



**Education
& Training**

DIRECTOR-GENERAL OF
EDUCATION AND TRAINING
MANAGING DIRECTOR OF TAFE NSW

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14 JUL 2010

LEGISLATIVE
COUNCIL

Ms Teresa McMichael
Principal Council Officer
Inquiry into the Building the Education Revolution Program
General Purpose Standing Committee No. 2
Parliament House
Macquarie Street
SYDNEY NSW 2000

MT 10/1087

Dear Ms McMichael

Thank you for the transcript of the evidence, questions on notice and additional questions from members. We are pleased to respond to your request.

We have provided a marked up copy of the transcript with amendments as instructed.

Answers to questions on notice from the hearing on Friday 18 June 2010 are provided. In addition, we have responded to additional questions as provided by members.

Included in the submission is additional information which provides further clarification and understanding of the Building the Education Revolution Program.

There have been significant achievements under the Building the Education Revolution Program in NSW. We have completed the National School Pride Program and we have completed all but one of the 118 Science and Language Centres, with the final project due for completion in the coming days. 95% of projects are under construction for the Primary Schools for the 21st Century Program.

All these projects are supporting employment for the people of NSW and providing school communities with a lasting legacy for many years to come.

Yours sincerely

Peter Riordan
R/DIRECTOR-GENERAL OF EDUCATION AND TRAINING
R/MANAGING DIRECTOR OF TAFE NSW
14 July 2010

Additional Questions on Notice
Inquiry into the Building the Education Revolution Program
To NSW Department of Education & Training

QUESTIONS ON NOTICE FROM TRANSCRIPT

Question(s), page 23

- **The Hon. Greg Pearce:** Will you provide the committee with a copy of the finalised document (MOU)?

A copy of the Memorandum of Understanding between the Department of Services, Technology and Administration with the Department of Education and Training is attached (TAB A).

Question(s), page 25

- **The Hon. Greg Pearce:** Could you take on notice and provide to us a comparison of the actual completion prices of all the projects that have been completed and their original cost estimate?

The Building the Education Revolution (BER) website (www.ber.nsw.gov.au) contains published cost estimates of the total cost of developing and delivering a school's project(s) where one is approved and confirmed for publication. In line with the continued commitment to transparency the BER Integrated Program Office will also publish final construction costs as projects reach this stage. While some 200 projects have been completed under the contract, no final payments have been confirmed or made and therefore there are no actual construction figures available for publication at this time.

Question(s), page 26

- **Dr John Kaye:** At about the top of the fourth page under the heading "National School Pride", you state that National School Pride was conceived as an opportunity for principals to undertake maintenance and minor capital works programs of their choosing...One of the things I want to go to is the issue of maintenance. The Federal department does not refer to maintenance under National School Pride. The Federal department refers to refurbishment. This becomes significant in terms of your total recurrent budget for 2009-10.

The reason was that there was maintenance money from National School Pride included in the 2009-10 budget which would not be there in the 2010-11 budget. I am confused as to what is the difference – you might help us here – between refurbishment and maintenance.

The Commonwealth Guidelines (Version 3 pp12) state the following for National School Pride Use of funding: Funding under this program must be used to undertake construction of small scale infrastructure and/or minor refurbishment projects.

Projects that can be approved for funding under this element of BER include:

- Refurbishment of buildings;
- Construction or upgrades of fixed shade structures, covered outdoor learning areas, sporting grounds and facilities,
- Green upgrades (water tank), insulation; and
- Specialised infrastructure support for students with disabilities or special needs.

Maintenance is considered appropriate under these guidelines as they are improvements to the school facilities being buildings, grounds or equipment.

The Commonwealth guidelines stipulate (version 3 pp 15, point 4 under Commonwealth, State/Territory and Block Grant Authority Responsibilities) that states and territories will maintain their current and planned level of investment for capital infrastructure in schools over the next four years, spending it concurrently with BER funding on school infrastructure, and provide the Commonwealth Government with evidence of capital expenditure for the past four years and estimates for the next four years. This process will be overseen by Heads of Treasuries and reported to Council of Australian Governments (COAG).

Existing NSW Government maintenance programs were maintained.

Question(s), page 27

- **Dr John Kaye:** *My understanding was that principals were told that if they went on their own, they would take complete financial and legal risk associated with any harm that befell a child as a result of a building project, and any financial risk associated with overrun on costs... Would you be happy to table that documentation?*

Information packages on self management for both National School Pride and Primary Schools for the 21st Century are available on the NSW BER Website:

National School Pride:

http://www.ber.nsw.gov.au/wp-content/uploads/Principal_Project_Management_NSP.pdf

Primary Schools for the 21st Century:

http://www.ber.nsw.gov.au/wp-content/uploads/Principal_Project_Management_P21.pdf

Question(s), page 34

- **Chair:** *Is it not true that some of these COLAs cost a different amount of money before the BER Program. There are examples of schools that recently installed a COLA similar to or exactly the same as the ones that are being installed under the BER and the cost difference is huge? Is there not an in built inflation on costs on these COLAs because of that part of the BER Program?*

The costs of COLAs constructed under the Building the Education Revolution Program in NSW has been reviewed. This report is presently with the NSW Minister for Education and Training.

The audit undertaken on the Hastings Public School COLA is available on the NSW BER Website: <http://www.ber.nsw.gov.au/wp-content/uploads/Hastings-Audit-Report.pdf>

Question(s), page 35 x 2

- **The Hon. Greg Pearce:** *Can you please table that answer and move to who actually made the final tender selection?*

Process of Appointment of Managing Contractors is attached (TAB B).

- **Could you provide to the Committee the evaluation that the final committee was provided with?**

The tender evaluation report is commercial-in-confidence information. The Department of Education and Training is currently taking advice on its possible future release.

Question(s), page 39

- ***The Hon. Christine Robertson: We heard about COLAs earlier. I drive around country New South Wales a fair bit. I understand there is a set template for COLAs. But I have seen several COLAs, which would indicate that a lot of thought has been put into climatic factors in relation to the construction of them. I recently drove past a COLA that had heavy plastic sheeting on the sides, so the children could play outside on 5 degree days. We could do with a bit more information on how the templates have been adapted for the needs of particular schools and the various climatic conditions.***

The covered outdoor learning area (COLA) is a multifunctional space that provides a facility for curriculum activities especially in the areas of Personal Development/Health/Physical Education and the Performing Arts. COLAs are an area for passive and active recreation, school or year assemblies and weather protection, both sun and rain protection. They are specifically designed to minimise rain intrusion. In a number of schools it is also a food distribution (adjoins the canteen) and food consumption area.

Questions from Hon Robyn Parker MLC:

1. ***How many NSW Government BER projects are there in total?***

There are 4663 NSW Government BER projects as at 2 July 2010:

- Primary Schools for the 21st Century (P21): 2366
- National School Pride (NSP): 2179
- Science & Language Centres (SLC): 118

2. ***How many are under construction?***

There are 1651 BER projects under construction as at 2 July 2010.

3. ***How many are completed?***

There are 2895 BER projects fit for use in schools as at 2 July 2010.

4. ***How many are out to tender?***

Information concerning the tender status of BER projects in NSW Government schools is managed by the Managing Contractor.

5. ***How many are still in the pre-tender stage? Given that Catholic Education Commission (CEC) admitted during the Legislative Council BER Inquiry hearing on 18 June 2010 that "value for money" was an important objective for their BER projects, as parents would have to pay for any budget over-runs and the CEC has no Government resource to fall back on, what is the current BER budgetary overrun for NSW Government schools?***

At a program level, it is confirmed that as of 2 July 2010, the BER Program Office had financially committed to the construction of 99% of Primary Schools for the 21st Century projects. It is estimated that there are less than 12 projects now at pre-tender stage however it should be noted that just because a project has not been tendered does not mean that significant other work has not been carried out by the Managing Contractor such as documentation and pre-tender estimates.

As a result of program savings, the Minister for Education & Training announced \$50m for additional works on projects in the Commonwealth Funded BER P21 Program.

Based on the current forecast completion costs, the BER Program will come in on budget.

- 6. *If a Government school's BER project has gone over budget, who is ultimately responsible for providing the balance of funds to complete the project – is it the responsibility of the school and P&Cs?***

The BER Program Bilateral Agreement between the Commonwealth and NSW Governments indicates that any expenditure incurred in excess of the available BER program funding will be the responsibility of the NSW Government. This responsibility is not transferred to the individual school or Parents and Citizens Association.

On a school by school basis, the BER Program is working within the Building the Education Revolution Guidelines provided by the Commonwealth Government (refer to page 17, Project Variations under Primary Schools for the 21st Century).

- 7. *Given that Brad Orgill, head of the BER Taskforce outlined during the BER Inquiry hearing on 18/6/10 that there were 129 of the 209 complaints are in NSW, would the Department of Education & Training (DET) please break this down into each DET Region, where possible?***

The list with DET Regions included is attached (TAB C).

- 8. *How many NSW Government schools self managed their BER projects?***

National School Pride: 269 schools

Primary Schools for the 21st Century: 4 schools were approved to proceed. A short time after commencement one of these schools withdrew from the P21 Self Managing process.

- 9. *Since the BER funding was announced, how many NSW Government schools made inquiries with the Department to self-manage their projects?***

All schools that submitted an Expression of Interest received a copy of the Information Pack. Only four schools actually submitted a complete formal application. All four of these were approved to locally manage, although one subsequently withdrew.

- 10. *Given that the Managing contractors were given certain regions of NSW in which to work, do you accept that the quotes they gave to the Department for the individual NSW Government School projects were not competitive? If not, why?***

Managing Contractors were not given certain regions. The seven Managing Contractors appointed in NSW were appointed as a result of a competitive tender process for services listed below.

There were nine separate tender contract packages available across New South Wales. Each package was tendered to three or four tenderers (depending on the package) that were successful in the expression of interest process. Tenderers were invited to tender on up to three packages, depending on the outcome of the expression of interest process.

The tender is a bid for a Managing Contractor Fee, expressed as a percentage of construction work delivered at the schools. It also includes a non-price element aimed at demonstrating that the tenderers have an understanding of, and commitment and capability, to deliver the Program objectives.

The Managing Contractor's role was to tender for each and every project in each and every school therefore it is incorrect to state that quotes they gave to the Department for individual NSW Government School projects were not competitive.

The contract the Managing Contractors were awarded makes them responsible to:

- ensure expeditious and efficient management of each project;
- manage all projects in accordance with NSW Government Code of Practice for Procurement. This is an umbrella that contains various documents outlining the manner in which publicly funded projects must be managed eg probity, value for money, tender projects, manage OHS, prepare estimates etc;
- be able to demonstrate that amounts paid and costs incurred are reasonable and properly incurred;
- provide copies of contracts between them and their sub contractors at IPO request;
- complete detailed estimates for each project, provide details of all tenders and the awarded tender values.

11. Why did the COLA at Hastings Public School have the "acoustic measures" in its budget? Surely a noise-reduction measure for a structure that has no walls is a waste of BER funding for that school?

No COLA has or will be built under BER at Hastings Public School. A COLA is a covered outdoor learning area, not a shade structure. The School Facilities Standards require, amongst other standards, acoustic lining to ensure educational activities undertaken within a covered learning area are not hampered by noise bouncing around through student activity.

Schools report that COLAs without appropriate acoustic lining tend to be very noisy, as a result of external noise (eg rain) and internal noise (eg from student activity). COLAs are designed as teaching spaces as well as to accommodate a wide range of student recreation activities. This means it's important for students in a COLA to be able to hear clearly, and for teachers to be able to give instructions without having to shout. Schools which have constructed COLAs without appropriate acoustic lining often seek to retrofit.

12. Of Hastings Public School's BER funds, how much has already been spent on the now cancelled COLA and how much is available for their new project?

Following the cancellation of the BER COLA project at Hastings Public School and the transfer of all the BER project funding to the other BER new Classroom Facilities project at the school; the BER Integrated Program Office is reviewing expenditure incurred by the Managing Contractor on design, documentation and planning undertaken prior to the cancellation of the COLA project.

Preliminary investigations reveal the figure to be approximately \$53,715 ex GST however this will be confirmed at the conclusion of the expenditure review.

13. How many audits have been undertaken on NSW Government School BER projects? How many reviews?

Please refer to attached document outlining all BER reviews/inquiries underway (TAB D).

14. How much has it cost to undertake these audits/reviews?

The BER Program Office will release costs associated with the audits/reviews towards the end of the program so as to maintain the integrity of the audit process undertaken by the BER Program Audit Unit. Releasing the information before the audits are completed would undermine the audit process.

15. How many reviews have been undertaken into the costs of COLAs in NSW Government schools?

In March 2010 the BER Integrated Program Office commenced a review of freestanding COLA projects within the P21 program.

16. Given that results of the audit into Hastings Public School is freely available online, will the Department release the results of the rest of the audits?

A decision will be made on a case by case basis.

17. When will these results be released?

As above.

18. How many unflued gas heaters have been installed with BER funds in NSW Government schools, and in how many schools?

Approximately 1400 heaters were installed in BER projects prior to cessation of installation (estimate only). A reconciliation of the number of schools has not been carried out to date.

19. Given that NSW Government has called a halt to the installation of unflued gas heaters in NSW Government schools, how many unflued gas heaters will be removed, and from how many schools?

The Minister for Education and Training announced a \$15million replacement program to replace heaters in 100 schools in the coldest area of the state. The Minister further stated that the Government will continue to be guided by the advice from scientific experts on the issue, and will provide a further response once a report by the independent Woolcock Institute is finalised and published.

20. Will the cost of the removal of these unflued gas heaters come out of their BER funding?

No

21. Given that NSW Government has called a halt to the installation of unflued gas heaters in NSW Government schools, and that NSW Government schools in later rounds are to benefit from not having these heaters installed, would the Department please explain why NSW Government schools in earlier rounds are forced to put up with them?

The NSW Government commissioned a report into the heaters used in Government schools by the independent Woolcock Institute. The report will be released once it has been peer reviewed and published. The NSW Government will continue to be guided by the advice of scientific experts on this issue and will provide a further response once the report is finalised and published.

22. For schools that have already had unflued gas heaters installed with BER funds in earlier rounds, and potentially may not have their heaters removed, would the Department please outline how these schools are potentially "less worthy" than the schools in later rounds that will not have unflued gas heaters installed?

Until the final review has been released there is no further action to be taken in relation to removal of un-flued gas heaters in schools.

23. How much has been spent on the workplace advertisements regarding the BER?

The workplace advertisements were managed by WorkCover, not the NSW Department of Education and Training.

24. What is the school maintenance backlog in NSW Government schools in dollars to date?

The estimated total dollar value of the maintenance backlog as at 1 July 2009 was \$21.3 million.

25. How many of the National School Pride Projects were originally on the list of school maintenance projects for NSW Government schools?

No National School Pride Projects were listed as approved maintenance projects for NSW Government schools.

Questions from Hon Christine Robertson MLC:

1. Can you explain "cost overruns" described in several submissions including the Public Schools Principals Forum and claims that the schools take on these "cost overruns" in relation to the risks?

The BER Program Bilateral Agreement between the Commonwealth and NSW Governments indicates that any expenditure incurred in excess of the available BER program funding will be the responsibility of the NSW Government. This responsibility is not transferred to individual schools.

2. Can you supply a copy of the NSW Department of Education Code of conduct and describe the process for individual employees to get messages back when they are not happy with something?

The Department of Education and Training Code of Conduct can be downloaded from: <https://www.det.nsw.edu.au/employment/codeofconduct/index.htm>

The Department of Education and Training has a detailed Complaints Handling Policy available at: <https://www.det.nsw.edu.au/aboutus/epac/index.htm>

In addition, all staff at the BER Integrated Program Office are inducted at employment commencement. During this process the employee complaints process is clearly explained.

3. Can you please describe the function of the Regional Project Managers?

Regional Program Directors play a critical role in the delivery of the BER P21 Program. They:

- provide the interface between the BER Program Office and the Managing Contractor in the region
- provide guidance to the Managing Contractor on department policy matters
- manage staff to administer the contract with the Managing Contractor
- oversee and direct the Managing Contractor in respect to program and progress, cost management and reporting
- provide a role in stakeholder management
- provide an interface with department regional staff where necessary

4. What processes did the Department put in place to ensure that local builders and subcontractors would be able to get works on BER projects?

One of the main aims of the Building the Education Revolution program is to create local employment. The Managing Contractors selected to implement the Primary Schools for the 21st Century component of the program were selected through a competitive tender process that gave strong consideration to their ability and willingness to engage local builders and providers.

The Department of Education and Training established an online registration system to allow local trades people and contractors to indicate their interest in participating in the program. These registrations were then passed onto the Managing Contractor in the relevant area.

In addition, Managing Contractors held over two dozen local employment forums across the state in June and July in 2009 with nearly 2,000 attendees.

Of all workers on Primary Schools for the 21st Century projects across the state, 80% are local.

In addition, recent figures show almost 4,400 apprentices have registered to be involved in the P21 Program with almost 2,700 having worked on the program accumulating just under 502,000 hours of work and just over 280 apprentices have registered to be involved in the Science and Language Centre Program with just over 180 having worked on the program accumulating just over 31,000 hours of work.

5. *How much progress has the NSW Department of Education & Training made in completing BER projects, and how does this compare to other jurisdictions?*

There are 2895 BER projects (Primary Schools for the 21st Century, National School Pride & Science and Language Centre programs) fit for use as at 2 July 2010. The department does not have information on the performance of other jurisdictions, although we can provide the following information on the performance of NSW government schools against the national average (as at May 2010).

- **Primary Schools for the 21st Century**

NSW Government P21 construction commencements are at 92% compared to the national rate of 77%. Completions are at 18% compared to the national rate of 14%.

- **National School Pride**

NSW Government completions are at 100%, compared to the national completion rate of 90%.

- **Science and Language Centres**

Completions are at 33% against the national rate of 11%.

6. *What are the processes in place to ensure consultation with school principals about BER?*

School Principals have been involved in the decision making process for their P21 Projects from the commencement of the program.

During the project nomination and submission phase of the program principals were asked to submit an online nomination of the school's preferred projects after consultation with their P&C and School Community. Based on these nominations, the BER Program Office consulted with schools via email and phone for their final project submission to proceed to DEEWR.

Once a project is approved, Managing Contractors are the first point of contact for the school. They have the most complete and up-to-date information on each P21 project and are responsible for successful delivery of each schools project.

If a problem is not resolved by working with the Managing Contractors, the BER Program Office is able to step in and help to broker a solution and quickly move the project forward.

The BER Program Office has appointed Principal Liaison Officers to support and provide advice to school principals throughout P21 projects.

School Principals can access current contact details through the department's intranet.

7. *What is an ECS and how is it presented on the Department's BER website?*

School projects are approved to start construction based on an Estimated Construction Sum (ECS) provided by the Managing Contractor. The ECS is based on detailed pre-construction investigations and is the Managing Contractor's best estimate of the full cost of developing and delivering the project using their expertise, market experience and knowledge. Projects are approved to start construction, in line with the BER Integrated Program Office's budget management strategy, when the ECS scope aligns with the school budget.

Once approved and verified as correct, the ECS for each project is published on the individual school's page on the BER website. The ECS is broken down into a number of cost categories typical for construction projects with each category hyperlinked to provide an explanation of the cost terms used.

8. *What other cost information is available on the Department's BER website?*

The BER website contains an extensive amount of cost information. This includes project budget fact sheets, an explanation of cost terms used, and advice on the value for money and budget management strategies. The website will also publish Benchmark Value (BMV) and final cost figures when they are available for each project.

Cost information for every BER P21 Project will be available to the public via the BER website. NSW is the only State to provide this level of transparency in the public domain.

9. *What other cost information is available to school principals?*

School Principals and Managing Contractors have an ongoing relationship during the life cycle of the project. Schools are able to request a more detailed explanation about the estimated cost of their P21 Projects from their Managing Contractor at any time. The Managing Contractor will sit down with Principals to explain the information they provide.

10. *How much information do the other jurisdictions provide publicly, for example, on websites, about the cost of BER projects?*

The department is not aware of the policies of other jurisdictions in relation to publication of BER project costs.

ADDITIONAL INFORMATION

- Feedback from school principals and school communities who are delighted with their BER Project – letters, emails and other supporting documentation (TAB E).
- A list of the specific schools whose story is reflected on the BER Website (www.ber.nsw.gov.au) (TAB F).
- 12 month report card on the National Building Economic Stimulus Plan (TAB G).
- Commonwealth Guidelines (TAB H).



DEPARTMENT OF SERVICES, TECHNOLOGY & ADMINISTRATION

AND

DEPARTMENT OF EDUCATION AND TRAINING

MEMORANDUM OF UNDERSTANDING

FOR THE MAKING AVAILABLE OF

SERVICES, PERSONNEL, SYSTEMS,

AND OTHER MATTERS

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Memorandum of Understanding

This Memorandum of Understanding is entered into on 4 June 2010

Between

1. The Department of Services, Technology & Administration of 2-24 Rawson Place, Sydney, New South Wales, 2000 ("DSTA") (and or its successors)

and

2. The Department of Education and Training of Bridge Street, Sydney, New South Wales, 2000 ("DET") (and or its successors)

Both parties for and on behalf of the Crown in right of the State of New South Wales.

Being "the Parties"

Recitals

- i) The Department of Education and Training (DET) has been charged administratively with delivery of certain aspects of the Building the Education Revolution (BER) program on behalf of the New South Wales Government, namely construction of works and maintenance programs on NSW Government school sites. The BER program is a Commonwealth funded program delivered pursuant to the *National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now* entered into by the Commonwealth and the States and Territories on 5 February 2009.
- ii) The DET component of the BER program comprises three programs: Primary Schools for the 21st Century; National School Pride; and Science and Language Centres for 21st Century Secondary Schools.
- iii) A new internal division of DET, the Integrated Program Office ("IPO"), has been created to be accountable for the delivery of the BER program on behalf of DET. The IPO reports to the Deputy Director-General, Finance and Infrastructure, DET.
- iv) The IPO has sought various assistances and services from DSTA in order to deliver the BER program including the professional services of DSTA staff, the adoption of elements of DSTA's construction procurement system, the development and administration of reporting systems, and other services.
- v) The various assistances provided by DSTA for the BER program are in addition to, and to be contrasted with, the construction procurement services delivered by DSTA to DET in satisfaction of DET's routine capital works and maintenance programs. These routine services are delivered under a traditional 'fee for service' arrangement entered into by the parties for that purpose.

- vi) As such the assistances provided by DSTA to the IPO for the BER program constitute a service delivery arrangement which is different to the way DSTA has traditionally delivered services to DET and the purpose of this MOU is to formalise these arrangements.

It is the intention of the parties:

- i) that this MOU provide a framework for the provision of assistance and services by DSTA to DET for the purposes of the BER program having regard to the non-typical service arrangement that is required by DET;
- ii) that the parties are clear about the nature and extent of the assistance and services being provided and the parties' respective responsibilities; and
- iii) to cooperate and protect the interests of the Crown in right of the State of New South Wales and to ensure that whole-of-government risks are identified and managed appropriately.
- iv) That agencies deliver the BER Program to the benefit of the school students, the broader community and the economy of this State.

Operative provisions

1. Definitions and Interpretation

1.1 In this MOU, unless the context otherwise requires:

"Commencement Date" means the date specified as such in Item 1 of Schedule 1.

"DSTA's Representative" means the person named as such in Item 3 of Schedule 1 or such other person DSTA may, from time to time, nominate in writing.

"MOU" means this Memorandum of Understanding and includes the Schedules as well as any documents to the extent that they are incorporated by reference.

"Personal information" has the same meaning as in section 4 of the *Privacy and Personal Information Protection Act 1998 (NSW)*.

"Services" means making available the Embedded Services and Consultancy Services including Specified Personnel to DET.

"Schedule" means a schedule to this MOU.

"Specified Personnel" means the individuals employed by the Crown (through DSTA) and embedded by agreement between the parties to DET who are made available for the purposes of enabling DET to deliver the BER program and as specified in Item 4, Schedule 1.

"DET's Representative" means the person named as such in Item 2 of Schedule 1 or such other person as DET may, from time to time, nominate in writing.

1.2 In this MOU, unless the context otherwise requires:

- (a) Persons will be taken to include any natural or legal person.
- (b) A reference to a statute, regulation, ordinance, by-law or other law ("Law") will be deemed to extend to include a reference to all statutes, regulations, ordinances, by-laws or other laws amending, consolidating or replacing that Law from time to time.
- (c) A reference to a person or body which has ceased to exist or has been reconstituted, amalgamated or merged, or the functions of which have become exercisable by any other person or body in its place, shall be taken to refer to the person or body established or constituted in its place by which its said functions have become exercisable.
- (d) Where a word or phrase is given a defined meaning in this MOU, any other part of speech or other grammatical form in respect of such word or phrase shall unless the context otherwise requires have a corresponding meaning.
- (e) No rule of construction operates to the detriment of a party only because that party was responsible for the preparation of this MOU or any part of it.
- (f) The headings and index in this MOU are for convenience only and do not affect the interpretation of this MOU.
- (g) A reference to a group of persons is a reference to all of them collectively and to any two or more of them collectively and to each of them individually.
- (h) Words importing the singular include the plural and vice versa.
- (i) A reference to this MOU or to any other deed, agreement, document or instrument includes, respectively, this MOU or such other deed, agreement, document or instrument as amended, novated, varied or replaced from time to time.

2. Term

- 2.1** This MOU commences on the Commencement Date and will continue until terminated by agreement between the parties in writing or by operation of law or as made necessary by the operation or change of policy or government machinery change.

3. Responsibilities of the parties

Services provided by DSTA to DET

- 3.1 As part of the BER program the following categories of services will be provided by DSTA to DET:
- (a) Embedded Services, that is the services provided by DSTA to the IPO incorporating System Components and Specified Personnel to enable the IPO to perform its functions in relation to BER program delivery where:
 - (i) the Specified Personnel are employees of DSTA but are physically located within the IPO or at one of the BER program regional locations and are subject to the daily direction and control of the IPO in relation to the BER program delivery; and
 - (ii) the System Components are those parts of the DSTA Accredited Construction Procurement System provided by DSTA to the IPO for use in the delivery of the BER program.
 - (b) Consultancy Services, that is services provided by DSTA to DET as requested by the IPO where the request and BER works is treated as incremental to normal DSTA operations and functions. The personnel involved in performing the functions and the systems used to provide the services remain in all respects under the daily direction and control of DSTA.

Both of these categories of services are to be distinguished from the standard 'fee for service' services provided by DSTA to DET as part of the routine delivery of DET's Capital Works Program.

Cost structures

- 3.2 DET must pay DSTA charges for the provision of the Embedded Services (including Specified Personnel) and Consultancy Services on invoice in accordance with this MOU.
- 3.3 The parties agree that DSTA will only charge on a cost recovery basis, defined as actual salary costs plus statutory on-costs plus any unavoidable local overheads and shared corporate costs incurred whether embedded in the IPO or whole performing their usual service provision function. Any other pass-through services such as system licensing will be charged at actual cost. These costs are as set out in Schedule 2.
- 3.4 DSTA will calculate an estimate of the management fees collected from suppliers in respect of purchases made by DET and its Nominee Purchasers from State Contracts Control Board State Contracts for the BER program on a quarterly basis. DSTA will then refund to DET the estimated management fee amount in respect of that quarter less any amount to recover costs arising from management of the State Contracts.

- 3.5 DSTA charges will be free of any profit margin, dividend or taxation equivalents. There will be no cross subsidisation of other services provided by DSTA.

Specified Personnel

- 3.6 The Specified Personnel are as identified in Item 4 of Schedule 1.
- 3.7 The Specified Personnel will be made available for the Term or as otherwise agreed by the parties in writing. Agreements may be made by the parties with respect to individual Specified Personnel or the group of Specified Personnel. Additional Specified Personnel may be agreed in writing by the parties at any time and are taken to be incorporated into the Schedule.
- 3.8 On completion of the Term or at another time as agreed by the parties the Specified Personnel will resume duties within DSTA and return to the daily direction and control of DSTA.
- 3.9 The views, needs, and interests of the Specified Personnel, including their professional development needs, will be taken into account by the IPO during the period of their placement within the IPO and in determining the period of their placement within the IPO.
- 3.10 The views, needs, and interests of DSTA will be taken into account by the IPO in determining the period of the placement of the Specified Personnel within the IPO.
- 3.11 With the exception of the Specified Personnel who are contractors engaged by DSTA (as identified in Item 4 of Schedule 1) the Specified Personnel at all times remain the employees of DSTA, employed under the *Public Sector Employment and Management Act 2002*, and at no time are employed by, or seconded to, DET.
- 3.12 DET is to make available to DSTA any information, including personal information, required for DSTA to fulfil its obligations as an employer under employment-related legislation including, but not limited to the:
- *Public Sector Employment and Management Act 2002 (NSW)*
 - *Public Sector Employment and Management (General) Regulation 1996*
 - *Industrial Relations Act 1996 (NSW)*
 - *Occupational Health and Safety Act 2000 (NSW)*
 - *Workers' Compensation Act 1987 (NSW)*
- 3.13 The activities of the Specified Personnel are subject to the daily control and direction of DET management, limited to those activities directly related to DET's delivery of the BER program. In all other respects the Specified Personnel remain subject to the direction and control of DSTA.
- 3.14 The IPO is to provide the Specified Personnel with a Position Description (in the standard form used by public sector agencies) listing the key accountabilities of the position to which they are attached. DSTA may review the position description to ensure it is commensurate with remuneration for the position having regard to similar

public sector and private sector positions, and having regard to the skill and experience of the Specified Personnel.

- 3.15 The Specified Personnel will retain all existing employee entitlements, and will continue to accrue all entitlements available to employees of DSTA, during their placement within the IPO, including, but not limited to the accrual of recreation leave, sick leave, and flex leave pursuant to the DSTA Flexible Working Hours Agreement.
- 3.16 Subject to normal business requirements, the Specified Personnel will be permitted reasonable access to their employee entitlements, and requests to take leave will be determined in accordance with the provisions of applicable employment awards and the NSW Government Personnel Handbook
- 3.17 The Director General, DSTA remains the department head for the purposes of management of conduct and performance of the Specified Personnel pursuant to the *Public Sector Employment and Management Act 2002* and the Personnel Handbook.
- 3.18 DET agrees to comply with all applicable standards, laws and regulations in relation to the placement of the officers within the IPO, including, but not limited to, complying with its obligations under the:
- *Privacy and Personal Information Protection Act 1998* and New South Wales Government policies which apply,
 - Employment-related law including the *Public Sector Employment and Management Act 2002* and New South Wales Government policies which apply,
- and agrees to not do anything that would cause DSTA to breach its obligations under any legislation.
- 3.19 The IPO at its sole discretion can determine that any particular member of the Specified Personnel is no longer required. Should the IPO make any such determination in relation to a member of the Specified Personnel that member will immediately return to the direction and control of DSTA.
- 3.20 If the IPO has concerns about the performance or conduct of any particular member of the Specified Personnel, the IPO will notify these concerns to the Director General of DSTA in a timely manner.
- 3.21 On receiving information from DET about conduct or performance of the Specified Personnel, the Department Head of DSTA will take appropriate action and notify DET as is appropriate. The continued placement of the member of the Specified Personnel to DET following such action will be as agreed by the parties.
- 3.22 DET acknowledges that DSTA will not monitor the performance and conduct of the Specified Personnel whilst they are placed within the IPO.

- 3.23 DSTA treats the ethical conduct and behaviour of its officers as paramount. The Specified Personnel remain subject to the DSTA Code of Conduct, and are obliged to follow the formal policies and principles underpinning the conduct of officers of the public sector including the specific policies and principles guiding government procurement.
- 3.24 The IPO is responsible for supporting and guiding the proper behaviours of the Specified Personnel and their application of these policies and principles whilst the Specified Personnel are subject to the daily direction and control of the IPO.
- 3.25 Where the Specified Personnel identify a failure to support these behaviours or receive a direction from the IPO which is inconsistent with these behaviours, policies or principles, the Specified Personnel are expected to raise this with the Director IPO in accordance with usual New South Wales public service practice. The Specified Personnel may subsequently also raise it with the DET internal audit branch, or any other officer or administrative unit within DET. Where the issue is not resolved to the satisfaction of the Specified Personnel, the Specified Personnel is entitled to raise the matter with DSTA's Representative for all appropriate action.
- 3.26 These rights are in addition to, and distinct from, any right or obligation of the Specified Personnel to report corrupt conduct, maladministration or any other matter to any external accountability body including the Independent Commission Against Corruption.
- 3.27 The Specified Personnel will be provided with a safe working environment, and with appropriate resources for the carrying out of their duties including where appropriate vehicles (in the case of regional officers), mobile phones and other mobile working devices, domestic travel, and or accommodation.
- 3.28 The Specified Personnel will be provided with appropriate organisational and system supports for the carrying out of their duties including, but not limited to the following:
- (a) OHS policies and systems compliant with the Occupational Health and Safety Act 2001 and related government policy, particularly as they relate to construction activities
 - (b) Environmental protection and management policies and systems compliant with applicable legislation and policies
 - (c) Procurement practices and processes consistent with NSW Treasury Procurement Policy, subject to any lawful exceptions.
 - (d) Domestic travel policy
- 3.29 The Specified Personnel and DSTA will be indemnified by DET against any liability, personal or otherwise, to the extent permitted by law, arising from the carrying out of their duties, including their acts or omissions, arising from the failure of DET to provide adequate policies and systems.

System Components

- 3.30 DSTA agrees to provide to DET for use for the delivery of the BER program System Components of DSTA's Accredited System for Construction Procurement ("Components") as set out in Item 5 of Schedule 1.
- 3.31 The Components are to be used only for the purposes of delivery of the BER program, unless the prior written approval of DSTA is obtained.
- 3.32 The parties acknowledge and agree that the Components do not constitute DSTA's Construction Procurement System for the purposes of formal accreditation by NSW Treasury.
- 3.33 DET undertakes to resolve the issue of accreditation with NSW Treasury, and acknowledges that DSTA has no role to play in the assessment of that accreditation process.
- 3.34 No warranty or assurance is provided by DSTA to DET about the reliability or suitability of the Components for the activities of the BER program.
- 3.35 DET acknowledges that DSTA's internal financial, administrative, performance controls and governance arrangements, which form part of the DSTA Construction Procurement System, do not apply to the IPO and DSTA does not guarantee that appropriate controls around the Components are in place. DSTA's governance arrangements include, but are not limited to:
- (a) Code of Conduct
 - (b) Business Ethics Statement
 - (c) Guide to Reporting Corrupt Conduct, Maladministration and Serious and Substantial Waste of Public Money
 - (d) Gifts and Benefits policy, and register of pecuniary and non-pecuniary interests
 - (e) Information Security Policy, and records management policy
 - (f) Procurement Policy Framework
 - (g) Code of Practice for Procurement
 - (h) Tendering Guidelines
 - (i) Project management controls
 - (j) OPWS Project Management Roadmap controls
 - (k) OPWS Project profit/cost (accounting) controls

- (l) Internal audit function
- (m) Delegations Manual
- (n) DSTA management and governance structures and processes

3.36 DET undertakes to ensure that appropriate controls are identified and implemented and that appropriate internal controls, audits and other risk management measures will be implemented by DET to ensure the integrity of the Components.

3.37 Intellectual property in all of the Components remains with DSTA on behalf of the Crown in Right of the State of New South Wales and is to be managed in accordance with the NSW Public Sector Intellectual Property Framework. DET agrees to take all action necessary to protect the intellectual property in the Components from unauthorised use.

4. Liability

4.1 DET agrees to indemnify and keep indemnified DSTA from and against any liability or loss (including reasonable legal costs and expenses), which may be suffered or incurred by DSTA by reason of, or in connection with, any act or omission of DET or any act or omission of the Specified Personnel in the course of the Specified Personnel's work with DET, or the operation of the Services including the Components.

5. Insurance

5.1 DSTA will maintain all necessary insurances for the Specified Personnel.

6. Issue Resolution

6.1 The parties will endeavour to resolve all issues in relation to the operation of this MOU and the provision of the Services at officer level. Should the issue not be resolved to the satisfaction of either party the issue should be addressed in writing between the respective department heads or as otherwise deemed appropriate.

6.2 The parties agree to continue performing their obligations in accordance with this MOU to the extent practicable to do so, while an issue is being dealt with in accordance with clause 9.1

7. Miscellaneous

7.1 All amendments and variations to this MOU, or pursuant to this MOU must be agreed between the parties and evidenced in writing.

8. Inconsistency

8.1 In the event of an inconsistency between the terms of this MOU, for the purpose only of resolving the inconsistency, the following order of decreasing priority applies:

(a) Operative provisions of this MOU

(b) Schedules

(c) Any other document to the extent it may be incorporated by reference

9. Legal advice and costs

9.1 Each party will bear its own costs incurred in relation to the preparation and execution of this MOU.

10. Taxes, Duties and Charges

10.1 Other than as provided in this MOU, all taxes, duties and charges imposed or levied in connection with this MOU will be borne by DET.

11. Counterparts

11.1 This MOU may be executed by counterparts by the respective parties, which together will constitute one and the same MOU.

This Memorandum of Understanding is executed on the 4th day of June 2010

Execution by DSTA:

Signed

For and on behalf of the Crown in right of the State of New South Wales acting through the Department of Services, Technology & Administration but not so as to incur personal liability in the presence of:

D. Reay

○ (signature of witness)

P. J. Dunne

(signature of Director General, Department of Services, Technology & Administration)

Signed

For and on behalf of the Crown in Right of the State of New South Wales acting through the Department of Education and Training but not so as to incur personal liability, in the presence of:

P. Verheggen

○ (signature of witness)

M. G. [Signature]

(signature of Director General Department of Education and Training)

SCHEDULE 1

ITEM 1	<p>The Commencement Date of this Memorandum of Understanding is:</p> <p>9 March 2009</p> <p>The parties acknowledge that the Commencement Date is prior to the date that the Memorandum of Understanding has been executed by the parties and it will not be possible for some of the clauses in the Memorandum of Understanding to apply retrospectively.</p>
ITEM 2	<p>DET REPRESENTATIVE</p> <p>Name: Angus Dawson</p> <p>Title: BER Program Director</p> <p>Address: Level 10, 151 Clarence Street, Sydney NSW 2000</p> <p>Telephone: 9561 1759</p> <p>Facsimile: 9561 1763</p> <p>Email: angus.dawson4@det.nsw.edu.au</p>
ITEM 3	<p>DSTA REPRESENTATIVE</p> <p>Name: Brian Baker</p> <p>Title: Deputy Director-General (NSW Public Works)</p> <p>Address: 2-24 Rawson Place, Sydney NSW 2000</p> <p>Telephone: 9372 8870</p> <p>Facsimile: 9372 7255</p> <p>Email: brian.baker@services.nsw.gov.au</p>
ITEM 4	<p>Specified Personnel</p> <p>Phil Baker</p> <p>Ron Berrington (part time)</p> <p>Julian Burgess (contractor engaged by DSTA)</p> <p>Alfred Chung</p> <p>Beth Clement</p> <p>Jack Domis</p> <p>David Holt</p> <p>Steve Honeywell</p> <p>Peter Hughes</p> <p>Phil King (contractor engaged by DSTA)</p> <p>Neeraj Kumar</p>

	<p>John Pearson Angelo Petracarro Keith Ryan Vincent Shaw (part time) Jim Smith Michael Stanley John Zahn</p>
ITEM 5	<p>Components</p> <ul style="list-style-type: none"> • Contract administration module • OHS management system and reporting framework • Environmental management system • Construction contract templates • Asset.gov

SCHEDULE 2

Pass through costs to be charged at actual cost (clause 3.3):

- Applications to council for a planning certificate pursuant to section 149 of the *Environmental Planning and Assessment Act 1979*
- Travel costs
- Hire vehicles
- Contractor financial assessments
- Printing
- DET /BER specific systems development, hosting and support
- All works delivered by third party contractors, subcontractors, consultants or other service providers

PROCESS OF APPOINTMENT OF MANAGING CONTRACTORS

1. Expressions of Interest (EOI)

A two-stage procurement process involving an EOI and tender, in accordance with the Construction Tendering Guidelines, was adopted for appointing Managing Contractors to the BER program.

The EOI process was used because:

- There is a large number of contractors/consultants which exist in this particular work category and it is used as a form of culling device, and a way of matching contractors by size, capacity and geographic pre-disposition to the proposed tender packages; and
- The contracts proposed are of significant value, tenders evaluation/assessment would be excessive if the number of tender is not limited to serious and suitably qualified tenderers.
- The EOI process provides a pre-briefing process for the tenderers who are recommended for inclusion on the tender panel.

Prequalified contractors are required to:

- Comply with the Code of Practice for Procurement.
- Be recognised and acceptable legal entities having appropriate financial assets.
- Demonstrate they have developed and implemented an in-house corporate management system for:
 - management of contract works which addresses the nine (9) National Competency Standards for Project Management and
 - expeditious resolution of disputes by alternative dispute resolution
- Meet personnel requirements depending on the financial ranges in which they are prequalified.
- Demonstrate satisfactory experience and performance on recent contracts of a similar nature and value to the work for which prequalification is sought.
- Have financial capacity as assessed by the Department of Services Technology and Administration's financial assessor.
- Have security for payment to employees, subcontractors, consultants etc.
- Prove quality of work in line with the NSW Government Quality Management Systems Guidelines, if not already prequalified under the Contractor Prequalification Scheme 2005–2007.
- Have Occupational Health and Safety Management systems and accreditation.
- Comply with NSW Government Industrial Relations Management Guidelines.
- Comply with the NSW Government Environmental Management Systems Guidelines.
- Comply with the NSW Government Training Management Guidelines.
- Comply with the NSW Government Aboriginal Participation in Construction Guidelines.

Full details of the NSW Government's prequalification scheme for contractors in construction is available on the NSW Procurement website: <http://www.nswprocurement.com.au/Government-Procurement-Frameworks/Construction/Pre-qualification-Scheme/Contractors.aspx>

After the EOI process, selected applicants who best met the required criteria were then invited to submit their tenders for the tender packages.

The EOI Evaluation Committee was comprised of:

- John Zahn (Chairperson) – Department of Science, Technology and Administration (DSTA)
- Lai Yin Chiew (Member) – Department of Education and Training (DET)

- Michael Taylor (Member) – Private sector (nominated by the Infrastructure Coordinator General - Bob Leece)
- Stuart McCreery (Member) – Private sector (nominated by the Infrastructure Coordinator General - Bob Leece)
- Angelo Petraccaro (Secretary) – Department of Science, Technology and Administration (DSTA).

Invitation to respond

The list of contractors prequalified for Managing Contracts valued at over \$20M was reviewed with NSW Procurement and a selective panel was formed. This panel was composed of all the current prequalified contractors.

On 19 February 2009, invitations were sent to fourteen Contractors to nominate for ten separate contract packages, with each Department of Education and Training region comprising one contract package. Later in the EOI process this was reduced to nine packages, with the New England region bundled with the North Coast region. This was due to a lack of interest in the New England region from contractors, which would have affected the competitiveness of the tender process.

The closing date for the submission of EOI responses was 4:30pm, 24 February 2009. Thirteen of the fourteen shortlisted organisations expressed their interest and submitted responses to the EOI by the closing date.

Evaluation of applications and formation of tender list

The evaluation followed the EOI Evaluation Plan and adopted the following detailed process:

1. Respondents' submissions were reviewed by the Committee Members and scored individually.
2. Consensus scores were arrived at for each respondent and a matrix was prepared, recording scores and contractor preferences.
3. Higher scoring respondents were initially appointed on the respondents' highest preferences (namely 1, 2, 3) across each Department of Education and Training Region.
4. In anticipation of larger companies receiving higher financial capacity assessments, and noting package values, the Committee by consensus refined the appointments undertaken in Item 3 above.
5. Where necessary, in the above process, to rank 'equal' submissions (those which scored within 3 points) the Committee ranked more highly the respondent that scored higher in the Preliminary Procurement Plan
6. While the Tender Evaluation Plan indicated that five nominations would be identified for each package, this was only undertaken for the largest package (South West Sydney). Four nominees were identified for all other packages.
7. Financial Assessments, as undertaken on all respondents, were used as the final filter to revise the composition of the panels (as determined using criteria 1, to 5 above) if necessary.

This process was overseen by Kevin Williams, Probity Advisor from Deloitte.

The recommendations of the EOI Evaluation Committee were that the Executive Approval Panel approve the:

- EOI evaluation review process
- The implementation of 9 Contract packages
- Tender Panel selections arrived at through the EOI process

- Use of the Tender Panel for calling of Tender for the Managing Contractor Contract, subject to the financial limits established through the Financial assessment and the approval of the Department of Education and Training.

On 2/3/09, the evaluation report was approved by the EOI Executive Approval Panel which was comprised of:

- Brian Baker – A/Deputy Director General, Department of Commerce
- Alastair Hunter – Deputy Director-General, Finance and Infrastructure, Department of Education and Training
- Paul Gilbertson – CEO, NSW Nation Building and Jobs Plan Taskforce.

2. Tender

Each package was tendered to three or four tenderers (depending on the Package) that were successful in the EOI process. Depending on the outcome of the EOI process, tenderers were invited to tender on up to three packages.

The tender is a bid for a Managing Contractor Fee, expressed as a percentage of the construction cost of the work delivered at the schools, but also includes a non-price element aimed at evidencing the tenderer's understanding of, and commitment and capability to deliver the program objectives.

The Tender Evaluation Committee was comprised of:

- Gary Kennedy (Chair Person) – Regional Manager, South Coast – DSTA
- Lai Yin Chiew (Member) – Director, Works & Facilities Management – Department of Education and Training (DET)
- Ron Berrington (Member) – Manager, Procurement Systems – DSTA
- Stuart McCreery (Member) – Senior Associate – Evans and Peck
- Kevin Williams (Observer) – Probity Auditor – Deloitte Touche Tohmatsu
- Brian Adams (Observer) – TSA Management

Call for tenders

Invitation for tenders were sent to each of the thirteen EOI respondents on 6 March 2009.

31 tender submissions were received from thirteen tenderers across the nine packages by the deadline of Thursday 19 March 2009.

Examination and award of tenders

The evaluation of tenders was managed by a Tender Evaluation Committee, consisting of personnel from the Department of Education and Training, Department of Science, Technology and Administration (DSTA) (Commerce) and the private sector, with Deloitte fulfilling the Probity Advisor role.

The assessment of tender submissions was based on a price element and a non-price element. Weighted non-price assessment criteria were:

- Understanding of the scope of the work and the assessment of risk
- Methodologies and procurement strategy to deliver the work
- Proposed team and organisational chart
- Stakeholder management
- Commitment to trainees and apprentices training generally
- Commitment to Aboriginal participation

Following the initial price assessment, tenders were assessed with a view to optimising the program and looking for synergies and efficiencies within the allocation of regions among the tenderers, in order to establish the highest value combination of tendered packages across the program.

On 8 April 2009, the Tender Evaluation Committee recommended the following tenderers for the nine contract packages:

Region	MC
Sydney	Abigroup
South Western Sydney	Hansen Yuncken
Western Sydney	Brookfield Multiplex
Illawarra and South East	Richard Crookes Constructions
Western NSW	Laing O'Rourke
Riverina	Laing O'Rourke
North Coast & New England	Reed Constructions
Northern Sydney	Bovis Lend Lease
Hunter/Central Coast	Bovis Lend Lease

On 8 April 2009, the tender recommendations were approved by the Executive Approval Panel, comprised of:

- Paul Gilbertson – CEO, NSW Nation Building and Jobs Plan Taskforce
- Alastair Hunter – Deputy Director-General, Finance and Infrastructure, Department of Education and Training
- Hugo Harmstorf – A/Director, BER Integrated Program Office, Department of Education and Training
- Brian Baker – A/ Deputy Director General, Department of Commerce.

At this time the NSW Nation Building Jobs Plan Taskforce recommended to Cabinet to approve the relevant Minister executing the 'Managing Contractor' contracts on behalf of the Government.

The Department of Education and Training was then advised of Cabinet approval and Letters of Award were issued to successful tenderers on 16 April 2009.

COMPLAINTS REGARDING NSW SCHOOL BER PROJECTS (@ 29 June 2010)

Region	No of Schools
Hunter/Central Coast	7
Illawarra and South East	9
New England	6
North Coast	22
Northern Sydney	11
Riverina	13
South Western Sydney	5
Sydney	6
Western NSW	13
Western Sydney	13

C

BER Reviews /Inquiries

July 2010

NSW Reviews/Inquiries

- a) Review of Implementation of the Nation Building Jobs Plan (NBJP) in NSW and Potential Application to Other Projects
Dr Neil Shepherd & Dr Peter Abelson
- b) Inquiry into the Building Education Revolution (BER)
NSW Parliament General Purpose Standing Committee No.2
- c) Building the Education Revolution – P21 component
NSW Audit Office

Commonwealth Reviews/Inquiries

- d) Commonwealth BER Implementation Taskforce
Brad Orgill
- e) BER Program – Primary Schools for the 21st Century
Australian National Audit Office
- f) Primary Schools for the 21st Century
Australian Senate Education, Employment & Workplace Relations Committee

Review / Inquiry Name	Commissioned by	Review conducted by	Aim of Review / Inquiry	Submissions due by	Report released / inquiry held	Comments / Status
(a) Review of Implementation of the National Building Jobs Plan (NBJP) in NSW and Potential Applications to Other Projects	Premier of NSW	Dr Neil Shepherd and Dr Peter Abelson	Terms of Reference include: 1. The effectiveness of the <i>National Building Jobs Plan (State Infrastructure Delivery) Act 2009</i> in facilitating the implementation of the National Building Jobs Plan (NBJP) in NSW; 2. The exercise by the Coordinator General of the functions conferred by the Act in accordance with section 30 of the Act; 3. The legal and economic benefits and consequences of applying the principles of this legislation, and the manner in which it has been implemented, to other significant projects or classes of projects in NSW; and 4. The options and mechanisms for applying the principles should they be applied to such projects or classes of projects in NSW.	14 May 2010	Report back to Premier by the end of July 2010.	Submission provided
(b) Inquiry into the BER	Legislative Council of NSW (Upper House Inquiry)	The General Purpose Standing Committee No.2	Terms of Reference include: 1. The levels and appropriateness of fees and charges imposed by various NSW Govt agencies 2. Whether costs charged for construction of BER projects are in line with industry standards 3. The effectiveness of government oversight and review of contracts signed between Head Contractors and the NSW Government	7 June 2010	Public hearings held 18 and 30 June 2010	BER provided a submission

Review / Inquiry Name	Commissioned by	Review conducted by	Aim of Review / Inquiry	Submissions due by	Report released / inquiry held	Comments / Status
			<p>4. The use of local builders and tradespeople during the construction of BER projects</p> <p>5. Whether outcomes were of acceptable quality and suitable to the needs of each individual school.</p>			
(c) Building the Education Revolution – P21 component	NSW Auditor-General	NSW Audit Office	<p>The objective of the audit is to assess the adequacy and effectiveness of the governance arrangements put in place to manage the following risks under the Primary Schools for the 21st Century component of the BER:</p> <ul style="list-style-type: none"> • Constructing unneeded buildings/facilities • New buildings/facilities not meeting school needs • Cost of construction exceed industry benchmarks • Construction quality is inadequate • Non compliance with government procurement standards • Inequity in the awarding construction work • Not taking advantage of economies of scale • Inadequate handling of complaints • Inadequate outcomes from self managed projects 	N/A	Finalise by 30 June 2010	Start mid April 2010

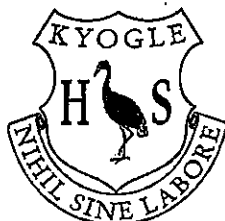
Review / Inquiry Name	Commissioned by	Review conducted by	Aim of Review / Inquiry	Submissions due by	Report released / inquiry held	Comments / Status
(d) Commonwealth BER Implementation Taskforce	Deputy Prime Minister	Led by Brad Orgill (former Chairman and Chief Executive Officer of United Bank of Switzerland (USB))	<p>Terms of Reference include:</p> <ol style="list-style-type: none"> 1. Receive, investigate and respond to complaints regarding the full operation of BER, including individual school projects, in particular: <ol style="list-style-type: none"> (a) by referring complaints or evidence of potential breaches of the law, regulations or guidelines to the appropriate authority for action; and (b) ensuring arrangements are in place between the Commonwealth and States and Territories to minimise duplication of complaints handling processes. 2. Assess value for money aspects of individual projects, including project oversight and administration; 3. Investigate and assess at its own discretion areas of the operation of BER, especially as they impinge on the outcomes of projects at schools; 4. Make recommendations to the responsible authority about changes to policy, contracts or projects required to ensure the objectives of the BER are realised. 	Ongoing	Initially after three months, then every six months	Commenced 3 May 2010 with first report due mid August 2010
(e)	Commonwealth	Commonwealth	To examine the effectiveness of the	N/A	Winter 2010	Complete

Review / Inquiry Name	Commissioned by	Review conducted by	Aim of Review / Inquiry	Submissions due by	Report released / inquiry held	Comments / Status
BER Program - Primary Schools for the 21st Century	Government	Auditor-General	department's establishment of the Primary Schools for the 21st Century element of the BER program			
(f) Primary Schools for the 21st Century	Parliament of Australia Senate	Senate Education, Employment & Workplace Relations Committee	<p>(a) Consideration of the Federal Government's Primary Schools for the 21st Century program, with particular reference to:</p> <p>(i) the conditions and criteria for project funding,</p> <p>(ii) the use of local and non-local contractors,</p> <p>(iii) the role of state governments,</p> <p>(iv) timing and budget issues, including duplication,</p> <p>(v) requirements for school signs and plaques,</p> <p>(vi) the management of the program; and</p> <p>(b) other related matters.</p>	Further submissions to be received up to 23 April 2010		<p>Started September 2009. First public hearing 30 November Canberra</p> <p>Public hearings held 17 May 2010, Melbourne; 18 May 2010, Sydney; 19 May 2010, Canberra.</p> <p>Interim Report tabled</p>

Feedback from School Principals and school communities who are delighted with their BER Project

- Janeen Silcock, Principal, Kyogle High School (new science rooms)
- Denis Carter, Principal, Newtown PS (receiving new hall and COLA)
- Don Mackenzie, Principal, Tinonee PS (received new hall)
- Brian Adamthwaite, Principal, Black Hill PS (new classrooms)
- Kathleen Seto, Principal, Fairvale High School (receiving Language Centre)
- Joe Begnell, Principal, Doonside Technology High (received new science lab)
- Lynn Wood, relieving Principal, Pacific Palms PS (receiving new hall)
- Peter Corney, Principal, Cherrybrook PS (received new classrooms)
- Jeff Robinson, Principal, Uki Public School (received new library, refurbished classrooms)

E



KYOGL HIGH SCHOOL

Telephone: (02) 6632 1300
PO Box 104, Kyogle NSW 2474

Facsimile: (02) 6632 2590
email: kyogle-h.school@det.nsw.edu.au

ABN 41 829 298 556

PRINCIPAL: Mrs J Silcock M.Ed,B.Ed

DEPUTY PRINCIPAL: Mr J Marriott B.Sc(Hons),Dip.Ed

27 April 2010

BER-Science Centre Refurbishment

To Whom It May Concern,

Kyogle High School is commending you on the diligence, professionalism and workmanship that has been evidenced in your leadership of the refurbishment of the science rooms at Kyogle High School as part of the Building Education Revolution by the Federal Government.

Tony Gabrio has been the Assistant Project Director on our project. With the support of Geoff Dodds in 2009, we have nothing but praise for the leadership of this project shown by the DET staff. The support of personnel such as Abraham Cherian and Michael Youngberry must also be commended.

The aim of the project was to increase learning outcomes in Science through improved learning facilities, integration of ICT and to support quality teaching and learning with a quality teaching environment. This is being achieved. One has only to walk into the rooms that are clean, modern, technologically savvy and supportive of a 21st century ideology about teaching and learning to understand the positive implications this funding has had and will continue to have on the lives of students at Kyogle High School.

The communication through the site manger and workmen has been outstanding. Their level of expertise and willingness to work within a school environment has been excellent.

Congratulations and thank you on behalf of Kyogle High School now and in the future.

Regards,

Janeen Silcock
Principal

From: School, Newtown-p
Sent: Thursday, 20 May 2010 4:34 PM
Subject: RE: School Hall - Update

Dear Parents and Teachers,
Today represents a milestone in the construction of our new School Hall.

The concrete slab was poured today, amazingly enough taking only one day.

If you take a look at the site now, you will get a good idea of the shape of the hall and the space it will take up.

All very exciting.

I have included some photos of the progress so far for your interest.

Best regards,

Denis.

Denis Carter
Principal
Newtown Public School
Norfolk Street
Newtown 2042

Ph: 9557 4862
Fax: 9550 6078

From: Mackenzie, Don
Sent: Friday, 7 May 2010 2:49 PM
To: Dawson, Angus
Cc: Scott, Geoff
Subject: Tinonee Hall

Hi Angus,

Attached are a couple of photos.

The construction of our Core 14 hall has been a positive experience for our school and community. It is now a feature of our village and will be a fantastic resource for the school and community with groups and organisations already enquiring about bookings. Local businesses and workers were a focus of the building process which went smoothly from the start. We now have a resource that no one thought would possibly be available in our community.

Please feel free to play with the wording- treat it as a draft. I'm not sure how much text was appropriate?

Cheers,

Don

Don Mackenzie

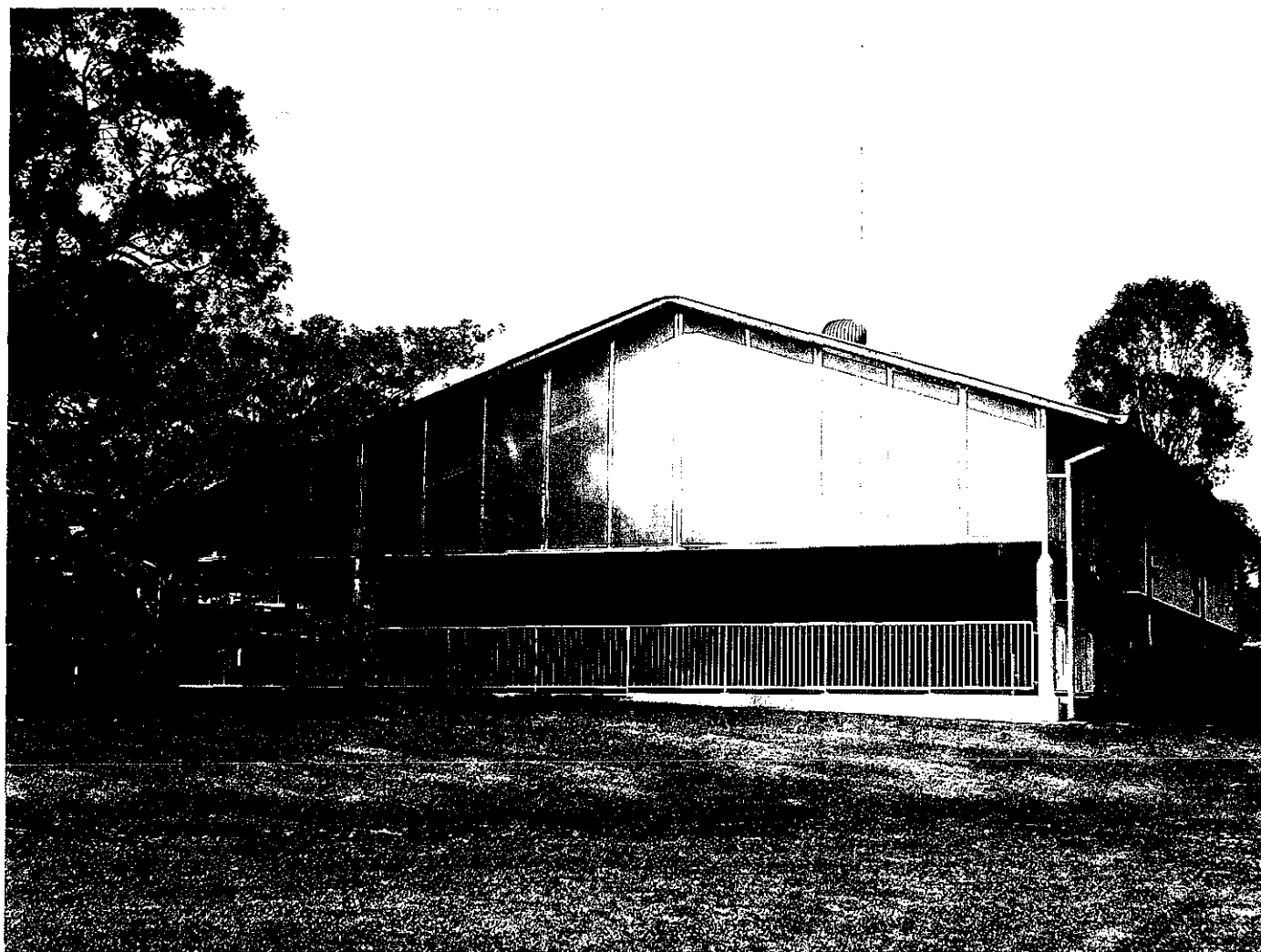
Principal

Tinonee Public School

Phone: 0265531279

FAX: 0265531443

"A proud member of the Taree Learning Community"



From: Adamthwaite, Brian (Black Hill PS)
Sent: Saturday, 1 May 2010 10:00 AM
To: Dawson, Angus
Subject: Building

Hi Angus

Our building project is almost completed with internal fittings happening now. The builders will be finished and off site by our anticipated completion date 30th May. I am in touch with Jack Re: commissioning procedures and are awaiting official opening instructions. We are about to have our second financial audit.

Thankyou for your help in making it possible to achieve this brilliant outcome. If you are passing please drop in and have a look.

Cheers Brian

From: Seto, Kathleen
Sent: Thursday, 3 June 2010 6:11 PM
To: Doyle, Michael
Subject: Fairvale High

Dear Mr Doyle,

I would like to thank your unit for the delivery of a large, functional and aesthetically pleasing Language Centre. I had the pleasure of walking around the centre today with one of your staff, Kristie Berlin and the Lipman's representatives. The process for our school has been very smooth and efficient. The particular site supervisor, Russell, has been courteous, informative and carried out the operation without any impact on the daily operations of the school. Our school community is most appreciative of the investment of funds in permanent buildings and our language teachers are looking forward to moving in soon.

Regards,
Kathleen Seto
BA (Hons). Dip Tch, MEd
Principal
Fairvale High School
ph: 9604 3118

I Learn to Live

From: Begnell, Joseph
Sent: Wednesday, 19 May 2010 9:03 AM
To: Coutts-Trotter, Michael
Cc: Prior, Greg
Subject: BER Goodnews!...

Dear Director General,

I was driving home last night listening to the radio when I heard a Principal colleague being extremely critical of the BER. I just wanted to give you some heartening news in regard to the same.

Doonside Technology High was chosen for involvement in the BER Science Labs program. Our builder was Bovis LendLease. The project was completed on time with no major issues. It was done with a high level of co-operation, safety was the highest priority and where I had issues they were quickly dealt with. The project came in under budget and our School obtained many other fantastic benefits including 3 connected classrooms which will be used in the most amazing ways to build engagement levels.

I passed on my gratitude to the Hon. Julia Gillard at a meeting some weeks ago as did my School leadership team.

Not enough is said about the fact that without this funding, in our case "real equity" funding, our students would not have had the amazing facilities that we have now.

I would like to thank you and WSR staff for your support in this regard. I find it disappointing that Principals would be seen leading the opposition to these initiatives. I know that NAPLAN was a difficult time for us all but we need to move forward now and strengthen our relationships in support of our children.

I extend an invitation to you to visit our School, to see first hand the benefits of the BER.

Cheers,
Joe Begnell
Principal,
Doonside Technology High School.

From: Wood, Lyn
Sent: Tuesday, 18 May 2010 12:35 PM
To: Madden, Tara
Subject:

Hi Tara

Kerry is in another role at present so I have completed the attached survey on her behalf. Hope you find the information useful.

Kind regards

Lyn Wood

*Relieving Principal
Pacific Palms Public School
Boomerang Drive Pacific Palms*

When is the new hall expected to be completed?

The hall was due for completion in late March, but due to some inclement weather and issue with plumbing the completion date is now expected in late June.

What benefits will it bring to the school (teachers and students)?

The new construction will bring significant benefits for all stakeholders. At the moment we do not have an additional teaching space so we often shuffle things around to accommodate. Our music teacher will be able to run her program from the hall, as will our visiting performers. On wet or hot days PE lessons can be held in the hall. Assemblies and end of year presentations can be held in the hall, rather than always outdoors or in a hired space.

What benefits will it bring to the community?

The hall will provide another community venue that can be used to stage community events or be utilised by local drama, music or dance teachers.

Re the benefits it will bring to the school (eg, facility for different activities/extra teaching area), how does the school deal with these kind of requirements now?

We have a covered outdoor learning area, but not suitable for use in wet weather or for special events like senior presentation evenings.

The library is used when we can, but with library lessons occurring 3 days per week, this resource had limited availability.

Sport was taken at different times by classes and or grades to allow for adequate space.

How has the building process been so far (Robin indicated the building site is quite separate from the rest of the school which must help).

Very unobtrusive. As Robin stated the site is on the far side of our school and has been all fenced off. We have had very few distractions, with a lot of the bigger onsite jobs carried out in the school holidays to avoid disrupting the school.

We have lost part of our playground but with access to an oval behind the school this has not caused any problems.

From: "Corney, Peter" <Peter.Corney@det.nsw.edu.au>
Date: 27 April 2010 9:37:38 AM AEST
To: "Dawson, Angus" <angus.dawson4@det.nsw.edu.au>
Subject: BER

Good morning Angus

A good news BER story! Cherrybrook PS has taken possession of MDR classrooms and a COLA, as of last week. The landscaping and general appearance has received favourable comments by staff, students and parents. The classrooms are bright and airy giving our school a professional outlook. As principal, I am very pleased that the work has been finally completed and the school community looks forward to utilising these excellent facilities.

Best wishes

Peter

Peter Corney

Principal

Cherrybrook PS

131 New Line Road,

Cherrybrook. 2126

Ph: 9481 8575

Fax: 9980 7235

Mob: 0433 694 413

Direct: 94818810

peter.corney@det.nsw.edu.au

A proud partner of The Hills Network of Schools

Uki Public School

Main Street, Uki, NSW, 2484
Ph: 02 6679 5128 Fax: 02 6679 5448
Email: uki-p.school@det.nsw.edu.au

Principal: Mr Jeff Robinson



BER FEEDBACK

How has the construction process been for the school, for students and for the community?

The process for us at Uki PS was a wonderful one from beginning to end. The work commenced during November, at the end of 2009, shortly after the building contractor was awarded the contract. Robert Haigh Constructions, a local Murwillumbah business, came in to meet with me and I knew we had won the "Golden Ticket". He was well known as a great builder within our area and would use many of our local contractors. Not only that, but Dagger, as Robert introduced himself to me as, was a nice guy who made it clear that we were going to work well together.

The trucks arrived a few days later and our demountable library, that had been a part of the school for about 20 years was waved goodbye. The kids watched excitedly through the fencing as it was pulled apart and lifted by the crane. And from there, I think it was a whirlwind of activity. The slab went down in a couple of days and the frame started going up. Local community members were amazed at how fast work progressed. Most of the building work, including the second project, which was a room upgrade to a computer lab, occurred during the December/January school holidays. I was amazed every time I dropped in to the school how much the building had progressed. The computer lab was completed in the first couple of weeks of term one, while the library was completed a few weeks after that, mid term one.

Not only this, but Dagger and his men were friendly and helpful. While they had heavy machinery in the school, they pulled up a couple of concrete slabs that were OH&S issues, replaced the concrete slabs, moved mulch around and did many other small jobs just to be helpful. They were fantastic to work with. No ask was too big a problem. And the workmanship and finish on the job was unbelievable. Once the building was complete and we were due to have our handover meeting between a representative from the Asset Management Unit, one from REED, the builder and I, my AMU rep explained to me before the scheduled meeting that he had already had 13 other similar meetings and had failed all but one. I was not surprised as he did his appraisal of the work and commented repeatedly about the quality of the workmanship, making our library the second job he had passed. He also sent out a couple of other builders to show them the finish he expected on other jobs.

So the job was finished and all but for the waiting for the furniture to arrive, which came in the last week of term one, we were all very excited about moving in. Classes started in the new library at the commencement of term two. The kids love it and my teacher librarian loves it. I have walked my P&C members through it and offered to take members of the community through as well. It is a beautiful building. The kids particularly loved seeing themselves on the LCD screen of the connected classroom.

I think you can tell how happy we all are with our new building and the builders that built it.

How has the new library and refurbished classrooms been received by the wider community/parents?

The parents have been just as excited about the new building as the students and staff. I remember walking the P&C group into the computer lab to gasps of WOW! And it does look WOW! I have included details of the building construction through every stage, from planning through to occupation of the new library, in regular communication with my community. The wider community loved looking through the building during our Senior Citizens Day, which students delightedly took their grandparents and other senior citizens of a tour of. It was a great day.

Our school was also the setting for a combined small schools collegiate staff development day on day one of this term. Over 70 local Principals and teaching staff spent the day at our school and all went for a walk through our amazing new library, with many commenting on how beautiful it was. Our recent Book Fair was advertised for community members to "come in and see our new library", which had a number of people come in for a look.

Could you give me some words on the impact this building has had/will have on your school?

Where do I start? I have a beautiful school setting, surrounded by amazing rainforests and gardens. The new building completes the school. It is architecturally in a similar design as the classroom buildings that surround it. And I believe I was very lucky to ask for and receive a brick and mortar building similar in architecture to the other buildings.

The impact on technology in my school has been incredible. I now have a state-of-the-art computer lab and a connected classroom in my library. With Interactive whiteboards now throughout my school, courtesy of the National Schools Pride Program (NSP), the kids are immersed with technological opportunities that were not available before term 4 in 2009.

Could you give me some general words on how you feel about the BER program?

I was thrilled to hear of the release of the BER program by the Federal Government. I remember being particularly thrilled when the Investing In Our Schools Grants were handed out to schools three to four years ago and the impact that had on my own school and on others around me. We were able to apply for money up to \$150,000 to go towards school projects. The BER was even bigger, and something I doubt very much we will ever see again in my lifetime. It is exciting to witness building programs take shape in my own school, and those of neighbouring schools. I know I was lucky to get a fabulous builder who did a wonderful job, and I always looked at the BER as an amazing opportunity. Hearing some local horror stories, I was grateful for the good experience I had. I have expressed my positive thoughts on what the BER has given our school throughout my area. So thank you BER and Kevin Rudd, and a special thank you to my builder Robert Haigh and his team of builders for the marvellous job they did. Thanks also to Wayne Smith from REED who also did a good job of communicating with me throughout all stages of the projects.

Through the NSP program, I had two classrooms re-carpeted, interactive whiteboards installed in six classrooms, a changeable roadside school sign installed, landscaping work (tree removal) done, and a covered walkway constructed to link all of my classrooms by a network of walkways.

Also – I understand the school has a particular focus on creative arts – how will the BER works specifically assist this?

Don't ask me this! How on earth am I to link my library to creative arts programs? We did hold a district debate in there last week!! And we won!!! We also staged a "Say No to Bullying" workshop/performance in there before the furniture arrived.

We are lucky to have a purpose built music room and art room, both designed with music and art in mind, that was jointly funded by community fund raising and the Investing In Our Schools Program. No other school in this area has two purpose built rooms dedicated for this purpose, so I did not have a real need to use BER money for building works to enhance our strong creative arts programs.

However, through the use of technology and the video conferencing facilities, we can now tap into resources from around the country and even the world. I can see opportunities for our music teacher to enhance her own programming with being able to VC with Musica Viva for student workshops or staff training and development opportunities. We could also possibly audition for the Opera House or other musical opportunities without having to incur the expense of travelling such long distances. My art teacher recently took leave to go on a self-funded exploration of every art gallery and museum in Paris and many in London, for inspiration. She could use these facilities now to enhance her own programs to provide access to what many of these galleries have to offer via the internet, including many interactive activities. My dance teacher could explore resources available through the use of technology. Possibilities are endless once you get thinking.

Thank you for the opportunity to comment on my BER experience. I feel very lucky indeed, and know that staff, students and community members at my school are lucky to have these two amazing building projects provided, projects that we would otherwise not have, were it not for the BER.

Jeff Robinson

A list of the specific schools whose story is reflected on the BER Website

As well as the letters and emails from Principals expressing their delight with the BER Program we also have on the BER website articles reflecting positive experiences and outcomes from the following schools:

- New Lambton South Public School
- Pacific Palms Public School
- David Roffe – worked as relieving principal at Engadine PS now principal at Caringbah North
- Narooma Public School
- Illabo Public School
- Singleton Public School
- Russel Lea Infants School
- Euchareena Public School
- Pambula Public School
- Bribbaree Public School
- Peakhurst South Public School
- John Warby Public School
- Yowie Bay Public School

The following schools are also on the BER website, with links to local media articles, featuring Good News Stories.

- Dubbo North and Dubbo South Public Schools
- Maclean and Gulmarrad Public Schools
- Middleton Public School
- Auburn North Public School
- Corowa South Public School

Furthermore, there are also stories or links to articles, for the following employers that feature positive experiences with the BER Program.

- Waldock Construction Group (Illawarra)
- Ichor Construction (Abigroup projects)
- Structus (Abigroup projects)
- Jarvis Builders (Miranda based)

www.ber.nsw.gov.au

F



Australian Government

Nation Building

ECONOMIC
STIMULUS
PLAN

The delivery of the Nation Building Economic Stimulus Plan in NSW

March 2010

12 Month Report Card from the NSW Nation Building and Jobs Plan Taskforce, March 2009 – March 2010



Robert Leece AM RFD
Infrastructure Coordinator General

Message from the Infrastructure Coordinator General

A year ago the NSW Government established a special purpose Taskforce to ensure the rapid delivery of \$7 billion worth of stimulus measures from the Commonwealth Government. Our goal has been to quickly create jobs within the building industry across NSW and build confidence, thus offsetting the local impacts of the global financial crisis.

The NSW approach is proving a resounding economic success. The Stimulus Program in NSW is effective when measured against our goals – local employment is stable and confidence in the NSW economy is returning.

In all, around 3,000 government primary school, high school and social housing construction projects are being delivered. Around 23,000 jobs will be supported each year for two years on government projects alone, with 10 per cent of those jobs made up of trainees and apprentices. On top of this, a further \$1.5 billion is being spent on non Government schools. This has also resulted in approximately \$70 million of additional private sector funding flowing into the NSW economy through enhancements to non government BER projects.

After 12 months, NSW has well and truly become a construction site. We are currently at the halfway point of the program, with work underway across every region of NSW. On any one day, we have 16,000 workers on site, including over 2,700 trainees and apprentices.

We are also learning some lessons about the delivery of projects in NSW, and at the same time leading the way for other States across the Nation. This report discusses some of those innovations.

This has been a combined effort – with government, industry and the community working together to achieve these important outcomes. I would like to thank the members of the Taskforce, the Agencies and their support teams, and of course the building and construction industries in NSW, for their extraordinary achievements over the past 12 months.

Robert Leece AM RFD

Infrastructure Coordinator General and Chair of the NSW Nation Building and Jobs Plan Taskforce

Investing in a better future

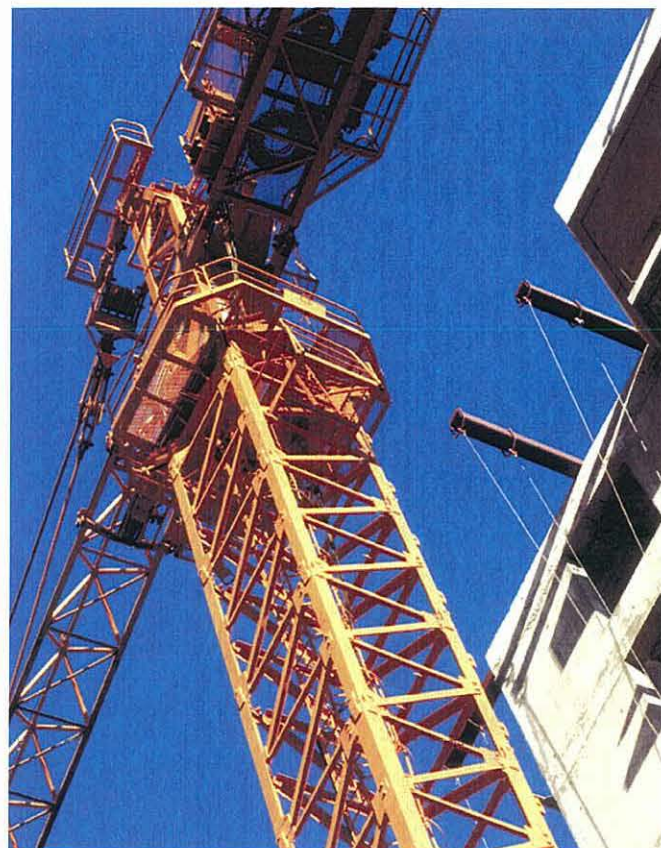




10 February 2010 – Parramatta Sun

"Initially all the media hype about the financial crisis alarmed a lot of people but now things have settled down employers are taking a bit of a gamble and putting people on."

Ms Marika Raynor,
Business Development Officer,
Central West Group Apprentices



Major milestones

■ March 2009

- Agreement with the Australian Government signed for NSW to implement the Nation Building Economic Stimulus Plan
- Nation Building and Jobs Plan (State Infrastructure Delivery) Legislation passed in the NSW Parliament
- Department of Education and Training launches on-line register for builders and tradespeople to lodge expressions of interest to work on Building the Education Revolution projects
- Housing Maintenance Plan for Stage 1 Capital Program submitted to the Commonwealth for funding

■ April 2009

- Round 1 National School Pride maintenance program announced
- NSW New Social Housing Stage 1 Funds released
- Nine firms of project managers appointed to manage delivery of social housing projects
- Nation Building and Jobs Plan Taskforce website launched

■ May 2009

- Housing NSW Stage 1 funding received
- Round 2 National School Pride maintenance program announced
- Round 1 Primary Schools for the 21st Century capital works program announced
- Works started on Stage 1 Social Housing projects
- Australia's first stimulus house delivered by NSW team

■ June 2009

- First NSW Government Primary Schools for the 21st Century project started
- Round 2 of Primary Schools for the 21st Century capital works program announced
- Science and Language Centres for 21st Century Secondary Schools program announced
- More than half of the Stage One social housing program under construction

► *Milestones continue on page 3*

Major milestones

continued from page 2

■ July 2009

- First two school building projects approved under Taskforce special planning powers
- Education construction work underway in all 10 regions

■ August 2009

- Housing Stage One and Stage Two construction program expenditure reached \$200 million
- Members of Taskforce Design Review Panel announced
- Round 3 Primary Schools for the 21st Century capital works program announced
- 5 millionth brick ordered for Housing NSW
- NSW BER website launched

■ September 2009

- Market Capability Framework developed for managing building product supply information
- Changes to Nation Building Funding Allocations in the Social Housing Program
- First Primary Schools for the 21st Century project finished
- Audit squad established to ensure value for money in the BER implementation process

■ October 2009

- Construction underway on over 500 Primary Schools for the 21st Century projects
- Stage 2 Housing projects starting on existing Housing NSW land
- 500 projects completed as part of the National School Pride program

■ November 2009

- More than 1,500 social housing starts for Housing NSW
- Construction underway on over 800 Primary Schools for the 21st Century projects
- 94 per cent of National School Pride projects started onsite
- 4,236 homes commenced
- 100th home handed over to Community Housing Provider

■ December 2009

- \$30 million approved from maintenance budget to convert bed-sit accommodation
- First head contractor awarded for Housing NSW Projects Stage 2
- Estimated construction cost breakdowns began to be posted on BER website
- More than 1,000 Primary Schools for the 21st Century projects in construction
- First Stage 2 home completed
- Ramp up for Christmas/January holiday work

■ February 2010

- More than 4,000 homes started
- 300 homes completed
- 98 per cent of National School Pride projects finished
- 97 per cent of Science and Language Centre projects in construction
- 67 per cent of Primary Schools for the 21st Century projects in construction

■ March 2010

- Construction commences on 5,000th social housing home
- 100 per cent of Science and Language Centre projects in construction

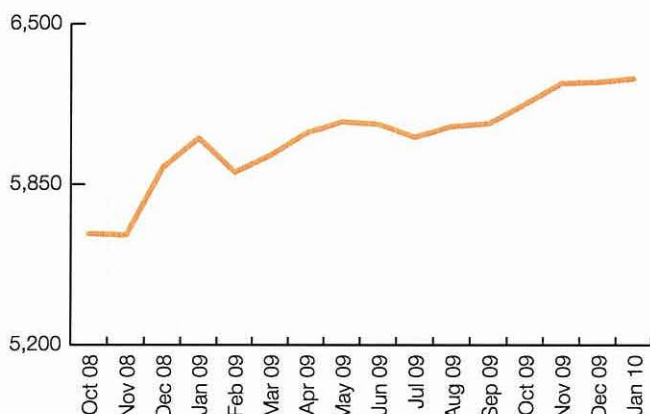


Economic Benefits to NSW of the Nation Building Program

The \$380 billion NSW economy is leading Australia's recovery from the worst year of the financial crisis.

The NSW economy is benefiting not only from the massive Nation Building Education and Housing programs, but also from a number of transport and local infrastructure initiatives and the restored business and consumer confidence that has flowed on from stimulus measures.

Retail Turnover NSW – state average (value \$mil)



Source: ABS 8501.0 – Retail Trade, Australia. Tables 3K and 4K. 2 March 2010.

The total program includes \$1.5 billion worth of non-Government school projects; \$768 million in higher education, transport and community infrastructure projects; and \$523 million in road and rail projects.

These programs are stimulating the building and construction industry and their suppliers.

In this context, the Taskforce has created a Benefits Realisation Framework.

This has meant monitoring key business and economic indicators to identify parallels between changes in these indicators and the rollout of the stimulus program.

Key indicators include business confidence, unemployment rates, economic performance, retail turnover, private dwelling sales and business investment. Economic and sectoral data from publicly available sources has been used.

The latest State Final Demand figures from the Australian Bureau of Statistics show the NSW economy grew by 3.9 per cent in the first half of this financial year – significantly higher than the 3 per cent national average and greater than any other State.

State Final Demand is the best, broadest and most up-to-date measure of how state economies are faring.

Growth in NSW was twice that in Western Australia and 4.5 times that of Queensland.

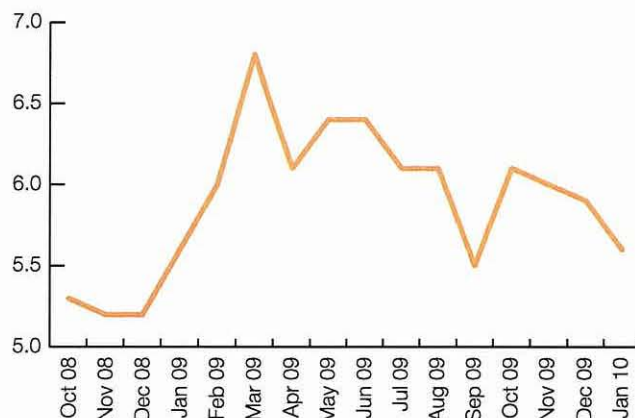
The State Final Demand figures also reflected 7.2 per cent growth in NSW business investment in the December 2009 quarter – compared to a national average of only 3.5 per cent.

NSW was also the only state to record a fall in unemployment for February 2010.

The rate for NSW for the month was 5.4 per cent, a fall of 0.2 per cent on January.

Since its peak in March of last year, the NSW unemployment rate has fallen further than any other State – by 1.4 per cent, compared to a national average of 0.4 per cent.

NSW Labour Force – state average unemployment figures



Source: ABS 6202 – Labour Force, Australia. Table 4 Column AB. 11 Feb 2010.

10 February 2010 – Parramatta Sun

"A representative of Brookfield Multiplex, lead contractor for the Building of the Education Revolution in Western Sydney, said the program had enabled the company to hire hundreds more workers rather than let go many employees."



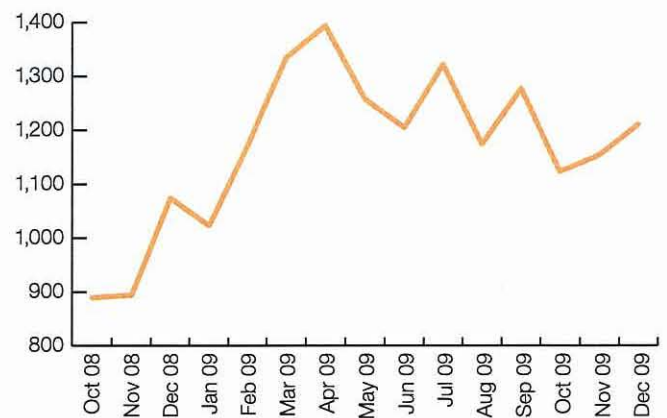
In addition, a release of statistics from the Housing Industry Association has shown that new house sales in NSW for January this year are up 26.6 per cent compared to January 2009. This compares to the national average of just 13.5 per cent.

New Home Sales

The figures shown on the right follow official NSW Treasury figures which show residential property and land sales in NSW have increased by 30 per cent this financial year, compared to the same period a year ago.

From July 2009 to January 2010, there were 24,959 more land transactions than the same period last year.

HIA New Detached House Sales NSW – state average



Source: HIA, New Home Sales. 1 February 2010.

Delivery Data

In just 12 months, we have seen unprecedented construction in NSW supporting jobs, apprenticeships and delivering better facilities for NSW.

- More than 3,450 construction projects at more than 2,520 primary schools – both government and private – and located in every primary school in the state.
 - More than 5,000 new homes commenced construction – with another 1,300 under construction.
 - More than 16,000 workers are on a construction site daily – this includes more than 2,700 trainees and apprentices.
 - Of all government projects, almost 70 per cent have commenced construction.
- The following pages outline the details of the achievements of the Government's Social Housing and Education programs to the end of February 2010.

Arthur Phillip High School

"We now have modern facilities to support quality teaching."

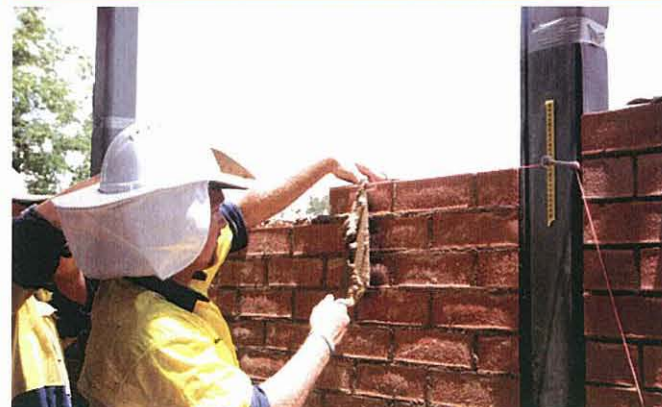
"Students are able to easily integrate technology with their science learning and practicums. The transformation from the old to new is fantastic. The once dull antiquated labs are now bright and spacious. Each lab has two high quality finished and fitted learning spaces."

"Bovis Lend Lease were great to work with. Contractors often find it difficult to work with schools' routines but Bovis Lend Lease were very flexible. Our Project Manager provided daily briefings on progress and gave plenty of warning about major changes and special work projects. Disruption was kept to a minimum by trying to fit in with the school organisation."

Arthur Phillip High School

2 January 2010 – Newcastle Herald

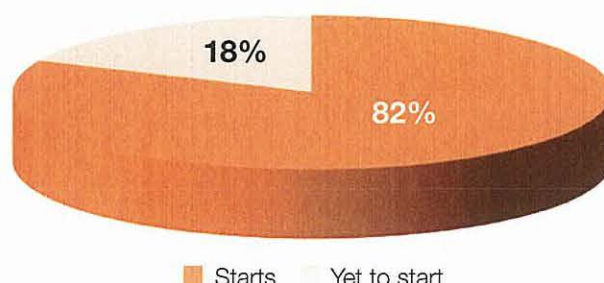
"The [schools] stimulus package is playing a very dominant role in the Hunter at the moment, it is carrying us through when the private sector is still very stagnant."



Social Housing Program

The Social Housing program is delivering 6,300 homes on 503 sites over the two years of the program, supporting close to 5,000 jobs. This is on top of the additional 3,000 homes that the NSW Government has funded for fast track delivery, making this the largest single investment in social housing since World War II.

Total Nation Building Economic Stimulus Plan
Construction Project Starts in NSW across
the 2 year program



Delivery data in social housing projects in NSW as at 8 March 2010.

Program	Program Status	Number of Construction Starts	Number of Completions	Key achievements
Repairs and Maintenance \$100,402m	Maintenance program completed December 2009, following change in program to redirect \$30m to bed-sit conversions		2008-09 – 19,248 units \$65,201m 2009-10 – 5,973 units \$30,201m	Total repairs and maintenance expenditure means backlog on maintenance work to 25,221 units now completed
Bed-sit Upgrade \$30M Revised Budget 2009-10 \$2.5m 2010-11 \$27.5m	All projects in design development phase. 300 homes have forecast construction commencement and completion target dates in 2010-11			Plans are in design development phase to improve amenity of existing poorly designed studio type stock into single bedroom units
New Social Housing Dwellings Stage 1	100% of Stage 1 homes in construction	858 homes (119 projects)	291 completed homes	Ahead of schedule
New Social Housing Dwellings Stage 2	71% of Stage 2 homes in construction	3,922 homes	14 completed homes	Commencement of construction of 5000th home March 2010

16 February 2010 – Border Mail

"Davis Sanders Homes has won a \$12 million contract that includes building 14 homes in North Albury, prompting a business restructure.

"*Davis Sanders Commercial will be able to cater for all markets offering outstanding levels of service, expertise and build quality.*" Mr Pigdon said.

"*The divisions will run separately but will share some of the resources within the head office of the company in Borella Road.*

"*Opportunities for new personnel exist and we will be keeping jobs and money in the local region.*"

Mr Murray Pigdon, Managing Director, Davis Sanders Homes

"The new housing stock will better meet the needs of tenants as they are architecturally designed and feature domestically scaled infill developments, with dwellings adapted for disabled living."

Scott Norton, Design Architect,
Allen Jack+Cottier (AJ+C)

"The stimulus package has been a welcome relief for not just our company but for the building and associated industries in general."

Ronnie Beaini, Director,
Academy Development & Constructions

Education Program

In all, 3,439 construction projects are being delivered at 2,520 government and non government schools across the State. Taking into account the maintenance and Science and Language Centres projects, there are 7,213 projects at 3,072 schools. With projects underway in both government and non-government schools, 22,000 jobs are being supported each year over two years.

Jewells Primary School

"The whole Jewells Primary School community is greatly anticipating the prospect of six new and modern learning spaces. These will further enhance the quality of teaching and learning in our excellent school."

"The modern design and facilities will create a quality learning environment and help us engage all present and future students in their learning."

Jewells Primary School

Delivery data for NSW Government education projects as at end February 2010. (Pie charts shown on page 8)

Program	Program Status	Number of Projects	Number of Construction Starts	Number of Construction Finishes	Key achievements
National School Pride (NSP) \$287m	98% of the program is finished	2,179	2,179	2,148	<ul style="list-style-type: none"> 100% construction starts Installed more than 350 Covered Outdoor Learning Areas and almost 3,500 Interactive White Boards
Primary Schools for the 21st Century (P21) \$2.98bn	68% of projects in construction	2,386	1,633	167	<ul style="list-style-type: none"> Of all workers on Primary Schools for the 21st Century projects across the state, 80% are local 2,200 apprentices registered
Science and Language Centres (SLC) \$150m	Almost 97% of projects in construction	118	114	24	<ul style="list-style-type: none"> 20% construction finished More than 110 apprentices registered

"We were very pleased with the project from start to finish and are quite ecstatic with the finished product. The builders, from the time of the initial building through to completion, co-operated with us fully. They always had the safety of the children in mind and were very, very helpful. We could not complain about any aspect. The whole project is terrific."

Russell Lea Infants School

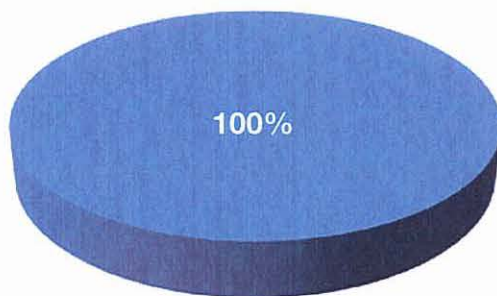
Transport Infrastructure

Over \$523 million has been allocated to transport infrastructure projects across road and rail. This included \$90 million for road black spots (with over 190 projects) and level crossing boom gates (over 50 projects). Of this, more than 120 black spot projects have been completed and more than 20 boom gate projects have been completed in key locations around the State, including Orange, Dubbo, Katoomba and Cherrybrook.

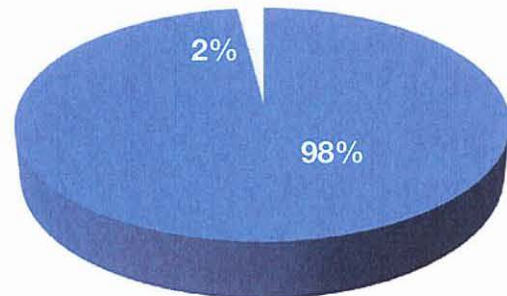
Education Program

Delivery data for NSW Government education projects as at end February 2010. (Data shown on page 7)

NSP Construction Starts

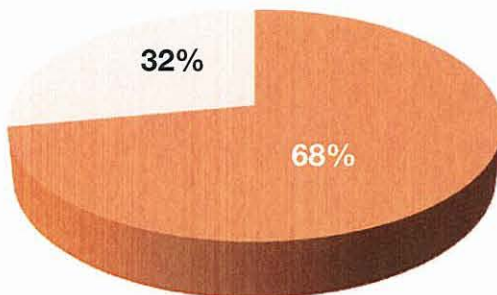


NSP Project Progress



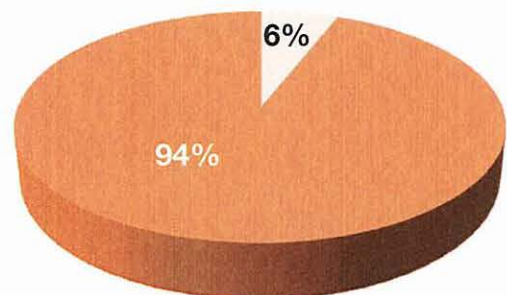
Underway Construction complete

P21 Construction Starts



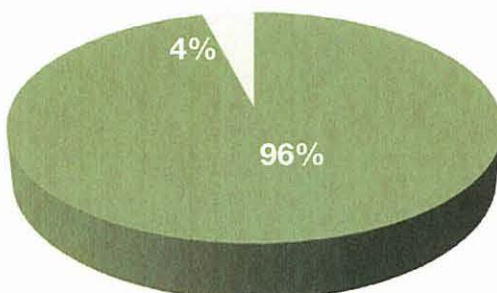
Starts Yet to start

P21 Project Progress



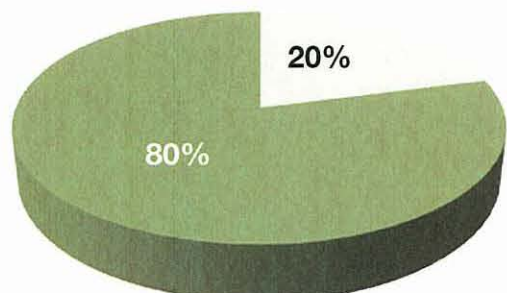
Underway Construction complete

SLC Construction Starts



Starts Yet to start

SLC Project Progress



Underway Construction complete

Innovations in the NSW Delivery Program

Although the NSW program still has a year to go, we are already seeing some interesting industry wide legacies emerging which should have long term benefits for the State.

- Smaller builders have had the opportunity to upgrade their systems by being exposed to the managing contractor's expertise
- There is a renewed focus on apprenticeships and on Aboriginal apprenticeships
- For the first time, a coordinated approach to the management and analysis of material supplies in NSW has been established
- Fast tracking of the planning system
- Bringing private sector rigour to public sector expenditure programs

In addition of course, there are the many thousands of assets that NSW has added to its existing stock of education and social housing buildings.

Peakhurst South Primary School

"Our new facilities - a hall, canteen, covered outdoor learning area and covered walkway - would not be at our school without BER. The hall will make a significant difference to our students, teaching staff and learning programs, especially as we will now have an all-weather space for performing arts, sport and community events.

"The entire school community could not be happier about these new facilities - they will not only benefit current students, they will benefit Peakhurst South Primary School students of the future."

Peakhurst South Primary School



Establishment of a special purpose Taskforce

The Taskforce is chaired by Mr Robert Leece, AM RFD and includes the Director-General of Premier and Cabinet, the Director-General of Education, the Chief Executive of Housing NSW and the Secretary of Treasury.

The Taskforce is providing the link between this major public sector program and the capacity and capability of the private sector.

The operating principles of the Taskforce are to:

- plan and oversee the Nation Building Economic Stimulus Plan in NSW;
- provide a streamlined and effective procurement process;
- provide a streamlined planning approval process;
- resolve policy issues;
- provide a quality assurance regime around the agencies achieving their KPIs;
- be proactive around reporting and so identifying potential delivery issues;
- promote the achievements of NSW's Nation Building Implementation program;
- negotiate with the Commonwealth for the benefit of NSW; and
- improve industry and agency accepted practice for the future.

The Taskforce is ensuring this major program is delivered on time and on budget. This is vitally important as the Commonwealth Government has applied strict timeframes for completion of the program.

The State/Commonwealth Funding Agreement states that funding will be withdrawn and specific projects will become a State liability if they are not completed on time.

Creation of Integrated Program Offices for agency delivery

The Integrated Program Office established in Education and the Housing Program Management Office are helping to broaden the existing public sector skills base through the strong partnership with the private sector in both program and project management.

Coordination across the state through this integrated approach has been the key to the delivery success of the program.



Geoff Scott, President of the NSW Primary Principals Association for NSW Government schools commented in the Sun Herald, February 28, 2010.

He said Government schools were given the opportunity to manage their Primary Schools for the 21st Century projects.

"The vast majority choose not to - only about four or five schools said they wanted to manage their own projects," he said.

"Principals who thought they could save money by managing their own projects realised that it was a complex job.

"Eventually the vast majority of principals said they were happy to work with the managing contractors."

He said the managing contractors had done a good job overseeing projects at about 1700 public schools.

"The reality is government schools are well ahead of the game," he said.

"We have buildings up and ready to go. The costs have been managed.

"The alternative was getting principals to manage costs themselves, appoint contractors themselves and ensure all those contractors meet the Department of Education standards."



Use of a Managing Contractor model in the delivery of Government projects

In April 2009, the NSW Government appointed seven Managing Contractors to deliver the Primary Schools for the 21st Century component of Building the Education Revolution.

This model has proven to be an effective system for delivering major capital works in NSW Government schools.

"The community and I are very excited about our new classrooms which would not have been possible without the BER Stimulus. We are excited about the style and type of classrooms that are being provided because they are environmentally friendly. Bovis Lend Lease have been wonderful, they have been communicative, polite, and have kept me well informed, which has meant I can keep my community well informed."

Gordon East Public School

The Managing Contractor Model

Taskforce Chairman and Infrastructure Coordinator General, Bob Leece, was the architect of the Managing Contractor delivery approach in the Building the Education Revolution program.

"The Managing Contractor model is the only way to get thousands of jobs secured across the building industry in the timeframe necessary to achieve the required economic stimulus.

"The size and significance of what we are doing is way outside the usual scope and capacity of existing government processes.

"The use of Managing Contractors is not out of the norm on major government projects worth over \$300 million. The seven Managing Contractors were appointed through a competitive tender process last April. Their profit margin was tendered at that time and is an average of 2.85% which is less than the industry average.

"The Managing Contractors are overseeing the whole delivery program, from concept to fully functioning educational spaces, at each school. The management fees do not go into the pockets of the companies. They are the cost of doing business and arranging all of the services to support the actual construction activity in line with normal industry practice.

"These services include regional program management, site investigation, design management, planning, environmental assessment, estimating, tendering, site security, child protection, community liaison, utility delivery, and commissioning.

"Each Managing Contractor has a contractual obligation to ensure they deliver on time to provide the required economic stimulus, as well as providing value for money and quality outcomes. They are held to account for the project costs and are measured against industry benchmarks.

"I have done an extensive review of their performance over the past week and, drawing on my own extensive industry experience, I can say that the Managing Contractor model is meeting government and community objectives and providing value for money."

Proactive programs around transparency and value for money

The Education Department, Housing NSW and indeed the Nation Building and Jobs Plan Taskforce have an unprecedented number of checks and balances in place. There are a range of examples.

The audit squad established by the NSW Minister for Education is part of a larger group within the BER Integrated Program Office responsible for program and project governance. It is only one of several audit and oversight bodies monitoring the delivery of BER projects throughout NSW.

Other audit and investigative mechanisms for the program include: the Department of Education and Training's Audit Directorate; the Nation Building and Jobs Plan Taskforce's probity and forensic audit teams; the NSW Audit Office; the Independent Commission Against Corruption (ICAC); and the Australian National Audit Office.

Cost information for each NSW Government education project is available on the NSW BER website.

Nation Building and Jobs Plan (Infrastructure) Act 2009

The legislation outlines a number of powers and functions of the Infrastructure Coordinator General.

These functions include planning and overseeing the Nation Building program, overseeing the Agencies, reporting, and ensuring timely delivery of infrastructure through special planning powers. This means, for example, that the Infrastructure Coordinator General has powers that he is exercising under the Public Sector Management Act (for alternative procurement arrangements). He also has powers to direct and take work off agencies, and request information from them. He also has the power to turn off the EP&A Act if projects are going to be delayed and risk not being able to achieve the Commonwealth deadlines.

This legislation has given the Infrastructure Coordinator General unprecedented powers to ensure that the objectives of the Nation Building and Economic Stimulus Plan in NSW are achieved. These powers include the ability to authorise planning approvals and to develop or approve alternative procurement processes.

Further to Section 30 of the Act, the Hon. Kristina Keneally MP, Premier of NSW, has announced a review of the implementation of the Nation Building and Jobs Plan in NSW and its potential applications for other projects outside the Nation Building funded program.

Specifically, the review is to examine and report to the Premier by the end of July 2010 on:

- (a) the effectiveness of NSW Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 in facilitating the implementation of the Nation Building Economic Stimulus Plan in NSW;
- (b) the exercise by the Infrastructure Coordinator General of the functions conferred by the Act in accordance with section 30 of the Act;
- (c) the legal and economic benefits and consequences of applying the principles of this legislation, and the manner in which it has been implemented, to other significant projects or classes of projects in NSW;
- (d) options and mechanisms for applying the principles should they be applied to such projects or classes of projects in NSW.

Fast Track Planning Processes

How do the various planning processes work?

All Economic Stimulus projects must seek planning approval under state planning legislation.

Assessments for planning approval are undertaken either by independent planning assessment units in the Departments of Housing or BER Program Office or, with more complex projects, at the special purpose unit established in the NSW Nation Building and Jobs Plan Taskforce to advise the Infrastructure Coordinator General. Some school projects are being assessed by local government.

- All applications are assessed on their merit, except where it is complying or exempt development
- Social housing must be architecturally designed with five green star rated features. School facilities must consider educational needs, safety and ecologically sustainable design
- Consultation is undertaken with local councils and relevant government agencies
- Consideration is given to all existing planning legislation, including local controls, as well as checks and balances in the current system
- The agencies' planning assessment teams are separate to the Housing or Education project delivery teams
- Details of Government Education approved projects are available on www.ber.nsw.gov.au; Social Housing projects approved by Housing NSW are published on www.housing.nsw.gov.au and approvals for those referred to the Infrastructure Coordinator General on www.more.nsw.gov.au/more/nationbuildingtaskforce



▲ Police Minister Michael Daley hands over new units in Matraville

Degree Constructions delivers...

This year Housing NSW announced the completion of 13 new one and two bedroom units built under the Nation Building Economic Stimulus Plan in Matraville.

The new fully adaptable homes in O'Connell Street were handed over to St George Community Housing and will provide quality housing for senior residents.

The homes, built by Degree Constructions Pty Ltd, cost an estimated \$2.9 million and employed a number of tradespeople and labourers from around the area.

The homes are fully adaptable and environmentally sustainable, with water harvesting features such as rainwater tanks.

Proactive working with industry around market capability, supply and demand constraints

With the assistance of the Building Products Innovation Council, data about materials and trade supply has been collated and assessed against the supply requirements of the total program. Key issues were identified and all relevant organisations brought to the table to discuss resolution of the issues.

Timber Flooring Shortage Resolution

Timber flooring shortage and how it was resolved

The design standards used by the Department of Education and Training (DET) dictate that school halls have sprung timber floors. This allows the halls to be used as multiple purpose spaces for activities ranging from speech nights to school sports. The estimated requirements for timber hall floors for the BER program totalled more than 80,000 square meters in government schools alone. The existing specification would require that all this flooring come from one of two species, either Blackbutt or Spotted Gum.

Through the Taskforce's Market Capability Framework, the specification and the estimated quantities for timber flooring across the State were provided to the timber flooring industry, which identified a potential issue supplying the quantum of the two specific species in the program timeframe.

In a collaborative effort by DET, the Timber Development Association, NSW Forest Products Association (www.nswfpa.asn.au), the Building Products Innovation Council and others, a revised specification was developed that broadens the number of acceptable species by 11 while achieving the same performance outcomes. The work of the Taskforce, DET and industry has minimised a potential supply constraint for builders.

Transparent communications with industry

An extensive industry based communications program has been underway for the 12 months of the program. This has included industry briefings at a State and regional level, as well as the regular publication of an electronic newsletter to provide information to industry about the progress of the program, how specific issues are being resolved, and where to source web based information. Over 2,000 industry stakeholders receive the update fortnightly.

The Infrastructure Coordinator General has also provided briefings to specific industry stakeholder groups. Advertising programs around key issues have been undertaken, such as the recent campaign to explain the planning process and powers associated with the Economic Stimulus Program to regional and suburban NSW communities. Planning approvals are published fortnightly in the metropolitan press.

Indigenous and Apprentice Participation

An average of 10 per cent apprentices and trainees working on sites is being achieved across the program. In addition, there have been a number of programs developed to encourage indigenous traineeships.

For example, the Master Builders Association (MBA) has developed a very successful program using mentors and specialist training to achieve higher participation rates through apprenticeships, particularly in regional Aboriginal communities.

The MBA has established a strong working relationship with local Aboriginal communities and job network providers to attract potential apprentice and trainee candidates for employment in the MBA Group Apprenticeship Training Scheme.

Outcomes for the next 12 months

Focus for 2010/2011

2009 involved a massive effort in getting projects started and out into the field. This Report Card demonstrates the success of those efforts. The focus in 2010 remains on delivering state-wide construction programs which will be followed by the very detailed process of completions and handovers.

Both of these work fronts require significant resources, have their own learning curve, their own risks and are happening simultaneously. They need to be managed without loss of impetus on starting the remaining 500 school projects and 1,000 homes. The rate of starts required for these remaining projects in 2010 is just as demanding as the rate required for 2009.

Goal	Action
Ensuring trade and supply availability	Undertake continuous review of procurement
Focus on local jobs and apprentices	Maintain minimum of 10 per cent of all workers on site as apprentices or trainees
Excellent probity record	Continue risk assessment process
Planning approvals process management – using the Nation Building and Jobs Plan (Infrastructure) Act as well as the Affordable Housing and Infrastructure SEPPs	<ul style="list-style-type: none">■ Continue to maintain average assessment times of between 20 and 35 days, considerably less than the average 90 days taken by local government■ Ensure that staff are available for necessary modifications to the approvals■ Review the applicability of the Nation Building and Jobs Plan (Infrastructure) Act in a broader context
Ensure innovations become a legacy of the program	<ul style="list-style-type: none">■ Undertake an independent review of the implementation of the NBJP Act■ Taskforce to identify procurement and delivery recommendations to Government
Continue to stimulate the NSW economy	<ul style="list-style-type: none">■ Completion of 70 per cent of the Housing Program by end September 2010■ Substantial completion of Building the Education Revolution Program including 100 per cent of Science and Language Centres for 21st Century Secondary Schools, 100 per cent of National School Pride and 80 per cent of Primary Schools for the 21st Century

For further information

Email taskforceinfo@dpc.nsw.gov.au

To view information about the NSW Nation Building and Jobs Plan Taskforce visit:

www.nsw.gov.au/nationbuildingtaskforce

Visit the Commonwealth Nation Building and Economic Stimulus Plan website:

www.economicstimulusplan.gov.au





Australian Government



Nation Building

ECONOMIC STIMULUS PLAN

BUILDING THE EDUCATION
REVOLUTION GUIDELINES

Version 3
21 September 2009



Building the Education Revolution Guidelines

1. Overview

The Commonwealth Government has committed funding of \$16.2 billion over three years to provide new facilities and refurbishments in Australian schools to meet the needs of 21st century students and teachers through the Building the Education Revolution (BER) program.

The three elements of the BER are:

1. Primary Schools¹ for the 21st Century – \$14.1 billion for all Australian primary schools, K-12 schools (primary school component) and special schools to build new iconic facilities such as libraries, multipurpose halls or classrooms, or to upgrade existing facilities.
2. Science and Language Centres for 21st Century Secondary Schools² – \$821.8 million for the construction of new science laboratories or language learning centres.
3. National School Pride program – \$1.288 billion for all schools in Australia, government and non-government, for funding for minor capital works and maintenance projects.

The BER is underpinned by a strong partnership approach between the Australian, state and territory governments and non-government education authorities.

2. Objectives

Through the BER, the Commonwealth aims to:

1. Provide economic stimulus through the rapid construction and refurbishment of school infrastructure.
2. Build learning environments to help children, families and communities participate in activities that will support achievement, develop learning potential and bring communities together.

3. Governance Arrangements

The Commonwealth, states, territories and Block Grant Authorities (BGAs) have agreed to work in partnership to deliver the BER in accordance with the *National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now*, the *Bilateral Agreement on the Nation Building and Jobs Plan* (Bilateral Agreement) that the Commonwealth has with each state and territory, the *Funding Agreement supporting the Building the Education Revolution: the National Partnership Agreement on Nation Building and Jobs Plan* (BGA Funding Agreement) with each BGA, and the Commonwealth, states, territories and BGA responsibilities set out in these Guidelines.

The BER will come under the oversight arrangements put in place by the Office of the Coordinator-General (OCG) in the Department of the Prime Minister and Cabinet. A BER National Coordinator from within the Department of Education, Employment and Workplace Relations (DEEWR) will be appointed and will report to the OCG, as required.

1 Primary School definition – refer to Definitions

2 Secondary School definition – refer to Definitions

The BER National Coordinator will convene a BER Coordination Group made up of a BER Coordinator from each state, territory and BGA. Each state, territory and BGA will submit to the Commonwealth an implementation plan for the BER in respect of the schools in their jurisdiction or for which they are responsible.

4. Purpose of the Guidelines

The purpose of the BER Guidelines (the Guidelines) is to assist states, territories, Block Grant Authorities (BGAs) and schools to submit project proposals for funding under BER.

The Guidelines set out arrangements for the administration and delivery of BER. The Commonwealth reserves the right to amend these Guidelines as necessary. Information concerning changes to the Guidelines will be posted on the BER website.

These Guidelines form part of the Bilateral Agreements and Funding Agreements. In the event of any conflict in relation to the interpretation of these Guidelines, the relevant Bilateral Agreement or Funding Agreement will take precedence.

5. Further information and enquiries

Further information about BER and the application process can be found:

- by calling the DEEWR Contact Centre – 1300 363 079 (local charges apply);
- at the BER website: www.buildingtheeducationrevolution.gov.au; or
- by sending an email to BER@deewr.gov.au

Schools should contact their state, territory or BGA coordinator for further information – the list of these is at: www.buildingtheeducationrevolution.gov.au.

6. Timeframes

To ensure that the BER has the greatest impact on job support, it is essential that construction on as many projects as possible commences quickly. Projects which are unable to demonstrate their ability to be completed within the specified timeframe will not be funded. Commencement of a project is defined for the purposes of BER as the undertaking of any action, post any design phase, that incurs an expense covered by BER funding for that project.

The funding will be made available in three funding rounds. The percentage of eligible schools for which funding is available in each funding round is set out in the next section of these Guidelines. Where applications are received from more schools than are proposed to be funded in the first round of funding, schools with projects for which relevant planning and approval processes are already well advanced when the funding applications are submitted may be preferred over other applications in the first round of each element of the BER.

To further enhance efficiency and early take-up, design templates will be used by states, territories and BGAs, wherever possible. These templates must be used by each project unless a school or system has a pre-approved design available, or can demonstrate that the non-use of a template is reasonable, appropriate and that the building process can still be expedited and achieved within the prescribed timeframes. Following the provision of design templates by individual states, territories and BGAs, the Commonwealth will disseminate the design templates to states, territories and BGAs for their use with schools for the purposes of the BER.

At the earliest practicable stage, states, territories and BGAs should endeavour to identify and communicate opportunities in local areas for tradespeople and other small businesses.

BER Element 1:

Primary Schools for the 21st Century

It is the Commonwealth's intention that all eligible Australian primary schools will receive a funding allocation under this program (although there may be some exceptions to this e.g. where a school has just been constructed and has no need for any new facilities).

Funding will be provided to each state, territory and BGA on the basis that 20% of eligible schools will access funding in Round 1, 40% of eligible schools will access funding in Round 2, and 40% of eligible schools will access funds in Round 3.

States, territories and BGAs will provide project applications to the Commonwealth for assessment and approval. This will be done via an online application. The Commonwealth will assess each application against eligibility and quality assurance criteria in accordance with these Guidelines before providing recommendations to the Minister for approval.

Round 1: 20% of eligible schools

Month/Year	Action
February-March 2009	States, territories and BGAs assess proposals
By 10 April 2009	Submit lists to Commonwealth for approval (lists are encouraged to be submitted earlier)
May-June 2009	Commencement of projects
20 December 2010	Projects completed – up to 18 months for schools larger than 150 students, up to 7 months for smaller schools

Round 2: 40% of eligible schools

Month/year	Action
April 2009	States, territories and BGAs assess proposals
By 15 May 2009	Submit lists to Commonwealth for approval (lists are encouraged to be submitted earlier)
June-July 2009	Commencement of projects
31 January 2011	Projects completed – up to 18 months for schools larger than 150 students, up to 7 months for smaller schools

Round 3: 40% of eligible schools

Month/Year	Action
June 2009	States, territories and BGAs assess proposals
By 10 July 2009	Submit lists to Commonwealth for approval (lists are encouraged to be submitted earlier)

September-October 2009

Commencement of projects or construction must commence by
1 December 2009

31 March 2011

Projects completed – up to 18 months for schools larger than 150 students,
up to 7 months for smaller schools

Project Commencement

All projects are required to commence in line with the timeframes set out in these Guidelines. Where a state, territory or BGA cannot meet the project commencement timeframes, approval to delay commencement must be sought from DEEWR. Where a delay is required, states, territories and BGAs should write to the BER National Coordinator setting out their reasons for the delay and seeking consideration of a new commencement date, which must be included as part of the proposed request. In considering any request to delay project commencement, DEEWR will consult with the OCG.

Project Completion

Extensions to the completion deadline for projects will be considered by DEEWR on a case by case basis. In applying for an extension to the completion deadline, states, territories and BGAs must take into consideration that one of the objectives of the BER is to provide economic stimulus through the rapid construction or refurbishment of school infrastructure. Where an extension is required, states, territories and BGAs should write to the BER National Coordinator setting out their reasons for an extension (such as delays due to severe weather) and seeking consideration of a new completion date, which must be included as part of the proposed request.

Funding

Funding allocations to each state, territory and BGA are calculated on the basis of enrolment numbers. The data used to calculate enrolment numbers will be the full-time equivalents (FTE) as of February 2009 census data as collected by DEEWR as part of this Program, including FTE for distance education students. These amounts are indicative and a state, territory or BGA may decide to fund some schools at slightly lower amounts and some at slightly higher amounts than indicated provided they remain within the total funding amount paid to them by the Commonwealth for schools within their jurisdiction/for which they are responsible and they seek agreement to any variation from indicative amounts with the school. Indicative funding allocations per school are as follows:

School size (FTEs)	Indicative funding caps
1 to 50	\$250,000
51 to 150	\$850,000
151 to 300	\$2,000,000
301 to 400	\$2,500,000
401+	\$3,000,000

Where an application is ten per cent or more under the indicative funding allocation, states, territories and BGAs must obtain a signed letter from the school principal agreeing that their school receive a funding amount which is less than the indicative funding allocation for their school. Applications may not be approved

unless DEEWR is in receipt of signed letters from principals where the notional allocation is ten per cent or more under the notional funding allocation.

Eligibility criteria

All Australian primary schools are eligible for funding under this program subject to the requirements set out below.

A school must be a 'Primary School', that is, delivering a level of primary education as defined in the *Schools Assistance Act 2008* or as defined in the particular state or territory³. Funding will be provided on the basis of a primary school's total FTE student enrolments as determined by the February census data collection undertaken by DEEWR for BER purposes. For a K-12, only primary FTEs will be counted. For a special school, the primary and secondary components will be included. Special assistance schools are included within the definition of special schools for the purposes of BER.

Schools with transient student populations are not eligible to apply for funding as they do not have FTE student enrolments.

Where a school is a non-government school, that school must be a BGA Participant (i.e. a school in respect of which the Minister has determined a BGA under the *Schools Assistance Act 2008*) and be in receipt of General Recurrent Grant Funding under that Act.

Each school must meet agreed starting and completion dates for building as prescribed for each funding round of the Primary Schools for the 21st Century element of BER.

School closures

If a school is planned for closure, then funding must not be approved for that school entity. The state, territory or BGA will not receive any funding for that school. Closing schools were identified by states, territories and BGAs in the February 2009 BER census data.

School amalgamations

Where two or more schools have a planned amalgamation over the next three years, into either a new school site or an expansion of one of the existing schools, then the indicative funding allocation for the schools to be merged may be combined to be used for capital or refurbishment in the new school.

New schools

In the case of recently constructed government schools, if after appropriate consultation with the school community and principal it is agreed that there is no need for further buildings or refurbishment in that school at this time, the indicative funding allocation for that school may be reallocated to another government school.

In the case of recently constructed non-government schools, BGAs must consult with the school community and principal and if it is agreed that there is no need for further buildings or refurbishment at this time, the indicative funding allocation can only be reallocated (where the school is a member of an approved school system under the *Schools Assistance Act 2008*), to another member of that recognised school system. Funding will otherwise be returned to the Commonwealth.

3 Primary School Definition – refer Definitions

Schools with multiple campuses

Schools with multiple campuses will be treated as a single school for the purpose of funding paid under BER. For non-government schools, this will be defined by whether a school is recognised separately under the *Schools Assistance Act 2008* (i.e. with a separate SES score and entitlement to *General Recurrent Grants*). For government schools, the state or territory will provide DEEWR with advice about which schools are separate school entities and not merely campuses.

Projects approved under this Program are exempt from global area standard calculations for the purposes of the Capital Grants program.

Conditions for funding

Each school and/or system must maintain its current and planned investment in capital for the next four years in addition to its BER funding. In the case of states and territories, this will be monitored by the Australian Treasury. In the case of non-government schools and systems, this will be monitored by DEEWR.

Design templates or configurations must be used by states, territories and BGAs, wherever possible. Consideration will be given to a school that has a preapproved design ready to build, or can demonstrate that non-use of a template is reasonable, appropriate and that the building process can still be expedited and achieved in prescribed timeframes.

Wherever possible, all new buildings and refurbishments should incorporate sustainable building principles to help reduce any impact of building on the natural environment. Sustainable buildings will be designed to maximise energy efficiency, including insulation, energy efficient solar hot water (where appropriate), energy efficient lighting, energy efficient glazing, energy efficient heating and cooling, and a water tank. This will apply unless an exemption is given by the Commonwealth to take account of particular regional climate requirements.

The school must agree to provide access at no, or low, cost to the community to libraries and multipurpose halls funded under this element of BER. This must include reasonable access by any community or not-for-profit groups in the local community. Schools must agree to advertise the availability of the infrastructure for use by the community through any avenue available to them which does not incur significant cost to the school (e.g. newsletters, school website, free community papers). Schools may charge a low fee for the use of the facility where the charge is to cover recurrent costs incurred by the school in providing the community access (e.g. electricity, cleaning, security).

Schools that have facilities funded under BER that are not libraries or multipurpose halls must make either their existing library or multipurpose hall (or a comparable facility within the school) available for community use under the same conditions as set out above, unless they have an exemption from the Commonwealth.

Any costs associated with the demolition of existing buildings may be included as part of the project costs.

Schools may include funding contributions from other sources towards the total cost of a project under the BER. Any additional contributions from other sources must be identified in the funding application.

Other funding conditions are set out in the Bilateral Agreements and BGA Funding Agreements for the BER.

Use of funding

Funding can be used for capital expenditure on the following items (in order of priority):

1. construction of new libraries;
2. construction of new multipurpose halls (e.g. gymnasium, indoor sporting centre, assembly area or performing arts centre) or, in the case of smaller schools, covered outdoor learning areas;
3. construction of classrooms, replacement of demountables or other building to be approved by the Commonwealth; or
4. refurbishment of existing facilities.

If a school applies for funding that is not the first funding priority (i.e. a library), it must provide reasonable explanation for why it is not seeking funding for a library or for any other capital item which is higher in the priority list above. For example, schools with recently constructed, contemporary libraries and multipurpose halls could apply for funding for the building of other facilities or refurbishment of existing facilities.

Where a school and its community have determined that a school has no need for construction of any of the projects listed above, and have identified a need for an early learning centre, it may apply for funding of such a centre. An early learning centre is a place where students are in the process of transitioning from pre-school to kindergarten and where the curriculum is integrated with the primary school curriculum. The early learning centre must be an integrated part of the primary school campus and childcare activities must not be the main function of the centre. If any component of childcare is envisaged at the early learning centre, the school must provide evidence for the demand for childcare in that location.

Funding may be used for the fit-out of new buildings or refurbishments to the extent that it is necessary to make them operational for the purpose for which they are designed.

Funding may be used for costs related to ICT in the fit-out only if the ICT items are necessary to make the building operational for the purpose for which it has been built. Items which are covered by the guidelines relating to the National Secondary School Computer Fund, or the additional funding associated with the deployment of computers under this Fund, will not be funded under any element of BER.

Funding must not be used for the following non-capital items: portable items that are not specifically related to the design purpose of the building; portable sports equipment (rackets, balls etc.); portable gymnasium equipment (mats, beams etc.); decorative items (posters, painting etc.).

Funding can not be used for the building or refurbishment of any facility which has religious worship as its primary purpose.

Payment of funding

Funding for this element of BER will be paid by the Commonwealth Treasury to state and territory treasuries. State and territory treasuries are required to pay the funding to state and territory education departments for both government and non-government schools or directly to BGAs for non-government schools. State and territory education departments are required to forward funding to the relevant BGAs for non-government schools.

Each state, territory and BGA will receive an allocation based on the approved applications for the schools in their jurisdiction or for which they have responsibility. It will be up to each approving body to ensure that total funds allocated for projects remain within their total funding amount.

Other funding conditions are set out in the Bilateral Agreements and BGA Funding Agreements for the BER.

BER Element 2: Science and Language Centres for 21st Century Secondary Schools

This element of BER will fund the building of science laboratories or language learning centres in secondary schools. Funding for major refurbishments of current science laboratories or language learning centres to create state of the art facilities is also possible under this element of BER. States, territories and BGAs will conduct a competitive process to fund projects in secondary schools that satisfy the eligibility criteria for funding and can demonstrate the greatest need and a readiness and capacity to be able to build the facilities within the 2009-10 financial year. The competitive application process must assess the applications in accordance with the eligibility criteria and other requirements of these Guidelines.

Month/Year	Action
March-May 2009	States, territories and BGAs assess proposals and create a short-list of projects
By 31 May 2009	Submit short-lists to Commonwealth for approval
August-September 2009	Commencement of Projects
30 June 2010	Projects completed

Project Completion

Extensions to the completion deadline for these projects will be considered by DEEWR on a case by case basis. In applying for an extension, states, territories and BGAs must take into consideration that one of the selection criterion for funding under this element was capacity to complete the project by 30 June 2010. Where an extension is required states, territories and BGAs should write to the BER National Coordinator setting out their reasons for an extension (such as delays due to severe weather) and seeking consideration to a new completion date, which must be included as part of the proposed request.

Funding

\$821.8 million is available to fund the building of science laboratories or language learning centres in Australian secondary schools, with a notional number of around 500 buildings.

Eligibility criteria

Each state, territory and BGA will conduct a competitive process seeking expressions of interest from secondary schools within their sectors and then submit a priority list of projects to the Commonwealth for approval, derived according to the following criteria:

1. demonstrated need or disadvantage – the determination of need should be demonstrated by providing relevant evidence (quantitative and qualitative) to establish disadvantaged schools and school communities. This may include the use of existing indices such as the DEEWR Determined SES Score (as used in section 72 of the *Schools Assistance Act 2008*), Socio-Economic Indexes for Area (SEIFA), or Index of relative socio-economic disadvantage (IRSED);

2. demonstrated need for the specified building – the school does not have a contemporary science building/ laboratory or a language learning centre, or any existing facilities of that kind or they are inadequate for the school's current or emerging needs;
3. demonstrated readiness and capacity to begin and complete construction of the building within the 2009-10 financial year.

DEEWR will convene an assessment panel which will make recommendations to the Deputy Prime Minister who will decide which projects are funded.

Schools with multiple campuses will be treated as a single school for the purpose of funding under the BER. For non-government schools, this will be defined by whether a school is recognised separately under the *Schools Assistance Act 2008* (i.e. with a separate SES score and entitlement to *General Recurrent Grants*). For government schools, the state or territory will provide DEEWR with advice about which schools are separate school entities and not merely campuses.

Schools that cannot demonstrate their ability to complete the projects by the specified timeframe will not be funded.

Projects approved under this Program are exempt from global area standard calculations for the purposes of the Capital Grants program.

Conditions for funding

Each school and/or system must maintain its current and planned investment in capital for the next four years in addition to its BER funding.

Each school must be able to meet agreed starting and completion dates for building as prescribed for this BER element.

Design templates or configurations must be used by states, territories and BGAs, wherever possible. Consideration will be given to a school that has a preapproved design ready to build, or can demonstrate that non-use of a template is reasonable, appropriate and that the building process can still be expedited and achieved in prescribed timeframes.

Wherever possible, all new buildings and refurbishments should incorporate sustainable building principles to help reduce any impact of building on the natural environment. Sustainable buildings will be designed to maximise energy efficiency, including insulation, energy efficient solar hot water (where appropriate), energy efficient lighting, energy efficient glazing, energy efficient heating and cooling, and a water tank. This will apply unless an exemption is given by the Commonwealth to take account of particular regional climate requirements.

Any costs associated with the demolition of existing buildings may be included as part of the project costs.

Other funding conditions are set out in the bilateral agreements for the BER funding made between the Commonwealth and the states, territories and BGAs.

Payment of funding

Funding for this element of BER will be paid by the Commonwealth Treasury to state and territory treasuries. State and territory treasuries are required to pay the funding to state and territory education departments for both government and non-government schools or directly to BGAs for non-government schools. State and territory education departments are required to forward funding to the relevant BGAs for non-government schools.

Other funding conditions are set out in the Bilateral Agreements and BGA Funding Agreements for the BER.

BER Element 3:

National School Pride Program

This element of BER will provide funding to every Australian school – primary⁴ and secondary⁵, government and non-government – to undertake construction of small scale infrastructure and/or minor refurbishment projects.

Funding will be provided to each state, territory and BGA on the basis that 60% of schools will access funding in 2008-09 and 40% of schools will access funding in 2009-10.

Round 1: 60% of schools

Month/Year	Action
February-March 2009	States, territories and BGAs assess proposals
24 March 2009	Submit lists to Commonwealth for approval (lists may be submitted earlier)
April-May 2009	Commencement of Projects
20 December 2009	Projects completed

Round 2: 40% of schools

Month/Year	Action
March-April 2009	States, territories and BGAs assess proposals
8 May 2009	Submit lists to Commonwealth for approval (lists may be submitted earlier)
July 2009	Commencement of Projects
1 February 2010	Projects completed

Funding

States, territories and BGAs will receive funding allocations for 60% of their schools to be able to access funding in the 2008-09 financial year. Funding for the remaining 40% of schools will be provided in the 2009-10 financial year. Funding is based upon two milestone payments: 50% upon commencement and the remaining 50% payable upon completion.

Funding allocations to states, territories and BGAs are calculated on the basis of enrolment numbers – full-time equivalent as of February 2009 census data collected by DEEWR for the purposes of BER. Indicative funding amounts per school are as follows:

4 Primary School definition – refer to Definitions

5 Secondary School definition – refer to Definitions

School size (FTEs)	Indicative funding caps
1 to 50	\$50,000
51 to 150	\$75,000
151 to 300	\$125,000
301 to 400	\$150,000
401+	\$200,000

Eligibility criteria

All Australian schools – primary and secondary, government and non-government – are eligible for funding under this element of BER.

School closures

If a school is planned for closure, then funding should not be approved for that school entity. The state, territory or BGA will not receive any funding for that school. Closing schools were identified by states, territories and BGAs in the February 2009 BER census data.

School amalgamations

Where two or more schools have a planned amalgamation over the next three years into either a new school site or an expansion of one of the existing schools, then the indicative funding allocation for the schools to be merged may be combined to be used for minor capital works in the new school.

New schools

In the case of recently constructed government schools, if after appropriate consultation with the school community and principal it is agreed that there is no need for further buildings or refurbishment in that school at this time, the indicative funding allocation for that school may be reallocated to another government school.

In the case of recently constructed non-government schools, BGAs must consult with the school community and principal and if it is agreed that there is no need for further buildings or refurbishment at this time, the indicative funding allocation can only be reallocated to another member of the approved school system of which the school is a member. Funding will otherwise be returned to the Commonwealth.

Schools with multiple campuses

Schools with multiple campuses will be treated as a single school for the purpose of funding paid under the BER. For non-government schools, this will be defined by whether a school is recognised separately under the *Schools Assistance Act 2008* (i.e. with a separate SES score and entitlement to *General Recurrent Grants*). For government schools, the state or territory will provide DEEWR with advice about which schools are separate school entities and not merely campuses.

Projects approved under this Program are exempt from global area standard calculations for the purposes of the Capital Grants program.

Use of funding

Funding under this program must be used to undertake construction of small scale infrastructure and/or minor refurbishment projects.

Projects that can be approved for funding under this element of BER include:

- refurbishment of buildings;
- construction or upgrades of fixed shade structures, covered outdoor learning areas, sporting grounds and facilities;
- green upgrades (water tanks), insulation; and
- specialised infrastructure support for students with disabilities or special needs.

Items which are covered by the guidelines relating to the National Secondary School Computer Fund, or the additional funding associated with the deployment of computers under this Fund, will not be funded under any element of BER (including computers for student use).

Funding cannot be used for installation or refurbishment of air conditioning or heating.

Funding cannot be used for the building or refurbishment of any facility which has religious worship as its primary purpose.

Any costs associated with the demolition of existing buildings may be included as part of the project costs.

Funding for purchase of equipment rather than minor refurbishment or minor infrastructure may not be approved by the Commonwealth.

Payment of funding

Funding for this element of BER will be paid by the Commonwealth Treasury to state and territory treasuries. State and territory treasuries are required to pay the funding to state and territory education departments for both government and non-government schools or directly to BGAs for non-government schools. State and territory education departments are required to forward funding to the relevant BGAs for non-government schools.

Each state, territory and BGA will receive an allocation based on the approved applications for the schools in their jurisdiction or for which they have responsibility. It will be up to each approving body to ensure that total funds allocated for projects remain within their total funding amount.

Other funding conditions are set out in the Bilateral Agreements and BGA Funding Agreements for the BER.

Privacy Requirements for all three elements of BER

BGAs must ensure that they and their participant schools deal with personal information for the purposes of the *Privacy Act 1988* collected in connection with the BER projects in the same way as if those BER projects were capital projects to which the *Administrative Arrangements for Block Grant Authorities Capital Grants Program for Non-Government Schools 2009* applied. BGAs must ensure that their agreements with BGA participants include these same privacy requirements.

Financial Viability Requirements for non-government schools

In order to receive Australian Government funding a non-government school is required to be financially viable. The financial viability of non-government schools applying for funding under the BER will be assessed in accordance with DEEWR's *Financial Health Assessment Framework*, using data from the most recent Financial Questionnaire and Schools Census. Where the data show that a school may be experiencing some financial difficulty, DEEWR will consult with the relevant BGA to determine the school's ongoing capacity to meet the conditions of funding under the BER. This will occur before the BGA submits their project lists for any element of BER to DEEWR.

Reporting Requirements for all three elements of BER

All schools will be required to report regularly on the progress of projects funded under BER and this must be a requirement of any agreement made with a BGA participant. States, territories and BGAs are able to report on behalf of schools in their respective jurisdictions. Specific reporting requirements are outlined in Schedule A of these Guidelines. The Commonwealth will provide an online portal for use by states, territories, BGAs and schools for recording and reporting requirements.

Consistent with the Bilateral Agreement and the BGA Funding Agreement, these Guidelines and the National Partnership Agreement on the Nation Building and Jobs Plan, the Monthly Reporting Guidelines contain further detail about Commonwealth requirements for how the states, territories and BGAs must provide reports on funds and projects under the BER program.

Performance Monitoring

The Commonwealth will monitor project progress across the three elements of the BER against the BER objectives and will provide guidance to states, territories and BGAs as required.

Branding and Recognition Requirements for all three elements of BER

To receive funding under BER, there is a requirement to recognise and acknowledge the Commonwealth's contribution. As a minimum, schools must adhere to the procedures and requirements set out in these Guidelines.

Recognition ceremonies: Schools receiving funding under the Primary Schools for the 21st Century and the Science and Language Centres for 21st Century Secondary Schools elements of BER must hold recognition ceremonies as part of their conditions of funding:

1. the Deputy Prime Minister must be invited to all opening ceremonies;
2. a convenient date for the ceremony for all parties should be chosen. Schools are required to choose three dates to allow greater flexibility for the Deputy Prime Minister or her representative to attend;
3. ceremonies should not be scheduled on Parliamentary sitting days;
4. for assistance with organising an official opening, schools must contact DEEWR to arrange an Official Recognition ceremony through the BER website at: www.buildingtheeducationrevolution.gov.au;
5. provide the Deputy Prime Minister with at least two months notice of any openings and public events relating to the projects;
6. hold an official opening or ceremony within three months of the completion of the project, unless otherwise agreed by the Deputy Prime Minister; and
7. make provision in the official proceedings for the Deputy Prime Minister or her representative to speak.

Once it is established that the Deputy Prime Minister or her representative is to open a facility, this arrangement cannot be changed without the Commonwealth's agreement.

Publicity: Schools should acknowledge the Commonwealth's assistance in publicity issued by the school regarding its BER funded project such as newsletters, web sites, articles in the local media, school outdoor signs and any other form of advertising available to the school.

Plaques: Schools funded under the *Primary Schools for the 21st Century* and *Science and Language Centres for 21st Century Secondary Schools* elements will be required to affix a plaque, to be supplied by the Commonwealth, to all completed projects. This includes, but is not limited to, new buildings and substantially refurbished buildings. While plaques will be supplied by the Commonwealth, schools must apply for their plaque when they apply for their recognition ceremony (see Recognition ceremonies).

Where a plaque cannot be attached to a project because of the nature of the project, then a plaque must be placed in an appropriate location in the school, such as the front foyer or administration area.

Roadside signs: Schools will be required to affix a roadside sign, to be supplied by the Commonwealth, in front of the school for projects being funded under the *Primary Schools for the 21st Century* and *Science and Language Centres for 21st Century Secondary Schools* elements. States, territories and BGAs are responsible for ensuring roadside signs are affixed and may be required to report on this through the monthly reporting.

Signs are to be erected on commencement of construction and must remain on display until the completion of the BER program on 31 March 2011 or project completion should an extension be granted.

Commonwealth, State/Territory and BGA Responsibilities

State and territory obligations

The states and territories will:

1. enter into Bilateral Agreements with the Commonwealth under which they will receive BER funding;
2. call for and assess project proposals from government schools for each BER element in line with these Guidelines;
3. ensure that the design, application and assessment processes are fast-tracked, with minimal red tape;
4. maintain their current and planned level of investment for capital infrastructure in schools over the next four years, spending it concurrently with BER funding on school infrastructure, and provide the Australian Government with evidence of capital expenditure for the past four years and estimates for the next four years. This process will be overseen by Heads of Treasuries and reported to COAG;
5. use a design from the templates submitted to the Commonwealth for each element of BER, where appropriate. States and territories will submit their design templates to the Commonwealth by 19 February 2009;
6. ensure that projects covered by the Funding use their best endeavours to give priority in contracting and tendering arrangements to businesses that agree to aim to secure at least 10 percent of the total contract labour hours to be undertaken by apprentices and trainees and those seeking to up-skill, where this does not result in unreasonable costs to business, and report to the Commonwealth on this;
7. assess proposals and prioritise infrastructure proposals in accordance with these Guidelines and prepare project lists for approval by the Commonwealth;
8. accept and adhere to branding of the projects, as set out in these Guidelines;
9. accept and adhere to the reporting requirements as outlined in the National Partnership Agreement and funding agreements with the Commonwealth and in these Guidelines;
10. provide information to the Commonwealth on the implementation of the BER by completing the Implementation Plan provided by the Commonwealth. In the Implementation Plan, states and territories will be asked to provide information on:
 - a. how projects will be called for, assessed, prioritised and selected;

- b. strategies to be used to fast-track application and assessment outcomes;
 - c. how applications from schools marked for closure or for merger will be managed;
 - d. what ongoing project management of each project will be offered;
 - e. what project management approach will be adopted;
 - f. how every school will maximise its opportunities under BER;
 - g. how smaller or less resourced schools/communities will be assisted;
 - h. how sustainable building principles (maximising energy efficiency, including insulation, energy efficient solar hot water [where appropriate], energy efficient lighting, energy efficient glazing, energy efficient heating and cooling, and a water tank) will be incorporated into construction, refurbishments and maintenance;
 - i. steps to be taken to achieve broad community consultation;
 - j. how new and refurbished facilities in primary schools will be available for broad community use at no, or low, cost;
 - k. how data entry will be undertaken on school projects to meet all data requirements; and
 - l. key contacts.
11. work with non-government schools, systems and BGAs to enable the full participation of the non-government school sector in all elements of BER;
 12. pass on in a timely manner, the nominated funding amounts to BGAs in their state or territory, in accordance with Schedule D of the *Intergovernmental Agreement on Federal Financial Relations*; and
 13. appoint a state coordinator for BER who will oversee government school participation in the program.

The Commonwealth reserves the right to refuse funding to a state or territory that releases information publicly about BER projects prior to the Commonwealth's approval of projects.

Tendering and Procurement

States and territories must ensure that tendering and procurement arrangements for BER funded projects require the projects to demonstrate:

- value for money;
- compliance with any relevant planning requirements; and
- the project is able to be delivered within the required timeframes.

Variations to Project Approvals

To maximise the impact of the BER, project variations will be considered by DEEWR on a case by case basis. Any proposed variation must be consistent with the BER Guidelines.

DEEWR will provide a project variation template for completion for any proposed project variations, including for those which require states and territories to notify DEEWR of a variation rather than seek approval. For those project variations which require DEEWR's approval, a fully completed project variation template must

be submitted to DEEWR for approval before any proposed project variation will be considered. DEEWR will assess the project variation against these Guidelines in making decisions about approval.

Project Variations under Primary Schools for the 21st Century

Any project variation that has an impact on the scope of a project must be approved by DEEWR prior to any work on the project variation commencing. Project variations which will be considered under this category include:

- where an approved project is to be cancelled and replaced with a new project; or
- where an approved project is varied in some way without impacting on the overall BER approved funding for that project.

It is acknowledged that there may be under- or overspend in relation to approved funding allocations and states and territories may, in effectively managing their overall approved BER funding, seek to reallocate funding between projects or between schools.

States and territories will have the flexibility to manage project variations within a school without seeking approval from DEEWR prior to work on the project variation commencing. Where this occurs, DEEWR must be notified within 21 days of month end, using the DEEWR project variation template.

Variations that fall into this category are where a school has two approved projects with one of these projects resulting in an underspend and the other an overspend, and a variation is required to offset the overspend with the underspend.

States and territories will also have the flexibility to move funding from one school to another where that quantum of funding is up to five per cent of the approved project funding, subject to the funding being tied to an overspend for a specific project at a specific schools. Where this occurs, DEEWR must be notified within 21 days of month end, using the project variation template. The project variation template must be accompanied by written assurance that the appropriate levels of consultation have been undertaken with the relevant school principal/s.

DEEWR's prior approval is required in instances where the quantum of funding to be moved from one school to another is five per cent or more of the approved project. Approval will be subject to:

- the provision of a signed letter from the school principal agreeing to the funding being moved;
 - the funding being tied to an overspend for a specific project at a specific school; and
 - the provision of justification for the overspend.
- Project variations which will be considered include:
- where there is an underspend in one, or more, project/s and these funds are to be reallocated to offset overspend on other project/s in other schools;
 - where an approved project has changes that do not impact on the approved funding allocation, e.g. where a project has underspends and a variation is sought to extend the project within the difference in funding.

States and territories may also seek a variation to the 'other contribution' amount when this amount changes due to the inclusion of a school's own funding contributions.

Priority will be given to the reallocation of underspends from Rounds 1 and 2 towards offsetting overspends in Round 3. In exceptional circumstances, consideration will be given on a case by case basis to states and territories applying to use underspends for project variations other than to offset an overspend in Round 3.

States and territories may seek a variation to an approved project where the approved funding is less than that school's notional allocation; and a signed letter from the school principal agreeing that their school receive a funding amount which is less than the indicative funding allocation for their school has not been received.

The variation may be to either add a second project or increase the scope of the first project. The second project must meet the requirements of the Guidelines and must not result in an increase to approved funding which exceeds the school's notional allocation. Variations of this type must be received by 31 August 2009.

Project Variations under Science and Language Centres for the 21st Century Secondary Schools

It is anticipated that there may be a requirement to vary details of an approved project to accommodate unforeseen circumstances where there is a significant impact on the approved project. For example, where a project design submitted as part of the application and approval process needs to be changed to enable the project to be delivered within the specified timeframe.

In addition, a variation will be required where the final contracted price for the approved project exceeds BER funding approved and the school wishes to contribute their own funding to ensure the scope of the project is not reduced. The variation will identify the contribution.

Project Variations under the National School Pride Program

Any project variation that has an impact on the scope of a project must be approved by DEEWR prior to any work on the project variation commencing. Project variations which will be considered under this category include:

- where an approved project is to be cancelled and replaced with a new project; or
- where an approved project is varied in some way without impacting on the overall BER approved funding for that project.

It is acknowledged that there may be under- or overspends in relation to approved funding allocations and states and territories may, in effectively managing their overall approved BER funding, seek to reallocate funding between projects or between schools.

States and territories will have the flexibility to manage project variations within a school without seeking approval from DEEWR prior to work on the project variation commencing. Where this occurs, DEEWR must be notified within 21 days of month end, using the DEEWR project variation template.

Variations that fall into this category are where a school has two or more approved projects with one of these projects resulting in an underspend and the other an overspend, and a variation is required to offset the overspend with the underspend.

States and territories will also have the flexibility to move funding from one school to another where that quantum of funding is up to five per cent of the approved project funding, subject to the funding being tied to an overspend for a specific project at a specific schools. Where this occurs, DEEWR must be notified within 21 days of month end, using the project variation template. The project variation template must be accompanied by written assurance that the appropriate levels of consultation have been undertaken with the relevant school principal/s.

DEEWR's prior approval is required in instances where the quantum of funding to be moved from one school to another is five per cent or more of the approved project. Approval will be subject to:

- the provision of a signed letter from the school principal agreeing to the funding being moved;
- the funding being tied to an overspend for a specific project at a specific school; and
- the provision of justification for the overspend.

Project variations which will be considered include:

- where there is an underspend in one, or more, project/s and these funds are to be reallocated to offset overspends on other project/s in other schools;
- where an approved project has changes that do not impact on the approved funding allocation, e.g. where a project has underspends and a variation is sought to extend the project with the difference in funding.

States and territories may also seek a variation to the 'other contribution' amount when this amount changes due to the inclusion of a school's own funding contributions.

Obligations on the BGAs

The BGAs will:

1. enter into BGA Funding Agreements with the Commonwealth under which they will receive funding for non-government schools for which they are responsible;
2. administer the funding paid to non-government schools in accordance with the Agreement and these Guidelines and, where notified by the Commonwealth, in accordance with any requirements of the *Administrative Arrangements for Block Grant Authorities 2009* as if references to the Capital Grants Program in those guidelines referred to the BER Program;
3. call for and assess project proposals from non-government schools for each BER element in line with these Guidelines;
4. ensure that the design, application and assessment processes are fast-tracked, with minimal red tape;
5. ensure that they enter into agreements with BGA participants consistent with the requirements of the Funding Agreement between the BGA and the Commonwealth and these guidelines. Without limitation, those agreements will:
 - a. specify that each BGA participant school or system provides evidence to DEEWR of its capital expenditure for the past four years and estimates for the next four years (from 2008 financial statements) – if a BGA Participant School or system spends less than currently committed or planned, this will be taken into account in decisions with respect to that school or system for any future funding under Commonwealth capital programs;
 - b. specify that, for projects covered by the Funding, BGA participants use their best endeavours to give priority in contracting and tendering arrangements to local businesses, and report to the Commonwealth on this;
 - c. specify that the BGA participant will accept and adhere to the reporting requirements as outlined in these Guidelines;
 - d. specify that BGA participants will accept and adhere to branding of the projects, as determined by the Commonwealth.
 - e. contain provisions dealing with repayment of BER funds such that the Commonwealth's right to repayment will be the same as if BER projects were capital projects to which the *Administrative Arrangements for Block Grant Authorities Capital Grants Program for Non-Government Schools 2009*

applied. The terms defined in the Administrative Arrangements (including without limitation, 'Calculated Portion of the Funding' and 'Designated Use Period'), have the same meaning for the purposes of BER projects as for projects under the Capital Grants Program.

6. use their best endeavours to ensure that projects covered by the Funding aim to secure at least 10 percent of the total contract labour hours to be undertaken by apprentices and trainees and those seeking to up-skill, where this does not result in unreasonable costs to business;
7. use a design from the templates submitted to the Commonwealth for each element of BER, where appropriate. BGAs will submit their design templates to the Commonwealth by 19 February 2009;
8. assess proposals and prioritise infrastructure projects and prepare project lists for approval by the Commonwealth; and
9. appoint a BGA coordinator who will coordinate participation in BER for each BGA.

The Commonwealth reserves the right to refuse funding to a BGA or a BGA participant that releases information publicly about BER projects prior to the Commonwealth's approval of projects.

Tendering and Procurement

BGAs must use their best endeavours to ensure that tendering and procurement arrangements for BER funded projects require the projects to demonstrate:

- value for money;
- compliance with any relevant planning requirements; and
- the project is able to be delivered within the required timeframes.

Variations to Project Approvals

To maximise the impact of the BER, project variations will be considered by DEEWR on a case by case basis. Any proposed variation must be consistent with the BER Guidelines.

DEEWR will provide a project variation template for completion for any proposed project variations, including for those which require BGAs to notify DEEWR of a variation rather than seek approval. For those project variations which require DEEWR's approval, a fully completed project variation template must be submitted to DEEWR for approval before any proposed project variation will be considered. DEEWR will assess the project variation against these Guidelines in making decisions about approval.

Project Variations under Primary Schools for the 21st Century

Any project variation that has an impact on the scope of a project must be approved by DEEWR prior to any work on the project variation commencing. Project variations which will be considered under this category include:

- where an approved project is to be cancelled and replaced with a new project; or
- where an approved project is varied in some way without impacting on the overall BER approved funding for that project.

It is acknowledged that there may be under- or overspend in relation to approved funding allocations and BGAs may, in effectively managing their overall approved BER funding, seek to reallocate funding between projects or between schools.

BGAs will have the flexibility to manage project variations within a school without seeking approval from DEEWR prior to work on the project variation commencing. Where this occurs, DEEWR must be notified within 21 days of month end, using the DEEWR project variation template.

Variations that fall into this category are where a school has two approved projects with one of these projects resulting in an underspend and the other an overspend, and a variation is required to offset the overspend with the underspend.

BGAs will also have the flexibility to move funding from one school to another where that quantum of funding is up to five per cent of the approved project funding, subject to the funding being tied to an overspend for a specific project at a specific schools. Where this occurs, DEEWR must be notified within 21 days of month end, using the project variation template. The project variation template must be accompanied by written assurance that the appropriate levels of consultation have been undertaken with the relevant school principal/s.

DEEWR's prior approval is required in instances where the quantum of funding to be moved from one school to another is five per cent or more of the approved project. Approval will be subject to:

- the provision of a signed letter from the school principal agreeing to the funding being moved;
- the funding being tied to an overspend for a specific project at a specific school; and
- the provision of justification for the overspend.

Project variations which will be considered include:

- where there is an underspend in one, or more, project/s and these funds are to be reallocated to offset overspends on other project/s in other schools;
- where an approved project has changes that do not impact on the approved funding allocation, e.g. where a project has underspends and a variation is sought to extend the project with the difference in funding.

BGAs may also seek a variation to the 'other contribution' amount when this amount changes due to the inclusion of a school's own funding contributions.

Priority will be given to the reallocation of underspends from Rounds 1 and 2 towards offsetting overspends in Round 3. In exceptional circumstances, consideration will be given on a case by case basis to BGAs applying to use underspends for project variations other than to offset an overspend in Round 3.

BGAs may seek a variation to an approved project where the approved funding is less than that school's notional allocation; and a signed letter from the school principal agreeing that their school receive a funding amount which is less than the indicative funding allocation for their school has not been received.

The variation may be to either add a second project or increase the scope of the first project. The second project must meet the requirements of the Guidelines and must not result in an increase to approved funding which exceeds the school's notional allocation. Variations of this type must be received by 31 August 2009.

Project Variations under Science and Language Centres for the 21st Century Secondary Schools

It is anticipated that there may be a requirement to vary details of an approved project to accommodate unforeseen circumstances where there is a significant impact on the approved project. For example, where a project design submitted as part of the application and approval process needs to be changed to enable the project to be delivered within the specified timeframe.

In addition, a variation will be required where the final contracted price for the approved project exceeds BER funding approved and the school wishes to contribute their own funding to ensure the scope of the project is not reduced. The variation will identify the contribution.

Project Variations under the National School Pride Program

Any project variation that has an impact on the scope of a project must be approved by DEEWR prior to any work on the project variation commencing. Project variations which will be considered under this category include:

- where an approved project is to be cancelled and replaced with a new project; or
- where an approved project is varied in some way without impacting on the overall BER approved funding for that project.

It is acknowledged that there may be under- or overspend in relation to approved funding allocations and BGAs may, in effectively managing their overall approved BER funding, seek to reallocate funding between projects or between schools.

BGAs will have the flexibility to manage project variations within a school without seeking approval from DEEWR prior to work on the project variation commencing. Where this occurs, DEEWR must be notified within 21 days of month end, using the DEEWR project variation template.

Variations that fall into this category are where a school has two or more approved projects with one of these projects resulting in an underspend and the other an overspend, and a variation is required to offset the overspend with the underspend.

BGAs will also have the flexibility to move funding from one school to another where that quantum of funding is up to five per cent of the approved project funding, subject to the funding being tied to an overspend for a specific project at a specific school. Where this occurs, DEEWR must be notified within 21 days of month end, using the project variation template. The project variation template must be accompanied by written assurance that the appropriate levels of consultation have been undertaken with the relevant school principal/s.

DEEWR's prior approval is required in instances where the quantum of funding to be moved from one school to another is five per cent or more of the approved project. Approval will be subject to:

- the provision of a signed letter from the school principal agreeing to the funding being moved;
- the funding being tied to an overspend for a specific project at a specific school; and
- the provision of justification for the overspend.

Project variations which will be considered include:

- where there is an underspend in one, or more, project/s and these funds are to be reallocated to offset overspend on other project/s in other schools;
- where an approved project has changes that do not impact on the approved funding allocation, e.g. where a project has underspends and a variation is sought to extend the project with the difference in funding.

BGAs may also seek a variation to the 'other contribution' amount when this amount changes due to the inclusion of a school's own funding contributions.

Commonwealth obligations

The Commonwealth will:

1. provide a National Coordinator who will be located in DEEWR to oversee the BER;
2. convene a BER Coordination Group;
3. issue guidance to states, territories and BGAs in relation to the ongoing administration and delivery of the BER;
4. develop an on-line reporting system to be used by all states, territories, BGAs and schools for recording and reporting requirements and for DEEWR to monitor outcomes;
5. facilitate the sharing of design templates submitted by states, territories and BGAs;
6. monitor monthly reporting data from states, territories and BGAs and report on the data to the Minister and the OCG;
7. monitor the implementation of the BER by states, territories and BGAs, including through activities such as desktop monitoring and onsite visits;
8. develop a performance evaluation framework to evaluate the BER against its objectives;
9. provide funding to the states, territories and BGAs as set out in the Bilateral Agreements and BGA Funding Agreements and these Guidelines including a payment of 1.5% of the total funding allocation to cover administrative costs associated with running the application process, all associated administration and reporting under BER; and
10. consider requests for project variations on a case by case basis.

Complaints Management

If a school considers that a proposed allocation of funding under the BER program is not in accordance with the BER Guidelines or a school has complaints about the administration of the BER, the school may put its concerns in writing to the National BER Coordinator who may, where appropriate, after considering the objectives of the BER program and the BER Guidelines, discuss the school's concerns with the relevant state, territory or BGA for the purposes of ensuring that funding is allocated in accordance with the BER Guidelines or to investigate a complaint.

Complaints will be registered on the BER Complaints Register and all complaints will be responded to in writing.

Please address such correspondence to:

Email:

BER@deewr.gov.au

Postal:

BER National Coordinator

Building the Education Revolution

Department of Education, Employment and Workplace Relations

GPO Box 9879

CANBERRA ACT 2601

Schedule A

Reporting Requirements

Background

This schedule sets out the mechanism by which the Commonwealth is establishing oversight and monitoring arrangements to ensure that delivery of the BER through states, territories and BGAs meets timeframes and meets Commonwealth specifications and desired outcomes.

States, territories and BGAs are required to report in accordance with the Monthly Reporting Guidelines provided by the DEEWR on 13 July 2009. The Monthly Reporting Guidelines may be amended from time to time, as required.

The reporting requirements will facilitate timely, regular advice to governments. Use of this information may include but not be limited to:

- a. reporting to the Coordinator General, the Department of the Prime Minister and Cabinet, and COAG on overall program progress;
- b. periodic departmental reporting, including progress against key outputs and outcomes by states, territories and BGAs;
- c. analysis of whether projects are meeting delivery timetables and objectives, and also provide advice on possible strategies and interventions to prevent slippages;
- d. identification of potential issues and constraints across the industry sectors that will be supporting BER and the wider Nation Building stimulus package; and
- e. ad-hoc reporting as required.

The reporting requirements will be in place for the duration of the BER program and will also provide a basis for audits to be conducted in line with sections of the relevant Agreements.

These reporting requirements commence once the Commonwealth, and if required states and territories, approve the projects to be included in BER.

Roles and Responsibilities

The Department of Education, Employment and Workplace Relations (DEEWR)

DEEWR will be responsible for:

- a. developing and maintaining reporting requirements;
- b. provision of reporting tools and templates; and
- c. analysis of data and provision of reports to the Commonwealth.

States, Territories and BGAs

The states, territories and BGAs will be responsible for:

- a. reporting against the commitments outlined in the National Partnership Agreement and the Bilateral Agreements;
- b. either collecting and entering required data for individual projects, or ensuring individual schools do so;

- c. validating accuracy of information provided by schools or other parties;
- d. monitoring the three elements of BER to ensure the program is delivered on time and that it achieves the specified and desired outcomes;
- e. timely identification and advice of program and project slippages;
- f. assisting schools to develop strategies and interventions to rectify the program or project slippages or blockages;
- g. retaining adequate records to demonstrate compliance with obligations under the bilateral agreements;
- h. storing in a secure place not accessible by unauthorised persons and retaining, for a minimum period of seven years from the date the last action is completed, all records for each of the projects funded under BER, in order for the Commonwealth to fulfil its obligations under the *Archives Act 1983*;
- i. keeping financial accounts and records in accordance with Australian Accounting Standards and other applicable accounting requirements; and
- j. ensuring that schools for which they are responsible allow access to the school by an officer of DEEWR, authorised in writing by the BER National Coordinator, to inspect the progress of the project, subject to reasonable notice.

Schools

Schools or where appropriate, systems, will be responsible for:

- a. collection of timely and accurate information prescribed by their state government or BGA;
- b. input to the reporting tools and templates provided by DEEWR;
- c. timely identification of project slippages and issues which could prevent achievement of the specified program outcomes and notification to state, territory or BGA; and
- d. development of strategies or interventions to rectify the project slippages; and
- e. ensuring access to the school by an officer of DEEWR, authorised in writing by the BER National Coordinator, to inspect the progress of the project, subject to reasonable notice.

Key Reporting Requirements

Application phase

In calling for, and assessing, project proposals, the states, territories and BGAs will collect the following information:

- a. project type, e.g. new construction (specify type of facility) or refurbishment;
- b. facility type, using the standard descriptions defined in the Guidelines. However, additional sub-categorisation may be included
- c. building construction considerations including:
 - i. approximate building size (square metres); and
 - ii. construction type (e.g. brick, concrete, timber);
- d. sustainability aspects of projects (e.g. energy efficiency rating, recycled water or other sustainability measures being put in place);

- e. project planning considerations if applicable, and the requirement and status of state or local government planning applications;
- f. estimated start and completion date;
- g. estimated administrative expenditure;
- h. anticipated payment profile, by milestone, over the life of the project (quarterly basis); and
- i. key risks to achieving the project outcomes on time and on budget.

This information will be used to generate reporting about the status of different types of projects included in the program. This information may be updated by schools or states, territories or BGAs (on behalf of schools).

Additional requirements for Primary Schools for the 21st Century projects

Community access:

- a. outline of strategies to promote or advertise community access; and
- b. proposed charges to community for access.

Ongoing Reporting

Periodic reporting will be required on all projects funded under BER. DEEWR will require information on the progress made towards the objectives and outcomes outlined in the National Partnership Agreement and the Bilateral Agreements. States, territories and BGAs may elect to conduct additional reporting.

Required information including:

- a. project expenditure versus budgeted expenditure by milestone – include actual expenditure to date and forecast expenditure for all milestones;
- b. administrative expenditure versus budget;
- c. project schedule versus milestones, including construction commencement and completion. If work-steps such as planning approval are on the critical path, these should be reported on;
- d. jobs supported on the school site by the project. This reporting should be specific to the project and should identify data for overall jobs involved in the project as well as target areas such as apprenticeships or traineeships;
- e. issues of concern and an update on project risks using standardised risk descriptions to be provided. Estimated impact on project schedule, budget and job creation should be provided; and
- f. post-completion community access to the facility, including information on the range of groups using the facility and estimation of the number of hours and cost incurred by the community groups.

Ad hoc Reporting Requirements

It is expected that throughout the program, additional detail may be requested on individual projects. It is likely that this will occur where DEEWR will request information about projects of interest.

Frequency of Reporting

Period reporting or updating will be required monthly within 21 days of the end of the month.

Exception based reporting will be required where there is a material change to either the job support objectives or the schedule for a project. This exception based reporting should be provided to the government no later than five working days after the identification of the issue.

States, territories or BGAs may undertake additional reporting if required.

Definitions

Schools Assistance Act 2008 – Administrative Guidelines: Commonwealth Programs for Non-government Schools, 2009-2012

Guidelines are available at:

http://www.dest.gov.au/sectors/school_education/programmes_funding/forms_guidelines/quadguide/default.htm

For the purposes of the BER, the following definitions will apply:

Australian Apprentice is a person who is:

- A signatory to a training Contract registered with, and validated by, a State or Territory Training Authority and employed under an award, registered contract or other contract of employment;
- Involved in paid work and structured training which commonly includes a combination of both on and off the job training; and
- Undertaking a negotiated training program responsive to client choice that involves obtaining a nationally recognised qualification, meeting a specified package of endorsed units of competency.

In some states and territories, Australian Apprentices are known as trainees or apprentices.

completion: a project will be deemed complete when works are finalised and the building/equipment is fit for use.

construction commencement: for the purposes of *Primary Schools for the 21st Century* and *Science and Language Centres for 21st Century Secondary Schools*, commencement of construction will be defined as actual work undertaken on site at a school.

jobs supported: average daily number of on-site workers for the duration of the project. Data will be reported at the commencement of a project.

project acquitted: a project will be deemed acquitted when all works are completed and all outstanding monies are paid.

primary school:

1. A non-government school in a state (which includes, for the purpose of these guidelines, the Northern Territory and the Australian Capital Territory) delivering a level of primary education as determined by the Minister under the *Schools Assistance Act 2008*; but does not include a school, however described, in a territory of the Commonwealth of Australia other than the Northern Territory and the Australian Capital Territory; or
2. A government school in a state (which includes, for the purposes of these guidelines, the Northern Territory and the Australian Capital Territory) which is recognised by the relevant state as a primary school in that

state, but does not include a school, however described, in a territory of the Commonwealth of Australia other than the Northern Territory and the Australian Capital Territory.

primary school student: a primary school student is defined as a student enrolled and active in pre-year 1 onwards (Year 1 minus 1).

State or Territory	Level of Primary Education
NSW	Pre Year 1 - 6
Victoria	Pre Year 1 - 6
Queensland	Pre Year 1 - 7
Western Australia	Pre Year 1 - 7
South Australia	Pre Year 1 - 7
Tasmania	Pre Year 1 - 6
Northern Territory	Pre Year 1 - 6
ACT	Pre Year 1 - 6

distance education students: Schools with distance education students will be able to apply for funding under the *National School Pride* program and the *Primary Schools for the 21st Century* element on a case by case basis.

maximum Indigenous school: A school that has eighty per cent (80%) or more Indigenous full time enrolments, both the primary and secondary components will be included under P21.

secondary school:

1. A non-government school in a state (which includes, for the purpose of these guidelines, the Northern Territory and the Australian Capital Territory) delivering a level of secondary education as determined by the Minister under the *Schools Assistance Act 2008*; but does not include a school, however described, in a territory of the Commonwealth of Australia other than the Northern Territory and the Australian Capital Territory; or
2. A government school in a state (which includes, for the purposes of these guidelines, the Northern Territory and the Australian Capital Territory) which is recognised by the relevant state as a secondary school in that state, but does not include a school, however described, in a territory of the Commonwealth of Australia other than the Northern Territory and the Australian Capital Territory

School of the Air: schools of the air are eligible for funding on the basis of the school FTE (including students who do not attend the school campus everyday).

special education: education under special programs, or special activities, designed specifically for students with a disability.

special school: a school that has been recognised by the State Minister as a special school and provides special education.

