

BUDGET ESTIMATES 2016-2017
QUESTIONS ON NOTICE TAKEN DURING THE HEARING
EDUCATION

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SCHOOL ENROLMENTS - MAITLAND

The Hon. WALT SECORD: But that has happened in Maitland. We have had reported cases of families being split up because a school was over capacity.

Mr RIORDAN: I am not aware of the particular circumstances of Maitland. I am happy to take that on notice. But principals make every effort to ensure that, where siblings are enrolled in the school, those who come behind them are able to enrol in the same school.

ANSWER

All NSW government schools are expected to adhere to the NSW Department of Education's 'Enrolment of students in NSW Government schools: a summary and consolidation of policy'. All NSW government schools are required to accept enrolment of eligible local students. The enrolment of non-local students may be accepted if the school can accommodate the student within the school's enrolment ceiling, which is based on the school's permanent accommodation capacity.

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SCHOOL CAPACITY

The Hon. WALT SECORD: I was told earlier today that there are approximately 2,186 schools in New South Wales. How many of those schools are at 100 per cent capacity or above?

Mr RIORDAN: I think you asked that before, and I do not know that number.

The Hon. WALT SECORD: We have received Government Information (Public Access) Act information from your department which shows that every school in New South Wales has been tabulated. Are you aware of the Government Information (Public Access) Act request?

Mr RIORDAN: Yes, I do recall the Government Information (Public Access) Act request, but I cannot recall the number.

The Hon. WALT SECORD: You said earlier that you did not have that data.

The Hon. SARAH MITCHELL: Point of order: The witness has clearly said that he

does not have that figure available to him. I think he has sufficiently answered the question.

The Hon. BEN FRANKLIN: I am sure he would be happy to take it on notice.

ANSWER

Government Information (Public Access) Act 2009 application number 16-048 reported school utilisation as at February 2016. The report indicated 744 schools were at 100% utilisation or above. 100% utilisation means that all of a school's learning spaces, permanent and demountable, are in use. This does not mean that a school cannot accommodate additional students, as the Department of Education uses a combination of permanent and demountable teaching spaces to manage changing enrolment patterns. The information provided in GIPA 16-048 is now out of date.

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SCHOOL CAPACITY

The Hon. WALT SECORD: Woollahra Public School is at 124 per cent; Vaucluse Public School is at 129 per cent; Maroubra Bay Public School is at 130 per cent; Orange Grove Public School is at 164 per cent; Concord is at 108 per cent; Parramatta is at 113 per cent; Dubbo is at 105 per cent. I will not list the entire 807 schools; that is to give you a sense. What are you doing about those schools—which is 37 per cent of New South Wales schools—that are at 100 per cent or more capacity?

Mr ADRIAN PICCOLI: As I said, several things are being done. You should not misinterpret that information. I can give you an example of where I live in Griffith. There are a couple of schools that are full, but they take out-of-zone enrolments. When schools get full, they are no longer able to take out-of-zone enrolments. If I recall correctly, they are no longer able to take international students so they manage. Sometimes some schools have stronger demand than others, depending on a variety of things within a community. Often schools get out-of-zone enrolments and they can take out-of-zone enrolments until the point where they become full. Once they become full they are no longer able to take out-of-zone enrolments. There may indeed be, as is often the case, schools near that school that are not full. I will give you an example. A couple of years ago Ultimo was full and Glebe, which is not far away, still had excess capacity. So when a school is full, it does not mean every school around it is full and there is some kind of crisis. It is the case that in parts of Sydney, particularly where we have clusters of schools, they are full and we have invested substantial amounts of money. The lower North Shore is an example. You raised a couple of examples. I was at the opening of Wilton Public School only a couple of months ago. I think there are 10 new classrooms. I am happy to take each of those cases on notice and to give you a response as to what is happening at Wilton.

ANSWER

Every student who wishes to attend a NSW government school will be given a place at their local school. Accordingly, the Department of Education does not have fixed enrolment capacities at NSW government schools. Schools have the capacity to adapt to fluctuating enrolments through the use of a combination of temporary and permanent teaching spaces.

A 100% 'utilisation' rate does not mean that a school cannot take any more students, but that all of the school's teaching spaces, permanent and demountable, are in use. Higher enrolments can usually be catered for by adding demountable classrooms.

For schools over 100% utilisation, a decision has generally been made at a local level by the school Principal to manage student enrolments within existing learning spaces, instead of placing additional demountable classrooms on the school site.

The information released in GIPA-16-048 is out of date.

As at 13 September 2016, of the schools referred to, i.e. Bondi Public School, Orange East Public School, Kogarah High School, Bourke Street Public School, Wilton Public School, Woollahra Public School, Vaucluse Public School, Maroubra Bay Public School, Orange Grove Public School, Concord Public School, Parramatta Public School and Dubbo Public School, only one, Dubbo Public School, is over 100% utilisation, at 105%. That is because the school has decided to use an existing specialist space on the school site as a general learning space.

To address capacity issues across the State over \$4.9 billion has been allocated to school infrastructure and maintenance since 2011. This has included funding for more than 1,500 new permanent classrooms, which will provide almost 29,000 additional student places. In this time 32 new or relocated public schools have been funded and 67 major upgrade projects announced.

With regard to Wilton Public School, 10 new permanent classrooms were delivered in 2016 providing an additional 230 student places, reducing utilisation to below 100%.

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HOME BUSH WEST PUBLIC SCHOOL

The Hon. WALT SECORD: Can you tell us what is happening at Homebush Bay West?

Mr ADRIAN PICCOLI: Yes. We are spending \$20 million to build 26 new classrooms in a terrific school that is getting great results for its kids and there is lots of demand.

The Hon. WALT SECORD: How much are you spending on this school?

Mr ADRIAN PICCOLI: It is 26 classrooms and I think it is \$20 million, if I recall.

The Hon. WALT SECORD: Can you take us through how long it has been? What is the timetable on that school?

Mr ADRIAN PICCOLI: I would have to take that question on notice.

ANSWER

The project to upgrade Homebush West Public School is in the design stage. It is currently estimated to be completed by mid-2018.

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DEMOUNTABLES

The Hon. WALT SECORD: Do you know how many demountables there are in New South Wales at the moment?

Mr RIORDAN: On school sites?

The Hon. WALT SECORD: Yes.

Mr RIORDAN: About 5,200.

The Hon. WALT SECORD: Is that an increase or decrease from 2011?

Mr RIORDAN: I would have to take that on notice. I am not sure.

ANSWER

It is an increase from 2011.

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NEW CLASSROOMS - \$1B FUNDING

The Hon. COURTNEY HOUSSOS: A well publicised internal department document outlines that more than 10,000 additional classrooms are required by 2035, which is an average of 435 per year. How many of those 435 per year are you providing currently, and how many of those will be demountables?

Mr ADRIAN PICCOLI: The document you are referring to was a 2015 document which said that, based on current funding, that was the projected figure.

The Hon. COURTNEY HOUSSOS: Sorry, was that based on current funding or current enrolments?

Mr ADRIAN PICCOLI: No, based on current capital funding. Several things have happened since then, including the State budget, which allocated an additional \$1 billion in capital works funding, much of which will go into accommodating the additional growth and these additional classrooms. There is a substantial investment to deal with that. Next year there will be another budget, and the year after that there will be another budget. So it would be a mistake to take one budget and just extrapolate that forward. As I said, even since that document was put together things have changed, including a budget where an additional \$1 billion has been allocated. The Government recognises that there are issues arising from increasing enrolment and it has put money behind it.

The Hon. COURTNEY HOUSSOS: Can you tell us how many new classrooms that \$1 billion will build?

Mr ADRIAN PICCOLI: I can tell you how many classrooms it is. I am happy to take the question on notice; I will get you an answer in a moment.

ANSWER

The \$1 billion announced in the 2016/17 State budget will deliver more than 1,100 state of the art classrooms.

SYDENHAM TO BANKSTOWN CORRIDOR AND PARRAMATTA CORRIDOR

The Hon. COURTNEY HOUSSOS: I draw your attention to the Sydenham to Bankstown corridor, where 36,000 new dwellings are due to be built in the next 20 years, under your Government's plan. What is your plan for schools in that area?

Mr ADRIAN PICCOLI: I am happy to take that question on notice, but I can tell you that the redevelopment of Alexandria Park Community School will accommodate up to 2,200 students from kindergarten to year 12.

The Hon. COURTNEY HOUSSOS: If you are taking questions on notice, I would also be interested to hear what your plans are on the Parramatta Road corridor, where up to 70,000 people are due to move—into 40,000 new homes—over the next 30 years.

ANSWER

Sydney to Bankstown corridor

The Department of Education's Planning and Demography unit is working with the Department of Planning and Environment to review the Sydenham to Bankstown Strategy's precinct plans, including how the Strategy will affect local educational infrastructure requirements.

Parramatta Road corridor

The Department of Education's Planning and Demography unit is working with UrbanGrowth NSW to review the Parramatta Road Strategy's precinct plans, including how the Strategy will affect local educational infrastructure requirements.

The Department of Education has put forward its indicative asset needs as part of the infrastructure schedule that forms part of the Strategy. Options to meet these needs are being developed.

In September 2016, the Premier and Minister for Education announced capital works projects to increase capacity at Auburn North Public School, Marie Bashir Public School and Lidcombe Public School.

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SECRETARY – DEPARTMENT OF EDUCATION

The Hon. WALT SECORD: When did the process to recruit the new Secretary of the Department of Education begin?

Mr ADRIAN PICCOLI: I would have to take that question on notice. It is a process run by Department of Premier and Cabinet [DPC]. I do not employ—the department does not recruit—the secretary of the department. It is a process undertaken by DPC.

The Hon. WALT SECORD: So you had no involvement?

Mr ADRIAN PICCOLI: In the recruitment? It is a DPC process.

The Hon. WALT SECORD: I asked you a very simple question. I asked you whether, because you are the Minister, you would take an interest in who your director general or who your secretary would be.

Mr ADRIAN PICCOLI: Yes.

The Hon. WALT SECORD: So I ask you again: When did the process begin?

Mr ADRIAN PICCOLI: I said that I will take the question on notice, because I do not run the process. It is a DPC process, and the secretary is technically employed or appointed by the Premier.

The Hon. WALT SECORD: Minister, when did you think—light-bulb moment—"I need a new secretary."

Mr ADRIAN PICCOLI: From the moment the former secretary told me she was leaving to take up a new position in the Commonwealth.

The Hon. WALT SECORD: When was that?

Mr ADRIAN PICCOLI: I cannot remember, but I am happy to take the question on notice.

ANSWER

This question should be referred to the Premier.

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SECRETARY – DEPARTMENT OF EDUCATION

Mr ADRIAN PICCOLI: Well, the recruitment company asked me what were the attributes that I wanted, or that I would like to see in a secretary, but I recall that that was before any potential applicants had been, kind of, interviewed or any approaches made.

The Hon. WALT SECORD: So when was that? Was that last year, this year, earlier this year?

Mr ADRIAN PICCOLI: I cannot remember. Without wanting to give an inaccurate answer, I cannot remember so I would have to take that on notice.

ANSWER

This question should be referred to the Premier.

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ASPECT MACARTHUR SCHOOL -

Mr DAVID SHOEBRIDGE: I am asking you. You are the Minister, and this is the department: Is "the cage" still there?

Mr ADRIAN PICCOLI: I am not going to accept the classification of it in the way you classified it, because that is subject to investigation, but the advice that I have—remembering that this is an independent school—is that it is now a Stephanie Alexander kitchen garden.

Mr DAVID SHOEBRIDGE: Is it true that when allegations, concerns and complaints were first raised there was an entirely internal investigation done by the school and there was no investigation until this month, years later, by the department?

Mr ADRIAN PICCOLI: It is an independent school. If the Minister's office and whoever is the Minister is not aware of the complaint or the Board of Studies is not made aware of the complaint, then it is difficult to conduct an investigation. As soon as we were made aware of it, the board was advised and the board said—

Mr ALEGOUNARIAS: There is no record of a complaint at any time being formally tabled. There is no claim that a complaint was forwarded, formally or informally, to the board in any form. The moment a complaint was received, it was investigated.

Mr DAVID SHOEBRIDGE: Is there no protocol in place that private, Catholic and independent schools have to notify the department when there are serious allegations of abuse of children happening?

Mr ALEGOUNARIAS: Yes, there is indeed.

Mr DAVID SHOEBRIDGE: What about locking an autistic child in a cage? Surely that should have triggered a protocol.

Mr ALEGOUNARIAS: If the events occurred in the way or in a similar way to what is asserted and the complaints were not forwarded to the appropriate authority—and depending on the nature of the complaint, the authority would differ—that would be a breach of requirements, and that is what we are currently investigating.

Mr DAVID SHOEBRIDGE: Can you please provide on notice full details of those protocols and requirements?

Mr ALEGOUNARIAS: We will take that on notice, absolutely.

ANSWER

The *Education Act 1990* (the Act) determines the requirements to be met by registered non-government schools.

For individual non-government schools, the requirements of the Act are detailed in the BOSTES' *Registered and Accredited Individual Non-government Schools (NSW) Manual* (the Manual). The Manual is published on the BOSTES' website at <http://rego.bostes.nsw.edu.au/> .

Section 47(g) of the Act requires non-government schools to provide a safe and supportive environment for students by means that include:

- (i) school policies and procedures that make provisions for the welfare of students, and
- (ii) persons who are employed at the school being employed in accordance with Part 2 of the *Child Protection (Working with Children) Act 2012*, and
- (iii) school policies and procedures that ensure compliance with relevant notification requirements imposed in relation to persons employed at the school by Part 3A of the *Ombudsman Act 1974* and the *Child Protection (Working with Children) Act 2012*, and
- (iv) maintaining a student enrolment and attendance register.

The requirements at section 47(g) of the Act are detailed in sections 3.6.1 and 3.6.2 of the Manual.

Under Part 3A of the *Ombudsman Act 1974*, the NSW Ombudsman oversees the investigation of allegations of reportable conduct against employees in government and certain non-government agencies, including non-government schools.

Section 25A of the *Ombudsman Act 1974* defines 'reportable conduct' as:

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or
- b) any assault, ill-treatment or neglect of a child, or
- c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

'Reportable conduct' does not extend to:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

In relation to allegations of reportable conduct, a non-government school is required to have a Head of Agency who is responsible for notifying the Ombudsman of any allegations of 'reportable conduct', conducting an investigation of the allegations and reporting the findings of the investigation to the Ombudsman.

The Ombudsman oversees the investigations and findings of a school's Head of Agency.

In relation to allegations of child abuse, the BOSTES' investigation of such allegations is continuing.

All non-government schools are required to have and implement policies and procedures for complying with the *Ombudsman Act 1974*.

NEWCASTLE SCHOOLS CAPACITY

Mr DAVID SHOEBRIDGE: But your own Government is proposing a substantial surge in the construction of residential buildings in the middle of Newcastle. What has your department done to identify the places and the investment needed to cater for public school enrolments in Newcastle?

Mr ADRIAN PICCOLI: I am happy to take that question on notice. Local directors will look at the enrolment capacity in local schools. I am not completely familiar with the issues in and around Newcastle, but I am happy to take that question on notice.

ANSWER

The Department of Education has been consulting with both Newcastle City Council and the NSW Department of Planning and Environment regarding the proposed residential developments within the Newcastle CBD.

The Department is working to ensure that adequate teaching spaces are available to meet enrolment demands.

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SECRETARY – DEPARTMENT OF EDUCATION - SALARY

The Hon. COURTNEY HOUSSOS: The starting salary for the new secretary has been publicly advertised as \$560,000—is that correct?

Mr ADRIAN PICCOLI: Yes, that is correct.

The Hon. COURTNEY HOUSSOS: And will that be higher than the salary of the previous secretary?

Mr ADRIAN PICCOLI: I am not aware what the previous secretary's salary was. That again is set by the New South Wales remuneration tribunal.

The Hon. COURTNEY HOUSSOS: Okay. And are there any performance bonuses available to him?

Mr ADRIAN PICCOLI: I will have to take that on notice. As I say, the secretaries are appointed by the Department of Premier and Cabinet [DPC]. They prepare the contract.

The Hon. COURTNEY HOUSSOS: You might also like to take this on notice: What are the criteria for such bonuses if they are available?

ANSWER

This question should be referred to the Premier.

SECRETARY – DEPARTMENT OF EDUCATION – TRAVEL COSTS

The Hon. COURTNEY HOUSSOS: Has he begun any activities with the department?

Mr ADRIAN PICCOLI: When the announcement was made he held some meetings that were arranged by me. He spoke to people at the Bridge Street offices of the department. Mr Scott spent a day with me in my electorate a week or two ago and I took him to some schools—those kinds of things. I took him to some rural schools—to Goolgowi Public School, amongst others—to have a look at country schools and the particular challenges they have there. He has been doing the kinds of things that you would expect of a good secretary. I put on the record that I think we are very fortunate in New South Wales to have a person of his calibre as the Secretary of the Department of Education. Coming from the role he was in with the Australian Broadcasting Corporation [ABC] there are numerous corporate things he could have done that would probably pay substantially more than he will be paid in this role, but his commitment to public service has encouraged him to apply for a role like this. I think that is fantastic and certainly in the interests of New South Wales and it is an appointment I am very happy with.

The Hon. COURTNEY HOUSSOS: Our only disappointment is that we do not get to question him until next year.

Mr ADRIAN PICCOLI: You have got a year to think about it.

The Hon. COURTNEY HOUSSOS: Minister, were any of the costs associated with Mr Scott's travel covered by the department?

Mr ADRIAN PICCOLI: I am not aware. Can I take that on notice? I do not know and I do not want to give an incorrect answer. I will take that on notice.

ANSWER

Yes. The Department paid for Mr Scott's airfares and accommodation when he visited rural schools with the Minister on 15 August 2016.

NAPLAN AND THE HSC

Mr ADRIAN PICCOLI: A number of students met the band eight requirement in this year's NAPLAN. We can show you the data for Western Australia for the year they begin—

The Hon. WALT SECORD: We are in New South Wales.

Mr ADRIAN PICCOLI: Sure, but to show you the effect in Western Australia, the number of band 8s before this began and after it began. Nobody is trying to trick anybody here. The board has given Government advice around changes to the HSC to improve performance. I am happy to provide that information.

ANSWER

Minimum literacy and numeracy standards for Western Australian students were announced in 2013. The percentage of Western Australian Year 9 students scoring at Band 8 or above in Reading increased from 44% in 2012 to 51.4% in 2015. In Numeracy, the percentage increased from 46.6% in 2012 to 55.2% in 2015.

PRAYER GROUPS

Reverend the Hon. FRED NILE: The other issue that has been brought to my attention again—I did raise it last year—was that there is concern in the department over some of the Muslim prayer groups operating in State schools that were tending towards promoting radicalism. Outsiders were coming into those groups and influencing students, so the department, rightly, issued a directive covering that whole area and making it very difficult for outsiders to come into the group and to identify all the names and addresses of students who attend that group. A directive was put out by the department dealing with that issue, but the directive never made clear what groups they were talking about. The concern was those Muslims school prayer groups. It has been interpreted in any of the State schools as also referring to the peaceful Christian fellowship groups, which have had no reports of radicalisation and so on. But all the rules and regulations are that a new child cannot attend that group unless somehow there is a record of their name and address and all of that. People are now enforcing those rules for the Christian fellowship groups, which is having a big effect on their success in operation.

Mr DAVID SHOEBRIDGE: You want it applied on a discriminatory basis only against people of the Muslim faith.

Reverend the Hon. FRED NILE: I am asking the questions and the Minister is answering, not you, Mr Shoebridge. There should be a new directive making it clear that it was referring to Muslim prayer groups—they are called prayer groups—not to the Christian fellowship groups.

Mr ADRIAN PICCOLI: I will take that question on notice.

ANSWER

Voluntary Student Activities of a Religious Nature in Schools (VSA) is any activity of a religious nature and must be in accordance with the Religious Education Implementation Procedures. VSA includes any student and/or volunteer led prayer groups and Christian fellowship groups.

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LMBR

The Hon. COURTNEY HOUSSOS: How many departmental staff are assigned to the LMBR implementation team?

Mr ADRIAN PICCOLI: I will take that question on notice.

The Hon. COURTNEY HOUSSOS: How many staff are on stress leave as a result of the LMBR?

Mr ADRIAN PICCOLI: I will also take that question on notice.

ANSWER

Appropriate staffing is provided as required when schools transition onto LMBR.

Staff take sick leave for a variety of reasons. The Department of Education is not aware of any staff on stress leave as a result of LMBR.

SAFE SCHOOLS

Reverend the Hon. FRED NILE: Parents have raised another issue with me about the Safe Schools course. I have been told that the course is providing schools with a Safe Schools Coalition poster depicting a boy wearing a dress. I assume the idea is that the poster will be displayed at schools. What is the Government's policy with regard to posters such as that being displayed at schools?

Mr ADRIAN PICCOLI: Is it from the Safe Schools hub? It depends on whether it is from that hub. As I said, there are millions of websites, and we do not regulate them all.

Reverend the Hon. FRED NILE: My question asked whether you would support the poster being displayed in a State public school.

Mr ADRIAN PICCOLI: I have not seen the poster, so I am not in a position to answer that question. I am not an educationalist, nor am I in a position to make such a determination. Schools must do things that are age appropriate and they must take into consideration all of their legal requirements. It is not my job to micromanage schools. I have not seen the poster, so I cannot pass any judgement.

Reverend the Hon. FRED NILE: It is simple; it depicts a boy wearing a girl's school uniform.

Mr ADRIAN PICCOLI: It is not simple for me to give an answer as the Minister for Education.

Reverend the Hon. FRED NILE: Would you have any objection to it being displayed?

Mr ADRIAN PICCOLI: That was not my answer. Until I see it, I cannot respond. I do not know whether schools are displaying it; it is a claim you are making. I am happy to take the question on notice.

ANSWER

Schools routinely review resources used within schools to ensure age-appropriateness and relevance.

FUNDING FOR NON-GOVERNMENT SCHOOLS

Mr DAVID SHOEBRIDGE: Minister, what is there to stop a private school that gets recurrent funding through the State budget using that recurrent funding to get other savings—offsetting parent income and then effectively delivering that money to upgrade its capital works? We know it is happening. You cannot use State recurrent funding on capital works, but there is nothing to stop a private school getting State recurrent funding and therefore using that to offset operational income and diverting other income to capital works. What is there to prevent that happening?

Mr ADRIAN PICCOLI: I would have to ask the secretary for advice there, given that the department is the one through which the funding for non-government schools goes. There are requirements under the Education Act around operating for profit et cetera. The board also has a responsibility in terms of its registration requirements for all schools and particularly non-government schools. I might say one of those additional powers recommended in the review was unannounced checks that may well deal with some of these kinds of issues.

Mr ALEGOUNARIAS: I could only say from the board's perspective that the governance requirements would entail that the school's records be subject to audit in the appropriate fashion and any misrepresentation would transgress the governance requirements for the school.

Mr DAVID SHOEBRIDGE: Perhaps you can provide the answer to this on notice: How many of those audits of private schools have actually happened in the last two financial years?

Mr ALEGOUNARIAS: There are normal, standard requirements for all schools, but we will identify the appropriate data.

ANSWER

All non-government schools in New South Wales in receipt of NSW Government funding must satisfy requirements of the *NSW Education Act 1990* and associated regulations. These requirements include that a school be: registered with the NSW Board of Studies, Teaching and Educational Standards (BOSTES); not-for-profit; subject to compliance activity, including audits; and appropriately governed. Schools must certify annually to the Department of Education that State funds have been spent on education-related expenses

The BOSTES inspects schools to assess compliance with the requirements of the *Education Act 1990* for registration, including the requirement relating to policies and procedures for proper governance.