

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 3 – EDUCATION**

**CHILDREN AND YOUNG PEOPLE WITH DISABILITY IN NEW  
SOUTH WALES EDUCATIONAL SETTINGS**

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**At Macquarie Room, Parliament House, Sydney, on Wednesday 12 June 2024**

**The Committee met at 9:25.**

**PRESENT**

Ms Abigail Boyd (Chair)

The Hon. Anthony D'Adam

The Hon. Tania Mihailuk

The Hon. Sarah Mitchell (Deputy Chair)

The Hon. Emily Suvaal

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Natasha Maclaren-Jones



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**The CHAIR:** Welcome to the fourth hearing of the inquiry of Portfolio Committee No. 3 – Education into children and young people with disability in New South Wales educational settings. I acknowledge the Gadigal people of the Eora nation, the traditional custodians on the lands on which we're meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal or Torres Strait Islander people joining us today or watching online.

I ask everyone in the room to turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after concluding their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. I also note that Auslan interpreters will be interpreting at this hearing for the gallery and the live broadcast. I ask members and witnesses to make sure they speak clearly into the microphone and wait until the previous speaker has finished talking.

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**Ms MAIREAD FOLEY**, National Disability Officer, National Union of Students, affirmed and examined

**Ms KEIRA ADEMOVIC**, Student Adviser, National Union of Students, affirmed and examined

**The CHAIR:** I welcome our panel of witnesses. Thank you very much for being here and for making the time to give evidence. Would you like to begin by making a short opening statement?

**MAIREAD FOLEY:** Yes, please. Good morning. I would also like to begin by extending my respects to the traditional owners, the Gadigal people, whose land I am currently on. The National Union of Students represents over 1.2 million students nationally, and fights for the right for accessible and equitable higher education. When talking about disabled people in education, the conversation never extends to higher education. There is always talk of primary and secondary, segregated units and the importance of inclusive education, but it is never about the lifelong right to pursue knowledge. In New South Wales only 7.44 per cent of university undergraduates are students with disabilities and currently only 11 per cent of TAFE students identify as having a disability. This is despite the fact that we know that there is an improvement in the employability prospects for disabled students with a bachelor's degree, certificate or TAFE qualification, and the employment penalty decreases each time upon gaining further education.

The biggest barrier to employment, second only to having a disability itself, is the lack of necessary qualifications and skills, and yet most school leaver pathways encourage young disabled people post-secondary to look immediately into employment rather than further education. Education is important. Supporting disabled students to pursue education needs to be more than just academic adjustments being universally applied. It also involves calling for external supports that are holistic and address all needs to help students.

**KEIRA ADEMOVIC:** When I was 15 I was diagnosed with ADHD, autism and dyslexia. This was a long time coming. Since I was young I've really struggled with learning, especially in primary and secondary education. I then got the support that I needed from secondary education but it still was not enough for me to be confident to go to university. My next pathway was TAFE. I always loved working with my hands, so I got an apprenticeship and had gone to TAFE. The first thing my teacher said to the class was "I will try to help you the best I can, but we do not have support for you guys who have significant disabilities. You can try and ask, but it doesn't exist."

I always did really well in TAFE, but I always had to help other TAFE students with disabilities, who were incredible and smart and could've done a lot for the air conditioning industry. Instead, they were failed by the TAFE system, which is a skeleton of what it was, especially for students with disabilities. TAFE is the best choice for some of us. We sometimes can't handle the stress of university or the workload that university gives us, so TAFE becomes the best option. But there is no support for us at TAFE. I had to then quit my apprenticeship because of my experiences with disability within my apprenticeship and not being able to handle the stress that came with it, the working times—due to insomnia—and the different directions that I was given. It contributed to significant mental health problems where I had to step down.

I then moved into a different career, in warehousing, that has offered me the flexibility that can accommodate my disability. I will be going back to TAFE, but it's quite evident that the current lack of apprentices—I know that a lot of apprentices are people with disabilities. The reason why they are quitting their apprenticeships is because they don't have support. They don't have support through TAFE. They don't have support through their apprenticeships. They can't get flexible working conditions from their apprenticeships. It's very hard for us in TAFE, and it's getting worse every single day that this situation is ignored.

**The CHAIR:** Thank you very much. I will ask if anyone wants to go first.

**The Hon. ANTHONY D'ADAM:** Yes, I will. Thanks, both of you, for your evidence today and for appearing. Ms Ademovic, I wanted to ask about the kinds of supports. What do they actually look like? What kinds of things would've made a difference to keeping you at TAFE?

**KEIRA ADEMOVIC:** I'm always an advocate for proactive support, because it is very terrifying to actually have to reach out for that support, and it's very hard as well. That support needs to be across the board, which means better learning conditions for all students, not just those who are disabled. It also means that there needs to be a road map for how these systems are going to be put in place, because you can't do it straightaway. Also, in apprenticeships, there needs to be a look into is there a way to make employers have to offer those flexible conditions for apprenticeships or to incentivise employers offering apprentices flexible working conditions, especially those apprentices with disabilities? I was terrified to reach out for help. If there had been proactive support, if the actual system had been set up better for all students so that I wasn't the one with the burden of having to reach out for support, to have to do the paperwork for support, to call three different agencies and say,

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"Hey, I need support for this"—that is a huge burden on people with disabilities. There was a reason why I didn't reach out for that help. I also knew that it didn't exist.

**The Hon. ANTHONY D'ADAM:** Ms Foley, perhaps you would be able to talk about the kinds of supports that should be available in a university context?

**MAIREAD FOLEY:** Of course. We all know that academic adjustments are required to be provided to students with disabilities. However, there is zero oversight to their enforcement equally across all institutions and universities. If you are a student at a Go8 university, you are less likely to receive your academic supports than you are at a university that might be more holistic in its approach to student participation. There are countless stories of students in law, medicine and science—those industries that are considered academically rigorous. A student quoted to me one of their lecturers saying, "If you're unable to keep up with the pace then you shouldn't be here", which is appalling. Academic adjustments can't be the only support. The DSP, for example, is only available to a very select number of students. It's extremely restrictive.

You also aren't able to study full-time on the DSP—it's a cap of 30 hours—but you need to be a full-time student to access other supports. If you somehow are able to apply for it, you have to toss up the extra cost of other supports for it—for example, concession cards for travel concession. There is a policy where you are meant to be able to apply for a travel concession if you are a student who has gone part-time due to disability, but very few universities actually advertise it. For example, the University of Sydney only awarded 117 concession cards to disabled students between 2019-23 because they refused to advertise it. They also assessed whether or not they deemed the student disabled enough to deserve it. That is not the university's job; that needs to be enforced by the government. That process shouldn't be up to whether or not your university is supportive of disabled students.

Another part is the lack of flexible placements. If you're in social work or nursing, you have to take those placements if you do those degrees, except you often have to quit your job. Most of the time they call for full-time placement and there's no flexibility in whether or not you can do three days a week, or if you can do part-time days or part-time hours to ensure that you can actually get through your placement, because, with that support, a disabled student can. Forcing them to do a five-day week, nine to five, where there is no flexibility—you're asking someone to put themselves in physical and mental stress. Ultimately that will cause dropouts. Supports address different aspects. If you are an NDIS participant, the assumption is that you can use your NDIS. External parties, for example universities or certain agencies, think you can use your NDIS funding for education support, which you can't. That is not possible. You can't spend your NDIS getting extra tutoring. If you are in a TAFE system where there is no support provided for you, you can't use funding that you may be receiving to get a support system. Therefore, you're stuck with out-of-pocket costs, and out-of-pocket costs grow and accumulate.

There are students who are spending \$800 on medication because they can't access healthcare cards. Like the DSP, it's extremely restrictive. Most people don't qualify or, if they do, then they're under the age of independence. If you're under the age of independence or you are deemed to be living at home—because they can't afford to move out because they're spending thousands of dollars trying to survive or are trying to create a support system to get themselves through education because it's not being provided—then you don't get access to certain support systems or you don't get funding supports. It's a cycle where you just end up stuck. Sometimes you're forced to choose between whether or not you want to pay for your medication that you can't live without or whether or not you want a degree. But if you don't get a degree or if you don't get a TAFE certification then you are guaranteed—I think you're about 34 per cent less likely to have a high-income job. Obviously then you're stuck in a cycle of poverty and it just goes on and on.

**The CHAIR:** We have heard a lot in this inquiry about the problems and the obstacles that are caused for people with disability in our education systems because of a lack of resources and funding et cetera. But then we also hear a lot about the obstacles created by discrimination and ignorance and ableism. How much of that do you see in the tertiary setting? Do you have any examples that you can point us to in relation to discrimination?

**MAIREAD FOLEY:** Yes. I would also like to just note that discrimination can be direct and it can also be indirect. In the higher education space it quite often differs between what you're actually studying. I would also like to address indirect discrimination because that often flies under the radar. For example, there was a student—I'll just refer to them as "the student" for anonymous reasons—studying science at one of the universities in Sydney, and they were denied accessible adjustments for their exam. The justification behind it was "We can't afford that adjustment." The student was talking about how it was the nonsensical reason of it was too expensive to provide X, Y or Z adjustment. In another case—same student, different exam—it was unfair to the other students that they could write on their laptop when their peers had to do a written exam, but they couldn't hold a pen, so therefore writing was off the table. If they can't use a laptop, they can't do their exam. But it's not saying, "Oh, it's because you're disabled." It's saying, "It's unfair to other students."

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But because the Disability Discrimination Act doesn't provide consequences for indirect discrimination, you have to prove beyond doubt that you were discriminated against because of your disability. There are no consequences for the lecturers or the universities that let that discrimination—it's still discrimination, but there are no consequences. You can't enforce it. Another example is a student was denied their animal on campus because it wasn't a guide dog, and the university didn't acknowledge that emotional support animals are a valid form of support. Instead, they chose to discriminate against the student. That's more an example of direct discrimination where they refused to acknowledge what is, in fact, a support animal. But it is because the onus is on the universities to determine what is a reasonable adjustment, what is a reasonable support, and because there are no consequences or oversight, like "No, you can't do that," or "No, there is a support; you're just being ableist", discrimination cases tend to fly under the radar.

Most often, in law and science, it's cases of extremely long, intense exams. They're very hard subjects. I have much respect for people who do them. Sorry, let me clarify. For example, if you're in biomedicine, there is an expectation—I haven't managed to determine whether or not it is actually a board requirement or whether or not it's a university-enforced requirement. But you get to a certain level and it is usually when you're trying to apply for—at the end of your degree, you've done your biomedicine degree and you want to become a doctor, there are certain policies where they're like, "No, you can't have a disability of a certain type."

You've gone through your entire degree, and yet you get rejected at the very end because "No, you've got an X, Y or Z disability. There's no way you can fulfil your job." Deaf students are told that they can't pass their exams because they can't use a stethoscope. There are bluetooth stethoscopes that exist, but universities then deem them too expensive, won't buy them and won't provide them to the deaf students. So a deaf student is now forced to drop out of their medical degree because they can't use a piece of equipment that could easily be subbed out. It's not their fault; it's the university's fault. Those cases of discrimination often don't get called upon, because they're like, "No, it's resource funding. We can't afford it." But it's "No, you can afford it. You're recording quite good profits. You should be able to afford adjustable support tools to get through your degree for students."

**The CHAIR:** They are very good examples.

**The Hon. SARAH MITCHELL:** Thank you both for appearing today, for your advocacy and also for your articulate evidence. It is really good to hear from you and your own experiences. I am picking up on something you said, Ms Foley, but I am happy for both of you to answer. You talked about how the focus is often on what happens to students with disability at school, but you also mentioned that students tend to be pushed—not to use that word—into employment more so than higher education. From your experiences, what could have been done better while you were at school, particularly in your last couple of years at school, to give you more of an idea of choice and options? How do you think we could make some suggestions to improve that process?

**MAIREAD FOLEY:** Yes, of course. I'm going to pass to Keira on this one.

**KEIRA ADEMOVIC:** I had disability support during school. I needed disability support during my HSC. What probably would have been really—and I did; as soon as I left school, there was nothing to support me after that. I had to go straight—my only thing was my mum, and she was able to find me a job. That's how I then got into my apprenticeship and the TAFE system. What would have been really good for me is if there was that support after school. Potentially, you required support during secondary school. There's after-school disability support people, so once you graduate they're gonna go, "Okay, what do you want to do now? Do you want to go on to employment? Do you want to go on to TAFE? Do you want to go on to university?" They might be the people communicating with these universities and these TAFEs going, "This is what such and such person needs."

Also, that would be useful in secondary schools as well if there was an external—even if there was an internal support person in the school who would then work with you after you've graduated school to get you either into employment or into that tertiary education, depending on what the disabled person wants to do. I really wanted to go to university, but I couldn't because I did not have the support necessary to get me into university. That's when I went straight to employment, and I was lucky enough to then be able to go into TAFE from that employment. So there needs to be support after we graduate. There is none. I received none, and I had to receive disability support in school. It was, basically, that me and my family were on our own. Some families, especially families who are immigrant families who might not be able to speak English or who also might have disabilities of their own, will not—the outcomes. I had pretty great outcomes, but that was because my mum speaks English. My mum is really good with getting me into those disability programs to aid me in my employment, but a lot of people with disabilities don't have that. That support needs to be there, and it's also for families as well.

**The Hon. SARAH MITCHELL:** Someone to help you transition from school to whatever is next.

**KEIRA ADEMOVIC:** Yes, absolutely.

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**The Hon. EMILY SUVAAL:** Thank you to you both for your evidence so far. I wanted to pick up on a couple of things you said, Ms Foley, but the question is really to both of you. Answer as you see fit. You talked about the onus being on the university to determine what is a reasonable adjustment, and you also mentioned the tertiary education road map. Would a potential tertiary education road map for students with disability help to address issues such as the onus being on the university and/or what regulatory frameworks do we need to look at that have potentially failed students with a disability?

**MAIREAD FOLEY:** The tertiary education road map that the NUS is campaigning for is calling for a road map that explains the exact steps that governments and departments will take to ensure that the gaps in the disability education sector will be filled for higher education. In the accords process, they announced that the target participation rate should be 8 per cent, which is actually lower than the current participation rate at 11 per cent. The accords also excluded people classified by the ABS as profoundly disabled from its data under the statement "We didn't believe that people with profound disabilities could be, or would want to be, in higher education," which is an appalling stance to take because everyone deserves the right to pursue higher education.

In terms of regulatory frameworks—sorry, I'm just going to take a second to think. For an example, the New South Wales State ombudsman says that it can address complaints processes for public universities in New South Wales and yet most of the time when a case is referred to the State ombudsman, it's called a Federal matter and is referred to a different ombudsman. I know the accords process proposed a student ombudsman that would address these complaints; however, there's no direct pathway for making complaints about reasonable adjustments or for disability or discrimination. The student ombudsman proposed by the accords addresses an equity commissioner.

TEQSA, the tertiary education quality body, doesn't follow up with complaints made about discrimination because, according to TEQSA, they're one-off cases, which is not the case. Usually, if one student is experiencing it, there's a really high chance that another student is as well. It's making sure that there is a pathway for students to be able to go to someone who understands disability and understands what a reasonable adjustment constitutes and ensuring that there is an informed, safe pathway to report disability discrimination. It should be both within the New South Wales State ombudsman to have that pathway as well as the soon-to-be-proposed student ombudsman.

In terms of gaps in regulatory frameworks, addressing indirect discrimination—the Sklavos clause in the Disability Discrimination Act, which I know is not a specifically New South Wales thing but it's something that you have the power to push for. Bridging that gap where people can get away with indirect discrimination would allow so many students to feel more empowered to report stuff because at the moment you're just told, "There's nothing we can do," or you're gaslit into thinking, "Well, there's no point." I know friends who have reported stuff and it's gone nowhere. It's just been traumatic. I do have another part thought but it's half-formed so I'll come back to it when it's fully formed.

**The CHAIR:** You can always provide further answers on notice as well. Unfortunately that is all we have time for. I think we could keep talking to you for many hours. To the extent that we have supplementary questions the Committee secretariat will be in touch. That concludes this panel.

**(The witnesses withdrew.)**

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**Dr DAVID ROY**, Lecturer in Education, University of Newcastle, sworn and examined

**The CHAIR:** I now welcome our next witness. Would you like to begin by making a short opening statement?

**DAVID ROY:** Very briefly. Firstly, I thank the Committee for holding this inquiry seven years after the previous. I think it is important. These are nuanced issues and I hope I can help in whatever way possible.

**The CHAIR:** Thank you. That was brief. I will throw to—

**The Hon. SARAH MITCHELL:** I am not quite ready. I expected Dr Roy to go for a little bit longer before I look at what I was going to ask.

**DAVID ROY:** I'm well known for being verbose, so I felt I should let the Committee have their time.

**The CHAIR:** Your submission is quite heavily focused on abuse within schools. As I said in the previous panel, a lot of what we are trying to tease out here is how much the obstacles children with disabilities face in schools and other educational settings is due to lack of resources and training et cetera, and how much of it is due to ableism or discrimination. Do you want to talk about that?

**DAVID ROY:** I don't think you can necessarily separate those issues of funding, of attitude, as has come through from multiple inquiries. I have a funny feeling that the current inquiry that is being looked at by the—I always get the term wrong here. Not the Auditor-General. There is an inquiry looking at disability across New South Wales that has been looked at—and also the way the system is created.

**The CHAIR:** The Auditor-General.

**DAVID ROY:** The Auditor-General, thank you very much. The Auditor-General is currently doing a review. But even the way that the system is created perpetuates itself and perpetuates challenges for children with a disability, challenges for staff in managing that, and gives opportunities for individuals to take advantage of that at times. Yes, I agree, my submission did have focus on those areas, but I think they feed into the wider systemic problems of education and children with a disability within education. That does feed into higher education as well.

**The CHAIR:** Can you comment on the use of restrictive practices and any recommendations you have around what we should do in that area?

**DAVID ROY:** What is good is there has been a challenge to restrictive practices within the department, partly to do with the parliamentary review of restrictive practices across society. What is actually happening in schools is less known because the openness of reporting that came from education systems has been diminished by their unwillingness to always answer questions at budget estimates due to new legal advice that they get from their new legal team, which apparently means that they can't reveal information they used to, such as how many complaints there have been. Obviously, with the banning of mobile phones, there is less evidence now being provided from classrooms where people can see wrongdoing that has happened. There are lots of challenges going on within there.

I have spoken to senior members of the department about why less information is now provided, or data as what could have been happening, and they can't give an answer either because they are being forestalled by their legal advice, if that helps. There are restrictive practices going on. I would hope less so, as staffing become more aware. They are trained in how to support children, there not being such a need to quickly go to restraint. I think we get worried also about some forms of restraint, because chemical restraint is sometimes—it has been thought, "Should we be doing that?", such as with Ritalin for children with ADHD.

But there are some actual areas that could be termed "restraint" which are actually required because it allows children to have less anxiety. But, yes, the physical restraint in particular, I don't see why we have a need for it. Hopefully, whatever the new discipline procedures for behaviour that come into play—they seem to change. And I have to state Ms Mitchell when she was the Minister was very bold in introducing the change to behaviour policy for children with disability, recognising the challenges. Hopefully that will lead staff to find better ways to deal with the situation as they also seek training. Was that diplomatic enough?

**The Hon. SARAH MITCHELL:** It sounded pretty good to me.

**The CHAIR:** Very diplomatic.

**The Hon. SARAH MITCHELL:** I will move to a slightly different topic, but I want to acknowledge your many years of advocacy in this space which, obviously, I know from my time as the Minister. In your



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submission you talk about challenges within the system, particularly for parents when there has been abuse. We have heard, not so much in an abuse scenario, but more—things like when families have asked for reasonable adjustments that haven't been provided. There is this recurring theme—which, again, I'm familiar with—of there's no independent body to investigate; the department investigates itself and it goes up the chain and comes back. I'm well aware of the challenges that that presents. From your perspective, how would you envisage some sort of independent body working within the department or separate from—is there a mechanism that you think would make that an easier experience for families, whether it is something like a reasonable adjustment all the way through to some of those serious abuse allegations?

**DAVID ROY:** I find it amazing that, within children and disability—and this came up in the discussion of the royal commission at the forum by the Parliament; I was asked to speak at that as well—there is no body to independently support children with a disability, full stop. There is for aged care, for adults, but none for children. There is nowhere to go within education. If you go to the police, they refer you to the Professional and Ethical Standards body, who are often populated by former police staff, so they know each other. That is part of the department, and the system will often defend itself before it then looks at other issues unless the challenge is against a staff member who has fallen out of favour with someone above them. I am that cynical. So, yes, we could have a body. The Ombudsman does as best they can, but they can only look at policy and make sure that the boxes have been ticked. But there is no-one to fully investigate.

We know that families with children with a disability already are burdened with time, are burdened financially and often struggle with just day-to-day living, let alone having to challenge the very system that they need for support, where there is a power imbalance because you're going against the very organisation potentially—whatever school it is, whether it is public or private or Catholic—you need the support of. Within some communities, there is no other school to go to because—well, we might live in an urban setting. Those further out in the Hunter, in rural settings, have nowhere else to go. So, yes, we need to have an advisory body. We do have the disability reference group. That might be a question you come to me later about.

**The Hon. SARAH MITCHELL:** From the evidence that we'd heard from families, it was much more having someone, whether it was an advocate to come with them, to help them have an additional voice, particularly with the different layers of bureaucracy that we know exist—just that there is that missing piece for those who need that extra support and trying to work through as a committee what that could look like and how we could make some recommendation in that space.

**DAVID ROY:** I think there should be a State body that is set up particularly for that, that is funded, that is kept separate, that has aspects of advocacy, legal support and policy awareness and has expertise from education. I think this is actually something I've been talking about for nearly a decade. Others have been doing the same as well. That is, yes, something I think is desperately needed. I think it would also be useful for schools and teachers themselves, because then they would also know that there was an independent body that was there to objectively look at issues. At the same time, the PES system within the department is also something that staff can be wary of because they recognise that, ultimately, senior management has the authority above them. So no-one quite trusts the investigation system within the schools.

**The CHAIR:** Back on that, one of the things that I found surprising when I first started in the disability portfolio was the tension between kids with disability and their families, and teachers. I thought it was a false tension. I was often in a situation where, if I was advocating for children with disability, it was made out to be sort of anti-teacher, and vice versa. If you were advocating and saying, "Look, teachers are really under-resourced and stressed out," you were somehow anti-children with disability, whereas, of course, it's the system that is the issue. Do you think that tension or false tension or narrative has then led to a situation where it's not possible to easily complain when you do have a genuine discriminatory situation with schools?

**DAVID ROY:** I think it can depend on the school and it can depend on the leadership of the school. I have seen schools change their senior leadership and the relationship between the parents, the kids and the staff really improves or disintegrates slowly. There is a tension because there's a power imbalance, and there always will be. We can't avoid that. The best way to sort that is from the hierarchy of the department or the education body that is running it. I am aware that we often talk about the department, and we have to remember that the independent and Catholic sector are part of this as well—in fact, more so all time—as they recognise that there's a market within disability that they're tapping into, for whatever right or wrong reason.

It's down to people talking. I have been criticised sometimes for taking the side of parents and do I hate teachers? As a teacher with 17 years experience, I used to find that quite offensive, and vice versa. I think people want to set up that conflict because I think it's within their interests to maintain the status quo, which is, again, why an outside body would be useful and why, when we have strong leadership from within the department or

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whatever the schooling is—the sector—that you see that change. At times, when I've contacted certain individuals in the department to intervene, suddenly communication becomes better.

I have a personal story—that I'm not going to share here—that was linked to a challenge I had with the department. Last year I met with the secretary of the department. The first comment they made to me was, "The department has not always treated you fairly and I wish to apologise for that." That was the first time in 10 years a member of the department had actually given an apology for the challenges to the system that my whole family had gone through, as well as other areas that the department had then done to try to do professionally. That meant a lot. I think that's where the change has to happen. It has to happen with systems recognising that they create barriers, sometimes with the best of intentions because they have to run a system for every child and parent within the State. But there must be a recognition from both sides that there are opposing needs and they must be compromised. That's why all these challenges of inclusion, of acceptance, of dealing with wrongdoing are nuanced and are not simple. Anyone who says it's a binary choice and there's a simple answer, they're part of the problem.

**The Hon. ANTHONY D'ADAM:** I want to address some of the comments you just made. Your earlier comments about the closing down of reporting, it's certainly been my observation that there is a default defensive posture from the department. I don't get the sense that it's driven by a malicious intent. Broadly speaking, all of the stakeholders within the education sector are well motivated and want to do the right thing for kids. I want to ask you about that cultural challenge of how we change the mindset within the department about how you approach these complex problems around reconciling the competing demands that exist within the system.

**DAVID ROY:** We can't ever make change if we don't know what is happening. One of the recurring themes that I have maybe shared to Parliament and members is the idea of transparency and of being open and saying, "This is what is happening." We need to know. I understand entirely why at times the department or members of the department say that we maybe shouldn't share information, but I think there are ways around that where they can let us know data of positives and negatives that are happening, without revealing individuals. Until we get the information, we can't see what changes need to be made. That's not just me as a researcher saying, "I love data." I do love data but, at the same point, only for a purpose.

I think change is happening over time. It will be interesting to see how Parliament responds to the royal commission and whether there is a disability right created federally as well—one of the recommendations—because that will mean that we are mandated. Sometimes the change happens when laws mandate that they must apply something. Going back to the restrictive practices, because there was a mandate coming from the New South Wales Parliament about restrictive practices, the department looked at what was happening and created a new policy for it. So change sometimes has to be imposed, because people sometimes are not aware of their ableism. I think the majority of the time in the department that is the case. They do not realise that by protecting their fiefdom area, they are re-enforcing challenges and discrimination unintentionally to children with a disability. That also applies within the NESAs, within their reasonable adjustments, particularly for the HSC, which I'm sure is something you'll speak to Mr Martin about later. I hope that answers.

**The Hon. TANIA MIHAILUK:** Dr Roy, I want to follow on from your submission to the inquiry and what you have said this morning. You've already touched on the issue around where families and students can go in relation to how they handle any concerns they might have in the classroom and how they are being treated by a particular school or educational setting. I note in your submission you've made the point—and I think it's quite valid—that the public school system appears to investigate itself. You've also separately stated that we should be looking at resourcing an independent complaints body and fully supporting the Ombudsman's office and their oversight of education and disability. I want to flag a couple of points.

What you've said throughout the hearing—we are definitely receiving very similar thoughts and views from others, both advocate groups and individuals, who are letting us know that there's very little opportunity to seek assistance within the department itself, when the department is completely designed to protect its own authority and its own teachers and staff. That's natural. I think every department has the same cultural values and so forth. However, it becomes a real problem here because there's nowhere for families and students to go. You mentioned this independent body. To me, personally, the Ombudsman is not enough. It's too bureaucratic; it's too high level. It requires an incredible amount of paperwork and that higher level of formal conversing with that department creates quite a big burden for some of the students and families that are struggling to communicate at all. Did you have any ideas as to what sort of an independent body might be something that New South Wales should consider looking into, other than having an Ombudsman?

**DAVID ROY:** I think the way that we support aged care and have an overseeing body for that would be useful to have for disability, particularly for children with a disability, and to look at all the areas within that and work closely with the Ombudsman. I don't think you can separate; I think there needs to be a close link to that. But, yes, it's as simple as, as a Parliament, they need to look at how children with a disability are being supported—

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not just in education as well but within other areas, rather than leaving it to very good advocacy organisations, such as family advocacy and others, who do step in there. Again, they are independent from even government, and I think that is a concern as well because of their funding being limited. I think there is a need. I probably need to sit down with a bit of paper and work out the details of how that would be organised and look at exemplars of other groupings that have some form of oversight independently and which ones work well before I could tell you, "This is how you do it." I feel there needs to be a different investigative body that is separate to the department itself. The Ombudsman's report in 2017 actually indicated that as a potential that should be happening as well.

**The Hon. TANIA MIHAILUK:** Yes, that's in your report as well, isn't it? Okay. I tend to agree that—that's interesting that you make that scenario of aged care. I am going to have a bit of a look into it, and I think the Committee could have a look into how oversight works in aged care, because I feel that that's the missing link in New South Wales. I know we have a Minister for disability, but, now that we don't have a department anymore, I don't know what that role entails anymore, really, and whether that's just an advocacy role up against the Feds. It possibly is; I'm not sure. That role doesn't seem to overlay into education at all.

**DAVID ROY:** It needs to be more than just an advocacy role.

**The Hon. TANIA MIHAILUK:** Yes, I agree.

**DAVID ROY:** It needs to be more than, say, the Human Rights Commission's role, which is basically to mediate; if no mediation can be found, then parents are left to take their own legal action. So, yes, it has to have something with powers to talk to education systems, not just the department but also the Catholic and the independent sectors as well.

**The Hon. TANIA MIHAILUK:** Absolutely. I agree it should be beyond just public school systems. I think that's what's missing right now. It's that role that I don't think has really existed in New South Wales for more than a decade. That's part of the problem. NDIS is such a big colossal cloud that sits above everything but, again, has no authority in this space either. The Federal Government sees that, really, all their role is just NDIS. We're missing this oversight body for disability in New South Wales. Anyway, thank you for that. I thought that was a very important part of your submission, and I think that's something that the Committee should be looking into.

**The CHAIR:** Thank you. Unfortunately, that's all we have time for. We have been a bit tight trying to get as much great evidence as possible within this morning's session. Thank you so much for your submission and your expertise and for continuing to advocate over decades.

**DAVID ROY:** I'm happy to support the Committee, or Committee members, in any way that I can at any time.

**The CHAIR:** Thank you very much. That concludes this session.

**(The witness withdrew.)**

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**Ms TINA KORDROSTAMI**, Director, Mental Health Architectural Design, affirmed and examined

**The CHAIR:** I now welcome our next witness, Ms Kordrostami. Would you like to make a short opening statement?

**TINA KORDROSTAMI:** Yes, I will follow Dr Roy's lead and keep it short. Thank you for having me here today. I would like to acknowledge that we are meeting on Gadigal land, and I pay my respects to Elders past, present and emerging. I am an architectural designer and an operations manager in the NDIS disability sector. I have over seven years of experience supporting those in need, and I have designed various homes tailored to the needs of both physical and mental health disabilities. I have provided a few documents for you all today, and I have made references to my research which will accompany and further support the topics that I would think is best to be discussed today. Just from an architectural perspective, I believe that the curriculum and the structure of the education setting must go hand in hand with the spatial design of the schools so that we can see a more inclusive outcome for children who are neurodiverse.

**The CHAIR:** As someone who is neurodiverse and has neurodiverse children, I know how important it is for the environment to be easily adaptable; I know how it can impact and I have seen how it can impact on children in schools. When we talk about not changing the children but changing the environment in a school context, are you able to provide some examples of what that looks like?

**TINA KORDROSTAMI:** Absolutely. Throughout the years of working with various different children across Sydney and having to speak with the school principal almost daily as an operations manager because these children are constantly struggling with the current school setting, I have come to realise that there are various changes that can be made to the spaces to, at least, ensure that these kids are staying at school for longer than an hour or two or not have to face suspension so often, which we know is a massive problem not just for the children's learning abilities but also for the families and caretakers themselves.

These changes can consist of wayfinding options within the school itself. This isn't just limited to the outdoor areas but also inside the classrooms and the corridors, helping the students navigate areas which can be overwhelming and triggering in many ways. The acoustics of the space from a structural perspective—making sure that thermal and acoustic comforts are taken into consideration and realising that our senses are not just limited to sight. We often see a lot of visuals and colours used within neurodiverse spaces; they are helpful but there are many other senses that we need to be considering and keeping in mind. Adaptability—making sure that these spaces can be flexible. You can start including petitions and fake walls. In this way, if a child is becoming overwhelmed, which happens often, they are able to be placed in a separate area which isn't segregated from class but it allows them to have a space of their own so that they can bring themselves back to baseline, and you are promoting that sense of autonomy.

Time outdoors—it has been proven that being outdoors and engaging in outdoor activities is very helpful for neurodiverse children, especially when they are escalating, and making sure that is accessible at all times and not so separated from classrooms as it currently is. Transition spaces—these can be entries, exits or, when entering different types of classrooms, making sure that there is always a space allocated for the child to reassess what's happening, to take a minute for themselves to bring themselves back to baseline again and to understand that what they're about to approach is a different space. That timing and that sense of predictability would help keep them calm.

And of course visuals are very important. It is not always about the colours or the materialities that we use. It is also about what is on the visuals themselves, helping the children communicate in various different forms, making sure that we are always speaking closely with the behaviour clinicians, the speech clinicians and the OTs to make sure that these visuals are relevant to the children. Often we apply a standard of visuals within these schools that are only applicable to 10 per cent to 15 per cent of the children. That is just a quick overview of some changes that we could make within these spaces.

**The CHAIR:** I think one of other things I read in the materials that you provided is in relation to lighting. Again, from my experience I find that to be a big one. It seems quite easy to retrofit as well into existing spaces. Are you able to talk about lighting?

**TINA KORDROSTAMI:** Absolutely. In all of the robust homes I have designed, I have made sure that every single room has the option of both direct and indirect lighting. Indirect lighting can be lighting fixtures which are hidden and are shown throughout shadow lines. This way the light is able to disperse and not trigger those who have certain sensitivities towards lighting and making sure that they are dimmable at all times. So both the colour and the quantity of light being presented needs to be adjustable at all times.

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**The CHAIR:** That ability to self-regulate—as you put it, bring yourself back down to baseline—do you think that is being inhibited or there is an obstacle to self-regulation when we have school environments that don't have these features?

**TINA KORDROSTAMI:** Absolutely. We were talking about restrictive practices before. In my opinion, suspensions are a form of environmental restraint because these children when they present certain behaviours, it is not intentional. It is not for them to act out. It is them showing a natural reaction to a trigger which has been presented towards them. If our teachers are mandated to have certain training and knowledge or expertise provided to them in regards to ND conditions, they would be able to help the students self-regulate further by allowing them to have these spaces where they could come back down from an escalation or to make sure those triggers aren't there in the first place because they are aware of them. That will bring down the quantity—the frequency—of current suspensions by quite a lot.

A lot of these children, that I've worked with especially, no matter how complex their behaviours are, if we do apply the behaviour management strategies properly and we do this consistently, and we provide the correct staff ratio at all times, the combination of all those elements will definitely ensure that the child will not escalate so often. I think sometimes we don't give the children enough credit for their ability in self-regulation. It is just that we need to be more supportive of them so that they are able to access that capacity.

**The Hon. ANTHONY D'ADAM:** I am curious about your work and whether the projects that you have been working on have been in the public sector or the private sector. I have had some experience with someone that I know who went from an older designed school to a relatively modern new build. The classroom sizes had gotten smaller. The capacity to allocate that timeout space was not incorporated in the design features of that classroom. I wonder whether these kinds of design principles are actually being embedded in the design work that is being done, particularly in the public sector for new-build schools.

**TINA KORDROSTAMI:** Based off my research and from what I've seen, it isn't, no. You mentioned a good point. Because the curriculum isn't supportive of these design changes, we can't see those opportunities being presented to architects. Because the schools are under-resourced and we don't have enough staff ratios within the classrooms, even if we were to allocate a space just for a child to be able to bring themselves back down to baseline, we wouldn't have the staffing available to support them through that. This is why I had mentioned that we need to have an objective look at the overall structure and curriculum at the schools and work alongside changes made within the space to make sure that the outcome is supportive of the children.

**The Hon. ANTHONY D'ADAM:** My understanding of the school build program is that we're building schools on the expectation that the asset will last for 70 years or more. That's a long period of time for hard structures to be in place that doesn't take into account some changes in relation to how we might use the environmental features of design to assist in behaviour management and how we support kids with disability. Is that a fair observation?

**TINA KORDROSTAMI:** Definitely. It is concerning. I've actually worked with schools that have recently gone through a renovation. Once I visited the school, I noticed that not much has changed. They had applied a modern take on the school itself. One method of this is the open plan within the classrooms. This isn't something that necessarily works with neurodiverse children. It's a lot more about the provision of options and adaptability and flexibility within the spaces and less about the types of tools that we're applying within the classroom. But, yes, it is very concerning. I have seen many changes made within the sensory rooms. They have started expanding within those spaces quite a lot and it's a lot more interactive. But, again, sensory spaces aren't always used by neurodiverse children. We need to make sure that those sensory sensitivities are available in every single room and not just an allocated space labelled "sensory room".

**The Hon. SARAH MITCHELL:** Thank you for your evidence. Your submission talks about understanding a sense of belonging and what that means in a physical space. It says here, "Freedom of expression plays a major role in positive behaviour." In your experience, apart from the sensory rooms and those sorts of dedicated spaces, what more could the architecture or the infrastructure of schools be doing to support that sense of belonging for every student, noting that different students might have different needs? How can we encapsulate that in school builds?

**TINA KORDROSTAMI:** One option again goes back to what I was talking about with adaptability. Once you start seeing classrooms that have walls and partitions which are able to move, you can start speaking with the families of those children and the clinicians involved to understand what the diagnosis is and what the trauma-based behaviours and triggers are. Then you can start specifically tailoring those separated spaces according to those needs. Then within those spaces you could further enhance the sense of autonomy within the children themselves by giving them the opportunity to express their thoughts and opinions. When we look overseas at Scandinavian countries, we see that in certain classrooms they have breakout zones. These zones aren't

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just a space where you go and sit down and remain calm. It is also a zone which you can tailor to your support needs and likings. It could be the type of materials that are being used, the colouring or the lighting. It's also letting the child know that this is your space and it's giving them a sense of ownership, which then gives them this need to want to look after the space. This is something that has been proven.

When we are working with children who present behaviours regarding the vandalism of the house or wanting to show their aggression towards damaging items within the house, one method used by clinicians is to remind the child that this is your space. It's owned by you and no-one will take this space away from you. To be able to give that option to children within classrooms by giving them a physical space of their own, that would help with their confidence. There's also wayfinding. Wayfinding is something that we talk about a lot in aged care, especially with dementia. With children in a school setting, wayfinding can also look like having various different options for circulation paths. If I have a child who becomes escalated in a classroom because there's one student who is constantly triggering them, currently what we do is remove the child who is escalating from everyone else, segregate them and put them in a space by themselves. That often does not go well, and the child is either sent home or the escalation becomes worse and they're suspended for a week.

If we go back to point one, the child is escalating and there's a separate circulation route available from the classroom back into the corridor, we're able to use wayfinding techniques to remove the child from the space where they are being triggered without having to segregate them into a space where they're completely alone. That route itself is able to remove that visual reminder from the child—that visual trigger from the child—again, helping them come back down to baseline. Having various different circulation routes surrounding a classroom setting will help with bringing children back down to baseline.

Again, there's flexibility within spaces and wayfinding, and I'd also say transition spaces. One example of a transition space is when you enter a house, it's often good to have an open area in front of the entry of the house which is hidden. Most neurodiverse individuals become overwhelmed when changing their space from indoor to outdoor. Giving them a moment of relief as soon as they come out of the door or are entering into a new space, that sense of relief will allow them to prepare themselves for what's to come. Again, with these children, if classrooms have a point of relief right after the entry, before entering the main space where the class is taking place, that will help the child prepare themselves for what's to come.

**The Hon. SARAH MITCHELL:** Thank you. That's really insightful.

**The CHAIR:** It sounds like there are two main components here: You can't just have the environment being neurodiverse-friendly; you also need to have people who understand how to use that environment in the right way.

**TINA KORDROSTAMI:** Definitely.

**The CHAIR:** One of the other common things that I've found with autistic children is that when they're in a noisy space, they will often do noise stimming. They have got all of these different audio tracks coming into their brain and, in order to exert some control and predictability, they will do very loud stimming, which can come across to other people as them being quite noisy and naughty. When you listen to it, they're deliberately trying to create predictability with that noise. Can you talk more about how we reduce noise or provide acoustically neurodiverse environments?

**TINA KORDROSTAMI:** Absolutely. From a structural perspective, it's making sure that our classrooms themselves are built in a solid manner. That means not only having very durable wall systems but also having additional panels installed on top of those walls which are acoustic panels. Acoustic panels are typically used on walls themselves but, in many ways, you could use it on the floor through carpets or you could start looking at having various different panels placed on top of the walls in terms of decorations.

One element that I have actually had to play around quite a lot with when it comes to acoustic walls is how triggering they can be. A lot of neurodiverse individuals, because the spectrum is so broad, sometimes they are very high functioning. When they notice elements that are in place to assist or support them, they are taken aback by this. They are offended at times. Hiding these acoustic panels is really important; it's not just about making sure that they're there. That could look like making sure that the panels are presented in various different forms or shapes and it looks like a decorative item.

Sound-absorbing panels which are able to move are very important as well. Again, when we are talking about creating separate spaces with those partitions, making sure that those partitions are also installed with these acoustic panels which are able to move with those walls is really important. I think that this also goes back to giving credit to the children and letting them do what they know best to help calm themselves down, and then educating the other children about this process itself. Sometimes when we try to support neurodiverse children, we tend to limit or control how much they are able to express themselves as a way of us normalising their

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behaviours. Instead, if we start educating other children or normalising the behaviours that are presented by the neurodiverse children, we can focus less on having to deal with the repercussions of how ND children calm themselves, and focus more on supporting them in calming themselves down so that they can do that in a smaller time frame. When a child is comfortable and feels confident within a space, it won't take them long to come down to baseline.

**The Hon. NATASHA MACLAREN-JONES:** My question is around the NDIS and education funding, and the disconnect between Commonwealth and State. I am mindful that not all children and young people at school are on NDIS plans. I am interested to know your views on how that funding structure can be improved and, more importantly, what the States need to do to fill some of those gaps.

**TINA KORDROSTAMI:** Obviously, at times—especially if a provider is speaking up about the complications involved with supporting children in schools—it sounds like we're attacking schools, but we understand that schools themselves are under-resourced and don't have that ability to, for example, provide the staff ratio that we're providing within homes. Going back and forth with Education in New South Wales over the past few years, we've come to realise that the main issue here is that there is no body that the family, the provider or the school can speak to who is across both sectors. We're often either having to sit down and speak with NDIS or sit down and speak with Education because there isn't that third group which can help connect the dots between the two. Nothing ever goes anywhere. Often, a lot of responsibility falls on the shoulders of the provider, the family or the school itself. Having a group or body available for all stakeholders to access, who is across both sectors, would be very helpful.

One of the biggest issues that we're seeing with suspensions is that, as we all know, during school hours NDIS cannot fund the caretakers or the plan for the child during nine to three. What happens with suspensions—and they are very frequent—is either the provider has to tap into their own funds or the regular funds of the child, which are very minimal, or the family is having to take a lot of time off work and it impacts their whole lives. And yet, when we do speak to Education about this concern, the feedback that we receive is "We'll look into what we can do to potentially help you guys with transportation. That's the most we can do—help pick up or drop off the child so you don't have to spend that extra money having to provide transportation."

Even though we've had very extreme scenarios where the child is being suspended every month and the plan has already run out in terms of its budget, we're not getting any support shown from Education regarding what we need to do going forward. It's getting to the point where the family is starting to think that maybe the child needs to be in a day program rather than at school, which is quite sad for a 16-year-old to be removed from school just because we can't find a way of supporting them properly. I think consistency is the key here. When we have all of these reports and data, and when we have this focus on disability as being something that we need to look at from an individual scale, we should be able to take that information in the home setting and apply it within the school setting.

That does mean having one-on-one support if a child clearly requires one-on-one support. It does mean looking at the week for the child and not forcing them to stick to the normal school hours—looking at their needs and understanding that that child would benefit from a later start, only two hours a day, and maybe only going to school three times a week. We're okay with that because that's according to their needs, and we're going to be making sure that the NDIS can cover those days and hours when the child is not at school. We need a lot of back and forth with the two sectors to be able to allow for the flexibility and support provided. It's not just a matter of saying, "We need to reduce the hours that neurodiverse children are going to school." It's about looking at every specific case and understanding what the specific needs are for the children throughout the week.

**The CHAIR:** That brings us to the end of the session. This has been incredibly useful and a perspective that we hadn't got from any other witnesses so far, so I think it's going to be incredibly informative for us.

**(The witness withdrew.)**

**(Short adjournment)**

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**Mr MARTIN GRAHAM**, Deputy Secretary, Teaching, Learning and Student Wellbeing, NSW Department of Education, on former affirmation

**Mr PAUL MARTIN**, Chief Executive Officer, NSW Education Standards Authority, before the Committee via videoconference, affirmed and examined

**The CHAIR:** Welcome to our next witnesses. Mr Martin, do you have a short opening statement you would like to give?

**PAUL MARTIN:** I do. I'd also like to acknowledge country. NESA develops curriculum, regulates schooling and teacher accreditation and delivers the HSC for all government and non-government school systems and sectors in New South Wales. NESA's responsibilities around supporting students with disability include ensuring that the New South Wales curriculum and assessment is inclusive of all students, including students with disability; that initial teacher education degrees and teacher professional development prepare and support our teachers to teach students across a range of abilities and make appropriate adjustments; and that schools fulfil their legislative obligations under the Education Act and the disability and discrimination legislation. Our work in this area is supported by NESA's disability education forum. The forum provides expert advice to the NESA board and to the agency about our functions related to disability education. Membership of that forum includes disability education stakeholders and experts, representatives from all sectors, the two unions and parent groups. Thank you.

**The CHAIR:** Mr Graham, did you want to make any opening remarks?

**MARTIN GRAHAM:** No, we're fine. Thank you.

**The CHAIR:** If we could ask you, Mr Martin, in relation to the specific courses that teachers can take in relation to educating kids with disability, what do they look like? How many of them are specific to children with neurodiversity? Which ones are mandatory? Which ones are voluntary et cetera? Can you give us some sort of colour on that?

**PAUL MARTIN:** Just to give you some background, teachers have to complete 100 hours of professional learning over a five-year period. Fifty hours of that is via courses that have been endorsed by NESA or provided through their sector, and 50 hours is much more related to teacher choice. They can include both courses in relation to disability and other types of courses. So what NESA does for the courses that are approved by NESA—we have a panel of experts. We have expertise from the disability sector and various medical experts et cetera, who have a look at the work—at the application processes—that people have put in to run courses and endorse those courses for teachers to be able to do those approved courses so the hours count under that heading.

We don't mandate any particular courses for teachers to do; we leave it to the teachers. There are teachers at schools who have, potentially, a particular arrangement or array of students in front of them and they may need to try and deal with, as you said, neurodiversity, or it might be students with hard-of-hearing or sight issues so we don't mandate any particular types of professional learning for teachers to complete in relation to specific types of disability. I might just throw in there—because you've asked the question—we also mandate that, in their preparation as teachers, the initial teacher education qualifications require a mandatory unit on students with disabilities and it also should be integrated into other parts of the courses that they do. So if they're doing things like literacy or numeracy or maths or English or science or something about student welfare, there will be areas of those other parts of their initial teacher education qualification that will lead them into students with disability.

The courses at university, again, are approved by NESA for preparation of students. They have some specifics in them but they're also more general about the things that teachers will face when they come into schools and also lead them towards the choices they might need to make as teachers to upskill themselves depending on the specific students that are in front of them. I can provide you with a list—I think maybe we have on notice last time—of all the different types of special ed provision and how many units and hours we have. We don't mandate. We leave that professional judgement with teachers, schools, their supervisors and so on.

**The CHAIR:** So when it comes to that core mandatory unit during the core education for teachers, what does that look like in terms of—what exactly is that? How many hours does it involve? What level of detail does it go into?

**PAUL MARTIN:** That's an initial teacher education requirement. I think New South Wales is the only State in the country that requires that. I think most States and Territories have content for dealing with special education integrated into all of their preparation. We do have that as well but we believe—and it was believed back in the 1980s—that a special unit needed to be prescribed. What that unit looks like is different from university to university. There are over 100 initial teacher education qualifications in New South Wales across, I think, 17 institutions. I'm happy to provide that on notice. Those courses will look different depending on the units that



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they sit within. The amount of time is different depending on whether it's a two-year qualification or a four-year qualification, whether it's a primary or secondary qualification or whether it's zero to 10 or zero to 12 in the age group. Depending on the nature of the qualification, those courses will look different.

But I think in general they would all—and I'm extemporising to some degree—have definitions of disability, expose young teachers or beginning teachers to the Act and the legislative requirements, have an understanding about the history of disability and inclusion practices in schools and where we're up to now, and possibly disabuse people from notions they may have had in terms of their own upbringing or their own school experiences and bring them into a much more current understanding.

I think we've probably got a lot more content now about neurodiversity than might have been evident 10, 15 or 20 years ago. But I think I'd have to say that the courses will look different depending on the nature of that particular education program, the intention of it—whether it's primary or secondary or early childhood—and potentially what the university feels is the appropriate focus. I would suggest that they will have some very general content that would enable anyone to get up to date to some degree with arguments in the field.

**The CHAIR:** How many teachers undertake the optional training in disability units when they're doing their PD?

**PAUL MARTIN:** When they're doing their PD, I would—again, extemporising—suggest that most teachers over the course of five years would do some professional learning in the area of special education and special needs students et cetera. I think it would be unlikely that that wasn't the case. The three school sectors run their own professional learning internally, and I would suggest that there will be disability and special education PD in those spaces. I can provide you with the data on notice about what we have about who does what. Sometimes the titles don't necessarily lend themselves to a specific understanding for our search engines, if that makes sense, but we can provide you with enough of an idea about how many teachers are doing what, and through what sector. I think the department keeps reasonably strong records of its own staff, so that would also be an avenue for that level of information.

**The CHAIR:** One of the things we were speaking a lot about in our last hearing was in relation to the reasonable adjustments for students sitting HSC and other examinations. I understand NESA is the one that administers that policy. Is that correct?

**PAUL MARTIN:** We do. I can give you some background there, or perhaps wait for the follow-up question.

**The CHAIR:** When was it last updated, and what is the process for reviewing and updating that policy?

**PAUL MARTIN:** That policy was reviewed, I think, just prior to COVID. We used Professor John Firth, who was formerly the chief executive officer of the Victorian Curriculum and Assessment Authority—they have similar processes there—to review our HSC provisions policy. I think that they need reasonably constant updating and review, rather than waiting for a particular period of time. I think that iterative movement in those policies is pretty important. It's a very fast-moving area. I'd say it's relatively current at the moment, but it is also always a point of discussion because it's possibly one of the more controversial and/or media-focused areas that NESA administers as a policy space.

Just some general information for the inquiry, for the Committee: The HSC is in two parts. Part of it is the assessment of students at school. They do a particular number of assessment tasks, and that may include exams similar to the HSC exam, maybe their trial exam. But they may also do oral tasks or experiments or dance performances. They might write essays et cetera. They are all separate to what NESA runs with the actual HSC exam. The schools apply adjustments for the students within their schools for those internal assessments, and they make judgements and provide appropriate support and whatever based on some guidelines we provide. But broadly they have to have their own policy in relation to how they support students to complete the internal part of the HSC assessment.

Then we run an application process for disability provisions for the exam. The provisions for the exam relate specifically to the exam. They're not teaching and learning provisions or adjustments. For example, in terms of a school, a young person might be given more support in class or scribes to help with all sorts of internal assessment or rest breaks or extended periods of time to complete tasks, even, that sit within the school's judgement of appropriate adjustments for that student. When we make a decision about disability provisions, what we're doing is making a judgement about how do we best support that student to complete a sit-down three-hour or two-hour public examination. So it's quite a specific judgement we're making.

Students might need to have particular printing for the exam because of an eye or a sight issue. They may have anxiety or levels of stress that mean that they can't concentrate with other people in the room, so we allow

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for those students to have some isolation. Some students have a scribe. Some have rest breaks. Some have drink breaks. Some have toilet breaks. Some are able to have, because of potential issues to do with their health—can have a bite to eat or something that might be an energy provider. We provide for the exam or we make judgements about what students can have for the exam just so they can complete that 2½ hour exam, whereas what happens at the school is a much broader provision.

I'll go to a controversial issue that often arises at the HSC time of year. We will get correspondence from parents saying, "When my child does this at school, they get this level of support, but now we've applied to NESAs for the HSC and have not received the same support." And that's because the support we're providing and the judgement we're making is about their capacity to sit and do a written exam rather than the much broader and deeper and richer expectations that are provided to students that they have for the work that they do at school. Does that make sense? Have I explained the difference between what we do?

**The CHAIR:** It does. I think one of the lines of criticism around this has been that it's perhaps clearer and more consistent when we're talking about physical disability with the adjustments that are given—not always—to kids in schools versus what NESAs agree to, as opposed to kids with neurodiversity, where a very specific set of adjustments has been developed for them during their schooling because the teachers understand the children but then, when we come to NESAs approving that adjustment, NESAs say no. The implication is that there is not the nuanced understanding of neurodiversity that perhaps there should be under NESAs's policies. What do you say to that?

**PAUL MARTIN:** Yes. I'm aware of the criticism, and it's a developing area. First I say on the record that we absolutely respect both parents—and, in fact, applaud parents' and schools' commitment to argue and, I suppose, fight on behalf of the students in their care to get the best they can for the HSC to be treated fairly. We understand that. What we are doing, though, is making our judgement about the handwriting of a student and how quickly they can handwrite, read, understand, see the questions et cetera. I think we've got three computer-based HSC exams and there may well be more into the future, but at the moment there's just the science extension and the two technology exams to come. But the judgement that's made is writing sample from the student, some advice from a health professional about issues to do with their capacity to read and write the examination, and how much support they need to complete that examination within a reasonable designated period.

One of the things we don't want to do is have kids sitting in an exam room for five hours trying to complete an English exam. It might be what the students want. We don't think it's in anyone's interest to have that much pressure put on for five or six or whatever hours. We're trying to make judgements as well about what's in the student's health and mental health interests. But the primary issue is how much can they write within the bounds of normality, within reasonableness for other students, over the period of the exam and how much can they see, in a very physical way, of the exam questions. That's the sort of judgement that we make, and that doesn't go to having a range of other adjustments that they may expect or have expected from their school.

**The CHAIR:** We've heard examples of children who can write for a very short period of time but then get quite exhausted by it. And this is also relevant for children with autism, where they may not have developed the fine motor skills to hold a pen very well. It's taking a huge amount of their thinking and capacity to remember how to hold the pen the whole time, whereas what the exam is really testing is their knowledge. In those cases, the question is why are we making these children jump over hurdles that are to do with their ability to hold a pen, and not their ability to actually have retained the knowledge from the subject? Do you think that sometimes NESAs's policy has made the wrong decision in those cases?

**PAUL MARTIN:** To broaden it, there are some students—and many, now, actually—who write very poorly anyway. The capacity of penmanship has declined quite considerably over the last decade. There have always been students who write more slowly than others, who write less legibly than others, who read more slowly and then write more slowly—we've always had that range. The issue of neurodiversity or clinical diagnoses of particular students that show they manifest that in particular ways is the only way we can provide additional supports for those students because, largely, they also sit within the range of neurotypical students who also have an incredible range of capacity to write that three-hour exam. It's getting more telling, the range of that handwriting expectation. Students practise in a way that they didn't in my generation to sit down and write that exam. But the alternatives to that are also difficult in terms of typing: some students type differently et cetera. So we're in a moment where that is an issue, and the neurodiversity issue sits within a larger discussion, I think.

**The CHAIR:** From listening to your answer there, part of the problem is that we—and I understand that you're trying not to provide an unfair playing field by giving too many adjustments to kids with disability. But, in terms of a physical adjustment in the context of an exam that's testing knowledge rather than physical capacity, don't you think that we should be maybe focusing more on the child with disability and what adjustments they require, rather than whether or not other kids within that same cohort may also have some issues but haven't been

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diagnosed? It just seems we're looking at things a bit backwards and we're looking at it in terms of not over-advantaging kids with disability when all the evidence is showing that they either know the stuff or they don't.

**PAUL MARTIN:** I understand the point you're making. It's a very difficult judgement exercise and it doesn't often play well in the public arena, or to the parents or carers of students with disability, that the judgements you're making are trying not to give them an advantage. For someone who struggled all the way through school, the idea that NESAs are saying you can't have this particular support because you would be advantaged by it seems absurd. But the issue is the three-hour, sit-down exam and how students are best able to sit within a range of capacity to complete that. As I said earlier, neurotypical students often sit within that range as well. Without sounding like I'm trying to push away that we'd even consider such things, I think we're always in this debate and always in this argument and discussion. What we're trying to do is to provide the most level playing field we can, but we are open to all of the sorts of arguments that emerge in this space and any space, really, over time.

Ms Boyd, I'm doing my best to try to explain that I think we do a pretty good job. I think it's roughly 97 per cent of applications that are approved. Our people are doing everything they can to make sure that not only are the students who apply for provisions looked after but also there is not accidental advantage. There is a range. We all know about the quite extreme examples, but there is a range of students for whom the diagnosis is quite minor to some degrees. We have to try to look after every student at the same time. Basically, that's all I can say.

**The Hon. SARAH MITCHELL:** Mr Martin, it is nice to see you. Following on from the questions of the Chair, for students or families who do put in an application for those additional supports, special consideration et cetera, if they're not happy with that or they feel that they don't get the level of support that they would like, what is an appeals process or what happens in that instance if schools or students feel like they want to have someone to have another look at it? Can you explain for us how that works from NESAs' end?

**PAUL MARTIN:** Sure. In the first instance, it is preventing students' and schools' expectations being in the wrong direction and having a realistic understanding of what disability provisions are for and what you might get in the HSC from them. We've really ramped up the information process. We've been under a level of legitimate pressure over the past few decades around our delivery. As I said earlier, it's such an emotionally contentious space for the parents and carers around looking after their children. We make sure that schools now get a much clearer understanding of how to apply, of what sort of information they have to provide, of the sort of support from paediatricians, health professionals, psychologists or medical expertise, and of what sort of samples of the work they have to provide from the students. So early on, before they apply, we try to put as much effort as possible into giving people an understanding of how the application works and realistic expectations of what it's about. It's not about, as I said earlier, being able to do the best you can over the longest period of time because it's a time-limited exam.

They apply. Some parents are loath to apply. They feel sometimes that the disability provision stigmatises them. Some young people don't want anyone to know that they could potentially get an isolated exam room for ADHD. I'm just making that up. They don't want anyone to know. So there are issues at that end. They apply. They're assessed by our team, many of whom have been in this position for many years, so they're adept at understanding the social consequences and the appropriate tone and manner in which to talk to parents and schools. Then if we feel that there is not enough evidence, we will go back and ask them to collect more or another doctor's certificate et cetera. I place on record the difficulties with rural and remote students and some students from low SES families getting access to some of that level of expertise. But we need to have some expertise and evidence that this is a manifest disability.

If that comes back in and we feel it's okay, of course, they'll get the additional support. If they don't and are unhappy, we have another level of assessment, which does involve our access to medical experts, counsellors, psychologists, school principals and a range of people. We have another internal process for that application to go through. Ultimately, they could potentially go down other legal and other processes. I get a lot of representations across Parliament around September.

**The Hon. SARAH MITCHELL:** I'm aware, yes.

**PAUL MARTIN:** That will sometimes cause us to have another look at things. I mean, representations to the Minister or to myself can open up something, as it should be able to. We go back through the process for 99 per cent of them. As I said, there are three parts to it. The first part is making sure that they know what they're doing in the first instance with the application. The second is our initial assessment, and then the third is our appeals process that allows for additional oversight. Then, of course, there are other avenues. I think if people wanted to go through various legal channels, they could.

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**The Hon. ANTHONY D'ADAM:** Mr Martin, you might be able to update the Committee in terms of a sectoral imbalance in terms of special consideration for the HSC. I don't have access to recent data, but perhaps you might comment on whether that's still the case and, if it is still substantially unbalanced between sectors, what action has been taken to try to remedy that inequality.

**PAUL MARTIN:** Thank you for the question. That's just a perennial disability provision HSC issue. If I might mention a former upper House member, John Kaye of The Greens used to over many years under FOI, as it was then—GIPA now—request the applications and the numbers of approved et cetera. There was a disproportionate number of approved applications into the non-government sector at that period, not because there was any bias or any application of the rules in any other way but simply because there were more applications coming from one sector than the others. My predecessors have—firstly, we released that information publicly, so it's no longer required to go through any sort of GIPA process. We make sure that that's a public piece of information. We've talked very clearly and openly with the sectors about how we might best have the applications represent better the numbers of the students and the numbers of the students with disability.

The first thing was education processes with the sectors and giving the department, to be honest—and I have spoken off the record and on the record to Mr Graham about this in the last 12 months—how do we make sure that we get more applications in from some of the government schools? Why have they put no applications in when we know that there are kids with disabilities there and are heading for the HSC? Is it our application process? Is it access to doctors? Are we too bureaucratic? Is teacher workload too great for them to go through this process as they're nearing the HSC? What can we, as an agency, do to cut through all of those issues?

The numbers have been shifting in the right direction now for a few years, and I think it has to do with the education processes with the government sector, in particular, and support that they've provided to their own schools. Some clarification and clarity around our applications has helped. I think it's close to 50-50 now in terms of numbers of disability provisions across non-government versus government sector, which is a significant improvement, but I still think that there's a fair way to go.

I mentioned earlier there are some parents and some students who simply don't wish to apply, and sometimes that's in some communities. We have probably got a bit of education there about how best to explain that this is not a stigma but in fact an aid and support for young people going through the HSC. That's the work that we will be doing and have been doing with Mr Graham and his team. I can provide on notice a sort of—I think we may have, in fact, at the last hearing, but we can provide the movements over time by a sector without any problem.

**The Hon. ANTHONY D'ADAM:** Perhaps, Mr Graham, you might be able to jump in here. Obviously, one of the suggestions is that in the non-government sector there is much more intensive support in terms of applications. Perhaps you could maybe elaborate on what's being done within the government sector.

**MARTIN GRAHAM:** We do know that some school communities access these provisions much more highly and, as Mr Martin pointed out, it's due to application, not due to the kind of assessment process. Certainly, when I was running schools—metropolitan south—Mr Martin came and met with our leadership team. The department since then has taken a more comprehensive view. We have used the data from NESA to look at schools, at what their individual application rates might be. We've taken a dual approach. The first one is to identify 20 schools which have unusually low number of applications. We look at the data and say, typically in a low-SES community, this school, if it was average, would have a lot more applications than that. So we go and work individually with those schools, particularly around that information piece: These are the kinds of students who, in other schools, are getting these provisions; these are the kinds of provisions they can get; and here's how to assist with the application process. That's probably behind some of the numbers shifting.

We also have a more comprehensive kind of dashboard, where we go to the directors of educational leadership—who each might have three or four high schools—to say, "Your schools are probably under in where we probably would see a school if it was applying at a typical level." We're working with them to provide that information. As Mr Martin said, it's not the only barrier. Access to paediatricians, doctors and all those other things are also going to be barriers. But I think we're starting to see some shift, based on that informational side, to at least say, "You should probably consider looking at these students. We know about the students. We have all this data on them, so we know that they probably have a similar issue to other kids who are getting access." We certainly want to see parity of access to those provisions because it should be a fair exam.

**The Hon. ANTHONY D'ADAM:** Mr Martin, we heard evidence from Auslan users about having an Auslan curriculum in Victoria. Maybe you might be able to shed some light on what the status is in New South Wales in relation to offering Auslan in New South Wales schools.

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**PAUL MARTIN:** Auslan was introduced as a language in New South Wales schools from, I think—I was at the launch. It was maybe—it might have been even before COVID, but Auslan is now a recognised language to be taught in New South Wales schools.

**The Hon. ANTHONY D'ADAM:** In terms of the curriculum, how is the rollout of that looking? Is it offered as a HSC subject? Perhaps you could elaborate on which stage is the Auslan curriculum available to be offered.

**PAUL MARTIN:** Again, there are probably some specifics there that are not in my notes. The syllabus has been completed and written. Students can do it, I think, from K to 10 but certainly from 7 to 10, and I'll clarify that on notice. Oftentimes the delivery of languages in schools is dependent entirely upon the capacity of a teacher to teach them. With the arrival and the approval of Auslan as a language in New South Wales a couple of years ago, we now have teacher training institutions—have added it to their preparation programs for teacher training. So there will be, now, more Auslan teachers. It's a matter of whether the school will offer it. And we don't just expect it to be offered to students who are hard of hearing. We think that Auslan will be popular amongst students more broadly, and students who have hard of hearing members in their family, or parents or carers et cetera. But there's a little bit of a time lag. First of all, we have to have the syllabus out there. Then, over time, we can ramp up both the capacity of the schools to deliver it and the support that's provided for it et cetera. We're already done that. I actually—I'm not sure about my Victorian colleagues—thought we were slightly ahead of them, but I'm not sure about that.

**The Hon. ANTHONY D'ADAM:** On notice, are you able to provide some detail about the uptake in terms of how many schools are offering Auslan as part of their curriculum?

**PAUL MARTIN:** Whatever details we have, I will provide.

**The Hon. NATASHA MACLAREN-JONES:** Mr Martin, I was interested to find out a little bit more in relation to when you're considering adjustments, and particularly where additional resources are needed—staff for breaks or actual materials—do you factor in the cost that might be to the localised school, or is that something that isn't considered and it's just a matter for the department?

**PAUL MARTIN:** The conduct of the HSC exam in the schools is the responsibility of the schools. We provide guidelines and provide some level of support. We simply cannot, as our agency, run all of the various supports that would be required across New South Wales for all the students who require, or get granted, disability provisions. We quite often have schools call us up and ask us if we can provide some advice for a scribe or someone to help or assist with. We can assist in terms of our contacts and have many times—we run the HSC every year. But as for the financial resources to pay for the variety of provisions, no. We do print the papers. For someone who's visually impaired, NESA of course is responsible for the printing of papers differently than they would otherwise be.

**The Hon. NATASHA MACLAREN-JONES:** Where you've had some schools with a lower number of requests, would that be impacted potentially by resources at a local level?

**PAUL MARTIN:** It could be. In terms of application process, both myself and Mr Graham have mentioned—and a problem that's possibly becoming more acute, certainly over the COVID period—is access to medical professionals. This is a much bigger issue than the HSC; this is a societal-wide issue. But I think that is potentially something that has been in the way of some students or some schools being able to provide the evidence to us. But over the era of COVID we made so many accommodations—I use that phrase in its pejorative sense—for schools across New South Wales through south-western Sydney, regional, rural and remote schools so that they weren't locked out by our rules that were bureaucratic rules for a particular era and were no longer appropriate for COVID.

We need to constantly look—I'm not meaning here on the table, but constantly look at how we don't allow something like a shortage of health professionals, or just GPs. Students not being able to complete an assessment task during the COVID period—they just couldn't all go to a GP. General practitioners were just completely overwhelmed, so we made a change to our policy to allow that to occur. This balance is about how do we do the right things by the students, accommodate the current social circumstances and shortages et cetera, but also maintain the fidelity of the exam, because it is an exam and students need to be treated fairly. The short answer to your question is, yes, I think that there have been issues in terms of provision of—I think it's hard in some areas and localities to get some of the access to the support.

**The Hon. NATASHA MACLAREN-JONES:** Mr Graham, would you like to comment on that from a department resourcing point of view, or is it something that the Department of Education needs to look more broadly at other agencies within government as to how they carry some of that load?

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**MARTIN GRAHAM:** We know it's a family resourcing issue rather than a school resourcing issue because the requirements are that you need kind of external validation from a psychologist or a doctor and so on. So I know our schools have local arrangements, but they do what they can. They might arrange for a private psychologist to assess a number of kids at once. But that's a workaround; that's not a comprehensive solution. We don't have an answer. We have certainly been talking to Mr Martin about the balance. We respect their responsibility to the HSC and we've been very proud in New South Wales of this qualification, so we respect their role in terms of protecting the integrity of it. But the practicalities of how some families won't be able to access the evidence they need to be able to provide—we're certainly having active conversations about that.

**The Hon. NATASHA MACLAREN-JONES:** I'm sort of more interested in the adjustments and recommendations that are made and whether or not they can then be fulfilled at that local level and how is that managed.

**MARTIN GRAHAM:** Certainly the adjustments for the HSC are managed very well at the local level. As Mr Martin has indicated, there is not an extensive array of adjustments. I think that was some of the conversation the Committee was having at the beginning. Principally they're things like an additional 10 minutes. It might be a scribe—those kinds of arrangements. We have a very strong, centrally supported HSC program within the department, so we support schools in providing those provisions.

**The Hon. NATASHA MACLAREN-JONES:** I have one final question for you, Mr Graham, in relation to a submission received and a witness from this morning. It was raised as one of the challenges in the system—the confidentiality settlement agreements. They indicated in their submission that there was potential "that abusers could stay in the system and abuse children with no knowledge of prior allegations being made". Is there another way of dealing with these complaints and the similar outcomes?

**MARTIN GRAHAM:** I'm not sure that settlement outcomes would be a way of not disclosing within our own system that previous allegations had been made. We have very, very strong provision through our professional and ethical standards area around any kind of staff disciplinary action, particularly when it involves child protection. That is not something that a confidentiality agreement would be preventing us from knowing about someone's prior history.

**The Hon. SARAH MITCHELL:** I have a couple of questions for Mr Graham. We had some evidence earlier today from the National Union of Students. Both of the students talked about that transition period from having disability support while they're at school to then going into either work or further study. There was a comment around how they felt that sometimes students with disability tend to be steered more towards going into employment rather than further study and that there could be better supports, particularly in the senior years, to help those young people to transition. Is there any information you could provide in terms of what schools do specifically to help those students to transition and give them a pathway that has a range of options like all students have available to them?

**MARTIN GRAHAM:** We have pathways advisers and so on who work across schools. Within a school, one of the critical roles of the careers adviser is not just about what kind of work. In fact, given that 70 per cent of kids will go on to either higher education or TAFE and so on, one of their critical roles is linking them up with that further education. We know, for example, that if you're going into VET, they can advise the fact that we've got fee-free courses, that TAFE and other providers will be provided with additional loading if they take on that child and that student, and that if you're going to an apprenticeship, there's actually support. The State training services area will provide actual ongoing support to make sure that the employer is understanding all the Commonwealth subsidies that also exist. A lot of the time it's trying to line them up with that.

Certainly, there is provision in universities. Universities have a lower proportion of students with a disability than they should. They provide a lot of incentives and a lot of support within that university. But when you're in a student in our school you don't know that, so I understand you feel a bit like, "Well, I feel like I'm just dropping off a cliff here." Those roles are increasingly trying to support people. We know, particularly at the big universities, they have a large amount of funding for scholarships that they can't even spend. Our job is to have our students be able to access those opportunities. It's not perfect but it's something that we do.

**The Hon. SARAH MITCHELL:** One of the key points that I took away from their evidence was that having somebody—and I'm not sure where they would fit in terms of who they would be employed by, because obviously I get it's challenging when a student leaves school. One of the witnesses spoke about how her family did it and her mum was able to, but she could speak English and was from a family that could give her that support, and not every student has that. I'm just thinking whether there's some sort of role somewhere. I'm not sure where they would be best based.

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**MARTIN GRAHAM:** Some universities have done very well, particularly with low SES students. I call out UTS as one of the first movers to really come into our schools. They actually employ our previous students who now work at the university. They come into our schools and they provide probably more of that transition. They're the kind of models that would probably be really helpful.

**The Hon. SARAH MITCHELL:** Yes. So an expansion of that and more supports.

**MARTIN GRAHAM:** Yes, so they can actually come in. It's a bit hard. We can help you to a university. We only go so far. It's like all the transition points. The more they can reach down into the schools as well, the smoother the transition is.

**The Hon. SARAH MITCHELL:** I've got one more quick one. You might have to take it on notice. I appreciate that you're not in charge of all of the finances at the department. In relation to some of the budget changes that principals were advised of in April, would you be able to clarify that no SSPs were impacted by that?

**MARTIN GRAHAM:** I can clarify that no SSPs were impacted by that.

**The Hon. SARAH MITCHELL:** What about the freezing of other money that was in accounts that principals had time to spend but has now gone back centrally? Again, was there an impact on any SSPs with that decision?

**MARTIN GRAHAM:** I'll have to take that one on notice.

**The CHAIR:** Can I go back to you, Mr Martin. One of the things that was raised by Down Syndrome NSW when they appeared before us was in relation to their students having to provide more documentation than they thought was reasonable—having to go back and provide further information on their diagnosis as a person with Down syndrome. They were basically pointing that out to us as being a bit ridiculous. People have known that they have had Down syndrome since they were born, so why is NESAs asking them to go and get that sort of diagnosis? Were you listening to that evidence?

**PAUL MARTIN:** No. I can try to answer. There's a range of students that have been diagnosed or have Down syndrome. There's a range of abilities and capacities, in the same way as in the rest of the community. All I can imagine is that the extra information we've been asking for from people is how the disability manifests for the exam in terms of comprehension of questions and writing speed. We shouldn't be asking for a diagnosis. Unless I can be told something by my office that we ask for a particular reason, it seems to be nonsensical to require additional proof or diagnoses of something that has obviously been long understood.

I would say that, more broadly, if a student has come to year 7 with cerebral palsy or a significant disability that is already well established and manifests right through their schooling, then NESAs shouldn't be asking for additional proof. We need to find out how not to create difficulties. I think we already, after the Firth report that I mentioned earlier, allow for applications much earlier than we would've otherwise, in order for those students to be cleared from our system and dealt with very quickly because of the nature of the disability. I'll happily have a look at that to see if—

**The CHAIR:** To be fair, perhaps I have misremembered it and it was about getting more doctors' reports rather than a diagnosis as such. The sentiment expressed was that, in the context of young people trying to get on in life, being positive about all of the opportunities that they have and fighting discrimination and ableism, to then have to prove that they can't do things in order to get the adjustments that are due to them—when the school and everyone else already knows—is quite damaging on their mental health. I'm wondering if NESAs has considered the impact of some of that evidence being required in circumstances where it has been clear throughout a schooling career that a person has a particular disability.

**PAUL MARTIN:** We need to make sure, in order to provide the best for the student—the most support, the rest breaks, the drink breaks and whatever—exactly how the disability manifests. It's often in schools already, but we do need some level—and you can imagine why—of third-party, independent assessment and analysis. I understand how that might affect the student's mental health by having to demonstrate that they're not good in order to get something that is supportive. All I can say is that the additional evidence we require would be so that we can have proof and provide the most support. I'm not going to be silly about saying that we can't work better with the department or any school sector or any school if evidence is already in existence and it looks like pretty good evidence to us—we should be able to do something with that. Again, as part of the process of this hearing, I will take some of the conversation back to the team.

**The CHAIR:** Part of this is a risk assessment, right? So it is looking at how likely is it that you are over-adjusting for people in the context of that process—if the process is arduous and onerous and people aren't doing it because they can't get documents together, or they're not doing it because it makes them feel bad about themselves having to prove what they can't do when they're really keen to prove what they can do. Weighing that

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up against the risk that, somehow, you're going to give more adjustments than a person requires, do you keep data on, for instance—I can imagine this seems obvious—if you had a sudden spike in Down syndrome kids doing so much better than the rest of the school population? Maybe you'd think they're getting more adjustments than they should, but I expect that's not the case. In the absence of that, it doesn't seem like there's much risk, so maybe we should be erring more on the side of providing an inclusive adjustment process for those children.

**PAUL MARTIN:** I agree with what you've said, Ms Boyd. The balancing act there is the fidelity of the exam, the disadvantage to other students, the most support we can realistically give to the student with disability and not becoming onerous in terms of application processes or diagnoses for other support. That's the space we operate in. Our critics would say that we haven't got it right, but I think we are constantly adjusting and will continue to do so. I agree that it shouldn't be a disincentive when the worst-case scenario has never been manifest.

**The CHAIR:** Given the gross disadvantage, discrimination and poorer outcomes that kids with disabilities are expected to have et cetera, I guess if you had data that they were somehow benefiting more than they should—

**PAUL MARTIN:** I don't suspect that that's the case.

**The CHAIR:** No. So maybe we've got the balance a little bit not quite right.

**PAUL MARTIN:** I'm not going to comment.

**The CHAIR:** Thank you very much for making time; this has been incredibly useful to us. To the extent that there are questions taken on notice or supplementary questions, the Committee secretariat will be in touch. That concludes this panel.

**(The witnesses withdrew.)**



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**Ms LISA RIDINGS**, Associate Chief Executive of Student Services, Association of Independent Schools of New South Wales, affirmed and examined

**The CHAIR:** We now welcome our next witness. Would you like to commence with a short opening statement?

**LISA RIDINGS:** I would like to begin by acknowledging the traditional custodians of the land on which we meet, the Gadigal people, and pay my respect to Elders past and present. I would also like to extend that respect to any Aboriginal or Torres Strait Islander people engaging in today's hearing. Thank you to the Committee for the opportunity to contribute to this inquiry.

The Association of Independent Schools NSW is the peak body and membership association supporting and representing independent education—specifically, independent schools in New South Wales and the Australian Capital Territory. There are 426 independent schools across 563 campuses in New South Wales, and what characterises independent schools is their diversity. The majority of independent schools operate autonomously and are responsive to the needs of their school community. Importantly, AISNSW is not a governing body of independent schools. In 2023 the New South Wales independent sector had an estimated 46,900 students, so around 22 per cent, with a recorded disability. The majority of students with a disability, around 90 per cent, in the New South Wales independent sector attend a mainstream school.

The New South Wales independent sector has 64 special and special assistance schools that are spread across 145 campuses, providing choice for parents to be able to identify the best educational experience for their child. The student services portfolio at AISNSW that I lead includes a team of 11 specialist education and health professionals who are responsible for the delivery of services that are focused on disability, diversity, attendance, mental health and wellbeing. This also involves assisting member schools in the application of legislative requirements in the education context. In 2023 student services had almost 8,500 engagements with schools that involved providing guidance to member schools regarding individual student matters.

That could be related to support with enrolment processes for students with disability; it could be supporting schools around the facilitation of the collaborative planning process, including the identification of reasonable adjustments; or it could be assisting schools in liaising with external specialists. We also provide proactive whole-of-school approaches to assist schools to strengthen the academic, behaviour and wellbeing outcomes for all students. These approaches are really tailored to the school's context and are designed to build confidence and strengthen expertise amongst the school personnel. I am really happy to respond to any questions that the panel may have.

**The CHAIR:** I will start us off. Do any of the independent schools provide data in relation to expulsions and suspensions?

**LISA RIDINGS:** The data that schools would have would be held at a school level, and AIS would not seek to gather that information.

**The CHAIR:** Has that ever been something that's been suggested as a potential for independent schools? Is there any appetite to do that? It would be incredibly useful to see.

**LISA RIDINGS:** Not that I'm aware. But, certainly, I know that schools utilise that data at a school level to be able to inform the kinds of approaches, interventions and supports that they provide at a whole school level but also at an individual level for students.

**The CHAIR:** There is anecdotal evidence, at least, that there are fewer suspensions and expulsions within independent schools than within the public sector. If that is true, why do we think that's true? What do you think it is about the independent school settings that allow them to be a bit better on that?

**LISA RIDINGS:** I think, certainly, independent schools work really hard in terms of being able to provide really personalised and individualised support for students with disability. I'm very mindful that I can only speak on behalf of the independent sector, but I'm mindful that, regardless of sector, all schools work towards providing a really high-quality education for all students, and in particular students with disability. What independent schools do very well is they work through a collaborative planning process. That would involve gathering information about the student's needs and that could involve liaising with external specialists. Of course, involving input from the student and the family is appropriate as well. Based on that information, they work in collaboration with the family and the student to be able to identify the reasonable adjustments, to implement those adjustments, and to monitor and review the effectiveness of those.

Regarding behaviour in particular, certainly, schools—depending on the school's ethos and values—will have a whole-of-school approach to behaviour. As mentioned earlier, there would be some universal supports in

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place for all students, as well as more targeted supports for small groups of students and then individualised interventions where appropriate. I think the personalisation is something that independent schools do very well.

**The CHAIR:** It seems that non-public schools are also a little bit more proactive and better at putting in requests for adjustments when it comes to HSC time as well, as we've just heard. What do you think the reasons are for that?

**LISA RIDINGS:** Certainly over time—and I have just listened to Mr Martin speaking from NESA—NESA have been very responsive to the feedback that has been provided in reviewing the policies and processes around accessing disability provisions. What ultimately does appear and comes up every year around the data in terms of the sectors accessing the disability provisions—I think what sits behind that data is, regardless of the sector, students with disability who are otherwise accessing disability provisions that they are entitled to. I think that the focus remains on actually being able to support schools around the processes to access those—is the critical point in the conversation that often gets raised each year.

**The Hon. SARAH MITCHELL:** Thank you so much for being here, and for the submission from the AIS as well. I wanted to ask about a couple of the recommendations but I'll start with the last one, which picks up on something that you've probably heard me ask earlier for Mr Graham about how there can be better support for post-school opportunities for students with disability. You talk in your submission about aligning the curriculum and also offering adjusted VET courses. Could you elaborate that on that a bit more for the Committee in terms of things you've seen that work and also maybe how that could be expanded more broadly?

**LISA RIDINGS:** I think what we know works really well for students in terms of their transition pathways post-school is where those planning processes happen early on and, obviously, in collaboration with the student as well as with their family, and also that the opportunities or the pathways that are being explored really build on the strengths of the young person. Certainly there are academic pathways that are pursued as well as perhaps alternatives around—it could be apprenticeships, for example, where, as I said, that planning process is able to occur before even the student is year 11, starting as early as year 7. That is where we see the best outcomes for students. Where the external organisation—whether it be the universities or TAFE—have engagement within schools and really good relationships with schools, I think that ultimately provides better information for schools around what pathways are available.

**The Hon. SARAH MITCHELL:** Do you think that the idea of having, as I mentioned earlier, some sort of role—whether it's the TAFEs or the universities coming into schools more, but just that transition period? To your point, I agree, the earlier the better; but in some instances that's not possible or it doesn't occur. Do you think there's a gap or a space for better wraparound supports to help students transition from school to whatever their post-school destination looks like?

**LISA RIDINGS:** Yes, and I think schools would really welcome clearer information around what pathways and options are available.

**The Hon. SARAH MITCHELL:** Thank you. The part of your submission where you talk about increasing access to medical specialists and allied health workforces, particularly in rural and remote areas—and as someone who lives in the regions, I wholeheartedly endorse that—do you have any examples within independent schools where, for instance, schools might employ themselves the allied health specialists, whether it's speechies or OTs? I know that some public schools have done that in the past with their funding. Is that something that you're aware of in any independent schools and has that been successful?

**LISA RIDINGS:** Certainly special schools, and special assistance schools as well, would have access to on-staff allied health professionals in terms of speech therapists and occupational therapists. Students with disability enrolled in mainstream school settings—they may, as part of their NDIS plan, have particular allied health services where that service may be provided at school. In those instances I really think schools are best placed to make decisions around what that might look like within a mainstream setting.

At times, understandably, the therapists may seek to use particular spaces within the school or have particular times allocated where they can see students. But from the school's perspective, perhaps those times may involve, for example, withdrawing the student from the literacy block. For a student with learning needs, we know that it's really important for them to be part of that literacy block and not be withdrawn at that time. So I think those decisions are best remaining at the discretion of the principal to be able to make. Certainly, yes, there are really good examples of where schools will utilise—if they don't have the expertise in house, such as they do in special schools, they will have really good relationships with external providers and seek to engage if the student or the parents have preferred providers. Certainly we always liaise in collaboration with those specialists.

**The Hon. SARAH MITCHELL:** We heard evidence in an earlier hearing about, as you just mentioned, the timings of when people come and how that can be—not problematic, but it's a good idea in theory to have the

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health professionals more engaged in the school setting. But depending on the availability and the timings, it can be a little bit tricky. That's something that I think we'll have to ponder over as a Committee in terms of how we go on that moving forward.

**The Hon. ANTHONY D'ADAM:** One of the key issues that this inquiry is grappling with is the question around the disability royal commission recommendation around ending segregation. I think your recommendation seems to place your organisation firmly in the camp that is opposed to that. Could you give us some insight about how or why you've taken the position that you have in relation to that recommendation?

**LISA RIDINGS:** I would start, from the outset, by saying that we really respect the thorough work that has been done by the royal commission, and I think the report certainly reflects the complexity of some of the issues faced by people with disability and also those who support them. In terms of educational settings, as the independent sector we are an incredibly diverse sector and, as mentioned in my opening remarks, that includes mainstream schools as well as special schools and special assistance schools.

Importantly, what the different school settings does is—just as we would say when you're identifying adjustments for students with disability, it's on a case-by-case basis. Around the actual educational setting for a student, it's not a one-size-fits-all approach. I think often a special school or a special assistance school can offer perhaps different supports and access to appropriate specialists within the school that possibly a mainstream school setting may not. I think importantly, though, it's about parent choice. I think parents are certainly best placed to be able to make decisions about what is the most appropriate educational setting for their child.

**The Hon. ANTHONY D'ADAM:** You make a recommendation around providing greater capacity for health professionals to work closely within educational settings. Can you elaborate a little bit on that recommendation and the nature of the obstacles that you see exist in the independent sector?

**LISA RIDINGS:** I think in particular we see around the area of school counsellors—independent schools don't have access to the funding that other sectors do around being provided with school counsellors. That said, certainly a lot of schools have committed to paying for school counsellors to be available for students to access. Where that arrangement isn't in place, schools may have an arrangement with an external practice for students to be able to access those supports, or the school may also signpost to and provide the family with some relevant options around that.

I think where we see the best possible outcomes for students with disability is where there is that opportunity for the collaboration between the specialists, whether that be external or within the school, the student and the family. I think that's where that recommendation is suggested—in terms of, at times, schools can receive particular recommendations from specialists, perhaps based on the student's needs, but then the school would be best placed to be able to consider, in consultation with the specialists, actually what that looks like within the school context.

**The Hon. SARAH MITCHELL:** I want to ask about the professional learning component of what's available to teachers in independent schools. You talk about the need for higher education to ensure that teachers are well equipped to support and teach students who have all different types of disability and learning needs. Where do you think some of the gaps are in terms of the higher education courses, particularly for beginning teachers, and in what way could we improve that process?

**LISA RIDINGS:** I understand that there is work already underway around pre-service teachers, in particular strengthening the support for them through those initial teacher education programs around providing support for students with disability. Providing greater access for those students to—at the moment in some courses, I understand, there might be one course focused on supporting students with disability, so potentially expanding that. But also allowing students, as universities do, to have that experience within the classroom where they really are learning around how they do cater for the full needs of students within a classroom setting is important as well.

**The Hon. SARAH MITCHELL:** We heard evidence, as I said, in an earlier hearing particularly about that, and it does depend on the university and the course, but from our perspective of only having quite a minimal period of time to look at those specific special education units, if people don't go on and do further study in that space. Then the other thing that we are looking at is that ongoing teacher training. As best practice evolves in terms of supporting particular students, how do you support your teachers in terms of that evolving best practice and their own professional development?

**LISA RIDINGS:** We do provide professional learning for independent schools in the area of supporting students with disability. A lot of schools will have that as part of a regular cycle of professional learning. Then, depending on teachers' particular roles or it may be how students within their class are identifying, they will also access specific professional learning. It could be, for example, around neurodiversity. As I mentioned earlier,

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schools are certainly committed to having in place a regular cycle of professional learning. But where we find we get the best outcomes in working with schools is where that professional learning is ongoing and sustained because we know then there's greater chance of that being embedded as part of the whole school's approach to actually supporting students with disability.

**The Hon. SARAH MITCHELL:** I know it's different in a sense for you because you're not a systemic group of schools like the Catholic or government schools are, but in terms of encouraging teachers to take on additional learning opportunities around doing masters in special ed, the evidence was that there wasn't really a financial or a professional recognition for those classroom teachers who did that. That was certainly evidence that we received in the government school setting. Are you aware of any examples in independent schools where there are additional incentives for those teachers who do upskill in terms of special education and any best practice that we could be made aware of?

**LISA RIDINGS:** I wouldn't be able to comment. I would need to take that question on notice. I wouldn't be across the arrangements within each of the individual schools. That said, something that we have provided for schools, recognising the unique position that we are in, being able to bring together schools, is that we have particular network groups focused for teachers in schools that have roles around wellbeing and school counsellors. This year we initiated a group specifically for learning support teachers. The membership of that group, since the beginning of the year, is 170 teachers. Our wellbeing group has about 120 representatives from different schools and the school counsellors, about 230. I think that certainly speaks to the desire for people in those roles to be able to connect, to be able to share practice and to also be provided with input and updates. They are certainly keen and eager to learn and ensure that they are doing all they can within their school context to meet the needs of students.

**The CHAIR:** Thank you so much for making the time today. To the extent that there are supplementary questions, the Committee secretariat will be in touch. Otherwise, that concludes the hearing for today.

**(The witness withdrew.)**

**The Committee adjourned at 12:20.**

**IN-CAMERA PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 3 – EDUCATION**

**CHILDREN AND YOUNG PEOPLE WITH DISABILITY IN NEW  
SOUTH WALES EDUCATIONAL SETTINGS**

**CORRECTED**

***RESOLVED TO BE PUBLISHED BY THE COMMITTEE ON 1 AUGUST 2024***

**At Macquarie Room, Parliament House, Sydney, on Wednesday 12 June 2024**

**The Committee met at 8:45.**

**PRESENT**

Ms Abigail Boyd (Chair)

The Hon. Anthony D'Adam  
The Hon. Sarah Mitchell (Deputy Chair)  
The Hon. Emily Suvaal

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Natasha Maclaren-Jones

**PRESENT VIA TELECONFERENCE**

The Hon. Tania Mihailuk

\* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.



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Evidence in camera by **Mr B**, Autistic Self Advocacy Network, before the Committee via videoconference, sworn

Evidence in camera by **Ms C**, Australian Autism Alliance, before the Committee via videoconference, affirmed

**The CHAIR:** Welcome to this in-camera session of the inquiry of Portfolio Committee No. 3 – Education into children and young people with disability in New South Wales educational settings. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we're meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people who are joining us today.

I ask everyone in the room to please turn their mobile phones to silent. The evidence in this session is confidential. This means your evidence is not being broadcast and the transcript of your evidence is confidential to the Committee. In certain circumstances the Committee may find it valuable to publish some or all of what you say but, if so, the Committee secretariat will consult you about this, taking into account your circumstances. Ultimately the decision as to what is or is not published rests with the Committee. Parliamentary privilege applies to the evidence you give today. However, it does not apply to what witnesses say outside of the hearing, so I urge you to be careful about any comments to the media or to others after completing your evidence.

I note that this morning's witnesses will be participating via videoconference. I have a few notes on virtual hearing etiquette to minimise disruptions and assist our Hansard reporters. Firstly, if the participant loses their internet connection and is disconnected from the virtual hearing, they are asked to rejoin the hearing by using the same link as provided by the Committee secretariat. Could I ask Committee members to clearly identify who questions are directed to? Could I ask everyone to please state their name when they begin speaking? Could the witness on videoconference please mute their microphone when they are not speaking?

Please remember to turn your microphone back on when you're getting ready to speak. If you start speaking while muted, please start your answer again so that it can be recorded in the transcript. Members and witnesses should avoid speaking over each other so that we can all be heard clearly. Also, to assist Hansard, may I remind members and witnesses to speak directly into the microphone and avoid making comments when your head is turned away. I now welcome our first witnesses. Thank you very much for making the time to give evidence to us today. I'd like to invite you—Mr B firstly—to make a short opening statement, if you like.

**Mr B:** Thank you so much. I am a young autistic person living with multiple disabilities. Whilst I am a disability advocate for young people, as exemplified by my role as an autistic person on the National Autism Strategy Oversight Council and the Autistic Self Advocacy Network, I humbly entreat everyone here today to listen to my words from the perspective of someone with lived experience. As a young person with disability and as a student with disability, I have lived experience of trauma, discrimination and sexual assault. A content warning that much of what I will try to bring to the table today is representing the voices of people who perhaps may feel unsafe or unable to provide complaints or to shed light to their lived experience of trauma and assault.

We know from the disability royal commission that people with disability are in some cases many times more likely to have experienced sexual assault than their non-disabled counterparts. We know from the NSSF that one in two students, according to one survey, have experienced sexual harassment and sexual assault in tertiary education settings. New South Wales is no exception. I say that as someone who has actually attended not only vocational education settings in New South Wales but also public university in New South Wales. What I hope to bring today is an intersectional perspective that helps illuminate why we must implement an anti-ableist but also inclusive approach to children and young people with disability, not only in the early stages of their educational journey but throughout their educational journey, including homeschooling. I look forward to your questions.

**The CHAIR:** Thank you. Ms C?

**Ms C:** Good morning, everyone. I thank you for this valued opportunity to appear as a witness in front of you today. We absolutely welcome this inquiry and we are honoured to present and look forward to the outcomes. As I introduced myself before, I appear before you today as a representative of the Australian Autism Alliance.

It is this lived experience as a parent which is what led me to the sector

The Australian Autism Alliance aims to provide a united voice for autism. The alliance was established in 2016 and aims to improve the life chances of autistic people and facilitate collaboration with the autism community. We operate as a cohesive network of 12 organisations with a diverse focus on autism. We have a national reach that brings together the 12 key organisations representing and led by autistic people, advocacy

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groups, peak bodies, service providers and researchers. That reaches over half a million people through our communications. Most importantly, our work is informed by autistic people and their families and carers.

Recently we were appointed as a disability representative organisation through DSS. It is through those channels and undertaking one of the largest surveys known for the Senate inquiry in 2020 that there were 3,800 responses, predominantly from autistic people. Today I will bring to you some of the information that has come from that regarding tertiary and further education outcomes and what people have been experiencing. Of course, we know through all the inquiries et cetera that we need more improved outcomes. Autistic people have poorer outcomes than any other disability, let alone than any other Australian. As I said, today we will focus on further and higher education.

**The CHAIR:** I invite one of my colleagues to start questioning.

**The Hon. SARAH MITCHELL:** Hello to you both. Thank you for making time to be with us this morning and for your opening remarks. I will start with some of your comments, Mr B, about your lived experience as a tertiary student. In one of the attachments to the submission you provided to the Committee, you talked about a tertiary education road map that I think a lot of organisations are calling for. Could you explain to the Committee some of the things you think should be in that? What is missing at the moment in terms of your experience? I am also then very happy for Ms C to provide some comment as well. I will go to you first, Mr B.

**Mr B:** The tertiary education road map for people with disability is a proposal that not only ASAN as an organisation, but also the constituent organisations of the Australian Autism Alliance and the Australian Coalition for Inclusive Education, many of whom I think already presented evidence to the Committee, have endorsed. That's partially because it is in response to recommendation 7.13 of the disability royal commission, which talked about a national road map to inclusive education.

Some of the things that I believe not only as a disability advocate but also as a person with lived experience that must be included are clearer guidelines on transitions between vocational education and higher education. For the rest of this hearing, I am going to try to be very careful with terminology because I think often when it comes to tertiary education or further education, terms are often conflated. When I say "vocational", I am often referring to, for example, VET or TAFE. When I talk about higher education, I'm talking about university. While higher education or university, the funding of which are often regulated by the Commonwealth—VET is often firmly within the purview of the implementation of States and Territories, which is why we believe that a tertiary education road map requires buy-in from not only a Commonwealth level but also a State and Territory level, because many students are often going back and forth between those two systems.

In terms of lived experience, this happened to not only myself but also three other autistic people in a New South Wales tertiary education setting. We were all sexually assaulted by the same professor at a public university within New South Wales. As a result, we no longer felt safe to be at this particular university—which is a Group of Eight university within New South Wales—because of this person who was a professor. We did not feel that the complaints process was particularly accessible because, for example, one of us was not only autistic but also a wheelchair user and, when they attempted to raise the issue of their complaint, the complaints interview was in a non-wheelchair accessible building. As a result, many of us felt compelled to pursue study in vocational.

Because there is very little guidance per se or even interstitial tissue between the interaction between vocational education and higher education, and vice versa, it took me six months to get some of my credits and recognition for prior learning processed and recognised by TAFE. With the other two students, I believe with one of them it took upwards of a year. This is a full period of time in which a person is often being retraumatised and re-victimised in having to pursue and chase down units of study at an institution in which they were previously sexually assaulted just to get the transcripts in order to expedite a particular piece of transfer and vice versa. I think that is one of the first components that must be included, which is actually having an understanding of that interfacing between the vocational education setting and also the tertiary education setting.

In addition to that, one of the other things that must be implemented as part of a feature of the tertiary education road map is actually ensuring that complaints processes can guarantee reasonable adjustments. For example, the disability royal commission recommendations 11.4 and 11.5 talk extensively about how complaints processes must be accessible whereby, for example, deaf people or deaf complainants who are victimsurvivors are given Auslan. We have heard a number of instances during advocacy of victimsurvivors with disability, including those who are deaf, not being provided with reasonable adjustments such as Auslan. In one instance at one particular university in New South Wales, a student was told that Auslan is much like hand flapping and would distract other students and they were not given Auslan throughout not only their studies but also during the complaints process.



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As a result, we as an organisation recommend firmly that the Committee take under advisement recommendations such as 11.4 and 11.5, which talk about what those complaints processes look like in terms of accessibility because, unfortunately, until more people feel comfortable complaining, whether it's through a university process or through the NSW Ombudsman, in a way that's accessible and trauma informed, they'll probably not feel the moral courage necessarily to do so. Happy to take further questions under advisement or on notice if necessary.

**The Hon. SARAH MITCHELL:** Thank you. I'm sorry to hear that that was your experience; that's terrible. One of the things we're trying to do with this Committee is see what we can do to help and make some changes. Thank you for sharing that, and I know that the Committee would agree with me in saying that. Ms C, did you want to add anything more generally about the road map and where you think that direction needs to be?

**Ms C:** Absolutely. Thank you very much. Based on what you've just heard also, we need to strengthen the protections and create some accountabilities in the road map—and know clearly about competencies and expected outcomes. There needs to be an outcomes framework but also data capture and evaluation. A lot of the survey demonstrated people dropping out, but I don't know where data's being captured as to the reasons why people are dropping out. There is a difference between deciding "This is not my career path" versus the kind of events that none of us would endorse that we've just heard—or just because of the simplicity of it not being accessible.

Things like upscaling professional development on autism for the actual educators and understanding what reasonable accommodations are—a lot of the respondees, again, were just saying that it's taken someone up to 10 years and then they actually ended up still dropping out from having to repeat, couldn't cope with how presentations needed to be done. There's volumes that are talking about attempting tertiary education, vocational education over extended periods of time. It all came down to just having some accessibility requirements met, like exams being extended, sensory lights. So I think, if we could, embed some of those requirements to need to undertake that autism training.

We've talked about the accountability and transparency which would go a long way with the data. Absolutely improve the transitional support for young autistic people to explore and navigate their tertiary options. Often, we do a lot of investment, and it's fantastic that we're recognising about early years, but we want that investment to come to fruition and actually follow through, and incentivise programs and strategies by vocational and higher education providers to bridge the gap for autistic people in receiving post-school qualifications. We could set targets. It could be free TAFE, for all I know.

But, at the end of the day, there are more things to do to close the gaps. In terms of really specific tangibles, autistic people are just asking for things like access to mentoring. As I said, people understanding actual autism. Some assistance with planning and managing their workloads. The inclusive practices of chill-out spaces. There's even assistance with physical access, believe it or not, to study places. People can't access where the actual lecture, or whatever it might be, is being held. Having one contact person who actually understands autism, even that will go such a long way.

**The CHAIR:** Apologies, because I can't recall the university that it was. I feel it was at Sydney uni. Mr B, you'll probably be able to remind me. But they had a document that I saw in relation to autism and explaining to teachers and staff how to engage with autistic people. It was an incredibly outdated and quite offensive document. Can you remind me, was that at Sydney uni, Mr B? Are you aware of that?

**Mr B:** Yes, I am very aware of that. I was a student at the University of Sydney, and I was actually one of the people who brought that to attention. For context for the rest of the Committee, Ms C and I have talked about this extensively, and I'm happy for Ms C to also elaborate further. But what's very apparent—not only in the survey that the alliance did, but also in the Senate Select Committee on Autism investigations and the work we do in the Commonwealth and nationally—is that many autistic people, yes, their experiences during primary schooling and high schooling may be adverse, but a lot of those people have the supports often provided by parents or carers being pulled away from them and ripped away from them when they enter university and vocational education settings.

Often the same students and young people are at the mercy of what are often known as disability support officers or academic advisers, whose role is not dissimilar to, say, that of a local area coordinator in the NDIS system. They are not an allied health professional. They are not an academic. They are not a teacher. And that person's responsibility is often to interpret the bevy of medical evidence regarding that person's diagnoses. These people at universities are often given manuals on what each of these conditions means. This manual in question at the University of Sydney, firstly, I believe, used outdated terms such as Asperger's syndrome. This is long after DSM-5 was launched. Secondly, it made some quite offensive stereotypes about autistic people being clinically

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incapable of social interaction. It even interchangeably conflated speech difficulties with autism, which many autistic people, myself included, found offensive.

The reason why we believe this is relevant for the Committee discussion is that people who have proposed the tertiary education road map for people with disability really emphasise and underline that vilification of people with disability in any educational setting is not okay. For example, ASAN along with the Australian Autism Alliance made a submission to the NSW Law Reform Commission into section 93Z of the Crimes Act and into vilification laws. Personally, as an autistic person, I have been called words that rhymed with petard at that very same university, and one of the reasons why I have to help other autistic people navigate through university is because many of us were subjected to professors who told us that autistic people are clinically incapable of being doctors or lawyers because we are unsafe to be around children.

Student media has done a very good job, at least at the University of Sydney, of capturing some of that ableism. For example, it has been very well documented that an immunocompromised professor was let go by the University of Sydney. It has been very well documented that another university professor who deprived students with disability of academic adjustments because they thought that those with psychosocial disabilities should not be around in a paediatrics department. Two recommendations come in direct conjunction to the manual that I mentioned. That manual has been posited to myself and other victim-survivors as directly contributing to the atmosphere of ableism and an atmosphere that is antithetical towards disability in general. The two recommendations that many people have posited are, firstly, whenever the Anti-Discrimination Act of New South Wales and the Crimes Act of New South Wales are reviewed, that there is serious consideration given to ensuring that vilification provisions are extended on the basis of disability. That is one.

The second recommendation is taking some lessons from the Tasmanian Government. The Tasmanian Government did a parliamentary inquiry into the governance of the University of Tasmania. We are happy to provide resources to the Committee later on how that inquiry went. Specifically, State governments have the power to organise parliamentary inquiries, much like this, into the governance of the public university within their State or Territory borders. In the University of Tasmania's instance, when the Tasmanian Government decided to do an inquiry into the governance there, they received over 140 submissions. Some of those submissions helped highlight the issues that were also experienced at the University of Sydney or at the University of New South Wales, which are stories of quite reprehensible conduct regarding how sexual assaults were handled and closed, issues regarding consultation and a history of what has once been described as quite anti-whistleblower conduct. I hope that clarifies.

**The CHAIR:** Thank you. It's really useful. In all different educational settings, one of the things that this Committee has been picking apart is how much of the more negative experiences of people with disability is as a result of lack of resources or a lack of training and how much of it is about discrimination, ableism and vilification et cetera. It's very useful to hear that. Do you know if that Sydney uni document got updated after it was raised, or have they still got that outdated version?

**Mr B:** I don't know if it's been updated as of 2024, but when it was first raised during 2020 and then until 2022, when I actually left that university to go to a different place, a different institution, they did not update it during that time. The University of Sydney, much like other universities within New South Wales, has had a history of not perhaps acceding to the wishes of people with disability. A really cursory Google search will show that, for example, people with disability at the University of Sydney have been asking for a disability room for—I believe it was upwards of eight to 10 years. Disability officers, which are mainly students with disability, both undergraduate and post-graduate, have asked for a safe space, an autonomous space, where people can take their medication; carers can, for example, take care of and tend to their caring needs; and students with disability, including autistic people, can go to a quiet, autonomous space. At the time, I believe that there was ethno-cultural space, a women's space and a queer space. That request for a room was actually shuffled around by the University of Sydney for at least, I think, seven years. In contrast, the University of New South Wales had a room since the mid-2010s.

**The Hon. ANTHONY D'ADAM:** Is it your suggestion, Mr B, that the problem is actually a cultural one and that there's a deep-seated resistance that's existing within these institutions to making proper accommodations for people with disability, particularly people with autism? Is that your evidence?

**Mr B:** Absolutely, yes. This is not just my view but also, I think, it has been a view that's well ventilated. For example, after the [inaudible] Commonwealth inquiry, the Federal Government's inquiry into consent laws had bipartisan and quite robust, I would say, decrying of the culture of—and this is from that very inquiry into consent laws—corporatism in the university sector and universities, in particular, where they often act as a body unto themselves. Also, in the submissions that the National Union of Students and the People with Disability Australia made, in conjunction with the Children and Young People with Disability Australia in 2022, it notes

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that, according to that very submission, universities are often ableist ivory towers in which staff and students with disability are not only excluded culturally but are literally unable to participate.

At least in high schools, a lot of teachers often are provided resources that clearly articulate to them that the Anti-Discrimination Act, the Disability Discrimination Act or the disability Act for education are not merely guidelines; these are the law. In universities and in vocational education settings, the knowledge of the legislation is not only quite porous, but there's a culture of treating those pieces of legislation as merely guidelines rather than the law of the land, and it's because of the culture of a lack of accountability.

**The Hon. ANTHONY D'ADAM:** What's it going to take, do you think, to shift the culture? Is it giving more teeth or more opportunities for people with disability to litigate these issues in the courts? Is that the mechanism that's going to engender the cultural change that you're seeking?

**Mr B:** It's fourfold. The short answer is yes, there needs to be more teeth, I think. The disability royal commission has [inaudible] that there are no consequences for noncompliance and that regulatory and legislative mechanisms require more teeth. My understanding is that you'll be speaking with the National Union of Students in the next hearing. I encourage members of this Committee to speak with them more about what those regulatory frameworks would look like. Distinctly, four things can help manage this, putting more teeth and equipping students with disability, especially young people with disability, to advocate for themselves to get the equitable outcomes that they deserve.

First, as I mentioned earlier, is the tertiary education road map for people with disability. Second is taking into serious consideration the lessons learnt by the Tasmanian Government and their inquiry into the University of Tasmania Act. There could be similar inquiries done on, for example, the University of Sydney Act 1989 or the University of New South Wales Act. The third lesson to be learned is considering the recommendations of some of the submissions made to the Tasmanian inquiry. For example, Public Universities Australia, in conjunction with the National Union of Students, tendered a model university Act—a piece of State legislation which States and Territories governments can implement tomorrow in terms of tweaks to make to pre-existing State legislation.

For example, the model university Act proposes that one quarter of the people appointed to the university senate or university council must be elected and they must be from a student background or staff background, as opposed to merely appointed; and that universities have more transparency publishing minutes. The fact that citizens can go to their local city councils and sit in on those meetings where often large infrastructure projects are discussed but universities are able to, essentially, have less scrutiny than even your local city council really exemplifies the merit of a public university Act. The fourth and final recommendation ASAN and others—victim-survivors like me—would heavily proffer is taking into consideration strengthening New South Wales anti-vilification laws. As we mentioned earlier, section 93Z of the Crimes Act doesn't criminalise vilification on the basis of disability.

The Anti-Discrimination Act itself doesn't extend vilification protections to people with disability. The submission is not only from ASAN and the Australian Autism Alliance but also from PIAC, for example. They have heavily underscored that this does need to be closed as a loophole. Fundamentally, people with disability are disproportionately at risk of violence, of repeated violence, sexual assault, abuse and vilification. There's a difference between freedom of speech and hate speech. My perspective—and the perspectives of many victim-survivors with disability—is that no-one should be called words like "retard" or no-one should be told that they should drop out of an educational institution, especially in response to that same person asking for something as basic as an adjustment.

**The CHAIR:** Unfortunately that's all we have time for. It's been too quick but I want to check, Ms C if there was anything you want to add on those last couple of questions before we break?

**Ms C:** I just want to reiterate what Mr B has said. I think it would go a long way if, as we know, the funding comes from the Federal level to be more accountable about where the funds actually go, so there are specific funds for disability and that goes towards the governance. We can also offer up some fantastic examples in other universities of what good looks like. Often, if you look around, it is what's missing when you compare the governance, because the question asked was is it culture? There is a culture, and there's well-known research about low expectations. But you can see, if you compare universities in different States and how they've set themselves up to hold themselves accountable, there is value in doing an inquiry or a benchmark-type study to identify what's missing and how do we get good outcomes. Any review or otherwise as to that funding and finding out where it goes is that there's an obligation to collect real data about why people are dropping out or what's happening. Again, in the university, people want to see competence and accountability.

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**The Hon. NATASHA MACLAREN-JONES:** I'm happy for you to take this question on notice. In your submission, you refer to the DRC taskforce—that you made a submission. I was wondering whether or not you've been approached for the DCJ taskforce. Are there any recommendations where the States could, and need to, step up in relation to disability supports?

**Mr B:** Could you clarify a little bit more on what you mean by DCJ taskforce? Are you referring to the DCJ taskforce within the DRC taskforce?

**The Hon. NATASHA MACLAREN-JONES:** Yes. My understanding is that there's the taskforce that has been stood up to look at both the royal commission but also the NDIS review. So I'm just wondering whether or not you've been asked to contribute or make submissions in relation to that.

**Mr B:** We have been asked to make a submission in relation to the royal commission but not the NDIS. Ms C and I would happily speak with people about NDIS. I know Ms C lives and breathes NDIS reform—talking about State and Territory interfaces with that. In terms of the DRC engagement that we had in New South Wales, we'd be happy to pass along to the Committee the submissions that we made regarding a recommendation from volume four of the disability royal commission final report. These are the same submissions that we made, for example, to the NSW Law Reform Commission regarding vilification laws, and DCJ has taken that under advisement. We have recommended that the New South Wales Government take those recommendations under advisement, but we will see what the New South Wales Government response to that is.

**The CHAIR:** Thank you so much for your time. To the extent that there were questions taken on notice, or we probably will have some supplementary questions for you, the Committee secretariat will be in touch. That ends this session for today.

**(The witnesses withdrew.)**

**(Evidence in camera concluded.)**

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Evidence in camera by **Mr BRETT SMITH**, Executive Officer of Operations, Allambi Care, before the Committee via videoconference, sworn

**The CHAIR:** Welcome to this in-camera session of the Committee's inquiry into children and young people with disability in New South Wales educational settings. I acknowledge the Gadigal people of the Eora Nation, the traditional custodians of the land on which we are meeting today. I pay my respects to Elders past and present and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander peoples joining us here today.

I ask everyone in the room to turn their phones to silent. The evidence in this session is confidential. This means that your evidence is not being broadcast and the transcript of your evidence is confidential to the Committee. In certain circumstances, the Committee may find it valuable to publish some or all of what you say. If so, the Committee secretariat will consult you about this, taking into account your circumstances. But, ultimately, the decision as to what is or is not published does rest with the Committee. Parliamentary privilege applies to the evidence you give today. However, it does not apply to what witnesses say outside of the hearing so I urge you to be careful about any comments to the media or to others after completing your evidence.

This videoconference involves a witness participating remotely. I have a few notes on hearing etiquette. I will not repeat ones the Committee members are already familiar with, but I will state the ones for the participant. If you lose internet connection and are disconnected from the virtual hearing, you are asked to rejoin the virtual hearing by joining the same link as provided by the Committee secretariat. If you are muted and you start speaking, which happens to all of us, please do start your answer again so it can be recorded in the transcript when you come off mute. May I remind members and witnesses to speak directly into the microphone. Mr Smith, do you have an opening statement you would like to make?

**BRETT SMITH:** In my role at Allambi Care I oversee programs in the NDIA space, out-of-home care and early intervention. That's in New South Wales—in Newcastle and also Northern Rivers—and in Victoria. I spoke to Sarah Newman, I think it was. She invited us to be a part of this process. There was a little bit of a problem for us, given that we are primarily an out-of-home care service. We do have disability services attached. I was going to talk more about the gaps in the out-of-home care space and those voices that weren't really being heard. I did offer that I'm also a foster carer and have been for 15 years. The young person I care for also has disability. He has Noonans syndrome and moderate delay. So I am speaking on experience as a foster carer. That is where my passion is—firstly, being a carer, but also being able to provide the supports that these kids need. Quite often in my experience and my position, I see those kids slip through the gaps. So I took this as an opportunity to speak from a number of different spaces that I see.

**The CHAIR:** Thank you very much. An area that we haven't really touched on in the inquiry so far is the intersection with out-of-home care and experiences of those children in educational settings.

**The Hon. NATASHA MACLAREN-JONES:** First of all, Mr Smith, I thank you for the work that you do in this sector and also as a foster carer. I have a couple of questions. One of the things that has come through this inquiry and has been asked previously is about how information is maintained and gathered around suspensions. We know that, in some cases, suspensions are being used particularly for young people with disability. When it comes to out-of-home care, it's a bit patchy as to who is maintaining that data to keep a true and accurate record of where these young people are at, at any given time. I wanted to know your perspective on that from a foster carer's point of view but also from a provider's point of view, and how that can be improved.

**BRETT SMITH:** I can only speak on behalf of a Allambi. Allambi has primarily been an out-of-home care provider for many years. I know that PSP, being out-of-home care, has been implemented for approximately seven years. But prior to that we were gathering information. We did build our own case management system, which does collate a lot of information from placements of kids to everything—incidents, suspensions, engagement at school. I've got a lot of information. Everything that I'll talk about today will be data that we've gathered. Allambi also runs a school, North Academy in Newcastle. That is to fill some of these gaps that there are. I've got a lot of information on kids that are in each of those placements, whether they've got a single diagnosis, dual diagnoses or other behavioural issues. We can get that information quite easily. I've collected a lot of data for this meeting today so I'm talking on data, not just my own opinion.

**The Hon. NATASHA MACLAREN-JONES:** In relation to the school that you run, was that established because of need or was it more to do with the fact that you found that mainstream schools were just not accommodating the unique needs of young people in out-of-home care?

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**BRETT SMITH:** Yes. We set up a need basically for the kids in out-of-home care. With the school—North Academy—out of the students that are engaging, a lot of them have come from the early intervention space, which wasn't planned, but it has actually been extremely helpful for kids that have anxiety and not engaged in school. They're almost on the cusp of out of home care. There are a lot of ROSH reports being put in for them and so forth. The school itself, I think—and this is what I really want. I'd really like it if these programs are done properly, getting kids that won't engage in school, it is possible, with the right supports. I think you'll find that there are a couple of out-of-home care agencies that are actually getting involved with the education things because of that—because of the gaps that are just in the system. For example, if a kid has got anxiety, they're not going to engage in general education programs, the education department isn't going to chase them up or follow through, but having the independent school, we can provide those supports.

As an agency, for ourselves, for example, it is our passion to make sure that those kids that are slipping through the gaps are captured somehow, so we can actually put some resources towards them. Also, including the resources and engage community support services. Community Services fund us with, in the early intervention space, focused especially in those teenage years. Having them working together has worked really well. So there is the school. Outside the school, we also fund Learning Without Walls; this is funded by Allambi. That's the Learning Without Walls program, and that's for kids that don't fit into the school system straightaway. That school is to engage the kids, build relationships and get the kids to build relationships with the school so they can return to the education system. Currently we have 14 of those kids.

**The Hon. NATASHA MACLAREN-JONES:** Is that organised through a distance education model?

**BRETT SMITH:** Yes. Because we operate in Victoria and New South Wales, one of the—and I just got these stats today. One year they were doing well, but I didn't realise how well the specific program was going. If you're talking in the therapeutic residential space, in Victoria they fund a teacher for eight kids. However we get that teacher to work with 14. Out of the 14 that she works with, fourteen of them are participating in schools. We have 25 placements down there. The other 11, there's only one of those kids attending school, she's not engaged with those kids, that are not going to school. It shows when the resources is there, that the kids will engage, but it's about building those relationships with the education department and having that common language that they speak to get the kids back to school.

**The Hon. NATASHA MACLAREN-JONES:** And that's all funded through department funding?

**BRETT SMITH:** Yes, they've only just recently—that has only been going for two years. It may even be set up as a pilot. The outcomes for kids that would not normally go to school is amazing. Five of those kids do have disability as well.

**The Hon. NATASHA MACLAREN-JONES:** If you've got any information that you can send through to us on that program, that would be great.

**BRETT SMITH:** Yes.

**The Hon. NATASHA MACLAREN-JONES:** I know that there are a couple of other organisations like Youth Off The Streets, and also a youth project run in schools, but they target young people at risk of homelessness as opposed to out-of-home care, and it's more philanthropic. It would be good to see something that's actually already up and running and that's department funded. Could you talk through—and you just mentioned it in your submission—the behaviour of support practitioners? Do they operate within your schools or is this something that you would like to see in mainstream schools?

**BRETT SMITH:** Definitely mainstream schools and also with kids with disability. I will just talk about experience with this, and this comes from the young fella I care for. He's an interesting character. Last year or the year before last, he had another student in with him that they didn't get on well with. We were getting phone calls, me and my partner at the time, weekly, to come and pick him up—not being formally suspended, but they were hitting each other and arguing, carrying on, and he would be swearing at teachers. What we had to do there was to engage our behaviour specialist to actually assist in the school program to help. She was working with him. This is where I think the NDIA worked really well. Because she was working with him as a behavioural specialist, she was able to go into the school and actually support the teachers in the school on how to respond to him. We've seen a huge change there.

So that was in year 6. He's in year 7 this year. At the beginning of year 7, he had some difficulties just with the change—a lot of anxiety and so forth. We had some early difficulties around that, and we were able to engage that person again. She came in and did some education with the school. That was helping, to the point now I have had one phone call recently but not the threats of "If this continues, he's going to be out of school." If you put everything together from a foster carer and the pressures of foster care, that actually creates stress for foster carers-

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foster carers are hard to get at the moment, as you're all probably aware. It's those sorts of pressures, without the support, that really does put pressure on the care placements. Does that answer your question?

**The Hon. NATASHA MACLAREN-JONES:** Yes, it does. I have a final question before I hand over, and this is from an Allambi point of view. We know that a lot of young people in out-of-home care can't get NDIS plans because trauma isn't seen as a disability per se. What is the breakdown of young people in your care that are NDIS recipients and those that are not? How do you balance that as an organisation in providing the support that you need to, regardless of the package?

**BRETT SMITH:** We would look at ourselves as being a high-needs provider in out-of-home care, given our background and our history. A lot of the kids that are in foster care do have high needs, and that can be trauma. This is only an opinion, but kids with trauma and disability are probably the most likely to fail at school, given that you've got the complexities. Again I'll use my young fellow; I won't mention his name. He has a disability, but there's a trauma background and a lot of anxiety. So if he was responded to in the wrong way, from having the anxiety— something as simple as being corrected, even, for things that he's not doing right at school, if you do that in the wrong way, that's going to trigger other responses for him. I'm not sure if that answers your question.

**The Hon. NATASHA MACLAREN-JONES:** I do think that if you could provide, from an Allambi point of view, the stats or the breakdown of the number of young people in care that are on NDIS plans and those that aren't, it would be good as well.

**BRETT SMITH:** Yes, we have quite a few. I've got all that information.

**The Hon. NATASHA MACLAREN-JONES:** And those that are attending the school as well.

**BRETT SMITH:** That's fine. I can get that information. Will that be sent to me in an email?

**The Hon. NATASHA MACLAREN-JONES:** Yes, that will be sent through.

**The CHAIR:** Can we just unpick a little bit about that interaction between disability and trauma? We've spoken a lot in this inquiry about how we need a better understanding of kids with disability, particularly when it comes to neurodiversity, and how we need to design systems but also teach understanding a little bit better about individuals. When we've got trauma as well, can you give an example of how that complicates the picture and how the interaction between trauma and disability comes out differently in behaviours?

**BRETT SMITH:** I'm not a clinician, so I need to point that out. Again, I'll use my own examples. My young fellow has Noonan's and he has expressive and receptive delays. He doesn't understand a lot of what people say, so it has to be pretty small. If I give him an instruction, "Can you go to the car and get the jacket out of the car?", I would have to say, "Can you go to the car, get the jacket out of the car and close the door?" Whereas, he wouldn't do that without clear and specific instruction.

With the trauma-related stuff, generally they have historically a lot more behaviours and they don't fit in to the mainstream. Mental health has a massive impact. Avoiding social situations and understanding social situations is probably the biggest barrier for those young people. They wouldn't have friends normally, and their responses to certain requests that we would look at as normal probably wouldn't be the same for those guys. Again, I'm not a clinician. There would be a lot of people who would be able to answer that question a lot more fluently than what I have. There is a lot of research around that sort of thing too.

**The CHAIR:** But being aware of both while trying to manage an individual, even things as simple as understanding a shame trigger for people at the same time as trying to give them explicit instructions.

**BRETT SMITH:** I think simply kids that don't have a normal family in a school setting, it doesn't sit as normal for them, so it might not be a concern. A lot of them, for us, are in foster care. But then we have a lot of kids sitting in residential care. Residential care young people, they would have staff pick them up from school or whatever that might be, whereas it's not mum and dad. So even the shame of that alone is quite significant for an adolescent or any young person.

**The Hon. ANTHONY D'ADAM:** I'm curious about North Academy. How big is the academy? How many students is it?

**BRETT SMITH:** We're two years established. We have 20 students and we're just about to—

**The Hon. ANTHONY D'ADAM:** Is that K to 12?

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**CORRECTED**

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**BRETT SMITH:** No, that's just year 9 and 10. We wanted to start out with where our biggest gaps were, and it was that age group that we had the biggest gap with kids entering or maintaining some sort of schooling. I do have some stats.

**The Hon. ANTHONY D'ADAM:** The kids at the academy, they're all clients of Allambi, is that right?

**BRETT SMITH:** No. I'll read the information that I have. We have 23 students in total, and 43 per cent of the students at North Academy have a disability, such as ASD, intellectual disability and hearing impairment. Ninety-five per cent of the students that have a disability listed above are diagnosed with ADHD, ODD, RAD, PTSD, FASD, mild to moderate restrictive language disorder, gender disorder and anxiety and depression. Thirtyfour per cent of the students are Aboriginal or Torres Strait Islander, and 47 per cent of the students are in out-of-home care or engaged in family preservation. To finish that off, two students have up to eight different diagnoses. From an early intervention perspective and seeing where education really does have some strength, it is around the family pres where you're trying to get into families early before they are removed from care. Quite a few of our students are in that category where they're on the cusp of entering the out-of-home care system, but they're not in out-of-home care. They wouldn't come upon any system, except through ROSH or something like that that would identify them as being in out-of-home care.

**The Hon. ANTHONY D'ADAM:** Is the school funded through DCJ?

**BRETT SMITH:** No.

**The Hon. ANTHONY D'ADAM:** Where does the funding come from?

**BRETT SMITH:** Our school is funded from Education and the Learning Without Walls program. We use some of our own funds to fund that. But that's been our own initiative, so we are trying to manage that ourselves.

**The Hon. ANTHONY D'ADAM:** So Allambi manages the school. Is that right?

**BRETT SMITH:** Yes. North Academy does sit under Allambi, but it sits as a separate entity as being North Academy, as NESA approved.

**The Hon. ANTHONY D'ADAM:** Is there a process of evaluation that's underway? At what point does this initiative get assessed in terms of selfefficacy?

**BRETT SMITH:** We've got a research arm that does a lot of work in this space. We can gather stats of case studies and so forth, but it's in the early processes of gathering general information. That's definitely something that we look at because we want to put this as a program and show its successes.

**The Hon. ANTHONY D'ADAM:** The majority of the students that have come to the school, have they been in public education in the past?

**BRETT SMITH:** Yes. They've been in public and also suspended or not engaging in school. They only come to us not because they're coming from the public system but generally because they're not engaging.

**The Hon. ANTHONY D'ADAM:** What's the referral system? How does someone end up on the list to be eligible to go to North Academy?

**BRETT SMITH:** It's just an application form. Generally, if it's in those early intervention programs, they would help the parents to refer to us.

**The Hon. ANTHONY D'ADAM:** I see. How does that connection get made? I'm trying to understand the process.

**BRETT SMITH:** Just through social media and also your relationship with supporting families, and then it's just a normal application, as you would go through with any other school.

**The Hon. ANTHONY D'ADAM:** What kinds of ratios are we talking about in terms of the staffing for North Academy?

**BRETT SMITH:** That's a good question. I did a presentation on this the other day. I'm pretty sure it's around two to 10, but I will have to get back to you on that. I will put all that information together for you if you want.

**The Hon. ANTHONY D'ADAM:** Was it a purpose-built facility?

**BRETT SMITH:** No. Years ago Allambi Care purchased a property at West Wallsend. We used it as a homeless refuge. We used the top for that and then we've used the bottom as a school, so we've had to go through



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the accreditation process. We're currently in the process of extending to year 11 and 12 so we can get that continual, and we'll use the top half. We're trying right now, like everybody, to manage the property market and having the right place for the refuge.

**The Hon. NATASHA MACLAREN-JONES:** I have a question in relation to the interaction with DCJ and whether or not they provide any additional support to Allambi to facilitate these young people to attend the school, bearing in mind that if the school didn't exist then the chances are they probably would not be going to school at all.

**BRETT SMITH:** No, I wouldn't say the department fund those positions up-front. Victoria didn't do this either, but they are currently doing that. Victoria do fund a position that's working really well. They fund a position in the therapeutic residential space, and that works really well. I can only do a comparison. Allambi are using the funds that we can, and there are quite a few things that are in place, like family finding and all that kind of stuff. We're able to fund it through the department, which is good.

**The Hon. NATASHA MACLAREN-JONES:** That's it from me. Again, thank you very much. Also, pass that on to the team at Allambi for everything that they do.

**The CHAIR:** That is the end of questions. I'd like to repeat those thanks on behalf of the Committee as well. Thank you for your time today. To the extent that there are questions taken on notice or supplementary questions, the Committee secretariat will be in touch. Otherwise, that brings our session to a close.

**BRETT SMITH:** Thanks for your time and for inviting me.

**(The witness withdrew.)**

**(Evidence in camera concluded.)**