



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**VICE PRESIDENT HATCHER  
DEPUTY PRESIDENT DEAN  
COMMISSIONER SAUNDERS**

**C2013/6333 AM2018/9**

**s.302 - Application for an equal remuneration order**

**Application by the Independent Education Union of Australia  
(C2013/6333) (AM2018/9)**

**Sydney**

**10.04 AM, THURSDAY, 13 JUNE 2019**

**Continued from 12/06/2019**

PN1176

VICE PRESIDENT HATCHER: Ms Shaw, you now appear for the AFEI?

PN1177

MS SHAW: Yes, that's correct, thank you.

PN1178

VICE PRESIDENT HATCHER: Thank you. Mr Fagir.

PN1179

MR FAGIR: If the Commission pleases, before Mr Taylor calls his first witness can I deal with a couple of matters of timing now. I referred yesterday to a decision on which the Commission made two public sector reference awards. I've just provided now a copy of the decision. Secondly, I handed up an aide memoire containing what we say are the rates for early childhood teachers by comparison with other professionals. I didn't ask the Commission to do anything particular with it. It might be useful to mark it as a matter of convenience.

PN1180

VICE PRESIDENT HATCHER: I don't think that's necessary, Mr Fagir.

PN1181

MR FAGIR: If the Commission pleases. Thirdly, it occurred to us yesterday at the end of the day that both sides have rather launched into the evidence and cross-examination on matters of detail in relation to the regulatory framework and so on and Mr Taylor spent some time dealing with that a year ago, neither side has done it again now. I just indicate that from our point of view, if your Honours wish to refresh your memory or learn about these things in outline, I suspect some members of the Bench are better informed about these issues than others.

PN1182

The statement of Mr J Fraser filed by my client we say is the easiest starting point and the place where the framework is set out in what we would regard as the most straight forward way. So if your Honours wish to look for the framework somewhere that would be the best place. There are two. I'm talking about Mr Fraser's first statement dated 25 May 2018 which was filed in the ERO proceedings.

PN1183

VICE PRESIDENT HATCHER: Well, that's something that could usefully appear in the forthcoming agreed statement of facts which no doubt someone will tell me about at some stage during the day.

PN1184

MR FAGIR: Yes. Finally, I said in my opening yesterday that the more prosaic detail of the work was addressed in our evidence and could I just identify a bit more precisely where that is. Statement of Ms Toth deals with the routine at her service from 115 onwards. Ms Viknarasah deals with it at 114 and onwards. Ms Kearney deals with it at 143 onwards. Ms Hands at 96 and following and Mr Salt

deals with the daily routine in respect of ECEC at 29 and then he deals also with primary school from 39 onwards. Commission please.

PN1185

VICE PRESIDENT HATCHER: Mr Taylor.

PN1186

MR TAYLOR: Thank you, your Honour. We did have a conversation with Mr Fagir yesterday afternoon about agreed facts and we identified some broad areas which might be included in such a document. The task of commencing the drafting of that hasn't occurred yet and the parties are understandably focused on the witness evidence at the moment. But I think there's a general position that it would be useful to do what could be done to condense agreed facts without that turning itself into a major exercise for areas of disagreement. It might be easier to simply identify what they are rather than spend time trying to fine tune specific facts in those areas, but there are a number of areas where we don't think there's any room for disagreement that could be usefully reduced to a document. We've added that to our list of things to do.

PN1187

One area which I turn looking at the commonwealth is of some complexity and which the commonwealth has some expertise in is funding, and to the extent to which this document tries to explain on an agreed basis how early childhood is funded may well benefit from input from the commonwealth. We were going to raise that with them at an appropriate time.

PN1188

We now are in a position to call our next witness, Professor Tania Aspland.

PN1189

THE ASSOCIATE: Can you please state your full name and address for the record.

PN1190

PROFESSOR ASPLAND: Tania Lee Aspland, (address supplied).

**<TANIA LEE ASPLAND, SWORN** [10.10 AM]

**EXAMINATION-IN-CHIEF BY MR TAYLOR** [10.10 AM]

PN1191

MR TAYLOR: Professor Aspland, you have prepared for the purpose of these proceedings as two page, eight paragraph statement dated 22 November 2018 that has a number of attachments. Is that right?---Yes, that's correct.

PN1192

Do you have a copy of that there with you?---I do.

\*\*\* TANIA LEE ASPLAND

XN MR TAYLOR

PN1193

Is the first of those attachments an expert report dealing with the subject matter of changes in teachers work over a period from 1998 to 2018?---That's correct, yes.

PN1194

Can I just take you to one paragraph in that report and a final sentence. If you go to paragraph 7.4, is it the case that the final sentence which is incomplete you didn't intend to include and can effectively be disregarded. That's the sentence that starts, "Howard's ministers"?---Yes, please if we could delete that, that would be great thank you.

PN1195

Professor, do you say that the contents of your statement and the opinions expressed in the report are true and correct to the best of your knowledge and belief?---Yes, I do.

PN1196

I tender that statement and its annexures.

PN1197

VICE PRESIDENT HATCHER: The statement and report of Tania Aspland dated 22 November 2018 will be marked exhibit 15.

**EXHIBIT #15 WITNESS STATEMENT AND REPORT OF TANIA ASPLAND DATED 22/11/2018**

PN1198

MR TAYLOR: Professor, I just want to ask you just a few questions about your curriculum vitae. You give a potted summary of it in paragraph 6 of your statement. You have been a professor in education since 2004?---Yes, that's correct.

PN1199

You've been a professor firstly in Perth, then on the Sunshine Coast and then in Adelaide?---That's correct, yes.

PN1200

Three different universities, and then in 2013 you took up a role with the Australian Catholic University. What was the nature of that role?---When I first arrived at the Australian Catholic University I took up a role as the national head of education and then was promoted to executive dean of the Faculty of Education and Arts.

PN1201

What was the responsibilities you had in that role of dean?---So the responsibility in that role was primarily around course development and delivery. There was a governance role but because our vice chancellor was the chair of the initial teacher education review, my efforts were quite concentrated in writing new programs for initial teacher education.

\*\*\* TANIA LEE ASPLAND

XN MR TAYLOR

PN1202

Those initial programs for initial teacher education, they cover each level of teacher education?---Yes, the birth to eight, primary and secondary.

PN1203

So just to understand, is that three different degrees?---Well, there are a number of degrees. It's three different sectors and students can engage in undergraduate programs or postgraduate programs in each of the sectors. Either early childhood, primary or secondary.

PN1204

At undergraduate level, what are the three degrees?---So there's the Bachelor of Education either early childhood, primary or secondary, there are some combined degrees such as the Bachelor of Arts and Bachelor of Education where they study content and then pedagogy and curriculum and the Master of Teaching, although it has a postgraduate nomenclature it is actually an initial teacher preparation program for graduate students.

PN1205

Then in 2018 you've taken on a different role. What's that role?---So my role currently is an advisory role to the vice chancellor around policy and strategy as it relates to initial teacher education.

PN1206

Thank you. They're our questions.

PN1207

VICE PRESIDENT HATCHER: Mr Fagir.

**CROSS-EXAMINATION BY MR FAGIR**

**[10.14 AM]**

PN1208

MR FAGIR: Thank you. Professor, can I ask you firstly about the matters addressed at the very beginning of your report in relation to the mainstreaming of the introduction of special needs schools into the mainstream classroom?---Yes.

PN1209

I can see you've dealt with that although the heading is numbered 1, the paragraphs are 2.1 through to 2.3?---Yes.

PN1210

Would you agree with the proposition that there is a number of changes that have accompanied the mainstreaming of special needs students, not simply that students were introduced into mainstream classrooms but there were other initiatives that accompanied that step?---Do you mean in the schooling sector or in the broader society?

PN1211

In the schools?---In the schooling sector, yes.

\*\*\* TANIA LEE ASPLAND

XXN MR FAGIR

PN1212

You refer in your report to, in broad terms, to increased resources and teacher aids?---Yes.

PN1213

And that's one of the developments that went hand in hand with the mainstreaming of special needs students?---Yes, that's correct.

PN1214

Apart from the broad reference that I've just identified you haven't actually delved into the detail of the matters that travelled with the mainstreaming of special needs students?---Mm-hm.

PN1215

And you'd agree with me, I think, if I suggested to you that paragraphs 2.1 through to 2.3 are not a fulsome exploration of this issue of mainstream students and the changes that have accompanied that?---That's correct. It introduces the key issues.

PN1216

Professor, at the final sentence of paragraph 2.1 you say this - having said something about mainstreaming, and you say that:

PN1217

*This was highly demanding for teachers who previous to this had very few challenges in their classrooms, either intellectually or from a management perspective.*

PN1218

Do you see that?---Mm.

PN1219

That's not right, surely?---Well, it is correct when you're looking at the challenges that disabled children bring to a classroom. Prior to the integration students with an IQ of 70 were removed from mainstream classrooms and placed in special schools. With the closing down of special schools and the re-integration of children with disabilities into classrooms a new set of problems came. Prior to that the major responsibility of teachers was to disseminate and deliver content to the class. It was tested every six weeks or as long as the class fell within the normal bell shaped curve a class was considered normal. I don't support normativity but that was the term used at the time.

PN1220

Yes. Should we read the sentence as dealing with the set of challenges that travelled with special needs students as opposed to the proposition that teachers had no challenges at all in the classroom?---I don't think I say teachers had no challenges in that text. I said they have very few challenges in their classroom, and that I would consider that a very accurate statement in terms of teaching prior to the integration of special needs children.

\*\*\* TANIA LEE ASPLAND

XXN MR FAGIR

PN1221

I see. Could I ask you some questions about section 4 of your report, The Modification of Assessment Requirements Due to the Renewed Focus on International and National Testing?---Yes.

PN1222

One of the things that you say is that:

PN1223

*Testing discourse requires that teachers become upskilled in test design, test implementation and test interpretation. This has required a good deal of professional training for teachers.*

PN1224

You see that in paragraph 4.2?---Yes.

PN1225

Teachers have always tested students, have they not?---They have, but they've only tested content from their own lay person's perspective, because teachers have not been, whilst they're educationalists, they have not been assessment experts or test designers. So prior to this period teachers tested their own content so they would teach A, B, C, D, they would test A, B, C, D, and if the person didn't pick up C they would re-teach it. So it was very much from a content perspective. It wasn't around the use of psychometric tests.

PN1226

It is now more - well, the process involves more of a psychometric analysis now - - -?---Absolutely, yes.

PN1227

- - -than it did before in your - - -?---It does indeed.

PN1228

I see. What's so complicated about the interpretation of test results?---So if you are a psychometrician, you actually studied a course around psychometric analysis, so it's a more scientific form for of testing. It is based on norms and deviations. There are a number of complex formula that have to be put into place to understand how the test was designed, how the test is interpreted and how the test - how you make really instructive decisions around the test data from a psychometric perspective.

PN1229

Presumably there is some assistance from software of statistical programs or something of that nature?---Well, interesting you say that, because there's actually not, and what has happened up until recently that teachers have been struggling with how to read the test data and what to do with it in terms of their instruction. What you'll find in schools more recently is the introduction of a consultant who will meet with staff and actually train them how to read the design of the test, to read the interpretation of the findings and then how to turn that into an instructive mode.

\*\*\* TANIA LEE ASPLAND

XXN MR FAGIR

PN1230

I see. At paragraph 4.4 of the report, Professor, you use the phrase "overcrowded curriculum"?---Mm.

PN1231

What do you mean by that?---So over the years, and this goes right back to 1980, people have tried to put together an Australian curriculum, so prior to that there was state based curriculum that was kind of content based, maths, language, social studies, a bit of arts. There's been this push from Malcolm Skilbeck's day to have a national curriculum and that's had several iterations. Now with all the states coming together and all the experts across all of the educational sectors everybody wants their bit in the curriculum and under the leadership of ACARA I think that was a big mistake that everybody's view was crowded into the curriculum, so the Australian curriculum from an international perspective is conveyed as one of breadths not depth. So it's very crowded. It's got little bits of everything in it rather than a few elements of substance.

PN1232

What's the significance of that fact from the perspective of the teacher delivering the curriculum?---So the teacher does not have in the primary and the early childhood area in particular hasn't been prepared to teach deeply in all of the curriculum areas that are required. So this means for them that they have to go off and do extra study or they feel stressed about not having the depth of knowledge to teach the curriculum areas and, as you would know, in the early childhood and primary sectors there are not many specialist teachers to assist teachers to gain that depth of understanding of content.

PN1233

In a discussion of the curriculum later in your report you describe the introduction of curriculum coordinators to assist teachers in interpreting the Australian curriculum?---Mm.

PN1234

From a lay perspective if one goes to the website - - -?---Yes.

\*\*\* TANIA LEE ASPLAND

XXN MR FAGIR

PN1235

- - -of the Australian curriculum it seems to be broken down quite specifically into subject areas, levels and then broken down even further. It seems as though, at least in the untrained eye, that one would go in, work out what level one is teaching and what outcome one is pursuing and simply deliver the content that appears under that sub-part. Do you say it's more complicated than that?---Well, it is, and the perspective that you've just presented, with respect, is that of a secondary teacher who are content experts. In the early childhood and primary sector the priority is human development, holistic development, and integrated teaching, so we start with the child, not the content. So if you have a group of children of 15 to 25 in one classroom they are all at different developmental areas, so some are very advanced in their thinking, some are limited in their thinking, so around mathematics and literacy you might have a number of programs in mathematics for one group of children, a number in literacy, and then of course



you've got to go into the area of social sciences, arts, health, phys ed, and so it's not as though you' take a chunk of knowledge and introduce it. You are actually looking at the developmental needs of each of the children in early childhood and primary and trying to align their development with what's in the curriculum.

PN1236

I see?---So it's a much more selective process.

PN1237

It's part of the reason why curriculum coordinators are required or at least used to some extent to assist teachers in delivering the Australian curriculum?---Correct.

PN1238

Professor - - -?---They're limited though. I would like to add that they are very limited, the numbers of those peoples in schools.

PN1239

I see. Perhaps it depends on the size of the school, and there might be other factors that might determine whether there would or would not be a curriculum coordinator in - - -?---It's a multi-faceted problem, yes.

PN1240

In part 6 of your report, Professor, you deal with increased regulation of the profession?---Yes.

PN1241

Under that heading you say some things about the Australian professional standards for teachers. One of the things that you have said, Professor, at paragraph 6.5 is that having described the standards you point out that AITSL and the state regulatory authorities are having difficulty in engaging teachers with the mandated standards whilst they are already preoccupied by other matters which you identify.

PN1242

AITSL is the Australian Institute of Teaching - - -?---And school leadership.

PN1243

- - -and School Leadership. And it is the agency that administers the standards; is that right?---That's correct.

PN1244

And the agency has from time to time published reports dealing with the progress of the implementation of the standards?---That's correct.

PN1245

I just want to, Professor, put to you some of the propositions which appear in the reports, and I'm not asking you whether they're in the reports. I just want to know whether you would agree or disagree with each of these propositions?---Mm-hm.

\*\*\* TANIA LEE ASPLAND

XXN MR FAGIR

PN1246

Firstly, AITSL is quoted, presumably with approval, from a journal article by Darling-Hammond and Lieberman, *Teacher Education Around World Changing Policies and Practices*, and the quote is to this effect:

PN1247

*The critical question for the teacher standards movement is how the standard will be used, how universally they will be applied, and how they may lead to stronger learning opportunities and more common sets of knowledge, skills and commitment across the profession.*

PN1248

Is that a statement that you would agree with?---Yes.

PN1249

Elsewhere in one of its reports, the agency says this:

PN1250

*For the standards to have an impact they will need to be implemented by teachers.*

PN1251

You would agree with that?---I would.

PN1252

And:

PN1253

*Ultimately successful implementation of the standards will be defined by whether there were consequential changes in teaching practice that would have an impact on student learning.*

PN1254

You would agree with that?---Agree.

PN1255

Finally, not finally, next, the agency says this on its review:

PN1256

*There's a variation in the processes used and the evidence expected of teachers depending on the teacher's place of employment and/or the sector or jurisdiction in which the process is undertaken.*

PN1257

The panel which published this report found that this negatively affects both confidence in the consistency of outcomes and the standard required to gain full registration. Would you regard that as a fair statement?---Yes. I'd like to comment on that one later if I could, please.

PN1258

Certainly. Next, would you agree with this statement:

\*\*\* TANIA LEE ASPLAND

XXN MR FAGIR

PN1259

*While teachers have positive attitudes towards the standards findings show that they are less motivated to use the standards at this stage of implementation. A possible reason for this is that the connection between the standards and the work of teachers' student learning outcomes or school change has not been made evident enough at this stage.*

PN1260

And I should say "this stage" was 2014?---Mm.

PN1261

Bearing that in mind would you agree with those propositions that I've just read out?---Not the last one. I think we've had an evaluation of the standards since then that has proved different reasons for disengagement with the standards.

PN1262

I see. As at 2014 are you aware that - is this your understanding, that AITLS research suggested that only about half of teachers actually said that the standards informed their practice?---In 2014 that's correct, but there has been an evaluation completed by Janette Clinton and her team from Melbourne University that has shown that has changed in more recent years.

PN1263

Janet Clinton?---Clinton, C-l-i-n-t-o-n.

PN1264

So a change in what way?---That there is greater engagement than there was in that - when that report was written by Linda Darling-Hammond.

PN1265

Thank you. Thank you, Professor. Thank you, your Honours, that's the end of my questions.

PN1266

VICE PRESIDENT HATCHER: Any re-examination?

**RE-EXAMINATION BY MR TAYLOR**

**[10.29 AM]**

\*\*\* TANIA LEE ASPLAND

RXN MR TAYLOR

PN1267

MR TAYLOR: Just two matters. Just, firstly, you indicated that of the five propositions you wanted to say something by way of comment on the fourth. What was that?---So I think that - and it relates to my comment about the more recent report, that the people they examined for that survey were pre-service students and policy makers, and of course they had the time to engage with the standards. The teachers, that what we've realised more recently, is that teachers aren't against the standards. In fact, they see that the standards are bringing a necessary recognition of complexity and quality to the profession. Their argument is that they haven't got time to engage with the standards because of the intensity of the work that they're doing in the classroom, so they like the standards. They wished they had more time to engage with the standards, but they

just don't have the time. Could I add to that too? Sorry, just very quickly, in the early childhood context when the standards were written, and this is very important, in their original form they were about schools and teachers, and the early childhood sector was disconnected from that. And this recent report has said that as we move forward we have to start talking about in the standards educators that we are inclusive of early childhood educators and educational centres as well as schools, so the disconnect between the early childhood profession and the standards was quite large initially because it was written by school teachers for school teachers. In more recent times that's been altered.

PN1268

In what way has it been altered?---It's more inclusive in its language of the early childhood sector and thus we would hope there would be a greater allegiance from the early childhood sector with the standards than there previously was.

PN1269

So when you say there has been alteration to the standards, what are you referring to?---No, to the wording in the standards. So in the standards when they talk about teachers and schools, the early childhood profession has now asked AITSL to refer to teachers and early childhood educators or more generically educators and to stop referring only to schools but to be inclusive of early learning centres in their different iterations.

PN1270

And that's a change that has occurred?---It's in the pipeline. If you read the standards online now it is still exactly the same, but in the next iteration that will be more explicit.

PN1271

Yes. And one other minor matter, there was a reference that Mr Fagir made to curriculum coordinators being a feature in some schools and he suggested to you there might be factors which would suggest they might be present in some environments rather than others. Where will one find curriculum coordinators - - -?---Yes.

PN1272

- - -and where will one not given the early childhood, primary and secondary school levels?---So, look, the easiest way to explain it is there's a bag of money given to a school, and staffing results from that bag of money, and what a principal might say is, "I'm going to relinquish four teacher aids and put in a curriculum coordinator". In another school they'll say, "We can't relinquish those four teacher aids. We can't have a curriculum coordinator", so it comes down to where the priorities of a school principal or an early childhood centre director makes the decision.

PN1273

Yes. They're our questions.

\*\*\* TANIA LEE ASPLAND

RXN MR TAYLOR

PN1274

VICE PRESIDENT HATCHER: So, Mr Fagir, did you - you were about to leap to your feet?

PN1275

MR FAGIR: No.

PN1276

VICE PRESIDENT HATCHER: No.

PN1277

MR FAGIR: No, no, I'm quite relaxed.

PN1278

VICE PRESIDENT HATCHER: Thank you for your evidence, Professor Aspland. You're excused and free to go?---Thank you very much, everyone.

**<THE WITNESS WITHDREW**

**[10.33 AM]**

PN1279

MR TAYLOR: If we could ask the Commission to take an early and slightly extended morning tea break. We had anticipated that Professor Aspland might give evidence till about 11 and our next witnesses we're expecting at around that time. If we could indicate to your Honour's associate when that witness is here?

PN1280

VICE PRESIDENT HATCHER: So if we adjourn to not before 11?

PN1281

MR TAYLOR: If that's convenient, yes.

PN1282

VICE PRESIDENT HATCHER: Yes, all right.

PN1283

MR TAYLOR: Thank you.

PN1284

VICE PRESIDENT HATCHER: We'll adjourn.

**SHORT ADJOURNMENT**

**[10.33 AM]**

**RESUMED**

**[11.10 AM]**

PN1285

VICE PRESIDENT HATCHER: Mr Taylor.

\*\*\* TANIA LEE ASPLAND

RXN MR TAYLOR

PN1286

MR TAYLOR: Yes, if it please the Commission, we have two further witnesses scheduled today. We are again progressing much more efficiently than we had timetabled so both of them which were due this afternoon have been asked to

come earlier. Dr Keith Heggart is our next witness and followed by Lauren Hill. Mr Fagir has been good enough to indicate the length of cross-examination of both will mean that we will complete the witnesses we had scheduled for today by lunch time and I've indicated to him that over the course of the next 24 hours we need to have a serious discussion so that we do our very best to ensure that we use the Commission time most efficiently as we can over the next couple of weeks with the balance of our witnesses.

PN1287

That will necessarily mean some changes to the timetable. He's been good enough to already indicate there's at least two witnesses who he won't need at all, so we will aim to try and provide a fresh witness timetable to the Bench during the course of tomorrow.

PN1288

VICE PRESIDENT HATCHER: Thank you.

PN1289

MR TAYLOR: If I could now call Dr Keith Heggart. Just pausing Keith, do you have a copy of your statement with you?

PN1290

DR HEGGART: Yes.

PN1291

THE ASSOCIATE: Can you please state your full name and address for the record.

PN1292

DR HEGGART: Keith Robert Heggart, (address supplied).

**<KEITH ROBERT HEGGART, SWORN [11.12 AM]**

**EXAMINATION-IN-CHIEF BY MR TAYLOR [11.12 AM]**

PN1293

MR TAYLOR: Dr Heggart, you have prepared have you and signed a statement for the purpose of these proceedings?---I have.

PN1294

It's a statement that addresses a range of changes to skills and complexities of work of Australian school teachers that you've observed through your teaching experience. Is that right?---Yes.

PN1295

Also through your work as a lecturer and a student with academia?---Yes.

PN1296

Also through your experience as an organiser with the applicant union?---That's correct.

\*\*\* KEITH ROBERT HEGGART

XN MR TAYLOR

PN1297

You have a copy of that statement with you?---I do.

PN1298

I think there is a couple of things that need to be updated and one correction. Firstly, can I take you to paragraph 2(g). At this point you are setting out your previous teaching experience and it commenced - you commenced as a high school teacher in 2010?---At McCarthy Catholic College, yes.

PN1299

I should correct - I should just say you started rather, I got the date order wrong. You started as a casual teacher in 2002?---Correct.

PN1300

So you were a high school teacher from 2002 through to 2014?---Yes.

PN1301

In the various locations that you've identified in paragraph 2 and that completed during a four year period ending in 2014 when you were at McCarthy Catholic College?---That's correct.

PN1302

One of the positions you held in that period has been set out there in 2(g) but you also held other positions during that four year period?---That's correct.

PN1303

Did they include an online learning coordinator?---Yes.

PN1304

Also an administration coordinator?---That's correct.

PN1305

In 2014 you became an organiser with the IEU New South Wales?---The start of 2015.

PN1306

What's the geographic area that you have worked in since that time?---I've worked in two. We call them our Cumberland and Ku-ring-gai branches. So Cumberland covers an area that's largely greater Parramatta and Ku-ring-gai covers what's called the diocese of Broken Bay. So Aurora all the way down to Wahroonga.

PN1307

In that role is it very much your role that you go and visit teachers in schools?---Yes, absolutely. I spend most of my time in schools talking to teachers.

PN1308

What types of schools do you visit?---Primary, secondary and I also visit early childhood centres.

\*\*\* KEITH ROBERT HEGGART

XN MR TAYLOR

PN1309

Then finally, you tell us in paragraph 5 that you have been a casual lecturer at UTS. Since you prepared this statement, you have continued to do that. What subjects are you currently teaching?---Currently I'm teaching four subjects: (indistinct) in the context of contemporary society; social and environmental education II; student welfare: implications for teaching and learning; and philosophical and ethical practice in education.

PN1310

Now, having updated the statement and corrected it in part in respect of 2(g), with that evidence in mind, do you say that the contents of your statement are true and correct to the best of your knowledge and belief?---I do.

PN1311

I tender that statement.

PN1312

VICE PRESIDENT HATCHER: Yes, so the statement of Keith Heggart, dated 21 November 2018, will be marked exhibit 16.

**EXHIBIT #16 WITNESS STATEMENT OF KEITH HEGGART  
DATED 21/11/2019**

PN1313

MR TAYLOR: No further questions.

PN1314

VICE PRESIDENT HATCHER: Mr Fagir.

**CROSS-EXAMINATION BY MR FAGIR**

**[11.16 AM]**

PN1315

MR FAGIR: Mr Heggart, could I just ask you a couple of questions about your work history set out originally at 2(g)? You were, among other things, teaching and learning coordinator at McCarthy Catholic College. Is that a curriculum coordinator or is that a different - - -?---No, it's different to the curriculum coordinator. It's a three-point role that worked alongside the curriculum coordinator.

PN1316

What does the teaching and learning coordinator do?---In that role I looked after all of the programs related to improving the quality of teaching and learning at the school.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1317

What did that actually involve?---It involved organising and working on professional development; it involved interpreting and analysing data and determining programs for applying what we found out about that data; looking at things like the wrap in the smart data from the HSC and the NAPLAN analysis;



looked after maintaining the accreditation requirements and assisting teachers to do that, and also resourcing.

PN1318

What about the online learning coordinator position?---In 2010, when I took on that role, we had recently deployed a learning management system in LMS and part of my role was to assist teachers in making use of that LMS effectively.

PN1319

Was that Google Classroom or Moodle or is that - - -?---At that time it was Moodle. We called it McMoodle.

PN1320

Why did you call it McMoodle?---Because we were McCarthy Catholic College.

PN1321

I'm sure you have nothing to fear from McDonalds. Now, Moodle is a program that is available through a website, is that right, or an interface that is accessible through a website?---It's an open source application that is hosted on a website, or a server, more correctly.

PN1322

The interface allows teachers to do things like upload items, articles, whatever it is that they want students to look at?---That and quite a lot more, yes.

PN1323

For example, it also allows students to upload assignments to be marked - - - ?---Correct.

PN1324

- - - and a variety of other things. If I'm understanding your statement correctly, you're not suggesting that Moodle itself has made the job more difficult but if I've understood your statement correctly, you're saying there is a level of educational familiarisation that is necessary for teachers to be able to use the interface effectively?---I think teachers need a different set of skills to use it effectively than they might otherwise have.

PN1325

You say that on the basis that face-to-face teaching, in your view, involves a different set of skills to teaching through something like Moodle or Google Classroom?---Yes.

PN1326

You refer, Mr Heggart, to a document described as a work practice agreement. Do you have an iPad in front of there?---Yes.

PN1327

Could you go to document 219?---Yes.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1328

You already have it, do you?---Yes.

PN1329

You're a step ahead. I'll just wait for the Bench to catch up. Would you mind, Mr Heggart, travelling to clause 3.1 of that document?

PN1330

VICE PRESIDENT HATCHER: I think we're all there, Mr Fagir.

PN1331

MR FAGIR: Very good - now, Mr Heggart, I think I just said 3.1. That's wrong. Do you mind starting at 2.3, Class Groupings, at page 0343. Would you go to table one on page 344; a table that's labelled, "Large Class Groups"?---Yes.

PN1332

If I'm reading this document correctly, there is there a provision for the level of support which is anticipated to be provided to teachers who have classrooms of various sizes?---Correct.

PN1333

Setting aside the composite classes, for example, any class size to 26, this document would not anticipate there would be specific large class group support. Am I reading this correctly?---Yes.

PN1334

Then there is a scale which varies as between different years but it deals with the position all the way up to class sizes of 34 students?---Yes.

PN1335

Can we take it that there are, from time to time, classes which will include up to 34 students?---Unfortunately so.

PN1336

I'm sorry - clause 3.3 on red number 0348 - - -

PN1337

VICE PRESIDENT HATCHER: Sorry - when we talk about, "support", are we talking about, what, teachers' aides, are we?---Usually, yes.

PN1338

What page, Mr Fagir?

PN1339

MR FAGIR: The next clause is 3.3 on bundle page 0348. Mr Heggart, there is there an expression of a general principle that years 7 to 10 classes should be limited to 30 students and for the last two years limited to 25?---As a general principle, yes.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1340

There are occasions on which there might be more but this is the general - - -?---In my experience, it happens more often than not.

PN1341

That the classes are above the - - -?---What often happens, you'll find, is that if you look on the next page it talks about staffing flexibility and what often happens is that to run specific electives in the senior years, they will boost junior classes so they're quite large, so that smaller senior classes can run.

PN1342

I see - although the ambition of the general principle is that those classes be no more than 30, your experience is that they can be, more often than you'd like - - -?---For example, I was at St Andrew's College, Marayong, where in years 7 to 10 - or just year 7 - all six of the classes are over 30.

PN1343

I see. Can I ask you about a different topic, Mr Heggart. It's one that you deal with at various points, including at paragraph 17?---Of my statement?

PN1344

Your statement, yes - you can put the iPad to one side. At the beginning of paragraph 11 you deal with technological change. By paragraphs 16 and 17 you're dealing with digital tools and online access. If I've understood your point correctly the proposition is that schoolteachers - part of a schoolteacher's function is to now instruct students in relation to online etiquette, including social media usage?---Yes.

PN1345

You state something that you say has created new challenges which didn't exist before Facebook and Instagram and - - -?---Absolutely, yes.

PN1346

- - - Snapchat and so on came along. Your view is this is squarely within the remit of the schoolteacher?---It's not my view. It's a requirement of the office of the children's guardian requires teachers - schools and school systems - to cover some of this material.

PN1347

That's a document that you have referred to in your statement, is it: "Learning for the future - digital citizenship"?---That's the Department of Education's one, yes.

PN1348

That is a different document, is it?---Yes.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1349

What is ClassDojo?---ClassDojo is a behavioural management tool in which teachers can set up a class on the website and it has aps and things like that where they enter students details. Then depending on what the student does during class or for homework they can get certain points, and often teachers use it to manage student behaviour, to reward good behaviour, to take off points for, you know,

poor behaviour and then that is often opened out to parents who can see how their particular child is performing.

PN1350

This is a modern version of putting stickers on assignments and so on is it?---No, it's a little more sophisticated than that and it's also a little more public than that.

PN1351

Perhaps on the topic of social media usage online and etiquette at paragraph 19 you say something about the incidents of cyber bullying?---Yes.

PN1352

Bullying of course has always been an issue in schools back to Tom Brown School Days and probably earlier. You say there's some qualitative issue between the issue of cyber bullying and bullying as it's existed for all those years?---Absolutely, yes.

PN1353

Could you explain why?---The differences I think are in scale and risk, you know. So traditionally bullying was something that might have been confined to the school yard or the local community. However, now because of the global scope of social media it can extend far, far beyond, you know, the local community. In addition, there's additional kind of risks that come with it, you know, which is to say things like identity theft is a genuine risk. You know, where students - and I remember this happened when I was teaching at St Marks. Students will set up fake profiles pretending to be another student and then they'll friend all of that other student's friends and say quite horrible and nasty things. Part of my role as the leader of learning at St Marks was to investigate, take action and to try to resolve those matters.

PN1354

Another topic you deal with particularly at paragraph - well in a number of paragraphs is the - what you say is increased accountability of school teachers and in particular you describe something called the darker wall. Am I understanding this correctly that the darker wall is a wall or some kind of graphical representation of the progress of students, particular students over time?---Yes. Usually - and this is something that we've seen particularly in the Diocese of Parramatta. So for example yesterday I was at Our Lady Queen of Peace in Greystanes and one whole side of the staff room is covered in little coloured tags, each with the student's face on it, and those students and their position up and down the wall and left to right on the wall changes depending on their performance in the most recent assessment tasks.

PN1355

Is the measure of performance the results of standardised testing which you have described in your statement?---Sometimes it's standardised testing and sometimes it's additional diagnostic programs, like the PAT R and the PAT M and EMU and the MIA and all the other kinds of ones.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1356

Again, have I understood you correctly, you say that one of the consequences of this increased visibility of student progress is a capacity to assess the performance of a group of students for whom a particular teacher is responsible?---Say that again?

PN1357

I didn't put that very clearly?---No.

PN1358

One of the consequences of the increased visibility of student programs is an increased visibility of a teacher's performance, at least as reflected in student scores?---I think it's more complicated than that. I think what there is there's a requirement for teachers to be seen to be tested - and schools and systems to be seen to be tested more often.

PN1359

What are the consequences of that in terms of the teacher's actual work?---Well, teachers need to be able to interpret, analyse and make sure of that data, you know. And that's - there's some quite considerable challenges involved. I remember when I first started working for the Diocese of Parramatta which would have been about 2010, they were still talking about things like, you know, we need to be above national averages and things like that. And that conversation has changed and this portrays the increasing complexity of what teachers are required to do. It's now changed into we need to talk about learning game or learning growth, you know, which is a measure of how much each student actually grows rather than whether as a whole the class or the school is above the national average.

PN1360

Another accountability feature that you describe is something called the instructional walk, and this is - I don't say this to be facetious but it's a bit like a mystery shopper for teachers. Someone turns up unannounced and investigates what's happening in the class, speaks to the students and so on?---Yes, usually it's more than one person and, you know, I take your point about being facetious but I think personally it's quite intimidating that you're teaching a lesson and then suddenly three or four people, some of whom are not even at your school, will come into the classroom and the instructions are that you're meant to ignore them entirely. But they'll go and they'll speak to students and ask them questions about what they're learning and why they're learning it, where they need to go for help.

PN1361

I seem to recall from my own years in schools that there was occasionally someone who would turn up and someone that the students did know who would sit up the back and watch a class or a day of classes. Is this something that you say is a recent phenomenon or something that's been happening in some form for decades?---It's certainly a recent phenomenon in the schools that I'm working at in the Diocese of Parramatta. Australia has no formal mechanism for inspection of individual classroom teachers, unlike the UK which has Ofsted - - -

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1362

Which has what, sorry?---Ofsted, the Office for the Standards of Education. Generally NESA requires schools and school systems to be responsible for their own inspecting of the quality of teaching and learning. The other thing that I would suggest that's new is because it's close to the link to the work of Dr Lyn Sharratt, the Canadian educational academic and her work on - I think her book's called Putting Faces on the Data, presented instructional walks and data walls as being new. And it's certainly been adopted by the Diocese of Parramatta I know for a fact and also Sydney Catholic schools.

PN1363

You deal with the Australian curriculum from about paragraph 44 of your statement. Again, can you tell me if I've understood this correctly. The Australian curriculum has been in place for how long?---Well, it depends on who you're talking about. It came in with a graduated approach, so I think we started talking about it in high school in about 2009, 2010, but obviously there was a long development process before that.

PN1364

Has there been a development process since then?---Unfortunately so. It wasn't even fully implemented when the federal government initiated a review undertaken by Kevin Donnelly and Ken Wiltshire, significantly changed certain aspects of the Australian curriculum, which teachers were forced to adapt to.

PN1365

Another topic that you address, Mr Heggart, is exam preparation and assessment. You describe an increased volume of testing which you say in some schools is almost constant?---Mm-hm.

PN1366

NAPLAN is one stream of testing or one set of tests that's required. You describe something called pre-NAPLAN?---Yes.

PN1367

Then you say there are other bespoke tests and regimes including, for example, the mathematical assessment interview?---Yes.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1368

What is the mathematical assessment interview?---Well, just on the regime. It's something that continually I find in my experience working with teachers is that they - and this happens at Gilroy College in Castle Hill. They said barely a week goes by for Year 7 in term 1 where there is not some form of testing. So for example the new Year 7s when they arrive at the school, they undergo what's called the mathematical assessment interview. Now that's a 40 minute individual diagnostic tool that has to be between one teacher and one student, and there has to be time provided for that which is a real challenge. Then from that point there is some kind of test, they might do the PAT reading test or the PAT M test and then by the time they get to the end of term one, they're doing practice NAPLAN or pre-NAPLAN tests. That ranges from everything from in-class assessment and

writing tasks to - honestly, this did happen at Gilroy - practice for entering into the exam room and then exiting the exam room, so it wasn't unusual and they weren't concerned about it. Then as soon as term two starts I think you've got a week and a half and then you're straight into NAPLAN so over the course of 12 or 13 weeks, there has been some kind of test, you know, every week.

PN1369

MR FAGIR: This requirement for testing and standardised testing, you will say, has changed the face of teaching in schools?---Yes, absolutely - I mean, when I started teaching at King Copple in 2003 almost entirely the school had control of our testing regime and that meant we did some in-class assessments and we did some end-of-year assessments and that was it.

PN1370

It's not simply a matter of the time that's spent preparing the test for administering and interpreting results but it actually influences everything else that happens in the school?---Unfortunately so.

PN1371

You suggest in your statement, Mr Heggart, that teachers are now required to be conversant with a wide range of academic literature and research?---Yes.

PN1372

And be able to adopt that into practice - you remember saying that in your statement?---Which paragraph is that?

PN1373

Paragraph 26?---26?

PN1374

Yes?---Yes.

PN1375

Another requirement, you suggest a bit later in your statement, is that teachers are required to develop sufficiently engaging lessons?---That's a NESAA requirement. NESAA is the New South Wales Educational Standards Authority.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1376

What I haven't been able to discern from your statement is what happens if a teacher is not conversant with a wide range of academic literature and research?---If teachers aren't - and I can draw on my own experience as an organiser - yes, I'll give you an example of what's happened. I was working at Cerdon College, Merrylands, with a member and the principal had identified that she felt that member in particular was not making best use of the online tools. That had Google Classroom at that respect and that the work that she was placing on it was not sufficiently engaging and they were talking about John Hattie and Helen Timperley's work about feedback and in order to generate engagement there needs to be regular and constant feedback. So that member was placed on a performance-management plan which might have led to the termination of their

employment because they weren't meeting the Australian Professional Standards for teachers because they weren't making use of those kind of requirements.

PN1377

I see?---Fortunately the union was able to be involved and the member made better use of the Google Classroom.

PN1378

I see. Was it the use of Google Classroom that allowed the principal to detect the issue that was raised between the principal and the teacher?---Well, they were talking about online engagement, so it wouldn't have happened without some kind of online mechanism.

PN1379

You deal, Mr Heggart, with something you call educationalisation?---I don't call it - that's not my - it's my term, but David Uttery came up with it originally.

PN1380

I see. Can I ask whether you would accept this to be a fair summary of the point that you make at 21: "Today educating children is a highly-complex task with wide-ranging responsibilities. It has become this because the community at large has ascribed to schooling many roles that were once undertaken almost exclusively by the family, the church and related social groups. Society has looked more and more to schooling for the panacea for the problems that at times beset it"?---Yes.

PN1381

That's the point about educationalisation?---Yes. I think (indistinct) goes on to say that it's not particularly effective but there is no doubt that's what's happening, yes.

PN1382

You agree with this description as well: "Society or large sections of it have abrogated their responsibility. This is particularly so in the areas of sex education, manners, values development and in the development of socially-responsible behaviour. This has created new responsibilities for teachers. It has made their job much more difficult. If teachers do not accept these responsibilities, it will lead to the detriment of today's pupils and tomorrow's society"?---I think it's more complicated than society just abrogating their responsibility but I do accept the second part of your statement, that teachers are required to do that kind of education now.

PN1383

In relation to the requirement for individualised attention to students, does this capture your point: "Society now demands that schools and teachers account of the individual needs and special needs of pupils. Teachers have had to develop greater skills in devising individualised teaching/learning strategies. These not only require greater skill but also result in a greater workload"?---Yes.

\*\*\* KEITH ROBERT HEGGART

XXN MR FAGIR

PN1384



In relation to contact between students and teachers, would this summarise your point: "Teachers now have much more personal contact with parents. This contact occurs either in or out of school hours or in time that the teacher would have used in lesson preparation"?---Yes.

PN1385

Would you agree with me, Mr Heggart, that the three issues that we have just dealt with - educationalisation, individualised attention and out-of-hours contact - are not new issues confronting teachers?---What were the three issues?  
Educationalisation, out-of-hours contact - - -

PN1386

And individualised attention?---No, I don't agree with you.

PN1387

Would you be surprised, Mr Heggart, to learn that the three quotes I just read out to you come from a 1981 work value case involving teachers?---I was wondering where you were getting it from but I don't think it changes the thrust of my argument in my statement, which is that it has changed significantly over time. I mean, if you want to talk about educationalisation, there is now a requirement for teachers to undertake things like sex education, road safety education, domestic violence education. The Safe Schools program was an example of an attempt to introduce that kind of education into schools. The bullying education, the digital citizenship education; so while these issues may not be new, the scope, the scale and as I mentioned, the risk, is new. That is where the change has occurred.

PN1388

Thank you, Mr Heggart. They're my questions.

PN1389

VICE PRESIDENT HATCHER: Re-examination?

**RE-EXAMINATION BY MR TAYLOR**

**[11.43 AM]**

PN1390

MR TAYLOR: One matter of detail: early on, pretty much at the outset, Mr Fagir took you - - -

PN1391

MR FAGIR: There was one question I meant to ask, I'm sorry to do this. Mr Heggart, what did your role as administration coordinator involve?---Pretty much everything that wasn't covered by any other roles, so everything from developing the timetable for the academic year, organising and approving and undertaking risk management for excursions, for teacher professional development, for all those kinds of things; organising relief for teachers, organising school events.

PN1392

Okay, I'm sorry to have interrupted.

\*\*\* KEITH ROBERT HEGGART

RXN MR TAYLOR

PN1393

MR TAYLOR: So just one matter of detail: at the outset of cross-examination you were taken to the Catholic Education document, "Framework for Teachers", and in particular a table which in effect indicated when one will find, as a matter of general policy within the Catholic system, teachers' aides in a classroom by reference to class size. Do you remember being shown that?---Yes.

PN1394

Can I just clarify this aspect - is that part of it referable in any way to teachers' aides that are in a classroom for reasons other than student numbers; for example, special needs students?---No, no, the two exist entirely separately.

PN1395

So will one find teachers' aides in classrooms even with class sizes that are below 30?---Sometimes, and this is a real key issue for a lot of our members in the union - they find that a child has been diagnosed with a special need of some description and it's funded but the funding might only apply for 10 hours a week. Now if you're teaching a child for 25 hours a week, you know, 10 hours a week is not even half of the amount of time that you are with that child. So it is insufficient in my opinion, you know, for that kind of thing.

PN1396

They're the only questions. If Mr Heggart could be released and Lauren Hill is here and Ms Saunders will take her evidence.

PN1397

VICE PRESIDENT HATCHER: Yes, thank you for your evidence Dr Heggart. You're excused and free to leave.

**<THE WITNESS WITHDREW**

**[11.46 AM]**

PN1398

VICE PRESIDENT HATCHER: Ms Saunders.

PN1399

MS SAUNDERS: I call Lauren Hill.

PN1400

THE ASSOCIATE: Can you please state your full name and address for the record?

PN1401

MS HILL: Lauren Gay Hill, (address supplied).

**<LAUREN GAY HILL, AFFIRMED**

**[11.46 AM]**

**EXAMINATION-IN-CHIEF BY MS SAUNDERS**

**[11.46 AM]**

PN1402

MS SAUNDERS: Ms Hill, can you state your full name for the record please?---Lauren Gay Hill.

\*\*\* LAUREN GAY HILL

XN MS SAUNDERS

PN1403

Your work address?---My work address, currently I'm a casual teacher so I don't have one fixed abode.

PN1404

Your personal address?---Sorry, (address supplied).

PN1405

You've prepared two statements in these proceedings?---Correct.

PN1406

The first dated 18 December 2017?---Correct.

PN1407

Do you have a copy of that with you in the witness box?---I do.

PN1408

Have you had the opportunity to review that recently?---Yes.

PN1409

Is everything in that true and correct to the best of your knowledge?---Yes, it is.

PN1410

I tender the statement.

PN1411

VICE PRESIDENT HATCHER: Statement of Lauren Hill dated 18 December 2017 will be marked as exhibit 17.

**EXHIBIT #17 WITNESS STATEMENT OF LAUREN HILL DATED  
18/12/2017**

PN1412

MS SAUNDERS: The second statement dated 11 June 2019. Have you got a copy of that?---Yes, I do.

PN1413

That was circulated yesterday. I have hard copies for the Bench if that's convenient unless you have - - -

PN1414

VICE PRESIDENT HATCHER: Yes.

PN1415

MS SAUNDERS: You've read that statement recently, Ms Hill?---Yes, I have.

PN1416

Everything in that is true and correct to the best of your knowledge?---Yes, it is.

\*\*\* LAUREN GAY HILL

XN MS SAUNDERS

PN1417

Yes, I seek leave to tender the statement, your Honour.

PN1418

VICE PRESIDENT HATCHER: Mr Fagir?

PN1419

MR FAGIR: We object to the tender of the statement on two bases. The first is the basis that I put yesterday in relation to the application for fresh evidence to be led viva voce. The first - the appropriate course we would say is that this statement should be dealt with consistent with the directions that the Commission made yesterday. Alternatively, there are two specific - one issue that relates to this statement in particular which has two features. Firstly, paragraph 2 is some grossly inadmissible and we would say completely unhelpful hearsay evidence of a generalised nature going to this question of workforce shortage. Next there is a  
- - -

PN1420

VICE PRESIDENT HATCHER: I thought the shortage issue was agreed. That is, is that in dispute?

PN1421

MR FAGIR: If that's so - - -

PN1422

VICE PRESIDENT HATCHER: Well, no, I'm just asking. That's a question.

PN1423

MR FAGIR: The evidence is irrelevant. It's simply another piece of generalised unhelpful evidence that simply muddies the waters and that the Commission's better off without.

PN1424

VICE PRESIDENT HATCHER: I just want to stop you there, Mr Fagir. If it was an issue in contest I could understand that objection but if it's agreed there's a shortage of early childhood teachers I'm not sure - - -

PN1425

MR FAGIR: In some areas.

PN1426

VICE PRESIDENT HATCHER: In some areas.

\*\*\* LAUREN GAY HILL

XN MS SAUNDERS

PN1427

MR FAGIR: Yes. The second particular difficulty with this statement is paragraph 3 and the annexure, which is said to be an individual education plan. Now if this document were introduced on some proper basis with some explanation of who prepared it, when, how it was prepared, how it evolved over time so as to allow the Commission to properly understand its significance, and to allow me to understand its significance, that would be one thing. But again this is a document that's offered a contextualised, the document itself suggests that it's

developed over a period of months or years. It's not clear whether this is set to be prepared for each student or only prepared for one student. It's not clear who prepared it, it's not clear how it's administered.

PN1428

Now if the document had been introduced on a proper basis with a proper explanation of its significance that'd be one thing. But to introduce it simply by saying this is an individual education plan, it is annexed at LH1, creates - well firstly it means it's not very useful from the Commission's point of view, and secondly it creates difficulties for me because it puts me in a position where again in cross-examination have to ask questions, the answers to which I don't know, to try and learn something about this document.

PN1429

VICE PRESIDENT HATCHER: Ms Saunders.

PN1430

MS SAUNDERS: As to the first two paragraphs - - -

PN1431

MR FAGIR: I'm sorry, I should say again, there's no explanation why this came during the course of the hearing, yesterday as opposed to some earlier time.

PN1432

VICE PRESIDENT HATCHER: Just before Ms Saunders finishes, assuming for the sake of argument the document's admitted are you in a position to cross-examine on it?

PN1433

MR FAGIR: No, I need to get some instructions. I think I know what it's about. In fact I think it's not controversial but I need to spend some time getting to the bottom of that issue and speaking to those who instruct me, I don't mean at lunch time. I mean sometime over the next few days. It may be that there's no difficulty with its tender and it may be that it can be tendered on some agreed basis with some explanation of what it is, how it's prepared and - or who it's prepared for.

PN1434

VICE PRESIDENT HATCHER: Can it be received on a provisional basis subject to your further instructions?

PN1435

MR FAGIR: Yes.

PN1436

VICE PRESIDENT HATCHER: Do you have any objection to that course, Ms Saunders?

PN1437

MS SAUNDERS: No, your Honour.

\*\*\* LAUREN GAY HILL

XN MS SAUNDERS

PN1438

VICE PRESIDENT HATCHER: Right, well we'll provisionally admit subject to any further issues raised by Mr Fagir, the statement of Lauren Hill dated 11 June 2019 on a provisional basis and provisionally mark it as exhibit 18.

**EXHIBIT #18 WITNESS STATEMENT OF LAUREN HILL DATED  
11/06/2019**

PN1439

MS SAUNDERS: I should say this was provided to Mr Fagir at 10 am yesterday but nevertheless those are the questions.

PN1440

MR FAGIR: 10 am?

PN1441

MS SAUNDERS: Mr Fagir's instructors - - -

PN1442

MR FAGIR: I was right here.

PN1443

VICE PRESIDENT HATCHER: Let's move on please.

PN1444

MS SAUNDERS: I tender the statement.

PN1445

VICE PRESIDENT HATCHER: Yes, I've got it.

PN1446

MS SAUNDERS: Those are the questions.

PN1447

VICE PRESIDENT HATCHER: Mr Fagir.

**CROSS-EXAMINATION BY MR FAGIR**

**[11.52 AM]**

PN1448

MR FAGIR: Ms Hill, I only have a handful of questions for you. Could I begin by trying to understand a little bit better your career trajectory. You worked in business until about the mid 2010s, you then had some children and then you studied a Bachelor of Education, Early Childhood Education which you completed in 2015?---That's correct.

PN1449

From that point on you've worked in early childhood?---Yes.

PN1450

Before that point you were either working in business, studying or - - -?---Correct.

\*\*\* LAUREN GAY HILL

XXN MR FAGIR

PN1451

- - - perhaps being a carer for your children?---Yes.

PN1452

You graduated in late 2015, did you?---Correct.

PN1453

You then worked at - well I'm sorry, before that point you had worked at Kings Road Preschool as a student had you?---No, in the last year of my degree I was actually counted as an early childhood teacher. Once all your practicals are completed you can work as a teacher so I did that from April 2015.

PN1454

You then worked at the Catholic Early Learning Centre in 2016 and 2017?---Yes.

PN1455

You worked there two days a week. Is that right?---That's permanent part-time, other days as a casual.

PN1456

Did you work other days in addition to your two fixed days?---I did sometimes, yes.

PN1457

Regularly or from time to time as was needed?---From time to time until my contract finished and then during 2017 casual days more regularly.

PN1458

Ms Hill, you tell us at paragraph 20 of your statement - perhaps we might turn to that. You there deal with some documentation responsibilities that you had at the CELC, in respect of 18 children. Do you see that?---That's correct.

PN1459

Who were the 18 children? Where does that fit in?---So the children were divided between the educators in terms of responsibility for reporting and documentation and consultation with parents.

PN1460

The 18 children was the group that was allocated to you as your - - -?---That's correct.

PN1461

- - - responsibility to document and to - - -?---Yes.

PN1462

And to deal with parents, was it?---Correct.

PN1463

You had to do two observations per child, per term, is that right?---That's correct.

\*\*\* LAUREN GAY HILL

XXN MR FAGIR

PN1464

There was a mid-year report for each child?---That's correct.

PN1465

Then there was either an end-of-year report or a transition to school statement, depending on whether the child was moving to school or not?---Yes, yes.

PN1466

VICE PRESIDENT HATCHER: Sorry, what is an observation? What is meant by that?---It's documentation showing the learning that's occurring as well as a follow-up experience that is building on that learning and includes photographs, links to theorists - early childhood theorists - basically explaining the learning that's occurring.

PN1467

Sorry, just before we move on from paragraph 20, so when you are a full-time early childhood teacher, you said you receive three hours' release per week to do those tasks you identify in the third sentence. So how many hours of face-to-face teaching did you do in a week?---If we worked an eight-hour day, I worked two eight-hour days and then take away the three hours and I was - - -

PN1468

So it's three hours for two days' work?---Yes.

PN1469

The rest of it is face-to-face teaching?---That's correct.

PN1470

MR FAGIR: Three of 16 for this documentation work and the rest was face-to-face teaching?---That's correct.

PN1471

Can I show you a document? This is an example of an observation that you prepared, is it, Ms Hill?---Yes, it is.

PN1472

I tender that document, Commissioner.

PN1473

MR TAYLOR: No objection.

PN1474

VICE PRESIDENT HATCHER: The document headed, "Catholic Early Learning Centre, Stanhope", dated 1 May 2017 will be marked exhibit 19.

**EXHIBIT #19 EARLY CHILDHOOD LEARNING OBSERVATION  
DOCUMENT DATED 01/05/2017**

\*\*\* LAUREN GAY HILL

XXN MR FAGIR

PN1475



MR FAGIR: I should have done this all at once. Can I show you two other documents, Ms Hill? Ms Hill, do you have a document that is set out in a table with five cells, the first one headed, "Creative"?---Yes.

PN1476

This is an example of a mid-year report of the kind that you prepared while you were at CELC?---Yes.

PN1477

For a particular student, whose name has been concealed?---Yes.

PN1478

Do you have a second document headed, "New South Wales transition to school statement"?---Yes.

PN1479

Is that a document - it appears to be on some sort of Department of Education letterhead?---Yes.

PN1480

It has a series of sections, section A to be completed by the - sections A and B to be completed by the early childhood educator?---Yes.

PN1481

Section C to be completed by the child and the educator together and then a section D for the parent?---Yes.

PN1482

Sections D, E and F for the parent/carer?---Yes.

PN1483

This is an example of a transition to school statement that you prepared as you described at paragraph 20 of your statement?---Yes.

PN1484

I tender firstly the mid-year report.

PN1485

VICE PRESIDENT HATCHER: That's, "Example mid-year report CELC", marked exhibit 20.

**EXHIBIT #20 EXAMPLE OF EARLY CHILDHOOD EDUCATION  
MID-YEAR REPORT**

PN1486

MR FAGIR: If the Commission pleases. Next I tender the transition to school statement document.

\*\*\* LAUREN GAY HILL

XXN MR FAGIR

PN1487

VICE PRESIDENT HATCHER: The document titled, "New South Wales transition to school statement", will be marked exhibit 21.

**EXHIBIT #21 NEW SOUTH WALES TRANSITION TO SCHOOL STATEMENT**

PN1488

MR FAGIR: Ms Hill, turning back to paragraph 8 of your statement - paragraphs 8, 9, 10, 11 and 12 - you there describe a series of duties that you had when you were at CELC?---Yes.

PN1489

They included ensuring safe arrival and collection of students?---Yes.

PN1490

That was one of your duties. Another one was the exclusion of inappropriate people from the centre?---Yes.

PN1491

Minimisation of risk of exposure to infectious materials?---Yes.

PN1492

Monitoring the safety of children?---Yes.

PN1493

Each of those duties was common to all of the educators, not just the teachers?---Yes.

PN1494

At paragraph 6, you say - I'm sorry, you start off by saying something about the NQF which was introduced in 2012?---Yes.

PN1495

You explain that the NQF is formed through a national law and national regulations - - -?---Yes.

PN1496

- - - which you say create operational requirements for early childhood teachers and centres?---Yes.

PN1497

Finally you say that your role is ensuring that the NQF is being met within your centre, including that the centre is meeting national quality standards?---Yes.

PN1498

Is that your understanding of the effect of the national law and national regulations?---Yes.

\*\*\* LAUREN GAY HILL

XXN MR FAGIR

PN1499

Which you, as an early childhood teacher, were obliged by statute to ensure that the NQF was being met within your centre?---Yes.

PN1500

And that your centre was meeting the national quality standards?---Yes.

PN1501

Can I suggest to you that that's quite wrong? That was not an obligation that was imposed upon you as an early childhood teacher by the law or the regulations?---No.

PN1502

You agree or disagree with that proposition?---I'm not sure. I don't know.

PN1503

You're not sure whether - I'm sorry, I interrupted you?---We actually have policies at the centre that were based on the law and regulations and so perhaps - we follow all of those. I believe that is my job, to do that.

PN1504

There were policies that the centre had established, that you were required to follow as an employee of the centre?---Yes.

PN1505

Thank you, Ms Hill. They were my questions.

PN1506

VICE PRESIDENT HATCHER: Any re-examination, Ms Saunders?

PN1507

MS SAUNDERS: No, thank you.

PN1508

VICE PRESIDENT HATCHER: Thank you for your evidence, Ms Hill. You are excused ad free to go?---Thank you.

<THE WITNESS WITHDREW

[12.02 PM]

PN1509

VICE PRESIDENT HATCHER: Is that all the matters we need to deal with today?

PN1510

MR TAYLOR: It is, if it please. We will, as I said, endeavour to provide an updated witness list to your Honours' associates during the course of tomorrow. That will indicate which witnesses we have for Monday with some degree of certainty and Tuesday, but we will certainly speak to Mr Fagir to try and minimise the need for changes beyond the ones that we will have to necessarily do tomorrow.

\*\*\* LAUREN GAY HILL

XXN MR FAGIR

PN1511

VICE PRESIDENT HATCHER: All right, we'll now adjourn.

**ADJOURNED UNTIL MONDAY, 17 JUNE 2019**

**[12.03 PM]**

**LIST OF WITNESSES, EXHIBITS AND MFIs**

<b>TANIA LEE ASPLAND, SWORN.....</b>	<b>PN1190</b>
<b>EXAMINATION-IN-CHIEF BY MR TAYLOR.....</b>	<b>PN1190</b>
<b>EXHIBIT #15 WITNESS STATEMENT AND REPORT OF TANIA ASPLAND DATED 22/11/2018 .....</b>	<b>PN1197</b>
<b>CROSS-EXAMINATION BY MR FAGIR.....</b>	<b>PN1207</b>
<b>RE-EXAMINATION BY MR TAYLOR .....</b>	<b>PN1266</b>
<b>THE WITNESS WITHDREW .....</b>	<b>PN1278</b>
<b>KEITH ROBERT HEGGART, SWORN.....</b>	<b>PN1292</b>
<b>EXAMINATION-IN-CHIEF BY MR TAYLOR.....</b>	<b>PN1292</b>
<b>EXHIBIT #16 WITNESS STATEMENT OF KEITH HEGGART DATED 21/11/2019 .....</b>	<b>PN1312</b>
<b>CROSS-EXAMINATION BY MR FAGIR.....</b>	<b>PN1314</b>
<b>RE-EXAMINATION BY MR TAYLOR .....</b>	<b>PN1389</b>
<b>THE WITNESS WITHDREW .....</b>	<b>PN1397</b>
<b>LAUREN GAY HILL, AFFIRMED .....</b>	<b>PN1401</b>
<b>EXAMINATION-IN-CHIEF BY MS SAUNDERS.....</b>	<b>PN1401</b>
<b>EXHIBIT #17 WITNESS STATEMENT OF LAUREN HILL DATED 18/12/2017 .....</b>	<b>PN1411</b>
<b>EXHIBIT #18 WITNESS STATEMENT OF LAUREN HILL DATED 11/06/2019 .....</b>	<b>PN1438</b>
<b>CROSS-EXAMINATION BY MR FAGIR.....</b>	<b>PN1447</b>
<b>EXHIBIT #19 EARLY CHILDHOOD LEARNING OBSERVATION DOCUMENT DATED 01/05/2017 .....</b>	<b>PN1474</b>
<b>EXHIBIT #20 EXAMPLE OF EARLY CHILDHOOD EDUCATION MID-YEAR REPORT .....</b>	<b>PN1485</b>
<b>EXHIBIT #21 NEW SOUTH WALES TRANSITION TO SCHOOL STATEMENT .....</b>	<b>PN1487</b>
<b>THE WITNESS WITHDREW .....</b>	<b>PN1508</b>

