



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2021-2022 Supplementary Questions**

**Portfolio Committee No. 3 – Education**

**EDUCATION AND EARLY LEARNING**

Hearing: Monday 4 April 2022

**Answers due by: 10 May 2022**

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## EDUCATION AND EARLY LEARNING

### **Questions from the Hon Mark Buttigieg MLC on behalf of the Opposition**

#### Jerrabomberra High School

1. **When is Jerrabomberra High school expected to open?**
  - (a) **Will it be open by Term 1 2023?**
  - (b) **Will this be the regions first STEM based high school?**
  - (c) **Will enrolment for the year's intake only be open to Years seven and eight?**
  - (d) **What is the enrolment capacity of Jerrabomberra High School?**
  - (e) **Is the school expected to have more than 500 students enrolled?**
  - (f) **Have you considered expanding the school's enrolment capacity to 1000 students?**
    - i. **If not, why not?**
  - (g) **What's the delay in announcing the site of Jerrabomberra high school?**
    - i. **When will the site it be announced?**

#### **ANSWER**

1. Information regarding this project can be found on the School Infrastructure NSW website at <https://www.schoolinfrastructure.nsw.gov.au/projects/n/new-high-school-in-jerrabomberra.html>.
  - (a) The new high school is forecast for completion in 2023, subject to planning approval.
  - (b) All high schools include STEM subjects as part of the curriculum.
  - (c) As is common practice when opening new high schools, enrolments in Years 7 and 8 will be supported in 2023 with future year groups to progressively commence at the school. This ensures viability of educational offerings at both the new school and existing high schools in the area.
  - (d) Every eligible student who wishes to attend a NSW public school will be given a place at their local school. Accordingly, the Department of Education does not have fixed enrolment capacities at NSW public schools. Schools are able to adapt to fluctuating enrolments though the use of a combination of temporary and permanent teaching spaces.

- (e) It is not expected that the new high school will have more than 500 students enrolled in the short term.
- (f) The core facilities for the new high school in Jerrabomberra are sized for 1,000 students. The new high school has been master-planned for expansion in the future if required.
- (g) The site for the new high school was announced in 2021. The site is at Lanyon Drive, Jerrabomberra, in close proximity to both the South Jerrabomberra Innovation Precinct and Jerrabomberra Public School.

**2. Is the Social Impact Assessment (SIA) for Jerrabomberra High school underway?**

- (a) When will community and stakeholder consultation on the proposal take place?**
- (b) Has the project team lodged a request for the Secretary's Environmental Assessment Requirements (SEARs)?**

**ANSWER**

2. The Social Impact Assessment for Jerrabomberra High School is complete.
- (a) The community and stakeholder consultation on the proposal has been ongoing as part of the State Significant Development Application process.
  - (b) Yes. Furthermore, the State Significant Development Application for the project has been submitted to the Department of Planning and Environment and placed on public exhibition.

**3. Will Jerrabomberra Heights and Googong be zoned to Karabar high school?**

- (a) What suburbs have so far been identified in the zone for Jerrabomberra high school?**

**ANSWER**

The intake area for the school will be finalised following further review and consultation.

**4. Why have the project updates, factsheets and FAQ information not been released?**

- (a) When do you expect to release this information?**
- (b) When it is released, will the public be able to access it?**
- (c) Why have they not already been released?**
- (d) What is the delay in releasing this information?**

**ANSWER**

Project updates, factsheets and FAQs are all available on the project website at <https://www.schoolinfrastructure.nsw.gov.au/projects/n/new-high-school-in-jerrabomberra.html>.

- (a) Information packs were released in November 2021 and project updates have been provided in November 2020, March 2021, July 2021 and November 2021. Information regarding the State Significant Development application is available on the NSW Government's planning internet portal at <https://pp.planningportal.nsw.gov.au/major-projects/projects/new-high-school-jerrabomberra>.
- (b) The public can access this information including Project and Planning Updates, Information Packs, Frequently Asked Questions, and a flythrough of the Project on the project webpage on the School Infrastructure NSW website at <https://www.schoolinfrastructure.nsw.gov.au/projects/n/new-high-school-in-jerrabomberra.html>.
- (c) Refer to answer for (a)
- (d) Refer to answer for (a)

**5. Was the former member for Monaro John Barilaro briefed on the status of Jerrabomberra High school?**

- (a) If so, when did this occur?**

**ANSWER**

Local Members of Parliament are briefed regularly on school operational and project matters in their electorate.

The former member for Monaro, Mr John Barilaro was regularly briefed on the status of projects in Monaro, including Jerrabomberra High School.

**6. When is the construction contract expected to be finalised?**

**ANSWER**

Updates on the project are provided on the School Infrastructure NSW website at <https://www.schoolinfrastructure.nsw.gov.au/projects/n/new-high-school-in-jerrabomberra.html>.

## Questions from the Hon Mark Latham MLC

**7. In the Department's spread sheet outlining the vaccination status of its staff, why have some staff on leave been excluded from the list and count?**

### **ANSWER**

The Department is not sure which document the Honourable Member is referring to, however, the Department's Centre for Education Statistics and Evaluation has released a document detailing implementation of the vaccine mandate among the schools workforce: <https://education.nsw.gov.au/about-us/educational-data/cese/publications/statistics/review-of-departments-mandatory-vaccination-requirements> which may assist the Member.

**8. How many Department staff vax status investigations are on hold due to their being on:**

- (a) sick leave? and/or**
- (b) other forms of leave?**

### **ANSWER**

Decisions regarding placing investigations in relation to non-compliance with COVID-19 vaccination requirements "on hold" are predicated on the individual circumstances of investigations.

The Department of Education's Professional and Ethical Standards Directorate separates 'on hold' cases into two distinct groups:

- Cases are placed "on hold" due to circumstances that will affect the investigations for a short period of time (up to two terms).
- Cases are "suspended" due to circumstances that will affect the investigation for a period that exceeds two terms (six months or more).

Both types of investigation will be reactivated when either the proposed time elapses or circumstances change.

As at 27 April 2022, 271 investigations in relation to non-compliance with COVID-19 vaccination requirements were placed 'on hold' due to short periods of leave, and 458 investigations in relation to non-compliance with COVID-19 vaccination requirements were 'suspended' due to long term leave.

**9. How many Student Learning Support Officers (teachers aides) have been advised by the Department of their unattested vaccination status and inability to work in schools?**

- (a) On which dates did this occur?**

## ANSWER

Student Learning Support Officers (SLSOs), whose work involves providing assistance to students with disability and additional learning and support needs enrolled in Schools for Specific Purposes (SSP), specialist support classes in mainstream schools and mainstream classes are subject to the Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2022 (previously the Public Health (COVID-19 Vaccination of Education and Care Workers) Order (No 2) 2021).

SLSOs who are considered 'active employees', meaning they are assigned to an existing position within a school's organisational structure within our HR system, were notified on 22 October 2021 and 1 November 2021 of the requirement to attest their vaccination status using the Department's Vaccination Attestation and Confirmation System (VACS). Those employees who did not attest to their vaccination status by 8 November 2021 were referred to the Department's Professional and Ethical Standards Directorate and Human Resources Directorate for consideration.

As at 28 April 2022, the Department's Professional and Ethical Standards Directorate has initiated investigations in relation to 190 permanent SLSOs regarding non-compliance with COVID-19 vaccination requirements.

58 SLSOs became compliant during investigation.

132 SLSOs are unable to work for the Department under the current Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2022 and Determination under the Education (School Administrative and Support Staff) Act 1987. Of these:

- 40 SLSOs with an ongoing investigation
- 32 SLSOs have been dismissed
- 35 SLSOs have voluntarily separated from their employment
- 20 SLSOs are on long term leave with their investigation suspended
- 5 SLSOs had their matter closed for other special circumstances.

### **Covid 19 Vaccination Guidelines, s 8.4, 5.2.1.2, 5.2.2.8**

#### **(b) Does the Dept allow Covid-exemptions for staff working in schools across NSW?**

## ANSWER

The Department recognises valid medical contraindication certificates where a medical contraindication recognised by Australian Technical Advisory Group on Immunisation (ATAGI) has been identified in the certificate. As at 3 May 2022, ATAGI recognises the following contraindications:

| COVID-19 vaccine | Recognised medical contraindications |
|------------------|--------------------------------------|
|------------------|--------------------------------------|

|                    |   |
|--------------------|---|
| Pfizer and Moderna | <ul style="list-style-type: none"> <li>• anaphylaxis to a previous dose of an mRNA COVID-19 vaccine (Pfizer or Moderna)</li> <li>• anaphylaxis to any component of the vaccine, including polyethylene glycol (PEG)</li> <li>• any other serious adverse event attributed to a previous dose of Pfizer or Moderna (and without another cause identified) that has been: <ul style="list-style-type: none"> <li>○ reported to state adverse event reporting programs and/or the TGA, and</li> <li>○ has been determined following review by, and/or on the opinion of, an experienced immunisation provider/medical specialist to be a contraindication to future doses, taking into account whether repeat vaccine doses would be associated with a risk of recurrence of the serious adverse event.</li> </ul> </li> </ul>   |
| AstraZeneca        | <ul style="list-style-type: none"> <li>• anaphylaxis after a previous dose</li> <li>• anaphylaxis to any component of the vaccine, including polysorbate 80</li> <li>• history of capillary leak syndrome</li> <li>• thrombosis with thrombocytopenia (TTS) occurring after a previous dose</li> <li>• any other serious adverse event attributed to a previous dose of AstraZeneca (and without another cause identified) that has been: <ul style="list-style-type: none"> <li>○ reported to state adverse event reporting programs and/or the TGA, and</li> <li>○ has been determined following review by, and/or on the opinion of, an experienced immunisation provider/medical specialist to be a contraindication to future doses, taking into account whether repeat vaccine doses would be associated with a risk of recurrence of the serious adverse event.</li> </ul> </li> </ul> |
| Novavax            | <ul style="list-style-type: none"> <li>• Anaphylaxis after a previous dose</li> <li>• Anaphylaxis to any component of the vaccine, including polysorbate 80</li> <li>• Any other serious adverse event attributed to a previous dose of Novavax (and without another cause identified) that has been: <ul style="list-style-type: none"> <li>○ reported to state adverse event reporting programs and/or the TGA, and</li> <li>○ has been determined following review by, and/or in the opinion of, an experienced immunisation provider/medical specialist to be a contraindication to future doses, taking into account whether repeat vaccine doses would be associated with a risk of recurrence of the serious adverse event.</li> </ul> </li> </ul>   |

- (c) **For staff members who have been on approved leave prior to November 8 and have now attempted to return with an approved Covid-exemption, why is the Dept continuing to keep them ‘under investigation’, forcing them to take leave for an entire term even though your own information, documents, guidelines as well as the PHO indicates that they can return to work?**

## **ANSWER**

From 8 November 2021 onwards, the *Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2021* (the Education PHO) required all school workers to have either:

- a) two doses of an approved COVID-19 vaccine; or
- b) a valid medical contraindication certificate.

In response to the Education PHO, the Department of Education referred ‘non-compliant’ employees to Professional and Ethical Standards (PES) for misconduct investigations.

In relation to employees on planned leave (such as parental leave or extended leave organised well before 8 November 2021), the PES investigation was put on hold and the employee was informed that they would need to be vaccinated before they returned to work.

Some employees took unplanned leave at short notice before 8 November 2021. For those employees on unplanned leave, the PES investigation continued in line with the ‘Management of Conduct Related to Noncompliance with Covid-19 Vaccination Requirements Guidelines’.

Where an employee was referred to PES for investigation, but remains unvaccinated and produces a medical contraindication certificate which states that the person has a temporary medical contraindication based on a past confirmed infection of COVID, the Department considers that this does not mitigate any potential misconduct arising from the failure to comply with the 8 November 2021 direction.

This is because no voluntary action has been taken by the employee to comply with the 8 November 2021 direction and therefore there is no basis to discontinue the misconduct investigation. In those circumstances the PES investigation remains underway and the employee is not permitted to return to the workplace while the PES investigation is completed.

- (d) Why is the Dept not following its own guidelines and procedures?**

## **ANSWER**

All investigations in relation to non-compliance with COVID-19 vaccination requirements have been and will continue to be conducted in line with the ‘Management of Conduct related to Non-compliance with COVID-19 Vaccination Requirements’ guidelines.