



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**VICE PRESIDENT HATCHER  
DEPUTY PRESIDENT DEAN  
DEPUTY PRESIDENT 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**

**10.02 AM, WEDNESDAY, 19 JUNE 2019**

**Continued from 18/06/2019**

PN2012

VICE PRESIDENT HATCHER: Yes, Mr Taylor.

PN2013

MR TAYLOR: Yes, could I start by handing up the witness schedule that's been developed over the last 24 hours. So as foreshadowed yesterday, today we deal with three witnesses. The first two are primary school teachers. We were intending to call them in the order that Mr Atkinson's first. He I think is present by video link from Melbourne. Then followed by Mr Margerison who's present and then if we could have just a short break, then the third witness this morning will be Ms Vane-Tempest, who is an early childhood teacher.

PN2014

Then we have as indicated two witnesses for tomorrow and your Honour will recall that we suggested that we deal with - sit tomorrow if it's not inconvenient commencing from 1 pm with an estimated completion by 2.30. Then you see the rest of the timetable. I should say that the timetable from the afternoon of 27 June and over the following page simply takes the previous timetable and reproduces it. We have asked ACA whether they are able to give us any information as to whether we need to make any changes to that timetable in light of any information they have. And we haven't heard back from them. So that area is an area of potential change but otherwise we hope that this timetable will not need to be further adjusted. So that takes us, unless there's any other preliminary matters to our first witness of the day Anthony Atkinson who, as I said, is joining us by video link from Melbourne.

PN2015

VICE PRESIDENT HATCHER: All right. Mr Atkinson, can I ask you to - I know you can't see me but I hope that you can hear me - move to the witness box to your right and then take your statement of evidence with you? And then if you just stand up - remain standing, the court officer will administer the affirmation then you can be seated.

PN2016

THE ASSOCIATE: Mr Atkinson, please state your full name and address?

PN2017

MR ATKINSON: Anthony John Atkinson (address supplied).

**<ANTHONY JOHN ATKINSON, AFFIRMED** [10.05 AM]

**EXAMINATION-IN-CHIEF BY MR TAYLOR** [10.05 AM]

PN2018

VICE PRESIDENT HATCHER: Mr Taylor?

PN2019

MR TAYLOR: Thank you. So your name is Anthony Atkinson? Mr Atkinson, can you hear me?---No, I can't. I think - it's quite - you're a bit quiet.

\*\*\* ANTHONY JOHN ATKINSON

XN MR TAYLOR

PN2020

All right. Let me - I'm not sure if this is going to make any difference but I'll try again?---That's actually a lot better.

PN2021

Okay. Your name is Anthony Atkinson?---That's right.

PN2022

And you are a primary school teacher working at Merri Creek Primary School? Is that right?---Correct.

PN2023

That's a government school in Fitzroy North in Melbourne?---That's right. Yes.

PN2024

And when did you commence teaching as a primary school teacher?---My first year of teaching was in 2007 - the start of 2007.

PN2025

Now for the purpose of these proceedings you have prepared a statement dated 19 December 2017 of 12 pages. Is that right?---Correct, yes.

PN2026

And you have a copy of that with you?---Yes.

PN2027

Now I understand there's a small number of matters you wish to update the things that have changed since then and I'll come to that in a moment but do you say that as at 19 December 2017 the contents of your statement were true and correct to the best of your knowledge and belief?---Absolutely, yes.

PN2028

I tender that statement.

PN2029

VICE PRESIDENT HATCHER: All right. The statement of Anthony Atkinson dated 19 December 2017 will be marked Exhibit 36.

**EXHIBIT #36 WITNESS STATEMENT OF ANTHONY JOHN ATKINSON DATED 19/12/2017**

PN2030

MR TAYLOR: Now, Mr Atkinson, can I just update - ask you to update the statement as to your current role. In paragraph three of your statement you identified your position as at that date late last year. What's the current position?---So, yes, I've taken on a role as a learning specialist at Merri Creek Primary School which is a departmental role for lead teachers that still work in the classroom. So as opposed to a wellbeing coordinator, I'm a learning specialist but still have a role in the wellbeing committee as a learning specialist.

\*\*\* ANTHONY JOHN ATKINSON

XN MR TAYLOR

PN2031

And how does that affect the amount of class time that you have now?---So as part of my role I am working with teachers outside the classroom for two days a week. So I am a classroom teacher. Still in the 5/6 area for three days a week and I am outside of the classroom two days a week.

PN2032

And when you're outside the classroom what's the nature of the role that you have?---I work with my colleagues specifically in the grade - Year 3 to Year 6 level - working on their instruction practise and different elements in teaching in departmental initiatives and rolling those out around the school and supporting graduate teachers as well. Just basically mentoring and being an instructional coach, if you like, for my colleagues.

PN2033

And when you're in class time what year are you teaching?---I teach a Year 5/6 - a composite Year 5/6 class for the other three days a week.

PN2034

Right. Now at the end of paragraph three you provide the rate of pay that you were on in December - in late December 2017 - to update that. You are still at the top of the scale but that figure has now increased, has it, to \$107,601.00 per annum?---Correct. That's right.

PN2035

And then, finally, at the end of the statement - at paragraph 34 - you give some evidence as to what the position was in respect of the School Improvement Team at that time and I understand there has been a slight change has there? That the school improvement team is now made up of two learning specialists of which you were are one and also a leading teacher S-t-e-n - or STEN?---That's right. Yes, so the personnel are essentially the same but our official titles have changed. So there's two learning specialist centre leading teacher now is part of that School Improvement Team, yes.

PN2036

Thank you. I thank the Commission. They're our questions for this witness.

PN2037

VICE PRESIDENT HATCHER: Mr Fagir?

**CROSS-EXAMINATION BY MR FAGIR**

**[10.10 AM]**

PN2038

MR FAGIR: Mr Atkinson, can you hear me okay?---Yes, I can.

\*\*\* ANTHONY JOHN ATKINSON

XXN MR FAGIR

PN2039

If my voice drops off at any stage please just let me know. I represent the Australian Child Care Alliance in this proceeding and I have a few questions for you about your statement. Firstly, Mr Atkinson, you teach a composite 5/6 class do you?---Correct.

PN2040

Is that a class that's comprised of students who are in Year 5 as well students who are in Year 6?---Yes, that's right.

PN2041

Yes. How many students are in your class to date?---This year I have 24 students.

PN2042

Now what is the range of ages of students in your class?---So I have my younger students would be 10, turning 11, and my older students would be 12.

PN2043

The range of abilities is rather broader than the age of ranges. Is that right? Does the question make sense?---Yes, it does. There is always a range of abilities when you're dealing with children and developmental stages so definitely developmental stages of learning are absolutely part of - for the courses - sure.

PN2044

You might have a Year 5 student who is operating below the average Year 5 level and on the other hand you might have a Year 6 student who is ahead of the level that would be expected of the ordinary Year 6 student if there is such a thing?---That's right. Yes.

PN2045

And you say some things in your statement, Mr Atkinson, about the Australian curriculum. Perhaps you might turn to paragraph six of your statement if you don't mind?---Sure.

PN2046

Now, I'll just read this out. Beginning from the third sentence. You say the curriculum is a considerable undertaking and there are aspects which require a lot of teachers to ensure that they're covering all content in ways that are meaningful. The curriculum has substantial latitude built within it and requires that I use my critical thinking, time management skills and my professional creativity to manage its delivery. Now, Mr Atkinson, the Australian curriculum prescribes both content and outcomes, is that right?---Yes.

\*\*\* ANTHONY JOHN ATKINSON

XXN MR FAGIR

PN2047

Now that being the case why do you say there is substantial latitude in what teachers do in delivering the curriculum?---I think because there is an element of differentiation that has to occur in terms of - the curriculum is still very much - that, in particular, is related to the curriculum being written and geared towards grade levels and outcomes and standards that are specific to year levels. The latitude is important because differentiation has to occur where children learn at different rates and different paces and within your class. So you need to have a latitude to be dipping into different parts of the curriculum at different stages. And also taking the ones of the curriculum that are relevant to the children's lives because that's where learning takes - you know - the most effect is when learning is connected to things that are relevant as to the kids' lives so you need to be able

to find things that are happening and be able to move I guess in ways that give you some space to connect learning to what children are experiencing.

PN2048

As a primary school teacher you don't teach a particular subject?---That's right.

PN2049

You teach all of the subjects that are delivered to your class. Is that right?---That's right, yes. A generalist teacher so we have to cover the (indistinct).

PN2050

So it is not as though there's a maths teacher who comes in and teaches your class maths and then a science teacher who comes in and delivers the science portion of the curriculum?---Not fundamentally. I mean there are situations particularly in the situation that I'm teaching in this year at the moment where I have a teacher, our team teacher who has a real interest and love of mathematics and I have a particular interest in literacy so we tend to team teach and play to each other's strengths in this sense. But in terms of a generalist and my past experience as a generalist teacher it's been my responsibility to teach the whole curriculum, yes.

PN2051

You say some things about assessment in your statement and you describe that there's a pre-assessment, a mid-term assessment and a final assessment, is that right?---Yes, for the most part, yes. That's how we do it, yes.

PN2052

You also explain that there are ongoing assessments?---Mm-hm.

PN2053

What are they?---So ongoing assessments would be what we call in teacher speak as formative assessment, which is assessment that informs your attention where to go to next for students. So it might be (indistinct) you're making about students, it might be short little bits of evidence you're gathering in the classroom as they're doing activities just to gather your understanding of how well they're grasping the task and what to continue to do more of or what to move on faster from and things like that. So that formative assessment is the ongoing part which is not so much collecting data in a more formal sense, but - which is called summative assessment but it's more ongoing and it's more anecdotal.

PN2054

No doubt this is skating over some complexity but broadly speaking you might describe assessments as being summative, which are the more formal or quantitative forms of assessment, or formative which is less formal perhaps more ad hoc and more qualitative rather than quantitative?---Yes, I would say that. I would say formative is becoming more and more an important aspect of teaching and a rich aspect of gathering information on students as learners, so it is - yes, ad hoc is probably maybe a little bit too loose a term but I would it's certainly not as formal as summative assessment, yes.

\*\*\* ANTHONY JOHN ATKINSON

XXN MR FAGIR

PN2055

I see. Now do students in school sit NAPLAN tests?---Yes, they do. They sit NAPLAN in Year 3 and Year 5.

PN2056

Now perhaps I'm reading too much into it but I don't gather from your statement that the need to prepare your students for NAPLAN is a major imposition on you as a teacher. Am I wrong about that or is it a - sorry to put this in loose language again but is it a big deal or is it not really a big deal?---No, at my school I would say we're very fortunate that we have a philosophy and our view that NAPLAN is a test that is used as a departmental and policy mechanism that is not so much about student learning as a standardised test, not so much about our students. It's more an indication for departmental - more departmental purposes which is fine but we don't transfer that onus onto individual students. So teaching to test and those kind of things is not an onus at our school at all.

PN2057

Do you know whether that's - do the approaches that schools take to this issue vary?---They do and I know that there's stories of standardised testing having different effects on different schools and their approaches, but I think there is an increasing awareness now amongst schools and teachers that the wellbeing of students and assessing them as learners is much bigger and broader and important than placing too much emphasis or pressure on a standardised test.

PN2058

Mr Atkinson, you explain in your statement that one of the challenges of your role is dealing with the students' emotional state, and you give an example of a child whose hat cord might break and you say they might be upset for the whole day as a result. Do you remember dealing with that in your statement?---Yes, I do, yes.

PN2059

Now that rather suggests an immaturity or an emotional immaturity that a student would be derailed by something like that for a day. Are you talking about the younger - a younger child or is this something that you say might happen to a Year 5 or 6 student?---Believe me it has happened to older students as well. There are certain students that have emotional - varying levels, just like there are varying levels in academic, there's varying levels in emotional maturity. So I've had students that have had something like that that's just been a tipping point that's tipped them over the edge, where they've been dealing with social and emotional management, self-management regulation. I still complete yard duty as a 5/6 teacher and I'm dealing with younger students as well in that capacity, so sometimes those situations happen for younger students and you're dealing with that but certainly I've had some older students that have had little things go wrong that have been disproportionately handled because of a range of things, but also where they're at in their emotional maturity, yes.

\*\*\* ANTHONY JOHN ATKINSON

XXN MR FAGIR

PN2060

Although you at the moment are dealing with children that are somewhere between 10 and 12, in other aspects of your role, for example, yard supervision, you deal with the younger children in the school as well. Is that

right?---Certainly, yes and we have a buddy system in our school where we - the older grades buddy up at certain times of the week with the younger grades, so we have time with the foundation students as well, so I'm crossing those boundaries quite a lot. So there's yard duties and other opportunities where I'm dealing with younger students and I have throughout my career, yes.

PN2061

Perhaps the issues that arise when you're dealing with younger children are different to the set of issues that begin to emerge when you're dealing with 10, 11, 12 year olds who are on the cusp of teenagehood and moving into a different phase of their lives?---Certainly there's different levels of - all the lights have gone out, sorry. I don't what's happened there. Certainly there are different levels of maturity across the board for - the kids developmentally handle that and as the kids are approaching adolescence there is different challenges - - -

PN2062

VICE PRESIDENT HATCHER: Mr Atkinson - - -?---Yes.

PN2063

You're in the dark now. Can I just kindly ask you to stand up and wave your arms about?---Yes.

PN2064

Thank you?---Sorry about that. So yes, I mean adolescence as part of teaching Years 5 and 6, those emotional things are totally different as well but I also have situations where children come into Year 5 and 6 with that transition and as I mentioned before there are still emotional maturity issues that need a lot of transitional support, which are dealing with things that you would expect wouldn't necessarily be the case for 10 year olds, but it definitely still happens. It's something that I think in my teaching career I've noticed more and more is that disparity in emotional intelligence with kids is coming across which is quite interesting is that there's children that are having different levels of self-regulation in things, which is another thing to manage.

PN2065

MR FAGIR: You mention in your statement briefly a tension between the need to be caring towards students and the need to maintain appropriate professional conduct. Do you mind just expanding a bit on what you mean by the tension between those two requirements?---As a male teacher I'm just very aware that there is, you know, children who want to come and give you hugs and cuddles and things like that and it's very important to make sure that you are not cold, that you are responsive as a human being because children need that. But you also need to know that there is absolutely professional conduct. So I have a colleague who has a very clear three second rule when a student comes up to give him a hug like he counts down, he says thank you and gives them a nice pat on the back and things like that, and those kind of things I think as teachers are becoming more and more just part of your practice and understanding that there is a responsibility to be warm and caring but there's also a responsibility to know physical boundaries with children.

\*\*\* ANTHONY JOHN ATKINSON

XXN MR FAGIR



PN2066

Elsewhere, Mr Atkinson, you explain that you're required to follow school policies. Do you mind, not necessarily in chapter and verses but fairly briefly explaining what school policies deal with? What type of policies you're referring to?---So school policies are developed by - essentially the Education Department has a whole lot of policies that are template policies and the school can then adjust and with, through the school council - the Parent and School Council - can adjust and formulate for themselves and at our school we have - we take on essentially department policies that we adjust things as necessary. So things like bullying policies and things like that are tailored to our school to a degree but sometimes they are just taken stock from the department, that we have everything from - you know - policies on camp and - you know - to, you know, how we allocate the dormitories to kids at camp and things and do that fairly. And things like that to - obviously things like how we report instances of bullying to how to manage anaphylaxis, all those sort of those things - start with the departmental templates and then get adjusted and tailored for at school.

PN2067

It is your obligation as a teacher to be aware of those policies and to apply them?---Ah, yes, it is. It's our role as a school as teachers to be up to date with those and to make sure that we know what's - you know - happening for our students, yes and how to handle any situations that might arise here.

PN2068

I see. Now, you - on a different topic - you describe something called ClassDojo in your statement. What is that?---So ClassDojo is an online platform that teachers sometimes use, which is a closed platform, so that parents have to sign up with an email address to be able to access it. So it's a safe forum by which to post photos and video of what's going on in the classroom. It almost works similar to a social media feed like Instagram or Facebook but it's done within just the class group and the class parent members and it allows me to take photos of the learning and things that are going on in the class and to add comments or just to give parents a bit of an idea about what we're doing in class. Sometimes I use it as a noticeboard to let parents know that we've got an excursion coming up, can you make sure your notes are brought in, those kind of things. But it's really just a way - an extra way of communicating with parents in an online way which is becoming increasingly a more of a handy way to communicate with families.

PN2069

Is there some behavioural management aspect to ClassDojo?---There is a behavioural management aspect but I don't - I don't use it. So there is a reward system whereas the children get little icons for them - with their name and which you can give - gives the reinforcement points - and sometimes they might be used to reward students and they get a collection of points. And then in some accounts the parents can even be notified when the children are getting those points. I don't use the extrinsic reward system so much as a teacher. I prefer to build intrinsic motivating things in the classroom. So the idea of giving points out for responsible behaviour and things like that I don't tend to do but there is an aspect to the ClassDojo which has that but I haven't used it.

\*\*\* ANTHONY JOHN ATKINSON

XXN MR FAGIR

PN2070

I see. Now, do you mind turning to paragraph 32 of your statement, Mr Atkinson? You deal there with extension into extracurricular activities. I think you mentioned camp a few moments ago. Is that an example of the extracurricular activities you're talking about? Or are you speaking more about roles within the school structure? The administrative structure?---There's both. There's outside of school activities like camps and then there is doing things like lunch time clubs and running extra things that are within your sphere of interest. So it might be something I've done - the last couple of years is run a debating team - as lunch times and take them to debate the competitions around Melbourne as an extra thing because I'm interested to do that. And there's also - yes the school musical getting involved with - you know - the teachers have an interest in - you know - art and design. Doing prop making and things like that and turning up and supervising over the two nights in the school musical and things like that. So they're all the extra things that come along with the teacher practise stuff.

PN2071

I see. Now about halfway through this paragraph you explain that "Experienced teachers like yourself were expected to have face to face teaching completely under control and not to need the full four hours release the purpose of planning and preparation." What is the full four hours that you're referring to there?---Well, that's - I must say it - specific to my school we're lucky enough to have four specialist teachers at our school. We have a library program, an art program, a music program and an entertaining program. So the students have four hours a week when they're doing those specialist programs. So in those four hours the generalist classroom teacher will have time to plan and prepare for their lesson. So in terms of the government and school teachers' agreement - the last agreement - the actual mandated amount is only two and a half hours for the government schools. So my school is very lucky to have four hours and the planning for their teachers whereas the mandated amount is two and a half hours for a teacher. So in that four hours you would get to do your preparation and you might do some marking and things like that. But what I mentioned there is the experienced teacher would be expected to have all of that planning and preparation done and take on more of a role in terms of the bigger picture of the issues of the school. It might be meeting with another teacher and looking through their plan or assisting graduates or things like that in their four hours because their planning in the organisation should be well and truly on top of that whereas younger teachers would need those four hours.

PN2072

And, finally, Mr Atkinson, you graduated was it 2005? Or 2006?---2006.

PN2073

You worked in primary schools since then?---Yes, from 2007. Yes.

PN2074

You've never worked in early childhood is that right?---No, I haven't.

\*\*\* ANTHONY JOHN ATKINSON

XXN MR FAGIR

PN2075

To the extent that you express a view about the comparison between primary and early childhood teaching that should be viewed through the prism of the fact that you haven't worked in early childhood at all? Ever?---No, I haven't worked. I have worked closely with early childhood educators especially when I was a foundation teacher myself and I of course having children have gone through early childhood as well but as a professional teacher I've only worked in primary schools, that's correct, and dealt with early childhood teachers in a professional role but as a primary school teacher.

PN2076

Now, you would accept, wouldn't you, that there are a series of challenges confronted by primary school teachers that are not confronted by early childhood teachers?---Yes, there's a series of challenges - mutually exclusive challenges for both professions - absolutely.

PN2077

But there might be challenges conversely that early childhood teachers have to deal with that are not so much of an issue in primary school?---That's right, yes.

PN2078

Your statement doesn't include any attempt to deal with those issues. You've offered up a sort of conclusion but you'd accept that there are many issues that would have to be considered before one would accept or reject the conclusion that you offer in your statement?---I think - yes, I think there's definitely challenges that - in both settings but there is also lots of challenges that are similar as well.

PN2079

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

PN2080

VICE PRESIDENT HATCHER: Any re-examination, Mr Taylor?

**RE-EXAMINATION BY MR TAYLOR**

**[10.32 AM]**

PN2081

MR TAYLOR: Just one matter. You referred a couple of times to foundation students. I think, you said, firstly just let me get this right that in your role as a Year 5/6 teacher you have foundation students in your class from time to time. Did I understand that correctly?---That's right. Yes, once a week generally. We have a buddy system where we work with the foundation students with our 5/6 classes and they buddy-up and we do lessons together.

\*\*\* ANTHONY JOHN ATKINSON

RXN MR TAYLOR

PN2082

And just for those of us in New South Wales who aren't as familiar with the concept. Just tell us what are the ages of foundation students?---So foundation students they need to be five before the end of April to start school. So you can have students that are starting - just turning six - or you can have students that are four and nine months or, I guess, yes. So, you have to be five by 30 April to start at a foundation level in Victoria. So, generally speaking, they're around five years of age.

PN2083

So that's the first year of primary school. That's what is called in Victoria?---Foundation is - foundation is the first year of primary school.

PN2084

And on that subject you said you were a foundation teacher yourself. When was that? And for how long?---I was a foundation teacher in 2008. So early in my teaching career and I was an early years and a Level 2, Year 2, teacher for a number of years after that but my foundation year was in 2008, yes.

PN2085

Thank you, they're the questions.

PN2086

VICE PRESIDENT HATCHER: Right, thank you for your evidence, Mr Atkinson. You're excused and you're free to go.

**<THE WITNESS WITHDREW**

**[10.34 AM]**

PN2087

MR TAYLOR: The next witness is Mr Philip Margerison and he has - if Mr Margerison - - -

PN2088

MS SAUNDERS: He's being called.

PN2089

MR TAYLOR: He's being retrieved.

PN2090

THE ASSOCIATE: Please state your full name and address.

PN2091

MR MARGERISON: Philip Francis Margerison, (address supplied).

**<PHILIP FRANCIS MARGERISON, AFFIRMED**

**[10.35 AM]**

**EXAMINATION-IN-CHIEF BY MR TAYLOR**

**[10.35 AM]**

PN2092

MR TAYLOR: Mr Margerison, can you just for the record give your full name again?---Philip Francis Margerison.

PN2093

That's notwithstanding what's been spelt on the first of the two statements, spelt with one 'l', Philip, one 'l'?---Yes.

PN2094

The second one is the correct spelling. You began teaching as a primary school teacher in 1998?---I did.

\*\*\* PHILIP FRANCIS MARGERISON

XN MR TAYLOR

PN2095

So this is your - you're in your, what is it, 23rd - - -?---22nd year.

PN2096

22nd of primary school teaching. At the time you prepared your statements, you were employed as a Year 5 teacher at St John the 23rd Primary School at Stanhope Gardens?---I was.

PN2097

You are still working there as a primary school teacher?---Yes, but not on Year 5.

PN2098

I'll update - let's deal with that now. What's your current teaching role?---My current teaching role is a Year 6 teacher and I'm also the religious education coordinator.

PN2099

That role as religious coordinator, is that an ongoing role?---It's a temporary role for this year.

PN2100

For this year, and does that take you out of the classroom at all?---Yes, one day a week I'm released from my teaching duties to cover that role.

PN2101

Do you have your first statement with you, it's called statement in reply?---Mm-hm.

PN2102

Of Philip Francis Margerison. It's a statement of - it's dated 19 July 2018 of 20 paragraphs. Do you have that?---I do.

PN2103

In that statement at paragraph 7 it says:

PN2104

*I teach 23 hours of face to face across the week.*

PN2105

That was the case then at the time you prepared the statement. Is that right?---That was at the time.

PN2106

What's the current position?---Currently I teach 18 hours face to face with five hours being - the additional five hours being allocated to my religious education role.

\*\*\* PHILIP FRANCIS MARGERISON

XN MR TAYLOR

PN2107

Now in paragraph 2 you give a summary of your work history over the 22 years. Were you a primary school teacher for that whole period?---For one period I was

a teaching educator in the Catholic Education office at Parramatta. That would have been 2014, 15, 2016.

PN2108

What did that role involve?---My role there was to enhance the teaching in religious education of a group of 20 schools in the Parramatta diocese.

PN2109

Were they primary or secondary?---They were primary and secondary but most of my work was done in primary schools.

PN2110

In paragraph 8 of your first of the two statements, you say that you're one of - at the time of the statement you were one of four teachers working in an agile space of 102 students. What's the position now?---Currently I'm still working with three other teachers in an agile space of 108 students.

PN2111

So an agile space being?---We have the 108 students in one space and the four teachers work together to teach that group of 108 students.

PN2112

VICE PRESIDENT HATCHER: How does that work, does one teacher present the class or do the talking or - - -?---It varies. I do still have my roll class where I take the roll and if I have parent/teacher interviews I'm basically responsible for that group of 27 students, but the day varies depending on the subjects. Sometimes you might have one teacher present to the whole 108 students, other times we might break off and do smaller groups of 27, roughly 27. Otherwise we might take a small group aside while the other three teachers are working with the larger cohort. It just depends on the needs of the students and the subject being taught sometimes.

PN2113

Is that common in school these days, to do that, or is that just some innovation at your school?---It is a common practice in the Parramatta diocese that agile spaces are the preferred method of teaching.

PN2114

Thank you.

PN2115

MR TAYLOR: I think you said earlier you're teaching Year 6. So is everyone - all 108 students in Year 8?---Yes, they're all designated as Year 6 students.

PN2116

So having updated that first statement and to the extent to which you've given that evidence you've updated it, do you say that the contents of the statement are true and correct to the best of your knowledge and belief?---I do.

\*\*\* PHILIP FRANCIS MARGERISON

XN MR TAYLOR

PN2117

I tender that statement.

PN2118

VICE PRESIDENT HATCHER: The statement in reply of Philip Francis Margerison dated 19 July 2018 will be marked exhibit 37.

**EXHIBIT #37 WITNESS STATEMENT IN REPLY OF PHILIP FRANCIS MARGERISON DATED 19/07/2018**

PN2119

MR TAYLOR: Then Mr Margerison, in respect of the IEU's work value claim, a further statement which I think is undated - you've prepared a further statement have you of some 11 pages?---Yes, I have.

PN2120

You have that with you?---Yes.

PN2121

Some of the same matters that you've dealt with in respect to the first statement need to be understood by way of update in the second statement, but taking that as read do you say that the contents of your second statement are true and correct to the best of your knowledge and belief?---I do.

PN2122

Yes, I tender that statement.

PN2123

VICE PRESIDENT HATCHER: The further statement of Philip Francis Margerison, undated, will be marked exhibit 38.

**EXHIBIT #38 FURTHER WITNESS STATEMENT OF PHILIP FRANCIS MARGERISON, UNDATED**

PN2124

MR TAYLOR: Thank you, they're our questions.

PN2125

VICE PRESIDENT HATCHER: Mr Fagir.

**CROSS-EXAMINATION BY MR FAGIR**

**[10.41 AM]**

PN2126

MR FAGIR: Mr Margerison, I represent the Australian Childcare Alliance and I have a few questions for you about your statements. Firstly, Mr Margerison, you teach Year 6 now?---Yes.

PN2127

Have you taught other years in the past?---I have taught from Year 2 up, so Year 2, 3, 4, 5 and 6 over various stages.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

PN2128

Did you follow that sequence, 2 then 3 then 4 then 5 or did you go back and forth?---No, it's been very random.

PN2129

Is there any sort of pattern or tendency for more experience teachers to have Years 5 and 6 or is it random?---Each school tends to place teachers where they see the need. So it can be based on experience but it can also be based on placing less experienced teachers with more experienced teachers. There's no set guideline as to how you would place a teacher.

PN2130

Now Mr Margerison, you gave two statements, exhibits 37 and 28. Do you mind telling me in broad terms what issues were you asked to deal with firstly in your statement in reply? What were you actually asked to do?---My understanding was that the Independent Education Union required a statement from a primary school teacher that identified the changes in work practices and the pressure - increased pressure on teachers over my 22 years or so of teaching, to identify those changes.

PN2131

Are you speaking about the first or second statement, or both?---Both tended to cover that similar type of information.

PN2132

Were you asked a different question in relation to the first statement or was it - - - ?---I couldn't - I can't actually remember. This was done something - I was first approached about March or April last year.

PN2133

I see. Now can I ask you some questions about assessment, a topic you deal with around paragraph 5 of your second statement, and I might if you don't mind refer to this one as exhibit 38 and the earlier one as exhibit 37. At paragraph 5 you explain that in relation to maths at least you're assessing students once a week on their performance?---Formal assessment at that stage in Year 5 was being done once a week. Now that would be a formal assessment where we might give I suppose in general terms a test to go on, so we would teach a unit of maths, it might be a strand like multiplication and at the end of the week we would assess that, informally assess that work. In addition to that we are all - we are being asked at all stages to be constantly assessing students in various manners and recording in various ways how that child - each child is improving or not.

PN2134

It's been suggested that very broadly speaking there are two categories; summative assessment and formative assessment, accepting that no doubt it's more complicated than this but are they broadly the two categories that you're describing?---They really are and yes, that's what would normally happen.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

PN2135



Now the weekly assessments produced, do they produce results?---They do. It's a formalised test and we would have a marking criteria which we would mark the student according to how they achieved.

PN2136

You explain in paragraph 5 that the testing regimes produce a large amount of data which must be managed by the teacher, you say?---Correct.

PN2137

What does it mean to say "managed"?---Managed, okay. So we have to record that data. First of all we have to mark that test and then not only just mark where the answers were right or wrong but mark against a marking criteria which would be placing that student on the scale of E to A based on the NESAs requirements for reporting. In addition to that then that has to be recorded and at times that is just purely a grade, other times it includes comments.

PN2138

The scale is E to A is it?---Yes, that's - - -

PN2139

F's gone now has it?---It has. The standard NESAs requirements is that there must be a five tiered scale when we're reporting to parents.

PN2140

At paragraph 7 you describe the use of writing clusters. What exactly are they?---Writing clusters were produced I believe by NESAs, I'd have to check where they originated from, which identifies various skills that students should be achieving. Now these writing clusters identify in fairly minute detail what an individual child can do from things like use capital letters and full stops, through to descriptive language, emotive language, depending on what level they're at.

PN2141

You deal - I don't think you need to turn to this but at paragraph 14 you deal with your interactions with parents and if I've understood your statement correctly, you say that you might either need to make or receive a phone call in relation to something as simple as two kids have - I shouldn't say two kids, two students having an argument in the yard?---The requirement in schools now of recording all incidents is well above anything I would have had 22 years ago. We have to document all cases of student interaction which might not be favourable interaction so that if a parent rings we've got evidence of what we did and what action was taken.

PN2142

You go on to say at paragraph 14 that if you expect a student may receive a D or E on their report, you're required to ring the parent and ask them to come in and have an interview?---Correct.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

PN2143

This isn't a student who's actually fallen below average, a student who you think might fall below average?---It can be one which you find from what - the assessments

you've done with the report coming, would be a D or a student who is borderline in those cases. We need to ring and discuss it with the parents.

PN2144

As of 2018 or so - well perhaps it was more recent. In any case, when you gave the second statement you describe - you deal with the issue of leadership roles?---Yes.

PN2145

You explain that you have in the past occupied a leadership role, you gave it up and now at least at the time of the statement you were thinking you might resume it or you might now and it didn't seem like you'd made your mind up, at least at that stage?---I am finding that trying to teach and take on a leadership role is very difficult. I stood down from a leadership role when I moved to John the 23rd. This year I have taken it up because there was a need in the school, that's why it's a temporary contract, but I can't see myself continuing in that role.

PN2146

There's a bit of a pay bump that goes with those positions is there?---Yes, \$15,000 in my case.

PN2147

Even so, as far as your own personal view, the cost benefit doesn't favour taking on the leadership position?---Doesn't favour it.

PN2148

You deal with - under the same heading you deal with changes in mandatory teaching methodology and you explain that NESAs, that is the New South Wales curriculum - Educational Standards Authority?---Yes.

PN2149

Is rolling out new syllabus every year in each curriculum area. Is that right?---They have been rolling out. I think we've just about got them all now, because they've been updating all the curriculums.

PN2150

Even though there's been one Australian curriculum in place for a number of years, the content within the different sections has been changing from year to year?---New South Wales - sorry, I didn't mean to interrupt. New South Wales produce their own documents and of course those documents are updated. Things change, teaching methodology changes and it's not unusual for them to change but normally they sit in place I suppose for seven to 10 years. But they've more recently with the Australian curriculum being brought in and hence NESAs wanting to produce their own, we've been issued with new curriculum documents.

PN2151

Does that mean there's some requirement for you to go back and revisit your programming and so on?---We have to revisit the programs because quite often while the content seems to be the same, what they're asking varies greatly.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

PN2152

You deal with professional development in your statement and the requirement is 100 hours every five years. Is that right?---That's correct. That's the minimum requirement.

PN2153

Your own experience is that that can be achieved fairly easily by attendance at staff meetings and so on?---That is correct.

PN2154

What proportion of the required professional development to your understanding can be discharged by attendance at staff meetings and similar exercises?---That can vary by school. My current school requires almost all staff meetings to be professional learning, which was not the case you know 20 years ago. And so we have to attend. We always had to attend the meetings but the requirement is there and because the school - my school in particular requires us to update our knowledge and skills continuously now.

PN2155

I see. At paragraph 21 you deal with the - you say this. I'll just read it out:

PN2156

*I have to provide support and friendship to a greater number of children which is complicated by child protection laws and policies.*

PN2157

?---Correct.

PN2158

Complicated how?---The days of say me being able to take a child aside who might have an emotional problem on my own are no longer - are now gone. I have to ensure that it's done in public, that usually there's another teacher around, not always, but the child protection requirements on us make it very difficult for us to deal with the emotional problems of our children. Our teaching in primary schools we are dealing with the young people and it becomes very hard at times - well it's difficult to deal with their emotional needs when you allow for child protection policies. Now I'm not saying the policies shouldn't be in place in any way but it just makes it very difficult to deal with those children who have emotional or social problems.

PN2159

Because there's a tension between two competing obligations in that scenario?---Correct. Yes, once where a teacher may have put an arm around a child to comfort them, as a male teacher I've got to take a step back and you can't do that.

PN2160

Now you explained in answer to some questions from the Vice President a bit about the agile space set up that you have at your school?---Yes.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

PN2161

There are four teachers including you, is that right?---Correct.

PN2162

Is there a hierarchy between the teachers or is it a sort of cooperative - - -?---It's cooperative.

PN2163

No doubt that involves a different set of challenges to what might have existed in the past where there's one classroom and one teacher?---Yes. Without doubt that you have to work cooperatively with the other teachers which means that they would be give and take.

PN2164

You say a few things about technology and Google Classroom and you estimate that now 50 to 60 per cent of your teaching is done through Google Classroom?---Correct.

PN2165

Now is that a matter of taking what used to be on the blackboard and putting it on the website or is it more nuance than that?---What we're asking our children to produce now is a lot different to 22 years ago and technology has changed that. So when we're asking children to produce videos, sound files, podcasts, all those sort of ranges come into it. Certainly my resources are put on Google Classroom which enables the students to go back and have a look at what I have done. Sometimes the students will take photos of what we still use a whiteboard, that we might put up on the whiteboard, especially with an agile space where they can't always see the board that we might have used. Well, they will use their technologies for that case but directions and assignments are given on Google Classroom.

PN2166

I see. And you explain that you now take your iPad home and mark - - - ?---Correct.

PN2167

- - - and work on your iPad through the Google Classroom?---Through the Google Classroom.

PN2168

Instead of having a bundle of papers under your arm. You now have your iPad and - - -?---Have your iPad.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

PN2169

- - - do it that way. Is it common for you to have to do marking at home?---Yes. For example most Sundays I would spend two - two and a half hours marking the children's literacy work from the week because the way we set it up is they have a number of independent tasks to choose from and they all have to be submitted by the Friday night and then I spend about another hour - yes, about an hour, I suppose marking their homework on the iPad as well.

PN2170

Are there other parts of the job that intrude into your time at home? Or is it marking that's really the thing?---I do make phone calls to parents at night because with so many parents these days with both parents working it's very hard to get contact with them and so I choose to make those phone calls at night when I know I can get contact with them.

PN2171

I see. And, finally, Mr Margerison, you say something about an increase in the number of students with English as a second language. Now, have you referred to statistical information or are you recounting your own experience in the schools that you have taught at?---Both. When I taught at St Margaret Mary's at Merrylands we had a high Arabic speaking population there. In my role as teaching educator, in the Parramatta diocese I was in about 20 schools in the central Parramatta area and the school I mentioned there which was East Granville they were talking upwards and I said 90 per cent there - I wanted to be on the safe side in my statement but they were talking upwards of 98 per cent of their children coming to school with English as a second language. This school, in particular, I worked with on some goal setting and their biggest problem was that the children coming to school there couldn't speak English. They were lucky if they could ask to go to the toilet. So the teachers were now teaching the English as against the subject of English.

PN2172

Right. Now, you're describing information that's come to you in the course of your work?---Yes.

PN2173

That's broader than one particular school because of the different roles that you've occupied?---Yes.

PN2174

But you're still talking about information that's drawn from your own personal experience as opposed to - - -?---Yes.

PN2175

- - -broader surveys?---Yes.

PN2176

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

PN2177

DEPUTY PRESIDENT SAUNDERS: Mr Margerison, you've talked about some work you do on a Sunday?---Yes.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

PN2178

What time do you typically get to school in the morning, Monday to Friday?---In my statement I said 7.45. Again I was being on the generous side there. It's not unusual for me to be there just after 7.00 and in the afternoons it varies but normally 4.30 would be an early afternoon for me.

PN2179

And what's a typical finish time for you?---4.30 in the afternoon.

PN2180

Right. You talked about doing some work on Sundays?---Mm-hm.

PN2181

Have you always done that throughout your 22 years or has it changed more recently?---With the move to a different style of learning in which case we give children the choice in our literacy program of activities. So we will have a range of literacy activities there where they choose which ones they complete and when they complete them. The days of a teacher standing up the front and marking a comprehension sheet because they've all done it in the last 30 minutes, has gone, because choice in education these days is a big thing. And so we give them the choice of completing a certain minimum number of activities during the week. So I can't - it's very difficult to mark that work day by day. So now I have to take it into my own time at home and mark that literacy on the weekend.

PN2182

When did you start doing that?---Over the last couple of years we'd mark that. In particular, this year, we also asked them to reflect on their learning. So they actually have to write reflections on - every day - on their literacy learning and set goals for the next day. And that's something was unheard of - you know - 20 years ago. But, again, I have to mark that as an additional amount of work.

PN2183

VICE PRESIDENT HATCHER: Does your working day end when you leave school on the week day? That is do you do work at home or is it - - -?---It depends on the day - you know - it varies. Sometimes there will be phone calls to parents as I said. Other days I will mark some work. I'll bring some books home to mark. It just varies - like there's no set regime though - every afternoon - I might mark at home for two hours or something like that.

PN2184

Right. Mr Fagir do you want to ask anything arising out of that?

PN2185

MR FAGIR: No, thank you, your Honour.

PN2186

VICE PRESIDENT HATCHER: Any re-examination, Mr Taylor?

PN2187

MR TAYLOR: No. No, there's no re-examination. If the witness could be excused.

PN2188

VICE PRESIDENT HATCHER: Yes, thank you for your evidence, Mr Margerison. You're excused and you can go?---Thank you, your Honour.

\*\*\* PHILIP FRANCIS MARGERISON

XXN MR FAGIR

<THE WITNESS WITHDREW

[10.59 AM]

PN2189

MR TAYLOR: Would it be convenient to have an early morning tea break? I just want to make sure that - as to what - Ms - might need to update if anything in her statement.

PN2190

VICE PRESIDENT HATCHER: So how long do you need? You seem to have plenty of time so - - -

PN2191

MR TAYLOR: Yes. I think a normal break of 15 or 20 minutes will be plenty.

PN2192

VICE PRESIDENT HATCHER: All right. I'll resume at not before 11.20.

**SHORT ADJOURNMENT**

[11.00 AM]

**RESUMED**

[11.25 AM]

PN2193

VICE PRESIDENT HATCHER: Mr Taylor.

PN2194

MR TAYLOR: We now call Emily Vane-Tempest.

PN2195

THE ASSOCIATE: Please state your full name and address.

PN2196

MS VANE-TEMPEST: Emily Vane-Tempest (address supplied).

<EMILY JAYDE VANE-TEMPEST, SWORN

[11.26 AM]

**EXAMINATION-IN-CHIEF BY MR TAYLOR**

[11.26 AM]

PN2197

VICE PRESIDENT HATCHER: Mr Taylor.

PN2198

MR TAYLOR: Thank you. Your full name is Emily Jayde - J-a-y-d-e Vane-Tempest, is that right?---Yes.

PN2199

For the purpose of these proceedings you prepared a 16 page statement in late 2017. Is that right?---Yes.

PN2200

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

\*\*\* EMILY JAYDE VANE-TEMPEST

XN MR TAYLOR

PN2201

There are some things in that statement which need to be updated, things that have occurred since that time. Is that right?---Yes.

PN2202

But is this the case that the statement is to the best of your knowledge and belief true and correct insofar as it describes the situation as at the time you signed it in late 2017?---Yes.

PN2203

I tender that statement.

PN2204

VICE PRESIDENT HATCHER: The statement of Emily Jayde Vane-Tempest, undated, will be marked exhibit 39.

**EXHIBIT #39 WITNESS STATEMENT OF EMILY JAYDE VANE-TEMPEST, UNDATED**

PN2205

MR TAYLOR: Ms Vane-Tempest, I just want to confirm some things about your teaching background and update the Commission as to your current position. Firstly, I understand that this is the position, you come from a family of teachers. Is that right?---Yes, I do. There's lots of us.

PN2206

So your sister is a primary school teacher?---My sister's a primary school teacher, my dad's also trained as a primary school teacher, he went to teachers college back in the day. He's at the moment acting principal at Star of the Sea on the Central Coast. My uncle is also - I have two uncles who are also teachers and cousins who are training to be teachers, but I'm the only early childhood teacher.

PN2207

Now this is the position as I understand it, after graduating you commenced your first position in a G8, one of the G8 long day care centres called Sandcastles in January 2015?---Yes.

PN2208

At that point you were in a room where the lead educator was a diploma qualified educator?---Yes.

PN2209

That was - you describe it as a preschool room. What years were in that room?---So for that preschool room it was a 3 to 5 room, as there was only three rooms within the centre.

PN2210

After nine months you took on a lead educator role. Was that in that room or a different room?---It was in a younger room, so it was a 2 to 3 room. A lot of ECTs do go into that room as well to help with learning and teaching, yes.

\*\*\* EMILY JAYDE VANE-TEMPEST

XN MR TAYLOR



PN2211

You say in your statement that at the end of your first year as a teacher you also became the educational leader. Now for the Commission's benefit the two positions are described in the witness statement at paragraph 39, middle of that paragraph the witness says:

PN2212

*The educational leader is the leader of the educational program within the centre. The lead educator is another name for a room leader.*

PN2213

?---Yes.

PN2214

So at the end of your first year you became the educational leader. Were you still in that - were you still also the lead educator in a room at that point?---Yes. So I had two roles.

PN2215

Then before leaving Sandcastles did you move to another room within the - - - ?---So at the start of 2017 I was moved up into the - back into 3 to 5 room as the lead educator.

PN2216

Did you retain your position as educational leader at that time?---Yes.

PN2217

Then since then, since you prepared this statement, do I understand that in June of last year you moved to another G8 school?---Yes, so at the end of the May I put in transfers within the company, which is really lovely of them to allow us to do, and I started as an ECT at Community Kids Empire Bay.

PN2218

Community Kids Empire Bay, is that right?---Yes.

PN2219

What room and role did you have there?---I was an ECT in the 2 to 3 room for that - for the end of the year.

PN2220

What's your position now?---I am now a lead educator of the 3 or 4 room, so it's a preschool room.

PN2221

So does that preschool have a room for children older than the room that you're lead educator for?---Yes, so they also have a 4 to 5 room.

\*\*\* EMILY JAYDE VANE-TEMPEST

XN MR TAYLOR

PN2222

Are you the educational leader in your current preschool?---No, I'm not. We did have an educational leader who was also the 2IC when I did transfer but she was

also an ECT trained person, but she is no longer with us so I kind of stepped into doing some duties for the director until we've worked out who is going to do that role.

PN2223

Can I take you now to paragraph 5 of your statement. Here you describe your rate of pay and at the time that you prepared the statement the middle of the paragraph says:

PN2224

*During my time with G8 I've been paid just slightly above the modern award.*

PN2225

Can you tell the Commission what's happened in respect of your pay since that time?---So in July last year, you guys the Fair Trade Commission - - -

PN2226

Fair Work Commission?---Yes, sorry. They did a 3.5 increase for all educators course and other staff in centres and then if you were paid above the award I got - I think I got a 1.8 or around that increase of pay. And then at the end of last year in October I got a 10 per cent increase in pay, which was a G8 national thing.

PN2227

I see. So let me just get this clear. As at effectively 1 July last year, educators got a 3.5 per cent increase?---Yes.

PN2228

And you in contrast got about 1.8 per cent increase?---Yes, that was because I was paid above the award rate.

PN2229

Then in October a 10 per cent increase, was that just you or - - -?---No, it was all ECTs across the G8 centres.

PN2230

VICE PRESIDENT HATCHER: So when you got the 1.8 per cent increase did that then remove your over award so you were on the award rate?---I would have to look into it. I didn't really - I just saw the oh I get a 1.8 increase, that's exciting and just - like I got a - and I didn't match it with the award because I always get confused with what it looks like.

\*\*\* EMILY JAYDE VANE-TEMPEST

XN MR TAYLOR

PN2231

MR TAYLOR: Now the next thing I wanted to ask you about are changes that have occurred in respect of G8 education. Now this is a subject that you deal with in paragraph eight and at that point you say that G8 education have a Learning and Development Department and you describe professional development and how it's conducted and, including, professional development workshops. I understand there has been some changes in this area in respect of G8 and its education program?---Yes. So in the middle of 2017, maybe 2018, the G8 revised the way they do professional development and learning. So they have a program which is

called the Learning Lounge and that's where we have access to all webinars. That is provided by Early Childhood Australia. They - G8 - are paid money for those webinars and then they do also within company webinars.

PN2232

And when this idea of a webinar - a seminar delivered online - do I understand that?---Yes.

PN2233

And when would you be viewing that?---A lot of it I do at home in my own time as we don't always have time within our day to have access to it. We do try - if we do have some moments - where ratio is okay, of course, we may go and do a webinar but a lot of the time the webinars are like an hour or two and we just don't have that time to do that.

PN2234

Now, I understand in addition to the program. We'll just go back a step. These webinars are they specifically for ECT's? Are they for all educators?---They're for all educators but you can select what type. So one might be about the QIP or one might be how to settle on - settling children in the infant's room. So they're all like a range. So you just pick what you feel like you would like to improve on in your practise and then you have that opportunity to find those webinars.

PN2235

Yes. In addition to that, do I understand this position that G8 has introduced a training program - a series of workshops specifically for early childhood teachers?---Yes. So, at the start of this year or they've only just recently started but they notified us that they were starting and were working with Siemans and Slattery. I hope I said that right. They're a professional development company that worked with early child early years - may be primary schools - I'm not quite sure. So they worked together and they created these workshops which is called Teachers for Tomorrow. So it's all about Early Childhood Teachers improving their practise, improving how we teach and everything like that.

PN2236

I want to show you a document. I have four copies of one for the witness and three copies for the Bench?---Thank you.

PN2237

Now this is a document you took along today which - - -?---I did.

PN2238

- - -as I understand it describes - is this a document that's referable to that workshop program you're just talking about?---Yes. So G8 created this developmental framework for teachers. So this is as I was kind of told when I went to the workshop. It's kind of like our Bible on how to improve how practise in leading pedagogy learning and all those realms of teaching.

\*\*\* EMILY JAYDE VANE-TEMPEST

XN MR TAYLOR

PN2239

And is this a program that is for all educators?---No, it's just for ECT's. You have to be three to four-year trained ECT to do this program.

PN2240

I see. And what is the format of the program? How is it?---So if you can go to the - at the moment - if you can go to the days - you go to a workshop which is offsite which I just recently went to in May. The next one is in June but I can't attend that one so they do catch-up workshops. That will be for this year and then next year for new ECT's or ECT's who couldn't attend this year they will have them all through Learning Lounge. That's my understanding of it.

PN2241

And when you say they have them through Learning Lounge. What does that mean?---So Learning Lounge as I said before is our online learning professional development program which we access through our G8 SharePoint or intranet.

PN2242

I tender the G8 Educational Development Framework for Teachers document?

PN2243

MR FAGIR: Can I just indicate that there's no objection but we first saw this document a few minutes ago. There was no earlier version produced in the original statement and it may be that we need to respond to it in some way and we'll make an application in due course if that's necessary, if the Commission please?

PN2244

VICE PRESIDENT HATCHER: The document entitled G8 Education Developmental Framework for Teachers will be marked Exhibit 40.

#### **EXHIBIT #40 G8 EDUCATION DEVELOPMENTAL FRAMEWORK FOR TEACHERS**

PN2245

MR TAYLOR: Just one more matter that I understand you wish to update but before we get to it can you just go to paragraph 20? There's just perhaps an explanation or a clarification at paragraph 20. That paragraph 20 starts with the words, "I am the facilitator of the Early Years Learning Framework." What do you mean by the word 'facilitator'?---So part of my job is to make sure that the EYLF - Early Years Learning Framework - is shown and represented through all the children's learning and day to day activities' learning - things like that. So I need to make sure that children are meeting these outcomes, that could be through goals, that could be through children's investigations, projects, interest, questions thoughts, ideas.

\*\*\* EMILY JAYDE VANE-TEMPEST

XN MR TAYLOR

PN2246

So when you say you are the facilitator, is that something unique to you as a particular role? That's the point I was just trying to clarify?---Not just for me but for all educators and all teachers. But was my role as a lead educator it's my job to make sure that the educators in my room - early years trained or Cert III

diploma - have a good understanding on how to - to implement that into everyday practise.

PN2247

And then at paragraphs 26 and 27 you deal with documenting and at the time that the statement was prepared you tell us that there were various documenting styles, one of which includes a company program called Kindy Hub. Has that changed since then?---Yes. So we're just going through our rollover and transition of using a new program called Explore which the company has like purchased.

PN2248

And do I understand that that's used to communicate with parents in some way?---Yes. So we do daily communications with families about children's learning and individual learning and then also their observations on goals and projects.

PN2249

So just to understand what the position is at the moment. Using Explore there's a daily communication to parents. Can you just describe the nature of this? I don't think we have a copy but can you try and describe what this communication is?---So usually you can do it on an app or you can do it also - do it - on a computer. So there's two access points. So you usually have like a title of what the experience is. You can put photos, videos of the experience or the children who are involved. You write a short or long - depending on what you wanted to include - the description of the activity. You might add what learning was involved with that activity and then we've got to link it to outcomes from the EYLF. We can add it from the NQF and also principles and practises from the EYLF.

PN2250

When you say what learning is involved, what do you mean by the word "learning"?---So learning is like pedagogy - art of teaching. So it could be simply learning how to tie your - put your shoes on. So how do you put your sock on? Using that fine motor skills it could also be projects. So for yesterday my kids found a snail. So the learning was, "How do we find out what type of snail is this? Is it a snail or is it a slug?" So we use the internet. We use books and resources that we have at the centre and the learning was we found out the slug was - well, it wasn't a snail, it was a slug, and it was a leopard slug and then we learned how does that slug move, how do they eat and then we record that through Xplor.

PN2251

Just the last thing on this, and this is the last question. When you send these observations, is it an observation of the whole class to every parent or is it in some way broken down for individual students?---So broken down for individual children. It could just be a photo and then we - if it's a whole group experience and then we just want to focus on one child's learning, that parent will only get what that child has learnt. Then we'll follow up on that child and how we could improve that learning or extend that learning. If that makes sense.

\*\*\* EMILY JAYDE VANE-TEMPEST

XN MR TAYLOR

PN2252

Thank you, they're our questions.

PN2253

VICE PRESIDENT HATCHER: Mr Fagir.

**CROSS-EXAMINATION BY MR FAGIR**

**[11.44 AM]**

PN2254

MR FAGIR: Ms Vane-Tempest, can I just ask you a couple more questions about Kindyhub?---Yes.

PN2255

I understand you say you now use something different but can I just ask you about Kindyhub. Is it a website or an app?---Kindyhub is a website where Xplor is an app.

PN2256

I see. Now to use - when you use Kindyhub, when you decide you want to record something on it, you go to the website and you can create an observation or an event of some kind?---Yes. So with it you can do like group observations but then they have also another section where you could create - as educational leader my job was to create different types - like formats of observations, so educators and ECTs could access that.

PN2257

Let me just try to give you a specific example to help us understand how it might work. Say for the sake of argument a group of children that you were looking after got together and decided to play a racing game in the yard?---Yes.

PN2258

Now you might take some photos of that happening?---Yes.

PN2259

You might go onto Kindyhub and create an event and then upload the photos of the various children doing whatever the game was?---Yes.

PN2260

You might then tag the children that were involved; Sue, Fatima, Dave, whatever it is, and then give a description of what was going on. You would then within Kindyhub have the capacity to identify the EYLF outcome that related to or was contributed to by that activity?---Yes, and also the NQF.

PN2261

And the NQF?---Yes.

PN2262

It's actually a dropdown menu type thing isn't it?---Yes.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2263

You select 2.1, 3.2, whatever it might be?---Yes.

PN2264

For example, if the children have got together and worked out a set of rules of how the game was going to go, you might say, for example, that connected to outcome 2.1, children develop a sense of belonging to groups and communities and understanding of reciprocal rights and responsibilities, for example. So these are the pictures, this is what happened, these are the children that were involved and this is how this was connected to one of the outcomes that we need to work towards?---Yes.

PN2265

You would then propagate, send that out to the parents of the particular children that you'd identified as participating in that exercise?---Yes.

PN2266

Xplor is - does something similar, is that right?---It does. It says a bit more - sorry - it's easy access to us, so we can record in real-time. So instead of having - usually with Kindyhub you would have to write your daybook or reports either in your programming time or when you had rest time. So where Xplor you can take those photos, you can do a couple of drop points of this is what the kids were doing, this is what we've - like a brief overview of what the kids have learnt and then it's a drop down box. So that's just a slight difference as well.

PN2267

Instead of having to take some time to do that at the end of the day or whatever else, you might be able to do it as it was happening and get that sorted during the activity?---Yes, yes, and you can take videos as you go as well with Xplor, where Kindyhub have limited access to that.

PN2268

Excuse me just for a moment, Ms Vane-Tempest. The app's actually accessible through an iPad is it?---Yes.

PN2269

You have the iPad with you, something happens you can take the photos, videos whatever it is, punch it all out on the app and get it down that way?---Yes, Xplor also allows you to have access to recording children's meals, sleeps, sunscreen, nappy changes as well. And that goes straight to the parents' app.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2270

So if you need to - if the parent wants to know how many nappy changes there have been or what their child has had for the day, you can punch that into the app and then the parent can access that from the other side?---Yes, and so on the other side it comes into a timeline. I'm not a parent so I don't really have a lot of access but from my side it's very similar. So it just goes - sends you a notification, your child's gone to the toilet today. Your child's - notification, your child's been linked in an observation. Your child fell asleep at this time. They've fallen

asleep, it's now 30 minutes later and now they've woken up, so it comes up throughout the day.

PN2271

The parents have an app as well?---Yes, so the parent app is called Xplor Care.

PN2272

They can get on there and effectively understand everything that's been happening with their child?---Yes, throughout the day.

PN2273

On that day or week or whatever it might be?---Yes.

PN2274

Can I just ask you about your work history for a moment?---Sure.

PN2275

Can I deal with the service that you're at today. Now you are the room leader - you are now the room leader for the 3 to 4?---Yes.

PN2276

You were previously the room leader aka lead educator for 2 to 3?---No, so the room leader for the 2 to 3 room, she was working towards her diploma.

PN2277

So when you first landed at - sorry I can't remember the name of the service provider?---Community Kids Empire Bay Early Education.

PN2278

Community Kids, and you started off in the 2 to 3 room?---Yes.

PN2279

There the room leader was someone who was working towards a diploma?---Yes, so the reason why I was put into that room was to support and help mentor that educator, even though she had been in that role for a little bit, she just wanted me to mentor and help her with that role.

PN2280

Is the 2 to 3 room what you refer to as the infants room?---No, the infants room is a 0 to 2, the 2 to 3 is the toddler room.

PN2281

You are now the room leader aka lead educator in the 3 to 4 room?---Yes.

PN2282

There's also a 4 to 5 room?---Yes.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2283



There is a room leader obviously in 4 to 5?---Yes, there is. That room leader has currently moved onto another centre for her next adventure that she wanted to do. So we're currently looking for an ECT to go into that room.

PN2284

So just going back to before this teacher left. It was an ECT, she was a teacher?---Yes.

PN2285

She was the room leader in 4 to 5?---Yes.

PN2286

She was more experienced than you are, she's been in the room longer?---She was more experienced in the way that she had been on the job for a longer period of time. She had actually been a Cert III, worked to be a diploma and then worked to be an ECT, where I went straight to uni, did my degree and went straight in. So experience wise on the job, yes, but as an ECT not as long, she was still in the process of graduating.

PN2287

That lady was the assistant director of the centre?---Yes, she was the 2IC/education leader.

PN2288

She was the educational leader as well as assistant director?---Yes.

PN2289

There was of course the director of the centre?---Yes.

PN2290

At G8 the arrangement is that for every 10 or 12 centres there's something called an area manager, is that right?---Yes. So the area manager looks after certain centres and then they - she also comes into our centre, she looks how we're doing, she gives us feedback and then she'll also ask if we need anything from her.

PN2291

What sort of areas does she give you feedback on?---She might give us feedback on displays, how our displays are looking. She also gives feedback on if we have like issues with our programming or we wanted advice on our programming she's also early childhood trained, we can go to her about that as well.

PN2292

She's a resource that's available to you both in terms of the program and perhaps other aspects of the operation of the centre?---Yes.

PN2293

VICE PRESIDENT HATCHER: So do area managers have to be ECT trained or is that just the one you've got?---No, I don't believe. My previous area manager, I think she was trained in business. I'm not sure what her early childhood experience was. I never really asked her.

PN2294

Thank you?---that's all right.

PN2295

MR FAGIR: There's another position at G8 called a WHS coordinator or supervisor, is that right?---Yes, it's G8 calls it Work Health and Safety Champion.

PN2296

Champion?---But it's essentially it's a Work Health and Safety Officer but for some reason they like to celebrate us.

PN2297

Probably some consultant who recommended that title?---Probably.

PN2298

Now this is a job that an educator or an ECT can put their hand up. It's a voluntary role?---It is voluntary. But my director asked me to do that job because I had previously been at another G8 centre. So I knew a lot of the goings on about Work Health and Safety expectations from G8.

PN2299

Thank you. You're the WHS Champion at Community Kids?---Kids. Yes.

PN2300

And were you at the last place?---No but as one of the Work Health and Safety Champions at that centre they delegated roles for us to do throughout. So I had already had experiences running fire drills and lockdowns. Also writing risk assessments for my room and other rooms.

PN2301

I see. Now, you told Mr Taylor a couple of things about the G8 Educational Program. You discussed some webinars which are called the Learning Lounge?---Um - - -

PN2302

Or part of the Learning Lounge?---Part of the Learning Lounge. So you access it through your G8 intranet/SharePoint and then there's the Learning Lounge which you have access to different types of webinars and then Work Health and Safety Work Webinars throughout from G8.

PN2303

I think you said you went to workshop one day as well?---Yes. So that was from G8 working with Siemens and Slattery. So they worked together to create a workshop for early childhood teachers and from doing that it was to promote that we are teachers and that we should be working to better our practise all the time.

PN2304

I see. Were you paid for that day that you spent at the workshop?---Yes.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2305

Okay. Now your professional development requirements are 100 hours over five years. Is that right?---Yes.

PN2306

Now up to 80 hours can be what's called Teacher Identified?---Yes.

PN2307

And the other 20 has to be approved by NESA, the New South Wales Education Standards Authority?---Yes, that's just for my first year of professional development cycle. In my next year - well, in the next five years my understanding of it that I'll have to do 50-50.

PN2308

I see. And the teacher identified component of the professional development can be things like research that you might do in your own time. As you explain it can be conversations and it can be staff meetings?---Yes. It can also - I'd like to add - it could also be different workshops that haven't been identified by NESA. So if I did like a workshop on settling kids. That wasn't necessary at NESA it approved I can add that as part of my teacher identifier.

PN2309

I see. And do you know if the workshop that you went to was NESA accredited or would that be within the teacher identified portion?---It was - from my understanding - from what I was told it was NESA approved.

PN2310

So that workshop will be part of the 20 years that - sorry, 20 hours that you're due to do over the next five years?---Yes.

PN2311

All right. Now, I'm sorry to jump around like this?---That's all right.

PN2312

But could I just take you back to your original centre? You started there in which room?---I originally started in the preschool room which was a three to five room for that centre.

PN2313

Yes?---And then after nine months the room - the room leader/leader educator of the toddler room moved on. So I was asked from my director to move to that room to lead that room.

PN2314

The room that you started off in had a room leader in place of course?---Yes, she was diploma trained.

PN2315

Yes. You were there for nine months and then someone left from the toddler room and you were asked to step into the role?---Yes.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2316

Okay. The diploma room leader remained the room leader for the four to five room? Now when you became room leader one of the educators that you worked with was an ECT as well. Is that right?---So she came after I moved into the toddler room.

PN2317

Yes?---So that only when I have started working her on the floor together in the same room was when I moved back into the preschool room.

PN2318

All right. Now when did that happen?---Start of 2017 I believe.

PN2319

And had she already been in that room?---Yes.

PN2320

Working with the diploma room leader?---Yes.

PN2321

So you went in and worked with the diploma room leader, you left, a different ECT stepped into that room?---Yes.

PN2322

And when you went back however long ago it was later you and the new ECT were both working in the four to five room?---Yes.

PN2323

I see. Now - - -

PN2324

VICE PRESIDENT HATCHER: What happened to the diploma qualified room leader?---So the diploma qualified room leader she was also the 2IC so the decision from our Director, she wanted to pull her off the floor, so she could learn more of the director side of business. So then that she became an in-house relief staff.

PN2325

Thank you.

PN2326

MR FAGIR: That's a person who steps in when other educators are on leave, or unavailable, or having their lunchbreak or something like that?---Yes. And they also cover programming time.

PN2327

I see?---And Work Health and Safety time for people who need that and when I was educational leader at that centre she also covered my educational leader time.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2328

If you're WHS Champion is there some time that you have to deal with whatever is required under that position?---Yes. So I get about two hours a week but that also depends on numbers and staffing as well. But through that time I have got weekly checklists that I have to do. I have to run fire drills. I have to make sure all the allergy children's lists are updated. I've got to make sure the fire evacuations are updated. A lot of other things as well.

PN2329

The idea is that you should have two hours but given the pressure of maintaining ratios and so on that might not always be achieved?---Yes. But that it also depends on day to day. So if one day - like there's low numbers in my room or we're combined with the top rooms because their ratio is one to 10 I might be able to take a little bit of time off the floor to do something.

PN2330

I see. Now, setting aside the educational leader role as ECT you have half a day a week for administration and programming is that right?---That was at my last centre, yes.

PN2331

So for four hours roughly. Slightly less?---Yes, round about.

PN2332

When you became educational leader you got five hours off the floor to do what was required to be done under that heading?---Yes. So I had three afternoons a week but that also depended on staffing and children - what was needed for the day.

PN2333

Yes. Who was delivering the program while you were spending the five hours before?---The ECT. And the Cert III who was in the room, who was assisting her.

PN2334

And did you need the five hours to do the educational leader job?---Um - - -

PN2335

Everything that came with that?---With discussion with my director that was the hours that we had agreed on.

PN2336

Yes?---Only because I had to - like review - educator's work. I had to create workshops for educators depending on their needs and what they needed from me.

PN2337

Yes?---I also had tea times where I sat down with individual educators and we discussed their goals, things that they want to work on, any issues that they were having with children, and then how I could support them. And then I also would have to record and make sure that all the children's observations were there, what themes or projects the children were doing during the month.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2338

I see. As you've described it in your statement the job as educational leader carried an expectation that you support all rooms, including all teachers and educators that are diploma qualified in their programming and planning?---Yes.

PN2339

You go on to explain that you ensured that your staff are appropriately managed to ensure best practise. You spend one on one time with every educator doing various things, mentoring, asking self-assessment questions, providing materials and research, giving general assistance and reading their observations and providing feedback?---Yes.

PN2340

That was all part of the educational leaders' job and you say even though you were there to do all those things and provide that assistance you encouraged and supported the other staff in your room to take on programming and planning roles and you say that included the other early childhood teacher that worked in your room?---Yes. So at my new centre you get two hours of programming a week for your room. So that can be split between the educators in your room or that can just be your time to work on that. So when I was at Sandcastles I made sure to give time for all my educators and early childhood teachers in the room to make sure that what they needed to follow up on or what planning they had planned or observations they needed to write were all documented.

PN2341

You didn't want them to leave everything to the educational leader, you wanted them to take on and do that job as well as the educational leader?---So I think you're a little bit confused. Room leader is the person who leads the room and the program for that room. Educational leader is the overseer of the program and curriculum for the centre. So as room leader it was my job to make sure that all ideas and programming and planning was implemented but I need to allow time for the educators in that room to make sure that their plans were being documented. As educational leader I needed to oversee and make sure that they were all being ticked off.

PN2342

Excuse me for a moment. Now can I ask you a few questions about the quality improvement plan and polices of G8?---Yes.

PN2343

You deal with the quality improvement plan at paragraph 9 of your statement?---Yes.

PN2344

You probably don't need to turn to it, you can if you want, but this is the situation isn't it that the responsibility under the national law for the creation of the QIP is with the approved provider?---Yes, but usually we work alongside with G8 in making our QIP as well as like looking at the regulations and everything, but usually in lots of centres your team will work on the QIP together.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2345

That's the idea, that everyone contributes to the plan, everyone thinks about how the centre could operate better, how you can make sure that you're conforming to the NQS. Everyone has their input and hopefully that's properly considered and ends up reflected in the QIP?---Yes, so all stakeholders which include children, families, our local community, our wider community, the educators and the company all have a voice within that document so then if there are any concerns from parents or things that they would like to improve on, their voices are being shown through the QIP.

PN2346

In relation to policies, the situation's a bit different because there's a division of G8 somewhere at head office or wherever it is that generates these policies?---Yes, so with the policies, if we have ideas of any feedback for policies we can tell that department but usually like work health and safety policies go through out work health and safety overseer and then like learning development, they look at all our policies through for programming and practice. But then you have, yes, if that makes sense.

PN2347

You deal with the need to ensure children's safety at 13 through to 16 and you now have a special role as WHS Champion at Community Kids?---Yes.

PN2348

But everyone has an obligation to ensure the safety of children that they're looking after that children in the centre overall?---Yes.

PN2349

That's teachers, educators, everyone that's involved has that responsibility?---Yes, educators, director, our cooks as well all have that responsibility to make sure that they're getting their daily requirements. If it's like their sleep, their food, nutrition, exercise, that's all being taken account of.

PN2350

Can I ask you to have a look at paragraph 17 of your statement please. Just take as long as you need to read that and I just want to ask you a couple of questions about it. I'm sorry, are you done?---Yes, sorry.

PN2351

I wasn't paying attention. Now you describe there the situation of a particular child at the beginning of 2017 who you describe as having language development and sequencing delay. Can you just tell me why did use that particular example?---Well, at the time he was one of the children that we identified that may have additional needs and we were seeking assistance from other professionals to make sure that we could give him the best care and education that he needed.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2352

We're almost finished, Ms Vane-Tempest. Can I just ask you about the sentence at the end of paragraph 6 of your statement. It's actually on page 3?---Yes.

PN2353

You say:

PN2354

*I need to analyse and assess how my practise in the centre is meeting these standards and take steps to ensure that we are meeting these standards.*

PN2355

What you're talking about there is as room leader, your room, as a teacher your own practise as a teacher. That's right, isn't it?---Yes, and as educational leader, how our centre as a whole meets the standards of the NQF.

PN2356

In terms of the educational program?---Yes, and also different areas because I was part of the leadership team, so I work for the director, the 2IC. We kind of work together make sure that all quality areas run from program in practice all the way to quality area 7 were being met.

PN2357

You understand that under the national law the responsibility for the service overall is with the approved provider and with the director?---Yes, but I took that on as one of my roles as education al leader because I had - I like it, I love the QIP so I'm going to put that out there, so by working through it was able to allow me to reflect on how I could make this better, not just with myself but with my team. So even though it is their job but it's also my job as an ECT to make sure the practice and the care and educational standards are being met.

PN2358

That's your own view of your position as early childhood teacher?---It's - yes, but it's also I'm pretty sure in my job position it says that I need to have a - what's the wording - like a great understanding of the NQF and how it can be implemented in the centre, and as one of the - because we're currently interviewing for new ECTs for the centre that I'm at now, one of the questions is what can you tell me about the NQF and can you give me a brief outline. So if I don't understand where the standards are then I can't meet those standards and I can't support and mentor other educators within the centre.

PN2359

We have your position description at least one of them a couple of years ago so we can look to that ourselves. Finally, at paragraph 4 you say something about the profit reported in the G8 2016 Annual Report?---Yes.

PN2360

Just as a matter of interview did you find that report and read it yourself or did someone tell you what the profit figure was in that report?---Somebody told me what that was but you can find all those numbers on the G8 website.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR



PN2361

Thank you, Ms Vane-Tempest?---That's all right.

PN2362

Excuse me, just hold on for a moment. Thank you, Ms Vane-Tempest, they're our questions?---That's all right.

PN2363

VICE PRESIDENT HATCHER: Ms Vane-Tempest, in the very last paragraph of your statement, last page?---Last page, yes.

PN2364

It just said - first sentence where you say in your first year you were sick every two weeks?---Yes.

PN2365

Is that because you're getting bugs from the children or for some other reason? If it's some other reason I don't need to know what it is?---No, it was because I was working with children I was just - I just didn't have the immunity in my body to fight off that sickness and because I was very new to teaching and the only teaching that I had done was on pracs and casual work that I had done there. Yes, my immune system was just not as great but thankfully four years in, I'm doing much better.

PN2366

Thank you. Any re-examination, Mr Taylor?

PN2367

MR FAGIR: That's obviously an employment benefit to being an ECT.

PN2368

MR TAYLOR: No, nothing arising. Thank you very much, and that - if this witness could be excused.

PN2369

VICE PRESIDENT HATCHER: Yes, thank you for your evidence Ms Vane-Tempest, you're excused and you can go?---Thank you.

<THE WITNESS WITHDREW

[12.13 PM]

PN2370

MR TAYLOR: That concludes - for the reasons that the Bench is well aware of that concludes the evidence that we call today and as the Bench is aware our first witness tomorrow and there's only two - is available by video link from - there is a witness by video link, it's the second witness, and so that we don't have unnecessary time taken in between witnesses we're proposing we start at one o'clock tomorrow.

\*\*\* EMILY JAYDE VANE-TEMPEST

XXN MR FAGIR

PN2371

VICE PRESIDENT HATCHER: Yes, all right. All right. We'll now adjourn and resume at 1.00 pm tomorrow.

**ADJOURNED UNTIL THURSDAY, 20 JUNE 2019**

**[12.14 PM]**

**LIST OF WITNESSES, EXHIBITS AND MFIs**

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<b>EXHIBIT #39 WITNESS STATEMENT OF EMILY JAYDE VANE- TEMPEST, UNDATED.....</b>	<b>PN2204</b>
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