Appendix 4 Minutes

**Minutes no. 5**

Wednesday 6 December 2023

Portfolio Committee No. 3 – Education

Room 1136, Parliament House, Sydney, 10.02 am

1. Members present

Ms Boyd, *Chair* (via videoconference)

Ms Merton, *Deputy Chair*

Mr D'Adam (via videoconference)

Mr Buttigieg

Ms Mihailuk

Mrs Mitchell (via videoconference)

Ms Suvaal (via videoconference)

1. Previous minutes

Resolved, on the motion of Ms Mihailuk: That draft minute nos. 3 and 4 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

Received

* 31 October 2023 – Email from individual to the committee, regarding concerns about the feral deer population in the Nirimba Education Precinct
* 1 November 2023 – Email from Mr Justin Barrett to Chair, noting the correspondence received and providing additional information for the committee's consideration
* 28 November 2023 – Letter from Hon Sarah Mitchell MLC, Hon Rachel Merton MLC and Ms Abigail Boyd MLC requesting a meeting of Portfolio Committee No. 3 to consider a proposed self-reference into children and young people with disability in New South Wales educational settings.

1. Consideration of terms of reference

The Chair tabled a letter to the Committee Clerk signed by Hon Sarah Mitchell MLC, Hon Rachel Merton MLC and Ms Abigail Boyd MLC requesting a meeting of the committee to consider a proposed terms of reference into children and young people with disability in New South Wales educational settings.

Resolved, on the motion of Mr D'Adam: That the terms of reference be amended by inserting the following new terms of reference after paragraph g):

h) the resourcing available to educational settings and educators, including infrastructure, to support the needs of children and young people with disability in New South Wales

i) the measures necessary to ensure the learning environment is safe and inclusive for all students, teachers and school support staff

Resolved, on the motion of Mrs Mitchell: That the committee adopt the terms of reference as amended.

1. That Portfolio Committee No. 3 – Education inquire into and report on current levels of access and attainment for children and young people with disability in New South Wales educational settings, and in particular:

1. the experiences of children and young people within educational settings and measures to better support students with disability
2. the barriers to safe, quality and inclusive education for children with disability in schools, early childhood education services and other educational settings
3. the specific needs of children and young people with disability in regional, rural and remote schools, early childhood education services and other educational settings
4. the impact on children and young people with disability and their families associated with inadequate levels of support
5. the benefits for all children and young people if students with disability are provided with adequate levels of support
6. the social, economic and personal benefits of improving outcomes for students with disability at school and in further education and employment
7. the experiences of teachers, early childhood educators, learning support staff and others with a role in educating children with disability and measures to adequately resource and empower those educators
8. the resourcing available to educational settings and educators, including infrastructure, to support the needs of children and young people with disability in New South Wales
9. the measures necessary to ensure the learning environment is safe and inclusive for all students, teachers and school support staff
10. the impact of policies regarding suspensions and expulsions
11. the impact of policies regarding the use of restrictive practices
12. the effectiveness and availability of early intervention programs
13. whether existing regulatory and oversight mechanisms are sufficient to protect and promote the rights of children and young people with disability, and protect those children and young people from abuse, neglect and exploitation
14. whether children and young people with disability should be included under the remit of the Ageing and Disability Commissioner
15. developments since the 2017 Upper House inquiry into education of students with disability or special needs in New South Wales
16. measures to implement the Disability Royal Commission's recommendations in relation to inclusive education
17. any other related matters.

2. That the committee report by 30 May 2024.

1. Conduct of the inquiry into children and young people with disability in New South Wales educational settings
   1. Closing date for submissions

Resolved, on the motion of Mr D'Adam: That the closing date for submissions be Thursday 29 February 2024.

* 1. Stakeholder list

Resolved, on the motion of Mr Buttigieg: That:

* the secretariat circulate to members the Chair's proposed list of stakeholders to be invited to make a submission
* members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
* the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.
  1. Online questionnaire

Resolved, on the motion of Ms Mihailuk: That:

* the committee use an online questionnaire to capture individuals' views, and that the draft questions be circulated to the committee for comment, with a meeting on request from any committee member if there is disagreement on the questions
* the media release announcing the establishment of the inquiry and emails to stakeholders note that there will be an online questionnaire to capture individuals' views
* that the following wording be included on the committee's website:
  + **Submissions**

Individuals are invited to submit their comments on the terms of reference here [hyperlink to online questionnaire]. This is a new way for individuals to participate in inquiries.

Resolved, on the motion of Mr D'Adam: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

* the committee agree to publication of the report via email, unless a member raises any concerns
* individual responses be kept confidential on tabling.
  1. Hearing dates

Resolved, on the motion of Ms Suvaal: That the committee hold hearings on 26 March 2024 and the week commencing 22 April 2024, the dates of which are to be determined by the Chair after consultation with members regarding their availability.

1. Adjournment

The committee adjourned at 10.31am, *sine die*.

Sarah Newlands

Committee Clerk

**Minutes no. 6**

Monday 12 February 2024

Portfolio Committee No. 3 – Education

Room 1254, Parliament House, Sydney, 1.04 pm

1. Members present

Ms Boyd, *Chair*

Mr Buttigieg

Mr D'Adam (via videoconference)

Mrs Mitchell (via videoconference)

Ms Suvaal (via telephone, from 1.05 pm)

1. Apologies

Mrs Maclaren-Jones

Ms Mihalik

1. Previous minutes

Resolved, on the motion of Mrs Mitchell: That draft minutes no. 5 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

***Received***

* 6 December 2023 – Email from Deyi Wu, Government Whip' Adviser, to the secretariat advising that the Hon. Natasha Maclaren-Jones will substitute for the Hon. Rachel Merton for the duration of the inquiry
* 20 December 2023 – Email from Zoë Robinson, Advocate, Office of the Advocate for Children and Young People to the secretariat providing feedback on the draft questionnaire
* 20 December 2023 – Email from Kerry Watson, Senior Manager, Council for Intellectual Disability to the secretariat:
  + providing feedback on the draft questionnaire
  + attaching an email dated 15 December 2023 from Mr David Briggs, Advocacy and Policy Officer, Council for Intellectual Disability, to the Chair and Mr Angus Hoy with further feedback on the questionnaire
* 16 January 2024 – Email from Zoë Robinson, Advocate, Office of the Advocate for Children and Young People, to the secretariat advising how the Office might assist the inquiry
* 18 January 2024 – Email from Zoë Robinson, Advocate, Office of the Advocate for Children and Young People, to the secretariat, advising potential related costs
* 25 January 2024 – Email from Tracey Lloyd, Inclusion Services Manager, Council for Intellectual Disability, to the secretariat with an outline and quote for developing a targeted questionnaire and providing inclusive practice (disability awareness) training*.*

1. Inquiry into children and young people with disability in New South Wales educational settings
   1. Disability awareness training

Resolved, on the motion of Ms Suvaal: That the committee engage the Council for Intellectual Disability to provide disability awareness training on the morning of Tuesday 26 March 2024 prior to the first hearing of the inquiry.

* 1. Use of Auslan interpreters at hearings

Resolved, on the motion of Mrs Mitchell: That the committee engage Auslan interpreters from Deaf Connect for all public hearings/roundtables.

* 1. Roundtable hearing

Resolved, on the motion of Mr Buttigieg: That the committee agree in principle to a roundtable discussion, including a possible meeting with parents, facilitated by the Office for the Advocate for Children and Young People at an offsite location to be determined following the submission deadline.

* 1. Additional questionnaire targeted at children and young people

Resolved, on the motion of Ms Suvaal: That the secretariat contact the Office of the Advocate for Children and Young People regarding the current questionnaire.

1. Adjournment

The committee adjourned at 1.26 pm until 9.00 am, Tuesday 20 February 2024, Macquarie Room, Parliament House (public hearing – Budget Estimates 2023-2024).

Sarah Newlands

Committee Clerk

**Minutes No. 9**

Tuesday 26 March 2024

Portfolio Committee No.3 - Education

Preston Stanley Room, Parliament House, 9.05 am

1. Members present

Ms Boyd, *Chair*

Mr Buttigieg (from 9.08 am until 11.00 am, then from 2.43 pm)

Mr D'Adam (via videoconference until 3.10 pm)

Mrs Maclaren-Jones (via videoconference until 9.20 am, then in person from 11.30 am)

Ms Mihailuk (until 10.45 am, then from 11.48 am until 1.00 pm, then from 2.35 pm via videoconference)

Mrs Mitchell (via videoconference)

1. Apologies

Ms Suvaal

1. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes no. 6 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

Received

* 8, 9, 10, 11, 15 and 24 January, and 9, 23, 24 and 28 February 2024 – Eighteen emails from (name suppressed) to committee expressing concerns relating to the care and health of a family member who is under a guardianship order
* 14 February 2024 – Email from Ms Tracey Lloyd, Inclusion Services Manager, Council for Intellectual Disability to secretariat with updated proposal for inclusive practice training for committee
* 1 March 2022 – Email from Sarah Langston, President, The Australian Neurodivergent Parents Association, to the secretariat advising of accommodations required for any autistic or neurodivergent witnesses who may appear as witnesses at the inquiry
* 6 March 2024 – Email from Ms Bianca Tini Brunozzi, Policy and Advocacy Officer, Aboriginal Women's Advisory Network, to secretariat, advising that they will not be making a submission to the inquiry
* 19 March 2024 – Email from Georgina Reynhout, CEO, Council for Intellectual Disability, to secretariat, declining an invitation for their organisation to appear at the hearing on 26 March 2024 as they have not completed their consultation with people with intellectual disability and their families
* 22 March 2024 – Email from Ms Anna Dawson, Solicitor in Charge – Children's Civil Law Service, Legal Aid NSW to secretariat, advising that she is no longer able to attend the public hearing on 26 March 2024
* 22 March 2024 – Email from Dr Cherry Baylosis, Disability Advocacy NSW, to secretariat, providing a replacement submission for their published submission (no. 42) for the inquiry into children and young people in NSW educational settings.

Sent

11 March 2024 – Email from secretariat to Ms Tracey Lloyd, Inclusion Services Manager, Council for Intellectual Disability, confirming the details for the pre-hearing training session on 26 March 2024.

Resolved, on the motion of Mr D'Adam: That the:

* Committee keep the following correspondence from (name suppressed), regarding concerns relating to the care and health of a family member who is under a guardianship order, dated 8, 9, 10, 11, 15 and 24 January, and 9, 23, 24 and 28 February 2024, confidential,as per the recommendation of the secretariat, as they contain identifying and/or sensitive information and are not related to an inquiry
* Chair write to (name suppressed) acknowledging her correspondence and referring her to Portfolio Committee No. 5 – Justice and Communities due to its remit for guardianship and disability matters; and suggesting she may wish to contact the NSW Ombudsman, as well as the NSW Attorney General and the Minister for Disability Inclusion, with relevant links
* Committee keep confidential (name suppressed) name in the minutes.

1. Inquiry into children and young people with disability in New South Wales educational setting
   1. Election of Acting Deputy Chair

The Chair called for nominations for acting Deputy Chair for the duration of the inquiry.

Mrs Maclaren-Jones moved: That Mrs Mitchell be elected Acting Deputy Chair.

There being no further nominations, the Chair declared Mrs Mitchell elected Acting Deputy Chair for the duration of this inquiry.

* 1. Timeframes to answer questions on notice and supplementary questions

Resolved, on the motion of Ms Mihailuk: That

* members provide any supplementary questions to the secretariat within 24 hours of receiving the transcript of evidence for today's hearing and the April hearings
* witnesses be required to provide answers to questions on notice/supplementary questions within 7 days.
  1. Reporting date

Resolved, on the motion of Mr D'Adam: That the inquiry reporting date be extended to Monday 17 June 2024.

* 1. DPS Briefing paper

Resolved, on the motion of Mr D'Adam: That the committee authorise the publication of the DPS Research Service briefing paper for the inquiry into the children and young people with disability in educational settings in New South Wales.

* 1. Roundtable format and potential witnesses

Resolved, on the motion of Mrs Mitchell:

* That the authors of submissions 18, 40, and 41 be invited to a roundtable at Parliament House, organised by the secretariat
* That the committee hold an in camera roundtable in the Hunter region, with the Office of the Advocate for Children and Young People identifying up to 4 suitable participants
* That the roundtables be held with 3 to 4 committee members present.
  1. Public submissions

Resolved, on the motion of Mr D'Adam: That the committee authorise the replacement of submission no. 42 with a revised version.

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 2, 3, 5, 6, 8-10, 14, 15, 17, 18, 21, 23, 24, 26-40, 42, 43, 46, 48, 49, 51, 52a, 53–57, 59, 60-63, 65-68, 71 - 75.

* 1. Partially confidential submissions

Resolved, on the motion of Mr D'Adam: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 1, 4, 13, 19, 20, 22, 44, 45 and 47, 50, 69, 70.

Resolved, on the motion of Mr D'Adam:

* That the committee authorise the publication of submission no. 11 with the exception of identifying and/or sensitive information and potential adverse mention, which is to remain confidential, as per the recommendation of the secretariat. The author has specified that her children's names and her own surname should be suppressed in the submission.
* That the committee authorise the publication of submissions nos. 16, 25 and 64 with the exception of identifying and/or sensitive information, which is to remain confidential, as per the recommendation of the secretariat. The authors requested their names be suppressed.
* That the committee authorise the publication of submissions nos. 41 and 58 with the exception of children's names and a photograph (No. 41), as per the recommendation of the secretariat.
* That the committee authorise the publication of submission no. 52 with the exception of identifying and/or sensitive information, which is to remain confidential, at the request of the author.
  1. Confidential submissions

Resolved, on the motion of Mr D'Adam: That the committee keep submission nos. 7, 12 and 68a confidential, as per the request of the author.

* 1. Inclusive Practice training session

The committee received an inclusive practice training session facilitated by Jonathon Keller and Julian Vaz of the Council for Intellectual Disability. The session included information on:

* Inclusive and accessible communication
* Trauma informed approach
* Accessible and inclusive meeting spaces.
  1. Auslan interpreters at hearings

The committee noted that accredited Auslan interpreters will be present for the duration of the hearing to interpret from English to Auslan for the broadcast and the public gallery.

* 1. Public hearing

***Sequence of questions***

Resolved, on the motion of Mrs Mitchell: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

* Ms Sarah Abdou, Solicitor, Australian Centre for Disability Law
* Ms Rebecca Belzer, Solicitor, Australian Centre for Disability Law
* Ms Meredith Hagger, Principal Solicitor, General Practice, Youth Law Australia
* Ms Carey Evelyn Pearson, Acting Solicitor in Charge, Legal Aid NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

* Ms Natasha Watt, Senior Vice President, NSW Teachers Federation
* Ms Emma Bruce, Organiser, NSW Teachers Federation.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

* Mrs Lyn Caton, Assistant Secretary, Independent Education Union of Australia NSW/ACT Branch.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

* Mr Troy Wright, Assistant General Secretary, Public Service Association
* Ms Julie-Ann Bond, Industrial Manager, Public Service Association.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined via videoconference:

* Dr Cherry Baylosis, Policy and Communications Lead, Disability Advocacy NSW
* Ms Nadine Moore, Advisory Committee member, Disability Advocacy NSW.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.31 pm. The public and the media withdrew.

1. Adjournment

The committee adjourned at 4.34 pm, until Monday 22 April 2024, 9.00 am, Macquarie Room, Parliament House (public hearing).

Sarah Newlands

Committee Clerk

**Minutes no. 10**

Monday 22 April 2024

Portfolio Committee No. 3 - Education

Macquarie Room, Parliament House, Sydney, 9.05 am

1. Members present

Ms Boyd, *Chair*

Ms Mitchell, *Acting Deputy Chair*

Mr Buttigieg (until 10.50 am)

Mr D'Adam

Mrs Maclaren-Jones

Ms Mihailuk (until 4.18 pm)

Ms Suvaal (until 10.50 am)

1. Previous minutes

Resolved, on the motion of Mrs Mitchell: That draft minutes no. 9 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

***Received***

* 25 March 2024 – Letter from Ms Leanne Varga, Systemic Advocate and Campaigns Manager, Family Advocacy, to Chair, advising that their submission to the inquiry has been endorsed by Children and Young People with Disabilities Australia, and Down Syndrome Australia
* 26 March 2024 – Email from Mr Michael Farrell, Edmund Rice Educational Australia (EREA) Flexible Schools to committee, inviting committee to visit their school campuses
* 4 April 2024 – Email from the author of submission no. 69, to secretariat, providing a replacement submission for their published submission for the inquiry into children and young people in NSW educational settings
* 5 April 2024 – Email from Mr Graham Opie, CEO of Motor Neurone Disease NSW, to secretariat, advising they are unavailable for the hearing on 22 April 2024
* 10 April 2024 – Email from Ms Suzie Stollznow, Spinal Cord Injuries Australia, to secretariat, declining to appear at the hearing on 22 April 2024
* 11 April 2024 – Email from Mr Liam McGovern, Office of the Advocate for Children and Young People, to secretariat, requesting that the Advocate be represented by young people with lived experience at the hearing on 22 April 2024
* 12 April 2024 – Email from Mr Nicholas Lapsley, to secretariat advising he is unavailable for the hearing on 22 April 2024
* 15 April 2024 – Email from Ms Melissa Docker, Carers NSW, to secretariat, advising they are unable to appear at the hearing on 22 April 2024
* 16 April 2024 – Email from Ms Georgina Reynhout, Council for Intellectual Disability, to secretariat, advising they are unable to appear at the hearing on 22 April 2024
* 19 April 2024 – Email from Max Kennedy, Office of Hon Bob Nanva MLC, Government Whip to secretariat, advising Mr Donnelly will be substituting for Mr Buttigieg for the public hearing on Tuesday 23 April 2024.

***Sent***

* 27 March 2024 – Letter from Chair to (name suppressed), acknowledging her previous correspondence and referring her to Portfolio Committee No. 5 – Justice and Communities due to its remit for guardianship and disability matters; and suggesting she may wish to contact the NSW Ombudsman, as well as the NSW Attorney General and the Minister for Disability Inclusion.

Resolved, on the motion of Mrs Maclaren-Jones: That the committee authorise the publication of correspondence from Ms Le Ms Leanne Varga, Systemic Advocate and Campaigns Manager, Family Advocacy regarding endorsement of their submission by Children and Young People with Disabilities Australia, and Down Syndrome Australia, date 25 March 2024.

1. Inquiry into children and young people with disability in NSW educational settings
   1. Public submissions

Resolved, on the motion of Ms Mihailuk: That the committee authorise publication of submission nos. 81 and 83.

* 1. Partially confidential submissions

Resolved, on the motion of Mrs Maclaren-Jones: That the committee authorise:

* the publication of submission nos. 77, 78 and 82, with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the author.
* the publication of submission no. 79, with the exception of identifying and/or sensitive information and potential adverse mention which is to remain confidential, as per the recommendation of the secretariat.
* a replacement of submission no. 69 with a revised version.
  1. Confidential submission

Resolved, on the motion of Mr Buttigieg: That the committee keep submission no. 76 confidential, as per the request of the author.

* 1. Committee member participation at *in camera* roundtable in Newcastle

Resolved, on the motion of Ms Suvaal: That the following four committee members attend the *in camera* roundtable in Newcastle on 24 April 2024:

* Ms Abigail Boyd, Chair
* Mrs Sarah Mitchell
* Mr Anthony D'Adam.
  1. Answers to questions on notice

Resolved, on the motion of Ms Mihaliuk: That the committee authorise publication of answers to questions on notice provided by the following witnesses:

* Australian Centre for Disability Law
* Youth Law Australia.
  1. Auslan interpreters at hearings

The committee noted that accredited Auslan interpreters will be present for the duration of the public hearing to interpret from English to Auslan for the broadcast and the public gallery.

* 1. Sequence of questions

Resolved, on the motion of Mr D'Adam: That the allocation of questions to be asked at the *in camera* roundtable and hearing be left in the hands of the Chair.

* 1. *In camera* roundtable

Resolved, on the motion of Mr D'Adam: That the committee proceed to take evidence from the following witnesses *in camera*:

* Gemma
* Child B
* Fiona
* Brian
* Child A
* Andrew
* Melissa.

The witnesses were admitted.

The committee proceeded to take *in camera* evidence. Persons present other than the committee: Sarah Newlands, Margaret Pollard, Glenn Hill, Kate Mihaljek, Marina Yuan, Jessica Feenstra and Claire Morgan.

Andrew tendered the following documents:

* An article dated 13 April 2024 from the Catholic Weekly about a new school for children with disability
* A copy of a letter from Andrew to the Premier of New South Wales concerning the demolition of the former Western Sydney University site at Milperra, and proposed uses for the site, dated 24 January 2024.

The evidence concluded and the witness withdrew.

Resolved, on the motion of Mrs Mitchell: That the hearing resume in public.

* 1. Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following Auslan interpreters were admitted and sworn:

* Mr Rhonda Ryde
* Ms Nicole Clark
* Ms Kylie Clear

The following witnesses were sworn and examined:

* Ms Cecile Sullivan Elder, Executive Officer, Family Advocacy
* Ms Libby Gunn, National and NSW Coordinator, Square Peg Round Whole
* Dr Marika Franklin, Member Advocate, Square Peg Round Whole
* Mr Andrew Wilson, Chairperson, Australian Alliance for Inclusive Education (All Means All)
* Mrs Sue Tape, Project Coordinator – Inclusive Education, Children and Young People with Disability Australia, *via videoconference*.

Mr Wilson tabled the following document:

* Diagrams for education: inclusion, exclusion, segregation and integration.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

* Ms Nicole Rogerson, Director, Autism Awareness Australia.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

* Ms Grace Fava OAM, Founder and Chief Executive Officer, Autism and Advisory Support Services
* Ms Sarah Langston, Policy Co-lead, Australian Neurodivergent Parents Association, *via videoconference*
* Ms Emily McCann, Board member, Executive Committee, Australian Neurodivergent Parents Association and Parent to an Autistic Child , *via videoconference*.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

* Mr Julian Laurens, Senior Policy Officer, People with Disability Australia
* Ms Joanne Yates, Acting Deputy Chief Executive Officer, People with Disability Australia
* Ms Charlotte Sangster, Chief Executive Officer, Muscular Dystrophy NSW
* Ms Laura Howard, Senior Community Support Specialist, Muscular Dystrophy NSW.

The evidence concluded and the witnesses withdrew.

The following Auslan interpreters were admitted and sworn:

* Ms Melissa Martin.

The following witnesses were sworn and examined:

* Mr Chris Edwards, Director – Government Relations, Advocacy, NDIS and Aged Care, Vision Australia
* Mr Brent Phillips, Chief Impact Officer, Deaf Connect
* Ms Shirley Liu, Acting Chief Executive Officer, Deaf Australia
* Ms Catherine Miller, Policy Officer, Deaf Australia.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

* Ms Janelle Barnes, President, Home Education Association, via videoconference
* Ms Lara Sappl, National Committee Member, Home education Association, *via videoconference*
* Mr Jason Wong, Executive Director, North Sydney, and Board Secretary, Federation of Parents and Citizens Associations of NSW
* Mr Liam Bowden, Policy and Advocacy Officer, Federation of Parents and Citizens Associations of NSW
* Ms Gabie Le Lievre, Special Education Portfolio Leader, Isolated Children's Parents' Association of NSW, *via videoconference*
* Ms Annabel Strachan, Rural Schools Portfolio leader, Isolated Children's Parents' Association of NSW, *via videoconference*
* Mr Jonathan Harms, Chief Executive officer, Mental Health Carers NSW.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.55 pm. The public and media withdrew.

* 1. Tabled documents

Resolved, on the motion of Mrs Mitchell: That the committee accept and publish the following documents:

* Diagrams for education: inclusion, exclusion, segregation and integration, tendered by Mr Andrew Wilson, Chairperson, Australian Alliance for Inclusive Education (All Means All).

1. Adjournment

The committee adjourned at 4.47 pm, until Tuesday 23 April 2024, 9.10 am, Macquarie Room, Parliament House (public hearing).

Sarah Newlands

Committee Clerk

**Minutes no. 11**

Tuesday 23 April 2024

Portfolio Committee No. 3 – Education

Macquarie Room, Parliament House, Sydney, 9.10 am

1. Members present

Ms Boyd, *Chair*

Mrs Mitchell, *Acting Deputy Chair* (from 9.16 am)

Mr D'Adam

Mr Donnelly (until 9.26 am, substituting for Mr Buttigieg)

Mrs Maclaren-Jones

Ms Mihailuk (from 2.50 pm via videoconference)

Ms Suvaal (from 3.57 pm via videoconference)

1. Correspondence

The committee noted the following items of correspondence:

***Received***

* 11 April 2024 – Email from Mia Zahra, Executive Manager, Anti-Discrimination NSW, to secretariat, declining invitation to appear at the hearing on 23 April 2024 for the inquiry into children and young people with disability in NSW educational settings
* 23 April 2024 – Email from Brooke Lawson, Executive Assistant to the CEO, NSW Education Standards Authority to secretariat, advising that Mr Paul Martin is unable to attend the hearing on 23 April 2024 due to illness.

Resolved, on the motion of Mrs Maclaren-Jones: That the secretariat write to the NSW Education Standards Authority (NESA) seeking a representative to appear at today's hearing in place of Mr Paul Martin.

1. Inquiry into children and young people with disability in NSW educational settings
   1. Auslan interpreters at hearings

The committee noted that accredited Auslan interpreters will be present for the duration of the public hearing to interpret from English to Auslan for the broadcast and the public gallery.

* 1. Public hearing

*Sequence of questions*

Resolved, on the motion of Mr D'Adam: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

* Dr Sally Howell, President, Australian Association of Special Education NSW Chapter
* Dr Cathy Little, Associate Professor Special Education and Chair, Initial Teacher Education, Australian Association of Special Education NSW Chapter
* Mrs Loren Swancutt, Chairperson, Inclusive Educators Australia, *via videoconference*
* Dr Coral Kemp OAM, Chair, Institute of Special Education
* Dr Jennifer Stephenson, Director, Institute of Special Educators.

Dr Coral Kemp tendered the following documents:

* Qualifications required for Australian Special Education Roles – Job advertisements for Special Education Roles in NSW State Schools
* Qualifications Required for Australian Special Education Roles in each state and territory.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

* Mr Phillip Petrie, Chief Executive Officer, Allevia/NSW Divisional Committee Chair, National Disability Services
* Mrs Morgan Fitzpatrick, Chief Executive officer, Koorana Child & Family Services/NSW Divisional Committee, National Disability Services
* Dr Shannon Schedlich, Chief Executive, Siblings Australia (SibPlan)
* Professor Iona Novak AM, Chair of Allied Health, Cerebral Palsy Alliance
* Ms Sophie Geeves, CPActive Champion and lived experience representative, Cerebral Palsy Alliance.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

* Mr Damien Griffs, Chief Executive officer, First Peoples Disability Network, *via videoconference.*

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

* Ms Zoë Robinson, Advocate for Children and Young People
* Ms Ellen Armfield, Person with lived experience
* Ms Sonja Vujanic, Person with lived experience.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

* Mr Paul Miller, NSW Ombudsman
* Ms Jacqueline Fredman, Deputy Ombudsman (Complaints and Resolution)
* Ms Cecelia Cox, A/Director Operations, NSW Ageing and Disability Commission
* Ms Pamela Cuelho, Manager, Official Community Visiting Scheme, NSW Ageing and Disability Commission.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

* Mr Martin Graham, Deputy Secretary, Teaching, Learning and Student Wellbeing, NSW Department of Education
* Ms Deborah Summerhayes, Deputy Secretary, Public Schools, NSW Department of Education
* Mr Stephen Brady, Managing Director, TAFE NSW
* Mr Matthew Barden, A/Executive Director, Homelessness, Disability and Seniors, Department of Communities and Justice.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.58 pm. The public and media withdrew.

***Tabled documents***

Resolved, on the motion of Mrs Mitchell: That the committee accept and publish the following documents:

* Qualifications required for Australian Special Education Roles – Job advertisements for Special Education Roles in NSW State Schools, tendered by Dr Coral Kemp OAM, Chair, Institute of Special Education
* Qualifications Required for Australian Special Education Roles in each state and territory, tendered by Dr Coral Kemp OAM, Chair, Institute of Special Education.

1. Adjournment

The committee adjourned at 5.01 pm, until Wednesday 24 April 2024, 8.15 am, Macquarie St entrance, Parliament House (Roundtable in Newcastle).

Sarah Newlands

Committee Clerk

**Minutes no. 12**

Wednesday 24 April 2024

Portfolio Committee No. 3 - Education

Waratah Room, McDonald Jones Stadium, Broadmeadow, 11.30 am

1. Members present

Ms Boyd, *Chair*

Mrs Mitchell, *Acting Deputy Chair*

Mr D'Adam

1. Apologies

Mr Buttigieg

Mrs Maclaren-Jones

Ms Mihailuk

Ms Suvaal

1. Inquiry into children and young people with disability in NSW educational settings
   1. Roundtable discussion ― recording and summary report

Resolved, on the motion of Mr D'Adam: That the committee:

* agree to conduct the roundtable *in camera*
* agree to the secretariat recording the roundtable discussion for the purposes of assisting the secretariat's note-taking, and that the recording be destroyed once the report is drafted
* authorise the secretariat to draft a summary report of the roundtable discussion for potential use in the final report.
  1. *In camera* roundtable discussion

The committee met with children and young people with lived experience of disability and their parents and carers.

* 1. Thank you letter to WhatAbility, Deaf Connect and the Advocate for Children and Young People

Resolved, on the motion of Mr D'Adam: That the Chair write to the Advocate for Children and Young People, WhatAbility and Deaf Connect thanking them for their assistance.

* 1. Answers to questions on notice

Resolved, on the motion of Mr D'Adam: That the committee agree to publish the answers to questions on notice received by Legal Aid NSW.

1. Adjournment

The committee adjourned at 1.10 pm, until 10am, Wednesday 12 June, Room 1043, (report deliberative).

Sarah Newlands

Committee Clerk

**Minutes no. 13**

Wednesday 8 May 2024

Portfolio Committee No. 3 - Education

Members' Lounge, Parliament House, 12.43 pm

1. Members present

Ms Boyd *Chair*

Mrs Mitchell, *Acting Deputy Chair*

Mr Buttigieg

Mr D'Adam

Mrs Maclaren-Jones

Ms Mihailuk

Ms Suvaal

1. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes nos. 10, 11 and 12 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

***Received***

* 2 March 2024 – Email from Mr Michael Farrell, Edmund Rice Education Australia, to the Chair, inviting the committee to visit their schools
* 22 April 2024 – Email from Ms Bianca Tini Brunozzi, Policy and Advocacy Officer, NSW Aboriginal Women's Advisory Network, to secretariat, advising she is unable to attend the hearing on 23 April 2024
* 23 April 2024 – Email from Ms Brooke Lawson, NSW Education Standards Authority, to secretariat, advising NESA is unable to send a replacement witness for the hearing on 23 April 2024
* 23 April 2024 - Email from TAFE NSW to secretariat, advising Ms Janet Schorer is unable to attend the hearing on 23 April 2024
* 24 April 2024 – Email from Dr Coral Kemp, Chair, Institute of Special Educators, to committee, providing further information on the recommendations of the Disability Royal Commission
* 25 April 2024 – Email from (Name suppressed), ASAN, Autistic Self Advocacy Network, providing details about their experiences and role at ASAN
* 26 April 2024 – Email from Ms Nicole Rogerson, Director, Autism Awareness Australia, to committee, providing the summary report of the 2024 National Autism Education Survey
* 29 April 2024 – Email from Ms Nicole Clark, Deaf Connect, to secretariat, thanking them for their efforts working with the Auslan interpreters
* 29 April 2024 – Email from Fiona, to secretariat, providing a copy of the social story used to prepare her daughter for the *in camera* hearing
* 1 May 2024 – Letter from Ms Debbie Lee, NSW Policy Manager, First Peoples Disability Network, to committee, endorsing the submission from Family Advocacy
* 3 May 2024 – Email from Mrs Maclaren-Jones to Chair forwarding information provided by Siblings Australia regarding available resources for siblings and families of children and young people with disability.

Sent

* 2 May 2024 – Letter from Chair to representatives of Deaf Connect thanking them for their appearance at the hearing and their assistance with providing Auslan interpreters
* 2 May 2024 – Letter from Chair to Ms Zoë Robinson, Advocate for Children and Young People, thanking her and the young people with lived experience for appearing at the hearing and thanking her organisation for their assistance in identifying participants for the Newcastle roundtable
* 2 May 2024 – Letter from Chair to Ms Lucy Garcia, Chief Marketing Officer, What Ability, thanking her for her assistance in identifying participants for the Newcastle roundtable.

Resolved, on the motion of Mr D'Adam: That the committee authorise the publication of correspondence from:

* Nicole Rogerson, Director, Autism Awareness Australia, providing the results of the summary report of the 2024 National Autism Education Survey, dated 26 April 2024
* Dr Coral Kemp, Chair, Institute of Special Educators, providing further information on the recommendations of the Disability Royal Commission, dated 24 April 2024.
* Ms Debbie Lee, NSW Policy Manager, First People's Disability Network, endorsing the submission from Family Advocacy, dated 1 May 2024.
* Mrs Maclaren-Jones, member of Portfolio Committee No. 3 – Education, forwarding information from Siblings Australia, dated 3 May 2024.

Resolved, on the motion of Ms Mihailuk: That the committee keep confidential the correspondence from Fiona, providing a copy of the social story used to prepare her daughter for the *in camera* hearing, dated 29 April 2024.

1. Inquiry into children and young people with disability in New South Wales educational settings
   1. Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 84 and 86.

Resolved, on the motion of Mr D'Adam: That the committee authorise the publication of submission nos. 84 and 86.

* 1. Confidential submissions

Resolved, on the motion of Ms Mihailuk: That the committee keep submissions no. 80 and 85 confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information.

* 1. Extension of reporting date

Resolved, on the motion of Mrs Mitchell: That the inquiry reporting date be extended to Thursday 8 August 2024.

* 1. Report deliberative date

Resolved, on the motion of Mrs Mitchell: That the committee hold a report deliberative on Thursday 1 August 2024.

* 1. Additional public hearing

With the agreement to extend the reporting date, the committee considered whether to hold a half-day hearing on Wednesday 12 June 2024.

Resolved, on the motion of Mrs Maclaren-Jones: That a half-day hearing be held on the morning of Wednesday 12 June 2024.

Resolved, on the motion of Mrs Maclaren-Jones: That the committee invite the following witnesses to appear at a half day hearing on Wednesday 12 June 2024:

* NSW Education Standards Authority
* NSW Department of Education
* Dr David Roy
* Name suppressed
* Ms Tina Kordrostami, Mental Health Architectural Design
* Catholic Schools NSW
* Association of Independent Schools of NSW
* *In camera*: Allambi Care, and include one or two young people with disability who have also been, or are in, out-of-home care.
  1. Site visits to schools

The committee considered two days of site visits to schools in the Greater Sydney area.

Committee noted it had received invitations from the following organisations to visit:

* Edmund Rice Education Australia (EREA) Flexible Schools and St Lucy's School, Wahroonga.
* ASPECT schools
* Disability Advocacy NSW.

The committee discussed the types of schools they would like to visit in the Greater Sydney area, and noted that the secretariat would canvass suggestions from the committee.

Resolved, on the motion of Mrs Maclaren-Jones: That:

* site visits to schools in June take place over two days with a minimum of three members, depending on availability
* the committee visit St Lucy's School, Wahroonga, pending its availability to host the committee
* the secretariat canvass members for suggestions on other schools to visit, with a focus on the following school types:
  + Government schools
    - School for specific purposes – for students with behaviour needs
    - School for specific purposes – for students with disability
    - Mainstream school with support units for students with disability
  + Non-government schools
    - ASPECT special school for students with autism
    - Mainstream school with support unit(s) for students with disability .
* that the secretariat seek members availability for site visits on the following dates via email:
  + Friday 14 June (preferred)
  + Monday 24 June
  + Wednesday 26 June
  + Thursday 27 June (preferred).

1. Adjournment

The meeting adjourned at 1.04 pm until Tuesday 11 June 2024, 11.00 am, Room 1136 (report deliberative for Budget Estimates).

Sarah Newlands

Committee Clerk

**Minutes no. 15**

Wednesday 12 June 2024

Portfolio Committee No.3 - Education

Macquarie Room, Parliament House, Sydney, 8.34 am

1. Members present

Ms Boyd, *Chair*

Mrs Mitchell, *Acting Deputy Chair (*from 8.42 am until 12.25 pm)

Mr Buttigieg (via videoconference, until 9.25 am, then from 12.30 pm)

Mr D'Adam

Mrs Maclaren-Jones (via videoconference)

Ms Mihailuk (via videoconference until 9.25 am, in person from 10.00 am until 11.00 am)

Ms Suvaal (from 9.07 am)

1. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes no. 13 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

***Received***

* 3 May 2024 – Email from Dr Coral Kemp, Chair, Institute of Special Educators, to secretariat, commenting on the Teacher Standards Elaborations for implementing the Disability Standards for Education 2005, compiled by the Australian Institute for Teaching and School Leadership
* 7 May 2024 – Email from Ms Rebecca O'Sullivan, Acting General Manager Influence, Cerebral Palsy Association to secretariat providing additional information referred to by Professor Iona Novak in her opening statement at the hearing on 23 April 2024
* 9 May 2024 – Email from Ms Grace Fava, OAM, Founder/CEO of Autism Advisory and Support Service, to secretariat, providing a discussion paper on disability sector issues and recommendations
* 9 May 2024 – Email from (Name suppressed) to committee requesting that Autism Awareness Alliance be invited to provide evidence
* 21 May 2024 – Email from (Name suppressed), Autistic Self Advocacy Network, to secretariat requesting to be heard in camera
* 27 May 2024 – Email from Ms Kerryn Barnett, Senior Manager, Diverse Learning, Catholic Schools NSW, to secretariat advising Catholic Schools NSW is unable to attend hearing on 12 June 2024
* 29 May 2024 – Email from Fiona, to secretariat, advising there are no concerns with publication of the proposed redacted *in camera* transcript
* 30 May 2024 – Email from Melissa, to secretariat, advising there are no concerns with publication of the proposed redacted *in camera* transcript
* 1 June 2024 – Email from Gemma, to secretariat, advising there are no concerns with publication of the proposed redacted *in camera* transcript.

Resolved on the motion of Mr D'Adam:

* That the committee authorise the publication of correspondence from:
  + Dr Coral Kemp regarding the Teacher Standards Elaborations for implementing the Disability Standards for Education 2005, dated 3 May 2024.
* That the committee authorise the publication of the documents accompanying the correspondence from:
  + Ms Rebecca O'Sullivan dated 7 May 2024
  + Ms Grace Fava dated 9 May 2024
  + Ms Tina Kordrostami 11 June 2024.
* That the committee keep confidential the following correspondence, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information:
  + (Name suppressed) regarding appearance at a hearing and requesting to be heard *in camera*, dated 9 May and 21 May 2024
  + Fiona regarding the publication of the proposed redacted *in camera* transcript, dated 29 May 2024
  + Melissa regarding the publication of the proposed redacted *in camera* transcript, dated 30 May 2024
  + Gemma regarding the publication of the proposed redacted *in camera* transcript, dated 1 June 2024.
* That the committee redact the names of *in camera* witnesses from the minutes.

1. Inquiry into children and young people with disability in New South Wales educational settings
   1. Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 87 and 88.

* 1. Partially confidential submissions

Resolved, on the motion of Ms Mihailuk: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submission 88a.

* 1. Questionnaire report

The committee noted that a summary report of the online questionnaire was published on the website under the authorisation of the resolution establishing the inquiry.

* 1. Publication of *in camera* transcript of evidence – 22 April 2024

Resolved, on the motion of Mrs Maclaren-Jones: That the committee authorise the publication of the transcript of in camera evidence given on 22 April 2024, with the exception of identifying and/or sensitive information, which is to remain confidential.

* 1. Roundtable with children and young people summary reports - Newcastle

On 24 April 2024 the committee attended a roundtable discussion with children and young people with lived experience of disability in Newcastle.

Resolved, on the motion of Ms Mihailuk:

* That the committee keep the report containing potentially identifying information confidential
* That the committee authorise the publication of the summary report prepared for potential use in the final report*.*
  1. Answers to questions on notice and supplementary questions

The committee noted the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

* answers to supplementary questions from Skye Kakoschke-Moore, Chief Executive Officer, Children and Young People with Disability Australia, received 7 May 2024
* answers to questions on notice from Ms Catherine Dunn, Senior Advisor – Policy & Government Relations, Deaf Connect, received 6 May 2024
* answers to supplementary questions from Ms Leanne Varga, Systemic Advocacy and Campaigns Manager, Family Advocacy, received 7 May 2024
* answers to supplementary questions from Mr Liam Bowden, Policy & Advocacy, Federation of Parents and Citizens Associations of NSW, received 7 May 2024
* answers to questions on notice and supplementary questions from Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, received 7 May 2024
* answers to questions on notice from Ms Kathryn McKenzie, Acting Ageing and Disability Commissioner, Ageing and Disability Commission, received 7 May 2024
* answers to questions on notice and supplementary questions from Mr Paul Miller, NSW Ombudsman, received 8 May 2024
* answers to questions on notice from Dr Shannon Schedlich, Siblings Australia, received 7 May 2024
* answers to supplementary questions from Mr Paul Daniell, A/CEO, NSW Education Standards Authority, received 7 May 2024
* answers to questions on notice from Ms Shirley Liu and Ms Catherine Miller, Deaf Australia, received 7 May 2024
* answers to questions on notice from Mr John Paul Ramsay, Manager, Ministerial and Parliamentary Services, Department of Communities and Justice received 9 May 2024
* answers to questions on notice and supplementary questions from Mr Stephen Brady, Managing Director, TAFE NSW, received 13 May 2024
* answers to questions on notice and supplementary questions from Ms Alison Cantlon, Manager, Ministerial and Parliamentary Support, NSW Department of Education received 10 May 2024
* answers to supplementary questions from Ms Stephanie Gotlib, Executive Director – Government Relations and Advocacy, Australian Alliance for Inclusive Education (All Means All) received 14 May 2024
* answers to supplementary questions from Ms Libby Gunn, Square Peg Round Whole received 17 May 2024
* answers to supplementary questions from Mrs Loren Swancutt, Chairperson, Inclusive Educators Australia received 17 May 2024
* answers to a question on notice from Ms Charlotte Sangster, Muscular Dystrophy NSW received 17 May 2024*.*
  1. Visits to schools

Resolved, on the motion of Mr D'Adam: That the committee conduct visits to the following schools on 14 June 2024:

* St Lucy's School, Wahroonga
* Terrigal Public School with support unit
* Aspect Central Coast School, Terrigal.
  1. Summary report of school visits

Resolved, on the motion of Mrs Maclaren-Jones: That the committee authorise the secretariat to draft a summary report of the school site visits on 14 and 27 June 2024 for potential use in the final report.

* 1. *In camera* hearing – 12 June 2024

Resolved, on the motion of Ms Mihailuk: That the committee take evidence in camera from Autistic Self Advocacy Network and Australian Autism Alliance.

* 1. Timeframes for answers to questions on notice and supplementary questions

Resolved, on the motion of Ms Mihailuk: That:

* members provide any supplementary questions to the secretariat within 24 hours of receiving the transcript of evidence for today's hearing
* witnesses be required to provide answers to questions on notice/supplementary questions within 7 days.
  1. *In camera* hearing

The following witnesses were admitted.

* (Mr B), Autistic Self Advocacy Network, *via videoconference*
* (Ms C), Autism Awareness Alliance, *via videoconference.*

The committee proceeded to take *in camera* evidence. Persons present other than the committee:

Sarah Newlands, Margaret Pollard, Glenn Hill, Laura Ismay, Marina Yuan, Nick Marland, Natalie Tipping, Patrick Vasquez.

The evidence concluded and the witnesses withdrew.

* 1. Public hearing

Witnesses, the public and media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

* Ms Mairead Foley, National Disability Officer, National Union of Students
* Ms Keira Ademovic, Student Advisor, National Union of Students.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

* Dr David Roy, Lecturer in Education, University of Newcastle.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

* Ms Tina Kordrostami, Director, Mental Health Architectural (MHA) Design.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

* Mr Martin Graham, Deputy Secretary Teaching, Learning and Student Wellbeing, NSW Department of Education
* Mr Paul Martin, Chief Executive Officer, NSW Education Standards Authority (NESA), *via videoconference*.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

* Ms Lisa Ridings, Associate Chief Executive of Student Services, Association of Independent Schools NSW.

The evidence concluded and the witness withdrew.

The public hearing concluded at 12.19 pm. The public and media withdrew.

* 1. *In camera* hearing

Resolved, on the motion of Mrs Mitchell: That the committee proceed to take evidence from the following witness *in camera*: Mr Brett Smith, Executive Officer of Operations, Allambi Care.

The following witness was sworn and examined:

* Mr Brett Smith, Executive Officer of Operations, Allambi Care.

Persons present other than the committee:

Sarah Newlands, Margaret Pollard, Glenn Hill, Emma Rogerson, Marina Yuan, Nick Marland, Natalie Tipping, Patrick Vasquez.

The evidence concluded and the witness withdrew.

* 1. Invitation to make a submission

Resolved, on the motion of Mr D'Adam: That the committee seek a submission from the NSW Police Force Youth Command on Youth Action Meetings (YAMs).

1. Adjournment

The committee adjourned at 12.58 pm, until Friday 14 June 2024, 9.00 am (site visit to schools in Wahroonga and Central Coast).

Sarah Newlands

Committee Clerk

**Minutes no. 16**

Friday 14 June 2024

Portfolio Committee No. 3 – Education

Terrigal Public School, Terrigal, 11.15 am

1. Members present

Ms Boyd, *Chair*

Mr Buttigieg

Mr D'Adam (until at 12.15 pm)

Mrs Maclaren-Jones

1. Apologies

Ms Mihailuk

Mrs Mitchell, *Acting Deputy Chair*

Ms Suvaal

1. Inquiry into children and young people with disability in New South Wales educational settings
   1. Site visit to schools

The committee visited the following schools:

* Terrigal Public School, a government primary school, with a support unit for students with special needs
* Aspect Central Coast School, Senior Campus, Erina Heights, an independent school for students with Autism.

1. Other business

Mr D'Adam advised he visited St Lucy's School, Wahroonga, in his private capacity as a member of Parliament, and met with:

* Mr David Raphael, Principal
* Ms Susan Jones, Deputy Principal
* Ms Ali Picone, Head of Creative Arts.

1. Adjournment

The committee adjourned at 2.50 pm, until 8.00 am, Thursday 27 June 2024, Macquarie St entrance (site visit to Western Sydney schools).

Sarah Newlands

Committee Clerk

**Minutes no. 17**

Thursday 27 June 2024

Portfolio Committee No. 3 – Education

3 Hollows Drive, Oran Park, St Justin's Primary School, 9.15 am

1. Members present

Ms Boyd, *Chair*

Mr D'Adam

Ms Merton (substituting for Mrs Maclaren-Jones)

1. Apologies

Mrs Mitchell, *Acting Deputy Chair*

Mr Buttigieg

Ms Mihailuk

Ms Suvaal

1. Inquiry into children and young people with disability in New South Wales educational settings
   1. Site visit to schools

The committee visited the following school:

* St Justin's Primary School, a Catholic primary school, with specialist support classes in Oran Park.

1. Other business

Mr D'Adam and Ms Boyd visited the following schools in their private capacity as members of Parliament:

* Passfield Park School in Minto
* Ajuga School for Specific Purposes in Glenfield.

1. Adjournment

The committee adjourned at 10.25 am, until 10.00 am, Thursday 1 August 2024, Room 1136 (report deliberative).

Margaret Pollard

Committee Clerk

**Minutes no. 18**

Tuesday 16 July 2024

Portfolio Committee No. 3 – Education

Via Videoconference at 4.03 pm

1. Members present

Ms Boyd, *Chair*

Ms Merton, *Deputy Chair*

Mr D'Adam

Mr Lawrence (substituting for Mr Buttigieg)

Mrs Mitchell

Ms Suvaal

1. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes no. 14 be confirmed.

1. Inquiry into Budget Estimates 2024-2025 – procedural resolutions

The committee noted that the Budget Estimates timetable for 2024-2025 was agreed to by the House with hearings generally commencing at 9.15 am and concluding by 5.30 pm. The committee noted the following timetable of Portfolio Committee No. 3 hearings.

|  |  |
| --- | --- |
| **Date** | **Portfolio** |
| **Tuesday 27 August 2024** | Education and Early Learning, Western Sydney |
| **Wednesday 4 September 2024** | Skills, TAFE and Tertiary Education |

* 1. Allocation of question time and total hearing time

The committee noted that under the Budget Estimates 2024-2025 resolution:

1. each portfolio, except The Legislature is to be examined concurrently by opposition and crossbench members only from 9.15 am to 10.45 am, 11.15 am to 12.45 pm, 2.00 pm to 3.30 pm and 3.45 pm to 5.15 pm, and, if required, by Government members only from 10.45 am to 11.00 am, 12.45 pm to 1.00 pm, and 5.15 pm to 5.30 pm, and
2. the portfolio of The Legislature is to be examined by opposition, crossbench and Government members from 9.15 am to 11.00 am, and from 11.15 am to 1.00 pm.
   1. Sequence of questions

The committee noted that under the Budget Estimates 2024-2025 resolution, unless the committee decides otherwise, the sequence of questions to be asked at the hearings for Education and Early Learning, Western Sydney is to alternate between *opposition and crossbench members, in that order,* with equal time allocated to each.

In addition, unless the committee decides otherwise, the sequence of questions to be asked at the hearings for Skills, TAFE and Tertiary Education is to alternate between *crossbench and opposition members, in that order,* with equal time allocated to each.

* 1. Witness requests

The committee noted a list of witnesses who appeared at initial hearings for Budget Estimates 2023-2024 for the portfolios relevant to Portfolio Committee No. 3.

**Education and Early Learning, Western Sydney**

|  |  |
| --- | --- |
| **Witness** | |
| Mr Murat Dizdar | Secretary, NSW Department of Education |
| Ms Cathy Brennan | A/Deputy Secretary, School Performance (North), NSW Department of Education |
| Ms Deborah Summerhayes | A/Deputy Secretary, School Performance (South), NSW Department of Education |
| Ms Leanne Nixon | A/Deputy Secretary, Learning Improvement, NSW Department of Education |
| Mr Mark Barraket | A/Deputy Secretary, Early Childhood Outcomes, NSW Department of Education |
| Ms Chloe Read | Deputy Secretary, Education and Skills Reform, NSW Department of Education |
| Mr Shaun Ruming | Chief People Officer, NSW Department of Education |
| Ms Sally Blackadder | A/Chief Operating Officer, NSW Department of Education |
| Mr Anthony Manning | Chief Executive, School Infrastructure NSW, NSW Department of Education |
| Mr Paul Martin | Chief Executive Officer, NSW Education Standards Authority |
| Mr Joshua Roberts | Chief Information Officer, NSW Department of Education |
| Ms Sarah Hurcombe | Executive Director, Service Excellence, NSW to 3.00 pm Department of Education |

**Skills, TAFE and Tertiary Education**

|  |  |
| --- | --- |
| **Witness** | |
| Mr Murat Dizdar | Secretary, NSW Department of Education |
| Ms Chloe Read | Deputy Secretary, Education and Skills Reform, NSW Department of Education |
| Ms Sally Blackadder | A/Chief Operating Officer, NSW Department of Education |
| Mr David Collins | Executive Director, Training Services NSW, NSW Department of Education |
| Mr Stephen Brady | Managing Director, TAFE NSW |
| Dr Margot McNeill | Chief Product and Quality Officer, TAFE NSW |
| Ms Julie Tickle | Chief People and Culture Officer, TAFE NSW |
| Ms Janet Schorer | Chief Delivery Officer, TAFE NSW |
| Mr Patrick Woods | Chief Operating Officer, TAFE NSW |
| Ms Fiona Rankin | Chief Information Officer, TAFE NSW |

Resolved, on the motion of Mrs Mitchell: That:

* members be given 48 hours to consider the list of witnesses who appeared before portfolio committee no. 3 at initial hearings for Budget Estimates 2023-2024 and propose amendments or nominate additional witnesses by email (noting that where a witness no longer occupies a position their proposed inclusion in the witness list is taken to be a reference to their position)
* the committee agree to the witness list by email, unless a meeting of the committee is required to resolve any disagreement
* once the witness list is agreed, the secretariat write to the ministers of portfolios being examined by the committee to communicate the witness list and invite the nomination of any additional witnesses, for the committee's consideration, prior to it settling on a final witness list.
  1. Witness appearance time

The committee noted that, under the Budget Estimates 2024-2025 resolution, Ministers are invited to appear for the morning sessions only, 9.15 am to 1.00 pm, unless requested by the committee to also appear for the afternoon session.

1. Other business

***Inquiry into children and young people with disability in New South Wales educational settings***

The committee considered the inquiry into children and young people with disability in New South Wales educational settings.

Resolved, on the motion of Mr D'Adam: That the tabling date for the inquiry into children and young people with disability in New South Wales educational settings be extended to 21 August 2024.

Resolved, on the motion of Mr D'Adam: That the Chair of Portfolio Committee No. 3 write to the University of Newcastle on behalf of the committee asking for details regarding the university's post graduate courses dealing with trauma-informed practice, including the cost of any such courses and any Commonwealth assistance available to members of the teaching workforce wishing to take these courses.

Resolved, on the motion of Mr D'Adam: That the inquiry secretariat advise the committee as to whether a response has been received to the Chair's correspondence to NSW Police regarding the inquiry into children and young people with disability in New South Wales educational settings and, if not, follow up on a response.

1. Adjournment

The committee adjourned at 4.10 pm, until Friday 19 July 2024, Room 1136, Parliament House, inquiry into children and young people with disability in New South Wales educational settings.

Elspeth Dyer

Committee Clerk

**Minutes no. 19**

Thursday 1 August 2024

Portfolio Committee No. 3 - Education

Room 1136, Parliament House, 10.03 am

1. Members present

Ms Boyd, *Chair*

Mrs Mitchell, *Acting Deputy Chair* (via videoconference)

Mr Buttigieg (until 11.29 am)

Mr D'Adam

Mrs Maclaren-Jones

Ms Mihailuk (via videoconference)

Ms Suvaal (until 11.23 am via videoconference)

1. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes nos. 15, 16 and 17 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

***Received***

* 2 July 2024 – Email from Ms Patricia McCarthy, Executive Assistant to Principal and Front Office Manager, St Lucy's School, to secretariat providing correspondence from parents of students at St Lucy's school
* 11 June 2024 – Email from Ms Tina Kordrostami, to secretariat providing information on Mental Health Architectural Design.

***Sent***

* 19 June 2024 – Email from Chair to Ms Jacqui Borland, Chief Executive Officer, Aspect, thanking Aspect for facilitating the committee's visit on Friday 14 June
* 19 June 2024 – Email from Chair to the Advocate for Children and Young People, thanking them for their participation in and assistance to the inquiry
* 23 July 2024 – Letter from Chair to Dr Susan Ledger, Education Head of School, University of Newcastle, seeking information on post-graduate courses dealing with trauma informed practice in educational settings
* 26 July 2024 – Letter from Chair to Ms Kerryn Barnett, Catholic Schools NSW, thanking her for organising the committee's visits to St Lucy's School and St Justin's Primary School
* 26 July 2024 – Letter from Chair to Ms Claire Todd, Office of the Secretary, Department of Education, thanking her for organising the committee's visit to Passfield Park School and Ajuga School.

Resolved, on the motion of Ms Mihailuk: That the secretariat seek clarification from St Lucy's School regarding publication status of the document, and verification from contributing parents regarding the intent of the document.

Resolved, on the motion of Mr D'Adam: That the committee keep correspondence from Mr B, dated 25 April 2024, (previously noted in Minutes 10) requesting to appear at a hearing of the inquiry, confidential, as per the recommendation of the secretariat, as it contains confidential and/or sensitive information, and he has appeared as an in camera witness; and that any references to Mr B and Ms C also be removed from public versions of committee minutes.

1. Inquiry into children and young people with disability in New South Wales educational settings
   1. Public submissions

The committee noted the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission 90.

* 1. Confidential submissions

Resolved, on the motion of Mr D'Adam: That the secretariat seek confirmation from the author of submission no. 89 to publish Part 1 of Attachment A, and advise that the remainder of the submission will be kept confidential.

* 1. Answers to questions on notice and supplementary questions

The committee noted that following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

* final answers to supplementary questions from NSW Ombudsman received 1 July 2024
* answers to questions on notice from NSW Department of Education and NESA received 25 June 2024
* answers to questions on notice from Association of Independent Schools NSW received 25 June 2024
* answers to questions on notice from Dr David Roy received 6 July 2024.

Resolved, on the motion of Mr D'Adam: That the committee authorise the publication of the answers to questions on notice and supplementary information from Mr Brett Smith, AllambiCare.

* 1. Publication of *in camera* transcripts of evidence – 12 June 2024

Resolved, on the motion of Mr Buttigieg: That the committee authorise the publication of the transcript of *in camera* evidence given on 12 June 2024, with the exception of identifying and/or sensitive information, which is to remain confidential.

* 1. School site visits report

Resolved, on the motion of Mr D'Adam: That the committee approve the draft school site visit report for inclusion in the Chair's draft report.

* 1. Report roundtable

Resolved, on the motion of Mrs Mitchell: That the committee authorise the secretariat to record the roundtable discussion for the purposes of drafting the report.

The committee discussed findings and recommendations for the Chair's draft report.

Resolved, on the motion of Mr D'Adam: That the committee commend the Chair on the consultative approach to formulate the draft report.

1. Adjournment

The committee adjourned at 11.50 am, until Monday 19 August, 10.00 am, Room 1254 (report deliberative for the inquiry into disability in educational settings).

Sarah Newlands

Committee Clerk

Draft minutes no. 20

Monday 19 August 2024

Portfolio Committee No. 3 – Education

Room 1254, Parliament House, Sydney, 10.02 am

1. Members present

Ms Boyd, *Chair*

Mrs Mitchell, *Acting Deputy Chair* (via videoconference)

Mr Buttigieg

Mr D'Adam

Mrs Maclaren-Jones

Ms Mihailuk (via videoconference)

Mr Nanva (via videoconference, substituting for Ms Suvaal)

1. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes no. 18 and 19 be confirmed.

1. Correspondence

The committee noted the following items of correspondence:

***Received***

* 2 July, 1 August and 6 August 2024 – Emails between NSW Police and the secretariat providing a submission as per the committee's resolution to seek a submission on the YAMS initiative, and agreeing to publication of Part 1, with author names redacted
* 2 August 2024 – Letter from Professor Susan Ledger, School of Education, Newcastle University, to committee, providing information on trauma-informed practice in post-graduate courses
* 2 August and 12 August 2024 – Email correspondence between the secretariat and St Lucy's school clarifying the publication status of the submission from St Lucy's parents.

Resolved, on the motion of Mr D'Adam: That the committee keep confidential the correspondence from NSW Police regarding the publication status of their submission, dated 2 July, 1 August and 6 August 2024, as it contains identifying information.

Resolved, on the motion of Mr D'Adam: That the committee publish the letter from Professor Susan Ledger, School of Education, Newcastle University, providing information on trauma-informed practice in post-graduate courses for teachers, received 2 August 2024.

1. Inquiry into children and young people with disability in New South Wales educational settings
   1. Partially confidential submissions

Resolved, on the motion of Ms Mihailuk: That the committee authorise:

* the publication of submission no. 89 with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the authors
* the publication of submission no. 91 with the exception of identifying and/or sensitive information which are to remain confidential as per the recommendation of the secretariat.
  1. Auslan and Easy Read versions of the committee's report

Resolved, on the motion of Mr D'Adam: That the committee approve the creation of summaries of the committee's report in Auslan (video) and Easy Read text.

* 1. Extension of tabling date

Resolved, on the motion of Mr D'Adam: That the tabling date for the inquiry into children and young people with disability in New South Wales educational settings be extended to Thursday 22 August 2024.

* 1. Consideration of Chair's draft report

The Chair submitted her draft report entitled *Children and young people with disability in New South Wales educational settings,* which, having been previously circulated, was taken as being read.

Mr D'Adam moved: That Recommendation 3 be omitted: 'That the NSW Government phase out the use of restrictive practices in educational settings in New South Wales in line with recommendations 6.35 and 6.36 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability', and the following new recommendation be inserted instead:

'That the NSW Government continue to monitor the use of restrictive practices in educational settings in New South Wales with a view to reducing their application over time'.

Mrs Maclaren-Jones moved: That the motion of Mr D'Adam be amended by inserting 'in line with recommendations 6.35 and 6.36 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability' after 'with a view to reducing their application over time'.

Amendment of Mrs Maclaren-Jones put and passed.

Original question of Mr D'Adam, as amended, put and passed.

Resolved, on the motion of Mr D'Adam: That Finding 9 be amended by omitting 'there is an unidentified number of' and inserting 'there is an unquantified number of'.

Resolved, on the motion of Mr D'Adam: That Recommendation 5 be amended by inserting:

* 'expand the number of places in schools for specific purposes (emotional and behavioural disturbance) consistent with the transitional model operating at the Ajuga School'

after

* 'establishment of transition support units specifically for students with disability who have been regularly excluded from school and are at risk of disengagement. These support units should focus on helping students transition back to schooling in a mainstream classroom'

Resolved, on the motion of Mrs Mitchell: That paragraph 5.85 be amended by inserting 'some' after 'people with disability in'.

Resolved, on the motion of Mrs Mitchell: That Finding 10 be amended by inserting 'some' after 'people with disability in'.

Mrs Mitchell moved: That paragraph 5.86 be amended by omitting: 'Rather, the committee considers that children and young people with disability, except the small percentage that have highly complex needs, should be transitioned to mainstream, inclusive school settings' before 'The school system must'.

Question put.

The committee divided.

Ayes: Mr Buttigieg, Mr D'Adam, Mrs Maclaren-Jones, Ms Mihailuk, Mrs Mitchell, Mr Nanva.

Noes: Ms Boyd.

Question resolved in the affirmative.

Mrs Mitchell moved: That paragraph 5.87 be omitted: 'Further, the committee is not convinced that the permanent placement of children and young people with disability in special education settings is appropriate and meets the right of a student with disability to inclusive education. Educational settings should be child-centred and this may require them to have access to specialist settings which meet their needs', and the following new paragraph be inserted instead:

'Educational settings should be child-centred and this may require some children to have access to specialist settings which meet their needs'.

Question put.

The committee divided.

Ayes: Mr Buttigieg, Mr D'Adam, Mrs Maclaren-Jones, Ms Mihailuk, Mrs Mitchell, Mr Nanva.

Noes: Ms Boyd.

Question resolved in the affirmative.

Mrs Mitchell moved: That Finding 11 be omitted: 'That while permanent placement in special education settings is not appropriate to meet the right of a student with disability to inclusive education, a consideration of what is in the best interests of the child in their particular circumstances given other alternatives available may require them to have access to specialist settings which meet their needs', and the following new Finding 11 be inserted instead:

'Consideration of what is in the best interests of the child in their particular circumstances may require them to have access to specialist settings which meet their needs.'

Question put.

The committee divided.

Ayes: Mr Buttigieg, Mr D'Adam, Mrs Maclaren-Jones, Ms Mihailuk, Mrs Mitchell, Mr Nanva.

Noes: Ms Boyd.

Question resolved in the affirmative.

Resolved, on the motion of Mr D'Adam: That paragraph 6.162 be amended by omitting 'not the type of skills' and inserting instead 'nor the type of skills'.

Resolved, on the motion of Mr D'Adam: That paragraph 6.181 be amended by omitting 'rely on a funding assessment' and inserting instead 'rely on a functional assessment'.

Resolved, on the motion of Mr D'Adam: That paragraph 6.181 be amended by omitting 'Therefore, the committee recommends that the Department of Education ensure there is a transition plan in place to lead to the eligibility criteria for Integration Funding Support relying on functional assessments of students' needs, rather than medical diagnoses', and inserting instead 'Therefore, the committee recommends that the Department of Education transition to the eligibility criteria for Integration Funding Support relying on functional assessments of students' needs, rather than medical diagnoses' after 'access a medical diagnosis'.

Resolved, on the motion of Mr D'Adam: That Recommendation 17 be omitted: 'That the Department of Education ensure there is a transition plan in place to lead to the eligibility criteria for Integration Funding Support relying on functional assessments of students' needs, rather than medical diagnoses' and the following new recommendation be inserted instead:

'That the Department of Education transition to the eligibility criteria for Integration Funding Support relying on functional assessments of students' needs, rather than medical diagnoses.'

Resolved, on the motion of Mr D'Adam: That Recommendation 23 be amended by inserting the word 'discrimination' after 'systemic disability'.

Mrs Mitchell moved the following:

* + - 1. That paragraph 6.202 be omitted: 'The committee is of the view that private institutions should be accountable in the same way as public institutions under the same legislation. We consider that such a legislative change would make the complaints process faster and less costly for those attending private educational settings. The committee therefore recommends that the NSW Government should seek to amend the *Anti-Discrimination Act 1977* to remove exemptions which allow private educational institutions to discriminate against a person on the basis of disability'.
      2. That Recommendation 24 be omitted: 'That the NSW Government seek to amend the *Anti-Discrimination Act 1977* to remove exemptions which allow private educational institutions to discriminate against a person on the basis of disability'.
      3. That paragraph 6.203 be omitted: 'Similarly, the committee recommends that the NSW Government seek to amend the *Anti-Discrimination Act 1977* to include a positive duty on educational institutions to provide reasonable adjustments for a person with disability'.
      4. That Recommendation 25 be omitted: 'That the NSW Government seek to amend the *Anti-Discrimination Act 1977* to include a positive duty on educational institutions to provide reasonable adjustments for a person with disability'.

Question put.

The committee divided.

Ayes: Mrs Maclaren-Jones, Ms Mihailuk, Mrs Mitchell.

Noes: Ms Boyd, Mr Buttigieg, Mr D'Adam, Mr Nanva.

Question resolved in the negative.

Resolved, on the motion of Mr D'Adam: That paragraph 6.202 be amended by omitting 'The committee therefore recommends that the NSW Government should seek to amend the *Anti-Discrimination Act 1977* to remove exemptions which allow private educational institutions to discriminate against a person on the basis of disability' and the following new paragraph be inserted instead:

'The committee therefore recommends that the NSW Government refer the issue of the removal of exemptions which allow private educational institutions to discriminate against a person on the basis of disability to the NSW Law Reform Commission for consideration as part of its review into the *Anti-Discrimination Act 1977'* after 'attending private educational settings'.

Resolved, on the motion of Mr D'Adam: That Recommendation 24 be omitted: 'That the NSW Government seek to amend the *Anti-Discrimination Act 1977* to remove exemptions which allow private educational institutions to discriminate against a person on the basis of disability' and the following new recommendation be inserted instead:

'That the NSW Government refer the issue of the removal of exemptions which allow private educational institutions to discriminate against a person on the basis of disability to the NSW Law Reform Commission for consideration as part of its review into the *Anti-Discrimination Act 1977.'*

Resolved, on the motion of Mrs Maclaren-Jones: That:

1. The draft report as amended be the report of the committee and that the committee present the report to the House;
2. The transcripts of evidence, tabled documents, submissions, correspondence, summary report to the online questionnaire, research paper, answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report;
3. Upon tabling, all unpublished attachments to submissions and individual responses to the online questionnaire be kept confidential by the committee;
4. Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, summary report to the online questionnaire, research paper, answers to questions taken on notice and supplementary questions related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;
5. The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
6. The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
7. Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;
8. The secretariat is tabling the report at 10.00 am, Thursday 22 August 2024.
9. The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

Resolved, on the motion of Mrs Mitchell: That the Committee thank the secretariat for their incredible assistance and organisation of the inquiry.

1. Adjournment

The committee adjourned at 10.30am, until 8.30 am, Tuesday 27 August, Macquarie Room, Parliament House, Sydney, Budget Estimates 2024-2025 hearing.

Sarah Newlands

Committee Clerk