public schools, August 2012, p9.

<sup>3</sup> New South Wales Auditor-General's Report, Performance Audit; Improving the literacy of Aboriginal students in NSW public schools, August 2012, p2.

<sup>4</sup> New South Wales Auditor-General's Report, Performance Audit: Improving the literacy of Aboriginal students in NSW public schools, August 2012, p2.

<sup>5</sup> New South Wales Auditor-General's Report, Performance Audit: Improving the literacy of Aboriginal students in NSW public schools, August 2012, p10.

lacks clear targets; that its efforts to identify children in need of assistance lack consistency; that data collection is inadequate to identify whether students are receiving the necessary assistance, and that programs are not evaluated in terms of cost effectiveness.

### Auditor-General's recommendations

2.6 The Auditor-General made a total of nine recommendations directed to the Department of Education and Communities. These recommendations are detailed in the table below.

**Table 1: Auditor-General's recommendations – Improving the literacy of Aboriginal students in NSW public schools**

No.	Recommendation
	That the Department of Education and Communities:
1.	By December 2013, needs more realistic targets with which to assess its progress in improving the literacy of Aboriginal students. All schools should set targets for Aboriginal students based on a realistic assessment of each individual's capability.
2.	By December 2013, needs more standardised, consistent and practical tools for assessing and diagnosing student performance. A wider use of the Literacy Continuum and further development of diagnostic tools like Best Start appear to offer the best prospect of this.
3.	By December 2014, needs to ensure that all Aboriginal students who perform at or below National standards in literacy are provided with the additional support they need by: <ol style="list-style-type: none"> <li data-bbox="443 1182 1313 1249">i. Setting criteria to identify those Aboriginal students eligible for additional literacy support, and the nature of the support required</li> <li data-bbox="443 1256 1305 1290">ii. Keeping data on the targeted use of literacy support programs in schools</li> <li data-bbox="443 1296 1313 1364">iii. Specifying the interventions needed for Aboriginal students who have scored in the bottom two bands of NAPLAN for their year</li> <li data-bbox="443 1370 1321 1438">iv. Systematically tracking students in need, the instances of intervention and the resulting performance outcomes</li> <li data-bbox="443 1444 930 1478">v. Conducting routine educational audits.</li> </ol>
4.	By December 2014, needs to ensure its new management systems are fully developed and quickly put to use to enable the effective tracking and analysis of student performance and students' needs over time.
5.	By December 2013, needs a means of routinely evaluating the effectiveness of schools' efforts to promote the involvement and support of Aboriginal parents and the Aboriginal community.
6.	By December 2012, needs to periodically review the resourcing and allocation of Aboriginal field staff.
7.	By December 2012, needs to ensure all AECG representatives are provided with information on the performance of Aboriginal students and their progress at school level, where the biggest problems are and where intervention is needed.
8.	By June 2013, needs to evaluate the design and effectiveness of PLPs [Personalised Learning Plans], now that it has several years of experience in their use by schools. It needs to specify minimum content and frequency, with the inclusion of a literacy component for all students at risk of falling behind.

9.	By June 2013, needs to routinely evaluate the efficiency and effectiveness of its programs and measures to improve the literacy of Aboriginal students.
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### The Committee's examination

- 2.7 As part of its examination of performance audits, the Chair of the Public Accounts Committee wrote to the Department of Education and Communities on 27 September 2013 to request a submission. The Department provided a submission on 21 October. This submission was forwarded to the Auditor-General for comment, and he in turn replied on 23 December 2013.
- 2.8 The Committee conducted a public hearing on 13 February 2014, and took evidence from representatives of the Department of Education and Communities. A representative from the Aboriginal Education Consultative Group also gave evidence. Details of the witnesses who gave evidence are included at Appendix Two, and a transcript of the hearing is available on the Committee's website. Questions on notice were subsequently sent to witnesses following the hearing.
- 2.9 At the public hearing on 13 February, Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, explained that NSW schools are undergoing significant reform:
- We have phenomenal change happening in our schools. We are changing what teachers teach, we are changing the way we recognise teacher performance, we are changing the accountabilities that schools have, and we are giving them more responsibility.<sup>6</sup>
- 2.10 Ms Cindy Berwick, President, Aboriginal Education Consultative Group, also gave evidence and provided her perspective. When asked about the reforms that the Department is implementing, Ms Berwick said:
- To be honest, it is probably a little bit early to tell. Some of the things ... are in their infancy stages in terms of the major reforms that are happening and I would say that they are on track. There are some things that we will obviously work towards to see whether they do achieve what they have set out to achieve, and I guess that is around the accountability about what we in the community see, and then work with the department to try to put it back to where it is. In terms of whether we are satisfied that things will be achieved, as I said, the reforms are quite early, in their infancy, and I guess time will tell.<sup>7</sup>
- 2.11 The Committee travelled to Broken Hill, Menindee, and Wilcannia on 17 and 18 February 2014, to visit schools with a high proportion of Aboriginal students. The Committee visited four schools: Menindee Central School, Wilcannia Central School and St Therese's Community School in Wilcannia, and Railway Town Public School in Broken Hill. St Therese's Community School is an independent Catholic school, but has a high proportion of Aboriginal students and as it caters only to

<sup>6</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Transcript of evidence, 13 February 2014, p1.

<sup>7</sup> Ms Cindy Berwick, President, Aboriginal Education Consultative Group, Transcript of evidence, 13 February 2014, p8.

Years K-2, virtually all of its students enrol at Wilcannia Central School for the remainder of their education.

- 2.12 The Committee met with Principals and staff at each of these schools, and minutes from these meetings are included in the Extracts from Minutes at Appendix Three. In visiting schools, the Committee sought to gain further insight into issues affecting Aboriginal students, programs and initiatives in place to improve literacy among Aboriginal students, and the implementation of the Auditor-General's recommendations. The Committee had the opportunity to discuss these issues with Principals and other staff members, including Aboriginal teachers and field staff.

### Committee comment

- 2.13 During its visit to western NSW, the Committee met with Principals and other staff members at four schools in Broken Hill, Menindee and Wilcannia. The Committee was impressed by the commitment and professionalism of these Principals and staff.
- 2.14 The Committee was encouraged by the work being undertaken in schools participating in the Connected Communities program. In particular, the Committee saw the benefits of Executive Principals, who provide a superior level of leadership in key disadvantaged schools with high numbers of Aboriginal students. The Committee also saw the value of Aboriginal field staff, particularly in programs to transport Aboriginal children to school.
- 2.15 During its visits to schools, the Committee also heard evidence from Principals and teachers about the importance of developing strong teacher-student relationships. Developing and maintaining these relationships is more difficult in regional and remote communities, due to a higher turnover in teaching staff and difficulties in recruiting teachers willing to re-locate to remote communities.
- 2.16 The Committee noted the unusual situation in Wilcannia, which is a small community that has two primary schools. St Therese's Community School in Wilcannia (which the Committee visited) has operated since 1966 and has strong links with the local community. The Committee was concerned that liaison and cooperation between Wilcannia's two schools appears poor, and considers that the Department of Education and Communities and the Catholic Education Office should work together to improve this relationship.

### *Implementation of recommendations*

- 2.17 **Recommendation 1**, that by December 2013 all schools should 'set targets for Aboriginal students based on a realistic assessment of each individual's capability', was accepted by the Department, and in its submission the Department stated that implementation of this recommendation was on track.<sup>8</sup> As actions to be taken to implement the recommendation, the Department cited the development of a new school-based assessment and accountability framework, and the establishment of personalised learning and support plans as part of the implementation of its 'Every Student, Every School' reform. The

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<sup>8</sup> Submission 3, NSW Department of Education and Communities, p1.

Department also cited the Best Start program, which assesses every kindergarten student's literacy when beginning school, to assess their learning needs.

- 2.18 The assessment and accountability framework has been developed, but not yet implemented. Further, it is not clear from the Department's submission how the new assessment and accountability framework will support implementation of Recommendation 1. At the hearing on 13 February, Ms Jane Simmons, Executive Director, Learning and Leadership, Department of Education and Communities, explained that:

In 2013 we have been working on the development of the framework to support principals in local decision-making, which is a school-based assessment evaluation accountability framework ... In 2013 more than 100 government schools have been involved in the testing and planning tools used in the system, the school-based data that I have been referring to and performance measures to map links between student assessment and performance and strategic directions to inform school planning. That also includes monitoring the targets of student performance, particularly Aboriginal student performance.<sup>9</sup>

- 2.19 The Department explained that it is also extending the use of software from the Best Start program. Originally designed as an assessment tool for students commencing kindergarten, Best Start is now being extended as an assessment tool for students up to Year 8. Best Start is a 'tracking tool to monitor very closely the literacy performance of all students'.<sup>10</sup> The Department also has a Personalised Learning and Support Signposting Tool which monitors personal learning plans, and is currently implementing its Student Administration and Learning Management (SALM) solution, which provides further tools to monitor student performance.

- 2.20 In its submission the Department also cited the establishment of personal learning plans through the 'Every Student Every School' reform as an action to be taken to implement Recommendation 1. Personalised learning and support plans are used to set goals for individual students and engage with families. 'Every Student Every School' is a major reform initiative designed to assist students with disabilities, learning difficulties or behaviour problems; some of these students are Aboriginal.<sup>11</sup>

- 2.21 In his report the Auditor-General noted that the Department and the Aboriginal Education Consultative Group (AECG) agreed to develop personal learning and support plans for all Aboriginal students in 2004. Ten years later, the Auditor-General found that only about half of Aboriginal students have such plans in place, and that many of these had been developed without the involvement of

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<sup>9</sup> Ms Jane Simmons, Executive Director, Learning and Leadership, Department of Education and Communities, Transcript of evidence, 13 February 2014, p6.

<sup>10</sup> Dr David Cullen, Director, Early Learning and Primary Education, Department of Education and Communities, Transcript of evidence, 13 February 2014, p3.

<sup>11</sup> See: <http://www.dec.nsw.gov.au/about-us/how-we-operate/national-partnerships/every-student-every-school>, accessed 12 March 2014.



the student's family.<sup>12</sup> Further, there were no mechanisms available to ensure that these plans are monitored and updated.

2.22 During its visits to schools in the far west of New South Wales, the Committee noted that some schools have personalised learning and support programs in place. These schools also reported strong engagement with families. Railway Town Public School, for example, advised that it has these plans in place for all Aboriginal students.

2.23 **Recommendation 2**, that by December 2013 the Department needs more standardised, consistent and practical tools for assessing and diagnosing student performance, was accepted with a revised delivery date of 'December 2013 and ongoing'.<sup>13</sup> In its submission, the Department cited three main actions being taken to implement this recommendation. These included the development of the Literacy Continuum, English as an Additional Language or Dialect (EAL/D) professional learning for teachers, and the development of a functional assessment tool.

2.24 In his report, the Auditor-General expressed the view that 'wider use of the Literacy Continuum and further development of diagnostic tools like Best Start appear to offer the best prospect of this'.<sup>14</sup> The Literacy Continuum identifies key skills and understandings necessary to achieve literacy, mapping key markers at each stage.

2.25 At the public hearing on 13 February, Dr David Cullen, Director, Early Learning and Primary Education, Department of Education and Communities, explained that the literacy continuum assists teachers to identify key aspects of literacy, monitor student progress, and plan learning opportunities for students:

That tool not only provides a great standpoint for teachers, students and their parents to monitor their kids' performance but the software component also has teaching ideas and parent teaching ideas as you run off the various reports. Reports can be generated for individual students and so on. The data from that software also enables the teacher to monitor individual students' learning ... It can be analysed at school level and at State level if need be. We recognise the difficulty that teachers face in translating statewide targets and big targets like Closing the Gap to classroom practice, but we believe the literacy continuum and the associated software is actually bringing teachers into a very continuous process of monitoring performance, not just for year 3, for year 5, for year 7 and year 9 point-in-time National Assessment Program—Literacy and Numeracy [NAPLAN] assessments, even though we are starting to see some lifting in those as well.<sup>15</sup>

2.26 Dr Cullen further explained that use of the literacy continuum is being embedded into other initiatives including the Early Action for Success strategy and the

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<sup>12</sup> New South Wales Auditor-General's Report, Performance Audit: Improving the literacy of Aboriginal students in NSW public schools, August 2012, p19.

<sup>13</sup> Submission 3, NSW Department of Education and Communities, p2.

<sup>14</sup> New South Wales Auditor-General's Report, Performance Audit: Improving the literacy of Aboriginal students in NSW public schools, August 2012, p14.

<sup>15</sup> Dr David Cullen, Director, Early Learning and Primary Education, Department of Education and Communities, Transcript of evidence, 13 February 2014, p3.

federal Improving Literacy and Numeracy National Partnership.<sup>16</sup> The initiatives are not specifically targeted towards Aboriginal students, but have included large numbers of Aboriginal students. The National Partnership, for example, has targeted 55,000 students, of whom over 5,000 are Aboriginal,<sup>17</sup> while 83 schools are participating in Early Action for Success.<sup>18</sup>

2.27 During its visits to schools in western NSW, the Committee was encouraged to see that the Literacy Continuum was clearly in use in schools the Committee visited.

2.28 **Recommendation 3**, that by December 2014, the Department needs to ensure that all Aboriginal students who perform at or below National standards in literacy are provided with the additional support they need, was accepted in revised form. The Department modified the Auditor-General's recommendation to target only those students who perform *below* National standards, rather than those performing *at* or below standard. However, the Department also made other significant changes and these are detailed in the table below:

Auditor-General's recommendation	Department of Education and Communities' recommendation
<p>By December 2014, needs to ensure that all Aboriginal students who perform at or below National standards in literacy are provided with the additional support they need by:</p> <ol style="list-style-type: none"> <li>i. Setting criteria to identify those Aboriginal students eligible for additional literacy support, and the nature of the support required</li> <li>ii. Keeping data on the targeted use of literacy support programs in schools</li> <li>iii. Specifying the interventions needed for Aboriginal students who have scored in the bottom two bands of NAPLAN for their year</li> <li>iv. Systematically tracking students in need, the instances of intervention and the resulting performance outcomes</li> <li>v. Conducting routine educational audits.</li> </ol>	<p>By December 2014, the Department needs to ensure that all Aboriginal students who perform below National Standards in literacy are supported through a personalised learning and support plan that directly addresses each student's literacy development needs.</p> <ul style="list-style-type: none"> <li>• School learning support teams and specialist learning and support teachers will provide advice about and monitor the success of the personalised Literacy Intervention program developed for each student.</li> <li>• Interventions and outcomes for students in need will be systematically tracked via their personalised learning and support plan.</li> <li>• Routine educational audits will be undertaken.</li> </ul>

2.29 The changes made by the Department shift the focus of the recommendation from data collection and monitoring to personalised learning programs to be monitored through school learning support teams.

<sup>16</sup> New South Wales Auditor-General's Report, Performance Audit: Improving the literacy of Aboriginal students in NSW public schools, August 2012, pp14-15.

<sup>17</sup> Dr David Cullen, Director, Early Learning and Primary Education, Department of Education and Communities, Transcript of evidence, 13 February 2014, p4.

<sup>18</sup> Submission 3, NSW Department of Education and Communities, pp3-4.

- 2.30 As actions to be taken to implement its recommendation, the Department cited a number of actions previously referred to. This includes the introduction of a new school-based assessment and accountability framework, the Early Action for Success Strategy, the Improving Literacy and Numeracy National Partnership, and the implementation of the Every Student, Every School reforms. For example, the Department reported that 'every regular school is now allocated a specialist learning and support teacher and annual flexible funding to support students with additional learning needs and their teachers'.<sup>19</sup> Allocation of these resources is based on data drawn from NAPLAN results.<sup>20</sup>
- 2.31 The Department also cited the Teaching English Language Learners (TELL) professional learning program for teachers, which provides information about community engagement and skills for teaching English to students learning English as a second language.<sup>21</sup> In answers to questions on notice, the Department explained that the TELL program assists teachers in developing the academic language and literacy of all students who are learning Standard Australian English as an additional language or dialect, including Aboriginal students.<sup>22</sup>
- 2.32 **Recommendation 4**, that by December 2014 the Department needs to ensure that its new management systems are fully developed and implemented, was accepted. In his report, the Auditor-General pointed out that in 2008 he recommended that the Department should ensure that its new management systems were fully developed to enable tracking of student performance and needs, and that this work be completed by 2010.<sup>23</sup>
- 2.33 In its submission, the Department cited a number of actions relating to its new Student Administration and Learning Management (SALM) system, being taken to address this recommendation. The first component of the SALM system provides information about individual students, such as personalised learning and support programs, counselling and referrals, suspensions and expulsions. The second component provides further information, including information about groups, such as timetabling, class attendance, curriculum, behaviour incidents and so on.
- 2.34 The SALM tool was implemented in an initial group of 229 schools in 2013. In its submission, the Department stated that it would be rolled out to all schools by the end of 2014.<sup>24</sup> At the public hearing, however, Ms Simmons advised the Committee that:

The SALM tool is one system that is going to assist us with the tracking and monitoring of Aboriginal student outcomes in our schools ...the SALM system was rolled out between September and November in 2013. It is ongoing work

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<sup>19</sup> Submission 3, NSW Department of Education and Communities, p5.

<sup>20</sup> Submission 3, NSW Department of Education and Communities, p5.

<sup>21</sup> Submission 3, NSW Department of Education and Communities, p5.

<sup>22</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Answers to questions on notice taken in evidence, 13 March 2014, p1.

<sup>23</sup> New South Wales Auditor-General's Report, Performance Audit: Improving the literacy of Aboriginal students in NSW public schools, August 2012, p17, see also, New South Wales Auditor-General's Report, Performance Audit: Improving Literacy and Numeracy in Public Schools, October 2008.

<sup>24</sup> Submission 3, NSW Department of Education and Communities, p7.

and it is in this context that the department advises the Committee that continuing to roll out solutions in all of our government schools will be done in a time frame that is sustainable for schools.<sup>25</sup>

- 2.35 Ms Simmons advised the Committee that the Department is also developing a business intelligence platform, which will enable schools to compile data from a number of sources:

the business intelligence tool or platform ... will enable us to bring a whole number of different data sources together, which includes information relating to NAPLAN, the information that we have around Best Start, the planned software and some of the information from there. There might be information that comes from the Higher School Certificate, and information from SALM, so it will be a platform that will bring all of the information together into one database where we will be able to monitor and track the performance of all students.<sup>26</sup>

- 2.36 This business intelligence tool was not referred to in the Department's submission. However, Ms Simmons advised that it has been planned for rollout in 2014.<sup>27</sup> In answers to questions on notice, the Department provided further information about the business intelligence platform, saying that:

When developed, the new business intelligence platform will deliver standard reports which plot and track actual performance of all students against Public Schools NSW targets for NAPLAN Years 3, 5, 7 and 9.

As new data is added each year, the reports will present a progressive picture of performance towards the 2018 target of halving the gap in literacy and numeracy between Indigenous and non-Indigenous students.<sup>28</sup>

- 2.37 During its visit to schools in far western NSW, the Committee heard reports of deficiencies in the information provided by independent schools. In answers to questions on notice, the Department clarified the reporting requirements which apply to independent schools, including reporting associated with NAPLAN, reporting related to the Low Socio-economic Status School Communities National Partnership Agreement, reporting from the Investing Focus Schools Project Agreement, and annual reports to the NSW Minister for Education under the NSW Literacy and Numeracy Action Plan.<sup>29</sup>

- 2.38 **Recommendation 5**, that by December 2013, the Department needs a means of routinely evaluating the effectiveness of schools' efforts to involve and support Aboriginal parents and communities, was accepted by the Department in a

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<sup>25</sup> Ms Jane Simmons, Executive Director, Learning and Leadership, Department of Education and Communities, Transcript of evidence, 13 February 2014, p8.

<sup>26</sup> Ms Jane Simmons, Executive Director, Learning and Leadership, Department of Education and Communities, Transcript of evidence, 13 February 2014, p8.

<sup>27</sup> Ms Jane Simmons, Executive Director, Learning and Leadership, Department of Education and Communities, Transcript of evidence, 13 February 2014, p8.

<sup>28</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Answers to questions on notice taken in evidence, 13 March 2014, p1.

<sup>29</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Answers to questions on notice taken in evidence, 13 March 2014, pp3-4.

revised form. Instead of evaluating schools' efforts to promote the involvement of Aboriginal parents and communities, the Department agreed that 'by December 2013, the Department needs a means of routinely evaluating the involvement and support of Aboriginal parents and the Aboriginal community'.<sup>30</sup> This shifts the focus of the recommendation from the efforts made by schools to efforts made by Aboriginal parents and communities.

- 2.39 In its submission, the Department stated that it has developed a monitoring process in consultation with the Aboriginal Education Consultative Group (AECG), which it cited as action taken to implement its recommendation. The Department explained that this monitoring process involves:

The NSW AECG regularly collecting information about what schools the AECG supports, the level of support given by the AECG to those schools and the number of schools that have staff who regularly attend AECG meetings. The NSW AECG will collect this information from regional AECGs using a mutually agreed template as part of the AECG's routine internal data collection and dissemination processes. The NSW AECG will then forward this information to the Department's Aboriginal Education and Community Engagement Unit annually.<sup>31</sup>

- 2.40 The NSW AECG is a non-profit Aboriginal organisation which provides advice on education and training matters from an Aboriginal viewpoint.<sup>32</sup> The AECG has a partnership agreement with the Department. Ms Cindy Berwick, President of the AECG, explained its role:

The New South Wales AECG represents a portal to the community. We have 126 local AECGs that operate around the State. Anybody can be a member. We see that we are a facilitator to the rest of the community. We have strong partnerships with the land council and with the area health services. We work in partnership. We are a member of the Coalition of Aboriginal Peak Organisations. We represent all of those things. Where schools have the advantage that there is a local AECG, it is their access to the community and not just members of the AECG.<sup>33</sup>

- 2.41 Ms Berwick drew the Committee's attention to some of the activities undertaken by local AECG groups and in particular, the Connecting to Country program which is conducted by local Aboriginal communities. Ms Berwick explained that:

Over the past couple of years the department has rolled out a Connecting to Country program, which is professional learning for teachers and principals about how they form relationships. It is an introduction to their local community. The AECG facilitates that program but they involve all of the community ... It has been independently evaluated by the Department. It is the community that leads it. The department only sends the teachers along. By and large, from all of the evaluations that have been done, it is a hugely

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<sup>30</sup> Submission 3, NSW Department of Education and Communities, p8.

<sup>31</sup> Submission 3, NSW Department of Education and Communities, p8.

<sup>32</sup> See: <http://www.aecg.nsw.edu.au/about>, Accessed, 12 March 2014.

<sup>33</sup> Ms Cindy Berwick, President, Aboriginal Education Consultative Group, Transcript of evidence, 13 February 2014, p8.

successful program that has effected change in the way that teachers practise their craft in classrooms.<sup>34</sup>

- 2.42 During its visits to schools in western NSW, the Committee spoke to Principals and teachers who had participated in the Connecting to Country program. Feedback about the program and its effectiveness was universally positive, with one Principal describing the Program conducted in Wilcannia as 'amazing'.<sup>35</sup>
- 2.43 **Recommendation 6**, that by December 2012, the Department needs to periodically review the resourcing and allocation of Aboriginal field staff, was supported in principle by the Department. However, the Department noted that there were planned timelines in place, which precluded implementation of the recommendation by December 2012.<sup>36</sup>
- 2.44 In its submission, the Department wrote that resourcing and allocation of field staff would be reviewed in the context of its Aboriginal Human Resources Development Plan 2012-2017, and broader departmental reforms. The Department also stated that Aboriginal field positions have been reviewed and allocated according to local community and departmental needs, as part of its 'Public Schools NSW' realignment.<sup>37</sup> The Department further explained that it has developed a Resource Allocation Methodology to assist principals in making decisions about resource allocation, as part of its Local Schools, Local Decisions strategy.
- 2.45 During its visit to schools in western NSW, the Committee met a number of Aboriginal field staff working at schools in Broken Hill, Menindee and Wilcannia. In addition to their substantive roles, these staff members play an important role in providing further links to the local Aboriginal community, and were highly valued by Principals and other staff.
- 2.46 The Committee also heard evidence from both Indigenous and non-Indigenous staff about the importance of having Aboriginal people in teaching and leadership positions, as well as field staff. Aboriginal teachers and Principals provide powerful role models for Aboriginal children, as well as for their communities more broadly. In answers to questions on notice, the Department advised that 963 of its approximately 49,000 permanent teaching staff are Aboriginal.<sup>38</sup>
- 2.47 **Recommendation 7**, that by December 2012, the Department needs to ensure that AECG representatives are provided with information on the performance of Aboriginal students, was also accepted by the Department in a revised form. The Department expressed concern that the release of such data at school level may identify students and infringe their privacy.<sup>39</sup> The Department advised that it has implemented the recommendation through the monitoring process developed in

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<sup>34</sup> Ms Cindy Berwick, President, Aboriginal Education Consultative Group, Transcript of evidence, 13 February 2014, p8.

<sup>35</sup> Mr Daryl Irvine, Principal, Wilcannia Public School, personal communication, 17 February 2014.

<sup>36</sup> Submission 3, NSW Department of Education and Communities, p8.

<sup>37</sup> Submission 3, NSW Department of Education and Communities, pp8-9.

<sup>38</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Answers to questions on notice taken in evidence, 13 March 2014, p1.

<sup>39</sup> Submission 3, NSW Department of Education and Communities, p9.

consultation with the AECG, and that data is provided at a regional, rather than school, level.<sup>40</sup>

2.48 **Recommendation 8**, that by June 2013 the Department needs to evaluate the design and effectiveness of Personal Learning Plans (PLPs), was accepted in a revised form. In his report, the Auditor-General expressed concern that there were no minimum requirements for personal learning plans, and no requirement to ensure that they are updated. The Department accepted the Auditor-General's recommendation with a revised date of December 2013.

2.49 In its submission, the Department explained that it had established a working party to review PLPs and collected data about implementation of PLPs from each school region. According to the Department, this data is currently being analysed, and guidelines for the development of PLPs are being drafted.<sup>41</sup>

2.50 **Recommendation 9**, that by June 2013 the Department needs to routinely evaluate the efficiency and effectiveness of programs to improve the literacy of Aboriginal students, was accepted with a revised timeline of December 2013.

2.51 In its submission, the Department cited two actions which are being taken to implement this recommendation: the development of the new school-based assessment and accountability framework previously referred to, and the Centre for Education Statistics and Evaluation, which will 'systemically evaluate the effectiveness and efficiency of programs across [the Department]'.<sup>42</sup> The Department further explained that it is planning to 'prioritise more rigorous, systematic and transparent evaluation of programs that are aligned to government priorities in the NSW 2021 Plan'.<sup>43</sup>

2.52 At the public hearing, members of the Committee questioned witnesses from the Department of Education and Communities about the Auditor-General's recommendations in regard to evaluation.<sup>44</sup> Dr Geoff Lee, Deputy Chair of the Public Accounts Committee, asked:

The establishment of the Centre for Educational Statistics in Evaluation is obviously a good idea to measure the efficacy of the programs that the Department delivers and funds. Can someone share some light on the Aboriginal education programs in respect of the relative cost efficiency and effectiveness?<sup>45</sup>

2.53 Mr Smyth-King, emphasised that the Department is moving away from a programmatic approach:

We have to move away from the notion that we have got a programmatic approach, that there is a particular program for Aboriginal students. What we have to re-emphasise is that the efficacy of our various interventions and the

<sup>40</sup> Submission 3, NSW Department of Education and Communities, p9.

<sup>41</sup> Submission 3, NSW Department of Education and Communities, pp9-10.

<sup>42</sup> Submission 3, NSW Department of Education and Communities, p10.

<sup>43</sup> Submission 3, NSW Department of Education and Communities, p10.

<sup>44</sup> Dr Geoff Lee, Deputy Chair, Public Accounts Committee, Transcript of Evidence, 13 February 2014, pp8-11.

<sup>45</sup> Dr Geoff Lee, Deputy Chair, Public Accounts Committee, Transcript of Evidence, 13 February 2014, p9.

options that teachers use to teach kids are evidence based and cost effective ... What is important to understand in this particular context is—as I have mentioned earlier—one size does not fit all. You cannot mandate, if you like, from a central point a particular program that is going to work for everybody.<sup>46</sup>

- 2.54 When asked for further details about how the Department would be able to assess whether its individualised responses to students were working, and hence whether the Department is on track to meet targets in relation to Aboriginal literacy, Mr Smyth-King referred to the business intelligence platform currently being developed by the Department:

What it [the business intelligence platform] is doing is drawing together the wide range of data sources that we have within the department to provide what you have described as a dashboard that the system will use. In particular, the dashboard being visible and used by schools in their day-to-day work so that we can then monitor as a system across the organisation the various issues that you are talking about.<sup>47</sup>

### Committee comment

- 2.55 The Committee is cognisant of the complexity of issues facing Aboriginal communities, and that these issues will not be resolved by the Department of Education and Communities alone. However, the Committee was shocked by the Auditor-General's findings and in particular, the finding that there has been no discernible improvement in literacy among Aboriginal students over the last decade. The Committee considers that more effective monitoring and assessment of students' progress is needed.
- 2.56 The Committee commends the reforms currently being implemented within the NSW public school system, including initiatives such as *Local Schools, Local Decisions; Every Student, Every School* and *Early Action for Success*. The Committee recognises that these reforms represent significant efforts on the part of the NSW Department of Education and Communities to improve outcomes for all students.
- 2.57 The Committee was particularly impressed by the Connected Communities initiative, which targets schools with a high proportion of Aboriginal students. The Committee visited two of these schools and was impressed by their work and by the leadership of the Executive Principals appointed by the Department.
- 2.58 However, the Committee was disappointed by the Department's response to the Auditor-General's recommendations. Despite the Director-General's positive response to the performance audit, the Department accepted only two of the Auditor-General's nine recommendations without modification. While in some cases (such as Recommendation 2) these revisions were minor, in others they were significant. Further, the Department postponed implementation of several recommendations. The Committee was not able to detect any substantial work

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<sup>46</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Transcript of evidence, 13 February 2014, p9.

<sup>47</sup> Mr Brian Smyth-King, Executive Director, Learning and Engagement, Department of Education and Communities, Transcript of evidence, 13 February 2014, p11.



being undertaken by the Department specifically in response to the performance audit.

- 2.59 The Committee was particularly concerned about the Department's response to Recommendation 4. The Committee was mindful of the Auditor-General's previous recommendation to this effect made in 2008, which was never implemented. While the Department accepted Recommendation 4 and is on track to implement the Student Administration and Learning Management Solution by the end of 2014, this Management Solution does not appear to be designed to track student performance. At the public hearing the Department referred to its planned business intelligence tool, but appeared unsure when this would be implemented. In light of the major reforms being implemented within the NSW public school system, this is disappointing. The Committee therefore recommends that the business intelligence tool be implemented as a matter of urgency.
- 2.60 The Committee commends the strong engagement between the Department and the Aboriginal Education Consultative Group. Effective involvement of local communities is a key strategy to promote engagement among Aboriginal students. The Committee noted the strong commitment to involving parents and local Aboriginal communities in schools that it visited in far western NSW, but is aware that this commitment may not be present in all schools.
- 2.61 The Committee was therefore concerned by the Department's modifications to Recommendation 5. This recommendation was intended to develop a mechanism to evaluate schools' efforts to engage with Aboriginal parents and the Aboriginal community. The Committee noted that the Department has negotiated with the AECG to collect some information relevant to this Recommendation, but appeared to have no plans to use the information. The Committee therefore recommends that the Department implement the Auditor-General's original recommendation.
- 2.62 The Committee was concerned by the Auditor-General's finding that only about half of Aboriginal students have Personalised Learning Plans in place. While the Committee commends the Department's work in reviewing Personalised Learning Plans, the Committee considers that greater accountability for the development of these Plans is needed. The Committee therefore recommends that development of Personalised Learning Plans for Aboriginal students and other students with additional needs be included in the Principals' Assessment Review Schedule and the associated self-regulation dashboard for principals.
- 2.63 The Committee was also concerned by the Department's response to Recommendation 9, regarding evaluation of programs and measures to improve student performance. The Committee notes the Department's development of a new school-based assessment and accountability framework, and also the establishment of a new Centre for Education Statistics and Evaluation. However, the Committee was not able to discern how programs and other measures to assist students would be evaluated, or how the results of any evaluation would be reported. In the context of the reforms being implemented, this is disappointing.

- 2.64 The Committee is aware of the Ombudsman Amendment (Aboriginal Programs) Bill currently before the House and proposes that the proposed Deputy Ombudsman be given powers to investigate programs and initiatives to improve literacy delivered to Aboriginal students.

#### **RECOMMENDATION 1**

**The Committee recommends that the Department of Education and Communities, as a matter of priority, implement its business intelligence tool to improve monitoring of students' progress.**

#### **RECOMMENDATION 2**

**The Committee recommends that the Department of Education and Communities implement the Auditor-General's recommendation that it develop a means of routinely evaluating the effectiveness of schools' efforts to promote the involvement and support of Aboriginal parents and the local Aboriginal community.**

#### **RECOMMENDATION 3**

**The Committee recommends that the Department of Education and Communities include development of Personalised Learning Plans for Aboriginal students and other students with additional needs in the Principals' Assessment Review Schedule and the associated self-regulation dashboard for principals.**

#### **RECOMMENDATION 4**

**The Committee recommends that, following the assent of the Ombudsman Amendment (Aboriginal Programs) Bill 2014, the Minister for Aboriginal Affairs prescribe by regulation all education initiatives designed to improve educational outcomes for Aboriginal students.**

#### **RECOMMENDATION 5**

**The Committee recommends that the Department of Education and Communities work with the Catholic Education Office to improve liaison and coordination between St Therese's Community School and the Wilcannia Central School.**

#### **RECOMMENDATION 6**

**The Committee recommends that the Department of Education and Communities introduce minimum standards for Personal Learning Programs.**

## Chapter Three – Settling humanitarian entrants in NSW

### Introduction

- 3.1 Over the last ten years, more than 1.5 million immigrants have settled in Australia. Of these, 132,111 (or about 9 per cent) were humanitarian entrants.<sup>48</sup> About a quarter of these settled in New South Wales.
- 3.2 Immigration policy is a Commonwealth responsibility. The Commonwealth, through the Department of Immigration and Border Protection, determines immigrant numbers and their initial destinations. However, the NSW Government is responsible for providing new migrants equitable access to services such as health, education and housing.

### The Performance Audit

- 3.3 The Auditor-General conducted a performance audit of NSW's response to the settlement needs of humanitarian entrants. The aim of this audit was to assess how well NSW plans for the arrival and initial settlement of humanitarian entrants, and how well it meets their ongoing needs after orientation.<sup>49</sup> The Auditor-General's report was tabled in May 2012.

### Audit conclusions

- 3.4 The Auditor-General concluded that NSW is not meeting its responsibility to humanitarian entrants as well as it could.<sup>50</sup> The Auditor-General observed that NSW has no overall settlement plan, and that assistance to humanitarian entrants is poorly coordinated.<sup>51</sup> The Auditor-General made nine recommendations to improve support for humanitarian entrants, and these are detailed in the table below.

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<sup>48</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p11.

<sup>49</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p3.

<sup>50</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p2.

<sup>51</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p2.

**Table 2: Auditor-General's recommendations – Settling humanitarian entrants in New South Wales**

No.	Recommendation
<b>To support permanent residents who come into New South Wales under the humanitarian migration stream, the Department of Premier and Cabinet and the Community Relations Commission:</b>	
1.	By January 2013, ensure that the Community Relations Commission has explicit responsibility and authority for leading engagement with the Commonwealth and other stakeholders on humanitarian settlement matters.
2.	By January 2013, revise the existing immigration, planning and settlement structure (the NSW Government Immigration Settlement and Planning Committee) or develop an alternate structure that has the responsibility and authority to be the central point for New South Wales to develop, coordinate and implement its statewide settlement policy and planning, including to: <ul style="list-style-type: none"> <li>• Hold agencies accountable</li> <li>• Work in collaboration with the Commonwealth</li> <li>• Develop partnerships with NSW local government organisations.</li> </ul>
3.	By June 2013, use the above structure to ensure humanitarian entrants are included in settlement planning at a State level.
<b>To support permanent residents who come into New South Wales under the humanitarian migration stream, Community Relations Commission:</b>	
4.	By June 2013, develop, implement, and publicise an information portal to become a central access point for information for: <ul style="list-style-type: none"> <li>• Local service providers to assist in planning and service delivery</li> <li>• Humanitarian entrants to assist in accessing NSW Government services.</li> </ul>
5.	By January 2013, develop a 'New South Wales Card' and explore how it may best be offered to new entrants. The card is to provide information for assistance in engaging with NSW Government agencies.
6.	From June 2014, for five years: <ul style="list-style-type: none"> <li>• Require all key agencies nominated by the Community Relations Commission to include a summary of current issues and outcomes for humanitarian entrants identified in the delivery of agency programs and services in their Multicultural Policies and Services Program report.</li> <li>• The Community Relations Commission to publicly report on humanitarian entrant issues and outcomes in the Community Relations Report.</li> </ul>
7.	By January 2013, review the purpose and focus of: <ul style="list-style-type: none"> <li>• The Multicultural Coordinators Forum</li> <li>• The Settlement Services Coalition</li> <li>• The Community Relations Commission Community Consultations</li> </ul> <p>And ensure that humanitarian settlement issues are elevated to the immigration, planning and settlement structure for action as required.</p>
8.	By January 2013, identify opportunities to work collaboratively with stakeholders to collect better New South Wales data on settlement outcomes, e.g. the Commonwealth's Longitudinal Survey of Refugees and other Migrants. Use the data to monitor and improve outcomes for humanitarian entrants.
9.	By January 2013, improve public promotion of the responsibility of NSW Government agencies to provide interpreters.

## Government response

- 3.5 The Department of Premier and Cabinet and the Community Relations Commission jointly reviewed the Auditor-General's report and responded in some detail. They expressed their concern that the 'report's findings misrepresent the role of NSW in the settlement of humanitarian entrants'.<sup>52</sup>
- 3.6 The Department of Premier and Cabinet (DPC) and the Community Relations Commission (CRC) expressed the view that planning for immigration settlement is a Commonwealth responsibility, while delivery of services to migrants is a joint Commonwealth-State responsibility. They emphasised that 'DPC and the CRC do not support the contention that NSW should have a settlement plan to specifically influence the settlement of this small number of humanitarian entrants'.<sup>53</sup> They were also critical of the Auditor-General's findings in relation to settlement outcomes in NSW, saying that the report 'paints a poor picture of humanitarian entrant outcomes over the five year horizon'.<sup>54</sup>
- 3.7 Despite these objections, DPC and the CRC did undertake to review the NSW Government Immigration Settlement and Planning Committee, to improve coordination of services for humanitarian entrants:

DPC and the CRC accept that services to humanitarian entrants could be better coordinated, that the responsibilities of respective Commonwealth and State agencies could be better articulated and managed through collaborative mechanisms, such as a reconfigured Immigration and Settlement Planning Committee.<sup>55</sup>

## The Committee's examination

- 3.8 As part of its examination of performance audits, the Chair of the Public Accounts Committee wrote to the Department of Premier and Cabinet and the Community Relations Commission on 27 September 2013 to request a submission. The Community Relations Commission responded on 16 October 2013, providing a submission.
- 3.9 The Department of Premier and Cabinet responded on 16 November 2013. In his response, Mr Chris Eccles, Director General, Department of Premier and Cabinet rejected the Auditor-General's recommendations and expressed his concern that:

the information they [the Community Relations Commission] have provided may be misleading in that it either 'accepts' or provides a status update against some recommendations which the formal response to the Report did not accept. While the CRC may be considering these recommendations when

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<sup>52</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p7.

<sup>53</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p8.

<sup>54</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p8.

<sup>55</sup> New South Wales Auditor-General's Report, Performance Audit: Settling humanitarian entrants in New South Wales, May 2012, p9.

performing related work, I wish to confirm that the Report's recommendations were not supported.<sup>56</sup>

3.10 However, in its submission the Department did reiterate its intention to review the composition of the NSW Government Immigration and Settlement Planning Committee and its terms of reference.

3.11 Mr Stepan Kerkyasharian, then Chair of the Community Relations Commission, subsequently wrote to the Chair of the Public Accounts Committee on 26 November, saying that, 'Mr Eccles' assertion that CRC has 'misled' the Public Accounts Committee by 'accepting' or providing a status update against several recommendations in the Report is inappropriate and misinformed'.<sup>57</sup> However, Mr Kerkyasharian also emphasised that the CRC did not support the Auditor-General's recommendations, saying:

If the use of 'accepted' in the CRC's Implementation of Recommendations table has been interpreted by the Public Accounts Committee as the CRC agreeing to recommendations retrospectively, as Mr Eccles suggests, this is a misunderstanding.<sup>58</sup>

3.12 The Committee forwarded the submission from the Community Relations Commission and the response from the Department of Premier to the Auditor-General for comment on 28 November 2013, and he in turn responded on 23 January 2014.

3.13 The Committee conducted a public hearing on 13 February 2014, and took evidence from representatives of the Department of Premier and Cabinet and the Community Relations Commission. Details of the witnesses who gave evidence are included at Appendix Two, and a transcript of the hearing is available on the Committee's website. Questions on notice were subsequently sent to witnesses following the hearing, and the two agencies provided a joint response to these questions on 7 March.

3.14 At the public hearing on 13 February, Mr Jonathan O'Dea MP, Chair of the Public Accounts Committee, emphasised the importance of focusing on actions to improve services for humanitarian entrants, rather than differences of opinion between government agencies:

I do not necessarily agree that all the logic and reasoning behind rejection of the recommendations as they were presented is fully persuasive or totally based on factual interpretation as I would see it. But I think that is largely academic in the sense that there was foreshadowed action that essentially satisfies the essence of the report and the recommendations. I would now like to focus on testing actions that have been taken, consistent with what was promised in the response would be done.<sup>59</sup>

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<sup>56</sup> Submission 4, Department of Premier and Cabinet, p2.

<sup>57</sup> Mr Stepan Kerkyasharian, Chairperson, Community Relations Commission, Correspondence to Chair, 26 November 2013, p1.

<sup>58</sup> Mr Stepan Kerkyasharian, Chairperson, Community Relations Commission, Correspondence to Chair, 26 November 2013, p1.

<sup>59</sup> Mr Jonathan O'Dea MP, Chair, Public Accounts Committee, Transcript of evidence, 13 February 2014, p15.

## Implementation of recommendations

- 3.15 As previously noted, all of the Auditor-General's recommendations were rejected by the Department of Premier and Cabinet and the Community Relations Commission. However, the agencies did provide the Committee with an update on actions that have been taken or planned in a number of areas relating to the recommendations.
- 3.16 Recommendations **1, 2 and 3** related to planning and coordination of services for humanitarian entrants and in particular, the agency and structures to conduct this. In its submission, the Community Relations Commission linked these recommendations, suggesting that they would be implemented through the review of the Immigration Settlement and Planning Committee which it and the Department of Premier and Cabinet had undertaken to conduct.<sup>60</sup> At the public hearing Mr Chris Eccles, Director General, Department of Premier and Cabinet, also said that 'the main initiative has been progress with the revitalisation of [this] committee'.<sup>61</sup>
- 3.17 The Auditor-General recommended that Recommendations 1 and 2 be implemented by January 2013, and Recommendation 3 by June 2013. The Department of Premier and Cabinet and the Community Relations Commission undertook to conduct this review in their initial response to the report, which was tabled in May 2012, though they did not specify when this review would be undertaken.
- 3.18 In its submission, the Community Relations Commission reported that a committee had been formed to review the Immigration and Settlement Planning Committee, and develop draft Terms of Reference and a workplan.<sup>62</sup> The Community Relations Committee noted that the revitalised Immigration and Settlement Planning Committee was expected to meet before the end of 2013.<sup>63</sup> However, at the public hearing on 13 February 2014, Mr Eccles explained that the Committee was expected to hold its first meeting on 3 April 2014.
- 3.19 At the public hearing, the Committee questioned witnesses about the delay in the re-constitution of the Immigration and Settlement Planning Committee. Mr Jonathan O'Dea MP, Chair, said that:

I am concerned and disturbed that it has taken two full years to get a one and a half page document, which states the terms of reference for a committee. I would like to hear why it has taken two years to simply deliver a terms of reference document. There has been no meeting of the committee, which was meant to occur in December 2013. Until this process of follow-up occurred, it seems as though nothing happened.<sup>64</sup>

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<sup>60</sup> Submission 1, Community Relations Commission, pp1-2.

<sup>61</sup> Mr Chris Eccles, Director General, Department of Premier and Cabinet, Transcript of evidence, 13 February 2014, p15.

<sup>62</sup> Submission 1, Community Relations Commission, pp1-2.

<sup>63</sup> Submission 1, Community Relations Commission, p2.

<sup>64</sup> Mr Jonathan O'Dea MP, Chair, Public Accounts Committee, Transcript of evidence, 13 February 2014, p15.

- 3.20 Mr Eccles acknowledged that 'if there is a one and a half page terms of reference response to a report that is two years old, on any interpretation and whatever rationale that might emerge, that is not acceptable'.<sup>65</sup> Ms Stephanie von Helle, Director, Policy and Community Relations, Community Relations Commission, provided further explanation. She said that 'a lot of time was taken in the actual review of the steering committee', and that 'changes in staffing, particularly in the Department of Premier and Cabinet and then with the leadership of the Community Relations Commission, had an impact' on the delay.<sup>66</sup>
- 3.21 In answers to questions on notice, the two agencies provided further information about the work that has been done, explaining that a steering committee was formed in June 2012 to review the composition of the Immigration and Settlement Planning Committee and revise its terms of reference. This review committee comprised representatives from DPC, the CRC, and the Department of Trade and Investment, Regional Infrastructure and Services. The review sought 'to ensure the NSW GISPC [Government Immigration and Settlement Planning Committee] had the responsibility and authority to be the central point for developing and implementing settlement policy and planning in NSW'.<sup>67</sup>
- 3.22 The review committee also consulted a number of relevant agencies including the Department of Education and Communities, the Commonwealth Department of Immigration and Citizenship, the NSW Division of Local Government, the NSW Department of Family and Community Services, NSW Health, NSW Fair Trading, and the NSW Police Force. As already mentioned, the committee did not hold its first meeting until 2 April 2014.
- 3.23 **Recommendation 4**, that the Community Relations Commission develop an information portal to become a central access point for information for humanitarian entrants and service providers, was rejected by the Community Relations Commission. The Commission did not address this implementation.
- 3.24 Similarly, **Recommendation 5**, that the Commission develop a 'New South Wales' Card' to provide information for humanitarian entrants to assist them in accessing NSW Government agencies, was rejected. At the public hearing, Ms von Helle explained that the Commission chose not to implement this recommendation because there are other sources of information available:

The information that is relevant to international students is generally applicable to humanitarian entrants. There is not a great distinction in the types of information that both of those groups would need access to. The Z-CARD, as we refer to it, is still available and it is still being requested in fairly large numbers from organisations that we have contact with ... Given the efficiency dividends that are applied across the sector, that has not been

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<sup>65</sup> Mr Chris Eccles, Director General, Department of Premier and Cabinet, Transcript of evidence, 13 February 2014, p15.

<sup>66</sup> Ms Stephanie von Helle, Director, Policy and Community Relations, Community Relations Commission, Transcript of evidence, 13 February 2014, p16.

<sup>67</sup> Mr Chris Eccles, Director General, Department of Premier and Cabinet & Mr Hakan Harman, Chief Executive Officer, Community Relations Commission, Answers to questions on notice, 7 March 2014, p2.



prioritised by the commission to date, given that there is an already alternative source of information that is still available and applicable.<sup>68</sup>

3.25 **Recommendation 6** proposed that the Commission require key agencies to include a summary of issues and outcomes for humanitarian entrants in their Multicultural Policies and Services Program report, and that the Commission report publicly on these in its Community Relations Report. This recommendation was also rejected. However, it appears that the Commission has implemented the second part of this recommendation. In answers to questions on notice, Mr Eccles and Mr Harman advised that:

The CRC has asked government agencies to report on the services they provide for humanitarian entrants in their Multicultural Policies and Services Program reporting. This reporting reflects the Commission's legislated responsibility to measure our State's responses to multiculturalism. The 2013 CRC Report identified 17 initiatives for humanitarian entrants.<sup>69</sup>

3.26 At the public hearing, Ms von Helle provided further information about the Commission's response to the Auditor-General's report and its efforts to draw the attention of service providers to the needs of humanitarian entrants:

Through our Multicultural Coordinators Forum, which is where senior practitioners who are responsible for multicultural service delivery get together on a quarterly basis in Sydney and four times a year in the regional areas, we have had specific cross-agency focus and discussion on humanitarian entrants, have been required to report on an annual basis about what they are doing with regard specifically to the cohort that is mentioned in this report, and when we table the report in Parliament in April this year through the Minister for Citizenship and Communities there will be a section on what government agencies have reported to us that they are doing specifically for humanitarian entrants. While the New South Wales Government did not explicitly accept that recommendation when it was released, in the intervening time it has become a priority for business and we have seen the merit in it and taken action at a practical cross-government coordination level.<sup>70</sup>

3.27 The Commission advised that its 2013 Community Relations Report would be tabled in April 2014.<sup>71</sup> However, the Legislative Assembly did not sit in April.

3.28 **Recommendation 7**, that the Commission review the purpose and focus of the Multicultural Coordinators Forum, the Settlement Services Coalition and the Community Relations Commission Community Consultations, was also rejected. In its submission, the Commission advised that:

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<sup>68</sup> Ms Stephanie von Helle, Director, Policy and Community Relations, Community Relations Commission, Transcript of evidence, 13 February 2014, p20.

<sup>69</sup> Mr Chris Eccles, Director General, Department of Premier and Cabinet & Mr Hakan Harman, Chief Executive Officer, Community Relations Commission, Answers to questions on notice, 7 March 2014, p2.

<sup>70</sup> Ms Stephanie von Helle, Director, Policy and Community Relations, Community Relations Commission, Transcript of evidence, 13 February 2014, p18.

<sup>71</sup> Ms Stephanie von Helle, Director, Policy and Community Relations, Community Relations Commission, Transcript of evidence, 13 February 2014, p18.

These forums are valuable to the NSWGISPC as they provide up-to-date information about new and emerging issues from the community and government sectors. Once the new NSWGISPC is instated and the workplan is finalised, it may be appropriate to modify aspects of the forums to ensure they provide relevant and timely input to the Committee and other mechanisms, such as the National Settlement Framework.<sup>72</sup>

3.29 In his report, the Auditor-General recommended that the Commission review these forums by January 2013. As the re-constituted Immigration and Settlement Planning Committee did not meet until 3 April 2014, any review of these forums will not be conducted in a timely fashion, and appears unlikely to be conducted at all.

3.30 **Recommendation 8**, that the Commission identify opportunities to work collaboratively with stakeholders to collect better data on settlement outcomes, to monitor and improve outcomes for humanitarian entrants, was rejected. However, in its submission the Commission advised that it now has access to GOVDEX, which is a Commonwealth database of settlement information.<sup>73</sup> At the public hearing, Ms von Helle explained that GOVDEX 'contains Commonwealth Government statistics about immigration decisions. They are not forecasting where people might be settled, but they are the first point of knowledge once a settlement decision has been made'.<sup>74</sup> The information contained in GOVDEX is confidential, and used primarily for ministerial briefings. The Commission did not explain how this data would be used to monitor and improve outcomes for humanitarian entrants.

3.31 **Recommendation 9**, that by January 2013, the Commission improve public promotion of the responsibility of NSW Government agencies to provide interpreters, was likewise rejected. In its submission, the Commission responded to this recommendation by saying that:

The Commission recognises the need for increased public awareness about access to interpreters. The Commission ensures State government agencies fulfil their responsibilities to culturally diverse clients through MPSP [Multicultural Policies and Services Program] and promotes this service through its community engagement events.<sup>75</sup>

3.32 At the public hearing, Ms von Helle provided some more information about the Commission's efforts to raise awareness of its interpreter services:

We have improved our relationship with the agencies that have the contracts for settlement services, for example, Settlement Services International and Red Cross. We have begun engaging in their groups and letting them know that their clients can access our interpreters, particularly when they are working through government agencies. So their clients, many of whom are

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<sup>72</sup> Submission 1, Community Relations Commission, pp4-5.

<sup>73</sup> Submission 1, Community Relations Commission, p5.

<sup>74</sup> Ms Stephanie von Helle, Director, Policy and Community Relations, Community Relations Commission, Transcript of evidence, 13 February 2014, p16.

<sup>75</sup> Submission 1, Community Relations Commission, p5.

asylum seekers or humanitarian entrants, are eligible to access an interpreting service. That is one area where we have expanded our reach.<sup>76</sup>

- 3.33 In answers to questions on notice, the Commission added that ‘the CRC continues to advocate for government agencies to improve access to interpreters and translation services where gaps in this service are identified’.<sup>77</sup>

### Committee comment

- 3.34 The Committee was very disappointed by the response to the report from the Department of Premier and Cabinet and the Community Relations Commission. While acknowledging that immigration policy is a federal responsibility, NSW is responsible for providing equitable access to government services. Humanitarian entrants are a particularly vulnerable group, and it is disappointing that the NSW Government rejected all of the Auditor-General’s recommendations.
- 3.35 The Committee noted that the Department of Premier and Cabinet and the Community Relations Commission did commit to conducting a review of the NSW Government Immigration and Settlement Planning Committee, but failed to meet this commitment in a timely fashion. The Department of Premier and Cabinet and the Community Relations Commission made this commitment in May 2012. The new committee, however, did not meet until April 2014.
- 3.36 The Committee was concerned by what appeared to be poor coordination between the Department of Premier and Cabinet and the Community Relations Commission. It therefore recommends that these agencies re-visit the Auditor-General’s recommendation that the Community Relations Commission have explicit responsibility and authority for leading engagement with the Commonwealth and other stakeholders on humanitarian settlement matters. Further, given the disappointing delays in meeting stated commitments, the Committee recommends that the Department of Premier and Cabinet and the Community Relations Commission provide a report to Parliament on progress in improving access to services for humanitarian entrants, by November 2014.
- 3.37 The Committee was pleased that the Department of Premier and Cabinet and the Community Relations Commission cooperated with the performance audit process and the Committee’s inquiry. The Committee also notes work that the Community Relations Commission has undertaken in other areas relevant to the Auditor-General’s report, such as seeking improved information from the Commonwealth and promoting access to interpreters. However, the Committee could find little evidence that the Auditor-General’s recommendations have been implemented.

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<sup>76</sup> Ms Stephanie von Helle, Director, Policy and Community Relations, Community Relations Commission, Transcript of evidence, 13 February 2014, p20.

<sup>77</sup> Mr Chris Eccles, Director General, Department of Premier and Cabinet & Mr Hakan Harman, Chief Executive Officer, Community Relations Commission, Answers to questions on notice, 7 March 2014, p2.

## RECOMMENDATION 7

**The Committee recommends that the NSW Government ensure that the Community Relations Commission has explicit responsibility and authority for leading engagement with the Commonwealth and other stakeholders on humanitarian settlement matters.**

## RECOMMENDATION 8

**The Committee recommends that the Department of Premier and Cabinet and the Community Relations Commission provide Parliament with a report on actions taken to improve access to services for humanitarian entrants, particularly through the NSW Government Immigration and Settlement Planning Committee, by November 2014.**

# Chapter Four – Managing overtime: RailCorp and Roads and Maritime Services

## Introduction

- 4.1 Until July 2013, RailCorp was responsible for the administration and operation of passenger services in NSW. In 2012–13, RailCorp incurred expenses of \$4.028 billion, while generating \$1.276 billion in income.<sup>78</sup> In July 2013, RailCorp was re-structured to form Sydney Trains and NSW TrainLink, which operates services outside the Sydney region.
- 4.2 Roads and Maritime Services is responsible for building and maintaining road infrastructure and managing the safety of passenger services in NSW. In 2013 it incurred expenditure of \$5.264 billion and employed 7,472 full time equivalent staff.<sup>79</sup>

## The performance audit

- 4.3 The Auditor-General conducted a performance audit of the management of overtime in both Roads and Maritime Services and RailCorp, and his report was tabled on 20 June 2012. As the re-structure of RailCorp did not take effect until 2013, it is referred to as RailCorp here.
- 4.4 Although both organisations are within the Transport for NSW cluster, these were effectively separate audits. However, the aim of the two audits was the same: to determine whether management of overtime by RailCorp and Roads and Maritime Services is effective – that is, whether the use of overtime is justified and well controlled.<sup>80</sup>
- 4.5 The Auditor-General found that both organisations have a legitimate operational need to use overtime, and that they were actively managing it. However, he also found that both organisations ‘need(s) to do more’ to manage overtime effectively.<sup>81</sup>

## Auditor-General’s recommendations

- 4.6 The Auditor-General made seven recommendations to RailCorp and ten to Roads and Maritime Services. Recommendations 1 and 2 were identical for both organisations. The recommendations are detailed in the two tables below.

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<sup>78</sup> RailCorp, Annual Report 2012-2013, p7.

<sup>79</sup> Roads and Maritime Services, Annual Report 2012-2013, pp6-7.

<sup>80</sup> New South Wales Auditor-General’s Report, Performance Audit: Managing Overtime; RailCorp and Roads and Maritime Services, June 2012, p2.

<sup>81</sup> New South Wales Auditor-General’s Report, Performance Audit: Managing Overtime; RailCorp and Roads and Maritime Services, June 2012, p2, p24.

AUDITOR-GENERAL'S PERFORMANCE AUDITS: APRIL - AUGUST 2012  
MANAGING OVERTIME: RAILCORP AND ROADS AND MARITIME SERVICES

**Table 3: Auditor-General's recommendations – Managing overtime: RailCorp**

No.	Recommendation
RailCorp should:	
1.	Determine acceptable levels of overtime for operational purposes (by December 2012)
2.	Further investigate and report the impact of high levels of sick leave and job vacancies on overtime (by December 2012)
3.	Revise its current overtime targets and introduce further targets that focus on overtime costs across all divisions as part of broader reforms (by December 2012)
4.	Strive to achieve international benchmarks for train crewing to improve efficiency and reduce overtime. This should include better aligning shifts and rosters to meet demand (ongoing).
5.	Prepare a plan to accelerate the revision of work practices in infrastructure maintenance and renewals divisions, similar to rolling stock initiatives, to create greater flexibility and improve productivity (by December 2012)
6.	Prepare a plan to include the equally significant allowances and penalties relating to work outside normal hours when reviewing overtime practices (by December 2012)
7.	Further improve reporting to monitor the achievement of overtime targets across all divisions (by December 2012).

**Table 4: Auditor-General's recommendations - Managing overtime: Roads and Maritime Services**

No.	Recommendation
RMS should:	
1.	Determine acceptable levels of overtime for operational purposes (by December 2012)
2.	Further investigate the extent of overtime caused by sick leave and develop strategies to address problem areas (by 30 June 2013)
3.	Revise its overall overtime target of ten per cent to reflect its commitment to reducing overtime and disclose performance in future annual reports (by 31 December 2012)
4.	Ensure that individual overtime targets are set for all major branches, consistent with achieving the overall agency target (by December 2012)
5.	Maintain a continuing focus on high earners of overtime as part of its strategy to reduce overtime (ongoing)
6.	Make better use of its systems to analyse overtime trends as suggested in recent internal reviews. This will support its understanding of required levels of overtime and assist monitoring of performance against targets (by 31 December 2012)
7.	Identify opportunities for savings in overtime resulting from changes to work practices suggested in recent internal management reviews of RFS and timetable their implementation (by December 2012)
8.	Before implementing initiatives, such as the increased use of sub-contracts in place of overtime, assess the overall net benefits leading to improved efficiency (by 31 December 2012)
9.	Regularly monitor performance, including overtime levels, against established industry benchmarks (by 31 December 2012)
10.	Include allowances paid for work outside normal hours when reviewing work practices

and reforms in future (by 31 December 2012).
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### The Government response

- 4.7 Mr Rob Mason, Chief Executive of RailCorp, provided a response to the performance audit which was included in the Auditor-General's report. Mr Mason explained that, 'RailCorp's operations run 24 hours a day, 365 days a year. The use of Overtime is, under the current industrial arrangements, a key enabler to ensure that front line operations are staffed'.<sup>82</sup> Mr Mason added that 'there is a strong focus on the management of overtime levels within my management team', and accepted the Auditor-General's recommendations, adding that several key recommendations would be considered as part of the Government's Fixing the Trains reform initiative.<sup>83</sup>
- 4.8 Mr Peter Duncan, Chief Executive, Roads and Maritime Services (RMS), also provided a response to the Audit. Mr Duncan emphasised that 'RMS has a genuine operational requirement to incur overtime', noting that overtime represented just 0.9 per cent of the total roads budget.<sup>84</sup> Mr Duncan also advised some actions that RMS would undertake in response to the Auditor-General's report.<sup>85</sup>

### The Committee's examination

- 4.9 As part of its examination of performance audits, the Chair of the Public Accounts Committee wrote to Transport for NSW, Sydney Trains, and Roads and Maritime Services on 27 September 2013 to request a submission. Sydney Trains responded on 11 November and Roads and Maritimes Services on 14 November. These responses were forwarded to the Auditor-General for comment and he in turn responded on 23 January 2014.

#### *Implementation of Recommendations: Roads and Maritime Services*

- 4.10 Roads and Maritime Services accepted all of the Auditor-General's recommendations. However, it has yet to implement a number of these recommendations. In a letter to the Chair, the Chief Executive of Roads and Maritime Services, Mr Peter Duncan, explained that the organisation has delayed addressing some of the Auditor-General's recommendations due to restructuring of the organisation:

Over the past two years, RMS has undertaken substantial organisational restructure and reform including the Road Maintenance Contestability program and the transition of RMS Customer Services operation to Service

<sup>82</sup> Mr Rob Mason, Chief Executive, RailCorp, in New South Wales Auditor-General's Report, Performance Audit: Managing Overtime; RailCorp and Roads and Maritime Services, June 2012, p4.

<sup>83</sup> Mr Rob Mason, Chief Executive, RailCorp, in New South Wales Auditor-General's Report, Performance Audit: Managing Overtime; RailCorp and Roads and Maritime Services, June 2012, p4.

<sup>84</sup> Mr Peter Duncan, Chief Executive, Roads and Maritime Services, in New South Wales Auditor-General's Report, Performance Audit: Managing Overtime; RailCorp and Roads and Maritime Services, June 2012, p26.

<sup>85</sup> Mr Peter Duncan, Chief Executive, Roads and Maritime Services, in New South Wales Auditor-General's Report, Performance Audit: Managing Overtime; RailCorp and Roads and Maritime Services, June 2012, p26.

NSW. When fully implemented in 2014-2015, these reforms will generate a substantial reduction in RMS' annual overtime payments in the vicinity of 45 per cent.<sup>86</sup>

- 4.11 **Implementation of Recommendations 1, 3, and 4**, relating to the determination of acceptable levels of overtime, revision of overtime targets, setting targets for individual branches, has been deferred.<sup>87</sup> While the Auditor-General recommended that these recommendations be implemented by December 2012, in its submission RMS states that they will be implemented by December 2014. RMS explains that this is due to the re-structure:

Over the past two years since inception, RMS has undertaken substantial organisational restructure and reform including road maintenance contestability program, a strategic review of the Engineering Technology Services business and the transition of RMS Customer Services operations to Service NSW. This macro focus has delayed the detailed micro review and setting of overtime targets across RMS as initially planned following the release of the AG's Performance Audit in mid 2012.<sup>88</sup>

- 4.12 **Recommendation 2**, relating to the development of strategies to address overtime caused by sick leave, has also been deferred to December 2014. In its submission, RMS explained that it 'has already introduced separate improved sick leave management processes and initiatives across the business that has resulted in reduced levels of sick leave'.<sup>89</sup> Despite this, RMS said that it would further investigate the extent of overtime caused by sick leave and determine whether further refinement of management processes is needed. However, this will now be done in 'mid 2014 once the substantial organisational structural reforms within RMS are largely completed'.<sup>90</sup>

- 4.13 However, in answers to questions on notice, RMS appeared to reject the recommendations, reiterating that 'RMS has a genuine need to incur overtime in the delivery of its roadwork program and network management services, particularly in relation to incident and emergency management', and adding that 'in the past, RMS analysis has showed there was no evidence to suggest that sick leave caused overtime'.<sup>91</sup>

- 4.14 **Recommendation 5**, that RMS maintain its focus on high overtime earners, is being implemented. RMS explained that implementation of this recommendation – which was to be ongoing – is on track, with the number of high earners of overtime decreasing over the past two years, both in absolute terms and as a percentage of total overtime earners.<sup>92</sup>

- 4.15 **Recommendations 7 and 8**, that RMS identify opportunities for overtime savings resulting from changes to work practices suggested in recent internal

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<sup>86</sup> Submission 5, Roads and Maritime Services, covering letter.

<sup>87</sup> Submission 5, Roads and Maritime Services, p1.

<sup>88</sup> Submission 5, Roads and Maritime Services, p1.

<sup>89</sup> Submission 5, Roads and Maritime Services, p2.

<sup>90</sup> Submission 5, Roads and Maritime Services, p2.

<sup>91</sup> Roads and Maritime Services, Answers to questions on notice, 20 March 2014.

<sup>92</sup> Submission 5, Roads and Maritime Services, p2.



management reviews, was implemented in 2013. In its submission RMS explained that it is 'undertaking a detailed analysis and contestability review of its road maintenance delivery arrangements on behalf of NSW Treasury and central Government'.<sup>93</sup> The submission also implies that this process is complete, saying that:

RMS recently announced the awarding of two contracts to external providers...this followed a rigorous tender and business case evaluation process sanctioned by RMS and NSW Treasury that will deliver overall positive net benefits and efficiency gains.<sup>94</sup>

- 4.16 **Recommendations 6 and 9**, that RMS regularly monitor performance, including overtime levels, against established industry benchmarks, and make better use of its systems to analyse overtime trends, are being implemented. RMS explained that it 'continues to provide overtime performance reports that are reviewed each month by the RMS Executive,' and that improved monitoring and management processes introduced in 2011 have generated a 10 per cent reduction in overtime over the last two years.<sup>95</sup>
- 4.17 In answers to questions on notice, RMS added that it has achieved a '6 per cent decrease in overtime costs due to continued focus on overtime management'.<sup>96</sup> In his 2013 Financial Audit Report, the Auditor-General noted that implementation of the recommendations from the performance audit had contributed to a reduction in overtime costs at RMS. However, the Auditor-General reported that overtime costs at RMS had declined by just 4.5 per cent in the year 2012-2013.<sup>97</sup>
- 4.18 **Recommendation 10**, that RMS include overtime allowances when reviewing work practices and reforms, was also accepted but deferred. RMS explained that it was investigating the opportunity of a single industrial award for all staff, and was planning to investigate possible changes to work practices and allowances as a part of this process. However, because of the re-structuring, it elected to defer the industrial award consolidation process.<sup>98</sup> In answers to questions on notice, RMS said that it was on track to commence the industrial award process by June 2014.<sup>99</sup>

### *Implementation of Recommendations: Sydney Trains*

- 4.19 Sydney Trains (formerly RailCorp) accepted all of the Auditor-General's recommendations. Implementation of **Recommendation 1**, that RailCorp determine acceptable levels of overtime by December 2012, was still in progress as at November 2013. In its submission, Sydney Trains reiterated that 'overtime is principally driven by operational requirements'.<sup>100</sup> They added that 'enhanced

<sup>93</sup> Submission 5, Roads and Maritime Services, p3.

<sup>94</sup> Submission 5, Roads and Maritime Services, p3.

<sup>95</sup> Submission 5, Roads and Maritime Services, p2.

<sup>96</sup> Roads and Maritime Services, Answers to questions on notice, 20 March 2014.

<sup>97</sup> NSW Auditor-General's Report, Financial Audit: Volume Eight 2013; focusing on Transport and Ports, p55.

<sup>98</sup> Submission 5, Roads and Maritime Services, p3.

<sup>99</sup> Roads and Maritime Services, Answers to questions on notice, 20 March 2014.

<sup>100</sup> Submission 6, Sydney Trains, p1.

reporting on the drivers of overtime is expected to come from the current extended rollout of rostering tools as well as a new time and attendance system'.<sup>101</sup>

- 4.20 **Recommendation 2**, that RailCorp further investigate on the impact of high levels of sick leave and vacancies on overtime, is being implemented. Unlike RMS, Sydney Trains 'recognised that high levels of absenteeism and vacancies may have an unfavourable impact on overtime levels'.<sup>102</sup> Sydney Trains explained that it has implemented a number of strategies to address this issue, including incorporating staff attendance in management 'scorecards'. A 'Visual Management Centre,' which 'monitors operational performance metrics on a weekly basis', has also been established.<sup>103</sup>
- 4.21 **Recommendation 3**, that RailCorp revise its overtime targets and introduce further targets, has been completed. In its submission, Sydney Trains explained that it established Directorate targets for overtime, with associated budgets and financial reporting, in December 2012. Sydney Trains added that it achieved a reduction in overtime hours to normal hours from 8.02 per cent in 2011/12 to 7.93 per cent in 2012/13.<sup>104</sup> However, in his submission, the Auditor-General noted that Sydney Trains has yet to implement cost targets for overtime.<sup>105</sup>
- 4.22 Implementation of **Recommendation 4**, that RailCorp strive to achieve international benchmarks for train crewing, is also 'in progress'.<sup>106</sup> In its submission, Sydney Trains explained that it is implementing a number of initiatives to improve train crewing and 'footplate time' as part of the Fixing the Trains reform. Train crew productivity has also been identified as a priority for negotiations for its 2014 Enterprise Agreement.<sup>107</sup>
- 4.23 **Recommendation 5**, that RailCorp prepare a plan to accelerate revision of work practices in infrastructure maintenance and renewal divisions, is being implemented. Sydney Trains stated that it has commenced a program for maintenance reform.<sup>108</sup>
- 4.24 **Recommendation 6**, that RailCorp prepare a plan to include other allowances relating to work outside normal hours when reviewing overtime, is likewise being implemented. In its submission, Sydney Trains explained that the Fixing the Trains reform is focusing on opportunities for improved work practices and increased productivity. However, penalty arrangements are specified in the Enterprise Agreement and rostering has also been identified as a priority for negotiations for Sydney Trains' next enterprise agreement.<sup>109</sup>

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<sup>101</sup> Submission 6, Sydney Trains, p2.  
<sup>102</sup> Submission 6, Sydney Trains, p2.  
<sup>103</sup> Submission 6, Sydney Trains, p2.  
<sup>104</sup> Submission 6, Sydney Trains, p2.  
<sup>105</sup> Submission 7, Audit Office of NSW, p3.  
<sup>106</sup> Submission 6, Sydney Trains, p2.  
<sup>107</sup> Submission 6, Sydney Trains, p3.  
<sup>108</sup> Submission 6, Sydney Trains, p3.  
<sup>109</sup> Submission 6, Sydney Trains, pp3-4.

- 4.25 **Recommendation 7**, that RailCorp further improve reporting to monitor achievement of overtime targets across all divisions, has been implemented. As previously noted in relation to Recommendation 3, Sydney Trains has established targets for overtime at a division level. In its submission, Sydney Trains explained that it has implemented a number of enhancements to reporting, including the rollout of Visual Management Centres, enhanced reporting of overtime to the executive, and development of business plan scorecards for senior and middle managers.<sup>110</sup>

### Committee comment

- 4.26 The Committee notes that RMS has achieved a reduction in overtime in the last two years, and commends its efforts in achieving these reductions. However, the Committee considers that RMS could have achieved a greater reduction if it had done more to implement the Auditor-General's recommendations.
- 4.27 The Committee was disappointed by the response of Roads and Maritime Services to the Auditor-General's report, particularly when compared with the response of Sydney Trains. While the Committee understands that RMS has undergone significant re-structuring over the last two years, it notes that Mr Duncan did not refer to this re-structuring or anticipate its likely impact on RMS' capacity to implement the recommendations in his initial response to the Auditor-General's report on 12 June 2012, when the re-structuring was already underway.
- 4.28 The Committee was also surprised that RMS was unable to find any connection between high rates of sick leave and the need to use overtime, while Sydney Trains recognised the relationship between these two trends.
- 4.29 The Committee therefore recommends that Roads and Maritime Services, as a matter of priority, implement the Auditor-General's Recommendations 1, 2, 3, 4 and 10 as it has indicated it plans to.
- 4.30 The Committee commends Sydney Trains on its implementation of the Auditor-General's recommendations relating to improved monitoring and reporting of overtime.
- 4.31 The Committee looks forward to the outcome of negotiations for the Sydney Trains Enterprise Agreement. The Committee considers that these will provide an opportunity to implement further recommendations. Similarly, the industrial awards consolidation process that RMS is planning to undertake offers an opportunity to reform work practices to further reduce the need for overtime.

## RECOMMENDATION 9

**The Committee recommends that Roads and Maritime Services, as a matter of priority, implement the Auditor-General's recommendations relating to the determination of acceptable levels of overtime for operational purposes, revision of overall overtime targets, and ensuring that individual overtime targets are set for all major branches.**

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<sup>110</sup> Submission 6, Sydney Trains, p4.

## Chapter Five – Physical activity in Government Primary Schools

### Introduction

- 5.1 The benefits of physical activity on health are widely recognised. Schools have a responsibility to encourage students' physical development as well as other aspects of their education. As a result, the Department of Education and Communities requires the state's 1,630 government primary schools to provide two hours of planned physical activity per week.<sup>111</sup>

### The performance audit

- 5.2 The Auditor-General conducted a performance audit of physical activity in government schools. The aim of the Auditor-General's report was to examine how well the Department manages physical activity in government primary schools and in particular, how it achieves compliance with the requirement to provide two hours of physical activity each week, and how it promotes best practice.<sup>112</sup> The Auditor-General's report was tabled in June 2012.
- 5.3 The Auditor-General found that, while the Department has established a framework and runs some excellent programs, it does not monitor physical activity in schools. Around 30 per cent of primary schools do not provide the mandated two hours of physical activity each week.<sup>113</sup> Without effective monitoring, the Department is unable to determine which schools are meeting the requirement, which are implementing best practice programs, or which require further assistance.
- 5.4 The Director General of the Department, Dr Michele Bruniges, provided an initial response which was included in the Auditor-General's report. Dr Bruniges acknowledged that the Auditor-General's report offered an opportunity to 'reinvigorate our current programs and practices to better meet outcomes in relation to physical activity'.<sup>114</sup> Dr Bruniges accepted the Auditor-General's recommendations, explaining that the Department would consider them 'in the context of curriculum requirements, the industrial and employment conditions for New South Wales teachers and current research on best practice in health promotion and physical activity in schools'.<sup>115</sup>

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<sup>111</sup> New South Wales Auditor-General's Report, Performance Audit: Physical Activity in Government Primary Schools, p2.

<sup>112</sup> New South Wales Auditor-General's Report, Performance Audit: Physical Activity in Government Primary Schools, p2.

<sup>113</sup> New South Wales Auditor-General's Report, Performance Audit: Physical Activity in Government Primary Schools, pp2-3.

<sup>114</sup> New South Wales Auditor-General's Report, Performance Audit: Physical Activity in Government Primary Schools, p5.

<sup>115</sup> Dr Michele Bruniges, Director General, Department of Education and Communities in New South Wales Auditor-General's Report, Performance Audit: Physical Activity in Government Primary Schools, p6.

## Auditor-General's recommendations

- 5.5 The Auditor-General made eight broad recommendations, all to the Department of Education and Communities. Five of the eight recommendations contained more than one part or proposal. These recommendations are detailed in the table below.

**Table 5: Auditor-General's recommendations – Physical Activity in Government Primary Schools**

No.	Recommendation
That commencing from the start of 2013, the Department of Education and Communities should:	
1.	Enhance existing arrangements to effectively monitor and report: <ul style="list-style-type: none"> <li>• publicly on physical activity programs and outcomes in each Government primary school, including whether planned physical activity requirements are met</li> <li>• on each child's aptitude, attitude, skills and level of activity to his/her parents or guardians</li> </ul>
2.	Once reliable information is available, use the results of monitoring to identify schools in most need and facilitate assistance to them.
3.	Provide greater recognition for staff involved in student physical activity, especially sport. This could include greater acknowledgment of the value of physical education teaching and sports organising skills in appointments and promotions.
4.	Ensure schools make best use of the existing time available for physical activity by: <ul style="list-style-type: none"> <li>• maximising time spent on moderate to vigorous physical activity</li> <li>• keeping students active by minimising time spent waiting their turn, for equipment to be set up or travelling to venues, etc.</li> <li>• scheduling some activity each day of the week</li> <li>• maximising opportunities to incorporate physical activity into other key learning areas, including literacy, numeracy and science, and vice versa.</li> </ul>
5.	Consider additional options to further motivate teachers and students including: <ul style="list-style-type: none"> <li>• encouraging local community leaders and business people (who adopt and advocate an active lifestyle) to visit schools and champion the lifelong benefits of physical activity</li> <li>• helping schools engage with local sporting organisations to encourage greater sharing of expertise.</li> </ul>
6.	Increase the skill levels of the primary school teacher workforce in teaching physical activity and sport education. This may include: <ul style="list-style-type: none"> <li>• providing training to those teachers who need it</li> <li>• recruiting physical education specialists to teach and/or provide on-the-job training and support for classroom teachers</li> <li>• recruiting more teachers with substantial training or experience in physical education and sport coaching skills and experience of teacher graduates.</li> <li>• liaising with universities on initiatives to enhance the physical education and sport coaching skills and experience of teacher graduates.</li> </ul>
7.	Do more to identify best practice in schools and promote its wider adoption. This may include: <ul style="list-style-type: none"> <li>• developing exemplar programs</li> </ul>

	<ul style="list-style-type: none"> <li>• conducting seminars</li> <li>• arranging site visits between schools whereby best practice schools can demonstrate attributes of their physical activity programs</li> <li>• assisting schools to tailor solutions which meet their needs.</li> </ul>
8.	Further assist schools and groups of schools to develop agreements with local councils to facilitate access to ovals and other facilities at little or no cost.

### The Committee's examination

5.6 As part of its examination of performance audits, the Chair of the Public Accounts Committee wrote to the Department of Education and Communities on 27 September 2013 to request a submission. The Department forwarded a submission on 23 October 2013. The Department's submission was forwarded to the Auditor-General for comment and he in turn responded on 23 January 2014. The Chair subsequently wrote to the Department requesting answers to further questions, and a response was provided on 21 March 2014.

5.7 In a letter to the Chair, the Director General of the Department of Education and Communities advised that it had prepared an action plan to implement the Auditor-General's recommendations, emphasising that the Department 'aims to ensure that children attending New South Wales public schools receive world class best practice tuition and opportunities across all areas of the curriculum'.<sup>116</sup>

### Implementation of recommendations

5.8 Implementation of **Recommendation 1**, that the Department enhance existing arrangements to report on physical activity to the public and parents, is on track. In its submission, the Department explains that it is investigating the inclusion of a section on physical activity in the Annual School Report and has held meetings with relevant business units about this. In answers to further questions, the Department added that 'decisions about what will be included in Annual School Reports are currently under discussion as the Department is developing a new accountability model for NSW Government schools'.<sup>117</sup>

5.9 The Department advised that it also plans to include a section on physical activity in Principals' reporting, and is developing a Physical Activity Continuum to assess and enhance physical activity in schools, similar to the Literacy Continuum which was referred to in Chapter One.<sup>118</sup> In answers to further questions, the Department explained that the Continuum will 'support teachers in assessing and differentiating learning to individual student development in physical activity and inform whole school decisions'.<sup>119</sup> While the Continuum will 'track individual student progress,' the Department did not explain how these plans would address the Auditor-General's recommendation that it report on each child's

<sup>116</sup> Submission 2, Department of Education and Communities, p1.

<sup>117</sup> Dr Michele Bruniges, Director General, Department of Education and Communities, Answers to further questions, 21 March 2014, p2.

<sup>118</sup> Submission 2, Department of Education and Communities, p2.

<sup>119</sup> Dr Michele Bruniges, Director General, Department of Education and Communities, Answers to further questions, 21 March 2014, p2.

aptitude, attitude, skills and level of activity to his/her parents. Further, implementation of the Continuum in schools will not be mandatory.

- 5.10 **Recommendation 2**, that the Department use the results of improved monitoring to identify which schools are most in need of assistance, is also on track, according to the Department. In its submission in October 2013, the Department stated that it had consulted with a Project Control Group to canvass options for identifying schools in need. It also explained that targeted grants and/or teacher learning programs will be made available to those schools identified through this process. The Department is also developing a Physically Active Schools website which is due to become available in February 2015.<sup>120</sup>
- 5.11 In answers to further questions, the Department provided an update on its work in identifying schools, saying that the 100 schools most in need of assistance would be identified by April 2014. The Department added that 'extensive work has been undertaken in preparation for this'.<sup>121</sup> Once identified, schools will be provided with 'additional resourcing in order to facilitate additional teacher participation in professional learning opportunities'. Schools will also receive an additional \$2,000 to be spent either on sporting equipment or assisting teachers.<sup>122</sup>
- 5.12 **Recommendation 3**, that the Department provide greater recognition for staff involved in managing physical activities for students, has largely been implemented. In its submission, the Department explained that it has instigated awards for *Excellent Service to School Sport* and also developed professional learning courses in sport and physical activity to support teachers. It is also conducting Sport Organiser workshops around NSW and developing further online learning resources for teachers involved in organising sport.<sup>123</sup> The Department did not, however, address the Auditor-General's suggestion that enhanced recognition for teachers could include greater acknowledgement of the value of teaching and managing physical activity in appointments and promotions.
- 5.13 According to the Department, implementation of **Recommendation 4**, that it ensure schools make the best use of time available for physical activity, is on track. The Auditor-General's recommendation goes to the management and scheduling of physical activity in schools, to ensure that students are making best use of the time allowed for it. In responding to this recommendation, the Department referred to its planned Physically Active Schools website, which will provide information on the benefits of physical activity, scheduling, ideas for teachers and best practice. As previously mentioned in relation to Recommendation 2, the Department anticipates that the website will be developed by February 2015.<sup>124</sup>

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<sup>120</sup> Submission 2, Department of Education and Communities, p2.

<sup>121</sup> Dr Michele Bruniges, Director General, Department of Education and Communities, Answers to further questions, 21 March 2014, p2.

<sup>122</sup> Dr Michele Bruniges, Director General, Department of Education and Communities, Answers to further questions, 21 March 2014, p2.

<sup>123</sup> Submission 2, Department of Education and Communities, pp2-3.

<sup>124</sup> Submission 2, Department of Education and Communities, p3.

- 5.14 Similarly, the Department also pointed to the website as its proposed action to implement **Recommendation 5**.<sup>125</sup> In Recommendation 5, the Auditor-General proposed that the Department consider additional ways to motivate teachers and students, such as encouraging local community leaders to visit schools and helping schools to engage with local sporting groups. The Department did not explain how this website would implement the recommendation, though it will offer best practice information and resources for teachers.
- 5.15 **Recommendation 6**, that the Department act to increase the skills of primary school teachers in teaching physical activity, is being implemented. In its submission the Department nominated four actions that it is taking in this area, including the development of online courses to support teachers (which were also referred to in relation to Recommendation 3), and its development of a Physical Activity Continuum (referred to in relation to Recommendation 1).<sup>126</sup>
- 5.16 In relation to Recommendation 6, the Department reported that it is also planning to review all DEC policies containing mandatory requirements of physical activity, though it is unclear how this will enhance teachers' skills. In answers to further questions, the Department explained that it has two policies relating to mandatory physical requirements, and that review of these policies is scheduled for completion by June 2014.<sup>127</sup>
- 5.17 The Department reported that it is planning to strengthen its Principal Assessment and Review Schedule to include a systematic monitoring process in relation to physical activity in schools,<sup>128</sup> though it is again unclear how this will enhance teachers' skills. The Department did not respond to the Auditor-General's suggestions that it consider recruiting more teachers with substantial training or experience in physical education, or liaise with universities on initiatives to enhance the physical education and sport coaching skills of teaching graduates.
- 5.18 In relation to **Recommendation 7**, that it do more to identify and promote best practice, the Department again referred to its planned 'Physically Active Schools' website and Physical Activity Continuum.<sup>129</sup> It did not respond to the Auditor-General's suggestions that it may develop exemplar programs; conduct seminars; arrange site visits between schools, or assist schools to tailor solutions that meet their needs. In answers to questions on notice, the Department explained that:

Consistent with the Local Schools, Local Decisions reform agenda, principals will be responsible for allocating resources to teacher professional learning to increase the skill levels of primary school teachers and for ensuring primary school teachers have the necessary skills to teach physical activity in sport education. Complimented [sic] by additional resources through the Physically Active Schools Website, professional learning workshops and the introduction of the Physical Activity Continuum, teachers will have greater access to

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<sup>125</sup> Submission 2, Department of Education and Communities, p3.

<sup>126</sup> Submission 2, Department of Education and Communities, p4.

<sup>127</sup> Dr Michele Bruniges, Director General, Department of Education and Communities, Answers to further questions, 21 March 2014, p5.

<sup>128</sup> Submission 2, Department of Education and Communities, p4.

<sup>129</sup> Submission 2, Department of Education and Communities, pp.4-5.



current teaching resources to enhance physical activity initiatives in school communities.<sup>130</sup>

- 5.19 Similarly, in response to **Recommendation 8**, that it further assist schools to develop agreements with local councils to facilitate access to ovals and other facilities, the Department cited work on the Physically Active Schools website.<sup>131</sup> The Department also explained that 'options are currently being investigated within the current DEC and Health NSW partnership to identify actions to deliver outcomes'.<sup>132</sup>

### Committee comment

- 5.20 The Committee commends the Department of Education and Communities for its work in implementing Recommendation 2, relating to identification of those schools most in need of assistance to meet requirements related to physical activity. The Committee looks forward to the benefits of this project being realised on its completion in 2014.
- 5.21 Similarly, the Committee commends the Department of Education and Communities for its work in developing a Physical Activity Continuum and a Physically Active Schools website. The Committee noted that the Department cited these initiatives in reference to a number of recommendations and looks forward to these resources becoming available to teachers in the near future.
- 5.22 However, the Committee was disappointed that the Department failed to address the Auditor-General's recommendation that it enhance arrangements to report on each child's aptitude, attitude, skills and level of activity to his or her parents or guardians. The Committee therefore recommends that the Department enhance its reporting of physical activity in schools to parents.

## RECOMMENDATION 10

**The Committee recommends that the Department of Education and Communities enhance its arrangements to effectively monitor physical activity in government primary schools and report on each child's engagement in physical activity to his or her parents or guardians.**

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<sup>130</sup> Dr Michele Bruniges, Director General, Department of Education and Communities, Answers to further questions, 21 March 2014, p5.

<sup>131</sup> Submission 2, Department of Education and Communities, p5.

<sup>132</sup> Submission 2, Department of Education and Communities, p5.

## Appendix One – List of Submissions

1	Community Relations Commission
2	NSW Department of Education and Communities
3	NSW Department of Education and Communities
4	Department of Premier and Cabinet
5	Roads and Maritime Services
6	Sydney Trains
7	Audit Office of NSW

## Appendix Two – List of Witnesses

13 FEBRUARY 2014, PARLIAMENT HOUSE

<b>Witness</b>	<b>Organisation</b>
Mr Grant Hehir Auditor-General	Audit Office of NSW
Mr Rob Mathie Assistant Auditor-General, Performance Audit	Audit Office of NSW
Mr Sean Crumlin Business Team Leader, Performance Audit	Audit Office of NSW
Mr Brian Smyth-King Executive Director, Learning and Engagement	Department of Education and Communities
Ms Jane Simmons Executive Director, Learning and Leadership	Department of Education and Communities
Dr David Cullen Director, Early Learning and Primary Education	Department of Education and Communities
Ms Cindy Berwick President	NSW Aboriginal Education Consultative Group
Mr Chris Eccles Director-General	Department of Premier and Cabinet
Ms Georgina Harrison Acting Deputy Director General	Department of Premier and Cabinet
Mr Hakan Harman Chief Executive Officer	Community Relations Commission
Ms Stephanie Von Helle Director, Policy and Community Relations	Community Relations Commission

## Appendix Three – Extracts from Minutes

### MINUTES OF PROCEEDINGS OF THE PUBLIC ACCOUNTS COMMITTEE (NO. 50)

Thursday 30 May 2013  
9.49am  
Room 1043, Parliament House

#### Members Present

Mr O’Dea (Chair), Mr Bassett, Mr Daley, Dr Lee, Mr Piper, Mr Williams

#### Officers in Attendance

Rachel Simpson, Pauline Painter, Emma Wood, Jenny Gallagher, Sasha Shevtsova

1. **Confirmation of Minutes**

Resolved, on the motion of Mr Piper, seconded by Dr Lee: That the minutes of meeting No 49 held on 23 May 2013 be confirmed.

2. \*\*\*

3. \*\*\*

4. \*\*\*

5. **Follow-up of the Auditor-General’s performance audits April 2011-August 2011 – consideration of Chair’s draft report**

The Chair’s draft report, having been previously circulated, was taken as read.

Resolved, on the motion of Mr Piper, seconded by Mr Bassett: That:

- the report be the report of the Committee and that it be signed by the Chair and tabled in the House
- the Chair and Secretariat be permitted to correct any stylistic, typographical and grammatical errors and make changes of a non-substantive nature
- once tabled, the report be published on the Committee’s website.

6. \*\*\*

7. \*\*\*

8. \*\*\*

The committee adjourned at 10.24am until 9.45am on Thursday 20 June 2013.

## MINUTES OF MEETING No 60

Thursday 19 September 2013  
9.48am  
Room 1043, Parliament House

### Members present

Mr O’Dea (Chair), Mr Bassett, Mr Daley, Dr Lee, Mr Piper

### Officers in attendance

Rachel Simpson, John Miller, Leon Last, Sasha Shevtsova, Meike Bowyer, Laura Sloane

#### 1. Apologies

An apology was received from Mr Williams.

#### 2. Confirmation of minutes no. 58 and no. 59 held on 12 September 2013.

Resolved on the motion of Mr Piper, seconded Dr Lee: That draft minutes no.58 and no. 59 held on 12 September 2013 be confirmed.

#### 3. \*\*\*

#### 4. \*\*\*

#### 5. Follow up of the Auditor-General’s performance audits April 2012 – August 2012.

Resolved on the motion of Dr Lee, seconded by Mr Bassett: That the Committee adopt the following terms of reference:

That the Committee inquire into and report on any circumstances connected with the following reports of the Auditor-General which the Committee considers ought to be brought to the notice of the Legislative Assembly:

- Settling Humanitarian Entrants in New South Wales
- Physical Activity in Government Primary Schools
- Managing Overtime: RailCorp and Roads and Maritime Services
- Improving the Literacy of Aboriginal Students in NSW Public Schools.

Resolved on the motion of Dr Lee, seconded by Mr Bassett: That the following agencies be informed of the inquiry and invited to make a submission, with responses due by 18 October:

- Roads and Maritime Services
- Sydney Trains
- NSW Trains
- Department of Education and Communities
- Department of Premier and Cabinet
- Community Relations Commission

#### 6. \*\*\*

#### 7. \*\*\*

**8.     \*\*\***

**9.     \*\*\***

**10.   \*\*\***

**11.   Next meeting**

The Committee adjourned at 10.21am until 9.45am Thursday, 17 October 2013 in Room 1043.

## MINUTES OF MEETING 63

Thursday, 24 October 2013  
9.49 am  
Room 1043, Parliament House

### Members present

Mr O’Dea (Chair), Mr Daley, Mr Piper, Mr Williams

### Officers in attendance

Bjarne Nordin, John Miller, Clara Hawker, Leon Last, Meike Bowyer, Sarah-Anne Fong

**1. Confirmation of minutes no. 61 and 62 held on 17 October and 21 October 2013.**

Resolved on the motion of Mr Piper, seconded Mr Williams: That draft minutes nos. 61 and 62 held on 17 October and 21 October 2013 be confirmed.

2. \*\*\*

3. \*\*\*

4. \*\*\*

5. \*\*\*

**6. Follow up of the Auditor-General’s performance audits April 2012 – August 2012**

**6.1 Correspondence received from NSW Education and Communities received 21 October**

Resolved on the motion of Mr Williams, seconded by Mr Piper: That the Committee publish the response from NSW Education and Communities regarding the Auditor-General’s report on Physical Activity in Government Primary Schools on its website.

**7. Next meeting**

The Committee adjourned at 10.20 am until 9.45 am on Thursday, 31 October 2013 in Room 1043.

## MINUTES OF MEETING 64

Thursday, 31 October 2013  
9.50 am  
Room 1043, Parliament House

### Members present

Mr O'Dea (Chair), Mr Daley, Dr Lee, Mr Piper, Mr Williams

### Officers in attendance

Bjarne Nordin, Clara Hawker, Leon Last, Meike Bowyer, Sarah-Anne Fong

#### 1. Apologies

An apology was received from Mr Bassett.

#### 2. Confirmation of minutes no 63 held on 24 October 2013

Resolved on the motion of Mr Piper, seconded Mr Williams: That draft minutes no. 63 held on 24 October 2013 be confirmed.

#### 3. \*\*\*

#### 4. Follow up of the Auditor-General's performance audits April 2012 – August 2012

##### 4.1 Correspondence from NSW Education and Communities received 28 October

Resolved on the motion of Dr Lee seconded Mr Daley, that the Committee publish the response from NSW Education and Communities regarding the Auditor-General's report on *Improving the Literacy of Aboriginal Students in NSW Public Schools* on its website.

##### 4.2 Correspondence from Community Relations Commission received 30 October

Resolved on the motion of Dr Lee seconded Mr Daley, that the Committee publish the response from the Community Relations Commission regarding the Auditor-General's report on *Settling Humanitarian Entrants in New South Wales* on its website.

#### 5. \*\*\*

#### 6. \*\*\*

#### 7. \*\*\*

#### 8. Next meeting

The Committee adjourned at 10.25 am until 9.45 am on Thursday, 14 November October 2013 in Room 1043.



## MINUTES OF MEETING 67

Thursday, 13 February 2014

12pm

Room 814/815, Parliament House

### Members present

Mr O’Dea (Chair), Mr Bassett, Mr Daley, Dr Lee, Mr Piper

### Officers in attendance

Elaine Schofield, Abigail Groves, Leon Last, Meike Bowyer

#### 1. Apologies

An apology was received from Mr Williams.

#### 2. Confirmation of minutes

Resolved on the motion of Mr Piper, seconded by Dr Lee: That the draft minutes of meeting no. 66 held on 21 November 2013 be confirmed.

#### 3. \*\*\*

#### 4. Follow up of the Auditor-General’s performance audits April 2012 – August 2012

##### 4.1 Submission

- Submission 7, Audit Office of NSW

Resolved on the motion of Dr Lee, seconded by Mr Bassett: That Submission 7 from the Auditor Office of NSW be published and uploaded on the Committee’s website.

##### 4.2 Witnesses

Resolved on the motion of Dr Lee, seconded by Mr Bassett: That as part of its follow up of the Auditor-General’s performance audits April 2012 – August 2012, the Committee conduct a public hearing on 13 February 2014 and invite the following witnesses to give evidence:

- Mr Grant Hehir, Auditor-General
- Mr Rob Mathie, Assistant Auditor-General, Audit Office of NSW
- Mr Sean Crumlin, Business Team Leader
- Mr Brian Smyth-King, Executive Director, Learning and Engagement, Dept of Education
- Ms Jane Simmons, Executive Director, Learning and Leadership, Dept of Education
- Dr David Cullen, Director, Early Learning and Primary Education, Dept of Education
- Ms Cindy Berwick, President, NSW Aboriginal Education Consultative Group
- Mr Chris Eccles, Director-General, NSW Department of Premier and Cabinet

- Ms Georgina Harrison, Acting Deputy Director General, DPC
- Mr Hakan Harman, Chief Executive Officer, Community Relations Commission
- Ms Steffanie Von Helle, Director, Policy and Community Relations, Community Relations Commission

#### **4.3 Media orders**

Resolved, on the motion of Dr Lee, seconded by Mr Daley: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 21 October 2013 in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

#### **4.4 Answers to questions on notice**

Resolved, on the motion of Dr Lee, seconded by Mr Daley: That witnesses be requested to return answers to questions taken on notice and any supplementary questions within 2 weeks of the date on which the questions are sent to the witness.

#### **4.5 Public hearing**

The Chair opened the public hearing at 12.05pm.

Witnesses and the public were admitted.

The following witnesses affirmed and were examined:

- Mr Grant Hehir, Auditor-General
- Mr Rob Mathie, Assistant Auditor-General, Audit Office of NSW
- Mr Brian Smyth-King, Executive Director, Learning and Engagement, Dept of Education.

The following witnesses were sworn and examined:

- Mr Sean Crumlin, Business Team Leader
- Ms Jane Simmons, Executive Director, Learning and Leadership, Dept of Education
- Dr David Cullen, Director, Early Learning and Primary Education, Dept of Education
- Ms Cindy Berwick, President, NSW Aboriginal Education Consultative Group

Evidence concluded, the witnesses withdrew.

The Chair adjourned the hearing at 1.15pm and re-convened at 1.20pm.

The following witnesses affirmed and were examined:

- Mr Chris Eccles, Director-General, NSW Department of Premier and Cabinet
- Ms Georgina Harrison, Acting Deputy Director General, DPC
- Mr Hakan Harman, Chief Executive Officer, Community Relations Commission

- Ms Steffanie Von Helle, Director, Policy and Community Relations, Community Relations Commission.

Evidence concluded, the witnesses withdrew.

The Chair closed the public hearing at 2pm and the public withdrew.

#### **4.5 Publication orders - Transcript of evidence**

Resolved, on the motion of Mr Piper, seconded by Mr Daley: That the corrected transcript of evidence given at the hearing today be authorised for publication and uploaded on the Committee's website.

#### **4.6 Site visit to schools with high proportion of Aboriginal students in Western NSW**

Resolved, on the motion of Mr Piper: That the Committee seek approval from the Speaker to travel to Broken Hill, Menindee and Wilcannia on 16-18 February 2014, to visit schools with a high proportion of Aboriginal students.

### **5. Next meeting**

Thursday, 27 February 2014 at 9.15am in Room 1043.

## MINUTES OF MEETING 68

Monday 17 February 2014

7.45am

Royal Exchange Hotel, Broken Hill

### Members present

Mr O'Dea (Chair), Mr Bassett, Mr Daley, Mr Williams

### Officers in attendance

Abigail Groves

#### 1. Apologies

Apologies were received from Dr Lee and Mr Piper.

#### 2. Follow up of the Auditor-General's performance audits April 2012 – August 2012

##### 2.1 Site visit to schools with high proportion of Aboriginal students in Western NSW

The Committee met at 7.45am at the Royal Exchange Hotel in Broken Hill. They travelled by car to the Menindee Central School and met with Mr Daryl Irvine, Executive Principal, and Ms Fiona Kelly, Assistant Principal.

Mr Irvine briefed the Committee about the school. Menindee Central School currently has about 110 students from kindergarten to Year 12, and about 75% of students are of indigenous background. Mr Irvine was engaged as an Executive Principal and commenced in 2013 after being Deputy Principal from 2010 to 2012. Previously the position of Principal was occupied by Mr Brian Debus.

Mr Irvine and Ms Kelly also briefed the Committee about issues relating to literacy among Aboriginal students at the school and emphasised the following issues:

- Literacy is the number one learning priority at the school, and provided data showing that the performance of Aboriginal students at the school is currently below the state average. However, he felt that it is improving and that data in future years will show significant improvement.
- Extra funding provided through the National Partnership for Low Socio-Economic Schools enabled the school to employ an extra teacher and also to engage consultants to assist with developing literacy programs.
- Mr Irvine emphasised the importance of good teacher-student relationships. Recruitment and retention of quality teachers can be very difficult in remote areas, so this is a priority for the school. Mr Irvine also noted that Aboriginal students often perform below their abilities in NAPLAN tests, due to discomfort with the testing process.

- Mr Irvine also emphasised the importance of providing adequate support to Aboriginal staff. Aboriginal Learning Officers are heavily engaged with students and teach parts of the program. The school also prioritises supporting Aboriginal staff and ALOs, as well as employing Aboriginal people in supporting roles. These staff members provide strong links to the local community.
- The school is involved in the Connected Communities program. Teachers and staff also participated in the Connected to Country program which was organised by the Aboriginal Education Consultative Group.
- School attendance is very good, assisted by a service which provides transport to assist children to get to school. However, funerals can affect students' attendance at school, as they occur frequently and often involve travel to other towns.

The Committee left Menindee Central School at 10.30am and travelled to Wilcannia. There the Committee visited St Therese's Community School and met with Ms Katie Day, Assistant Principal. Ms Day briefed the Committee about the school:

- St Therese's is a Catholic school providing education for Years K to 2. It currently has 36 students, of whom 35 are Aboriginal.
- Ms Day explained that most students attend pre-school at the Wilcannia Central School and then attend St Therese's before returning to Wilcannia Central School in Year 3. This is a legacy of its history as a mission school, as it is known as the 'Aboriginal school' and many of the current students' parents also attended it.

Ms Day also briefed the Committee about issues relating to literacy among Aboriginal students at the school. She highlighted the following issues:

- Attendance is very good as the school provides a bus which picks children up and brings them to school. Ms Day expressed the view that this is crucial in maintaining attendance. However, there is a high level of behavioural problems at the school.
- The school has Aboriginal Education Workers in every classroom, and most non-teaching staff are also Aboriginal.
- Ms Day noted a high level of health problems among children, which can affect attendance. Funerals in the community also affect attendance, as children will often be absent for several days.
- Ms Day noted that students are now beginning Kindergarten are more prepared for school. This she attributed to the pre-school. Save the Children also operates a playgroup for Aboriginal children.
- The school runs a home reading program, in which children take home books to read with their parents. This program is quite successful.

The Committee adjourned for lunch at 1pm and resumed at 1.30pm. The Committee then visited Wilcannia Central School and met with Ms Sandra Bradley, Executive Principal. Ms Bradley briefed the Committee about the school:

- The school has approximately 100 students in years K-12; 90% of students are Aboriginal. The school performs significantly below state standards in terms of literacy, and has been among the lowest in NSW.

Ms Bradley also briefed the Committee about issues relating to literacy among Aboriginal students at the school. She highlighted the following issues:

- Literacy is a very high priority for the school. The school has engaged consultants to develop programs for students and also to upskill teachers. However, Ms Bradley noted that access to allied health professionals such as speech pathologists and psychologists is poor, as these travel from Broken Hill when they are available.
- Ms Bradley noted that the tendency for Wilcannia children to enrol at the Central School for pre-school and then enrol at St Therese's for years K-2 is unusual. Ms Bradley expressed disappointment with the progress of students attending St Therese's, and also in the quality of data provided by that school. Provision of NAPLAN data is not compulsory for independent schools.
- Ms Bradley advised that attendance is fairly good, as the school provides a bus to transport children to school. Ms Bradley noted that the school has a large number of students with mental health issues, usually students who have experienced severe trauma. The effects of this trauma may manifest in various conditions such as conduct disorder or ADHD.
- The school runs a language nest to teach the local indigenous language; this is run with the assistance of parents and elders from the community. Some level of language instruction is compulsory until Year 8.

The Committee left Wilcannia Central School at 4.30pm and returned to Broken Hill.

**3. Adjournment**

The Committee adjourned at 7.00pm.

**4. Next meeting**

Tuesday, 18 February 2014 at 8.30am at the Royal Exchange Hotel, Broken Hill.

## MINUTES OF MEETING 69

Tuesday, 18 February 2014

8.30am

Royal Exchange Hotel, Broken Hill

### Members present

Mr O’Dea (Chair), Mr Bassett, Mr Daley, Mr Williams

### Officers in attendance

Abigail Groves

#### 1. Apologies

Apologies were received from Dr Lee and Mr Piper.

#### 2. Follow up of the Auditor-General’s performance audits April 2012 – August 2012

##### 2.1 Site visit to schools with high proportion of Aboriginal students in Western NSW

The Committee travelled to Railway Town Public School in Broken Hill where media representatives were in attendance. After speaking with media representatives, the Committee met with Ms Kerry Sue Pascoe, Principal, and Ms Jan Fraser, Ms Jane Vaughan and Ms Denise McInerney.

Ms Pascoe and Ms Fraser briefed the Committee about the school and issues relating to literacy of Aboriginal students at the school. They highlighted the following issues:

- Railway Town is a state primary school with about 150 students, of whom about 20% are Aboriginal. The school also has a learning support unit with 7 students (of whom 2 are Aboriginal) and a mobile child care service operates from the same site.
- Ms Pascoe emphasised the importance of early learning, and noted that transition to school programs are working well. However, performance of students declines once they leave the school and enrol in high school.
- Learning outcomes for Aboriginal students at the school are very good. The school has Individual Learning Plans in place for all Aboriginal students.
- The school employs an Engagement Support Officer who works to maintain attendance, and also provides a bus to transport children to school. Attendance rates are high.

- Ms Pascoe expressed the view that relationships with the local Aboriginal community are very good, and other teachers who the Committee spoke to agreed. The school employs one Aboriginal teacher and several Aboriginal Learning Officers. Ms McInerney, who is Aboriginal, expressed strong support for the school, saying that 'If you feel like you're part of the community, it's much easier. And it's the same for an adult as for a child'.

**3. Adjournment**

The Committee adjourned at 12pm.

**4. Next meeting**

Thursday, 27 February 2014 at 9.15am in Room 1043.



## MINUTES OF MEETING 70

Thursday 27 February 2014  
9:15am  
Room 1043, Parliament House

### Members present

Mr O’Dea (Chair), Dr Lee, Mr Bassett, Mr Daley, Mr Piper, Mr Williams

### Officers in attendance

Elaine Schofield, Abigail Groves, Leon Last, Meike Bowyer

#### 1. Confirmation of previous minutes

Confirmation of draft minutes no 67 held on 13 February 2014, no 68 held on 17 February 2014, and no 69 held on 18 February 2014.

Resolved, on the motion of Mr Piper, seconded by Dr Lee: That the minutes of meeting no. 67 held on 13 February be confirmed.

Resolved, on the motion of Mr Bassett: That the minutes of meetings nos. 68, held on 17 February, and 69, held on 18 February, be confirmed.

2. \*\*\*

3. \*\*\*

#### 4. Follow up of the Auditor-General’s performance audits April 2012 – August 2012

##### 4.1 Correspondence received from Mr Stepan Kerkyasharian, Chair, Community Relations Commission

Resolved, on the motion of Mr Piper, seconded by Mr Bassett: That the correspondence from Mr Stepan Kerkyasharian, former Chair, Community Relations Commission, dated 26 November 2013, be published and uploaded onto the Committee’s website.

##### 4.2 Draft correspondence to the Hon Jillian Skinner, Minister for Health, responding to her letter dated 13 February 2014

Resolved, on the motion of Mr Piper, seconded by Mr Bassett: That the Chair write to the Hon Jillian Skinner, Minister for Health, responding to her letter dated 13 February 2014.

5. \*\*\*

AUDITOR-GENERAL'S PERFORMANCE AUDITS: APRIL - AUGUST 2012  
EXTRACTS FROM MINUTES

6. \*\*\*

7. \*\*\*

8. \*\*\*

9. \*\*\*

10. \*\*\*

11. \*\*\*

12. **Next meeting**

The meeting adjourned at 10.30am until Thursday, 6 March 2014 at 9.45am in Room 1043.

## MINUTES OF MEETING 73

Thursday 27 March 2014

9:45am

Room 1043, Parliament House

### Members present

Mr O’Dea (Chair), Mr Bassett, Mr Daley, Mr Piper, Mr Williams

### Officers in attendance

Elaine Schofield, Abigail Groves, Meike Bowyer

**1. Apologies**

An apology was received from Dr Lee.

**2. Confirmation of previous minutes**

Resolved, on the motion of Mr Piper, seconded by Mr Bassett: That the minutes of meeting no. 72 held on 6 March 2014 be confirmed.

**3. \*\*\***

**4. Follow up of Performance Audits April 2012 – August 2012 – Correspondence received**

Resolved, on the motion of Mr Daley, seconded by Mr Williams: That the Committee accept the following answers to questions on notice and publish them on its website:

- From Dr Michele Bruniges, Director General, Department of Education and Communities, providing answers to questions on notice re: Physical Activities in Government Schools, dated 21 March 2014
- From Roads and Maritime Services, providing answers to questions on notice re: Managing Overtime: Roads and Maritimes Services and RailCorp, dated 20 March 2014.

**5. \*\*\***

**6. \*\*\***

**7. Next meeting**

The meeting adjourned at 10.40am. Next meeting will be on Thursday, 8 May 2014 at 9.45am in Room 1043.

## MINUTES OF MEETING 74

Thursday 8 May 2014

9:49am

Room 1043, Parliament House

### Members present

Mr O'Dea (Chair), Mr Bassett, Mr Daley, Dr Lee, Mr Piper, Mr Williams

### Officers in attendance

Elaine Schofield, David Hale, Leon Last, Meike Bowyer

#### 1. Confirmation of previous minutes

Resolved, on the motion of Mr Piper, seconded by Mr Bassett: That the minutes of meeting no. 73 held on 27 March 2014 be confirmed.

2. \*\*\*

3. \*\*\*

#### 4. Examination of the Auditor-General's Performance Audits April 2012 – August 2012

The Committee considered the Chair's draft of the Report on the Follow up of the Auditor-General's Performance Audits April 2012 – August 2012.

Resolved, on the motion of Mr Williams, seconded by Mr Daley, that the Committee adopt the draft report as the report of the Committee, to be signed by the Chair and presented to the House; that the Chair and the secretariat be permitted to correct stylistic, typographical and grammatical errors; and that, once tabled, the report be published on the Committee's website.

5. \*\*\*

6. \*\*\*

7. \*\*\*

8. \*\*\*

9. \*\*\*

#### 10. Next meeting

The meeting adjourned at 11.11am.

Next meeting will be on Thursday, 15 May 2014 at 9.45am in Room 1043.