



Yvette Berry MLA

Deputy Chief Minister

Minister for Education and Early Childhood Development

Minister for Housing and Suburban Development

Minister for the Prevention of Domestic and
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Mrs Giulia Jones MLA

Chair

Standing Committee on Justice and Community Safety

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Dear Mrs Jones

Thank you to you and the Standing Committee on Justice and Community Safety (the Committee) for your consideration of the *Education Amendment Bill 2020* and your acknowledgement of the human rights justifications in the Explanatory Statement.

I note the Committee identified that the *Royal Commission into Institutional Responses to Child Sexual Abuse* referenced AS 5725:2015 - *Australian Standard: Boarding Standard for Australian schools and residences* (the Australian Standard) however, did not adopt the Australian Standard. Instead the Royal Commission put forward its own Child Safe Standards and practical guidance for how to meet them.

I note the Committee is also concerned the Bill will regulate the provision of boarding facilities through reference to an Australian Standard which is not registered on the Legislation Register and is not otherwise available other than by paying a fee to a non-government organisation. Subsequently the Committee requested further explanation as to why the reference to the Australian Standard in this context is justified, and why provision cannot be made to ensure public access to the Australian Standard in some form.

In response to the Committee's concerns, I can advise schools in the ACT are currently not required to abide by specific conditions relating to the operation of boarding facilities and there is a risk to a child's safety and wellbeing if they are residing in facilities that are not kept to a recognised standard. The use of the Australian Standard will ensure that children are residing in facilities that are kept to a recognised standard, in which the governance; facilities; parent, family and community engagement; staff; and the protection, safety, wellbeing and holistic development of boarders are being met.

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The Australian Standard provides a common national framework that is intended to provide owners, operators, management and staff of schools who provide boarding facilities with guidance relating to a range of matters to ensure the delivery of a quality boarding facility. The Australian Standard provides a benchmark for best practice in providing boarding facilities in Australia. The lack of consistent guidance across states and territories as to how schools are required to manage their boarding services was an important impetus behind the creation of the Australian Standard.

Requiring adherence to the Australian Standard will ensure schools providing boarding facilities in the ACT are kept to a recognised standard in all aspects of their operation and will ensure stronger safeguards are in place to provide appropriate protections for those children and young people who in a vulnerable position living away from home.

Ongoing work at the whole-of-government level will articulate a streamlined approach to introducing Child Safe Standards across the ACT, which will complement the requirement in the *Education Act 2004* for schools providing boarding facilities to adhere to the Australian Standard. As further work on Child Safe Standards in the ACT is introduced, a review will be undertaken of the current approach to boarding schools, to ensure it continues to provide the best protections for children and young people in boarding facilities in the ACT.

In addition, the Education Directorate will provide a copy of the Australian Standards to schools operating boarding facilities in the ACT at no cost to the school.

Thank you for the opportunity to further explain the amendment that will ensure students and young people in vulnerable circumstances living away from home in the ACT are protected.

Yours sincerely

Yvette Berry MLA
Minister for Education and Early Childhood Development