



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

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

C2013/6333 AM2018/9

s.302 - Application for an equal remuneration order

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

Sydney

9.33 AM, WEDNESDAY, 3 JULY 2019

Continued from 2/07/2019

PN7674

VICE PRESIDENT HATCHER: Yes, Mr Fagir?

PN7675

MR FAGIR: Yes, I call Mr Nida Khoury.

PN7676

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

PN7677

MR KHOURY: Nida Khoury, (address supplied).

<NIDA KHOURY, AFFIRMED [9.34 AM]

EXAMINATION-IN-CHIEF BY MR FAGIR [9.34 AM]

PN7678

MR FAGIR: Sir, once more for the record your name is Nida Khoury?---That's correct.

PN7679

And your address is (address supplied)?---That's correct.

PN7680

You made a statement for the purpose of these proceedings?---I did.

PN7681

Do you have a copy with you there?---I do, yes.

PN7682

Is it a statement of two pages signed on 23 May 2018?---Yes.

PN7683

Attaching an expert report?---That's correct.

PN7684

Are the contents of the statement and report true and correct to the best of your knowledge and belief?---It is.

PN7685

I tender the statement of Mr Khoury signed on 23 May 2018.

PN7686

VICE PRESIDENT HATCHER: The statement of Nida Khoury plus the attached report dated 23 May 2018 will be marked exhibit 105.

**EXHIBIT #105 WITNESS STATEMENT OF NIDA KHOURY WITH
ATTACHED REPORT DATED 23/05/2018**

*** NIDA KHOURY

XN MR FAGIR

PN7687

MR FAGIR: That's the evidence-in-chief of Mr Khoury, if the Commission pleases.

PN7688

VICE PRESIDENT HATCHER: Mr Taylor?

PN7689

MR TAYLOR: Can I just clarify something? When we were served it was also attaching a large bundle of materials that were marked as NK2. Can I just clarify whether they're part of the tender or not?

PN7690

MR FAGIR: Yes, they are.

CROSS-EXAMINATION BY MR TAYLOR

[9.35 AM]

PN7691

MR TAYLOR: Mr Khoury, can I take to your report and ask you to open it at page 25, and I'll do my best to identify when I'm going to pages or text where I'm talking about by page number and then indicating how far up the page. In this particular case I want to take you to the top of page 25 and the first sentence in which you say that:

PN7692

Teaching is a low paid professional and should not come as a surprise to anybody.

PN7693

Why shouldn't it come as a surprise?---Because in the scheme of things it is a low paid profession.

PN7694

I'm sorry, Mr Khoury, you'll have to speak up. I've got a cold and it's affecting my hearing, so you just have to - that microphone is recording but it's not amplifying. Just say that again?---I said in the scheme of things it is usually perceived as a low paid profession, teaching rules in general.

PN7695

That is low paid compared to other professions?---Mostly, yes.

PN7696

And - - -?---Obviously it can be also highly paid compared to other professions.

PN7697

Can you name another profession in which it is highly paid compared to?---Maybe, like, customer service rules, call centre rules.

*** NIDA KHOURY

XXN MR TAYLOR

PN7698

I see. So when you use the word profession in this context you're - I've read it perhaps incorrectly as a reference to a form of occupation which requires a professional degree qualification. Is that how you're using the expression?---No, that's not how I'm using it.

PN7699

So you're just saying compared to occupational groups it is well known to be a low paid occupational group?---I think so, yes.

PN7700

Indeed what you go on to say over the next couple of pages is that it is low paid, do you not, it's low paid even against female only job samples of similar job size?---It is.

PN7701

And low paid against the male dominated engineering workforce, that part of the workforce which again you've identified as being of the same job size?---That's correct.

PN7702

You have assessed in your report primary and secondary school teachers as being what you've referred to as a level 15; is that right?---I said I have likely assessed them, but I have not assessed them.

PN7703

I see. It's a likely assessment?---It's a likely assessment.

PN7704

I used the expression level 15, and you knew exactly what I meant, but just so that we are clear about this, on this page 25 about three-quarters of the way down there's a reference to - there's a paragraph that starts, "To show", do you see that, "To show a comprehensive range of variance"?---Yes.

PN7705

It goes on to say:

PN7706

Compared to various Korn Ferry Hay group reference levels.

PN7707

So when I was referring to level 15 that is a reference level within a system that is used by Korn Ferry Hay to group jobs by way of their job size; is that right?---That's correct.

PN7708

Yes?---A range of job sizes.

*** NIDA KHOURY

XXN MR TAYLOR

PN7709

A range of - and you have approached the analysis on these two pages on the basis that the early learning teacher is not a level 15 but a level 14?---That's correct. Likely a level 14.

PN7710

Again is it a likely assessment?---It is.

PN7711

You haven't actually done an assessment?---No.

PN7712

And by "no" you're agreeing with me?---Yes, I have not done an assessment.

PN7713

If you turn to the next page here you do a comparison of amounts paid to ELC teachers against certain job families by reference to market median 25 per centile and the 10 per centile; is that right?---That's correct.

PN7714

In each case the dollar figure that you've used for the ELC teacher is the dollar figure that is derived from the award at the time you prepared the statement at a level 8, a level 8 teacher?---I think so. It is from the award at the time but I can't remember if it is a level 8 or otherwise. I don't have the award on me.

PN7715

Let me just find - I think - - -?---Actually, yes, it is a level 8. I checked it on - - -

PN7716

I think it is, because I think you say so earlier in the statement; do you not?---Yes, yes, it is level 8.

PN7717

And a level 8 is the level, and you may not know this, but can I suggest to you it is the level of the award which a teacher will reach after five years of work if they commence with a four-year degree?---Yes.

PN7718

When you've been comparing it to these other salaries have you been comparing like with like, that is when you're looking at the all jobs are you also comparing that to people who have some years of experience?---I'm comparing it to jobs of relatively similar value. Whether they have experience or not and how much experience or qualifications I can't tell.

PN7719

I see. So to take that first line on the P50 summary results table, I understand it, using the information available to you within the Korn Ferry Hay Group you were able to say that the market median rate for someone who is classified within your system as level 14 was 80,450 for all jobs?---Yes.

*** NIDA KHOURY

XXN MR TAYLOR

PN7720

For an ELC teacher with five years' experience they would be paid, under the award, 76 per cent of that amount?---Yes, that's correct.

PN7721

They would need to achieve something in the order of a 30 per cent increase in remuneration in order to get to the market median for the job level 14?---About 24 per cent - 25 per cent, yes.

PN7722

I don't think that's quite the way the maths works, is it? They need to get another 20,000 to get to 80. That's about a third, isn't it?---Yes, give or take. I'm sorry, I don't have the calculator on me.

PN7723

No, okay?---Yes, they are 25 per cent below that level.

PN7724

Yes?---Yes.

PN7725

But to go up to that level they need - - -?---Probably, yes.

PN7726

- - -almost a third increase, don't they?---Probably, yes.

PN7727

To get to the level of even the 25 per centile, assuming that they are indeed level 14, they would need an increase of about \$10,000 or a 15 per cent increase; do you accept that?---That's correct. Yes.

PN7728

Of course, if in fact early childhood teachers, if assessed, are actually at level 15, the likely assessment you've made for primary and secondary school teachers, then presumably the compa-ratios at level 15 would be even lower than the ones you've set out here for level 14?---That's correct.

PN7729

I cut you off, I'm sorry?---That's correct.

PN7730

Thank you. One of the compa-ratios you've used, the one with the highest discrepancy, or another way of putting it, the lowest compa-ratio, is engineering. At level 14 I presume, but tell me if I'm wrong, what - well, maybe I'll just ask you, what type of roles are contemplated by engineering at level 14?---Engineering is a job family of engineers.

PN7731

Yes?---And it contains pretty much any engineering role really at that level.

*** NIDA KHOURY

XXN MR TAYLOR

PN7732

Yes. Are you familiar with the fact that within what might be said to be engineering there are those who have a professional degree qualification who are often referred to as professional engineers?---I am.

PN7733

Yes. At level 14 are we contemplating people who are degree qualified engineers?---They would be degree qualified engineers, yes.

PN7734

They would be in level 14?---Yes.

PN7735

And would they be people who are newly entering the profession as graduates?---Some of them might be, yes. I cannot tell exactly what's in there, but, yes, these people can be in it, yes.

PN7736

Yes. Can I suggest to you at level 14 they would be - I'll withdraw that. Let me move on. I think you've dealt with that as best you can. So you identify that even at the lowest of the percentiles, PT10, ELT teachers with five years' experience are still at the award rate paid less than all the figures that you have for a level 14?---Except against customer service and call centres.

PN7737

The same as customer service and they're paid, according to this, slightly more than a call centre operator?---That's correct.

PN7738

VICE PRESIDENT HATCHER: Sorry, just at level 14 what sort of jobs are we talking about there at call centres and customer service?---They're not your basic level of customer service and call centres. They might be senior or those who deal with complex situations. They would be outbound, more - people who you escalate to difficult requests or very irate customers, something like that.

PN7739

Would that - - -?---Some of them might be supervisors even or - - -

PN7740

I was just going to ask you about that. Would they be at management level?---
- - -team leaders for lack - for a better descriptor. Yes.

PN7741

Yes?---They can be any range of these things.

PN7742

Yes, thank you?---Sorry, if I may say something?

*** NIDA KHOURY

XXN MR TAYLOR

PN7743

Yes?---These jobs are not universal, yes. Like, one company might have it at this level, another company might have it at this level, because it's all in the context of the rule, yes.

PN7744

Yes?---And those levels they might include graduate, they might be include people who have an equivalent years of experience at that level without having the degree, so it's knowledge however acquired really regardless whether you have a degree or you don't have a degree.

PN7745

Yes, thank you?---Yes.

PN7746

MR TAYLOR: On the next page, page 27, you identify some things that you say to the reader need to be noted when reviewing this market data; do you not? There's four dot points?---Yes.

PN7747

I want to ask you about the first three. Firstly, you identify that the not for profit sector generally pays somewhere between a 10th and 25th per centile relative to the commercial market. Are you familiar with the level of pay for early childhood teachers in the not for profit as against the for profit market?---No, I'm not.

PN7748

So you don't know whether in fact in respect of early childhood teachers one finds indeed the contrary, that there is in fact a higher level of pay in the not for profit than the for profit?---I wouldn't know.

PN7749

So that note is one that has a general interest, but you don't know whether it's got any relevance to the early childhood teacher scenario?---No, I don't know.

PN7750

You also identify in the second dot point that:

PN7751

A premium for engineering roles is not as pronounced when work location and remuneration aggregate used are normalised.

PN7752

Just dealing with one of those two factors, the word location, is it the case that with respect to the engineering roles against which the comparison is being made they might attract or - yes, they would commonly attract higher pay if they are at a more remote work location?---Usually, yes.

PN7753

Again, do you have any knowledge as to whether that's something that is in any way a feature of early childhood teacher remuneration?---I wouldn't have a clue.

*** NIDA KHOURY

XXN MR TAYLOR

PN7754

VICE PRESIDENT HATCHER: But this proposition is saying that at level 14 they're less likely to be at a remote work location; is that what you're saying?---No, I'm not. The level 14 has nothing to do with work location. It can be anywhere.

PN7755

So when you say the premium for work location is not as pronounced at that job level, what do you mean?---I'm saying that this is a national work sample. It is not specific to a remote location work sample. Had it been specific to a work location sample you would have seen the engineers would be, at level 14, paid higher than the national sample.

PN7756

Thank you?---Yes.

PN7757

MR TAYLOR: The next dot point commences with the words:

PN7758

The historical pay differential between male and female employees remains although it's narrowed over the years.

PN7759

And you go on to refer to what any reader of the Australian Financial Review would be able to tell you about the gender pay gap. Is this something that you are drawing broad attention to when looking at the figures on the previous page as a partial explanation as to why early childhood teachers have a lower compa-ratio than a number of the other positions for which there's a comparison being drawn?---I'm sorry, I don't understand the question.

PN7760

One of the dot points on this page, it's the third one. Do you see that?---I know the document but I'm not sure I understand how you're linking it to the previous page.

PN7761

The dot point comes under these words:

PN7762

When reviewing the above market data please note the following.

PN7763

What I took it is that you're asking the reader when looking at the previous compa-ratios to take into account one of the factors that the effect to you is the historic gender pay gap?---To a certain degree, yes.

*** NIDA KHOURY

XXN MR TAYLOR

PN7764

One of the - the fact that early childhood teachers are overwhelmingly female is something which is impacting upon the comparative remuneration that they have

as against some of the male dominated professions that you are looking at?---I'm not sure if it is specific to the early childhood teachers but I'm talking generally females have been paid lower historically, and the gap has narrowed. Now which profession - I mean I've shown you here that even some professions that are predominantly female are paid better than others or equal to others. It varies, like I can't make something broad based.

PN7765

Your report is a response to a report prepared by Ms Issko of Mercer Consulting?---That's correct.

PN7766

If you go to - well I'm not sure you need to but if you wish you could go to page 5, but on page 5 you identify that what Ms Issko did was use the Mercer or CED methodology to determine points to evaluate the size of the early childhood teacher jobs and the engineering jobs?---Yes.

PN7767

You are familiar with the pay system of doing the same thing, that is using points as a way of determining size of jobs?---That's correct.

PN7768

You say that the Mercer or CED methodology is substantially similar to the Hay methodology?---That's correct.

PN7769

They use the same three major factors?---That's correct.

PN7770

They use pretty much the same eight sub-factors?---That's correct.

PN7771

With very similar definitions?---That's correct.

PN7772

The algorithms or the numbers perhaps that are used to then generate a score are not exactly the same so you will end up, even if the job sizing has been done as accurately as possible for the same job, using the two systems, you'll end up with different points because the systems themselves generate different point outcomes?---That's correct.

PN7773

Even though they use the same factors and sub-factors?---That's correct.

PN7774

You note in your report that Ms Issko when she wrote her report was in part basing her analysis of the job size of early childhood teachers on information she obtained from discussions with five early childhood teachers?---That's correct.

*** NIDA KHOURY

XXN MR TAYLOR

PN7775

You identify that you didn't have access to that information?---I had two of them.

PN7776

You had two statements but Ms Issko in addition to two statements you identify, has said that she also had discussions with those same two people and three others?---That's correct.

PN7777

Ms Issko says on the basis of that she took that information and used it to do a job sizing exercise. Is that right?---Yes.

PN7778

You point out that you didn't have access to that same information?---That's correct.

PN7779

So on the information you did have you say that you couldn't possibly provide a specific job value for the roles in question?---That's correct.

PN7780

What you do instead is provide as you said earlier, likely job ranges?---That's correct.

PN7781

Based on what information you had available?---That's correct.

PN7782

As a result we have ranges of points rather than as Ms Issko did a point value?---That's correct.

PN7783

Now I want to come to the job ranges in a moment that you constructed and compare them to Ms Issko's conclusions but before I do that can I just deal with three matters. Firstly, is this the position that you take the view that on the information - and you've identified the limited nature of it - on the information that you had an early childhood teacher with five years' experience may have a job that is bigger in job size terms than a graduate but if so, you don't think it would be by a lot?---That's correct.

PN7784

Is the reason for that that you've proceeded on the basis that an early childhood teacher to an overwhelming degree is effectively doing the full job on day one?---I wouldn't say the full job but pretty close. Actually I relied on the summaries that Ms Issko provided in her report but she had two columns comparing the graduate to the early childhood teacher, and the differences were not huge really.

PN7785

Is this the differences in salaries or differences in work?---No, no, in work.

*** NIDA KHOURY

XXN MR TAYLOR

PN7786

In work, I see?---Like she summarised basically what she based it on, at least this is what I thought she based her assessment on. Another thing is I refer to, I think, I forgot the name of the lady that provided a statement. She was describing alternatively between graduate and non graduate. At one stage she said also that they're essentially one and the same. I don't think they're exactly one and the same, I mean there is a subtle difference but not a huge difference.

PN7787

The reason why you come to that view, I just come back to this proposition, is because as you've assessed it, the early childhood teacher is as you've read it, pretty much got the same duties in their first week as responsibilities, their day to day responsibilities as they do at five years level. That's how you've read it?---No, no.

PN7788

Have you identified some differences?---There are differences but not huge differences and certainly not in the first week.

PN7789

Can you recall the differences that you identify?---I can refer to the report if you like.

PN7790

I might not have - I noticed that you dealt with this on page 5 but I didn't notice you'd identified the differences?---I did not list the differences, no.

PN7791

So are you able to now say what they were?---If you give me a minute, yes. The differences are that the role is generally supervised and mentored - - -

PN7792

I'm sorry just - I didn't quite catch that?---The level of supervision and mentoring - - -

PN7793

Supervision and mentoring, yes?---Yes, the level of dealing with parents, whether alone or with assistance of others. The preparation of lesson plans and the ability to identify potential development and behavioural issues. These are all things that you wouldn't expect a graduate from day one to be able to do but they pretty much pick them up usually in the first year or so.

PN7794

Now you contrast that - can I suggest to you, you contrast that approach to the way in which you have produced a likely assessment of an early childhood teacher to the approach you've taken with respect to engineers, where you identify on page 6 the initial level of responsibility of a graduate or trainee professional engineer is quite different to that of an experienced engineer?---Sorry, can you repeat that?

*** NIDA KHOURY

XXN MR TAYLOR

PN7795

Yes. In respect of professional engineers - - -?---Yes.

PN7796

- - - you've approached your assessment task on the basis that, as you understand it, you take the view that there's a significant difference between the level of responsibility of a graduate or trainee professional engineer to that of an experienced engineer of some years' standing?---In most cases, yes.

PN7797

Looking at your curriculum vitae you have had experience in evaluating the job size and appropriate remuneration for engineering roles?---That's correct.

PN7798

You haven't had any experience in the task of evaluating and determining the remuneration of teachers?---No, I haven't.

PN7799

Your experience is predominantly that of the finance industry and assessing remuneration and job size for that industry?---Several industries.

PN7800

It's the finance industry?---Finance is one of them.

PN7801

Finance is one of them. The education sector is not one of them?---Not that I can remember, but I did evaluations in the public sector; police for example.

PN7802

I'm sorry?---Police.

PN7803

The likely job ranges you have set out at pages 9 and 10, and Ms Issko has prepared or did prepare a reply statement in which she has a table which summarises, or it simply records the job range that you set out on these two pages, and I'm just going to show you that because it's convenient that they're consolidated into a single table. So I'm now showing the witness the exhibit 6 in the proceedings. We have one more copy if any Member of the Bench doesn't have a spare copy, but could the witness be shown exhibit 6, and it's opened to page 6. So, Mr Khoury, can you just drop down to table 2 on that page, Hay Group method point ranges?---Yes.

PN7804

And you will see that what Ms Issko has done has simply replicated the figures that you have set out over the pages 9 and 10 of your report?---Yes.

PN7805

Can I just deal with them. Firstly, the first one, graduate, the position of graduate, Hay point minimum of 238 and a Hay point maximum of 245. By graduate is this a Hay point range for a generic worker who has graduated with a university degree?---That's correct.

*** NIDA KHOURY

XXN MR TAYLOR

PN7806

The early childhood teacher has a likely range that is higher than that of the generic graduate?---That's correct.

PN7807

The junior civil design engineer, is that a position which would be filled by someone who would be a fresh graduate or perhaps a fresh graduate with some level of experience?---I would say so, yes.

PN7808

Which of those two? I tried to give you two propositions? Would it be both, would it be fresh graduate with some experience?---It would be a graduate with some experience, yes.

PN7809

That position you assessed a likely job range which falls within the larger likely job range of an early childhood teacher?---That's correct.

PN7810

The primary/secondary school teacher you have a likely job range that is higher than that of an early childhood teacher?---That's correct.

PN7811

About the same as an experienced civil design engineer?---That's correct.

PN7812

When you refer to an experienced civil design engineer is that someone who would have, can I suggest to you, something in the order of five years' professional experience following graduation?---Not necessarily.

PN7813

What sort of level of experience is conveyed by the expression, "experienced civil design engineer"?---It's hard to tell in numbers of years. A lot is being said about the number of years of experience. Quite frankly, like, there is a difference between somebody who has 10 years' experience doing the same thing, so one year multiplied by 10 or two years multiplied by five than somebody who has cumulative years of experience. This engineer is based on cumulative years of experience. If you give me a fresh graduate engineer that did exactly the same thing for five years it's not going to move from where it is now, maybe slightly.

PN7814

Yes. Is there some - - -?---But there is no magic number of five years or four years or three years.

PN7815

Yes. But it would presumably be more than six months?---Certainly.

PN7816

What would be a minimum level before you get to experienced civil design engineer do you think? Even if you - - -?---For a civil design - - -

*** NIDA KHOURY

XXN MR TAYLOR

PN7817

- - -progress quickly?--- - - -engineer I would expect roughly at least two years' experience.

PN7818

Yes?---At least two. Now, whether it's two or three or five - yes. Sorry, if I may say something else? Look, these are usual job sizes. They will vary depending on the organisation and what the person is doing.

PN7819

Yes?---That's why, you know, they're typical, they're usual, but they're not precise because we don't know what the job is. But usually they can be that.

PN7820

Yes?---Now, give me a proper position description of somebody, it might be higher, it might be lower.

PN7821

Can I just deal with the fact that you have assessed the early childhood teacher with a likely job range that is lower than that of primary and secondary school teachers, and to do that I really need to go now, take you back into your report. And you deal with this on page 10, so if you go to page 10, and just above the middle of the page there's a dot point, it has these words, for primary teaching years 2 to 6 and secondary teaching year 7 to 12 roles you say this:

PN7822

I don't find it necessary to differentiate in job size between a graduate teacher and experienced teacher for the following reasons -

PN7823

And then you identify three reasons. Do you see that?---Yes.

PN7824

And the fact that they both will front the class on their own from day one is one of those three reasons?---That's correct.

PN7825

So you really approach the task in respect of primary and secondary school teaching as if the job doesn't grow in any way in size whether they're in their first month or they've been there five years. That's the way you've approached it?---Look, in job size terms they're pretty much the same, yes. They will not change much because they're doing the same thing.

PN7826

I see. Now, when you say they're doing the same thing, the next paragraph says:

PN7827

Based on a high level understanding of the roles.

*** NIDA KHOURY

XXN MR TAYLOR

PN7828

I couldn't read anything in your report which identified any information you'd been given in respect of the work of primary and secondary school teachers?---I was given nothing about that, no.

PN7829

Nothing. Right?---It was my understanding of primary and secondary school teachers, because I interact with them almost daily because I have kids in classes and I see what they do.

PN7830

I see. So based on the anecdotal information you have from being a parent you've based that - when you say based on a high level understanding of the roles - - -?---That's correct.

PN7831

- - -it's based on your personal interactions with teachers?---My personal knowledge of teachers and their teaching environment in different schools.

PN7832

You haven't, I take it, familiarised yourselves with the Australian Professional Standards for Teachers?---No, not necessarily.

PN7833

You're not familiar with the fact that within those standards there's a number of different levels, starting with graduate and moving to proficient, and then going to highly accomplished and then lead. You're not familiar with that?---I've seen something of that, yes, but that seemed to me more about years of experience than anything else.

PN7834

Can I suggest to you that if that's the takeout you got from it then you haven't actually had a look at how the standards are determined?---No, I have not.

PN7835

You haven't, no. You I think were provided with the expert code and asked to comply with it were you not?---I have.

PN7836

That code required you to identify the basis upon which you had formed opinions?---I think so, yes, but I can't remember exactly if it has or has not.

PN7837

Anyway you certainly did not in your report identify the basis upon which you took a view that primary and secondary school teachers job sizes are no different in their first year than later years. Do you accept that?---Can you repeat the question again?

PN7838

You did not express in your report any basis for where you obtained information upon which you draw the opinion - - -?---No, I have not.

*** NIDA KHOURY

XXN MR TAYLOR

PN7839

- - - that you set out in the middle of that page?---No, I have not.

PN7840

Based on that high level understanding of the role you have then identified that primary and secondary school teachers in your view have a higher level of job size than an early childhood teacher?---Yes.

PN7841

That is a conclusion you draw because of a view that there is - sorry I'll withdraw that. This is fair, isn't it, that you set out the points for primary and secondary school teaching in the middle of page 10, that you provide no information as to how you came to review that they would be higher points than an early childhood teacher?---Based on my understanding of the primary school teachers, from what I have seen, and based on the information I got from the pieces of information for childhood teachers, yes.

PN7842

You set out in your report no explanation as to why the points are higher do you?---No, I did not specify.

PN7843

Do you accept this proposition, that if you in fact were provided with information detailing the work of primary school teachers in the same way you were early childhood teachers, it may well be the case that they have the same job size?---I wouldn't know.

PN7844

If indeed they had the same job size as a primary school teacher then they would have the same job size range, I should add. They would be likely to have the same job size range as an experienced civil engineer?---On a likely basis, yes.

PN7845

Thank you. They're the questions.

PN7846

VICE PRESIDENT HATCHER: Mr Fagir.

RE-EXAMINATION BY MR FAGIR

[10.16 AM]

PN7847

MR FAGIR: Mr Khoury, you mentioned a number of times that you've produced a likely range of job sizes as opposed to a job size. Can you just remind us why that is?

PN7848

MR TAYLOR: Objection. I asked that precise question and he gave that answer.

PN7849

VICE PRESIDENT HATCHER: What was the question again?

*** NIDA KHOURY

RXN MR FAGIR

PN7850

MR TAYLOR: The question was could we be reminded of the evidence that he gave when I asked him the question about what likely job size means.

PN7851

VICE PRESIDENT HATCHER: Mr Fagir, can you tell me the exact wording of the question you propose to ask?

PN7852

MR FAGIR: Why have you produced a range of likely job sizes as opposed to a job size. If the matter's - - -

PN7853

VICE PRESIDENT HATCHER: Yes, I'll allow that question.

PN7854

MR FAGIR: Commission please.

PN7855

VICE PRESIDENT HATCHER: Perhaps you should ask it again, Mr Fagir.

PN7856

THE WITNESS: Sorry, the question again is?

PN7857

MR FAGIR: The question is, Mr Khoury, why did you produce a range of likely job sizes as opposed to a job size?---Because I don't have a defined job in front of me to size it. If I had a defined job I would give you an exact job size, but I don't. This is why I struggled with the early childhood teacher descriptors and the engineering evaluation in the Mercer report. There is no job, defined job to define what the job is to size it. When I was asked precise job I said look, I can give you an approximation of what there might be but I cannot tell you what the job size is unless you give me a definition of the job.

PN7858

I see. Now in answer to a question you pointed out that the position might be different if you're talking about years of repetitive experience as opposed to years of cumulative experience?---That's correct.

PN7859

Can you explain what is the difference?---Look, I think I said something like if you're doing the same thing for 10 years, that's not 10 years experience, this is the same thing repeated 10 times and you become faster at it, more efficient at it, quicker, but you're not doing a different job, you're just being more efficient in your current job. So the job size remains pretty much the same. Cumulative experience you are gaining additional knowledge about different parts of jobs which lead usually to higher responsibilities within the same job family. Usually it is a higher job size.

*** NIDA KHOURY

RXN MR FAGIR

PN7860

Thank you, Mr Khoury. They're the questions, Commission please.

PN7861

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

<THE WITNESS WITHDREW

[10.19 AM]

PN7862

VICE PRESIDENT HATCHER: So the next witness is due at 11 am our time. Can I just raise one matter. Have the parties made any progress about the organisation of an inspection, and for that purpose I wanted to indicate that for the Bench the best number one priority day or the best day for us is from about mid-morning, that is from about 11.30 am on 31 July and the second preference is any time on 1 August.

PN7863

MR FAGIR: The answer to your Honour's first question is no and in terms of day time I can indicate I have a hearing elsewhere on 31 July but it may be that I don't need to attend. I'm sure we can now have some discussions on that basis.

PN7864

VICE PRESIDENT HATCHER: Right, well obviously we'd be keen for the parties to reach an agreement on whether it's one or more than one centre, what can be reasonably be regarded as typical. It might be - involve us seeing a for profit and a not for profit centre, to the extent there might be any distinctions between them.

PN7865

MR FAGIR: Certainly.

PN7866

VICE PRESIDENT HATCHER: The second thing is again, we can emphasise that we need a consolidated confidentiality order from the parties hopefully by the end of the week so that we can work out what can go on the website and in what form.

PN7867

MR FAGIR: Yes.

PN7868

VICE PRESIDENT HATCHER: If there's nothing else we should adjourn until 11 am.

PN7869

MR FAGIR: It's possible Ms Prendergast may appear before 11. Would the Bench like to be notified if she's here sooner?

PN7870

VICE PRESIDENT HATCHER: Yes, certainly.

*** NIDA KHOURY

RXN MR FAGIR

PN7871

MR FAGIR: I'm told Ms Prendergast will be here in 15 minutes so perhaps 10.45.

PN7872

VICE PRESIDENT HATCHER: We'll adjourn until not before 10.45.

SHORT ADJOURNMENT

[10.21 AM]

RESUMED

[10.57 AM]

PN7873

VICE PRESIDENT HATCHER: Mr Fagir?

PN7874

MR FAGIR: Thank you, your Honour.

PN7875

VICE PRESIDENT HATCHER: I'm sorry, we've got Ms Prendergast available, have we?

PN7876

MR FAGIR: We do, yes.

PN7877

VICE PRESIDENT HATCHER: Are you seated, Ms Prendergast?

PN7878

MS PRENDERGAST: I am.

PN7879

VICE PRESIDENT HATCHER: Can I ask you to stand, please, and we'll administer the oath or affirmation.

PN7880

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

PN7881

MS PRENDERGAST: Shelley Anna Prendergast, (address supplied).

<SHELLEY ANNA PRENDERGAST, AFFIRMED

[10.57 AM]

EXAMINATION-IN-CHIEF BY MR FAGIR

[10.57 AM]

PN7882

VICE PRESIDENT HATCHER: Mr Fagir?

SHELLEY ANNA PRENDERGAST

XN MR FAGIR

PN7883

MR FAGIR: Madam, once more for the record, your name is Shelley Ann Prendergast?---Shelley Anna.

PN7884

Anna Prendergast?---Prendergast, yes.

PN7885

And your address for work purposes is 332 Hale Road, Wattle Grove in WA?---Correct.

PN7886

Have you made two statements for the purposes of these proceedings?---I have.

PN7887

Could I ask you to look to the first of the two statements. Would you mind turning to page 11 of the statement, please?---Yes.

PN7888

Is this statement signed by you on 25 May 2018?---Yes.

PN7889

Are the contents of this statement true and correct to the best of your knowledge and belief?---Yes.

PN7890

I tender the statement of Shelley Anna Prendergast signed on 25 May 2018.

PN7891

VICE PRESIDENT HATCHER: The statement of Shelley Prendergast dated 25 May 2018 will be marked exhibit 106.

**EXHIBIT #106 WITNESS STATEMENT OF SHELLEY ANNA
PRENDERGAST DATED 25/05/2018**

PN7892

MR FAGIR: Ms Prendergast, do you have your second statement with you there?---I do.

PN7893

It's a statement of four pages long with a number of annexures?---Yes.

PN7894

Are the contents of that second statement true and correct to the best of your knowledge and belief?---Yes.

PN7895

I tender the second statement of Ms Prendergast.

PN7896

VICE PRESIDENT HATCHER: The supplementary statement of Shelley Prendergast dated 1 July 2019 will be marked exhibit 107.

*** SHELLEY ANNA PRENDERGAST

XN MR FAGIR

**EXHIBIT #107 SUPPLEMENTARY WITNESS STATEMENT OF
SHELLEY ANNA PRENDERGAST DATED 01/07/2019**

PN7897

MR FAGIR: Thank you, your Honours. That's the evidence-in-chief.

PN7898

VICE PRESIDENT HATCHER: Mr Taylor?

CROSS-EXAMINATION BY MR TAYLOR

[10.59 AM]

PN7899

MR TAYLOR: Ms Prendergast, you identify in paragraph 3 that you began work as an early childhood educator in 1994. At that stage did you have the qualification that you describe in paragraph 35, a Bachelor of Social Science?---I hadn't achieved that qualification in 1994. I was awarded that in 1995.

PN7900

So when you started in 1994 what qualification did you have? Did you have any?---Under the regulations at the time I was able to obtain an exemption, and so I worked as a qualified leader or team leader, they were just called qualified Diplomas back then, and I had the equivalence, because I'd done more than two years in my qualification, I had the equivalent qualification as a Diploma and was able to achieve an exemption to work.

PN7901

In paragraph 35 you describe the nature of the degree, the Bachelor of Social Science, as a degree in which you studied in particular child development. Do I understand that correctly?---Yes. Yes.

PN7902

Is this the case, that that degree did not include study as to how to be a teacher to put it simplistically?---That's correct. It was not a teaching degree. I wasn't taught how to be a teacher.

PN7903

Is this a general proposition that you would accept, I may be para-phrasing or not correctly the view that you expressed generally in your statement, but as a general proposition you do not believe that childcare centres should be required to employ a qualified early childhood teacher?---I believe that the early childhood teacher that's employed should have the relevant qualifications for the zero to three age group, so I do believe that we should have early childhood teachers so long as their qualification is relevant to the younger age group and not the older age group.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7904

I'll come to the younger age group and older age group issue in a moment, but when you say that you believe that childcare centres should be required to employ a university qualified early childhood teacher what's the reason why you're of the view that that is an appropriate requirement for childcare centres such as the ones

that you operate?---I have a fundamental belief that early childhood is the most important time of a child's life, and that the opportunities for learning are not available to those children later on if the foundations aren't there in - aren't built in those first few years. A qualification that is a university level qualification asks students to think more deeply about children, children's development and children's learning so that's why I think that we need to have an early childhood professional, someone with a higher qualification than the Diploma.

PN7905

When you say that an early childhood teacher is trained to have students think more deeply, you might've made this clear at the end of your answer, but just to get clear more deeply than educators; is that the understanding?---More deeply than a VET qualification or a vocational education training qualification, which is very practical and doesn't delve into theoretical perspectives of early childhood development.

PN7906

You describe the position of the centres that you operated at the time you prepared the statement in May 2018 in your statement. Can I just see if I understand it correctly, the first of the centres you discuss is at Huntingdale or you refer to it as Huntingdale; is that right?---Correct.

PN7907

And that was a centre that you commenced operating during the financial year that ended June 2016?---Correct, yes.

PN7908

About when did you commence operating that centre with children present?---We - that centre settled - we purchased that centre on 21 March 2016.

PN7909

I read, and it may have been a typo, that there was, at the time you took it over, a five per cent occupancy; is that right?---Correct.

PN7910

So at what point did the occupancy of Huntingdale get to a level above 70 per cent?---Above, sorry, what per cent?

PN7911

Seventy?---Seventy per cent? I would say that that took us about two years, so mid-last year. What was last year, 2018, yes.

PN7912

So that was a centre that was 27 years old when you purchased it?---Yes.

PN7913

And is authorised to have 38 children?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7914

What are the age range of the children that are in that centre?---We are - our service approval allows us to take children from the ages of zero to 12 because we can take children before and after school care, but predominantly the children in that centre are under three. There are a couple of four year-olds but mostly under three.

PN7915

Moving to the next centre, and my pronunciation of names has already been criticised once, no doubt I'll get this wrong, is it Karrinyup?---Karrinyup, but it's close.

PN7916

This one was newly established and purpose built; is that - by you and the investors that are associated with your business?---The building is owned by an external landlord and we have a lease.

PN7917

Yes. But the fact that it was purpose built was that - - -?---Yes.

PN7918

- - -purpose built by you and your investors?---No, purpose built by the landlord and we just - we got the lease after they started building, so we really didn't have any input in any of it. There's no financial - yes, we're just tenants.

PN7919

I see. So someone else decided to build - - -?---Yes.

PN7920

- - -a childcare centre and part-way through the building they decided that they needed someone to operate it; is that - - -?---Yes.

PN7921

And then you were the person who then - and just so I can get clear who you are when I'm using the word "you", I'm trying to use it in the plural sense, is it yourself as the owner of the business or are there other investors as well?---My husband is the approved provider.

PN7922

Yes, I'm talking about the ownership of the - - -?---And - - -

PN7923

- - -business rather than the position titles, but - - -?---Okay. And we do have other investors.

PN7924

Yes. How many investors do you have?---There's one.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7925

Do I understand that you and your husband are also investors, so there's three in total?---If you want to separate Mark and I, then, yes, but I don't tend to do that. I see as us as one partner and I see the investor as the other partner.

PN7926

Does that other partner bring anything more than capital to the business?---Just capital. Just capital.

PN7927

That centre opened during the financial year 2017/18; that's right?---That's correct.

PN7928

And when approximately in that financial year did it start earning income?---At the end of 2018 financial year I think we were making a small profit. I think it broke even within that year.

PN7929

Yes. That's not what I asked, but I'm not being critical - - -?---Okay.

PN7930

- - -but just listen to the question. When did it start earning income?---I can't tell you. I haven't checked those figures. I can't remember.

PN7931

It might be the word income that's confusing you. I'm not asking for profit?---Yes.

PN7932

I'm asking for when you first received a dollar - - -?---Okay. Yes.

PN7933

- - -in respect of that centre?---Yes, the day we opened.

PN7934

Yes. Okay, when was that?---2 August.

PN7935

Of what year?---2017.

PN7936

And then the third centre - and did that take a little while before occupancy levels grew to the point they are now?---Yes.

PN7937

So in that first financial year ending June 2018 had you achieved by the end of that year the occupancy level that you've since achieved or was it continuing to grow like the other centre?---It was continuing to grow.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7938

That has - that's authorised for 72 children. What's the ages that one finds in that centre?---So that's the same as Huntingdale. We predominantly have under threes.

PN7939

The third centre is Wattle Grove. When did that open?---I think that's 21 October.

PN7940

2017?---Correct.

PN7941

Again, you describe that as newly established and purpose built?---Yes.

PN7942

Is that something that you and your investor established and built or is it something that some other person established and built and then you took over?---Similar to Karrinyup, someone else built it and while it was being built, and while it was erected, we entered into a lease agreement with them.

PN7943

Is that the same person in respect of Karrinyup?---No. No, different.

PN7944

Different?---Different landlord.

PN7945

And then since the time you prepared your statement there's now a fourth centre that you're operating at Coolbellup?---Yes, that's right.

PN7946

Tell us about that, when did that open?---That opened November last year 2018.

PN7947

Its number of children that it's authorised for?---72.

PN7948

Also newly established and purpose built?---It's an existing childcare centre that had been let go, so it hadn't had an operator in it for about three years and was not purpose built, was a refurbishment about 15 years ago and we did another refurbishment before we opened last year.

PN7949

I omitted to ask you something about Wattle Grove. So can I just go back to that. What's the ages of the children at Wattle grove?---Predominantly under three.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7950

To the extent to which - sorry, Coolbellup, what's the ages at Coolbellup?---They're a bit more spread. We have mostly under three but there are a couple of four years and we do pick up before and afterschool care. Wattle

Grove, I'm sorry, we do pick up children from the local school so there are some six and seven year olds as well. So yes, Coolbellup - sorry.

PN7951

No, no, I was interrupting you. There's a trouble with the time lag perhaps. Sorry, you wanted to finish your answer?---So Coolbellup has not - is still growing, has not yet - we haven't broken even yet. So the numbers are much lower than the other three centres, and so the number of children are much wider spread.

PN7952

The fact that you have before and afterschool care, is that something that's unique to Coolbellup or does one also find primary school age children attending the other centres?---There are none at Huntingdale and none at Karrinyup. At Wattle Grove there is a before and afterschool care service that we provide to siblings of children who in the childcare centre long day as a - like an added service to the families. At Coolbellup there was always a demand for before and afterschool care so we were always going to offer that to the community.

PN7953

Is there an age - I presume there's some age limit for before and afterschool care, is there?---Under the legislation we can take them until Year 7 - Year 6, before they go into high school. It would depend on our case by case basis. We would make a decision based on what's best for the children that are attending at that point in time.

PN7954

As you've moved from one centre at Huntingdale to the second at Karrinyup, a third at Wattle Grove and then a fourth at Coolbellup, in each case I presume that your investor has provided further capital to fund this expansion?---Correct.

PN7955

Do I take it that the investor sees potential for successful and profitable business growing over time?---Yes. Yes.

PN7956

I want to now ask you some questions about what happens in Western Australia which seems a little different to what happens elsewhere in the country, it's probably not the only area of difference but one area of difference it appears, as I understand it, that most children in Western Australia in their last year before compulsory primary school attend kindergarten classes which are located at schools?---Correct, yes.

PN7957

The first year of compulsory primary school in Western Australia is called pre-primary?---Correct.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7958

The year before that which is attended by, as I said, children between four and five years old is called kindergarten?---Three and a half - they start at three and a

half kindergarten, so they're three and a half, so it's a four year old - effectively a four year old kindergarten program but they're three and a half when they start. Or can be three and a half when they start, because our starting year month is July. So they need to be four between July and June the following year to be in kindergarten, and then five between July and June the following year to be in pre-primary and so on and so on.

PN7959

Now the kindergarten year, that is the year before pre-primary, that's not a compulsory education. Is that right?---That's right, it's not compulsory.

PN7960

But it is offered at primary schools throughout Western Australia?---Correct.

PN7961

It is effectively offered free to parents?---In the state system, yes. Independent and Catholic schools will still charge a fee but they charge a fee for every year. So in the state system it's free.

PN7962

Tell me if you know this, I'm not entirely clear myself. Do you know whether the kindergarten program universal funding program that the federal government has entered into the various states with provides funding to the Western Australian government, which helps fund this year of free government kindergarten. Is that right?---That's right, so in WA the State Education Department gets the universal access funding and it's distributed throughout the education system.

PN7963

Now the kindergarten year, firstly most children do - while not compulsory most children do attend that year do they not?---Yes.

PN7964

That's delivered - the teaching of those children is delivered by qualified registered teachers?---Correct.

PN7965

They apply when they are teaching the Early Years Learning Framework?---They apply the Early Years Learning Framework in a format that has been adapted by the Education Department, do they don't apply the framework the way that we would apply the framework in our long daycare settings.

PN7966

Is there a publication of the Western Australian government that publishes the Early Years Learning Framework in a modified form?---Yes, it's called the Western Australian Kindergarten Curriculum.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7967

Just give me a moment. Do you have - we asked for certain documents to be provided to you. Can I ask whether you could locate a document - I'm just trying to find it myself - that is a Western Australia government publication dealing with

the kindergarten year. It's called Hello - I think the first page has the words, "Hello, kindergarten!"?---I've got it. Yes.

PN7968

Could I - I'm sorry, I've realised the Bench doesn't have this document, it's not in our bundle so can I ask for these copies to be provided to the Commission. Is this a document that you've either seen before it was sent to you overnight or you've had an opportunity to look at it since then?---I hadn't seen it before.

PN7969

Can I just take you to some parts of it?---Okay.

PN7970

If you go to page 4, there's a heading, "Your child's school journey". The last paragraph of that page before one gets to the blue box that starts with the words, "In kindergarten", just follow along with me:

PN7971

In kindergarten, your child continues to build on the important skills they've developed with you at home. These skills may include your child being able to talk about things that interest them, draw pictures, pretend write, recognise colours, numbers, sizes and shapes and share with others.

PN7972

Those learning outcomes are learning outcomes which reflect learning outcomes that are contained within the Early Years Learning Framework?---The Early Years Learning Framework isn't that prescriptive. There is no outcome that says your child will draw a picture, your child will pretend to write, your child will recognise colours. So there is a learning outcome that talks about children being competent and talks about children being confident learners and these are the skills that we teach children because that's what they need to learn, but there is nothing in the Early Years Learning Framework that suggests that a child should draw a picture at any one point of their development.

PN7973

The Early Years Learning Framework includes as an outcome:

PN7974

To begin to understand key literacy and numeracy concepts and processes.

PN7975

?---Absolutely, yes.

PN7976

Continuing:

PN7977

Such as the sounds of language, letter sound relationships, concepts of prints and the ways that text is structured.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN7978

?---That's right.

PN7979

Let me come back to the document that I've misplaced again. Just at page 7 there's a heading, "What happens during the day", and it describes in the first couple of paragraphs that:

PN7980

Kindergartens run for 15 hours a week. Some schools run a combination of four and a half days, others run only half days. Some schools encourage children to wear the uniform.

PN7981

That reflects does it not the nature of the kindergarten year in WA schools?---Yes.

PN7982

On the next page, "What will my child learn?" It says:

PN7983

In a carefully planned learning environment your child experiences many different learning activities.

PN7984

Would you mind just reading, as you haven't seen this before, the balance of that page to yourself?---Yes, I've read that now.

PN7985

The matters contained in the third, fourth and fifth paragraph are matters which the Early Years Learning Framework identifies as learning outcomes for children. Is that right?---Yes.

PN7986

I tender the WA Department of Education document titled "Hello Kindergarten".

PN7987

VICE PRESIDENT HATCHER: The Hello Kindergarten document published by the Western Australian Department of Education will be marked exhibit 108.

**EXHIBIT #108 HELLO KINDERGARTEN DOCUMENT
PUBLISHED BY THE WESTERN AUSTRALIAN DEPARTMENT
OF EDUCATION**

PN7988

MR FAGIR: Can I just say that there's no difficulty with the tender and I don't want to interrupt the cross-examination but I do want to say something about this process of tendering documents if the witness says they haven't seen before. I don't think it'll be an issue but I'll just say something about it.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7989

MR TAYLOR: Do you want to say it now?

PN7990

MR FAGIR: These tenders of these documents that the witness say they haven't seen are not tenders through the witnesses. They're the equivalent of coming along and tendering a bundle of documents as the applicant did on the final day of its case. There's no difficulty with it as long as it's understood to be the approach that's taken. I just don't want to be in a situation where I try to do the same thing and there's an objection that this wasn't filed nor tendered through a witness.

PN7991

VICE PRESIDENT HATCHER: That's noted, Mr Taylor.

PN7992

MR TAYLOR: Having asked you some questions, Ms Prendergast, about the nature of education in Western Australia in respect of the year before compulsory primary school, is it - is that in a sense the reason why - and if you open your statement at paragraph 53 you indicate that in your experience the demand for early childhood teachers and formal education from parents starts in kindergarten?---Can you - sorry, I'm not following. Can you ask that question again?

PN7993

Yes. In paragraph 53 you say:

PN7994

In my experience the demand for ECT and formal education from parents starts in kindergarten which is the year before compulsory school in Western Australia.

PN7995

?---Yes.

PN7996

Is this the position, that parents in Western Australia in your experience view what occurs in long daycare centres up to kindergarten as - broadly as childcare, such that their demand and formal education you say really commences only in that last year when they move to school?---Yes, I agree with that.

PN7997

Not a view that you share from what you said at the beginning. Is that right?---No, that's correct.

PN7998

Traditionally in Western Australia the view of families, sorry I withdraw that, I'll remove the word traditionally. The view of families in Western Australia is captured in paragraph 54 that they see the main benefit of sending their children to your centres, is the children receiving some socialisation and to allow for them to be care while they are working?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN7999

That position hasn't changed since - it didn't change in 2012 with the advent of the national law?---No.

PN8000

Do you accept this as a broad proposition that this attitude of families or maybe more broadly the community, has led the long daycare centre industry in Western Australia to not have the same focus on educational outcomes as one finds in long daycare centres in the rest of the country?---No, I don't agree with that.

PN8001

In the rest of the country we find these centres often referred to as early learning centres, do you agree with that?---Yes.

PN8002

In Western Australia we find these centres referred to as childcare centres?---I can't speak for everybody else. I know that there are schools of early learning, there is - I think naming a childcare centre something and it doing something are completely different things. So I don't believe that in WA we don't focus on teaching children in a long daycare setting.

PN8003

You have under the National Quality Standards an obligation to deliver an educational program to all children, including those that you focus on, which is those who are zero to three?---Yes.

PN8004

Now given what we've discussed about the nature of the early childhood industry in Western Australia, does it follow that the majority of early childhood teachers in Western Australia are teaching in schools that kindergarten year?---Yes, it is difficult to recruit a qualified - appropriately qualified early childhood teacher in the long daycare setting.

PN8005

I want to come to difficulty to recruit in a minute, but can I just clarify this proposition?---Okay.

PN8006

If you take all early childhood teachers currently employed in Western Australia the majority of them are employed by schools; are they not?---Yes. That's my understanding.

PN8007

It would actually be - I don't know whether you've got the capacity to give a rough estimation but it would be substantially less than half who are employed in long daycare centres?---I would think so.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8008

You mentioned difficulty to recruit, and I was going to turn to your specific teachers in a minute, but just what's the difficulty to recruit that you're identify

arising out of the fact that most of them are employed by schools?---Well, I have a number of - well, each of my centres except for the Coolbellup Centres have early childhood teaching students at the moment and the experience that I have with these students is that they have to do this practicum in a long daycare setting but they are and will be looking for work in the school setting. I'm imagining that they do an early childhood teaching qualification to teach in the school setting.

PN8009

So in Western Australia, like the rest of the country, you can meet the ratio requirement to have an early childhood teacher by having someone who has completed more than 50 per cent of their degree?---Correct.

PN8010

Did I understand from what you just said that that's in fact how you are meeting your ratio requirements at the moment, that is individuals who do not yet have a degree but are working towards one?---Yes, okay. So I actually have students that are university students doing their practicums in our services who I was referring to, and in conversations with them, so they must do a 10 day practicum in a childcare setting and in conversations with them, while they like the little children they'd much prefer to be working in a school setting.

PN8011

I think I need to come back to the nature of those that you engage in a moment?---Okay.

PN8012

But is this the case, that teachers who are engaged by schools are paid, if they are teaching that kindergarten year, the same as the other primary school teachers in that school, to your knowledge?---I don't know. I don't know what they get paid. I've never asked an early childhood teacher working in a school what they get paid.

PN8013

I see. You haven't, do you say, in the course of employing teachers come to understand what, in effect, the market is, the market rate, is for early childhood teachers that you're effectively competing with that is the school market?---Yes. No, I don't, because I can't compete with 12 weeks a year leave, and I can't compete with hours between 9 and 3, and I can't compete with a whole day of DOT time. I can't compete with that. So if I am trying to recruit an early childhood teacher I will refer back to the award and I will pay accordingly based on their experience and their - according to that. I'm not going to go in a bidding war against the schools. I just won't win.

PN8014

Yes. So you mentioned certain condition matters?---Yes.

PN8015

And you say you can't compete because of the conditions?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8016

As a general proposition, when one is competing for something one can compete by offering increased remuneration. When you said you can't compete can I just understand what you mean by that? You could offer more money; could you not?---I could offer more money if I felt that the value of the employee warranted more money, but I have a whole workforce of people who work just as hard as early childhood teachers and in most cases deliver the same outcomes as the early childhood teachers. In my services they would be wanting then to be remunerated in the same way. So I keep a very even playing field and I pay according to whatever award is relevant.

PN8017

When you say you pay according to the award, I think I understand that, but let's be absolutely clear, you mean you pay the exact award rate, whatever it will be at a given time?---Absolutely.

PN8018

When you - sorry, I'll just - under the National Quality Standards long daycare centres such as the four that you operate are required to have an education program?---Correct.

PN8019

That is a matter, if you did not have an education program, that you would actually commit an offence. There would be a penalty that could be imposed upon you; is that right?---Correct.

PN8020

Those regulations require that the educational program is delivered to all children being educated and cared for by the service. It requires that it's based on an approved learning framework?---Yes.

PN8021

And the approved learning framework which you are obliged by law to deliver an educational program is the Early Years Learning Framework?---That's right.

PN8022

And you are similarly required by regulation to have an educational program which is designed to take into account the individual differences of each child?---That's correct.

PN8023

I'm going to come a bit later to the second statement, but is this the case, that until the national law commenced there was no question that you could be fined or a centre could be fined if they didn't have, firstly, an educational program?---I can't recollect the regulations prior to the national regulations. I do think that there was something in there but I can't remember the wording that provided that we had to have an outline or a program of activities for children, but I can't remember whether that was - it was legislated that that had to be an - the wording "educational program" wasn't in it and I can't remember whether or not it was linked to children's development or be specific for individual children's needs.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8024

So I take it from the last part of your answer you're not able to say one way or the other - - -?---No.

PN8025

- - -whether I'm right when I say that what commenced in 2012 is a legal obligation to have an educational program designed to take into account the individual differences of each child?---Okay. So, yes, in 2012 the national regulations made it a legal requirement for that. Prior to that to be a recipient of the childcare benefit funding we needed to be registered with the national quality - with the Quality Improvement Accreditation System, and that enforced a requirement that we provide children with - the wording wasn't "education program" but certainly a program where children's individual developmental needs are being met.

PN8026

I'll come back to that, but I think we're clear so far. There was no legal obligation to do so. If there was an obligation, and we'll come to the nature of it, it was one that derived from an accreditation program which was linked to subsidies to parents?---Correct. That's right.

PN8027

The educational program is one that under the regulation must be provided by all educators?---Yes. I can't remember the wording exactly, if it's all educators.

PN8028

You I think have been supplied with a document that has links to other documents. Could I ask whether you could open up a document number 80?---Sorry my hotspot dropped out.

PN8029

VICE PRESIDENT HATCHER: This is the national law?

PN8030

MR TAYLOR: Yes?---So I'm sorry, my hotspot has dropped out.

PN8031

Just give me a moment. It may be that I can read this to you. It may be that I come back to it after a break when you've had the opportunity to get that working again. I might have to come back to this. The relevant section I was going to take the witness to is section 168, but I will come back to that?---Okay. Thank you.

PN8032

Just give me a moment. I'm sorry, I'm not as fast as I was hoping to be. I won't be long. At the time you prepared your statement at Huntingdale you said that you had one early childhood teacher. At that time that person was not yet qualified but was part-way through a degree; is that right?---Yes. That's right.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8033

And they were sufficiently through their degree to meet the national law ratio requirement?---That's correct.

PN8034

Given that all educators have an obligation to provide an educational program presumably this ECT was one of those educators responsible for teaching an educational program?---She was - she wasn't responsible for delivering the educational program. She was a member of the team that contributed to the program.

PN8035

Isn't it the case under the national law that all educators have a responsibility to deliver the educational program, not just some?---So if everybody was - so everybody is responsible for delivering it. She did not prepare it. She did not - she wasn't responsible for the overall delivery. Obviously she was responsible for participating in delivering it, but she wasn't responsible and didn't take responsibility to guide or lead the delivery of that.

PN8036

So when in paragraph 13 you say that she's not responsible for teaching the educational program - - -?---Mm-hm.

PN8037

- - -what you meant in that is that she is responsible for teaching the educational program but isn't the lead teacher or the lead educator in respect of the program?---Correct.

PN8038

At Karrinyup on the day of the statement you had an early childhood teacher who had a degree, a university degree, but in primary education and was working towards a Diploma in early education. Was that person's degree one which qualified them to be an early childhood teacher?---There is a transitional regulation that allows Bachelor of Education primary school teachers, if they're undergoing the Diploma of Education and working towards it, to be classified as our early childhood teacher.

PN8039

That was her position, was it, at that time?---Yes, she was employed as the early childhood teacher.

PN8040

And in paragraph 23 you say that she was delivering a program in the kindergarten?---Mm-hm.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8041

What does that mean? Is that different to the one we've discussed previously? In this case she is delivering a program?---No, she was just delivering the program to the kindergarten room which is a specific age group. She wasn't delivering it to the nursery. She was delivering it to the children that were in the kindergarten room.

PN8042

These are children who are predominantly, are they, three years old?---Yes, two-and-a-half and up to about three-and-a-half.

PN8043

She is teaching the Early Years Learning Framework like the teachers in primary schools when they are teaching children; do you agree?---She would be delivering the Early Years Learning Framework and that would be the version that the education and care sector use. So I've never seen how a teacher in a school delivers the Early Years Learning Framework. I have read the document, the curriculum guidelines. I can only assume there are some differences, but I don't know. So I can tell you that she was delivering the Early Years Learning Framework the way that I would like to see the Early Years Learning Framework delivered in my childcare centres.

PN8044

Turning to Wattle Grove, at the time that you prepared the statement you employed an early childhood teacher, one teacher at Wattle Grove, who was also the centre manager?---That's correct.

PN8045

She wasn't delivering an educational program you say?---No, she wasn't.

PN8046

You say that in paragraph 21. By that do I understand that she wasn't herself, as a rule, in the rooms delivering the program?---That's correct. She was centre manager above ratio managing the site, managing the childcare centre.

PN8047

And was there another ECT employed to work at that centre at that time?---No.

PN8048

You understand, do you, that the regulations require a certain minimum ratio of early childhood teachers to be in attendance?---Correct, they have to be in attendance and she was in attendance.

PN8049

Have you had an opportunity to understand what the expression "in attendance" means for the purposes of the national law?---So in WA the early childhood teacher does not need to be in ratio. So it is possible and happens quite a lot where the early childhood teacher is the out of ratio non-contact centre manager. I'm not sure how it works in the rest of the country, but that was assessed by the ECRU. ECRU came in and I was compliant because my early childhood teacher was present at the service 37-and-a-half hours a week.

PN8050

Under the national regulations an early childhood teacher is in attendance at a centre based service if they are both physically present?---Correct.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8051

And carrying out educational care activities including working directly with children, planning programs, mentoring, coaching or supporting educators, facilitating education and care research and performing the role of an educational leader?---These are the Western Australian regulations that you're referring to or the national regs?

PN8052

The national regs, yes?---Okay, so we have our own regulations over here that passes through our own parliament. I don't even look at the national regulations insofar as they don't apply here, they're not - it's not - we're not part of that jurisdiction, we have our own regulations and I don't have the wording in front of me but I know that I can have an early childhood teacher outside of ratio they just need to be present in the service. They don't need to be teaching, they don't need to be contact, they don't need to be face to face. If that was the case then I would have by now have breached in some circumstance because I've employed early childhood teachers as centre managers before and have never once received a breach.

PN8053

One of the requirements, tell me if I'm wrong, one of the requirements is that the early childhood teachers must be registered, is that right or have I got that wrong?---The Teachers Registration Board expect that - well they demand that if you have a teacher who is teaching that she be registered, yes.

PN8054

Not just if they're teaching but also if they're administering an educational program?---Yes.

PN8055

Your centre manager would I take it be administering the educational program?---No. She wasn't on the floor administering the program. She wasn't teaching children, she wasn't face to face contact with the children and we started the process of registration with the Teachers Registration Board with her and she was Irish and we were having difficulty with her international police clearance. I contacted the Teachers Registration Board to clarify whether or not we needed to continue based on the fact that she wasn't face to face teaching, and they said if she was not delivering the program and that she was not teaching the children and in fact had no contact with the children, insofar as you know she was with them every day or even for some time of the week, then we didn't to get her registered.

PN8056

I see. Maybe we're at cross purposes. Can I just take you to paragraph 47 where I think you describe what the centre director does?---Yes.

PN8057

I was working off that, which I thought meant that they were indeed administering an educational program. So you see in paragraph 47 you say what the centre director does?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8058

They develop and implement the National Quality Framework or the Australian curriculum?---Yes.

PN8059

They in (f) "Manage the development of children"?---Mm-hm.

PN8060

And in (g) just the words "Early Years Learning Framework" appear. How is that a task?---Well, my intention of that was to point out that it is always their responsibility to ensure that there is a program being created, developed and delivered to the children that meets all of those - all of those points. But it's not their responsibility to actually do that, because they can't be everyone.

PN8061

Again it might be that we're at cross purposes, your centre director does these things but is not responsible to ensure that they actually are carried out?---She's responsible for ensuring they're actually carried out but she's not responsible for actually doing them. So she's not going to sit down and write a program for children and then go out on the floor and deliver that program making sure all the activities are set up properly and that the staff know what the intention for each of the experiences are. She's not going to make sure that the outdoor environment is set up so that the certain climbing frame is in a certain way, that's what the educators do. That's what the diploma level staff do but it is my centre manager's responsibility to make sure that each of those people are carrying out those duties.

PN8062

The first annexure to your statement is marked SP1 and you've annexed this so as to explain to the Commission who must be registered in Western Australia?---Yes.

PN8063

That is registered to teach I should have added?---Yes.

PN8064

The second paragraph defines what teaching is, does it not?---Is that the paragraph that says:

PN8065

This includes those who are teaching in centre based education care services?

PN8066

No, I'm looking at a document SP1?---Sorry, yes. I turned over the wrong page, I've got it.

PN8067

That's fine. The delivery of an educational program, yes.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8068

Yes, so teach has two meanings; the delivery of an educational program but also the administration of any such program. There's two different concepts there?---Yes.

PN8069

Again, we might be at cross purposes but isn't it the case that your centre directors indeed have got the responsibility to administer the programs that are being delivered by the educators?---So my understanding is that the administration of any such educational program would - look, I - when I asked the Teachers Registration Board, because you know nobody wants to get any fines of any description for any reason, so when I followed up with the Teachers Registration Board and we discussed whether or not this particular centre manager needed to be registered, we determined together that she was not delivering the educational program and that she really didn't administer the educational program but she oversaw that they were being administered effectively.

PN8070

You said earlier that Western Australia has its own regulations?---Yes.

PN8071

Is this the case that the regulations are made nationally by a form of uniform legislation where each state legislates what is referred to as the National Regulations?---From what I understand, the legislation is - comes from Victoria and the rest of the country adopts that legislation but we have corresponding law here and when decisions are made about the changes in legislation in the national law, then eventually they are carried through to ours but there are some differences.

PN8072

Can I suggest to you one of the differences - there is no difference as to what in attendance means for an early childhood teacher. It is exactly the same in Western Australia as it is in the rest of the country?---Okay, so I don't know the wording and if you have it in front of you that's great, but I can tell you that I have not had a non compliance for not having my early childhood teacher as the centre manager, and not in direct contact with the children. So whether or not that's an interpretation difference over here, I mean I can't tell you but if there was a breach then I would say yes, you're right but I've had an early childhood teacher. She's not been a contact educator, she's not delivered a program, she's not written an observation on a child, she's not assessed a program or an observation. She's not done any critical reflection on what's going on in the program and I have not been non compliant with that regulation.

PN8073

Can I move to a different topic. In paragraph 31 you discuss programming being different to a school curriculum. Firstly, just tell me when you've got that paragraph so that you can refresh your memory of it?---I have it, I have it.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8074

Firstly, when you're referring to school curriculum here are you referring to the curriculum at a certain point in schooling, noting that we've established that schooling in Western Australia starts in what's referred to as the kindergarten year?---It is my understanding and my experience that the school based curriculum is something that's being delivered from as early as kindergarten.

PN8075

Yes, I've asked you about the nature of that curriculum already. To the extent to which you are here referring to school based curriculum and making some statements about it, can I just understand the basis of your knowledge? Have you yourself ever been a teacher in a primary school?---No, I haven't but I have had teachers - so the teacher at Karrinyup, her programming was very outcomes based. It was all about a certain skill that a child needed to achieve by a certain date rather than programming for each child's individual stage of development and then moving through those milestones.

PN8076

So she is someone at Karrinyup who did have educational programming responsibilities?---Yes, that's correct.

PN8077

Was she the room leader?---She was.

PN8078

You describe in this paragraph what appears to be you suggest a contrast in curriculum. The Early Years Learning Framework contains, does it not, what is referred to as learning outcomes?---It does.

PN8079

Educators assess children against those learning outcomes?---They do.

PN8080

An educator might, can I suggest to you, observe whether a child can cut paper with scissors and if they can't then seek to develop some learning experience that would give them additional fine motor skills?---If an educator were to determine that a child couldn't cut the experiences that they would provide for them would be - firstly they would need to determine why they can't cut. So any experiences that they provide for them would have - may possibly have nothing to do with cutting and have everything to do with building the fine motor skill of that particular or fine motor strength of that particular child. So when you say giving them more experiences to help them to learn to cut, it would - a good program would determine where that child was at and scaffold on their current strengths.

PN8081

So that might be to move the child to working with Playdough, to increase their fine motor skills?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8082

And then scaffold from there to a point in the future where they are able to cut with scissors?---That's right.

PN8083

These are, are they not, measurable outcomes at a pre-primary level?---They are but the Early Years Learning Framework isn't prescriptive like that. It doesn't say there is nothing in the Early Years Learning Framework that says that by the time the child is four they'll be holding a pencil in a pincer grip or that they will be cutting. The Early Years Learning Framework gives a broad guide to an outline for educators, so that they can help - they can help children or plan programs for children where children's emotional and social wellbeing is being addressed while they're learning all of these skills, which they need to learn based on their developmental progression.

PN8084

Do you have in your centres checklists against which educators can assess children to where they're up to in various specs?---No, we haven't had checklists since the Early Years Learning Framework was introduced but we have a document that ACEQUA have released called the - we'll call them the milestones, children's development milestones I think they're called. And it is a list of milestones that we expect children to meet in certain age groups but it isn't a checklist as such. It's a guide. So you're not sitting there at a certain date checking off if a child can jump three times or - that was what we used to do prior to the Early Years Learning Framework. Some services might still have those checklists, I don't know, I don't use them.

PN8085

The milestones guideline, does that in effect have the role of a developmental - you don't like the word checklist but a list of stages which educators will from time to time observe whether a child has reached that milestone?---Yes.

PN8086

At paragraph 50 you identify the difference between Western Australia and the other states arising from government funding and you - I'm not sure it's fair to call it a complaint but you certainly make the point that in other states long daycare centres receive a subsidy that helps cover the costs of employing an early childhood teacher?---So we're talking about the universal access funding. Yes.

PN8087

So that last sentence at paragraph 50, the point you were making is it not that Western Australia you say it's harder for long daycare centres to cover the costs of an early childhood teacher because those in the other states receive government money which goes towards paying their wages?---Is it harder for us to pay? We just pay more. If it's - you know, whether it's harder or not, I don't know, because I don't know what other people's financial situations are. We pay what we pay to have an early childhood teacher. If we had the funding that would be helpful.

PN8088

At paragraph 56 you say something that you've learnt from your early childhood teachers about the nature of the degree that they have when they are studying zero to eight years?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8089

In particular, that only a small proportion of the course, e.g. one semester, focuses on zero to four years?---This is correct, yes.

PN8090

Can I just understand this. You're not suggesting that the other, I presume seven semesters, that the other semesters are all focused on five to eight years are you?---I'm - they are focused on teaching practices that aren't necessarily effective in the early years, so behaviour management strategies and curriculum planning in advance for a term. We can't do that. We can't plan a curriculum for a term in advance because our programs are specific to individual children, as individual attend. So the whole university degree is a middle - like a preschool qualification with an early childhood component tacked onto it to help us comply with that regulation. Some universities do it better than others. I know that one of the universities here in WA now are offering quite an extensive and intensive portion of the qualification to the zero to three age group. I have those students in my centres, they do a 10 week prac over the year with us in their second year, so it is changing.

PN8091

Tell me if this is something that you've also learnt from discussions with your ECTs or you just don't know one way or the other but can I suggest to you that the majority of the time that teachers are studying at university in respect of this zero to eight age degree, they are learning brought principles of teaching pedagogy that would be applicable at any of the ages?---If that was the case then they wouldn't have needed to add additional zero to two components to it. I don't believe that the traditional qualification, which has been adapted, it's not a brand new qualification. It's a qualification that's been adopted to include the zero to three-year-old group, is something that is appropriate for teaching children who are infants, babies and toddlers. I believe that predominantly the early childhood teaching qualification is aimed at an older age group.

PN8092

From what we discussed earlier that somewhat accords with the fact that predominantly those who achieved that degree will indeed teach an older age group, that is an age group from four-and-a-half and up?---Yes.

PN8093

Or, sorry, three-and-a-half and up. I apologise, three-and-a-half and up?---Three-and-a-half, yes. Three-and-a-half, yes.

PN8094

In paragraph 83 of your statement you describe the impact of the regulatory change on your centres in 2012 was a wage increase and you have - there's two aspects to that: the first was for the first time ECTs were required to be engaged and paid in accordance with the Teacher's Award?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8095

So does it follow, are we clear about this, prior to 2012 you didn't employ any early childhood teachers?---Not many, and if we did employ them as - if we did employ someone who had a qualification that was an early childhood teacher qualification then there was nothing in the award - well, we weren't required to employ an early childhood teacher, therefore we employed them as qualified Diplomas similar level because under the regulations we were required to have so many Diploma equivalent or higher qualified staff. So sometimes we would employ an early childhood qualified teacher but we wouldn't employ them as an early childhood teacher. We would employ them as a Diploma qualified, so that falls under the Children's Award, Children's Modern Award.

PN8096

At this point you're using the expression "we", and you're referring to something that occurred prior to 2012?---Yes.

PN8097

Your statement describes at various times your centres, but I think we've established that none of them started before 2016, so at this point when you say, "what we were doing", what are you now talking about?---Sorry, I'm talking predominantly in the industry. I would suggest that a number of - that most of the operators in the state didn't even know that there was a Teachers Award.

PN8098

So your understanding is that the industry as a whole in Western Australia did not employ university educated teachers as teachers prior to the requirement to do so in 2012?---I'm going to say yes predominantly.

PN8099

And by industry I'm of course referring to the long daycare centre industry. You understood that, didn't you?---Yes. Yes, yes.

PN8100

Because prior to 2012 university qualified teachers were employed in Western Australia but were found in the kindergarten programs in schools; is that right?---Yes. Early childhood teachers were in the kindergarten programs in schools predominantly.

PN8101

Coming back to paragraph 83, you indicate that in order to attract and retain - I'm now looking at 83(b):

PN8102

In order to attract and retain those ECTs wages were often increased to above award wages.

PN8103

?---Mm-hm.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8104

Again, who are you talking about at this stage? Is this something of the particular centres that you were operating or is this again a broad industry observation?---A broad industry observation just by speaking to people in the sector.

PN8105

When it says that they had to pay - sorry, were you yourself - at the point of 2012 were you yourself in a position where you were in a role that involved making decisions about employing early childhood teachers?---Yes, I was.

PN8106

What was that role at that time?---I was a general manager for the Great Beginnings childcare group.

PN8107

How many childcare centres did it operate in 2012?---I'm going to say 20.

PN8108

And so drawing on that information as well as, I think you said discussions with others in the industry, you say that wages were often increased to above award wages, and you used these words, "because they had to". When you say they had to, they had to offer more money in order to attract people to take the position?---To be compliant they needed to attract people to the position and to do that it seemed that people were prepared to pay more.

PN8109

At that point the only employers that they were competing with were the schools; is that right?---Correct. Yes.

PN8110

So they had to pay more to match - to attract teachers to leave schools and join early childhood centres?---Yes.

PN8111

You have avoided paying - - -?---Yes.

PN8112

- - -your teachers at the same rate as primary school teachers by employing individuals who are yet qualified to work at the school; is that right?---No, not at all. I advertise and I recruit. I advertise and if people apply I will interview them and recruit them and be very clear about what award I'm going to pay, and if they are not happy with that then that's fine. They can go to a school and work at a school, but I don't employ people who are working towards because I don't want to pay what I need to pay - what others would get if they were at a school. I employ people who are working towards because those are the people that are applying for the positions predominantly.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8113

Yes. When they apply for the positions, have they got some idea of the likely remuneration that they're going to be receiving?---I'm not sure. I let them know what level they'll be on before they make a decision. If I offer a position, before

they make a decision, but, you know, they're adults, I'm not sure that they know how to find the award on the internet. I will let them know whether they're being - what award they're being paid on though.

PN8114

Can I suggest to you that the reason that those that are applying for the position of early childhood teacher are working towards don't yet have a degree is because of the remuneration you're offering is such that they would, if they had a degree, be able to find employment at a higher remuneration?---Can you rephrase that?

PN8115

Is this the case, that what you find is that the people who apply for your vacant positions are uniformly those who have not yet got a degree but are working towards one?---I don't get a lot of early childhood applicants, so when we say mostly, if I'm trying to recruit I might get three applicants, one will have a - be fully qualified and registered and, say, two will be working towards. I think that the early childhood teachers are not applying for jobs in our sector because of the remuneration, and I think that working towards applicants apply because they know that we need - to comply we need that qualification even at 50 per cent through, and they know that it'll be a good, I suppose, part-time job for them or a good supplement in income while they're still at university, as well as they're working in an industry that is relevant to their qualification that they're working towards.

PN8116

Is it your experience that at the point where they do complete their graduation they usually then leave your service to move into teaching at schools?---So the one that was at Huntingdale she didn't stay much longer than a term with us. She couldn't fit her university around the hours that we needed her to be there. And I've got a working towards at my Wattle Grove centre right now and I'm not sure what she will decide to do. The teacher at Karrinyup, she finished her diploma and she took a job at the Children's Hospital a couple of weeks ago. So I don't have enough experience with having that many coming through my own services to be able to say to you, yes, they moved straight on, but when I speak to people in the sector, that's what they're telling me. They will employ somebody, they will keep them for three years; that person will finish their qualification, and then they will move on to the school.

PN8117

Can I just ask you to look at paragraph 68 of your statement? You make a statement there about - a statement of facts, I just want to clarify it - you say:

PN8118

At my centres I have found that my income has only risen a small amount, whereas wages/expenses have gone up significantly over the last two years.

PN8119

So what is the two-year period that you're describing at this point?---Well, when was this statement made? 2018, so it would have been - - -

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8120

May 2018, yes?---Yes, so that would have been then and the March in which we purchased our Huntingdale centre.

PN8121

Do I take it - tell me if I'm wrong - that from what you were saying about continuing growth that your income has risen since the time that you prepared this statement in May 2018?---That's correct.

PN8122

We asked for some profit and loss figures to be provided, but the ones that we asked for were for a period ending June 2017, is that right?---That's right.

PN8123

And so those figures really only capture income at a point where the first of your three centres were still gearing up, is that fair to say?---That's right.

PN8124

And so - and I'm not criticising you, but if one wanted to find out about your profitability as a business, you're not going to find it in that statement; you want something more recent to properly understand how successful your businesses are?---Yes.

PN8125

You have identified in paragraph 68 that your wages/expenses have gone up significantly over the last two years. You have chosen not to provide any document, or indeed any figures, to explain what that is. I took it from what you said earlier that you're only paying award rates, so if there's any wage increase presumably it has come about it, has it, because award rates have moved in that period in question?---There is that, but as a childcare centre fills, you are recruiting more staff as the numbers increase. But because income - the income coming in from the number of children that are attending, it staggers, so if - say, with Huntingdale we had four children and I needed one staff, when we enrol that fifth child, then I needed a second staff, which meant the income only went up by one child but my wages effectively doubled, and then while you're building a childcare centre up, that's par for the course; that's common. So for every increment, I suppose, of group of children that it increases, a new staff member comes in and that staff member may not be paid for in income for three, four, five, maybe 10 more children enrolled. Does that make sense?

PN8126

It does. So you're not suggesting that you have been significantly increasing the amount you pay your staff individually, but rather the number of staff have increased as you have grown, which has led to an increase in your total wages bill?---Correct.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8127

And that is presumably - there's a business plan, which over a period of time is looking to nevertheless make a profit as the numbers grow, corresponding with the increase in staff?---Of course.

PN8128

Can I just ask you some questions now about if the subject that you deal with at the end of statement, "The effect of increasing costs at my centres", so having in paragraph 83 identified a change in 2012 - sorry, I don't want to rush this so just bear with me. Firstly, can we go to paragraph 83? In paragraph 83, you identify an impact of a regulatory change in 2012, and I've asked you about this paragraph, but it's clear that the change in 2012 referred to as a wages expense is the subject matter of paragraph 83, is that right?---Can you ask that again, please?

PN8129

Yes. In paragraph 83, you are identifying the reasons why there was an increase in wages in 2012?---Yes.

PN8130

And then in paragraph 84, it says this:

PN8131

The increase in wages resulted in a lot of centres, including the ones I operated, increasing daily rates to parents.

PN8132

?---Yes.

PN8133

What centres are we talking about at this point? Not the four that you operate now, I presume?---No. No, that would have been the Great Beginnings centres.

PN8134

And then you say this:

PN8135

For example, the daily rates at Huntingdale increased as follows:

PN8136

?---Yes.

PN8137

I'm just a bit confused. You weren't operating Huntingdale in 2012?---No, that's right, but I was able to source the fee in 2012.

PN8138

Yes?---And then in 2016 make the comparison.

PN8139

I see. You're not making a comparison of what occurred in 2012 itself, are you?---No.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8140

You're taking an amount that was paid in 2012 and then an amount in 2016, but you're not suggesting, are you, that the increase of \$31 for the 02 years was an increase in wages as a result of the regulatory changes in 2012?---I'm suggesting that that's a significant jump in four years. That's unheard of. And I'm suggesting that the impact of the early childhood teacher across the board has pushed people's fees up, so that in 2016 when I set my fees at \$95, that was competitive with the other services in the area, and I believe that the fees are so high now, or in 2016 they were so much higher than 2012, is a result of the fact that most services had to employ an early childhood teacher, the additional expense.

PN8141

The early childhood teacher is a teacher that meets the ratio requirements for child to educator requirements, do they not?---They can, yes.

PN8142

So when you say they had to employ an ECT, they didn't have to employ an extra headcount; they just had to employ someone with a different qualification, is that right?---I don't know. If they were fully staffed, then who were they - were they going to sack somebody to employ the early childhood teacher? I would suggest - fair enough with me, I had a brand new centre; I would employ them as I needed them - but predominantly in the sector, all of a sudden in 2012 we needed an early childhood teacher. People were already employed, and I would imagine that we weren't dismissing a lead educator because we had to employ an early childhood teacher.

PN8143

You're familiar with the difference in rates between a lead educator in the Children's Award and an ECT under the Teachers Award?---I am familiar with them.

PN8144

And you would accept, would you not, that there is simply no reason to think that replacing a lead educator under the Children's Award with an ECT under the Teachers Award would lead to a need to increase fees by \$31 per child? That's quite a ridiculous proposition, is it not?---Well, all I can tell you is when I set my fees in 2016, I was very conscious of the fees around me, of the centres around me in Huntingdale, and set my fees accordingly. So we weren't the most expensive. We were actually quite well below another couple of the centres around us. I can't see any other increases, anything else that changed in the sector between 2012 and 2016 that would suggest an increase like that. The award wages didn't increase significantly. Rents didn't increase significantly. So the only thing that I can see was the early childhood teacher.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8145

So when you were running centres in 2012, and the requirement to employ ECTs commenced, are you suggesting that there was a significant, that is, more than \$20-a-day, increase per child that then occurred in respect of your centres?---I wouldn't suggest \$20. I don't know what the fee increase would have been, but a

fee increase from year-to-year is always dependent upon the Fair Work minimum wage increase, always. So anything outside of that is going to be because of outside forces - other forces, other things, other influences. So a centre might have a rent review and all of a sudden their rent has gone up; that will influence the fees. All I can see between 2012 and 2016 was there was a significant increase in the type of qualification that our sector needed, and that qualification required to be paid at a higher level. So the early childhood teacher at a level 3 and the diploma level 4.3 are fairly similar in rates. I know that. But if I were to employ an early childhood teacher who was a level 12, say, there's a significant difference.

PN8146

Can I suggest to you that the likelihood of you employing a level 12 teacher in Western Australia is pretty low unless you were paying the same rates that they would get at a primary school?---You would be surprised. Some people don't like working with schools. But you're right, they're very difficult to find, and - but it's there. It's there. I have a relief staff, a lady that works for me, and she has worked in the schools for many, many years and she has been an early childhood teacher for many, many years, and I pay her the level that I'm required to pay her at, because that's - - -

PN8147

That's - I'm sorry, I was cutting you off; I apologise?---Well, if people are applying for a position and they are successful, they will be paid what they're eligible to be paid. So if it happens to be a level 12, well that's great for me, because I've got an early childhood teacher with a whole lot of experience that I can rely upon to deliver a program and I don't have to teach her or train her on how to do that. I can just trust that she's going to do what needs to be done, because she is being remunerated appropriately.

PN8148

And the person you're describing, was that a casual relief teacher that you - - - ?---Yes.

PN8149

- - - need from time-to-time to meet ratio requirements?---Yes, we do call upon her, because that's the engagement that she wants. She only wants casual work from time-to-time. She's doing a Master's degree or something.

PN8150

Can I - some documents have been sent to you. I want you now to see if you can find a document that is headed, "Prendergast updated daily fees?"---Yes.

PN8151

And I'm going to hand some copies to the Bench, and while I'm at it I'm also going to hand the Bench another document which - so the associate doesn't have to come twice - which I'll ask you about in a moment, called "Prendergast calculations?"---I don't know that one.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8152

Firstly, just tell me if you have in front of you now a document headed, "Prendergast updated daily fees?"---I do.

PN8153

And I think that was sent to you overnight. Does that, as best you can ascertain, accurately reflect the fees that were, firstly, in place at the time you gave your statement under the heading, in each case, "2018", and the current fees, which in each case appear under a heading, "Current?"---Yes.

PN8154

I tender that document.

PN8155

VICE PRESIDENT HATCHER: Which document?

PN8156

MR TAYLOR: Prendergast updated daily fees.

PN8157

VICE PRESIDENT HATCHER: So what is this document?

PN8158

MR TAYLOR: It is a document which sets out how much each of the childcare centres were charging in 2018.

PN8159

VICE PRESIDENT HATCHER: All right.

PN8160

MR TAYLOR: And how much they are currently charging.

PN8161

VICE PRESIDENT HATCHER: So "Prendergast updated daily fees" will be marked exhibit 109.

EXHIBIT #109 PRENDERGAST UPDATED DAILY FEES

PN8162

MR TAYLOR: And is this the position that at some point between May 2018 and now, all of the fees went up by \$5 per child per day?---Yes.

PN8163

And that increase, has it led to a reduction in your occupancy level since that time?---No.

PN8164

Can I now ask you to look at the next document which is headed, "Prendergast calculation", and can I just explain this document to you, but tell me if you have it?---I don't have that. I don't remember seeing that.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8165

Just give us a moment, Ms Prendergast?---Okay.

PN8166

We're just checking. Apparently that has not yet been sent to you. So what I'll do is I'll move on and I'll be reminded to come back to that document.

PN8167

VICE PRESIDENT HATCHER: Mr Taylor, is it appropriate that we mark it for identification?

PN8168

MR TAYLOR: Yes, if you could. Thank you.

PN8169

VICE PRESIDENT HATCHER: Yes. The Prendergast calculations document will be marked as MFI7.

MFI #7 PRENDERGAST CALCULATIONS DOCUMENT

PN8170

MR TAYLOR: Ms Prendergast, I now want to ask you some questions which lead to the material in your second statement. You say in - I just want to go back to one thing, just to get an understanding of your knowledge. You say in 2001 that you were managing groups of childcare centres?---Yes.

PN8171

To what extent were you involved in managing childcare centres between 1994 and 2001?---Between 1994 to 1999, I was a lead educator on the floor - sorry, 1997, and then in 1997 my husband and I purchased a childcare centre and we owned that for 18 months, and then in 1999 we sold that and I moved on to work for Mulberry Tree as a centre manager. I worked for them as their centre manager for a year-and-a-half, and then in 2001 I became their general manager.

PN8172

And that's a role that you had until when?---2004.

PN8173

And in 2005, were you involved in the childcare industry?---Yes. I think I was at - I think in 2005 I was working for a not for profit training organisation called Maralinga and I ran their professional development, and then by the end of 2005 I was working for an eastern states based company called Guardian. I was the area manager for Perth. I think.

PN8174

In respect of your second statement you annex behind the first annexure what appears from the first photo to have been printed in the form of a book?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8175

Is that a book that yourself - is that your book or is that a book that someone's given you?---That was - that's not my book, I don't have a copy of Putting Children First, that was sourced.

PN8176

Is this a book that you thought at some point between 1993 and 2000 had reason to become familiar with?---Absolutely, yes.

PN8177

You say in your statement that this book contains the quality improvement and accreditation system. It is indeed the handbook for that system and that it was revised in 2000. Are you able to tell us in what ways it was revised in 2000?---In the 1994 version was a set of principles, 52 principles. In 2000 they revised those sets of principles into quality areas, so they grouped them into more specific quality areas so that there was more order. But they also, I suppose, refined the indicators and there was a higher expectation that we were required to deliver with regards to quality outcomes for children.

PN8178

So it wasn't just the same text re-ordered. It in fact was a change in 2000 that led to higher level requirements on long daycare centres?---That's right, that's right.

PN8179

Do I take it you don't have access to what the form of the document was when that change occurred?---No, I have an article that lists them but I don't have the document - the 2000 document.

PN8180

Then you tell us that it was further revised in 2005. What were the nature of the changes in 2005?---So the review entailed an increase in quality areas but a decrease in the number of principles that we were required to demonstrate quality standards in. Again, they were reviewed and revised so that educators were required or services were required to improve their quality - the quality outcomes that they were providing under the 2000 version.

PN8181

So again one aspect of the change in 2005 was to in effect lift the bar further as to the nature of the quality outcomes that must be met in order to maintain accreditation?---Yes.

PN8182

In Western Australia - sorry - in the rest of Australia, outside of Western Australia, are you familiar with the fact that there were in 2000 - sorry, back in 1993 and throughout the period to 2012, as well as long daycare centres children could receive an early childhood education by attending sessional preschools?---Outside of WA?

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8183

Yes?---That's what you're asking me? I'm not familiar with what happened outside of WA. I really didn't take much notice. I was raising my own children, worried about what was going on here.

PN8184

The national - the quality improvement and accreditation system only applied to long daycare centres and did not apply to community preschools?---Okay.

PN8185

Do you accept that?---Yes, if that - my understanding is that the quality improvement and accreditation system apply to anybody who was eligible for childcare benefit funding. So if that's only long daycare centres in the past then yes, it's only long daycare centres.

PN8186

You have in your statement made some - in your second statement made some comments about how the National Quality Standards marry up with the previous system. You haven't qualified that to be an understanding that is limited to Western Australia, but do I take it from your previous answer that that's how one should - we should understand your evidence, that you don't profess to understand any link between the two outside of Western Australia?---Yes, I don't know what happens - what happened outside of WA or what happens outside of WA now.

PN8187

Let me see if you can find an article that we identified and sent to you overnight, an article by - the surname is Elliott. Let me see if I can find a better description of it. Sorry, not we, not us, sorry, it was sent to you. When I say we I'm grasping the whole of the Bar table not my side of the Bar table?---Overnight all I receive were a copy of my fees.

PN8188

I think there might be a misunderstanding on our side of the Bar table as to what was - at least I might have a misunderstanding of what was sent to you overnight. I certainly was hoping that in the short time we've had your statement that we would be able to show you some documents that we've identified overnight. It appears that we haven't sent them to you yet.

PN8189

DEPUTY PRESIDENT SAUNDERS: Mr Taylor, can you just tell us title if you like.

PN8190

MR TAYLOR: Yes, of course. Give me a moment. It's an article or a journal article by Alison Elliott in the Australian Education Review titled Early Childhood Education Pathways to Quality and Equity for all Children. Published for the first time in 2006.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8191

VICE PRESIDENT HATCHER: Mr Taylor assuming the documents arrive with the witness, how much longer do you think you'll be in cross-examination?

PN8192

MR TAYLOR: I'm anticipating probably the balance today. I need to go through the documents in the second statement, including the A3 document but also the two types of quality practice guides. Mr Fagir was good enough to identify which specific parts of them he thought were the key parts and I need to ask the witness some questions about those and then turn to the balance of the material. We've done the best we can in the time we've had and we have identified some extrinsic materials that might assist in understanding some of the other background which is not contained in the statement and I was going to show the witness some of those documents as I proceed to identify some propositions that arise out of the suggestion that the National Quality Improvement Assessment Scheme is very similar to the National Quality Standards.

PN8193

VICE PRESIDENT HATCHER: Is it appropriate that we took an early - slightly early luncheon adjournment, use the period to get these other documents to the witness and resume at 1.30? Is that a suitable time?

PN8194

MR TAYLOR: That'd be great, thank you. I appreciate that.

PN8195

MR FAGIR: I'm sorry, before that happens, can we just understand how long Ms Hands is likely to be and whether we should tell her that she's not going to be reached today?

PN8196

VICE PRESIDENT HATCHER: How long will cross-examination of Ms Hands take?

PN8197

MS SAUNDERS: An hour and a half, your Honour.

PN8198

VICE PRESIDENT HATCHER: We might try and sit late to accommodation that, Mr Fagir.

PN8199

MR FAGIR: Thank you.

PN8200

VICE PRESIDENT HATCHER: We'll now adjourn.

<THE WITNESS WITHDREW [12.52 PM]

LUNCHEON ADJOURNMENT [12.52 PM]

RESUMED [1.32 PM]

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8201

MR FAGIR: Before Mr Taylor continues can I just raise an issue. We've just been sent an email which has been forwarded to Ms Prendergast attaching two journal articles and something that seems to be some a media release or a communication from the Minister to departmental staff. We understand these are documents provided to us for the purpose of cross-examination. On the face of it, and I could be wrong about this, and if so I'll stand corrected, the documents seem to have nothing whatsoever to do with Ms Prendergast. She's not said to have created them or she doesn't seem to have anything to do with them.

PN8202

If they're provided to us and Ms Prendergast is to be asked about them as a means of introducing them into evidence then we can just cut to the chase, there's no point, in my respectful submission, the witness being shown a document that they know nothing about being asked questions about it for the purposes of saying at the end, "I tender the document". If the document is sought to be tendered then we can deal with that and we'll say whatever we can say about it. If there are propositions contained within them to be put to the witness that can be done, but it's not appropriate and it's a waste of time, in my respectful submission, to go through an exercise of getting Ms Prendergast to look at the documents, go to particular pages and all the rest of it as a means of creating some basis to introduce the document.

PN8203

We're in the Commission, the process is informal. If they're to be tendered then we can deal with that. If there's some prejudice we'll identify it and if there's not then I doubt they'll go in but, both in the interest of efficiency and because it's not a formally correct exercise, we'd urge the Full Bench to ask if what I've just said seems to be the case is the case, and if so, not permit it.

PN8204

VICE PRESIDENT HATCHER: I think we'll see what happens. Mr Taylor?

<SHELLEY ANNA PRENDERGAST, RECALLED [1.34 PM]

CROSS-EXAMINATION BY MR TAYLOR, CONTINUING [1.34 PM]

PN8205

MR TAYLOR: Yes. No, Mr Fagir I think identified one of the purposes upon which this might be done, and that is to put some propositions to the witness to see whether she agrees with them. That's indeed what I want to do. I was asking you, Ms Prendergast, before the break about the nature of, in effect, the coverage of the Quality Improvement and Accreditation System that was regulated by the NCAC. Can I ask whether you have available to you now a document published by the Parliamentary Library called Some Recent Developments in Childcare 1 January 1994 to 30 September 1995?---Yes.

PN8206

I provide copies to the Bench. Do you have that document, Ms Prendergast?---I do.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8207

Can you go to page 9. On page 9 there's a heading, Accreditation, and you've said some things about this in your statement. I want to see whether the description here is what you understand to be the position. In particular the third paragraph Accreditation:

PN8208

The National Quality Improvement and Accreditation System (NQIAS) came into effect on 1 July 1994. The objective of the system is to set standards for quality in what was previously a largely unregulated industry. These standards relate only to long daycare centres -

PN8209

That's consistent with your understanding of the nature of the accreditation system?---Correct.

PN8210

At the time there were throughout Australia, but not in Western Australia, preschools, that is a different form of early childhood education. It's not a long daycare centre. And the standards did not apply to them?---I'm assuming they would not apply to them.

PN8211

Similarly in Western Australia the standards did not apply to early childhood teachers teaching a kindergarten or preschool program in schools?---No.

PN8212

And by no you're agreeing with me?---Yes, that's right. I agree with you.

PN8213

VICE PRESIDENT HATCHER: Ms Prendergast, when did the system of schools offering kindergartens come into place in Western Australia?---I can't give you an exact date, but my eldest son, who was born in 1994, he went to kindergarten the year he was turning four, and that was - so, 1998, and kindergarten had just been something that had always happened in WA, like, there was no, "Where shall I put my children when he's four". He was going to kindy.

PN8214

Thank you.

PN8215

MR TAYLOR: The National Quality Improvement Accreditation System commenced in July 1994. At the time it commenced in respect of Western Australia it did not apply to any employers of early childhood teachers?---No, that's right. No school settings.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8216

Long daycare centres did not employ teachers through the entire period of the National Quality Improvement Accreditation System in Western Australia?---Long daycares were not required to employ teachers, but if a teacher

applied for a position and was successful they were employed by long daycare centres. So it's not - it wasn't unheard of to have a teacher in a long daycare setting.

PN8217

But prior to the requirement in 2012 if they - - -?---There was no requirement.

PN8218

- - -were employed they would be, in your experience, employed as a Diploma educator, notwithstanding their formal qualification?---So in the regulations we had classifications, and our classifications were A star, A, B, B star and a C. And A star was a Diploma - an A star was a qualified - university qualified person who had a number of hours in the infant - a number of hours in their qualification in the infancy age group, and A was a qualification that didn't have any hours in the infants age group. If you were qualified with an A rating you would have been employed to teach the older age group, two and above, because you weren't allowed, it was illegal for us to put that particular staff member with the babies. So an A star was a university trained qualified employee, and it could've been an early childhood teacher, it could've been the Bachelor of Social Sciences like I've got. There were a number of different qualifications that sat under that. Similarly, the B star, B star was a Diploma level with the infancy experience. They had done their practicums and their study in the zero to two age group, and then a B would've been a qualification that was predominantly three up and then a C qualification was somebody who had a certificate - triple - we used to call it a CCC, so childcare certificate.

PN8219

Tell me, I've asked you about the position in respect of the employers of early childhood teachers and the extent to which they would've been affected by this system in WA. You're not being put forward, as I understand it, as an expert on this subject matter, although it's coming in through you, but outside of Western Australia, are you familiar with the fact that like Western Australia long daycare centres prior to 2012 weren't required to employ early childhood teachers other than in New South Wales?---Yes, I'm aware of that.

PN8220

And it follows I think then, you accept, that other than in respect of long daycare centres in New South Wales the National Quality Improvement Accreditation System did not apply to employers of early childhood teachers other than the exception that you identified of the A+ person if they happen to have such a qualification?---Yes. If the employer wasn't a long daycare centre. Is that what you're asking me or have I misunderstood the question?

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8221

I was taking a broader proposition and suggesting firstly - I'll take it in steps but I'll do it in one go and if you disagree with any of the steps please say so. The National Quality Improvement and Accreditation System applied only to long daycare centres. The only long daycare centres in Australia prior to 2012 that were required to employ tertiary qualified teachers were those in New South

Wales and third, that as a consequence of those first two the National Quality Improvement and Accreditation System did not apply to employers of early childhood teachers other than those who were employed in New South Wales, in long daycare centres?---Yes, that's right.

PN8222

A significant part of your statement I'll come to in some detail but a significant part of your statement is behind annexure 4 which is the A3 document in which you respond to Ms Connell. You're familiar with that of course?---Yes.

PN8223

You're familiar are you with the fact that Ms Connell both under the heading "Now" and also under the heading "Prior to 2012", was describing the work as she understood it in the location where she worked?---Yes, but I didn't know where that location was. I just - I was just responding to an outline of a typical day now and a typical day prior to 2012.

PN8224

If I ask you to assume that Ms Connell was in respect of prior to 2012 employed in a preschool then it would follow, would it not, that the National Quality Improvement and Accreditation System did not apply to her and her employer?---Yes, but I was unaware that she was working in a preschool until - to be quite - to be honest, it wasn't until I was about three quarters of the way through that I worked out that she was probably talking about a community kindy somewhere and I assumed that it would have been Sydney, understanding now that Sydney or it's New South Wales sorry, were the only state that needed teachers. So I was not aware when I was completing this that we were talking about different jurisdictions.

PN8225

Can I just ask you this broad question, when the National - the NQIS for short, was replaced by the NQS for short, there were a number of significant changes. Do you agree?---Yes, there were.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8226

Are you able briefly just sort of in a dot point form to identify what you say were the significant changes that occurred at that time?---So I suppose the biggest thing was that it became part of the regulations that all services and the scope of the services that were involved became larger but also it was no longer linked to funding but linked to compliance and legislation that we moved through the accreditation, the new accreditation system. The NQS again lifted the bar on standards and we struggled with coming to terms with that lift because everything - it looked similar but everything had changed. The way that the assessors were assessing us, the way that we wrote our - what used to be called a self-study which is now called a quality improvement plan, that changed. There was no longer that five step process. It took much longer for a visit - for us to be visited and then for us to go through the cycle of accreditation than it did under the QIAS. I suppose in effect it was just the whole sector coming to terms with a very new system and the people that were delivering that new system were also becoming accustomed

to that new system. Prior to the NQS, the QIAS was managed by NCAC which was an organisation over in Canberra and that's all they did. After the NQS the National Quality Standards came under the regulations and now each regulatory authority administers that system. So it looks completely different to what it looked like back in 2011.

PN8227

At one point in that answer you identified that while the standards - sorry, I'll withdraw that. You identified that the new standards raise the bar and that I think you used the word "we", "we struggled to come to terms"?---Yes.

PN8228

At this point I presume you're talking about the role that you had at that time when you were managing a - you were a general manager of a number of services?---Yes, that's true I was. The change process in the sector takes - it takes a long time to move from one thing to another. There's a lot of training, people have to experience the process before they completely understand it. So in my space at Great Beginnings where there were you know the 20 childcare centres and each centre manager at each childcare centre, so that's 20 managers and my five area managers and me, so you know a good couple hundred people, we really needed some time to become accustomed to the new standards because they were so much different. They were organised similarly but they were so different to what we'd been so used to over the past two sets. So the 2010 QIAS, that was modelled on the 2000 QIAS, so we were kind of familiar with the process, the process didn't change in, you know, a good amount of time so we - we, and I'm talking about my experience at Great Beginnings, but also my experiences talking to other people in the sector and knowing how other services - networking with other services, it was my experience that it took us - it lifted the bar significantly and we were - there were expectations that things would need to be demonstrated differently. Now when I look back it's not so much of a problem because I'm familiar with the new system but in 2012 it was harder than I suppose what we expected.

PN8229

You identified that part of the - if I understood you correctly - that when I asked you about struggling to come to terms to identify work that had to be done by you and various centre managers and other managers, was there also a need for training in respect of the educators that you had?---The training hasn't really changed because the service delivery is similar, so we didn't change the way that we programmed for children or created learning programs for children. We didn't change the way that we kept children safe and healthy. We didn't change the way we fed children. So the quality areas in all of those systems are fairly similar. What changed and where the work was, was the way that we were being assessed at all the different levels from self-study or the quality improvement plan to how the validator or now what they call assessors would come in and assess us, and then how those reports - how that's all assessed and how an award or rating is given. The work that there was, was actually I feel something that an approved provider or a manager would take on board and be responsible for. What was happening at the coalface with the children that didn't change all that much.

PN8230

Part of the assessment under the NQS is the assessors come in and speak to the educators to see if they are, amongst other things, delivering an educational program in accordance with the Early Years Learning Framework?---Yes.

PN8231

That was a change that occurred after 2012; was it not?---Are you asking did the validators come in and speak to staff prior to the National Quality Standard system?

PN8232

No?---Is that the question.

PN8233

The changes that the staff post the introduction of the NQS needed to understand the requirements of the NQS including in particular the new requirement to teach the Early Years Learning Framework?---Well, no, there was no Early Years Learning Framework prior to the National Quality Standard. Well, there was, but it wasn't something that was expected through the QIAS. Educators were expected to speak to validators, who are now called assessors, about their developmental learning programs for children, so they still needed to speak to validators about each child's learning journey, their progression, where they'd been, where they were going, and what their broad plans were for children.

PN8234

But isn't this the case, that the staff members, the educators, needed, as well as the managers, to come to terms, to use your expression, to comes to terms with the National Quality Standards and to come to terms with the EYLF, something which presumably required them to learn some new things that they didn't know before?---Yes, they did need to learn the Early Years Learning Framework, you're right.

PN8235

I think you said earlier that the people who were delivering the education had to come to terms with the new system?---Yes.

PN8236

And by that you meant the educators; did you not?---Educators needed to come to terms with the way that the new system was assessing them, yes.

PN8237

I want to suggest some things to you which are changes to the way in which - sorry, are differences between the NQIS and the NQS. I want to start by dealing with something that's been said by Professor Dockett so far in these proceedings and see whether you accept this proposition. Until the advent of the NQS in 2012 there was no consistent national law to enforce national regulatory requirements relating to staffing; do you agree with that?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8238

There was no consistent national law to enforce regulatory requirements in respect of qualifications?---Yes.

PN8239

And I think we've already dealt with the third proposition, no obligation before 2012 to implement a curriculum framework?---Yes.

PN8240

We've sent you a document over the lunch break which is headed, The Honourable Kate Ellis MP. Can I ask if you can find that document? And I'll hand three copies to the Bench?---Yes.

PN8241

VICE PRESIDENT HATCHER: Do you want to tender the previous document, Mr Taylor?

PN8242

MR TAYLOR: Yes, I will. Thank you.

PN8243

VICE PRESIDENT HATCHER: The document headed - - -

PN8244

MR FAGIR: Can I just indicate, your Honour, that, as I said, the fact that the witness has been asked to look at it it's not a basis for it to be tendered.

PN8245

VICE PRESIDENT HATCHER: Do you object to the tender?

PN8246

MR FAGIR: I want to have a look at it and work out whether it creates difficulty, whether it means we will have to do something in response and so on.

PN8247

VICE PRESIDENT HATCHER: We'll defer dealing with it until later in the afternoon.

PN8248

MR FAGIR: If the Commission pleases.

PN8249

MR TAYLOR: So the document that I've asked you to look at now is titled Some Remarks at the National Childcare Accreditation Council Farewell. When NQS came in the NCAC came to an end as part of the change; did it not?---It did.

PN8250

I want you to turn to the second page, there's a heading half-way down the second page, NCAC Assistance in Implementing the NQF. There's a paragraph that starts, "Your work"?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8251

And then a paragraph that starts, "The willingness of the Board", and then whilst not a clear paragraph break I want to take you to the next sentence. I'll read it to you but you can read along, "As you know", just tell me if you found that sentence that starts, "As you know this framework"?---I have.

PN8252

Yes:

PN8253

As you know, this new framework means big changes for the early childhood education and care sector. It will, for the first time, set a National Quality Standard for early childhood education and care providers across the country.

PN8254

That was true, is it not, because before then there wasn't a standard that applied to all early childhood education and care providers?---It depends on who falls into the scope of early childhood education and care providers. As far as I'm concerned under the old system anybody that provided childcare had to comply with the Quality Improvement Accreditation System. Because the National Quality Standards extends the scope of that then for the first time the National Quality Standard can say the word "for early childhood education and care providers across the country". But if you did - if you were a long daycare centre and you lived in Biloela in Queensland you did accreditation. If you lived in Kununurra in WA you did accreditation. It was the same standard across the country.

PN8255

Yes?---So this is an interesting speech but I don't know that it is the - what we would suggest is what actually happened at the time.

PN8256

The - - -?---It's the definition of early childhood education and care providers.

PN8257

Yes?---I mean, we weren't even called that back then, so it just depends on what we want to - what I would term would be an early childhood education and care provider.

PN8258

So if you accept the proposition that what the Minister was referring was the fact that there is now a standard that applied not just to long daycare centres seeking subsidy, but to all providers including community preschools then so far the statement is correct; is it not?---Yes. Correct, that's right.

PN8259

The Minister says:

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8260

It will improve staff-to-child ratios so that each child receives the individual care and attention.

PN8261

And that was a change in the National Quality Standard. There were changes to ratios?---Not here.

PN8262

Not in Western Australia? The ratios didn't change?---No.

PN8263

No, we already had a one to five for babies, one to five for toddlers, and our ratio is actually smaller for our three-year-olds. It's one to 10 here, and in some of the other states in Australia it's one to 11.

PN8264

I see?---So we didn't - it's not nationally consistent.

PN8265

It did improve staff to child ratios in some parts of Australia?---Correct.

PN8266

Then the Minister says:

PN8267

It will also require staff to have formal qualifications so they are better equipped to lead the activities that help children learn and develop.

PN8268

?---Yes. So - - -

PN8269

And an aspect of the National Quality Standards when they came in was to start having requirements around the formal qualifications of staff, both educator level and early childhood teacher level?---In WA we already had a requirement as to how many qualified staff we needed and that needed to be a Diploma or above. What the National Quality Standards did was require us to have more, so we had to have one early childhood teacher and 50 per cent our staff needed to have a Diploma qualified, so that's the change that happened in WA, but we were already required to have so many qualified staff per group of children.

PN8270

That requirement you've referred to is not an aspect of the National Quality Improvement and Assessment Scheme though, was it?---No, no, that was our regulation.

PN8271

Yes. I don't know whether my friend's in the same position and he wants for me to wait to tender this or I'll just tender it now. I mean I will tender it now and then see what he says.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8272

VICE PRESIDENT HATCHER: Mr Fagir.

PN8273

MR FAGIR: This can be received. I've read it and I understand what's in it, there's no difficulty.

PN8274

VICE PRESIDENT HATCHER: The document Kate Ellis MP remarks to NCAC 24 October 2011 will be marked exhibit 110.

EXHIBIT #110 KATE ELLIS MP REMARKS TO NCAC 24/10/2011

PN8275

MR TAYLOR: Just to continue that subject, the National Quality Improvement and Assessment Scheme did not involve long daycare centres having to have any particular staff/child ratios?---No.

PN8276

It didn't mandate any particular staff qualifications that were required?---I don't recollect it doing so, no.

PN8277

It did not mandate a curriculum or a learning framework that was to be used in order to achieve the standards?---No.

PN8278

It didn't identify what learning outcomes would be achieved by children attending long daycare centres?---No.

PN8279

By no again, so we're not at cross purposes, you're agreeing with me are you not?---Yes, I am. No, it didn't specify that children needed to meet certain outcomes.

PN8280

It didn't specific any particular values or learning experiences that should be expected and promoted?---I think it did. I think it would talk about developmental domains and children having opportunity to learn in or have opportunity and exposed to experiences that would progress them through those developmental domains.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8281

One of the fundamental differences between the National Quality Improvement and Assessment Scheme and the NQS is that the former is drafted in a way that provides processes for structures for children rather than focusing on the outcomes to be achieved from those processes or structures?---So the National Quality Standard refers to the Early Years Learning Framework or a framework and yes, that asks us to deliver a learning program that revolves around outcomes but the

National Quality Standards itself is around process. If you look at our quality area 1, quality area 1 is about the processes that we use to deliver these programs.

PN8282

The NQIS didn't specify the values that should be expected and promoted as arising out of the program?---It talked about children - the values - can you repeat that question again?

PN8283

I think what I might do is deal with it in - when we actually open the document?---Okay.

PN8284

Can I now turn to the assessment regime. The NQIS foundation - commencement of the assessment for the NQIS was a self-assessment report where a centre would assess itself against the principles?---So that's 1994 version or all of the versions?

PN8285

Well if that changed let me know. Certainly at the outset that was the basis upon the assessment was done, that it started with a self-assessment. I'm about to take you to the next steps but that was the starting point?---Registration. NQIAS was registration first. And so a service had to be registered and then there was self-study - step 2 was self-study and continuing improvement. So in that self-study step and a self-assessment was completed so that you could write a self-study so that you could talk about what you did do and what you were planning to do. After that was validation. That was when you had your visit. The next step was moderation and that was when all of the pieces of documentation was assessed, I suppose, and then an accreditation decision was made on that.

PN8286

The self-assessment, I'll come to the validation in a moment but the self-assessment was done on the basis of what some might refer to as a codified checklist. That is that the principles and the matters that you have to demonstrate to meet the principles were treated by the industry as a checklist and you self-assessed by checking that you in fact did each of the things that the principles said that you do?---I don't recall that. The self-assess - I don't ever remember filling one it. That doesn't mean I didn't do it. Looking through all my - I've kept quite a lot of old documents and looking through what I do have, I can find copies of the self-study report and each self-study report is the seven quality principles, say, and each of them has a narrative about that quality principle and how we demonstrate that we meet a certain rating or a certain quality level in that quality area. But if there was a checklist it was a very long time ago, I don't have a copy of that checklist. I really don't remember doing one.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8287

The - - -?---Can I just interrupt there, sorry. There were some questionnaires that people had to fill in, so the centre manager filled one in, the staff filled one in and the parents filled on in and they were collated and given to the validator when the validator came to visit. Unless that's the checklist you're talking about, because

that does look like a checklist. It was a the service does this; yes, no. The service does that; yes, no. Educators do - they weren't called educators back then, they were called caregivers. Caregivers are warm and friendly with children and then people were able to indicate yes or no.

PN8288

It's been referred to I think in your statement that this system was mandatory. The position is this, isn't it, that there was no penalties for not - no one would be penalised by way of a fine if they didn't comply?---No, they wouldn't be fined by way of a fine but they'd lose their childcare benefit funding so in effect they wouldn't be able to operate.

PN8289

Can I just suggest to you that as a matter of practicality that's not in fact what occurred. If someone didn't meet the standards they would then be given an opportunity to again self-assess within six months?---Yes, that's correct.

PN8290

If they didn't meet the standard again they'd be given another opportunity to self-assess within another three months?---There was a process, yes.

PN8291

If the NCAC concluded that the centre still hadn't made satisfactory progress over the two review periods, then the penalty was to notify the relevant minister that a centre was of concern?---Mm-hm.

PN8292

And that might lead the minister to name the centre in parliament. Is that right?---You've got the - I don't remember that. That could be right but I don't remember that.

PN8293

It could lead to withdrawing of CCR access but there was nothing automatic about it, even after that having in effect failed three times?---Okay. I can tell you that we all knew - well the sector knew it was common knowledge and I can't tell you the centre that did lose their childcare benefit but we knew that we had to be registered to receive childcare benefit and we had to be successfully or demonstrating that we were trying to be successfully progressing through the quality improvement accreditation system. We couldn't just pretend that it didn't exist.

PN8294

No, and I think we'll open the document in a moment but the key to improving quality from the NCAC point of view was to see whether centres were moving from what was originally called the basic level up to the higher levels, because that's what they were trying to do as a regulator. Drive improvement in the industry to take people from basic level to higher levels?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8295

If they could see that improvement people wouldn't have their subsidies removed, in your experience?---No, that's right, no.

PN8296

Can we now open the 1993 document behind tab 1. It's been suggested to us that the ones we should focus on are 16, 17 and 18. So I'm going to follow that lead. Firstly, just by way of background and you can open it at 16 before I ask you questions about that specific page. At the time these - Ms Prendergast, at the time this was being introduced there was at least anecdotal suggestions that that there were some services and I'm certainly not suggesting yours, that were just providing very poor standards of care. That was known within the industry was it not?---In 1994?

PN8297

Yes?---Okay, so - because that's the beginning of my career and I'm new the whole - to everything. My mother had been a family daycare giver for 10 years prior to that which is what interested me in the sector, but for me to tell you that the level of care was poor, I can't tell you that. I didn't use childcare. My family didn't put us into childcare. My only experience was a family daycare lady, so I don't know if it was poor or not but I - - -

PN8298

Sorry, we're at cross purposes. I wasn't suggesting it was generally poor but the driver behind this introduction of the system was a concern by government that there were some at least, long daycare centres, that were well below the standard that any reasonable person would expect for childcare?---I don't know the political reasons behind the introduction of the system. I remember being at university and there being quite an uproar. I remember reading articles where women who owned childcare centres were talking about the red tape that it would introduce and how it would take them away from the children and the job that they love doing. I remember thinking well that's just silly but I was, you know, I didn't really have anything to compare it against because I'd never worked in it, so for me starting in 1991, being a university in 91, 92, 93 and starting work in 94, it's all I've ever known so I don't know why the government introduced it. I'm glad that they did, it does align quality standards, it continually pushes us to improve but the reason for it is - I can't remember.

PN8299

Let's look at principle 16. What the document identifies is unsatisfactory have no clear philosophy or goals and that program planning is undirected. A basic level was to have a variety of resources but no program planning. Do you see that?---Yes.

PN8300

It's page 39 of the document, the page numbering is not always easy to find?---Yes, I have it.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8301

I was just identifying that when this commenced the basic level that was identified was having no program planning at all. So to have resources but no program planning?---Yes.

PN8302

The good quality would be to have a program that reflects goals developed in consultation with parents which are based on an understanding of how children learn. That was the standard that the regulator was looking to lift people to; from the basic to the good quality standard?---Yes.

PN8303

That was sufficient, the good quality was sufficient to obtain accreditation?---Yes.

PN8304

The next - under high quality it says;

PN8305

Staff make regular observations all children's learning and development, keeping well detailed records of how they're progressing against stated goals.

PN8306

?---Yes.

PN8307

Just pausing there. That requirement there is a requirement of the NQS is it not?---Yes, it is.

PN8308

That though was not a requirement in 1993 to be accredited?---No.

PN8309

By no, you're agreeing with me?---Yes, I'm sorry. Yes, I agree.

PN8310

No, that's fine. If you turn to page - sorry, the next page, I was going to call it page 17 but it's principle 17. Again, the basic level is to have records of children which are maintained but the information is superficial and it doesn't include significant detail. What was required for accreditation was to move long daycare centres to the next level where development documents are maintained and used as a basis for planning learning experiences for all children as individuals. Do you see that?---Yes.

PN8311

The aim of this was to bring about at least that level of change in the industry?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8312

It might be given your previous answer you don't know but the fact was there were long daycare centres that were only at the basic level at the time this was

introduced and this improvement plan was intended to drive them to at least the next level up?---Yes.

PN8313

The next entry is "High quality":

PN8314

Comprehensive development records are maintained for each child. Records give evidence of progress in children's learning and development.

PN8315

That's a requirement now of the NQS is it not?---Yes.

PN8316

But not a requirement then to be accredited?---No.

PN8317

Principle 18, if you go to page 43, against high quality the first entry is:

PN8318

Staff are aware of the differences between repetitive and challenging play.

PN8319

That would be seen to be an absolutely fundamental knowledge requirement under the NQS. Would you agree?---Yes.

PN8320

That was not something that was needed to be achieved in 1993 in order to be accredited?---No.

PN8321

Can we turn now to the next document, again we've been assisted by identifying relevant parts which are said to be useful. Can I start with quality area 3. You've previously given evidence that there were some changes between 1993 and 2005, the standards were lifted and so what this document does, I take it, is explain or guide centres as to how to meet the 2005 version of the quality standards. Is that right?---Correct.

PN8322

The first principle in quality area 3 at that time was 3.1:

PN8323

The program reflects a clear statement of centre philosophy.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8324

In your statement - I know I'm jumping around and I apologise for this but in your statement you refer in paragraph 8 to the fact that in the 2005 version it required in 8(a) there be in place an education program which reflects a clear statement of centre philosophy. Now the word educational is not found in any part of this

document is it? By "this document" I'm now talking about the 2005 guide document?---No, I can't see the word, "educational program".

PN8325

At this point the obligation to have a program was an obligation to have a statement of philosophy; is that right?---The obligation to have a program was the obligation to have a philosophy, is that the question you asked me?

PN8326

Yes?---No, the obligation of the program was the obligation to have a centre philosophy that guided the program.

PN8327

Yes?---So the centre philosophy wasn't the program, it was the way the program and the way the program was delivered was guided.

PN8328

I see. I haven't had a huge amount of time to review this document - - -?---Yes.

PN8329

- - -and it seems like you're familiar with it. Are you able to identify where in the 2005 guide there is an obligation to have an educational program?---I don't know why that's in my statement. I must be mistaken. I don't remember seeing anything about educational program.

PN8330

So you're understanding is that there had to be a statement of philosophy under 3.1 and that would - there were then different indicators of care. Just so we can understand how this works - - -?---Yes.

PN8331

- - -the lowest of those standards, that is the one that starts with the letter (s) - - -?---Yes.

PN8332

- - -is all that was required for accreditation; is that right?---Yes.

PN8333

So - - -?---But if you - - -

PN8334

- - -to the extent to which in your statement you have identified that various things were being done prior to 2012 because they were required by the National Quality Standards at the time, the NQIS, it's the case, isn't it, that one has to be careful when one reads that to understand that the only thing that's required was those against the letter (s), and so those against (g) and (h) were not required although maybe and no doubt some centres did seek to achieve them; do you accept that?---Yes.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8335

The next principle, principle 3.2, pages 32 and 33, deals with documentation and can I just take you - the text is not huge but to the second paragraph. Firstly, it says:

PN8336

It's important to keep individual documentation for every child. It's inevitable that records kept for children attending full time are usually more detailed and more regularly updated than records kept for the children attending part time.

PN8337

Is that something which you say has changed with the NQS?---No, that's the same.

PN8338

Then it says this:

PN8339

However, the amount of documentation kept is a professional judgment to be made by staff. What's important is the documentation gives a comprehensive picture of the child's time.

PN8340

Is it the case under the NQS that there is a high degree of direction as to the nature of the documentation that must be kept?---No, my experience is that even though that wording says it's a professional judgment to be made by staff, validators would come in and want to - and ask for - to see a certain number of observations per child dependent upon whether they were full time or part time. Now - and on every child, so they would check every single child's learning portfolio and make sure that every single child had what they considered that would be different, depending on the validator, what they considered to be enough. Now, under the National Quality Standards an assessor will come in and speak to staff, watch their practice and they will ask staff to show learning records a select number of children. In some cases, again back to the assessor, they may randomly pick that, or they may say to the staff, "Can you select five children? I would like to see their learning records and the progression through the learning journey for them".

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8341

I want to ask whether you can approach this in this manner, that you I think are describing what your centres did at the time that you were being assessed and validated, but what you describe is not what is set out in principle 3.2 at (s) as an indicator of satisfactory care. None of those dot points require the level of documentation that your particular services were providing at that time?---I'm telling you my experiences in the number of validation visits I have participated in across the board, across organisations and I'm telling you about the conversations I've had with other people about that subject. So we call them childcare myths, and one of the childcare myths was that you must have so many observations on a child who comes full time. If they come four days it's this many, if they come three days it's this many. And even if they only come casually you've got to make sure that you've got records on that child. It was well-known that there were

targets to be met to the point when the National Quality Standards came in people are still looking for those targets but the quality standard is much more holistic in that it allows you to show a child's progression and it doesn't need to see - or the validators and assessors don't need to see 10 observations on that child. They're happy if they see an observation and they can see that that observation is significant and that there is some progression of learning for that child based on that one observation.

PN8342

What can I suggest to you has changed with the NQS is the requirement for the documentation to include assessments of the child's developmental needs, interests, experiences, and participation in the education program?---That's the change do you think? Is that what you're asking me?

PN8343

Yes?---That's what's new?

PN8344

Yes?---No, that was always expected. Always.

PN8345

Can I put this to you, that now it's a change the documentation must include assessments of the child's progress against the outcomes of the education program?---Against the outcomes of the education program?

PN8346

Yes?---So we - back in the Quality Improvement Accreditation System we needed to have a set of broad centre goals and we needed to assess children against those broad centre goals, so it's the same thing, just different words.

PN8347

When you say you needed to do that, are you suggesting that that was the policy of your organisation or that's something we can find in this material?---No, I read it. I did read it going through this - going through the standards. I can't remember where I saw it though.

PN8348

And the goals in question these were goals that were determined, were they, by any particular long daycare centre, what they thought were the appropriate goals?---Yes, correct.

PN8349

That's to be contrasted with the system under the NQS where the goals are those set out in the EYLF?---Sorry, can you repeat that?

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8350

That's to be contrasted with the system under the NQS where the goals are those that are set out in the EYLF?---Okay. I'm assuming so. I mean, in the - under the National Quality Standards we have a philosophy but no longer do we have to have broad goals and objectives that are linked to that philosophy and the

philosophy, mine in particular, refers to the Early Years Learning Framework, and there are no goals in the framework. There are outcomes and those are - that's a bit different. The outcomes are worded differently to what the goals would've been worded under the Quality Improvement and Accreditation System.

PN8351

Tell me if I'm wrong, but the actual goals or the goals that each centre was then self-determining against which it would be assessing a child's progress under the NQIS, they weren't themselves - there was no quality standard for those goals; am I right about that?---No. No, that's right; no quality standard. They were a set of broad goals that we created ourselves based on the context of the community that we lived in and the children that attended the centres and what the family's input was.

PN8352

Pages 34 and 35 deal again with the program, the program "Assist each child to be a successful learner." Can I understand, was there at that time a written document that was something that was described by providers, such as the ones you were operating as, "The program?"---Yes.

PN8353

And that was something which contained the philosophy, as we discussed earlier, is that right?---Yes.

PN8354

Did it also contain individual planned activities based on each child's developmental needs as assessed?---It did - yes, it did.

PN8355

And so it, by definition, was a living document that was updated on a constant basis, I presume?---It was created for the fortnight or the week following, coming, and what the educators would do would - because they would need to be responsive to the children - they would make their changes as they would go along, but there would always be an outline or a framework, because the regulations required us to have an outline or a framework on display for parents to see.

PN8356

Can you now turn to pages 38 and 39, principle 4.1? Here the principle, "Staff encourage each child to make choices and participate in play", you accept that the way in which this standard was judged was by focusing on what staff did, is that fair?---Yes.

PN8357

It was an approach which focused on the process of providing early childhood education rather than the outcome of providing that education?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8358

Under the NQS, satisfactory care, to use the expression on page 39, is not demonstrated by whether staff have or haven't found opportunities to encourage

children's independence and self-help skills. It is judged by whether steps have been taken by staff which have an outcome of children becoming more independent and self-helping?---Absolutely, but the National Quality Standard is no different. The National Quality Standard will assess what educators are doing to support and encourage children to show an appreciation and value in play or show independence. The National Quality Standard won't assess whether children are showing independence or not, just what staff are doing to promote that.

PN8359

Can I suggest - - -?---So what their plans are - - -

PN8360

Can I suggest that that's not right for this reason?---Okay.

PN8361

That what the assessors are doing is looking at the observations and the other assessments to see whether - they're not looking to see whether staff have been providing the opportunity; they're looking to see whether the children are in fact being guided towards the particular outcomes and are achieving them?---I disagree. I disagree that there's a difference. What validators were looking for with staff under the quality improvement and accreditation system was what staff were doing to help children reach whatever milestone that they were reaching. In fact, they were far more stringent and looked at far more observations and learning records under the old system than they do under the National Quality Standard. What they're looking for now is that we are working towards the early years learning framework outcomes, that there is a record of those outcomes in our programs, and that we link our programs to the early years learning framework, but they're not looking for outcomes - for children to have achieved outcomes in any learning records. They're not looking to see if the child is a confident learner. They are looking to see what we're doing to provide opportunity for children to become a confident learner.

PN8362

Can I ask you to turn to pages 42 and 43 dealing with promoting language and literacy abilities, under the heading, "Indicators of satisfactory care?" There are some dot points, dropping down to the fourth:

PN8363

Children have access to many attractively illustrated books.

PN8364

Next dot point:

PN8365

Staff often read books to individuals and small groups of children, and where appropriate adapt the language to maintain children's' interest.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8366

Again, what I suggest to you is that in order to achieve accreditation, what a long day-care centre had to do was demonstrate that staff were doing certain things, not

demonstrate whether the children were in fact being assessed as having achieved appropriate learning outcomes?---Correct. They are not being assessed as to whether children are achieving certain learning outcomes, just like the National Quality Standards where staff are not being assessed as to whether children are achieving certain learning outcomes. There's no difference.

PN8367

Let me approach the same proposition slightly differently in respect to pages 44 and 45, the principle 4.4, "Staff promote each child's problem-solving and mathematical abilities." Under the NQS, there is a process that staff engage in where they are continually observing and assessing children against the EYLF learning outcomes, which - sorry, I pause there. So much is true - I'm sorry?---Sorry, were you speaking to me?

PN8368

I was?---I know you're speaking to me, but - I'm sorry.

PN8369

I moved away from the microphone and it might be that you didn't hear me?---Okay.

PN8370

Under the National Quality Standards, educators are required to assess children against the learning outcomes in the EYLF?---Yes.

PN8371

And they are in turn linked to planning individual child development?---Yes.

PN8372

And the - let me pause for a moment - I know that you have a familiarity with it, but it might be useful I think for you to just pause for a moment and open up the National Quality Framework document number 140 in the links document that we have provided, and then find - tell me when you've found that document and I'll give you a page number?---So I have a document called "IEU key documents." Is that the document?

PN8373

Yes?---Okay, and this goes to - - -

PN8374

And if you can find - if you're able to manipulate it to open document number 140?---Okay. So this only goes to document 40.

PN8375

Apparently you might have two link documents?---Okay, I'll have a look for the other.

PN8376

One has got less links than the other?---Okay. The other link that I have is a link, "Master document?"

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8377

That's the one?---And there are - okay, and there are names on the left-hand side, and it says things like - - -

PN8378

Yes, if you go forward a few pages you will start finding documents which are numbered?---I've got it. Excellent.

PN8379

If you've opened that document, are you able, for me, to go to page 123?---Yes.

PN8380

That's standard 1.3, "Assessment and planning?"---Yes.

PN8381

This is one of the standards against which all early childcare providers are judged, and if you go to page 125 you see a - - -?---A cycle of planning?

PN8382

A cycle of planning, thank you for that. So this is what educators, including early childhood teachers, are expected to do under the NQS, do you agree with me?---Yes.

PN8383

One of the things that they are doing is making - top left-hand - "effective, meaningful and relevant observations", which then feed into a process of planning and then implementing the learning process?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8384

That is how - it's against that standard, and more generally the standards, but that standard that educators and childcare centres are currently judged. What I want to suggest to you is that is quite a different and a more complex set of requirements than one finds at pages 44 and 45 of the 2005 document wherein what was being assessed was simply whether certain processes were occurring, such as using open-ended rather than closed experiences, sitting with children to explore toys, having regular conversations with each child, et cetera?---Okay. So that planning cycle is not new since the National Quality Standards. I was taught that planning cycle in 1991 when I went to uni. When we were assessed under the QIAS, the records of documentation that they refer to in both those systems and the 2000 system was this process of planning. So there was an expectation that educators, when they showed learning records for children, that there were observations on children, that those observations were analysed to determine the child's current level of development, and what goals and objectives you would write for those children to progress and scaffold on their current knowledge. The documentation is the program that goes on the wall that collects all of those experiences that you've planned. The planning is the implementation and what you're going to do further, and the reflection is what we used to call evaluation. But this is not new. This is not something that any - when we had the National Quality Standards be

implemented, this was not the thing that worried us. This was what we were already doing.

PN8385

Yes?---This was already being assessed.

PN8386

What's being assessed, at least at page 45 of the document, was what staff did, rather than what outcomes were achieved by doing those things. Do you accept that?---Well, that's for mathematics, so that was problem-solving and mathematical abilities, but on page 32 we talk about "each child's learning is documented and used in planning of the program." So we talk about, you know, what type of documentation, why we're documenting, what it could include. So the documentation that we had to make is different to what might be expected to see when we were helping children, or when we were promoting each child's problem-solving and mathematical abilities.

PN8387

What I want to do now is ask you to open the EYLF. It is document number 84 in that same link. Sorry, don't let me get ahead of you. Let me know when you've got there?---It doesn't want to open. Okay. What page would you like me to go to?

PN8388

Page 1203 in the bottom left-hand corner, 17 in the right-hand side?---Yes.

PN8389

So under this heading, "Assessment for learning", the document at the bottom of the left-hand column on this page says:

PN8390

The five learning outcomes in this framework, as outlined later, provide early childhood educators with key reference points against which children's progress can be identified, documented and communicated to families, other early childhood professionals and educators.

PN8391

You've already accepted the proposition that this is something that was new. I thought you were resisting the proposition that this was actually providing assessment points that children would be assessed against. That is in fact what it does, is it not?---Yes, it does. It certainly does, just like the milestones - the children's developmental milestones did prior to the Early Years Learning Framework being introduced. So it's a different form of assessment we're looking at.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8392

Those milestones are the ones that - just so in case we're at cross-purposes - were not themselves set out in the NQS but were developed by each individual centre?---We probably didn't - no, that's the goals you're talking about. The developmental milestones are theoretical-based and they demonstrate children's

development from birth to a certain age and, you know, at three months a child will roll over, at four months a child will smile, and it was broken up into the developmental domains of cognition, gross motor, fine motor, language, social/emotional development. So that was the assessment tool that we would assess children's development by and create learning programs for children by.

PN8393

Thank you. Yes, I recall that now. And this though is a quite different approach. There are no milestones contained in this document?---No, and the problem - absolutely. And the problem that we had once this document was released was that everybody decided that we didn't need to worry about children developing through milestones any more, and they were referring only to the Early Years Learning Framework. Because of that ACECQA had to re-introduce the milestones to the sector and had to encourage educators to use the milestones again when assessing children's development. So in conjunction with the outcomes, Early Years Learning Framework outcomes, you still need to use, and they are still encouraged to use, the milestones - children developmental milestones to accurately track where children are and where they're progressing to.

PN8394

At various times you and I have used the expression learning outcomes. Just so that we can be clear about what they are by reference to this document, would you mind just for example going to page 43, bundle number 1229, under the heading, Outcome 5 Children Are Effective Communicators, subheading, Children Begin to Understand How Symbols and Pattern Systems Work. There's two columns under that. Do you have that page, 1229?---Yes.

PN8395

On the left-hand column on this page and every page one finds the words, "This is evident for example when children". There is above that, firstly, the broad proposition, "Children Begin to Understand How Symbols and Pattern Systems Work"?---Yes.

PN8396

Those words are a learning outcome; are they not?---Yes.

PN8397

So when we've used that expression that's how - just so we're not at cross-purposes, that's what we've been talking about?---Yes.

PN8398

Those things. And then when educators and early childhood teachers are determining whether a child has met that learning outcome they will use the dot points on the left-hand side of each page to identify in effect the types or levels of understanding that meet that learning outcome?---They can, because it's - that's not an entire list of when that would be evident, which is why that says, "This is evident for example when children".

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8399

Yes?---So they could use those and - but there might be other things that they could - they would find or see that would demonstrate "Children Begin to Understand How Symbols and Pattern Systems Work".

PN8400

Thank you. Can I now turn the document behind tab 4?---Tab 4.

PN8401

I have, I think - we've already identified that what you're doing is commenting on something that was said by Ms Connell who worked in a community preschool. I want to ask you about a number of these entries. Can we start with the first entry?---Yes.

PN8402

Ms Connell identifies that in her work there is a requirement to sign not only when arriving at work, but also sign into a room. And I think you say - - -?---Yes.

PN8403

- - - that's not something that you understand the NQF to require?---That would be the - if she's signing into the room it wouldn't be a national quality - it would be a regulation thing, but that's not a regulation that we have in our centres in WA. No one has ever requested - - -

PN8404

The national regulations require, do they not, at 151 and 152, to have certain minimum ratios of staff present?---Yes. Yes. Yes.

PN8405

And your obligation is to be able to demonstrate that those - - -?---Yes.

PN8406

- - - ratios are being met?---Yes.

PN8407

And that was not something that was required under the NQIS. There was no obligation to demonstrate particular ratios?---No, because that wasn't - the National Quality Improvement System was an accreditation system and not a regulatory system. Under the regulations we were required to maintain a certain ratio, so there is no change there for us.

PN8408

So to demonstrate to any assessor that the ratio was maintained at any particular point in time - - -?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8409

- - -it would be, do you accept, a consequence that a centre would have a system where staff sign into a room and out so that they can demonstrate in respect of any previous point in time what staff were in the room or not?---Yes. Sure, but in WA the regulatory authority accept timesheets. So long as an educator is in contact

with children and they're signed into their timesheet and they're working and in direct contact with children, then they are considered within ratio. Where there is no expectation that children - that educators be in a certain room at a certain time, because there are a certain number of children in those rooms, it'd just be - it's called under the roof staffing. So, so long as we can demonstrate that all educators who have signed in on their timesheet and are supposedly in direct contact with children are actually in direct contact with children then the regulator is satisfied with that, and we use timesheets, and timesheets have been accepted by the regulator when they've asked for copies of attendances and staff attendances, so that might just be a system that she uses.

PN8410

At number 3 you read that Ms Connell said that one of the things that is done between 8 and 8.30 is a room safety check?---Yes.

PN8411

Ms Connell didn't suggest that that was any change and you yourself have then said that's not new?---No.

PN8412

You didn't understand Ms Connell to say "wasn't" did you?---Look, I have actually, if she's written it here now, she's written something under the "now" column I'm understanding that she never did that before.

PN8413

I see, notwithstanding that she didn't suggest anything to that effect in the next column?---That's right. So I just assumed she's saying, I'm doing that now and I just assumed that that meant she didn't do that prior to 2012 and any comments in the 2012 column were just extra bits of information for us.

PN8414

VICE PRESIDENT HATCHER: So, Mr Taylor, how do we read this document, or Ms Connell's document? I assume that, as the witness did, that where there's an (indistinct) prior to 2012 and there's two contrasting comments, it's suggesting that the difference between the two was not done.

PN8415

MR TAYLOR: I think that's right. With respect to number 3 and number 4 you will see there is no contrasting comment, yes. It just appears that - I just wanted to clarify and the witness, I think, has made clear that she was working on the basis that every STEM in the first column was new and addressed it on that basis.

PN8416

VICE PRESIDENT HATCHER: So if it's blank we assume it was done prior to 2012?

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8417

MR TAYLOR: Well, I think, the fair way of reading it is that if Ms Connell hasn't said that it was done differently then all we know is that we do it now. It

would be difficult for us to make a submission that it was done differently if Ms Connell hasn't said so.

PN8418

At item 5 you respond to Ms Connell identifying that programs at her community preschool often went for one to two weeks and were thematic rather than individualised and I think - I can't now remember whether at a later point she gave examples, I think she did, of autumn, the season of autumn or alternatively Easter. So there would be a theme for the week and she was contrasting that with the way in which it is now done, are you saying that throughout the long day-care centre industry in WA things of that nature were not a prevalent part of long day-care centres going back to 1993?---No. I would say that in - no, they're not part of the long day-care sector and the way that we program. If we're going to go back to 1993, I'd say there would have been a residual group of educators who would have been programming thematically, because the introduction of the quality standards, the principles, changed our practices in programming, so there was a much more - or we were expected to provide more evidence that programs were individualised for children, and our training revolved around that as well. So the diploma training and the training that I did was based in individual program-planning for children and children's own development. This thematic programming will only allow you to provide learning experiences that are directed at generic milestone achievements. So in that sense, for autumn say, and she wanted that group of children to be cutting, or she would have a template of leaves and the children had to cut around those leaves. It wasn't specific or individualised for any child's current level of development, or specific or individualised for any current progression through their development.

PN8419

At various points in this document, you refer to material - an example perhaps that jumps out is at number 19, which you say, again on this same subject of programs being dynamic and living, that you annex documents. Each of those documents at 5, 6, 7 and 8, and I think there are some others as well, were publications of the NCAC, is that right?---That's correct.

PN8420

And they were publications that were published, to your knowledge, with a view to encouraging long day-care centres to take particular approaches to the way in which they provide care and education for children?---I would say that they're publications supporting the education and care sector, based on findings from the validation visits. So people may have not been meeting, or not been working towards a higher standard for planning, so the National Childcare Accreditation Council conducted a series of learning tools, I suppose, for educators to help them and support them.

PN8421

This was part of its role as the regulator to improve or lift the nature and quality of early childhood education?---Yes, and ACECQA do the same.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8422

So these documents that you've annexed in those tabs, and the others, are documents that were developed by NCAC to assist services to improve, that is, to change to a higher level?---Yes. They were documents that were created to set the expectation of all educators in the long day-care sector about what programs should look like and what programs for children specifically should look like.

PN8423

As a matter of fact, I think all of them are dated 2008 or later?---Yes, 2008 and 2009.

PN8424

I think tab 9 is 2011, and tab 10 is 2009, and tab 5 I'm told is 2006 - no, it's 2008?---I've got 2006.

PN8425

Yes, 2006, my apologies. Yes, I was looking at the date at the bottom of the page rather than the top. So at this time between 2006 and 2011, the regulator was identifying that varying services through its assessment processes needed more information to lift them to a higher level by publishing these documents to encourage those services to start doing these things, is that fair?---They must have decided that there was a need for these documents. Again, we're talking about a system that - we learnt off each other; we learnt what the expectation was off each other, and that is often third party conversation. So assessors or validators would go into services; services would be thinking that they're delivering something; the validator would see something completely different, and these documents gave everybody something common to work towards, or to use to improve practice, or just to check themselves that they're doing the right thing, and not be concerned that they heard that some centre somewhere did something for learning spaces and they're not doing that, so they need to do that as well. So these documents were created as a support tool, not necessarily because people were struggling to achieve a certain level.

PN8426

Can I ask you about the entry at 10, responding to emails?---Absolutely.

PN8427

The current position at your centres is that parents do communicate by email. That's an email that goes to the centre manager, is that right?---Correct.

PN8428

And if the centre manager is not there, is someone else monitoring these emails?---Yes, the assistant centre manager.

PN8429

You identify that there's a communication app?---Yes.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8430

And that's not a one-way communication; that is, it's not just from your centre to the parents, but they can in turn communicate back to the staff?---They can make comments, yes.

PN8431

And in addition to comments, is there anything stopping them asking questions?---They can, but my experience is they don't. They might ask something like what did they eat for lunch or if it wasn't clear enough what the lunch was, but it's only if they have a specific question, and they often don't. They're quite happy with the application, because they can see for themselves what's going on. They don't need to ask that many questions. So for instance, we have a child who is a vegetarian and it looks like there's a sandwich with ham in it in front of them. A photo is taken of that child and the parent might say why is there a meat sandwich. So those are good questions that we would be expecting people would ask. They don't ask questions ongoing like, you know, how many friends did Johnny play with today; did Johnny climb the slide; did Johnny do a painting - they don't ask questions like that. It's not ongoing. They're busy too. They're at work. So those applications, what they do is they provide parents real time information about their children so that that information is not now having to be relayed at a different time during the day.

PN8432

And you expect your staff to respond to questions that are sent by parents using the app?---Absolutely, of course. Absolutely, because a parent might ring - - -

PN8433

And that's a response that - - -

PN8434

MR FAGIR: Could she finish the answer?

PN8435

THE WITNESS: A parent might ring on the phone - so prior to the apps, a parent might ring on the phone and want to speak to an educator about something. They might have forgotten to tell them about the medication that they had, the child had had before they had come to day-care, or they had had a bad night. It's good customer service and common courtesy to take the phone down and give the educator the phone to speak to the parent directly rather than take a message and get the educator to call them back. This is no different. The staff are able to communicate back immediately and they are able to do it in a manner that is convenient for both the parent and the educator.

PN8436

MR TAYLOR: So expectation is that staff are carrying a device at all times?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8437

And monitoring that device to see whether any communication has been sent to them which they - you'd expect them to respond to?---So the device itself is my device that we purchase. The device is an expectation, they need it, it's their tool. It's a tool of trade for them. They take all their observations on it, all their programming is done online, they then take all of those observations and all those records that they've made using this device. So the fact that a parent might send a

message isn't going to be out of the ordinary for them to check because they have the device on them, and they use the device as they would pen and paper prior to 2012, or prior to four years ago before this application was released. So what they do on the device they used to do on paper. No extra burden, no extra expectation. It's just a different mode and a different mechanism to record children's learning and development on.

PN8438

At various times in the document and number 15 is an example, you start something by saying, "We were required to demonstrate" or "we were required"?---Yes.

PN8439

Then there's an example given. Is it the case that when you are doing that you are identifying what you recall from your experience the particular centre or centres required to be done or are you suggesting here that this was actually a requirement of the accreditation principles themselves?---I'm suggesting that based on my experience on lots of different childcare centres, going to lots of different validation visits, for lots of different organisations, not just my childcare centres, talking to lots of different providers over the period of time that validators would ask to see that casual staff receive the same orientation as permanent staff.

PN8440

I see, but the principle 7.2, it was sufficient for accreditation that there's a brief introduction - induction process specifically for new relief staff as against a comprehensive induction for new staff. So relief staff just needed a brief one rather than the full one under the standard to be accredited, but this is really why I was getting to whether what you're doing here is describing the policy and approach of the particular centres as against actually what the principles say?---Okay. So a comprehensive induction process would need to demonstrate that we fully inducted the staff on all aspects of service delivery and the brief induction would have been take the casual staff through the casual staff handbook and alert them to children who have medical plans and asthma anaphylaxis allergies and/or any other medical condition, such as cystic fibrosis. So back in 2010 we were inducting casual staff and it wasn't a comprehensive induction but it pretty much looks like what Ms Connell is doing now. She just takes them through the handbook, she shows the staff any medical plans and that's it. She doesn't show them - she doesn't say that she shows people - the casual staff the emergency evacuation plans, she doesn't give them a buddy. So a comprehensive induction would include sitting staff down, giving them access to the policies. What she does now is what we did back in 2010 but now what we do with our casual staff is what we do with our permanent staff. So they go through the whole induction process because our casual staff often turn into permanent staff, and we've discovered that if you don't spend the time with them at the beginning you miss your opportunity.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8441

Can I take you to paragraph number 20 now and your response to the statement that Ms Connell applied for principles and practices of the EYLF, and just can I

note the next page, 21, the text that Ms Connell put against that as been moved to the next entry but I just note that for the record. If one actually looks at the document you'll see that the interactions between teacher and child is actually associate with number 20 not 21. Can I just come to your response to 20. You say this in the first sentence:

PN8442

Now the EYLF gives educators context in which to do this by. It's taken the guesswork out of planning for educators.

PN8443

?---Yes.

PN8444

The notion that there was guesswork before, is that true - I thought you were suggesting that educators were given some very clear guidance before but is it in fact the case that there was a level of guesswork?---Well, educators were trained to move through the planning and assessment cycle and use the milestones to progress children on their learning journey. The framework gives us all a common framework to work towards, common language to work towards. So when I say guesswork, I mean if you move from one sentence to the next back in say 2010, you would be probably a little bit behind the eight ball because you needed to figure out how they program, what kind of programming they did, how they linked - what kind of goals and objectives they would set and how all of that looked. The Early Years Learning Framework, it won't matter where you go to, everybody uses that same document.

PN8445

Now you've read that Ms Connell draws a distinction between a valuation and critical reflection. Firstly, I think earlier you said and I think you say in this document that to you a valuation and reflection are much the same thing?---Yes.

PN8446

Can I suggest to you that one of the features of the National Quality Standards which have come in in 2012, is a focus that didn't exist before not just on reflection occurring at the time it's being done but critical reflection which involves the educators and teachers looking at the outcomes that have been achieved and critically reflecting on how they can alter the way in which things have been done to achieve better outcomes?---So I agree that most services may not have been evaluating to that depth, but that doesn't mean they shouldn't have been. Which is why I'm imagining that this developing a culture of learning through reflective practice document was created, so that the National Childcare Accreditation Council would give some framework to educators about thinking more deeply about evaluating children's learning and evaluation learning environments and evaluating their own influences over those environments.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8447

That document is an example of a document you say which shows that the NCAC was considering a need to improve quality by having educators start doing things

that at least in some senses they hadn't been doing prior to that time?---That's right.

PN8448

Against number 23 you say:

PN8449

My centres have always scaffolded in terms of learning education, planning intentional teaching learning opportunities -

PN8450

and the like, and you say:

PN8451

The particular terminology may not have been used but it was certainly occurring.

PN8452

?---Yes.

PN8453

By the particular terminology, you're referring firstly to the concept of scaffolding?---No, scaffolding was certainly terminology that we were using because it's part of a - it's a theoretical concept from the Vygotsky I think. Intentional teaching is new wording. That's something from the Early Years Learning Framework. Holistic curriculums, that's something new that the Early Years Learning Framework has coined, I suppose. But intentional teaching, learning opportunities, we were already doing that because we knew that groups of children needed to learn certain things. So for instance children need to learn hygiene practises and it was a common and still is a common intentional teaching practice to teach children about washing hands before meals.

PN8454

Now that's not new since the National Quality Standards, that's something we've always done. We just didn't have that terminology "intentional teaching". We just did that. We just programmed for groups of children and we called it group programming and group observations and we created programs so that they could learn those skills. Readiness for school is another one, how to sit on a mat for half an hour. So we would create a program for that group of children at that age, because it was developmentally appropriate, for them to sit there and learn how to sit on a mat for half an hour because next year they'd be at a school and they'd have to learn - and they have to sit on a mat for half an hour. Holistic curriculums is new wording as well but because we had to program in all domains for all children, we were programming holistically. We just - we didn't have that terminology available to us at the time the National Quality Standard and the Early Years Learning Framework introduced that wording.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8455

MR TAYLOR: It didn't just introduce the wording, what it did was introduce a focus on intentional teaching that simply wasn't the feature of the previous NQIS

system?---I don't agree, I don't agree that it wasn't a feature. I just don't think that we had a term for it, that's all. Because I know that we were intentionally teaching. I know that we were because we had to. We couldn't create a program for a group of children who were moving against a broad set of goals without creating an intentional teaching program for them.

PN8456

Against number 26 you've said, amongst other things:

PN8457

There's no reference to educational theory in the NQS -

PN8458

?---26, yes.

PN8459

Just as a matter of fact, there is in fact of course references to theory in the NQS, you accept that?---Yes. Yes.

PN8460

The suggestion that there is no reference to educational theory is wrong?---Well, not the educational theory that she's referring to. So - and I mean I searched the NQS and I couldn't find the terminology "education theory". I did find references to theory but not educational theory. So educational theory is something that teachers would learn when they're doing their teaching degree and so the type of learner that a child is, is the reference that Ms Connell makes. Is the child kinaesthetic, is the child social or visual learner, that's something that they would learn in their degree and it would be something that they would be expected in any school, in any state to understand and know.

PN8461

Let me just - it will slow me down if I get you to open it so let me read this to you from page 136 of the NQS:

PN8462

All educators, the educational leader and coordinators regularly reflect individually and with each other on;

PN8463

And one of the dot points is:

PN8464

Theoretical and philosophical influences on their assessment and planning, including the theoretical perspectives identified in the approved learning frameworks.

PN8465

?---Absolutely, yes. That's developmental theory, not educational theory.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8466

Continuing:

PN8467

And how they draw on theoretical and philosophical influences and how they've influenced the practice over time.

PN8468

?---Correct. All of that is developmental theory on how children grow and develop and not on educational theory about how children learn. That's my perspective and that's how I would implement that. There is reference to leadership theory in the National Quality Standard which I found, so you know and that's important but that's a different topic.

PN8469

So the references that one finds and there are other pages too to theory through the document, you in every case say is not a theory in respect of educational theory but rather child development theory?---Correct. In all my experience and all my time I've never ever, ever been asked, not one assessor has ever asked me about the educational theory that implement or I know about or that my staff use when they're teaching children.

PN8470

The element which incorporates comprehensive knowledge of theory that relates to early childhood education and care?---Yes.

PN8471

For example, child development attachment learning, the professional standards and approved learning frameworks, you say that's nothing to do with educational theory. That's a different type of theory?---Comprehensive knowledge of the theory that relates to education and care - - -

PN8472

Early childhood education?--- - - - education and care, for example, child development attachment learning, professional standards and approved learning frameworks. So professional standards to me is the Early Childhood Professional Standards, the World Health Standards, the United Nations Ethics. Approved learning frameworks are the learning frameworks that we use and contemporary understanding of the evidence based best practice approaches to teaching and learning. So that would be the pedagogy that we would use when we're teaching children.

PN8473

Yes. When you're talking about pedagogy, you're talking about educational approach are you not?---I am talking about educational approach.

PN8474

So the need to meet Standard 6.2 Collaborative Partnerships:

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8475

For educators to be aware of and be able to discuss amongst other things how the learning environments align with practice theory -

PN8476

Is again another example of a need for them to be aware of - not only aware of it but be able to discuss educational theory, is it not?---They don't need to have a knowledge of educational theory and they don't have a knowledge of educational theory to do that.

PN8477

They don't need to have a knowledge in order to be able to discuss it?---Well, they don't have a - it's not a widely known concept, educational theory, in the education and care sector. So it's okay to coin that phrase and say that we must know about educational theory, I'm telling you that I don't teach my people about education theory. I don't know anything about educational theory. My teachers don't talk to me about educational theory. They are more concerned and more involved in the theory behind child development, why they learn, and how they learn. Those are the theories of Piaget, Erikson, Bowlby, so those types of theories are the theories that we learn - that we use about child development and child learning.

PN8478

At number 29 there's another reference to a change in Ms Connell's material where she identifies that in the past programs were evaluated rather than critically reflected on, notwithstanding I think what you said earlier about the fact that there is some change of focus. Here you simply say, "This is not new, see for example". Now the two examples you give are to principles 1.6 and 7.4. The first is effective communication and the second is professional development. I might be wrong but I couldn't see anything in either of those that identified that services would in order to be accredited as meeting the standard, need to demonstrate something to the effect of critical reflection as understood now by the NQS?---Can you repeat that, I'm sorry. I'm a little bit lost now.

PN8479

Twenty-nine?---Yes, I'm reading 29.

PN8480

Yes?---1.6.

PN8481

Ms Connell has identified something that has changed in the second column programs were evaluated rather than critically reflected on?--- Yes.

PN8482

You've identified against that that this is not new and you have identified by way of example two principles out of the 2005 document, one of which is 1.6 and the other one is 7.4?---Okay.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8483

They deal with matters, a number of different matters, effective communicate and professional development, but unless I'm wrong I didn't see anything in them

which meant that in order to be accredited you would need to demonstrate the programs were being critically reflected on?---See, so I took that that all of a sudden she is now having to supervise the educators and note their interactions with children, and so the difference is that now she's having to communicate with her staff and guide them. So I'm saying that that's not new. We've always had to guide staff and communicate effectively with them.

PN8484

I see?---So did I misunderstand what she's saying there?

PN8485

Yes, you were responding to the first column?---Yes.

PN8486

And what I took you to is that you were actually responding to the change, which is identified in the second column?---Yes.

PN8487

But that's wrong?---How I read that is she's saying what they used to do was evaluate programs rather than critically reflect on them. But now because she has to critically reflect she also has to supervise her educators so take notes on their interactions with children so they can critically reflect at the end of the day. So I'm saying that she should've been - that that's something we've always done. Always worked with our staff, always helped them, we've critically reflected or reflected on our own behaviours to improve those outcomes for children so that we could progress through this quality system so that we weren't always just delivering a satisfactory standard of care because, you know, that's not what we're about.

PN8488

Yes. Just give me a moment. Just can I understand something about what you've said in number 53. There you've used the word "we", w-e, more than once in respect of the issue of children coming from traumatic backgrounds?---Yes.

PN8489

Amongst other things you say:

PN8490

We were not lucky enough to have the resources available. Now we understand more about the reason behind children's behaviours.

PN8491

?---Absolutely.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8492

By "we" at this point are you attempting to encompass the educators and teachers that are engaged in your centres?---When I say "we" I'm talking about every - predominantly everyone that I've ever worked with in this space, because it's not just something that I would struggle or have to be dealing with, so - but prior to the National Quality Standards and especially in the early 90s or 1994 when the

first system was introduced there wasn't access to funding or support organisations to help us with children with special needs. So if we had a child - or with traumatic backgrounds. So if we had a child that was placed with, I say from DCP, Department of Child Protection, who needed to be placed to keep them safe, they were just placed with us and there was no checking in, there was no support mechanisms for us. We didn't have the training available to us. The training - there wasn't professional development on trauma. You can get professional development online on trauma now. There are support services that will come to us and provide ongoing one-on-one support and advice so that we can help children and manage children's behaviours particularly if they come from the traumatic environment. And there is a professional support coordinator who is funded by the government to do so.

PN8493

Yes. And, again, just so that we're clear about who in this case the "us" is rather than the "we" - - -?---Yes.

PN8494

- - - "training is provided to us, support and advice is provided to us"?---Sector. The sector.

PN8495

Sector?---Yes.

PN8496

But in order presumably for this to actually have an impact on the children concerned this - - -?---Yes.

PN8497

- - - training, support and advice presumably filters down to the educators in some way, does it?---So I will - if we've got a particular child, and this is me in my services, we will contact the support coordinator and ask them to come and help us with an assessment. We will always get parent permission before we do that, and then the support coordinator will help us decide what we should do next or what kind of planning should go in place for this particular child, whether or not we engage the families and they come in more often for meetings, or whether they - it just depends on what the circumstances are for this child. I don't really understand what she's saying by "traumatic backgrounds". I'm wondering if she means asylum seeker children. You know, if the purpose of her comment is that now she needs to know new things because children have had experiences that are traumatic then children have always had experiences that are traumatic and we have always had to manage children who come from traumatic environments and whether that be domestic violence, or family separation, or whatever it is we've always had to manage children and help them and support them whenever this trauma is around them. So, you know, yoga and mindfulness is the new thing and everyone is doing yoga and mindfulness.

PN8498

Can I just try and - - -?---Twenty years ago we weren't.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8499

- - - direct your attention to the nature of the question. The nature of the question is directed to the educators - - -?---Yes, I - - -

PN8500

- - - rather than the industry as a whole?---Yes, I answered that.

PN8501

Is this the position, that the educators now have, from what you said, training and support and advice to deal with this at a level beyond that which they had before?---Yes. Yes.

PN8502

They're available now and they were not available before; is that right?---Yes.

PN8503

Thank you. At number 69 you draw a distinction between what happened before 2012 and what happens now. Before 2012 you say that if someone failed to show the centre was working towards continuous improvement it would jeopardise funding. And then you say:

PN8504

Currently a service can be assessed as working towards the NQS and can still be in receipt of the funding as it's no longer linked.

PN8505

I've already asked you some questions about what in fact happened to centres if they failed assessments under the old system but are you saying that there's no consequences for a centre if assessed as working towards?---No, no consequence.

PN8506

No consequence at all. It's a matter of no - - -?---So they would give - - -

PN8507

- - - relevance to a centre if they've found to fall below the NQS and merely working towards?---The terminology "working towards" was picked specifically so people didn't feel like they were failing. So if they were rated as "significant improvement required" there would be a consequence, so that means that there is an immediate risk to children and the consequence would be a sanction or perhaps certainly more attention from the regulatory authority, but services could definitely, if they were that way inclined, just get a working towards every single time and all that that would mean is that they would have a chart on their - a certificate on their wall that said that they were working towards. I don't know of any service that has any sanction against them because they've only reached working towards two or three times in a row.

*** SHELLY ANNA PRENDERGAST

XXN MR TAYLOR

PN8508

The last entry, 76, deals with some professional development changes that Ms Connell has found in her service. And in her particular service teachers, ECTs, are expected to plan and lead discussions and professional development, and she

says sometimes only some go to an outside training session and then come back and are expected to educate the rest of the staff. You say that's not new. I might've misunderstood you. That's not new, but are you saying that that's something that you're teachers do as well, those things, and have always done?---All educators. So all educators are - well, any educator that goes to professional development is expected to come back and then share that information with their colleagues, a meeting or usually it's at a staff meeting. I don't understand what she's saying when this didn't happen in the past when budgets ensured all staff could go to professional development. I would prefer that more staff went out on professional development than send one person out to come back and convey the information. I send my people out to PD all the time. We have two, sometimes three, a month that they can choose from, that they can go to, that they can learn from. So I don't understand why contributing to a professional learning community is a new thing. It's an expectation; it always has been, that educators learn.

PN8509

Yes?---And continue to learn.

PN8510

Over the break, did you - at lunch break, did you get a document that was sent to you that I was intending to ask you questions about before lunch, the "Prendergast calculation" document?---I did.

PN8511

You will see that the way the document is out is that the first column has the description of the two ECTs, as you describe them in your statement, as at May 2018. So level 1 working 10 hours a week, and the other one at level 3 working 37-and-a-half hours a week, do you see that?---Yes, I'm sorry, but I've lost my hotspot again, so I have to get it back up.

PN8512

Sorry?---It won't take me long. I've got it.

PN8513

Thank you. So firstly I identified the first of the columns, which simply took information from your statement and identified both a level and a number of hours per week that they were then working?---Mm-hm.

PN8514

Can I ask you to assume that the next two columns are correct, that is, the next column simply identifies what was the award rate at that time for the hours being worked?---Yes.

PN8515

And what the rate would be if the ERO claim was granted, and then the difference you will see is the fourth column across, a net difference for the two of, at that point, \$23,396?---Mm.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8516

What this document has done is taken the occupancy levels that you stated existed at that time in the - I'm sorry, my apologies - what the document has done is has assumed that the occupancy levels are at 70 per cent in respect of the two centres where they were working. It has not attempted to add in any other centres which at that point you may have had but didn't have an ECT working as an ECT. So it's just those two centres, and assume 70 per cent occupancy, do you see that the way the document works is that it has identified that if it was 70 per cent occupancy, the amount of fee increase that would be required to raise the difference of a bit under \$23,400 would have been 82 cents per child per day?---Does this include annual leave loading, workers compensation and all the other on-costs, or is this just a raw figure?

PN8517

No, it doesn't, in which the case the difference would be, to the extent to which those things you've identified have an ongoing or multiplier effect, the difference might, I suggest to you, be something a little greater than \$23,400, but it would be something less than \$28,000?---Okay. And so you're suggesting that this 19 cents per child per week - per child per week, not per child per day? That's per child per week, 19 cents?

PN8518

Yes, that is the heading, "per week?"---Okay.

PN8519

But is not correct. It's not correct. The calculation is not done on a per week basis. It's done on a per day basis. That is an error in the document itself?---So you're saying 19 - - -

PN8520

It should read, "maximum fee increase per child per day", assuming - - -?---Is 82 cents per child per day.

PN8521

If you combine the two sentences together, that would be the figure?---Yes.

*** SHELLEY ANNA PRENDERGAST

XXN MR TAYLOR

PN8522

Now, as a matter of your understanding of your business, it's the case, is it not, that something in the order of less than \$1 a day increase in the fees per child per day would have raised sufficient money to make up the difference between the then salary you were paying to those two staff and the claim?---We can't budget, and we can't create good budgets that are sustainable and that will ensure longevity for all our staff if I were to pull two people out and say, okay, we may get an increase of this amount, and therefore Mark, this will be - Mark's my husband; he does all the budgeting - 19 cents per child per day for Huntingdale. It's just not feasible. So when we budget, we budget on contingencies and what might happen, and we have to take into consideration that our level 1 who worked for us for 10 hours a week might not be there in six months' time, and she wasn't, so our budgets would actually have - would have an early childhood teacher level 7, because I would rather over-budget than under-budget. So this is an

interesting spreadsheet. I don't know how you got your calculations, and I haven't checked the calculations, and I didn't give it to my husband to check the calculations to see if they're right. I'm just having to trust that you're going to tell me that I'd only need to put my fees up 82 cents a day. I don't think so. I've never seen an 82-cents-a-day increase that would cover a wage increase that significant, but I haven't done the numbers, so I don't know.

PN8523

When you say "that significant", all we've done in this particular case is take the increase, which only applies to the two ECTs, and identify as best we can what would appear from your material to be the effect of the net cost?---Yes.

PN8524

It may well be that you would make a series of other business decisions, but if the business decision you wish to make was you wished to not otherwise reduce the profit that the centres might be making, what we're suggesting to you is that that could be achieved by an increase per child per day in the order of about \$1?---Okay. So what you're suggesting is that the family should pay for the ERO claim for the increased wages?

PN8525

Well I'll come to the payment in a minute, but simply, the additional income you would need to raise and you raised the income through your fees to children would be in the order of \$1 a day?---Yes, okay, if that's what this says.

PN8526

As for who pays, a portion of the fee income that is paid to the centre since July 2018 comes directly from the federal government by way of a child subsidy?---Not for all families.

PN8527

No. A portion of the total income of the centres since July 2018 comes by way of child subsidy from the federal government?---The federal government pay a portion of the parent's fees on their behalf to us, yes.

PN8528

And the amount of subsidy varies at the highest level; it amounts to 85 cents in the dollar for each of your centres?---For families, individual families, yes, at each of those centres. Some families get zero cents in the dollar, but yes, at most 85 cents in the dollar.

PN8529

Thank you. They're the questions for this witness.

PN8530

VICE PRESIDENT HATCHER: Mr Fagir?

RE-EXAMINATION BY MR FAGIR

[3.51 PM]

*** SHELLY ANNA PRENDERGAST

RXN MR FAGIR

PN8531

MR FAGIR: Just one issue, Ms Prendergast. You explained that there are - you were asked some questions about children from traumatic backgrounds?---Yes.

PN8532

And you remember you explained that there are services available now which were not available you said in the early 1990s?---Yes.

PN8533

And you gave a bit of a description of what those are?---Yes.

PN8534

Could you just give a practical example just to help us to understand what you're talking about? Just something as concrete as you can?---Okay. As to what's happening now as to what used to happen in the 90s. So now if a child, for any reason at all, but let's say it's trauma because that's what this example is, comes to us and there's been some trauma at home, whatever that trauma is, and that affects that behaviour, so they're aggressive and they hurt other children or they hurt their educators or they hurt themselves we can draw upon the professional support coordinator. There's three organisations that we can call upon; community care, Wanslea and One Tree and they will send somebody out to us to assess the situation, provide us with some guidance on where to go next, and support us as we go through that. Sometimes it's a diagnosis that's needed for that child. There might be autism or there might be - it seems to be autism lately - or it might be a behaviour issue that's linked to the circumstances at home which might need home support and then they'll help us with navigating those issues, and also help us talk to the families about that, because that's quite a sensitive discussion to have. So when I first started we didn't have any supports like that. We just managed children's behaviours on our own. It didn't matter what they - what home life they came from. If they were very difficult children they were often labelled difficult children and it wouldn't be unusual for the families to be asked to remove their child from care because we just didn't know enough and didn't have the support to assist us with those children.

PN8535

Thank you, Ms Prendergast.

PN8536

VICE PRESIDENT HATCHER: Thank you for your evidence, Ms Prendergast. You're excused and you're free to leave?---Thank you.

<THE WITNESS WITHDREW

[3.54 PM]

PN8537

Mr Fagir, can we proceed yet to mark the recent developments in childcare document?

PN8538

MR FAGIR: I haven't read it.

*** SHELLEY ANNA PRENDERGAST

RXN MR FAGIR

PN8539

VICE PRESIDENT HATCHER: I just thought you'd be ready during the last two hours.

PN8540

MR FAGIR: I was paying close attention to the cross-examination in order to prepare my re-examination.

PN8541

VICE PRESIDENT HATCHER: Are we in a position to finish the last witness if we sit later this afternoon?

PN8542

MR FAGIR: She's not here, but apparently she's in Adelaide raring to go.

PN8543

VICE PRESIDENT HATCHER: Ms Saunders, you're happy to proceed?

PN8544

MS SAUNDERS: Yes.

PN8545

VICE PRESIDENT HATCHER: What we'll do is we'll take an adjournment of approximately 10 minutes for a break and then we'll resume and deal with the last witness.

PN8546

MR FAGIR: As the Commission pleases.

SHORT ADJOURNMENT

[3.54 PM]

RESUMED

[4.12 PM]

PN8547

VICE PRESIDENT HATCHER: Are we able to deal with the document, Mr Fagir?

PN8548

MR FAGIR: There's no objection to its admission.

PN8549

VICE PRESIDENT HATCHER: Thank you. The document entitled, "Some recent developments in childcare 1 January '94 to 30 September '95", will be marked exhibit 111.

PN8550

MR TAYLOR: Thank you, your Honour.

EXHIBIT #111 DOCUMENT ENTITLED "SOME RECENT DEVELOPMENTS IN CHILDCARE 1 JANUARY '94 TO 30 SEPTEMBER '95"

PN8551

THE ASSOCIATE: Ms Hands, could you please just state your full name and address for the record?

PN8552

MS HANDS: Alexandra Hands, (address supplied).

<ALEXANDRA HANDS, AFFIRMED [4.13 PM]

EXAMINATION-IN-CHIEF BY MR FAGIR [4.13 PM]

PN8553

VICE PRESIDENT HATCHER: Mr Fagir?

PN8554

MR FAGIR: Once more, for the record, your name is Alexandra Hands?---Correct.

PN8555

And your address is (address supplied)?---Correct.

PN8556

Have you made two statements for the purpose of this proceeding?---Yes.

PN8557

Do you have copies of the statements with you?---I do.

PN8558

Could I begin with the first longer statement? Could you please turn to page 15 of that first statement?---Yes.

PN8559

Is the statement dated 21 May 2018?---Mm-hm.

PN8560

Are the contents of that statement true and correct to the best of your knowledge and belief?---Yes.

PN8561

I tender the statement of Ms Hands dated 21 May 2018.

PN8562

VICE PRESIDENT HATCHER: The statement of Alexandra Hands dated 21 May 2018 will be marked exhibit 112.

**EXHIBIT #112 WITNESS STATEMENT OF ALEXANDRA HANDS
DATED 21/05/2018**

PN8563

MR FAGIR: Ms Hands, can I ask you to look to your second statement, the shorter one?---Yes.

*** ALEXANDRA HANDS

XN MR FAGIR

PN8564

Can I just ask you about paragraph 5? I'll just read it out. There you say:

PN8565

These regulatory changes have not changed the work of ECTs in South Australia. In South Australia, we already have the South Australian Curriculum Standards and Accountability Framework.

PN8566

Do you see all that?---Yes.

PN8567

Then the final sentence, you say:

PN8568

The SACSA framework commenced in 2011.

PN8569

?---No - yes, but I think I may have got that wrong.

PN8570

What is the correct date?---I am pretty sure - I don't know the exact date, but probably 2004/2005.

PN8571

So should the last sentence read, "The SACSA framework commenced in around 2004 or 2005?"---Yes. I think what I was trying to say was prior to 2011, so - but yes, it was definitely in place before that.

PN8572

Subject to that correct, is the rest of the statement true and correct to the best of your knowledge and belief?---Yes.

PN8573

I tender the work value statement of Ms Hands.

PN8574

VICE PRESIDENT HATCHER: All right. So the work value statement of Alexandra Hands dated 28 March 2019 will be marked exhibit 113.

EXHIBIT #113 WORK VALUE STATEMENT OF ALEXANDRA HANDS DATED 28/03/2019

PN8575

MR FAGIR: Ms Hands, I just want to ask you about one other thing. There has been a great deal of evidence about programming, educators' programming?---Yes.

*** ALEXANDRA HANDS

XN MR FAGIR

PN8576

I wonder if you wouldn't mind explaining to the Bench, as briefly as possible, how programming is actually done, and what's physically done at your centres?---Okay. Well, we go with obviously their development, parent input, and the child's likes/dislikes so it's child-led, and we will, each room, programs for off the floor for two hours, and then they will add to that through the week as the program develops, so if a child is interested in something then they will write that up and follow it through. So all rooms program for their own room.

PN8577

Just thinking about it from the point of view of an educator, what would an educator physically be doing over the course of the week in relation to programming?---They send out, you know, like a learning story or an observation of a child and send that to the parents through an app, and then they evaluate the program the following week when they're doing their programming time, and just re-do the program for the next fortnight. It's not a, you know, highly structured program, because that evolves as the week goes, depending on what the children are showing an interest in.

PN8578

You mentioned a period of two hours a week. Is that fixed, or does it vary?---No. No, sometimes - yes, you know, if they've got more learning stories to do, sometimes each room can have three, four, five hours, but the basis is usually two to do the program, but to follow up we just give additional time as needed.

PN8579

What about the educational leader, does he or she have time, or is that captured within the two hours that you've told us about?---No, she has additional time for educational leader duties, and then - which we programmed for two hours, but if she is working on something then she would request more time, and obviously we'd give her more time.

PN8580

When you say "working on something", what's an example of that?---She might be working on getting, say, a sort of Aboriginal more embedded into our service, so she might be looking for resources or some workshops, or training that the staff that might attend. So that is additional to her checking that all children are covered for in the program.

PN8581

What's involved in checking that all the children are covered for in the program?---Well, we wouldn't like to leave anyone out, so we make sure that every child in all areas has been covered for that period of time, so that all parents are getting feedback about their children.

PN8582

Thank you, Ms Hands. That's the evidence-in-chief?---Thank you.

PN8583

VICE PRESIDENT HATCHER: Ms Saunders?

*** ALEXANDRA HANDS

XN MR FAGIR

PN8584

MS SAUNDERS: Thank you.

CROSS-EXAMINATION BY MS SAUNDERS

[4.20 PM]

PN8585

MS SAUNDERS: Ms Hands, just a little more about programming - sorry, we've spoken before in fact. My name is Ms Saunders. I represent the IEU?---Yes.

PN8586

A little bit more about programming. There are two aspects to it, I think. The first is the centre's educational program, is that right?---The room program for the children?

PN8587

Okay, so you don't have an educational program for your centre as a whole?---No, we each - each room has their own educational program.

PN8588

And that varies based on the age group that each room services?---That's correct.

PN8589

And that program can be week-to-week?---Usually it's sort of like a fortnight base, so that it can be extended on, depending on the children's likes and needs.

PN8590

You've said in answer to Mr Fagir's question it does need to be flexible?---Yes.

PN8591

It can change at very rapid notice?---It can.

PN8592

Depending on, as you've said, the children's interests, but also something like the weather, if there's an outdoor component planned?---That's correct.

PN8593

So the educators need to be able to adapt what they have planned for the day very quickly, don't they?---They do.

PN8594

There's educational planning for the group, the class as a whole?---Yes.

PN8595

And for each individual child?---Yes.

PN8596

And that programming is developed in accordance with a programming cycle. Would you agree with that?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8597

It starts with planning and then it's enacted?---And that's enacted.

PN8598

Are you having any trouble hearing me?---Yes, you're a bit quiet.

PN8599

I'll just try that. Is that any better?---That's better.

PN8600

The first step in the programming cycle is to plan, to set out the program for the day or the fortnight?---That's correct.

PN8601

Then the plan is enacted ideally?---Yes.

PN8602

After it's enacted there was an assessment phase?---Yes.

PN8603

The educator assesses how the child participated in the plan, how the activity went?---That's correct.

PN8604

So it's both an assessment of their own work, how they have performed and how the child has - and of the child's development?---Yes.

PN8605

Separate to assessment there's then an evaluation stage?---Yes.

PN8606

Again that's a form of assessment of the child?---Yes.

PN8607

That can also involve evaluating what needs to happen next?---That's correct.

PN8608

After evaluation the reflection stage?---That's correct.

PN8609

That's more about the educators practice themselves, would you agree?---Yes.

PN8610

It's what's described in the NQS as - sorry the NQF throughout as critical reflection?---That's correct.

PN8611

So it's not just a process of sitting in the staff room and thinking about what you did, it's an engagement with pedagogical theory?---Of course it is.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8612

It's for educators to work on a process of continuous improvement. Is that a fair thing to say?---Yes.

PN8613

Then once that critical reflection's happening we go back to planning?---That's correct, and the cycle starts again.

PN8614

It varies, sometimes not a lot, sometimes sharply, from child to child?---Yes.

PN8615

Every child - - -?---How long's a piece of string, like of course it changes but I can't say how much it changes.

PN8616

Every child's - - -?---Because every child is different.

PN8617

And every child develops at a different pace?---Yes.

PN8618

That has to be adjusted too?---Correct.

PN8619

The program in particular has to be very responsive to the child's interest?---Correct.

PN8620

It's a way of getting them engaged in learning?---That's correct.

PN8621

A child that young if they don't want to learn a particular thing, they don't want to learn their times tables that day, at their developmental stage you can't really force them to?---No, that's correct.

PN8622

It's a little different from, for example, primary school where if it's times tables day it doesn't really matter if the kid's not interested, we're learning our times tables as a class?---No, our program's play based.

PN8623

That doesn't mean it's just - you're just watching - - -?---Yes.

PN8624

That doesn't mean you're just watching children play does it?---No, of course not. We're teaching children all the time, every day.

PN8625

You've worked in childcare for 40, 45 years. Is that right?---That's correct.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8626

You've seen community attitudes about child - about early child education change over that time?---Yes, I have.

PN8627

One of them's probably what I accidentally just said, that move from people just seeing it as childcare to early education. Is that right?---Yes.

PN8628

Often that educational aspect is misunderstood. People just see it as play?---They do but the community is moving on that, so.

PN8629

Of course centres like you play a role in moving the community understanding along don't you?---Yes.

PN8630

Part of your role is educating parents about what you are teaching their children?---That's correct.

PN8631

When they - that's what the observations that you mention in your statement are in part about?---Yes.

PN8632

Explaining that when you've worked with a child say on water play, it's not just them splashing around, there's a range of different learnings happening?---That's correct.

PN8633

That planning cycle, it's a central part of delivering an educational program?---Yes.

PN8634

So when we say someone is delivering a program that isn't confined to just hands on teaching the child, it's the whole cycle?---That's correct.

PN8635

It includes working with their colleagues in the room?---That's correct.

PN8636

In your kindergarten room, the teacher is delivering the program?---She is.

PN8637

In both centres?---No.

PN8638

Just the Daws Road Centre?---Yes. We have just recently introduced the teacher into the kindy room at the other centre but she's still not fully delivering the program on her own yet. But the one at - the one at Daws Road is.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8639

The teacher will shortly take over the delivery role at Unley Road?---We hope so.

PN8640

How long's that person been a teacher?---Well, two years.

PN8641

Previously the kindergarten room and Unley Road was taught by a - sorry, was delivered, the room leader was a diploma qualified educator?---That's correct.

PN8642

How long have they been working in the service?---Four years.

PN8643

Have they had prior experience?---No.

PN8644

Just returning to your background. You've worked in childcare for 45 years. You qualified in around 1978?---Yes.

PN8645

That's the Advanced Certificate in Childcare?---Yes.

PN8646

That's your only formal qualification?---It is.

PN8647

It's not a recognised teaching qualification for the purposes of the national law?---No, it's not.

PN8648

But it is recognised as a diploma qualification for the purposes of the national law?---That's correct.

PN8649

You worked as an educator but you opened your first centre as an operator in 1996, is that right?---That's correct.

PN8650

Was that a greenfield site or did you buy an existing business?---No, it was - we built it, yes, so it was a greenfield site, yes.

PN8651

Who owned the land?---I have no idea.

PN8652

Fair enough, and you sold in 2004?---That's correct.

PN8653

Can you tell us roughly how much for?---\$2.2 million.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8654

A few years later - that was the Windybanks Centre, just so we know what we're talking about?---That's correct.

PN8655

That company is still running, is that right?---No, we sold it to Peppercorn.

PN8656

No, sorry not the childcare centre, the actual body corporate, Windybanks Pty Ltd?---The company, yes.

PN8657

You, your husband and Jennifer Neilson are the directors?---Yes.

PN8658

Who's Ms Neilson?---My sister-in-law.

PN8659

That company now operates the Unley Centre, is that right?---Yes.

PN8660

That was an existing - not an existing operation but an existing building that you refurbished?---That's correct.

PN8661

So it wasn't an existing childcare centre as such?---No.

PN8662

That centre's currently licensed for 55 children, is that right?---That's right, yes.

PN8663

You've got three rooms?---Yes.

PN8664

Including the kindergarten room?---Yes.

PN8665

Fifteen employees, is that right?---Sorry?

PN8666

Do you have 15 employees there?---Yes.

PN8667

Is that 15 on a headcount basis or 15 full-time employees?---No, no, that would be on a headcount.

PN8668

What's the full-time equivalent number, just roughly will do?---Yes, seven, eight.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8669

Of that eight, two of them are teachers?---Yes.

PN8670

When I say, just for the - we're going forward, when I say teachers I'm talking about people with a university qualification who count as teachers for the national law. Is that - - -?---Yes.

PN8671

When I'm talking about educators I more mean Certificate III to diploma qualified workers?---Yes.

PN8672

VICE PRESIDENT HATCHER: Sorry, there's two headcount teachers or two - -
-

PN8673

MS SAUNDERS: That's the next question. The two teachers, they're both part-time?---One full-time and one part-time.

PN8674

How many hours does the part-time teacher work?---27.

PN8675

Do they both work in the kindergarten room?---No.

PN8676

Where do they work?---One works in the babies and one works in the kindergarten room.

PN8677

There is a perception perhaps that only teachers - only children four to five get access to a teacher. It's equally important for very young children to have access to highly qualified staff isn't it?---Well, yes, it is.

PN8678

You also have seven diploma staff?---Yes.

PN8679

Five Certificate III staff?---Yes.

PN8680

You have a higher qualification mix than the national law requires you to?---We do.

PN8681

Do you think that's important?---Yes, we employ more teachers because - in case someone's away so that we've always got a teacher on the premises.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8682

Same with diploma staff, you employ more than you strictly have to?---Yes, yes, we do.

PN8683

Have you ever upskilled any of your Certificate III workers, helped them through the process of getting a diploma?---No. We have tried.

PN8684

You would if you could, if you had the right person?---Yes.

PN8685

It's a benefit - - -?---We have tried.

PN8686

But there would be a benefit to your centre to have more highly qualified staff?---Yes.

PN8687

At the Unley Centre everyone is paid the award wage, is that right?---Yes.

PN8688

Moving to Daws Road, you opened that in 2016. Is that right?---No, before 2016.

PN8689

Could you just have a look at your first statement?---2012.

PN8690

2013 you built it, I'm sorry?---There you go, yes. 2013,

PN8691

A greenfield site?---Yes.

PN8692

Who owns the land?---Windybanks.

PN8693

But Daws Road is not operated by Windybanks is it?---No, that's right.

PN8694

It's operated by CBF Childcare?---That's correct.

PN8695

So CBF Childcare rents it from Windybanks?---That's correct.

PN8696

Obviously it's not - building a new childcare centre from scratch isn't cheap?---No.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8697

Buying the block of land itself was a serious expense for the other company?---Yes.

PN8698

It was a fairly significant business decision for you?---It was.

PN8699

I should have said the directors of CBF Childcare are also you, your husband and Ms Neilson?---Mm-hm.

PN8700

Sorry, it just needs to be yes or no for the transcript?---Yes.

PN8701

Thanks. You decided to build Daws Road in part - - -?---That's correct.

PN8702

- - - in part because childcare's an important community service?---In part because I had - we are renting the premises at Unley and so therefore we are unsure about how long that will continue and they could pull the pin at any stage, and we had very long term employees that had come with me from the other centre and we wanted to ensure that they had employment.

PN8703

And partly because it seemed like a good business decision at the time?---Well, obviously if it was a good business decision, otherwise we probably wouldn't have entered into it but that was behind it.

PN8704

You perceived an opportunity to start a profitable business?---Yes.

PN8705

The Daws Road Centre is licensed for 60 children?---That's correct.

PN8706

Four rooms in this centre and that includes a kindergarten?---That's correct.

PN8707

That includes a kindergarten?---Yes.

PN8708

Eighteen staff. What's the full-time equivalent, just roughly again is fine?---Twelve.

PN8709

Three early childhood teachers?---No, two, sorry. I forgot to tell you that. One has - was on - gone on paternity leave, parenting leave.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8710

Of the three when you wrote your statement, one is the centre director, one was the educational leader and one was working as a teacher on the floor. Which one's left?---The one that's just - well she's on parenting leave. The one that was working on the floor all the time. Well, the educational leader works on the floor too but two years, three years, she had worked there.

PN8711

So that's ECT2 in paragraph 18?---Yes.

PN8712

Thank you. Before she went on parental leave, which room was she working in?---In the kindergarten.

PN8713

So she was developing a program for that room in the way we discussed earlier?---No, the other teacher was.

PN8714

That other teacher was engaging in the same exercise that we were talking about, programming?---Yes.

PN8715

Also mentoring the second teacher, the ECT2?---Yes.

PN8716

Because the teacher who's delivering the program is more experienced?---Yes.

PN8717

She'd also mentor the diploma staff who worked in the room?---Yes.

PN8718

The Certificate III staff?---If they work in the room but yes.

PN8719

But they don't in the kindergarten room?---No. No.

PN8720

You put the more highly skilled staff in that room?---No, not for any particular reason.

PN8721

If there was a Certificate III worker that teacher would mentor that worker as well?---If there was, yes.

PN8722

I'm not suggesting that it's a strict hierarchy that someone's the boss just because they're a teacher but the person - a teacher who's leading an educational program in the kindergarten room is leading other staff in that role aren't they?---Yes, they're the room leader.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8723

You expect them to share the - no, I withdraw that. Just talking about your first statement, you talk a lot about - you spend some time discussing the national law and the National Quality Standards. Do you recall that?---Yes.

PN8724

Primarily you explain what your role and your responsibilities as the approve provider?---Yes.

PN8725

So the national law sets out a range of things that the centre has to do, that's right?---That's correct.

PN8726

Certain things that are offences, civil penalty offences if they're not done?---Yes.

PN8727

As the approved provider ultimate responsibility rests with you?---That's correct.

PN8728

You and the company - I'm sorry, when I say approved provider, the company's the approved provider, that's right?---Yes.

PN8729

You're the approved provider representative?---That's correct.

PN8730

So you're the ones that are liable really for any fine?---Mm-hm.

PN8731

That's what you talk about when you say you've got ultimate responsibility for these things?---That is correct.

PN8732

You are not suggesting that educators and teachers don't individually have responsibilities to work in accordance with the NQS?---Yes, they have responsibilities but they don't have - they wouldn't have the same impact as it does to me.

PN8733

They're not going to be fined?---That's correct.

PN8734

But if they don't conduct themselves in a way the NQF requires they wouldn't be doing their job properly?---That's correct.

PN8735

You set systems in place, you tell them - you train them in what they need to do to comply. Is that right?---We try.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8736

But you're not there all day every day are you?---No.

PN8737

Well you can't be, there's two centres. You're not giving everyone individual work direction every step of the way?---No, I'm not.

PN8738

In fact no one is for any worker. It's very autonomous work?---Yes, it is but both directors are very hands on in both centres.

PN8739

You talked about everyone in the centre doing the same work, there being no difference between say a Certificate III worker and your teachers?---That's correct.

PN8740

What you mean by that is everyone is on a daily basis working with the children?---That's correct.

PN8741

Performing education activities?---The same duties.

PN8742

Those duties are performing education and care activities?---Yes.

PN8743

Doing the backend, the programming work?---Programming and the implementation.

PN8744

As well as some ancillary cleaning safety related tasks?---Feeding the children - -
-

PN8745

That sort of thing?---Watching them, supervising.

PN8746

The teaching work, the educational activities, you'd agree that's skilled work?---Yes.

PN8747

A Certificate III worker has - they have a formal qualification?---Yes.

PN8748

They have learnt things in the process of obtaining that qualification about early childhood education?---Yes.

PN8749

They apply that knowledge in their day to day work with children?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8750

The same with the diploma qualified worker except their qualification is a step above the Certificate III?---Yes.

PN8751

It's a more rigorous program, you'd agree?---The training - their course that they do?

PN8752

Yes?---Yes.

PN8753

They accordingly come out of it with a higher level of knowledge, in general terms. There might be one or two outliers but in general terms after doing a diploma a person has a higher level of knowledge about early childhood education than a Certificate III worker?---Yes.

PN8754

Same with a bachelor's degree, it is four years of specialised tertiary education in early childhood education. You'd agree?---Yes.

PN8755

A person who's done that comes out with a higher level of knowledge about early childhood education, theory and technique than someone with a diploma?---Yes.

PN8756

You expect them to apply that knowledge in their day to day work?---Yes.

PN8757

That will have an effect on the level of skill that a worker exercises?---It will have a level of effect of their skills, yes.

PN8758

So while they have the same - - -?---Not necessarily but it would be good in practice, yes.

PN8759

Just assume we're talking about the same theoretical person, not - you might have met a terrible teacher once, an excellent diploma worker but on average - - - ?---Yes, yes.

PN8760

You expect people to - while they're doing the same duties you accept that they are working at a Certificate III level - sorry, let me start that again. All the educators and teachers in your service are the a sense we discussed performing the same duties?---Yes.

PN8761

You accept that they will be doing it at two different skill levels based on their knowledge and training?---No.

PN8762

You're rejecting that because it's not solely based on training?---Not solely based on training and I witness it every day. It is not, you know - - -

PN8763

Not solely based on training. Experience can matter?---Yes.

PN8764

Their personal characteristics can matter?---Yes.

PN8765

Just in terms of expectations, you'd expect the average person who's walking into your centre with a university degree in education to perform at a higher skill level than someone's who's walking into your centre with a diploma?---It would be nice if it happened but it doesn't always happen.

PN8766

Yes, it doesn't always happen but that's your general expectation?---Yes, would be nice.

PN8767

You're not suggesting that a university degree is a waste of time are you?---No, I'm not saying it's a waste of time - - -

PN8768

You're not suggesting that your five teachers - - -

PN8769

MR FAGIR: She's answering the question.

PN8770

MS SAUNDERS: I'm sorry, did I interrupt?---No, I don't know what you're suggesting but my diplomas are equivalent to my teachers.

PN8771

You talk a little bit about teacher registration in your statement. You'd agree it's designed to promote professionalism across an industry?---I do, yes.

PN8772

Your teachers are now required to comply with the Australian Professional Standards for Teachers?---Yes.

PN8773

When they come out of university, their first year they're a graduate. You'd agree with that?---Yes.

PN8774

They have to demonstrate a certain level of competency before they are rated as proficient. Is that right?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8775

They need to be rated as proficient to long term continue their career as a teacher don't they?---Yes.

PN8776

There's no equivalent for your diploma qualified staff?---No.

PN8777

You would accept - sorry, let me take a step back. South Australia has always had minimum qualification requirements. Not always but certainly for the last 10, 15 years has had minimum qualification requirements for childcare centres?---No, we've always had to have diploma staff on - or approved. Going back 40 years ago you had to be approved by - it was the Community Welfare then who gave the licence out, so you always had to prove and be approved by Community Welfare, even 40 years ago.

PN8778

Yes, I think I quite possibly may have had a double negative in my question. You recognise it's important to have qualified staff in childcare centres?---Yes.

PN8779

While you always used to have diploma staff at a certain point, teachers were introduced to the mix?---That's correct.

PN8780

South Australia - - -?---That's with the new NQS.

PN8781

You'd accept that the education qualifications held by educators contribute to the quality of education and care?---Yes.

PN8782

Those with higher qualification levels and standards of training are better equipped to provide improved learning environments and mentor other educators in quality practices?---No.

PN8783

When you say no, you're referring to any specific experiences that you've had in your centre?---Yes.

PN8784

With individual diploma workers?---Yes, I have fantastic diploma workers.

PN8785

For example, your daughter who is the centre manager at Unley?---No, Daws Road.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8786

You're quite right. So when you're speaking about qualifications, that's all you're drawing on, your personal experiences?---Yes, and I suppose discussion with other people and other people's experiences in the industry.

PN8787

Do you accept that the regulator's position is that those with higher qualification levels and standards of training are better equipped to provide improved learning environments?---Yes.

PN8788

They're better equipped to mentor other educators and quality practices?---Yes.

PN8789

This in turn leads to better outcomes for children?---Yes.

PN8790

Your centres are both very high quality operations, you'd agree?---Yes.

PN8791

They're both rated as exceeding at the moment?---They are.

PN8792

Have you applied for the excellent rating?---No.

PN8793

Why not?---I personally don't really believe in the excellent rating because in most cases it's not just about the quality of care that the service is providing. It's something else that, you know, I don't think is necessarily a benefit for the children.

PN8794

Which is what?---Which is what? I don't think it's a benefit to the children.

PN8795

Sorry, you said it relies on something else. What is that thing?---You know, it could be something in the community, feeding the homeless. I'm not sure that it's a benefit to our families.

PN8796

So sort of high level community engagement?---No, we have a lot of community engagement but I don't think it's of any benefit to the children to apply for exceeding.

PN8797

We talked a little bit about South Australia being ahead of the curve in terms of the quality early childhood education. Does that marry up with your experiences?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8798

Ratios in South Australia at least were first introduced in 1998. Does that sound right?---I'm not sure but I'm sure we had ratios before that.

PN8799

They've steadily increased over time haven't they?---Yes.

PN8800

Now they're fractionally higher in South Australia than in the default NQS setting?---Yes.

PN8801

It's 1:10 for preschool children rather than 1:11?---That's correct.

PN8802

That ratio predates the NQS?---Yes.

PN8803

Similarly you speak in general terms in your statement about the (indistinct) framework?---That's correct.

PN8804

There was a specific curriculum for early years learning preschool - I should say before school - adopted by the South Australian government in around 2004?---Yes.

PN8805

The South Australian government hasn't in your experience with it moved backwards in its focus on quality has it?---No.

PN8806

In fact it's a continuing process of continuous improvement, just like the individual educators?---That's right.

PN8807

The South Australian government has now signed up to the Early Years Learning Framework hasn't it?---Yes.

PN8808

Again as part of that continuous improvement process?---Yes.

PN8809

Obviously you've seen a significant amount of change in the industry since you started?---Yes.

PN8810

It's been in a fairly steady state of growth and change. Is that fair?---Yes.

PN8811

Where we are now is that virtually everything you do at both centres is determined by what the national law tells you to do?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8812

When you say - I've just read that out from your statement - when you say you, you're referring to first yourself and the company as the approved provider and representative?---Yes.

PN8813

You have that ultimate legal liability that we talked about?---That's correct.

PN8814

But it's also true of your staff isn't it?---(No audible reply)

PN8815

Not the legal liability but their work is heavily regulated by the NQS, the NQF I should say?---Yes.

PN8816

They're required to follow the policies that you implement?---Yes.

PN8817

Which means they have to not memorise them but know them?---Yes.

PN8818

Of course your staff have a significant level of input into the centre's policies?---They do.

PN8819

It's a collaborative working environment?---That's correct.

PN8820

They need to be familiar with the National Quality Framework?---Yes.

PN8821

In particular, for educators the National Quality Standards?---Yes.

PN8822

Part of that is, as we talked about before, having a reflective practice?---Yes.

PN8823

You'd expect - and having an understanding of emerging pedagogical theory?---Yes.

PN8824

You'd expect a deeper understanding of that academic aspect at least from your more qualified staff?---Yes.

PN8825

In particular the teachers?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8826

They use that understanding in their day to day work, or at least you'd expect them to?---I'd expect them to, yes.

PN8827

You should have a document there called IEU Master Link, something along those lines?---Yes.

PN8828

Can I just get you to go to document 140---140.

PN8829

Yes?---Cannot locate the internet server. Can I get some help here?

PN8830

Good question. Is anyone in the room with you? At least the lights are staying on. I'm told you might need to hotspot someone's mobile if that's at all possible?---I think we're doing that right now.

PN8831

Wonderful?---Yes.

PN8832

Have you got document 140?---The guide to the National Quality Framework?

PN8833

That's the one?---Yes.

PN8834

Can I get you to go to page 90 of that document? Sorry, start at page 85?---Correct.

PN8835

Great. So you've seen this document before?---Yes.

PN8836

You are very familiar with it in fact?---Yes.

PN8837

This is what the regulator puts out to explain to centres how they're going to be rated for one thing?---That's correct.

PN8838

But also what they need to do to comply with the National Quality Standards?---That's correct.

PN8839

If we can go to page 90 now?---Yes.

PN8840

This is the revised National Quality Standards February 2018?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8841

Obviously you're familiar with this?---Yes.

PN8842

When you talk about it in your statement you're giving a very general overview of each quality area; you'd agree?---Yes.

PN8843

You only deal with the quality area, not the standards within that?---No, not in the statement. No.

PN8844

Yes. And not the elements that sit below the standards?---No. No.

PN8845

The elements can also be thought of as outcomes; would you agree?---Yes.

PN8846

Let's have a look at page 95. I'm not going to take you to all of them?---Ninety-five, yes.

PN8847

Sorry, 96 I should say?---Yes.

PN8848

So we're within educational program and practice, this is the first standard, programming?---Yes.

PN8849

There's first an explanation of the point of it, how it contributes to quality?---That's correct.

PN8850

Then we see what the approved - the second paragraph talks about centre leadership really, "the approved provider/nominated supervisor and the educational leader"?---Yes.

PN8851

So that's about designing that broad educational program. In your case for each room?---That's correct.

PN8852

And we step down the next paragraph. That sets out what educators do?---Yes.

PN8853

This might sound obvious, that's where - those are the expectations placed on educators by the National Quality Standards in respect of this standard 1.1; is that right?---That's correct.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8854

Great. If we can just go over to page 98?---Yes.

PN8855

This is element 1.1.1, the third level down in quality area 1; you agree?---1.1?

PN8856

Yes, you should have 1.1.1, Approved Learning Framework?---Yes.

PN8857

Great. And this is about the Early Years Learning Framework?---Yes.

PN8858

There's also the framework the school age care?---Yes.

PN8859

Do you do any out of school care yourself?---No.

PN8860

Sure. So we'll stick to the Early Years Learning Framework. You see it's explained under the heading, Approved Learning Frameworks, and what it's ---?---Yes

PN8861

--linking it to is curriculum decision making?---Yes.

PN8862

That's what you're doing when you're programming. At all of those levels you're implementing and setting a curriculum; is that right?---That's correct.

PN8863

That's deeply linked to quality outcomes for children?---Yes.

PN8864

Just turn to page 100?---Yes.

PN8865

And this is where we get to the assessment guide. This is where ACECQQ tells you what they're going to be looking for when they're setting your rating; that's right?---That's correct.

PN8866

The first thing they're doing is assessors may observe what they'll be looking at and for at the service; is that right?---That's correct.

PN8867

They'll be looking for what children are doing principally?---Mm-hm.

PN8868

It's not that they're requiring children to be able to count to a certain number, but they want to see them ---?---No.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8869

- - -engaging in certain activities?---That's correct.

PN8870

It's not enough for - the assessors wouldn't be satisfied with just looking at staff activities?---No.

PN8871

They'd need to see that essential connection that staff are doing things but also that the children - - -?---Yes.

PN8872

- - -are reacting appropriately?---Correct.

PN8873

Certainly it's not just a case of the approved provider self-assessing as having appropriate curriculum decision making?---No.

PN8874

It's entirely externally assessed now?---Yes.

PN8875

Can I get you to go to page 103 first? I can skip a bit of this actually, 107?---107, yes.

PN8876

Yes. And so we're back up in standard 1.1?---Yes.

PN8877

This is the exceeding guidance; that's right?---Mm-hm.

PN8878

Would you agree that the National Quality Framework system is about encouraging all centres to get to exceeding?---Yes.

PN8879

Part of that is done through market forces, publishing the ratings is what I mean?---Yes.

PN8880

And personal pride?---Yes.

PN8881

And this page sets out how to take that next step, how to get to exceeding?---Yes.

PN8882

Again, we say, at theme 1, "Practices embedded in service operations"?---Yes.

PN8883

It talks about the things that educators need to be doing?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8884

Of course you train your staff to do these things?---Yes.

PN8885

And you did train them to do it when the NQF came in, of course?---Yes.

PN8886

They're expected, as part of their job, to perform these tasks?---Yes.

PN8887

"Tasks" is probably not quite the right word to work in this manner?---Yes.

PN8888

It's quite complicated work, in some ways?---I don't know that it's complicated but, yes, they all do it.

PN8889

Confidently making curriculum decisions, that's an intellectual activity?---Yes.

PN8890

You have to think about it?---They - they do those decisions, but I don't think it's that difficult.

PN8891

Sure. Just go over the page to exceeding theme 2?---Yes.

PN8892

"Practices informed by critical reflection"?---Yes.

PN8893

Could you just explain, and pretend you're talking to someone who knows very little about educational theory, because you are, what does "critical reflection" mean?---You evaluate everything, how it worked, why it worked, why it didn't work and move forward with it and change it so that you - it's evolving.

PN8894

That's been a big focus of the NQF, hasn't it, bringing that into practice?---Yes.

PN8895

I don't want to go through all seven qualities and standards given the time, but would you agree that what we've just looked at is representative of this document, they're all structured like this?---Yes.

PN8896

And they all set out expectations for the approved provider in the same way?---Yes.

PN8897

And expectations for the educators in the same way?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8898

Including teachers, of course?---Yes.

PN8899

If you can just go back to 90?---Yes.

PN8900

So that's the full list. There's one in particular I want to ask you about, at 91?---Yes.

PN8901

"Clause F4 staffing arrangements", under standard 4.1 staffing arrangements, 4.1.2, "Continuity of staff"?---Yes.

PN8902

This is, itself, important for educational outcomes for children?---Very.

PN8903

And it's so the children can form strong attachments with their educators?---Yes.

PN8904

So they're in a happy and relaxed environment, which primes them to learn?---Yes.

PN8905

But it's also so the staff get to know the child and be better able to identify their learning needs?---That's part of it, yes, but I think the continuity of care is more - very important for the child.

PN8906

So retaining staff is very important?---Yes.

PN8907

These standards, and in particular the descriptions like the one we went though, they give you a good idea of what it is that educators and teachers do in a centre, is that fair?---Yes.

PN8908

As we've said, it's - you're provided in your statement, a list of not quite daily duties, just a daily routine?---Yes.

PN8909

So kids arrive at 9, supervised free play for an hour?---Yes.

PN8910

That's not a particularly good way to understand the full nature of the work that educators and teachers do, is it?---Well, the children have free play. The teachers or the educators would be, you know, with the children and facilitating their play.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8911

Yes. Through what's set out in the NQS, in particular?---That's correct, yes.

PN8912

A day is pretty variable - sorry, days are pretty variable in a early child education centre, is that right?---Parts of the day but most of the day is - you know, you've still got their daily needs. They need fed, they need - some children need sleep, so all of that is routine everyday.

PN8913

So with the routine we get a very high level understanding of what the day looks like, is that fair?---Yes.

PN8914

But if we want to drill down to the skill, we're better off looking at examples of individual interaction with children, for example?---Yes.

PN8915

It would be maybe a little misleading, I'm not suggesting you're doing it, but to say it is simple as they supervise free play for an hour, that wouldn't capture the whole of the work?---No. It's a very important aspect of it but - - -

PN8916

Of course. The final thing I want to talk to you about is costs?---Yes.

PN8917

At paragraph 107 all your income is derived from fees, is that right?---Yes.

PN8918

Maybe if you can go to that paragraph of your first statement?---What number is that?

PN8919

It's page 11, paragraph 107?---Page 11. Yes.

PN8920

You say there, "We do not receive any government funding for operating the centres", you do get the childcare subsidy, don't you?---That's correct. The parents get the childcare subsidy, yes.

PN8921

It's paid directly to your centre?---It is.

PN8922

So when you're talking about funding for operating, you're talking about there's no longer a separate grant provided just for the running of the centre?---No.

PN8923

That hasn't been the case for about 20 years?---We've never - private childcare centres have never had a grant from the government.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8924

That rebate system, the childcare subsidy, it's for one thing - - -?---Sorry, except for some professional training, but that's the only time we've ever received government money.

PN8925

That rebate system, the childcare subsidy, partially it's related to the parent's income level?---It is.

PN8926

And their activity level?---Yes.

PN8927

So the more well off a family is the less of a rebate they'll receive?---That's correct.

PN8928

Correspondingly, the more disadvantaged the family is the higher the rebate they'll receive?---That's correct.

PN8929

Assuming they meet the activity test requirements?---Yes.

PN8930

So fee increases are cheaper for parents at that more disadvantaged end of the scale?---Only to a certain cut off point because after that it really - if you put your fees up whatever they're paying now, if you put your fees up it increases their daily rate that they have to pay.

PN8931

Yes. But the proportion of the increase that they have to pay is more for the higher income families, is that fair?---Yes.

PN8932

So if you increase your fees by a dollar a person receiving the highest level of the rebate would pay 15 cents of that?---No, not necessarily.

PN8933

As a general proposition?---No. After they get to a certain limit then they don't get any more than that.

PN8934

But within that limit?---I don't know, I'd have to work it out. Everyone's on a different percentage so we don't - - -

PN8935

If you don't know we'll move on?---Everybody's different fees and when there's a fee increase, if you increase your fees and they're on the maximum benefit then it goes to the parent.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8936

Yes. When you say, "They're on the maximum benefit", they're using the maximum number of hours for childcare, subsidised childcare?---Yes, or they're cut out - after they use \$10,000 a year they get cut off and they get no childcare subsidy at all. That's happened to a lot of our families this year - - -

PN8937

Because of the - - -?--- - - - and they've had to take annual leave because they can't afford childcare.

PN8938

Yes, because of the changes?---Yes. No, last year it was \$7000, this year it's \$10,000. So as soon as they use that their subsidy is cut off.

PN8939

But there's now a higher amount they can use?---Last year - before, it was \$7000 and now - - -

PN8940

And now it's \$10,000?--- - - - they've changed it to \$10,000, but it still affects their lease.

PN8941

Okay, but in different ways?---Both, yes. It affects higher income families more.

PN8942

Do you receive universal access preschool funding?---No.

PN8943

That does exist in South Australia, doesn't it?---Yes.

PN8944

Why don't you - - - ?---We did receive it.

PN8945

Why don't you - - -?---Sorry?

PN8946

Why don't you receive it anymore?---I think they just dropped us off the register by accident and we've never followed through with it because it was so much paperwork for such minimum money.

PN8947

It also does require a teacher to be delivering the preschool program in the centre?---Yes, we have a teacher.

PN8948

That's the case in one of your centres, but in the other the program is being delivered by a diploma worker?---They were never on universal access. The centre that was on universal access has always had the same teacher.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8949

Okay. You could receive this funding but you'd need to rearrange your staffing structure slightly, have a teacher in both and complete paperwork, is that right?---Yes.

PN8950

Okay. If you did have the kind of direct government funding that you talk about not receiving, that you would want money paid directly to the centre by the government?---Yes.

PN8951

Towards capital and wages?---Yes.

PN8952

That would increase your profit margin, in turn?---No, we would pass it on. I'm not sure that I actually understand what you are asking.

PN8953

It doesn't matter. Can I get you to look at paragraph 84?---Yes.

PN8954

So those are the hourly award rates for teachers at their relevant classification level in 2018, is that right?---Yes.

PN8955

Teacher 4 director, does that include a directors allowance?---Yes. I presume so, yes.

PN8956

The full-time teachers, how many hours a week do they work?---Thirty-eight.

PN8957

Do they get a paid lunch break?---No.

PN8958

They work - do they work the same shifts every day, same start and finish times?---No.

PN8959

How regularly does your roster change?---Every couple of weeks. Sometimes it can change weekly.

PN8960

So you try and give people as much notice as possible, is that fair?---We do.

PN8961

You give them their shifts for the next fortnight?---Yes.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8962

Within that fortnight they would work a range of different start and finish times?---Yes.

PN8963

In large part because you need to rotate open and closed shifts, is that fair?---Yes. And also they might have an appointment they want to come in late for or they might want to leave early or whatever their needs are too.

PN8964

We're talking about - - -?---We might have a meeting that night, a staff meeting, so they come in later.

PN8965

But it's not like a school with regular hours?---No.

PN8966

And they certainly don't get the same holidays as school teachers?---No.

PN8967

That's one of - I withdraw that. We talked a little about the cleaning and related tasks that everyone at the centre does?---Yes.

PN8968

That includes teachers, I think?---Yes.

PN8969

Of course. You're all working - well, in terms of the working environment you've got photos attached to your first statement, it is, for one thing, full of small children?---That's correct.

PN8970

Who can be quite loud at times?---Yes.

PN8971

They tend to - I don't want to say disease vector, but they tend to carry a higher level of germs than adults?---They possibly could.

PN8972

When people first start working in childcare they tend to have a period where they get sick frequently?---Yes.

PN8973

Until their immunity builds up?---Yes.

PN8974

Because of that exposure?---Yes.

PN8975

It's physical work?---I think like any, yes, anything, when you've got people working closely together, and they do work closely together.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8976

It's physical work? Let me try that again. The teachers will be standing up for a lot of the day?---No, I would disagree with that.

PN8977

Moving around the centre?---Moving around or sitting with the children.

PN8978

Sitting on the ground with the children?---On the ground or on a chair, at a table. Depending where the children are.

PN8979

The tables are child-sized, is that right?---The tables are child-sized, yes.

PN8980

So it's not like they're sitting up the front of a classroom behind a desk, they're moving constantly?---Yes.

PN8981

Okay. So you understand that the IEU's claim in these proceedings is about increasing teachers wages, is that right?---I do.

PN8982

Ideally, perfect world, you would pay your teachers the same as they would receive in a primary school, if you could?---I don't know that they have the same responsibilities, so - yes, but I would have to pay them whatever I get told to pay them.

PN8983

Sure. Your primary issue, at least in your statement, is affordability?---Yes.

PN8984

You say you can't afford the IEU's claim?---That's correct.

PN8985

You make the point that wages are 65 to 70 per cent of your costs?---That's correct.

PN8986

When you say that you're talking about all of your staff?---Yes.

PN8987

Of course that's unsurprising, you're a services business?---Yes, that's correct.

PN8988

You're not manufacturing anything, you don't need to buy raw product?---No.

PN8989

Your product is people?---That's correct.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN8990

While wages are a high proportion of your costs that's where you get your value?---That's correct.

PN8991

You understand this is a very significant matter for teachers around the country, these proceedings?---Yes.

PN8992

When you put your statement in, before you came to the conclusions you did, you considered it?---Yes.

PN8993

You didn't just throw out, "I can't afford this", you actually thought about it, is that right?---I did and I would be very concerned for the other educators within the centre and I believe that it will cause a lot of, "They earn more than me, so why should I do that", you know, "I do more than them and they get more than me", and I'm really concerned about that.

PN8994

Leaving that aside, just talking about the dollar figures that actually flow from this claim, you did some careful calculations?---I did.

PN8995

You would have included those in your statement so anything you did is in here?---Yes.

PN8996

Just have a look at paragraph 128, it's on page 15?---Yes.

PN8997

In fact, that paragraph, just take a moment to read it, just to yourself?---Yes.

PN8998

That's the only calculation you include in your statement, isn't it?---Yes. Yes, as far as I can remember.

PN8999

At the time the statement was made you employed five teachers?---Yes.

PN9000

Some part-time?---Yes.

PN9001

Your wages were, as a matter of fact, about - sorry?---Yes, go on.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN9002

How did you get to 97.5 per cent?---I can't actually recall now, but you probably know, originally the claim was quite, and I don't know if it's still the same, but it was very, very high. Something like 60 per cent of 57 per cent or something, I

can't actually remember, and also I would have taken into, or I could have taken into consideration that, of course, we needed to, I'm not sure. It's been so long ago I can't recall, but I did do the figures, yes.

PN9003

You updated your statement very recently, this year?---I did another statement, yes.

PN9004

And you didn't redo the calculations, did you?---No.

PN9005

You were required to produce some documents, some financial records, do you remember that?---That's correct, yes.

PN9006

You should have a copy of those documents with you?---Yes I've got them.

PN9007

If I can just hand up those. You should also have a calculations spreadsheet?---I do.

PN9008

So if we can start with the produced documents, you see those two orders there in that bundle?---Yes.

PN9009

The first is the profit and loss - the first one is directed to CBF Childcare?---Yes.

PN9010

Essentially it wants a profit and loss centre for Daws Road Early Learning, the company itself and any payments to yourself, the company directors and your various children?---That's correct. Yes. They're not my children.

PN9011

Sorry, relatives, I should say?---Family members.

PN9012

I think I inaccurately guessed?---Yes.

PN9013

The second one that's the same for Windybanks?---Yes.

PN9014

Okay. Just turn over a few pages, you should see the CBF Childcare profit and loss statement?---I'm trying to find that one. It is here. If you want to continue I -
- -

PN9015

No, I need to talk you through it, so just get it?---Okay. Yes, got it. Yes?

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN9016

So this is the centre, correct me when I inevitably get this wrong, that operates your second centre, Daws Road?---That's correct.

PN9017

There's income listed there, childcare fees?---That's correct.

PN9018

Do you see the line item for rent, \$156,000?---Is that a lot for rent?

PN9019

No, I'm just asking if you see it?---Yes.

PN9020

That was paid to Windybanks Pty Ltd, is it?---That's correct, yes.

PN9021

Then you have the wages figure of \$900,000?---Yes.

PN9022

Then profit before income tax. So the business is making a reasonably healthy profit?---Yes.

PN9023

It's above - I withdraw that. Have a look at the next page, hopefully you've got a bundle, Windybanks Childcare Centre?---Of - what am I looking at?

PN9024

The profit and loss statement for Windybanks Childcare Centre?---Yes, I've got that one, yes.

PN9025

Okay. Same thing, and the we see the profit in rental operations, so that's inter-group, we now know that?---Yes.

PN9026

You spent \$200,000 on contract work, what was that?---I have no idea. A carport, cleaners, yes.

PN9027

It's an unusual expense?---We did put on new - a new pergola and veranda and carport at Unley.

PN9028

It's not an expense you have every year?---No. Well, yes, I'm not sure exactly what that - you know, that would be cleaners in there as well.

PN9029

You spent \$200,000 on cleaners?---No, cleaners are about \$30,000.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN9030

That's likely to be a major construction project, isn't it?---Yes.

PN9031

It's not likely to be a yearly expense?---No.

PN9032

Then we see, again, the profit, even with that unusual expense, a bit over \$250,000?---Yes, because they got the rent, yes.

PN9033

I don't need to go through them, but there's also a number of payslips for yourself, your husband, Ms Neilson(?) and various family members?---Yes.

PN9034

Okay. Verinia(?) Neilson, does she work in the business?---She does.

PN9035

They all work in the business?---They do.

PN9036

Okay. Could we have a look at those calculations?---Yes.

PN9037

What's your occupancy level at the moment?---Ninety-eight.

PN9038

Very close to full?---Yes.

PN9039

Okay. Well, you've had these for some little time I think, you were sent them earlier, have you had a chance to review them?---No, this is the first time I've seen that, today. Now, down the bottom, I don't know where you're going with this, but maybe - well, you go and I'll tell you.

PN9040

I think that might be best?---Yes.

PN9041

Look, we'll start with the table down the bottom, that's just adding up the various wages paid to members of your extended family?---Yes, and you have Rhianna Hebley(?) in there twice.

PN9042

Do I? The maths is, I think, correct?---Sorry.

PN9043

I think you're right, so it should be \$300,000?---Yes, about.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN9044

\$309,000?---Yes.

PN9045

Okay. So have a look at the Unley Centre?---Yes.

PN9046

Assuming my maths is right, the total increase to your financial year 2017 wages bill would have been a bit under 6 per cent?---That's what you're telling me, yes. I haven't seen these figures before.

PN9047

You haven't done that calculation yourself?---I haven't seen your figures before.

PN9048

Have you seen the figure in the second column, FY17 ERO claim before?---I've got - no, I've just seen a percentage.

PN9049

You've just seen a percentage that someone else calculated for you?---Yes. But I have - - -

PN9050

I'm sorry, Ms Hands, you've just seen a percentage - - -?---That's correct, a percentage that we were - that the claim was for.

PN9051

Who showed that to you?---I've no idea.

PN9052

Was it the Australian Childcare Alliance?---I have no idea, I can't recall. This was like ages ago, two years ago.

PN9053

You see there with both centres, with the full increase, with the teachers as full time, if the IEU's claim succeeds in full your centres are still profitable?---Yes. We - obviously that was 2017 figures, so that is totally different now, they've gone up levels and they also - well, by next year we have to have another teacher.

PN9054

You haven't - in fact you don't, you have sufficient teachers for your level of registration, don't you, with three at Daws Road?---One of those is unlikely to return after parenting.

PN9055

But as things stand, you employ three teachers?---As at the moment. But if I employ a level 10 or a level 11 teacher, the fees will be a lot higher than that.

*** ALEXANDRA HANDS

XXN MS SAUNDERS

PN9056

But it's unlikely that you're going to suddenly employ a level 11 teacher, isn't it?---I don't know actually, I just interviewed one. So, yes, not unlikely at all, depending on who applies.

PN9057

You haven't - despite updating your statement two months ago, you haven't provided any updated financial records, have you?---No.

PN9058

You haven't preformed any new calculations?---No.

PN9059

Everything you say about affordability is based on that percentage that someone, you can't remember who, showed you?---Yes. Yes, at - you know, I cannot remember who told me the percentage.

PN9060

Thank you very much. Your Honour, if I could tender that bundle of documents and have the calculations marked?

PN9061

VICE PRESIDENT HATCHER: So the financial records of CBF Childcare or Windybanks Childcare, will be marked exhibit 114.

**EXHIBIT #114 FINANCIAL STATEMENTS OF WINDYBANK
CHILDCARE**

PN9062

VICE PRESIDENT HATCHER: And the Alexandra Hands calculations document will be marked MFI18.

MFI #8 ALEXANDRA HANDS CALCULATION SHEET

PN9063

MS SAUNDERS: Thank you. Those are the questions.

PN9064

VICE PRESIDENT HATCHER: Mr Fagir?

RE-EXAMINATION BY MR FAGIR

[5.30 PM]

PN9065

MR FAGIR: Just two things, Ms Hands. You remember you were asked a question about whether you thought a university qualification was a waste of time?---Yes.

*** ALEXANDRA HANDS

RXN MR FAGIR

PN9066

And your answer was, "I don't think a uni degree is a waste of time, but -" and you were interrupted, is there anything you'd like to say now, about that?---Well, just

because you've got a uni degree doesn't mean that you are providing quality outcomes for the children.

PN9067

Now, I won't ask you to turn to it, but you were taken to the NQS guide and you were asked questions about, for example, one of the exceeding themes which suggested that if you're going to be exceeding, one of the themes is:

PN9068

All educators confidently make curriculum decisions throughout the day, week or month to ensure each child's learning and development is maximised.

PN9069

Do you remember being asked some questions about that?---That's correct. Yes.

PN9070

It was suggested to you that that was a complex exercise and you said you didn't think it was actually that complicated?---No.

PN9071

It sounds a bit complicated, why do you say it isn't?---It sounds very complicated but it's not. It's whether the children have enjoyed something, whether they participated, whether they wanted to do more of it. We're talking children under five.

PN9072

Thank you, Mr Hands, no more questions.

PN9073

VICE PRESIDENT HATCHER: All right, Ms Hands, you're excused and you're free to go?---Thank you.

<THE WITNESS WITHDREW

[5.32 PM]

PN9074

VICE PRESIDENT HATCHER: Now, the program for tomorrow, so Ms Johnson was not required, is that right?

PN9075

MR FAGIR: Yes.

PN9076

VICE PRESIDENT HATCHER: Is Ms O'Donnell still reluctant?

PN9077

MR FAGIR: She will not be here.

PN9078

VICE PRESIDENT HATCHER: All right. So that leaves Ms Viknarasah and Mr Egan, is that right?

*** ALEXANDRA HANDS

RXN MR FAGIR

PN9079

MR FAGIR: Yes.

PN9080

VICE PRESIDENT HATCHER: So what time will Ms Viknarasah be available, from 10 am?

PN9081

MR FAGIR: It's safer for her to be here at 9, and we suspect it probably is. She can be here at 9, if that's convenient to everyone else, otherwise she can be here at 10.

PN9082

VICE PRESIDENT HATCHER: Why does she need to be here at 9?

PN9083

MR FAGIR: Because there's another witness to be - - -

PN9084

VICE PRESIDENT HATCHER: Mr Egan?

PN9085

MR FAGIR: Mr Egan.

PN9086

VICE PRESIDENT HATCHER: All right, so what's the estimate of time for those two witnesses?

PN9087

MR FAGIR: Commissioner, I'm sorry, I should say Ms Viknarasah has a statement dealing with very similar issues to Ms Prendergast that will, whenever I get back to Chambers for a final review and get it away as soon as we can tonight. So her evidence will end up in a similar position to Ms Prendergast.

PN9088

VICE PRESIDENT HATCHER: Subject to those matters, how long do you think you'll be with the two witnesses, Mr Taylor?

PN9089

MR TAYLOR: Well, in respect of Mr Egan it will be less than an hour. I suspect somewhere between around 30 to 40 minutes. With respect to Ms Viknarasah, before we see any material, something in the order of an hour and a half to two hours. I can - I have no idea what that material is, but I can say, with some degree of confidence, just knowing my own personal circumstances, it is unlikely that I'm going to be able to consume that material and be able to add to the cross-examination between now and either 9 or 10 am tomorrow morning. It seems we don't have it yet.

PN9090

So I suspect it will be one and a half to two hours and to the extent to which I successful attempt to put further material in, I don't know that I'm going to be in a

position to be able to deal with it, if it's in the quantity and the nature of what we dealt with, in respect of Ms Prendergast.

PN9091

VICE PRESIDENT HATCHER: Since Mr Egan appears to be the less problematic witness can he be made available at 9?

PN9092

MS SAUNDERS: I'll have to check with Ralph, Mr Egan, to see if that's possible.

PN9093

VICE PRESIDENT HATCHER: All right. Can you make those endeavours?

PN9094

MS SAUNDERS: Yes.

PN9095

VICE PRESIDENT HATCHER: All right. Well, we'll start at 9 am in the morning and hopefully with Mr Egan, otherwise with Ms Viknarasah. We'll now adjourn and resume at 9 am tomorrow morning.

ADJOURNED UNTIL THURSDAY, 04 JULY 2019

[5.35 PM]

LIST OF WITNESSES, EXHIBITS AND MFIs

NIDA KHOURY, AFFIRMED	PN7677
EXAMINATION-IN-CHIEF BY MR FAGIR.....	PN7677
EXHIBIT #105 WITNESS STATEMENT OF NIDA KHOURY WITH ATTACHED REPORT DATED 23/05/2018	PN7686
CROSS-EXAMINATION BY MR TAYLOR.....	PN7690
RE-EXAMINATION BY MR FAGIR.....	PN7846
THE WITNESS WITHDREW	PN7861
SHELLEY ANNA PRENDERGAST, AFFIRMED	PN7881
EXAMINATION-IN-CHIEF BY MR FAGIR.....	PN7881
EXHIBIT #106 WITNESS STATEMENT OF SHELLEY ANNA PRENDERGAST DATED 25/05/2018	PN7891
EXHIBIT #107 SUPPLEMENTARY WITNESS STATEMENT OF SHELLEY ANNA PRENDERGAST DATED 01/07/2019.....	PN7896
CROSS-EXAMINATION BY MR TAYLOR.....	PN7898
EXHIBIT #108 HELLO KINDERGARTEN DOCUMENT PUBLISHED BY THE WESTERN AUSTRALIAN DEPARTMENT OF EDUCATION	PN7987
EXHIBIT #109 PRENDERGAST UPDATED DAILY FEES	PN8161
MFI #7 PRENDERGAST CALCULATIONS DOCUMENT	PN8169
THE WITNESS WITHDREW	PN8200
SHELLEY ANNA PRENDERGAST, RECALLED.....	PN8204
CROSS-EXAMINATION BY MR TAYLOR, CONTINUING	PN8204
EXHIBIT #110 KATE ELLIS MP REMARKS TO NCAC 24/10/2011	PN8274
RE-EXAMINATION BY MR FAGIR.....	PN8530
THE WITNESS WITHDREW	PN8536
EXHIBIT #111 DOCUMENT ENTITLED "SOME RECENT DEVELOPMENTS IN CHILDCARE 1 JANUARY '94 TO 30 SEPTEMBER '95"	PN8550

ALEXANDRA HANDS, AFFIRMED	PN8552
EXAMINATION-IN-CHIEF BY MR FAGIR.....	PN8552
EXHIBIT #112 WITNESS STATEMENT OF ALEXANDRA HANDS DATED 21/05/2018	PN8562
EXHIBIT #113 WORK VALUE STATEMENT OF ALEXANDRA HANDS DATED 28/03/2019	PN8574
CROSS-EXAMINATION BY MS SAUNDERS	PN8584
EXHIBIT #114 FINANCIAL STATEMENTS OF WINDYBANK CHILDCARE	PN9061
MFI #8 ALEXANDRA HANDS CALCULATION SHEET	PN9062
RE-EXAMINATION BY MR FAGIR.....	PN9064
THE WITNESS WITHDREW	PN9073