



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 3

Building better schools: Improvements to NSW school infrastructure

Report of the inquiry into the planning and delivery of school infrastructure in New South Wales

Report 47

October 2022

3



Portfolio Committee No. 3 - Education

Building better schools: Improvements to NSW school infrastructure

Report of the inquiry into the planning and delivery of school infrastructure in New South Wales

Ordered to be printed 26 October 2022 according to Standing
Order 231

**New South Wales. Parliament. Legislative Council. Portfolio Committee No. 3 – Education
Report no. 47.**

Planning and delivery of school infrastructure in New South Wales

“October 2022”.

Chair: The Hon. Mark Latham MLC



A catalogue record for this
book is available from the
National Library of Australia

ISBN 978-1-922543-87-5

Table of contents

	Terms of reference	vi
	Committee details	vii
	Chair’s foreword	viii
	Findings	ix
	Recommendations	xii
	Conduct of inquiry	xvi
	Procedural issues	xvii
Chapter 1	Background: Establishment, role and early performance of School Infrastructure NSW	1
	Auditor General's 2017 report: <i>Planning for school infrastructure</i>	1
	Enhanced school infrastructure budget and establishment of School Infrastructure NSW	3
	Auditor General's 2021 report: <i>Delivering school infrastructure</i>	3
	Current funding	5
Chapter 2	Transparency, consultation and planning	7
	Transparency	7
	Committee comment	8
	Consultation and communication in the planning process	9
	The importance of consultation	9
	The need to improve consultation	11
	The use of non-disclosure agreements	12
	The importance of ongoing communication	13
	Generic responses	14
	Committee comment	15
	Demographic planning	18
	The common planning assumptions	18
	Use of Department of Planning and Environment data by School Infrastructure NSW	20
	The importance of local level data	22
	Schools in high-growth areas	24
	Committee comment	28

	Voluntary planning agreements as a means of acquiring land for new schools	30
	Committee comment	31
Chapter 3	Design and construction of new schools	33
	Adequacy of the current approach in providing fit-for-purpose new schools	33
	Modern methods of construction to deliver school infrastructure	35
	Issues with staged builds	37
	Demountable classrooms in new schools	38
	Demountables and adequate play space	40
	Broader considerations for new schools	43
	Road access and parking	43
	School size	45
	The importance of natural surrounds	45
	Committee comment	45
Chapter 4	Maintaining and upgrading existing schools	51
	Poor infrastructure in some schools	51
	Dated and neglected facilities	51
	Challenges for upgrading older facilities	55
	Importance of maintaining the local public school	57
	Upgrading schools in regional and rural areas	59
	2022-2023 Budget announcements	61
	Committee comment	61
Chapter 5	Asbestos at Castle Hill High School	65
	Timeline of events	65
	Performance and Ethical Standards Unit and SafeWork NSW investigations	67
	Teacher and parent views on the school's response	68
	Teacher concerns	68
	Parent concerns	69
	The local member's concerns	70
	The asbestos test conducted in 2016	71
	Specific systemic concerns	73
	Principals' understanding of their work health and safety responsibilities	73
	Oversight of work health and safety	74

	The length of the Performance and Ethical Standards investigation	75
	The adequacy of the disciplinary action against the principal and deputy principal	75
	The length of the SafeWork investigation	76
	Is the school now safe?	76
	Committee comment	77
Appendix 1	Submissions	83
Appendix 2	Witnesses at hearings	88
Appendix 3	Minutes	92

Terms of reference

1. That Portfolio Committee No 3 - Education inquire into and report on the planning and delivery of school infrastructure in New South Wales, and in particular:
 - (a) the implementation of recommendations of the 2021 Auditor-General's Report entitled 'Delivering School Infrastructure',
 - (b) the adequacy of plans by the NSW Government to deliver educational facilities for every NSW public school student,
 - (c) the adequacy of investment in new or upgraded infrastructure at existing NSW public schools and in new school projects, including:
 - (i) management,
 - (ii) planning,
 - (iii) design,
 - (iv) construction,
 - (v) maintenance, and
 - (vi) budgeting and expenditure of new projects,
 - (d) the role of local community organisations and groups in responding to the lack of or shortage of educational facilities at any NSW public school especially in areas of high growth and in proposed new suburbs,
 - (e) the adequacy of demographic planning for anticipated school enrolments,
 - (f) delays in converting new school announcements into site identification and school construction,
 - (g) specific planning for new schools and increased enrolments in Western Sydney, the Canada Bay local government area and on the far north coast,
 - (h) school design that promotes health and safety, and
 - (i) any other related matters.
2. That the committee report by 28 October 2022.

The terms of reference were self-referred by the committee on 14 October 2021.¹

¹ *Minutes*, NSW Legislative Council, 14 October 2021, pp 2490-2491.

Committee details

Committee members

The Hon Mark Latham MLC	Pauline Hanson's One Nation Party	<i>Chair</i>
The Hon Wes Fang MLC	The Nationals	<i>Deputy Chair</i>
Ms Abigail Boyd MLC*	The Greens	
The Hon Anthony D'Adam MLC	Australian Labor Party	
The Hon Scott Farlow MLC	Liberal Party	
The Hon Courtney Houssos MLC	Australian Labor Party	
The Hon Aileen MacDonald MLC**	Liberal Party	

Contact details

Website	www.parliament.nsw.gov.au
Email	portfoliocommittee3@parliament.nsw.gov.au
Telephone	(02) 9230 2282

* Ms Abigail Boyd MLC replaced Mr David Shoebridge MLC as a substantive member of the committee from 22 April 2022. Mr David Shoebridge MLC was a substantive member of the committee to 11 April 2022.

** The Hon Aileen MacDonald MLC replaced the Hon Catherine Cusack MLC as a substantive member of the committee from 16 August 2022. The Hon Catherine Cusack MLC was a substantive member of the committee to 9 August 2022.

Secretariat

Laura Ismay, Principal Council Officer

Liz Clark, Senior Council Officer

Irene Penfold, Administration Officer

Merrin Thompson, Director

Chair's foreword

During this term of parliament, Portfolio Committee 3 – Education has conducted a thorough review of all aspects of NSW schools policy: school performance and measurement; the curriculum, parental rights and most recently, teacher shortage and workforce issues.

This report on school infrastructure adds to this body of work. Nothing matters more to the future of our state than the success of school education. The system hasn't been performing well and our Upper House committee has made scores of constructive recommendations for improvements to school outcomes.

In the allocation of the school infrastructure budget this means:

- needs-based decisions rather than political pork barrelling;
- greater involvement of parents and school communities in the decision-making process;
- more accurate and detailed demographic planning for new schools in population growth areas;
- ensuring Voluntary Planning Agreements in new suburbs allocate quality land for new schools, in the community interest, not that of the developer;
- ensuring school design follows pedagogy and the established evidence base for what works in classrooms (once built a certain way);
- limiting the use of demountable classrooms in line with community expectations about the provision of purpose-built, permanent buildings for their children;
- continuing to develop innovative, rapid-response construction of new school buildings as population catchments expand quickly; and
- learning from the gross failures at Castle Hill High School to ensure the safety of staff, students and parents in the management of dangerous substances such as asbestos.

The report follows extensive inspections of and hearings about NSW school infrastructure. I thank the Committee members and our very competent secretariat for their work in supporting this process. We covered a lot of ground in a limited period of time and have produced good guidance to the NSW Government.

I also thank Anthony Manning and his team from School Infrastructure NSW for their co-operative approach, particularly in addressing several local infrastructure problems identified by the Committee, as outlined in the report.

Impressive results are possible in building new schools and upgrading old ones, with this report offering a template for future policy change, action and progress.



Hon Mark Latham MLC
Committee Chair

Findings

- Finding 1** **9**
- That like most areas of government spending, school capital works have been susceptible to pork barrelling. School Infrastructure NSW is to be commended for trying to develop systems to prevent this type of political interference in the allocation of funding.
- Finding 2** **15**
- That the planning process for school infrastructure lacks transparency. Requiring parent representatives on project reference groups to sign non-disclosure agreements places them in a difficult situation where they are unable to report back to their school. Parents and school communities are recipients of limited information about school infrastructure planning and works, rather than genuine partners in a consultative process. The use of non-disclosure agreements makes this problem worse.
- Finding 3** **17**
- That school communities are frustrated about being kept in the dark around the progress of planned projects and find it difficult to get a clear answer from the NSW Department of Education.
- Finding 4** **17**
- That many schools that were promised by the NSW Government as early as 2018 have remained in planning for more than four years without any substantial community updates or timelines provided.
- Finding 5** **29**
- That the demographic planning for new schools in urban growth areas has been substandard, relying on broad-brush local government area data. The Department of Planning and Environment is only now developing demographic tools at a suburban level. This has led to planning disasters such as the early years of Oran Park Public School and Gledswood Hills Public School. At Oran Park Public School, this led to a sea of demountables and a decision to close out-of-area enrolments and to limit the enrolment area to just one street.
- Finding 6** **29**
- That School Infrastructure NSW consultation with local government authorities on the need for new schools has been sporadic. Council population growth projections have an important role to play in getting the planning process right.
- Finding 7** **29**
- That poor demographic planning has had a significant negative effect on a number of school communities, leading to overcrowded schools, longer-than-acceptable commutes to the nearest school and a growing disillusionment with School Infrastructure NSW's ability to respond to population growth.

- Finding 8** **29**
- That the NSW Department of Planning and Environment and the NSW Department of Education have not been adept in using the long history of residential land release and school infrastructure planning and provision in Western Sydney to guide decisions for new schools, especially in suburbs for which there have been past examples of similar urban growth, enrolment needs and school construction. Lessons have not been learned.
- Finding 9** **29**
- That School Infrastructure NSW has failed to secure ownership of land for new schools within greenfield development sites in a timely manner. This has led to community frustration with delays to public school construction.
- Finding 10** **32**
- The committee was distressed to see the inadequacies of the voluntary planning agreement (VPA) that led to the Gledswood Hills Public School site (near Camden). The developer was allowed to offload substandard land, inflicting upon the school a small, steep site next to the suburb's drainage canal/artificial lake (with a mosquito problem). With further construction due, Gledswood Hills is running out of play/sporting space for its students and also has a worrying car parking/pickup/drop-off problem. School VPAs are big decisions, affecting students, teachers and parents for many decades. Education should not be an afterthought in the allocation of land.
- Finding 11** **46**
- That school design should follow pedagogy and encourage, as much as possible, high-effect-size teaching methods. Regressive classroom practices should be avoided.
- Finding 12** **46**
- That despite some notable planning/provision failures, School Infrastructure NSW has also developed new innovative solutions for school infrastructure to cope with rapid population and enrolment growth. The committee was particularly impressed by the final outcome for the Northbourne Public School at Marsden Park and the new 'instant classrooms' at Fern Bay Public School.
- Finding 13** **47**
- That the quality of demountable classrooms has improved significantly compared to those available 20 years ago. This is especially true of the new double-story demountables. Nonetheless, the objective should always be to maximise the number of purpose-built permanent classroom buildings. In new housing estates, homebuyers have invested heavily in their residential dream, and do not want their children educated in schools featuring a sea of ad hoc demountables. Government must match middle class housing investment with quality school infrastructure investment.
- Finding 14** **48**
- The committee visited several schools installing synthetic play/sporting surfaces. These have the advantage of all-weather, all-year use; overcoming the bog-grass problem other schools are experiencing due to the recent record rainfall. In schools with little available open space (that is, a high number of demountables), the loss of natural surfaces can be a concern. Quality learning environments must allow students to maintain a connection with nature, which can have a calming and inspirational impact. No school should be allowed to develop as a concrete jungle.

- Finding 15** 48
- That many new schools have been constructed without adequate provision for staff parking or appropriate provision of road access to facilitate pick up and drop off of students. These failings have been compounded by the failure to accurately predict likely enrolment growth and has resulted in traffic congestion and road safety risks being exacerbated.
- Finding 16** 62
- That a balance must be struck between building new and upgrading existing schools. The infrastructure of existing schools should not be left to deteriorate to the point where the environment becomes inhospitable to students.
- Finding 17** 62
- In our visits to schools, it was clear that a top priority must always be to have clean, functional and safe toilet areas for the students and that keeping toilets of this standard should be a priority in the School Infrastructure NSW maintenance budget.
- Finding 18** 64
- That School Infrastructure NSW has demonstrated that it can act promptly and deliver effective solutions to the issues highlighted by this committee, something for which the committee is grateful. Given this demonstration of good faith, the challenge for the agency will be to ensure it is consistently responsive to school infrastructure needs in coming years.
- Finding 19** 78
- That the NSW Department of Education's former Local Schools, Local Decisions policy helped to create the environment in which a principal's decisions at Castle Hill High School regarding asbestos management were not given proper oversight, to the detriment of health and safety at the school.
- Finding 20** 78
- That work health and safety committee minutes were not given the requisite scrutiny and oversight by the Director of Educational Learning for Castle Hill High School, allowing the issue of the missing 2016 asbestos test to remain unresolved for much longer than it should have.

Recommendations

Recommendation 1

9

That School Infrastructure NSW publish Benefit-Cost Ratios (BCRs) for all school capital works projects exceeding \$20 million and in each annual schools budget, rank the projects according to BCR value. If the Minister for Education and Early Childhood deviates from these BCR rankings she must publish reasons for doing so on the NSW Department of Education website.

Recommendation 2

16

That the NSW Department of Education further increase transparency in the school infrastructure planning process by:

- improving consultation with school communities, and
- abolishing the use of non-disclosure agreements for parent representatives on project working groups.

Recommendation 3

16

That School Infrastructure NSW conduct community consultation on school infrastructure projects in-house, without spending taxpayer money on communications contracts. Where external communications consultants are appointed, School Infrastructure NSW must disclose the spending amount and justify why it is required on their website within seven days of entering a contract for the services.

Recommendation 4

17

That School Infrastructure NSW provide either a completion timeframe or an estimated completion timeframe on every major project listed on the School Infrastructure NSW website. The timeframe should be a maximum of a six month window, with reasons publicly listed when timeframes need to change. This will provide local school community with greater confidence around promised projects and manage community expectations. The current situation where schools promised in 2018 still do not have a publicly available competition timeframe is not acceptable.

Recommendation 5

17

That School Infrastructure NSW ensure a project update document is published online for each major School Infrastructure NSW project at a minimum interval of once every three months. The long period of up to four years without project updates has left many communities without adequate information on promised projects.

Recommendation 6

17

That the NSW Department of Education improve communication with members of the school community by establishing a clear point of contact within School Infrastructure NSW who is empowered to:

- once school sites have been acquired, provide transparent project timelines, including estimated timelines where timelines are not finalised, and
- answer questions on the process.

- Recommendation 7** 17
- That the new Student and Parent Experience Directorate also assist in keeping parents and school communities informed of the infrastructure planning and works affecting their school.
- Recommendation 8** 29
- That School Infrastructure NSW ensures that its demographic planning relies on suburban level population/enrolment projections and close consultation with local government. It should also give greater weight to lessons and demographic trends from past planning successes and failures in newly developed residential release areas that are similar to recently-established suburbs and their school needs.
- Recommendation 9** 29
- That the NSW Department of Education provide a publicly available list of school catchment capture rates and enrolment caps, ensuring that it is transparent about its schools and their capacity.
- Recommendation 10** 32
- That the NSW Department of Education establish minimum quality standards for the allocation of school lands in voluntary planning agreements, with these standards binding on and enforceable by other government agencies involved in the urban development process.
- Recommendation 11** 46
- That School Infrastructure NSW follow the Centre for Education Statistics and Evaluation CESE's and John Hattie's findings on pedagogy, ensuring that school and classroom design fosters the use of Direct or Explicit Instruction teaching methods for the proven benefit of students.
- Recommendation 12** 46
- That School Infrastructure NSW fast track the production of its prototype 4-classroom prefabricated buildings, erected in six weeks at the Fern Bay Public School trial of this modern method of construction. This has the quality and flexibility to assist:
- non-metropolitan schools overwhelmed by enrolment growth (as per Fern Bay Newcastle)
 - new schools in fast growing urban areas to promptly meet enrolment needs without over-reliance on demountable classrooms, and
 - high schools, given their need for vocational education facilities such as woodworking and food technology rooms.
- Recommendation 13** 47
- That the NSW Government set a community/educational standard of no school having more than 50 per cent of its classrooms as demountables.
- Recommendation 14** 47
- That the NSW Department of Education provide a school oval at every new school, and in circumstances where joint-use arrangements are the only option, these ovals should be located either directly adjacent to the school site, or within close proximity to the school site.
- Recommendation 15** 48
- That the installation of synthetic play and sporting surfaces be accompanied by extensive tree and garden planting to ensure all schools give their students a clear connection to nature.

- Recommendation 16** **49**
- That School Infrastructure NSW ensure that all new school builds provide staff parking sufficient to accommodate the full staff complement, taking account of potential future growth in student enrolments.
- Recommendation 17** **49**
- That School Infrastructure NSW work with relevant local councils to ensure that road infrastructure around new school builds is adequate to accommodate safe and efficient school drop off and pickup arrangements, taking account of potential future growth in student enrolments, and that this be an explicit requirement in the planning approval process.
- Recommendation 18** **62**
- That the NSW Government ensure that existing school infrastructure is maintained to an acceptable standard and does not suffer as a result of a focus on new school construction.
- Recommendation 19** **63**
- That, noting that access to clean toilets of a good standard is a basic human right and that such access is essential to an effective learning environment, School Infrastructure NSW ensure that toilets are provided in all schools at an adequate quantity and quality, and that their adequacy be measured against a clear and public standard that sets:
- the number of toilets per male and female student
 - the frequency of the cleaning regime established on the basis of anticipated frequency of use
 - a benchmark for repair of damaged toilets within defined time frames.
- Further, that this standard be communicated to parents and students each year.
- Recommendation 20** **63**
- That School Infrastructure NSW reduce the red tape around smaller maintenance and repair projects, ensuring that the hard work and fundraising efforts of Parents and Citizens Associations are not frustrated by bureaucratic delays.
- Recommendation 21** **63**
- That School Infrastructure NSW conduct an audit of schools with dated facilities and prepare a comprehensive plan to address all maintenance needs across the entire school system, giving priority to toilet area maintenance.
- Recommendation 22** **63**
- That School Infrastructure NSW publish annually on its website a report on the current maintenance backlog, ensuring transparent reporting of the condition of New South Wales schools.
- Recommendation 23** **64**
- That the NSW Government give urgent attention to delivering the promised upgrades to schools such as Concord High, Gillieston Public and the distance education facility in Broken Hill swiftly, so that these students can experience schools worthy of them
- Recommendation 24** **78**
- That the NSW Department of Education introduce a certification requirement regarding the completion of the Asbestos Management Plan by each accountable officer at a school, to ensure compliance. Further, that each school have a School Infrastructure NSW staff member appointed

as the contact point to assist with the school's asbestos management plan and asbestos register. The staff member's contact details are to be made available to school staff and to the school's Parents & Citizens Association.

Recommendation 25 **78**

That the NSW Department of Education issue a policy requiring school work health and safety committees to have a parent representative sit on the committee and that the parent representative be elected by and from among the whole parent body.

Recommendation 26 **79**

That the NSW Government acknowledge that the School Success Model does not effectively replace the Local Schools, Local Decisions policy and that the ongoing management culture of decentralised decision making to local school level and entrusting huge faith in school principals will continue to damage the NSW school education system. The lessons of Castle Hill High school must be acted on.

Recommendation 27 **80**

That the NSW Government create a new model for what a successful school looks like, ensuring this model maximises student outcomes, evidence-based classroom practice, curriculum adherence, behavioural standards and work health and safety. Every government school should be expected to adhere to this model, with the NSW Department of Education establishing strong monitoring and compliance systems to ensure that it happens. This model should be published on the School Infrastructure NSW website and accessible to parents.

Recommendation 28 **80**

That in circumstances where a potential breach of the *Work Health and Safety Act 2011* has occurred, the NSW Department of Education's Performance and Ethical Standards Unit be required to finalise its investigation within six months.

Recommendation 29 **81**

That the NSW Department of Education reform its Performance and Ethical Standards Unit so that it is staffed by independent recruits from outside the department to ensure an objective, real world perspective on teacher discipline.

Recommendation 30 **81**

That the Minister for Education and Early Learning fulfil her promise to the Member for Castle Hill for an independent assessment of the presence of asbestos at Castle Hill High School, to determine the current safety of the school.

Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 14 October 2022.

The committee received 127 submissions and 1 supplementary submission.

The committee held four public hearings at Parliament House in Sydney.

The committee also conducted three site visits to:

- north west Sydney schools on 5 April 2022
- south west Sydney schools on 26 April 2022
- Gillieston Public School and Fern Bay Public School on 1 June 2022.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Procedural issues

Two key procedural issues emerged during the inquiry – both of which concerned the SafeWork NSW investigation under the Work Health and Safety Act 2011 (WHS Act) into asbestos at Castle Hill High School. Both also highlight the role of committees in shedding light on matters of public interest – in this case, the mishandling of ongoing reports of asbestos and of a positive test for it by the principal and deputy principal of the school.

The first issue concerned the interplay between a House call for papers under Standing Order 52, initiated by the Committee Chair, the Hon Mark Latham MLC, and the committee inquiry. On 22 June 2022, the Legislative Council agreed to an order for documents regarding asbestos identification, complaints, reports, rectifications and testing at Castle Hill High School created since 1 January 2008. This order was directed to the Minister for Education and Early Learning, Department of Education and the Department of Customer Service, the latter being the department in which SafeWork NSW sits.

On 13 July 2022, five boxes of privileged documents were received as part of the return, with a further box received on 11 August 2022. While privileged documents are not able to be inspected by members of the public, members of the Council are able to view these documents in full.

On inspection by the Committee Chair, it was found that a number of privileged documents from SafeWork NSW had been significantly redacted, hampering the member's ability to assess their contents, and thus, their relevance to the issue. This was brought to the attention of SafeWork NSW, with unredacted versions of these privileged documents provided on 24 August 2022.

In total, a delay of more than a month was experienced while members waited for the return of these documents in full. This had a significant impact on the committee's work as many of the documents proved crucial to the committee's comprehension of the events that took place at the school. The committee asked SafeWork NSW for its reasons for redacting these documents, to which it responded that it 'took what it saw as the appropriate steps in order to protect the personal and health information of a large number of individuals that was contained within the investigation file from being made publicly available'.² Following a dispute by the Committee Chair, the Independent Legal Arbitrator determined that only those 'documents recording or reporting the testimony of individual witnesses ... should not be published at this point in time in the investigation process'.³ The majority of the documents were then made public on 21 September 2022.

Government departments and agencies should be aware that documents should be returned to the House unredacted, with a claim of privilege (including over personal information) if deemed necessary.

The second procedural issue concerned the *sub judice* convention, the practice whereby members of Parliament refrain from making reference in committee or House proceedings to matters before the courts where this could prejudice court proceedings or harm specific individuals. While the convention in no way obligates a committee to forego its right to inquire into a matter, committees are generally

² Letter from Natasha Mann, Deputy Secretary, Better Regulation, NSW Fair Trading Commissioner, to Chair, 30 September 2022.

³ Hon Keith Mason AC KC, Report under Standing Order 52 on disputed claim of privilege: Castle Hill High School, 12 September 2022.

sensitive to matters that are *sub judice*.⁴ *Odgers Australian Senate Practice* outlines that in applying the convention, a committee should consider the danger of prejudicing proceedings, weighed against the public interest in the matters being aired.⁵

In communications about their participation in the Castle Hill asbestos aspect of the inquiry, both SafeWork NSW and the NSW Department of Education underscored to the committee that as the SafeWork investigation was on foot, they were eager to ensure that they did not in any way hinder or prejudice its process.⁶ SafeWork NSW further advised the committee that the investigation was not expected to be finalised until the end of 2022 (after this inquiry had ended), and that a 'possible outcome of the investigation could be a criminal prosecution under the WHS Act in respect of any breaches, or other compliance and enforcement action'.⁷ SafeWork NSW subsequently advised that as of September 2022, the investigation was 'advanced and currently under review. Consideration is currently being given to next steps, including whether criminal proceedings should be commenced'.⁸

The committee was cognisant of procedural advice that the *sub judice* convention extends to the period while an investigation is on foot, and a determination is still to be made as to the commencement of criminal proceedings, in this case by SafeWork NSW as the regulator. Its weighing of these considerations was more complex still because a separate investigation of the principal and deputy principal's actions – by the Department of Education's Performance and Ethical Standards Unit – was conducted concurrently with that of SafeWork, but with the former's findings determined just prior to the 19 September 2022 hearing.

Notwithstanding its responsibilities under the convention, the committee was highly conscious of the public interest served by shedding light on what occurred at the school – not least because of the distress caused to teachers and parents by the mishandling of this very serious matter, as well as the risk of harm to children and teachers arising from unnecessary continued exposure.

In its questioning of witnesses, and its documenting of the evidence and drawing of conclusions in this report, the committee is satisfied that it has navigated an appropriate path between respect for the legal process still underway and the imperatives for transparency and accountability.

⁴ S Frappell and D Blunt, *New South Wales Legislative Council Practice*, Second Edition, Federation Press (2021) p 770.

⁵ *Odgers Australian Senate Practice*, 14th Edition, p 262, cited in Frappell and Blunt, p 471.

⁶ Letter from Georgina Harrisson, Secretary, NSW Department of Education, 16 September 2022.

⁷ Email from Natasha Mann, Deputy Secretary, Better Regulation, NSW Fair Trading Commissioner, to Secretariat, 13 September 2022.

⁸ Letter from Natasha Mann, Deputy Secretary, Better Regulation, NSW Fair Trading Commissioner, to Chair, 16 September 2022.

Chapter 1 **Background: Establishment, role and early performance of School Infrastructure NSW**

This chapter sets the scene for the committee's report by providing an overview of the establishment, role and early performance of School Infrastructure NSW (SINSW) as a division of the NSW Department of Education. In doing so, it documents the key findings and recommendations of two significant performance audit reports of the Auditor General for NSW, which reshaped the department's planning and delivery of school infrastructure from 2017. The implementation of these recommendations is a key theme of the committee's report.

The chapter begins by outlining the findings and recommendations of the first report, which focused on planning and funding, followed by the NSW Government's actions in response, reflected in the establishment of SINSW and significantly enhanced budget for school infrastructure. It then outlines the key messages from the second Auditor General report focusing on delivery, and concludes by noting the current funding for school infrastructure in New South Wales.

Auditor General's 2017 report: *Planning for school infrastructure*

- 1.1 The Auditor General has produced two key performance audit reports on the planning and delivery of school infrastructure in recent years, which have significantly influenced the Department's planning and delivery of school infrastructure over the last five years.
- 1.2 The first, entitled *Planning for school infrastructure* was released in April 2017. This report observed 'chronic under-investment' in school infrastructure in the decade prior to the audit, identified overcrowding and broadscale use of temporary buildings as consequences of a lack of planning, and highlighted a predicted increase in student numbers in coming years:

For much of the last decade, there has been chronic under-investment in NSW government school infrastructure and deficiencies in asset planning. Many schools have more students than can be accommodated in existing classrooms, and demountables are widely used for extended periods. The condition of classrooms has been declining due to insufficient maintenance, and many are not configured to support contemporary and desired future learning and teaching methods. At the same time, the government school student population is predicted to grow further, particularly in Sydney.⁹

- 1.3 In the context of these challenges, the Auditor General commended the department for the release of its *School Assets Strategic Plan* (hereafter the Strategic Plan) earlier that year.¹⁰ The Strategic Plan was designed as a long-term framework to guide the delivery of school infrastructure up to 2031, with the media reporting that its implementation was to be driven by a new education infrastructure agency.¹¹

⁹ Audit Office of New South Wales, *Planning for school infrastructure*, 4 May 2017, p 2.

¹⁰ Audit Office of New South Wales, *Planning for school infrastructure*, 4 May 2017, p 3.

¹¹ Sean Nicholls, 'Revealed: the \$5b plan to tackle overcrowding crisis in NSW schools', *Sydney Morning Herald*, 27 April 2017

1.4 While the Strategic Plan did not mention this agency, it did foreshadow a number of reforms to the delivery of school infrastructure, in order to reduce the need for additional schools and address the need for functional upgrades, maintenance and renewals, including:

- a significant change in approach to delivering school facilities, including more flexible use of schools
- greater utilisation of existing classrooms
- increased use of modular classrooms
- redeveloping existing sites with multi-storey demountables
- building larger schools on smaller sites
- consolidation of existing school assets
- greater involvement of the private sector in provision of school facilities
- increased joint and shared use of facilities.¹²

1.5 The Auditor General's report identified many strengths in the Strategic Plan, noting that it had been developed with the benefit of expert advice and undergone extensive review within the department. It highlighted the difference between the funding allocations at the time and those envisaged in the Strategic Plan, arguing that greater investment in the short term was both financially prudent and necessary:

The Strategic Plan estimates significantly more money than the Department has been receiving to date to provide the necessary number of fit-for-purpose student places when and where needed up until 2031 under the new approach to planning and delivery. The new approach is significantly more economical than current practice. Without the proposed reforms, the Department will need much more again.¹³

1.6 The Auditor General's report further observed that the then four-year funding cycle for education was not fit for purpose, advocating instead that the ten-year funding commitment used by NSW Health and Transport for NSW also be used for the education cluster:

The current school infrastructure funding arrangement does not support effective long-term planning. A four-year commitment to education infrastructure funding does not provide the flexibility needed for the Department to manage its allocations and respond to changes in priorities or emerging challenges. The Health and Transport clusters receive a ten-year funding commitment, known as a capital planning limit.¹⁴

1.7 In its formal response to the Auditor General's report in May 2017 the Department of Education did not formally refer to the creation of a new infrastructure agency, but did note that negotiations were underway with NSW Treasury to implement a ten-year capital planning limit, as recommended by the report.¹⁵

¹² Audit Office of New South Wales, *Planning for school infrastructure*, 4 May 2017, pp 20-24.

¹³ Audit Office of New South Wales, *Planning for school infrastructure*, 4 May 2017, p 29.

¹⁴ Audit Office of New South Wales, *Planning for school infrastructure*, 4 May 2017, p 29.

¹⁵ Audit Office of New South Wales, *Planning for school infrastructure*, 4 May 2017, p 37.

Enhanced school infrastructure budget and establishment of School Infrastructure NSW

- 1.8** In June 2017, the Infrastructure Statement for the 2017-18 Budget identified an additional \$2.2 billion in funding for new schools and upgrades to existing schools to commence over the next two years.¹⁶
- 1.9** The Statement also referred to a newly created specialist assets unit – School Infrastructure NSW – as being responsible for the future planning and delivery of these projects in public schools.¹⁷
- 1.10** SINSW was established as a division of the Department in August 2017, adopting the blueprint of a number of other government departments, such as NSW Health and Transport for NSW, that established dedicated asset planning and delivery agencies around the same time.
- 1.11** SINSW is responsible for the planning, procurement, construction and maintenance of school facilities to meet changes in population growth, while also accommodating effective ways of teaching and learning and helping to foster better educational outcomes for students.¹⁸ Announcing its establishment, the Hon Rob Stokes MP, then Minister for Education, pointed to the role of the specialist infrastructure body in responding to the expected growth in student numbers in government schools.¹⁹
- 1.12** According to the Minister, SINSW would supply learning spaces that 'support modern teaching pedagogy, provide sufficient play space, and incorporate sustainable design principles', with a specific focus on early consultation:

A central focus for the unit will be ensuring that consultation with local communities takes place early in the process of planning for new and upgraded school infrastructure to ensure it reflects community aspirations.²⁰

Auditor General's 2021 report: *Delivering school infrastructure*

- 1.13** The Auditor General released a second report in 2021 assessing the effectiveness of SINSW's planning and delivery of the Strategic Plan in its first four years of operation. Entitled *Delivering school infrastructure*, the report identified four main issues regarding SINSW's approach to delivery:
- a focus on existing projects and election commitments at the expense of identifying and delivering new projects
 - a lack of prioritisation processes
 - shortcomings in business cases

¹⁶ NSW Treasury, 2017-18 Infrastructure Statement, p 6.

¹⁷ NSW Treasury, 2017-18 Infrastructure Statement, p 6.

¹⁸ Submission 28, NSW Department of Education, p 1.

¹⁹ Media release, Hon Rob Stokes MP, Minister for Education, 'New unit to deliver better school infrastructure', 27 April 2017.

²⁰ Media release, Hon Rob Stokes MP, Minister for Education, 'New unit to deliver better school infrastructure', 27 April 2017.

- ongoing oversight of project benefits could be improved.²¹

- 1.14** On the prioritisation and planning processes used to deliver projects, the report noted a significant increase in funding for school infrastructure since the agency's establishment.²² Nevertheless, the Auditor General found that funding has been insufficient to keep up with growth, with currently funded infrastructure forecast to no longer meet classroom requirements from 2023.²³
- 1.15** On the reasons for this anticipated shortfall, the Auditor General concluded that a focus on existing projects, election commitments and government announcements had diverted attention away from planning solutions that would have better met present and future student needs. Inadequate progress reporting and inaccurate cost estimates were also identified as contributing to the shortfall.²⁴
- 1.16** The report also examined a range of business cases at different stages across school infrastructure projects. It found that, in general, business cases for projects identified by SINSW were now more rigorous and that by working with stakeholders to integrate educational needs early in the process, SINSW had achieved better outcomes in some projects.²⁵ However, where a government announcement of a project had preceded the development of the business case, a transparent assessment of feasible options was often lacking.²⁶ The report also identified several business cases which did not accurately describe the scope or likely cost of projects, with some projects requiring use of contingency funds for competition.²⁷ Stakeholder views on business cases are discussed in further detail in chapter 2.
- 1.17** Finally, the Auditor General found that while SINSW consistently followed the relevant NSW Government policies for project governance arrangements, there were instances of incomplete practice notes used to document project management approaches on particular topics, as well as inconsistencies in calculating and managing contingencies.²⁸
- 1.18** The report made eight recommendations to address the issues identified in the audit, which it called on the department to implement within six months, by September 2021. In its response to the report, the department indicated its support for all eight recommendations, but stated that the proposed timeframe for implementation was unreasonable, suggesting that the timeframe be extended to 12 months.²⁹

²¹ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 2.

²² Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 2.

²³ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 3.

²⁴ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 2.

²⁵ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 3.

²⁶ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 17.

²⁷ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 22.

²⁸ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 25.

²⁹ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 5.

- 1.19** In correspondence provided to the committee in May 2022, Ms Georgina Harrison, Secretary of the Department of Education confirmed that the Department had now addressed all of the recommendations from the audit.³⁰

Current funding

- 1.20** Since its formation, SINSW has delivered more than \$7 billion worth of projects on new and upgraded schools.³¹ Following the additional funds announced in the 2022-23 NSW Budget, there is a current pipeline for a further \$8.6 billion for this work over the next four years.³² Specific funding allocations for schools considered in this inquiry are discussed in chapters 2, 3 and 4.

³⁰ Tabled document, School Infrastructure NSW, Correspondence from Ms Georgina Harrison, Secretary, NSW Department of Education to Mr Bjarne Nordin, Committee Manager, Public Accounts Committee, providing document detailing action taken by the Department to address recommendations of the 'Delivering School infrastructure' performance audit, 13 May 2022. p 2.

³¹ Media release, Hon Rob Stokes MP, Minister for Education, 'New unit to deliver better school infrastructure', 27 April 2017.

³² NSW Government, 2022-23 Budget Paper, Outcomes Statement - Education Cluster, p 8.

Chapter 2 Transparency, consultation and planning

This chapter takes a holistic look at the planning process used by School Infrastructure NSW (SINSW) in the construction and maintenance of school facilities, with a significant focus on transparency in its initial section. It moves to a thorough consideration of the opportunities for consultation with the school community, including parents, teachers, and the local community, exploring these stakeholders' views on the adequacy of consultation and areas for improvement. The chapter then turns to communication, examining the level of communication actively undertaken by SINSW throughout the planning process, as well as stakeholder views on the responsiveness of SINSW to their queries. This chapter draws heavily on participants' evidence on their school's experience of planning and delivery of school infrastructure, providing insight into the personal aspect of the process.

The adequacy of SINSW's demographic planning is the focus of the second half of the chapter. Sections within this half explore the provision of data by the Department of Planning and Environment, the role of local councils and the consequences of poor demographic planning on growing communities. Related issues of catchment boundary changes and the acquisition of land via voluntary planning agreements are also considered.

Transparency

- 2.1** Throughout the inquiry, there was a significant focus on the transparency of the process for delivering school infrastructure, building on the findings of the 2021 Auditor General's report. As chapter 1 notes, the Auditor General found that 'School Infrastructure NSW had focused on delivering existing projects, election commitments and other government announcements, diverting attention from identifying and delivering projects that would have better met present and future needs'.³³
- 2.2** The importance of robust business cases to transparency in the delivery of school infrastructure projects was examined in detail in the Auditor General's report, which analysed twelve business cases as part of its review. The report described business cases as central to reliably informing investment and policy decisions in school infrastructure.
- 2.3** In particular, the report stressed that business cases need to 'account for the inherent risks of delivering infrastructure projects' that may increase costs or lead to delay, given the detrimental effect both can have on the overall success of a project:

Unplanned cost escalations can reduce the number of new or modernised classrooms SINSW can deliver. Unforeseen delays may also impact families who make significant life choices based on their expectations that a school will open at the beginning of the school year.³⁴

- 2.4** The report also found that several of the business cases reviewed had 'shortcomings', including limited number of proposed project options and a lack of transparency around why unsuccessful options were ultimately eliminated, as well as a failure to accurately estimate project costs.³⁵ In

³³ Media release, Audit Office of New South Wales, '*Delivering school infrastructure*', 8 April 2021.

³⁴ Audit Office of New South Wales, '*Delivering school infrastructure*', 8 April 2021, p 1.

³⁵ Audit Office of New South Wales, '*Delivering school infrastructure*', 8 April 2021, p 2, 4.

one instance, the report identified several business cases that appeared to have been reverse engineered to fit to a pre-announced funding amount.³⁶

- 2.5 However, the Auditor General's report also distinguished between business cases for projects already announced by the government and those prepared by SINSW, which was established in 2017, noting that the latter displayed 'a more rigorous process of considering options'.³⁷ The report also highlighted the establishment of an Investment Review Committee within SINSW in July 2020 as helping to improve transparency in the development of business cases, emphasising the critical role accuracy on anticipated costs and overall scope plays in allowing decision-makers to make fully informed assessments of the value of a project.³⁸
- 2.6 Mr Michael Thistlewaite, Director, Performance Audit with the Audit Office of NSW, echoed these findings to the committee, observing that while the business cases that were in place before SINSW was established were 'not as robust', since SINSW's establishment, 'there had been a maturing of project methodologies, including business cases looking a lot better than they were in previous years'.³⁹
- 2.7 When asked if business cases should be published in the name of transparency, the NSW Auditor General, Ms Margaret Crawford confirmed that while 'transparency is always good', the main purpose of business cases is for internal government purposes, to assist in delivering on projects.⁴⁰
- 2.8 SINSW provided the committee with a list of actions it had undertaken in response to the eight recommendations in the Auditor General's report. According to this document, the Department of Education had worked closely with Treasury to develop the 2021 Cost Benefit Analysis (CBA) Framework for School Infrastructure investment, establishing a systematic approach to calculating and comparing the benefits and costs of proposed infrastructure projects. This framework also supports the development of business cases for these projects.⁴¹

Committee comment

- 2.9 The committee commenced this inquiry within a broader public debate about pork-barrelling and transparency of decision making around government funding. As noted in chapter 1 and above, the 2021 Auditor General's report found that more work needed to be done to enhance the evidence base and rationale for school infrastructure projects, with a particular focus on ensuring the robustness of business cases.

³⁶ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 22.

³⁷ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 3.

³⁸ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 16, 22.

³⁹ Evidence, Mr Michael Thistlewaite, Director, Performance Audit, Audit Office of NSW, 9 May 2022, p 4.

⁴⁰ Evidence, Ms Margaret Crawford, NSW Auditor General, Audit Office of NSW, 9 May 2022, p 5.

⁴¹ Tabled document, School Infrastructure NSW, Correspondence from Ms Georgina Harrison, Secretary, NSW Department of Education to Mr Bjarne Nordin, Committee Manager, Public Accounts Committee, providing document detailing action taken by the Department to address recommendations of the 'Delivering School infrastructure' performance audit, 13 May 2022. p 2.

- 2.10** The committee finds that most like areas, a focus on delivering projects in Government-held seats has been a factor in the delivery of school capital works. In this regard, School Infrastructure NSW is to be commended for trying to develop systems to prevent this type of 'pork barrelling', such as taking steps to improve the quality of the business cases it produces for each project. In order to continue this move towards greater transparency and evidence based decision-making, the committee recommends that School Infrastructure NSW publish Benefit-Cost Ratios (BCRs) for all school capital works projects exceeding \$20 million and in each annual schools budget, rank the projects according to BCR value. If the Minister for Education deviates from these BCR rankings she must publish reasons for doing so on the NSW Department of Education website.

Finding 1

That like most areas of government spending, school capital works have been susceptible to pork barrelling. School Infrastructure NSW is to be commended for trying to develop systems to prevent this type of political interference in the allocation of funding.

Recommendation 1

That School Infrastructure NSW publish Benefit-Cost Ratios (BCRs) for all school capital works projects exceeding \$20 million and in each annual schools budget, rank the projects according to BCR value. If the Minister for Education and Early Childhood deviates from these BCR rankings she must publish reasons for doing so on the NSW Department of Education website.

Consultation and communication in the planning process

- 2.11** A key area of discussion during the inquiry was the importance of consultation with the school community – that is, parents, teachers and principals, as well as members of the local community. Stakeholders were clear that consultation by SINSW throughout the process, but in particular, at the start, is crucial. Unfortunately, for many of these stakeholders, the level of consultation they experienced was disappointing.
- 2.12** Stakeholders also expressed concerns about the transparency of the planning process as well as communication. Many parents spoke of being unsure about the status of infrastructure projects at their school because of a lack of communication from SINSW and the difficulty in receiving a satisfying response. These issues are explored in further detail below.

The importance of consultation

- 2.13** There was unanimous agreement between members of the school community and the NSW Department of Education that consultation during planning of school infrastructure projects is critical.
- 2.14** According to the NSW Department of Education's submission, the department recognises the key role local communities play in school infrastructure projects, with a specific 'community and

stakeholder engagement framework' implemented for each project.⁴² This framework is 'tailored for each project', with feedback used to inform SINSW's decisions throughout.⁴³

2.15 As to how this consultation occurs, the department's submission identified project reference groups and community information sessions as opportunities for community involvement.⁴⁴ The effectiveness of project reference groups and their use of non-disclosure agreements is considered in further detail at 2.27.

2.16 Parent groups underscored how fundamental consultation is, from their perspective. The Northern Sydney District Council of P & C Associations described effective consultation with relevant stakeholders as a 'pre-requisite to best outcomes'.⁴⁵ Ms Ivy Yap, a member of the Lennox Head Public School P & C Association emphasised that it is crucial that the views of parents and the local community be considered, given they are the ones who 'live with' the decisions made regarding a school site.⁴⁶

2.17 Similarly, the Australian Education Union New South Wales Teachers Federation Branch identified consultation with the local community, as well as with other government agencies and local government, as an 'essential' part of the planning process.⁴⁷

2.18 Save Our Sons Duchenne Foundation, the peak body representing the Duchenne and Becker muscular dystrophy community in Australia, gave particular insight into the importance of parental consultation when considering disability-specific infrastructure.⁴⁸ One mother quoted in the organisation's submission gave a clear example of the significance of individual parental consultation in order to ensure the specific needs of the child are met:

I am fortunate (or loud enough) to have been included in lots of planning meetings and feel that this is an essential place for families to have a voice. I remember talking to the guy in charge of modifying the school playground in high school. He said, "don't worry" I know all about wheelchairs". I replied that this might be true, but he knew nothing about my son. It turned out that the path was quite safe for a manual wheelchair with an attending support person, not so much for a 15 year old with a power wheelchair that could travel at 10km per hour.⁴⁹

2.19 As to *when* such engagement must occur, various stakeholders said that consultation at the start of the process is most crucial, so that community feedback can inform the project scope, and as suggested by some, the project business case.⁵⁰

2.20 The 2021 Auditor General's report emphasised how crucial early consultation is, noting that consultation prior to finalising the business case could bring future objections to the fore early

⁴² Submission 28, NSW Department of Education, p 3.

⁴³ Submission 28, NSW Department of Education, p 3.

⁴⁴ Submission 28, NSW Department of Education, p 3.

⁴⁵ Submission 39, Northern Sydney District Council of P & C Associations, p 5.

⁴⁶ Evidence, Ms Ivy Yap, Member, Lennox Head Public School P & C Association, 9 May 2022, p 17.

⁴⁷ Submission 34, Australian Education Union New South Wales Teachers Federation Branch, p 3.

⁴⁸ Submission 116, Save Our Sons Duchenne Foundation, p 7,9.

⁴⁹ Submission 116, Save Our Sons Duchenne Foundation, p 10.

⁵⁰ Submission 30, City of Parramatta Council, p 5.

in the process, reducing the likelihood of delay further down the track, as well as additional costs:

Postponing consultation with stakeholders increases the level of risk that the project is delayed. If designs are largely finalised, then significant change to those designs based on issues uncovered during the public consultation process can increase costs and delay the project.⁵¹

- 2.21** However, the report noted that SINSW processes do not 'always allow for early consultation because doing so may raise stakeholder expectations the project will proceed where funding is still uncertain'.⁵²

The need to improve consultation

- 2.22** Despite unanimous agreement on the importance of consultation with the school community, various stakeholders suggested the current process could be improved.

- 2.23** According to the Federation of P & C Associations of NSW, the degree of community consultation, particularly for new schools, is 'generally poor to non-existent'. It described most decisions as being 'made behind closed doors, with the community only consulted very late in the process'.⁵³

- 2.24** Ms Yap from Lennox Head P & C also suggested that more could be done to engage the community and parents, explaining that the current process at their school had left them feeling like 'recipients of information, as opposed to being engaged with for an opinion and input'.⁵⁴ Her counterpart on the P & C, Ms Leanne Kenerghan, who had been involved with the school for 17 years, also reported feeling as if she was not being listened to, as well as having to reiterate her concerns due to changing SINSW representatives:

For the first couple of meetings, you literally had to re-explain yourself because it was different people at those meetings; you did not have a continuity of people there... They half tell you what is happening. They say that there is going to be community consultation and parent consultation. Even sometimes when you put forward your ideas, they do not listen to you.⁵⁵

- 2.25** Mr Mark Green, Member of Wentworth Point Public School P & C Association, also expressed frustration about the opportunities for consultation with SINSW regarding additions to the primary school and proposed new high school at Wentworth Point:

⁵¹ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 26.

⁵² Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 26.

⁵³ Submission 38, Federation of P & C Associations of NSW, p 5.

⁵⁴ Evidence, Ms Yap, 9 May 2022, p 17.

⁵⁵ Evidence, Ms Kerren Kernaghan, Member, Lennox Head Public School P & C Association, 9 May 2022, p 20.

From the community's perspective, we've been very disappointed. There has been no consultation. There was one information session... There is a high degree of frustration, is what we would say, because there just hasn't been consultation.⁵⁶

- 2.26** Similar comments were made by the Northern Sydney District Council of P & C Associations who told the committee of reports that parents 'don't get a lot of say in some instances – particularly during implementation' and feel 'out-numbered and out-gunned by the project professionals'.⁵⁷

The use of non-disclosure agreements

- 2.27** For many community participants, one of the key impediments to a satisfying consultation process was the requirement that parent representatives on project reference groups sign non-disclosure agreements (NDAs). There was a strong feeling that NDAs hamper the process, as they restrict the ability of these representatives to report back to the school community.⁵⁸

- 2.28** Mr Alan Gardiner, Secretary of the P & C Federation, summarised how non-disclosure agreements are used:

For every proposed new build, there is a project reference group that has one P & C representative, but that person has to sign a non-disclosure agreement so they cannot discuss any of the proposal or options which might be on the table with anybody else [in the P & C].⁵⁹

- 2.29** According to Mr Gardiner, the use of NDAs is both 'unfair and wrong' as it creates 'excessive secrecy' and leads to that individual being burdened with the entirety of the consultation.⁶⁰ The Northern Sydney District Council of P & C Associations reported similar concerns with NDAs 'isolating' parent representatives, telling the committee it now recommends that its members not sign such agreements.⁶¹

- 2.30** Mr Stuart Herring, President of the Rebuild Subcommittee at Dee Why Public School, also questioned the appropriateness of NDAs, noting that their parent representative had chosen to withdraw from the consultation process, 'for fear of breaching that confidentiality agreement'.⁶²

- 2.31** Randwick Boy's High School P & C highlighted similar concerns, explaining that the requirement to sign an NDA had actually resulted the P & C's representative being unable to advocate for the needs of the school. In turn, this 'prevented the P & C from being in a position

⁵⁶ Evidence, Mr Mark Green, Member, Wentworth Point Public School P & C Association, 13 July 2022, p 25.

⁵⁷ Submission 39, Northern Sydney District Council of P & C Associations, p 5.

⁵⁸ Evidence, Ms Kathryn Zerk, President, Concord High School P & C Association, 25 May 2022, p 18; Evidence, Mr Stuart Herring, Chair, Dee Why Public School P & C Rebuild Subcommittee, 25 May 2022, p 20; Evidence, Mr Alan Gardiner, Secretary, Federation of P & C Associations of NSW, 9 May 2022, p 11.

⁵⁹ Evidence, Mr Gardiner, 9 May 2022, p 11.

⁶⁰ Evidence, Mr Gardiner, 9 May 2022, p 11.

⁶¹ Submission 39, Northern Sydney District Council of P & C Associations, pp 5-6.

⁶² Evidence, Mr Herring, 25 May 2022, p 20.

to understand and comment on the process in an informed way or ensure that our representative was able to receive suitable direction from us regarding the concerns or preferences of the school community'.⁶³

2.32 School Infrastructure NSW did not provide oral or written evidence in relation to NDAs.

The importance of ongoing communication

2.33 Beyond the specific issue of consultation, parent and citizens associations who participated in the inquiry also expressed significant concerns about the quality of communication from SINSW. Many of these witnesses referred to 'uncertainty' around the status of projects that stemmed from a lack of information flow from SINSW, saying it led to frustration and confusion.⁶⁴ A case study from Randwick Boys and Randwick Girls' High Schools P & Cs explores this issue in further detail below, point to the powerlessness that school communities may feel when they are not kept informed of the department's intentions for their school.

2.34 A further example came from Lennox Head Public School P & C. Ms Yap explained that a project to improve the infrastructure at that school had commenced six years prior but had been delayed by the discovery of Aboriginal artefacts on site. Late last year, the NSW Department of Education announced that the initial project would not proceed and that the school would be relocated.⁶⁵ Since then the P & C had received no further information on when a new school site might be identified, fuelling the school community's concern that its students would be at a 'growing disadvantage' compared to neighbouring primary schools.⁶⁶

Case study: Randwick Boys' High School and Randwick Girls' High School

The situation at Randwick Boys' High School (RBHS) and Randwick Girls High School (RGHS) is a clear example of how a lack of communication around the status of projects generates confusion and anxiety within a school community where the buildings are patently in need of renewal.

A joint Final Business Case for RBHS and RGHS was endorsed by Cabinet in May 2021. This document stated that many of the schools' facilities 'fail to meet basic standards under relevant legislation, fall below current [Educational Facilities Standards Guidelines], or were in some cases absent altogether'.⁶⁷

Ms Suzy Forrester, Secretary of Randwick Boys Public School P & C told the committee that the business case identified a budget of \$15 million for both schools to be made safe and kept

⁶³ Submission 124, Randwick Boys' High School, p 9.

⁶⁴ Submission 124, Randwick Boys' High School, p 13; Submission 123, Randwick Girls' High School, p 6; Evidence, Ms Kernaghan, 9 May 2022, p 20; Evidence, Mr Green, 13 July 2022, p 25; Mr Herring, 25 May 2022, p 19.

⁶⁵ Evidence, Ms Yap, 9 May 2022, p 17.

⁶⁶ Submission 29, Lennox Head P & C, p 1.

⁶⁷ Submission 124, Randwick Boys' High School, p 7.

operational.⁶⁸ However, the schools were allocated only \$5 million in the 2021-22 budget then \$3.755 million in the 2022-23 budget for the joint upgrade of the schools.⁶⁹

The RGHS P & C told the committee that the lack of communication about the status of the upgrades, particularly the allocation of any funding had created 'upgrade uncertainty' and put considerable stress on the school community.⁷⁰

According to Ms Leanne Bergan, Secretary of Randwick Girls High School P & C, uncertainty about the upgrade also made it difficult for the P & C to know whether to apply for grants for improvements to buildings, and that as a result, 'we are not investing funds into things that we may otherwise... because at any point we could be being told that that building is being taken away'.⁷¹

Generic responses

2.35 Another particular issue for P & C stakeholders was School Infrastructure NSW's provision of generic responses to their requests for information. Various stakeholders expressed concerns around the quality and timeliness of responses:

- '[A] lot of the time we are referred to the School Infrastructure NSW website, where there is a "contact us" if you would like to talk about the project. I have sent a few submissions off and have not heard back. I have emailed through that "contact us", asking specifically about the project, and have not had information'⁷²
- '[We] asked many times for specific information around why is the school not proceeding for a rebuild. We continued to get a generic response back, without any specifics, which was extremely frustrating. When we asked for further information, it was just, "All those reports are confidential at this time".'⁷³
- 'It takes some time to get a response [from SINSW] and then it's generic'.⁷⁴

2.36 Ms Libby Clarke, Vice President of Marsden Park Public School P & C Association told the committee that when she did speak with someone from SINSW, they were 'very helpful', but the person couldn't answer her question – either because they 'didn't have that information or wasn't able to share it'.⁷⁵

⁶⁸ Evidence, Ms Suzy Forrester, Secretary, Randwick Boys' High School, 13 July 2022, p 18.

⁶⁹ Evidence, Ms Forrester, 13 July 2022, p 18; Evidence, Ms Leanne Bergan, Secretary, Randwick Girls' High School, 13 July 2022, p 17.

⁷⁰ Submission 123, Randwick Girls' High School, p 6.

⁷¹ Evidence, Ms Bergan, 13 July 2022, pp 21-22.

⁷² Evidence, Ms Bergan, 13 July 2022, p 19.

⁷³ Evidence, Mr Herring, 25 May 2022, p 21.

⁷⁴ Evidence, Ms Libby Clarke, Vice President, Marsden Park Public School P & C Association, 13 July 2022, p 9.

⁷⁵ Evidence, Ms Clarke, 13 July 2022, p 9.

Committee comment

- 2.37** It is clear to the committee that the current approach to consultation has left key stakeholders in the school community wanting. The committee heard evidence about the methods for seeking community input early in the process and accepts the NSW Department of Education's view that, at least on paper, there are structures in place to allow community feedback to be considered.
- 2.38** The committee can see, however, that the current process is leaving parents feeling unheard and ignored. While 'consultation' suggests the genuine gathering of input, the committee is concerned that a number of parents felt more like mere 'recipients' of information from School Infrastructure NSW, rather than stakeholders whose opinions mattered. The committee accepts the view of these stakeholders that what School Infrastructure NSW considers 'consultation' provides them with inadequate opportunity to share their opinion and to feel listened to. Moreover, we believe that this consultation should be conducted by School Infrastructure NSW in-house, without spending taxpayer money on communications contracts. Where external communications consultants are appointed, the committee recommends that School Infrastructure NSW be required to disclose the spending amount and justify why it is required on their website within one week of entering a contract for the services.
- 2.39** Even more concerning to the committee was the widespread use of non-disclosure agreements for parent representatives on project reference groups. The committee sympathises with the experience of these representatives and agrees that this places them in an invidious and burdensome position, and actually inhibits the input of the group they represent. According to the Department of Education, these project reference groups are one of the main ways community feedback is obtained. Given this, the evidence that the activities of these reference groups are shrouded in secrecy and kept from the rest of the school community by virtue of these agreements is concerning.
- 2.40** There is a real question about the appropriateness of using non-disclosure agreements, given the clearly detrimental effect they have on the transparency of the planning process. For these reasons, the committee recommends that the Department of Education further increase transparency in the school infrastructure planning process by improving consultation with school communities and abolishing the use of non-disclosure agreements for parent representatives on project working groups.

Finding 2

That the planning process for school infrastructure lacks transparency. Requiring parent representatives on project reference groups to sign non-disclosure agreements places them in a difficult situation where they are unable to report back to their school. Parents and school communities are recipients of limited information about school infrastructure planning and works, rather than genuine partners in a consultative process. The use of non-disclosure agreements makes this problem worse.

Recommendation 2

That the NSW Department of Education further increase transparency in the school infrastructure planning process by:

- improving consultation with school communities, and
- abolishing the use of non-disclosure agreements for parent representatives on project working groups.

Recommendation 3

That School Infrastructure NSW conduct community consultation on school infrastructure projects in-house, without spending taxpayer money on communications contracts. Where external communications consultants are appointed, School Infrastructure NSW must disclose the spending amount and justify why it is required on their website within seven days of entering a contract for the services.

- 2.41** The committee is strongly of the view that good communication is an essential component of school infrastructure development. We are concerned by evidence from parent stakeholders that poor communication from School Infrastructure NSW was not only 'frustrating' but that it has had genuine, tangible effects on schools such as Randwick Boys and Randwick Girls' High Schools. Not knowing when planned upgrades might occur has hamstrung the P & Cs of these schools, leaving them in limbo and potentially missing out on other opportunities for renewal of school buildings. Parents are entitled to be kept informed about project approvals, budgets and progress. We appreciate that SINSW works on multiple projects across the state at any point in time but keeping school communities informed is a necessary mark of respect for their investment in their children's education.
- 2.42** Of particular concern to the committee was the fact that many schools that were promised by the NSW Government as early as 2018 are yet to eventuate. Instead, these schools have remained in the planning phases for more than four years, with the community none the wiser as to when they will be completed, due to the absence of updates or indicative timeframes. This is especially frustrating for parents who made the decision to move to a newly developed area of Sydney, on the promise that a local school would be provided and find themselves still waiting in 2022.
- 2.43** The committee therefore recommends that School Infrastructure NSW provide either a completion timeframe or an estimated completion timeframe on every major project listed on the School Infrastructure NSW website. The timeframe should be a maximum of a six month window, with reasons publicly listed when timeframes need to change. This will provide the local school community with greater confidence around promised projects and help to manage community members' expectations. The current situation where schools promised in 2018 still do not have a publicly available completion timeframe is not acceptable. Further, School Infrastructure NSW should ensure that there is project update document for every school project which is kept up to date at a minimum interval of once every three months.
- 2.44** It became clear to the committee that the absence of a formal point of contact within SINSW and the reliance on a generic contact form is frustrating for parents. In response to these concerns, the committee recommends that the NSW Department of Education improve communication with members of the school community by establishing a clear point of contact

within SINSW who is empowered to, once school sites have been acquired, provide transparent project timelines, including estimated timelines where timelines are not finalised, and to answer questions on the process. The Department's new Student and Parent Experience Directorate (SPED) should also assist in this process.

Finding 3

That school communities are frustrated about being kept in the dark around the progress of planned projects and find it difficult to get a clear answer from the NSW Department of Education.

Finding 4

That many schools that were promised by the NSW Government as early as 2018 have remained in planning for more than four years without any substantial community updates or timelines provided.

Recommendation 4

That School Infrastructure NSW provide either a completion timeframe or an estimated completion timeframe on every major project listed on the School Infrastructure NSW website. The timeframe should be a maximum of a six month window, with reasons publicly listed when timeframes need to change. This will provide local school community with greater confidence around promised projects and manage community expectations. The current situation where schools promised in 2018 still do not have a publicly available completion timeframe is not acceptable.

Recommendation 5

That School Infrastructure NSW ensure a project update document is published online for each major School Infrastructure NSW project at a minimum interval of once every three months. The long period of up to four years without project updates has left many communities without adequate information on promised projects.

Recommendation 6

That the NSW Department of Education improve communication with members of the school community by establishing a clear point of contact within School Infrastructure NSW who is empowered to:

- once school sites have been acquired, provide transparent project timelines, including estimated timelines where timelines are not finalised, and
- answer questions on the process.

Recommendation 7

That the new Student and Parent Experience Directorate also assist in keeping parents and school communities informed of the infrastructure planning and works affecting their school.

Demographic planning

2.45 Another key theme of the inquiry was the adequacy of the demographic planning undertaken by SINSW. In particular, stakeholders questioned whether the data used by SINSW for planning is specific enough to accurately predict growth and plan accordingly. Questions also arose as to whether the approach – which primarily relies on 'common planning assumptions' from the Department of Planning and Environment – is detailed enough to capture local anomalies, such as multi-family homes or variations in the fertility rate across Sydney.

The common planning assumptions

2.46 The NSW Department of Education submission does not discuss SINSW's approach to demographic planning. However, according to the Audit Office report, SINSW uses common planning assumptions from the Department of Planning and Environment (hereafter Planning) to project the number of students in school catchments, local government areas and regions.⁷⁶ Common planning assumptions are a standardised, consistent set of data used by NSW Government and external stakeholders to prepare proposals, business plans and strategies that rely on projections.⁷⁷

2.47 The 2021 Auditor General's report described the use of common planning assumptions as 'problematic', given their basis in census data which 'can become out-of-date towards the end of the five year cycle.'⁷⁸ The report emphasised the importance of SINSW having the best available information on population growth in order to best project the number of students predicted in a catchment area.⁷⁹

2.48 Appearing before the committee, Dr Kim Johnstone, Acting Director Economics, Population and Land Use Forecasting, Department of Planning and Environment, advised that Planning produces two common planning assumptions used by SINSW: population projection data and the Sydney housing supply forecast.⁸⁰ Dr Johnstone explained that the population projection data is a 20 year projection, updated twice every five years, which predicts potential student numbers using two key drivers – births and migration:

The population projection data provided to School Infrastructure NSW addresses potential demand for students driven by two key demographic drivers: births—the number of babies born; and migration, which includes both domestic within Australia migration levels, and the age profile of those people who move in and out of the State as well as within New South Wales; birth rates and the age that women have babies; and death rates of those age profiles.⁸¹

⁷⁶ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 16.

⁷⁷ NSW Treasury, *NSW Common Planning Assumptions*, (1 June 2022) <<https://www.treasury.nsw.gov.au/information-public-entities/nsw-common-planning-assumptions>>

⁷⁸ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 16.

⁷⁹ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 16.

⁸⁰ Evidence, Dr Kim Johnstone, Acting Director Economics, Population and Land Use Forecasting, Department of Planning and Environment, 25 May 2022, p 32.

⁸¹ Evidence, Dr Johnstone, 25 May 2022, p 32.

- 2.49** The data that informs these projections is taken from the census, conducted by the Australian Bureau of Statistics every five years. Mr Matt Berger, Manager, Population Insights, Delivery, Coordination, Digital and Insight with the Department of Planning said that while the data had previously been supplied at the broader local government area level, since 2019, the statistical boundary for this data has shifted to the 'more granular' Statistical Area 2 (SA2), described as 'around 15,000 people'.⁸² Mr Berger advised that the 'set of numbers [Planning] are releasing now' is the first time the state government agencies such as SINSW will use planning assumptions based on this more detailed dataset.⁸³
- 2.50** Dr Johnstone stated that Planning also supplies SINSW with a 'housing supply forecast' – the number of new dwellings under current zoning and planning controls estimated to be built over the next five years. Also available at the SA2 level, Dr Johnstone explained that the housing supply forecast is updated annually 'in consultation with local governments' and that it gives a 'much more granular, spatial view of what's happening on the ground', illustrating forecast dwelling completions and estimated timeframes.⁸⁴ When asked if this detail includes the number of bedrooms in each completed dwelling, Dr Johnstone responded that it does not.⁸⁵ She also responded that the forecast does not distinguish between the types of dwellings being built in an area, but that such information would be available to SINSW through data on development applications and complying development certificates in ePlanning.⁸⁶
- 2.51** Both Planning witnesses were asked about the ability of the data they provide to reflect local nuances of a suburb that might influence demand for school infrastructure. Using the example of the fertility rate, Mr Berger explained that variations across the city could be reflected, such as areas 'where there are a lot of babies being born, because there are a lot of potential mothers' as well as areas 'where there are a lot of mothers but the number of babies per potential mum is much higher'.⁸⁷
- 2.52** Overall, Dr Johnstone asserted that Planning's modelling was 'pretty much on the money', within a 2 per cent margin of error.⁸⁸ Separately, Dr Johnstone acknowledged that the relationship between Planning and SINSW is 'evolving' and is 'probably the strongest it's ever been', with Planning directly responding to feedback from SINSW about the way the data is utilised.⁸⁹ However, she also acknowledged the limitations of the planning assumptions used by SINSW, giving the example of more than one family moving into a house as a variable that is difficult to predict:

I think it is fair to say that as soon as we release a projection, we know it is going to be different to what it is. So we are pretty good at understanding how populations work but it can't predict what babies will be born on what street. For places where there may be lots of change, a few things could happen. Housing supply could come on faster

⁸² Evidence, Mr Matt Berger, Manager, Population Insights, Delivery, Coordination, Digital and Insights, Department of Planning and Environment, 25 May 2022, p 33.

⁸³ Evidence, Mr Berger, 25 May 2022, p 33.

⁸⁴ Evidence, Dr Johnstone, 25 May 2022, p 32, 36.

⁸⁵ Evidence, Mr Berger, 25 May 2022, p 36.

⁸⁶ Evidence, Dr Johnstone, 25 May 2022, p 36.

⁸⁷ Evidence, Mr Berger, 25 May 2022, p 37.

⁸⁸ Evidence, Dr Johnstone, 25 May 2022, p 37.

⁸⁹ Evidence, Dr Johnstone, 25 May 2022, p 34.

than previously anticipated when we set those assumptions or people could use the dwellings that are coming online in different ways than we may have assumed.⁹⁰

- 2.53** When one looks at past demographic planning errors, resulting in over-reliance on demountable, it is hard to accept that Planning's modelling has been 'on the money'. Oran Park Public School, for instance, was obviously a planning disaster. It seems strange that past school enrolment planning exercise (both successes and failures) have not been referenced by the Department of Planning and Environment or the Department of Education as a way of guiding the infrastructure needs of new schools in similar newly established suburbs.
- 2.54** The development and school needs of Harrington Park and Glenmore Park, for example, would have provided a useful guide to what was likely to occur in Oran Park by way of government school enrolments. Given the long history of new land releases and school infrastructure needs in Western Sydney, it should not be that difficult for the NSW Government to get things right. After 60 years of going through this process, inadequate and ill-informed planning is a poor reflection on the ability of government agencies to learn valuable lessons and get things right for new school communities.

Use of Department of Planning and Environment data by School Infrastructure NSW

- 2.55** The committee put a number of questions about SINSW's use of Planning data to its Chief Executive Officer, Mr Anthony Manning. Mr Manning described Planning's shift to using data at the SA2 level as 'at lot better than it was'.⁹¹ However, he also caveated his comments, noting that while this shift provided SINSW with data that is 'much more granular...there's still some complexity in understanding the SA2 level...and how they relate to individual schools'.⁹² Mr Manning also stressed that the long 'gestation period' for infrastructure projects – given the length of the planning process – could produce a lag of three to four years between the data identifying an infrastructure need, and actually delivering the school.⁹³
- 2.56** Mr Manning was also asked for his thoughts on the accuracy of the Planning data, particularly as it relates to SINSW's ability to determine the correct number of places needed for a school, based on the anticipated population of the area. In response, Mr Manning stressed that the population data that Planning provides is a 'projection', and that SINSW has no control over the actual number of houses constructed in an area in a short time, which can have a marked impact on demand, especially in areas of rapid growth.

The data that we get is a projection, and it's projected out over five years. The reality of what happens on the ground can be different, and it can be significantly different, particularly in those growth zones...we have no control over the number of houses a developer might choose to build in a year. We might know that the rezoning gives them 10,000 dwellings...but...once they sell the plots, it's up to the individuals to get on and build them, and that can happen at a ferocious rate.⁹⁴

⁹⁰ Evidence, Dr Johnstone, 25 May 2022, p 38.

⁹¹ Evidence, Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW, 25 May 2022, p 44.

⁹² Evidence, Mr Manning, 25 May 2022, p 44.

⁹³ Evidence, Mr Manning, 25 May 2022, p 41.

⁹⁴ Evidence, Mr Manning, 25 May 2022, p 44.

- 2.57 The committee asked Mr Manning about what went wrong at Northbourne Public School, which was initially envisioned as a 'pop-up' 500-student school based on predicted demand but revised to a 1000-place school before construction even began after interest exceeded predicted levels. He explained what had occurred, pointing to the inherent difficulty of accurately predicting the growth of a suburb based on the data available at a point in time and noting that the decision to build a school can itself drive up population growth markedly:

At Northbourne, the planning that went into the permanent infrastructure was aware that we would need a 1,000-place at a point in time. What we didn't anticipate was the speed of growth of that suburb and the density of the occupants of that suburb. You are right; we planned for a 500-place pop-up school because that is what we had projected we would need as part of that project... As that school was publicised that it was coming online, we actually found a great many families wanted to access that, so we were able to increase that school exponentially. But again, it was based on the population data we had at the time. Now what we are finding is that some of these areas are moving much more quickly than anybody had ever anticipated.⁹⁵

- 2.58 The specific example of multi-family households unexpectedly driving up student number is reflected in the case study of Northbourne Public School below.

Case study: Northbourne Public School

Northbourne Public School was the first school the committee visited during its site visits to north west and south west Sydney in April 2022. As noted above, the school opened as a 'pop-up' school in a brand new suburb at the beginning of 2021 based on predicted demand but was revised to a 1000-place school before construction even began, after interest exceeded predicted levels. In late 2021, some students moved into the completed permanent school, with others remaining in the demountables from the pop-up.

The committee toured both and was particularly impressed by the infrastructure of the permanent building, which was bright, spacious, highly modern and filled with the artwork of the students. The school's principal, Ms Michele Hedge, said that students would move throughout the demountables and permanent building during their years at the school.

This school was a particularly clear example of the importance of ensuring the specific characteristics of an area are taken into account in planning, whilst highlighting the challenges of doing so. In Northbourne's case, 93 per cent of students have a language background other than English, with Ms Hedge explaining that many of the school's students were first generation migrants from India.

Mr Manning from School Infrastructure NSW, who joined the committee on each of its site visits, added that it is not uncommon for these students to live in multi-generational homes with their grandparents or extended family, including cousins who are also of school age. From a planning perspective, he explained that it could be difficult to know how a family might seek to use a house and that multi-family homes were becoming more popular in the area, pushing student numbers up higher than initial estimations. Rather than being build for an existing community, the newly establishing community shaped itself in unexpected

⁹⁵ Evidence, Mr Manning, 25 May 2022, p 43.

ways, driven in part by the building of the new school, which attracted many families with similar socioeconomic and cultural characteristics.

The importance of local level data

- 2.59** Throughout the inquiry, many stakeholders emphasised the importance of using local level data in the planning process, in order to ensure area specific demographic idiosyncrasies are taken into account. To illustrate this issue, Mr Daniel Cavallo, Director of Environment and Planning at Cumberland City Council, advised that while multi-family homes were not uncommon in his local government area, he didn't believe they were being captured in the common planning assumptions:

[A] house might be built and, for many suburbs in Sydney, it might have a family of four. The reality in Cumberland is that same house might have six, seven, eight people... That adds a level of complexity to projections and then what the needs are for school infrastructure...because common assumptions by the State may apply to an extent at the local level but there might be some local anomalies that aren't fully considered or able to be captured at that State level.⁹⁶

- 2.60** For witnesses such as Melanie Doyle, Member of the Ulladulla High School P & C Executive Committee, the need to capture current, local-level data is particularly important in regional areas, in order to take into account the growth in regional populations during the COVID-19 pandemic. In her opinion, SINSW's reliance on Planning data – which as noted above is based on ABS figures taken every five years – was the key issue, as housing developments and a boom in real estate have not been factored in:

I think the biggest concern we have is that School Infrastructure basically is not looking at current statistics of growth in this area. As we all know, especially post-COVID, there has been a large push regionally...

If you look at their Planning statistics, they have basically got negative to flat growth in our area for schools. I do not think you have to be a rocket scientist to work out that by face value that is incorrect... They cannot run their statistics off the census information from five years ago...we have about 10 housing developments going through at the moment. Real estate... is going through the roof.⁹⁷

- 2.61** In order to understand how local variations such as this might be added to the data available to SINSW, the committee asked a number of local council stakeholders about their level of involvement with state government agencies such as SINSW and the Department of Planning and Environment.
- 2.62** The committee received mixed evidence on existing opportunities for these stakeholders to provide input into the planning process. A number of elected councillors were critical of the level of consultation with local government:

⁹⁶ Evidence, Mr Daniel Cavallo, Director, Environment and Planning, Cumberland City Council, 25 May 2022, p 2.

⁹⁷ Evidence, Ms Melanie Doyle, Member, Ulladulla High School P & C Executive Committee, 9 May 2022, p 22, 24.

- 'I really see a lack of integration between what is happening at a local level and the planning of the Department of Education. I have only been on the council since 2017, and I am certainly not aware of any effort or communication with council or elected councillors about our opinions and where planning will go and where density will be. I have never participated in a council workshop about those sorts of issues'.⁹⁸
- 'There doesn't seem to be a great deal of liaison between councils and State Government departments'.⁹⁹

2.63 Staff of local councils, such as Cumberland City Council, spoke more positively of the relationship between councils and SINSW, while emphasising that there were limited regular opportunities for them to proactively provide data, as contact was generally only initiated by SINSW when it needed something. For example, Mr Daniel Cavallo, Director, Environment and Planning, Cumberland City Council, said that while there was liaison between the two levels of government, it was 'very targeted' and 'ad hoc'.¹⁰⁰

2.64 On the specific type of information available to a council that might assist in informing potential student numbers in an area, Mr Cavallo advised that recent development approvals were the most useful, but that other dynamic factors still needed to be considered:

With our housing strategy we've got some broad projections, by suburbs or wards... the best we can do in the short term is basically identify recent development activity, recent approvals from DAs... [but] what happens in practice is that there's a lot of factors, such as migration and household size and demographics, and those can change from year to year...¹⁰¹

2.65 Both representatives from the Department of Planning and Environment disputed the assertion that there was little or no consultation by Planning with local government. Mr Matt Berger reported that the department sought to engage with local government comprehensively for the 2019 series, via a number of visits that 'touched pretty much all of regional New South Wales except the South Coast'.¹⁰² Mr Berger explained that these meetings afforded a valuable opportunity for local councils to provide their perspective on the ABS data that Planning relies on, but that it was difficult to get to every council in order to 'validate' the data in this way.¹⁰³

2.66 His colleague, Dr Johnstone also spoke favourably of the insight local councils provided via an annual consultation process, describing it as giving good insight into what was happening 'on the ground'.¹⁰⁴ In her words, much of this local level data was factored into Planning's calculations around the predicted level of migration in an area.¹⁰⁵

⁹⁸ Evidence, Mr Andrew Ferguson, Councillor, City of Canada Bay Council, 25 May 2022, p 14.

⁹⁹ Evidence, Ms Linda Downey, Councillor, Canterbury Bankstown City Council, 25 May 2022, p 2.

¹⁰⁰ Evidence, Mr Cavallo, 25 May 2022, p 2.

¹⁰¹ Evidence, Mr Cavallo, 25 May 2022, p 4.

¹⁰² Evidence, Mr Berger, 25 May 2022, p 37.

¹⁰³ Evidence, Mr Berger, 25 May 2022, p 37.

¹⁰⁴ Evidence, Dr Johnstone, 25 May 2022, p 35.

¹⁰⁵ Evidence, Dr Johnstone, 25 May 2022, p 35.

Schools in high-growth areas

- 2.67** This section explores the effect of poor demographic planning for schools in high growth areas, including both greenfield and existing residential areas in Sydney, as discussed by various inquiry participants.

Overcrowding

- 2.68** A number of witnesses told the committee that poor demographic planning had resulted in schools in high growth areas reaching – and exceeding – their capacity in unacceptably short time frames. Along with the Northbourne Public School example referred to earlier, this view was expressed by witnesses from new 'greenfield' areas in South West and North West Sydney such as Marsden Park, Gledswood Hills and Gregory Hills, as well as from established residential areas that have undergone significant population growth, such as Concord. The committee also visited Oran Park Public School, which is currently around 40 per cent over capacity, with roughly 1500 students enrolled in 2022. A case study on the school explores this in further detail below.

Case study: Oran Park Public School

Oran Park Public School, in Sydney's south west was another of the overcrowded newly-built schools the committee visited. The school opened in 2014 and is currently around 40 per cent over capacity, with roughly 1500 students enrolled in 2022.

The committee heard that the Department had tried to manage demand for the school by reducing the catchment boundaries, to the extent that the school now draws primarily from one street in the local area. However, just one year after the school opened it had 13 demountables, and by 2020 this had blown out to 27, filling what had been a playground area. The local community has compared the demountables to the look of Manus Island and it is clear that the school's development was a demographic planning disaster.

- 2.69** Ms Hanna Braga and Ms Kate Laney, residents of Gledswood Hills and Gregory Hills respectively, told the committee that schools in their areas were examples of a failure in demographic planning. Their evidence painted a picture of a rapidly growing area where existing primary schools were over-capacity while proposed new schools – intended to relieve some of the demand – remain unbuilt.
- 2.70** Ms Laney, along with Ms Braga, enrolled her child at Gledswood Hills Public School to start kindergarten in 2021. However, as Ms Braga stated, the year the school opened 'there were already 200-plus kindy kids enrolled'.¹⁰⁶ After only two years of operation as of May 2022, Gledswood Hills had just over 1000 students enrolled, 18 demountables and limited play

¹⁰⁶ Evidence, Ms Hanna Braga, Parent, Gledswood Hills Public School, 13 July 2022, p 2.

space.¹⁰⁷ According to correspondence from School Infrastructure NSW, planning is underway for a 'Stage 2 upgrade' which will deliver an additional 20 flexible learning spaces.¹⁰⁸

2.71 Ms Braga told the committee she had sought further information on when the proposed Gregory Hills Public School will open, given its potential to take students from the same area and relieve the pressure on Gledswood Hills Public.¹⁰⁹ Ms Braga was told that Gregory Hills Public will not open until 2027, without any clarity on how the overcrowding at Gledswood Hills will be addressed. She was critical of this response, asserting that it represented a lack of foresight, and consequently, ineffective management of demand:

... we asked them, "What's happening? When will [Gregory Hills Public School] open? And, more importantly for us right now, what's happening with Gledswood Hills?...We've got another 250 kindy kids starting again next year and the year after and the year after", and there was just no foresight whatsoever. So, at the moment we have an overcrowded Gledswood Hills Public School. It is about to become a construction site. Then across Camden Valley Way we have Barramurra, which is only at 50 per cent capacity as far as I am aware. With a little bit of foresight, in my mind, they could have redirected some of the Gregory Hills families over to Barramurra while they were building the extension at Gledswood Hills or building Gregory Hills.¹¹⁰

2.72 Stakeholders from long-standing residential areas such as Concord in Sydney's Inner West also expressed concerns that a failure of demographic planning had allowed existing schools in the area to exceed their capacity. Ms Monica Cologna, Director of Community and Environmental Planning, City of Canada Bay Council, told the committee that in the previous year, Concord High School had had 'more students than teaching space', with a 53 per cent increase in enrolments predicted by 2031.¹¹¹

2.73 The committee heard a variety of responses on how this poor demographic planning by the Department of Education was affecting students and families. One common response was that students are having to travel long distances due to the absence of a state school in their local area. Ms Marnie Coates, a parent of three children at Medowie Public School in the Port Stephens area, told the committee that the 'rapidly expanding community of Medowie' still did not have a high school, despite a commitment having been made in 2011. As a result, over 1000 students from Medowie travel over two hours each day to high schools in Raymond Terrace.¹¹² Similarly, the Marsden Park Public School P & C Association reported that for high school students living in Marsden Park, the closest high school was an hour and 20 minutes' walk away.¹¹³

¹⁰⁷ Evidence, Ms Kate Laney, Parent, Gledswood Hills Public School, 13 July 2022, p 3. Tabled document, School Infrastructure NSW, Correspondence from Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW to the Chair, regarding school and site visits undertaken by the committee on 5 April and 26 April, May 2022. p 2.

¹⁰⁸ Tabled document, May 2022. p 2.

¹⁰⁹ Evidence, Ms Braga, 13 July 2022, p 2.

¹¹⁰ Evidence, Ms Braga, 13 July 2022, p 2.

¹¹¹ Evidence, Ms Monica Cologna, Director, Community and Environmental Planning, City of Canada Bay Council, 25 May 2022, p 11.

¹¹² Evidence, Ms Marnie Coates, Parent, Medowie Public School, 13 July 2022, p 13.

¹¹³ Submission 120, Marsden Park Public School P & C Association, p 1.

2.74 Others suggested that an overcrowded local school is unappealing to many parents or too challenging for individual students, leading many to consider private alternatives. For example, Ms Kathryn Zerk, President of Concord High School Parents & Citizens Association, told the committee that she had no other option but to look at other schools after being told her daughter was not coping with the overcrowding there.¹¹⁴ A case study of Concord High is included in chapter 4.

2.75 Mr Andrew Ferguson, a councillor with City of Canada Bay Council whose children also went to Concord High echoed the concerns that overcrowding, along with the general neglect of the school are driving people into the private system and creating additional financial stress for families:

I have also spoken to parents who have not sent their children to Concord High School and have sought private school solutions. That often creates great financial stress on families, particularly when there are increases in the cost of living and many pressures that families have. I echo the remarks of Kathryn and I have that same concern about the neglect, the overcrowding, the impact on education and the denial of public education opportunities for many local residents.¹¹⁵

Rezoning as a solution for overcrowding

2.76 The committee heard that one of the mechanisms available to the NSW Department of Education to manage excessive demand for school places arising from poor planning is the rezoning of catchment areas. Throughout the inquiry, the committee visited a number of over-capacity schools that had reduced their catchment boundaries in order to limit enrolment numbers. An example is discussed in the Oran Park case study at [2.68].

2.77 In general, members of the school community – particularly parents and P & C representatives – were not in favour of reducing school catchments in order to reduce strain on over-capacity schools. This evidence was consistent across both metropolitan and regional witnesses:

- 'There are psycho-social, emotive, practical and logistical problems with shifting students suddenly from one year into a different catchment area...[t]here are connections...[as well as] additional travel time'.¹¹⁶
- 'This rezone also means that some families, carers and children living in our community who could previously walk or cycle to school will now have to commute without the advantage of a metropolitan public transport system'.¹¹⁷
- 'SINSW's solution of diverting students to other schools by reducing the school's catchment area is an illogical, unsuitable option ...[it] will force some Dee Why families living within blocks of Dee Why Public School to enrol in Brookvale, as seen below, tearing at the fabric of our community and force students to navigate 1.4km along Pittwater Rd, our local area's busiest road'.¹¹⁸

¹¹⁴ Evidence, Ms Zerk, 25 May 2022, p 12.

¹¹⁵ Evidence, Mr Ferguson, 25 May 2022, p 13.

¹¹⁶ Evidence, Mr Andrew Molloy, Future of Western Sydney University Milperra Campus, 13 July 2022, p 1.

¹¹⁷ Evidence, Ms Yap, 9 May 2022, p 17.

¹¹⁸ Submission 117, Dee Why Public School P & C Rebuild Subcommittee, p 4.

2.78 The Chair of the Dee Why Public School's Rebuild Subcommittee, Mr Stuart Herring, told the committee that that decreasing that school's catchment area has actually had the unwanted result of reducing the perceived urgency of infrastructure improvements:

[T]he view was, "Let's try to also reduce the boundaries." But it has then got to the point—my understanding was that they said, "Well, if we're reducing the boundaries, maybe we don't need to do a rebuild."¹¹⁹

2.79 In addition to the practical effects, the committee heard from witnesses that catchment changes have been implemented with little parental consultation. Ms Yap from Lennox Head Public School P & C told the committee that the P & C was invited to a meeting 'the night before the rezone was announced', while Ms Yvonne Hilsz, Vice President of the Federation of P & C Associations of NSW, said parents were informed via letter that their child would not be accepted by their school next year, due to a change in catchment.¹²⁰

2.80 Some witnesses were less critical of the approach, provided it was done with adequate consultation. For Mr Alan Gardiner, Secretary of the Federation of P & C Associations of NSW, the controversy that a change in catchment zones may cause is 'not a reason to shy away from doing it' to address capacity issues, provided that 'effective community consultation' occurs as part of the rezone.¹²¹

2.81 The committee put the question of the appropriateness of catchment boundary changes to representatives of School Infrastructure NSW. Mr Manning responded that there is not a universal response to capacity challenges but that it involves an assessment of each individual school's capability.¹²² In his words, catchment boundary revisions formed part of a suite of options available to SINSW to respond to strains in capacity and to reduce demand on a particular school. Other options include upgrading existing schools, making greater use of under-utilised schools and acquisition of land for new schools.¹²³

2.82 Mr Manning also pushed back on the idea that an over-capacity school is always the result of poor planning and that catchment boundary changes were the necessary solution, citing the example of Riverbank Public School. Having opened in 2015, the school currently has more than 2000 students and is well in excess of its capacity, due in large part to an excellent reputation within the local community and which actually attracts families to the area. He told the committee:

I think what we saw at Riverbank was a very competent and capable principal who was very focused on what she was delivering and was delivering great results... Riverbank is the subject of the fact that it is actually a really popular and successful school.¹²⁴

¹¹⁹ Evidence, Mr Herring, 25 May 2022, p 21.

¹²⁰ Evidence, Ms Yap, 9 May 2022, p 17; Evidence, Ms Yvonne Hilsz, Vice-President, Federation of P & C Associations of NSW, 9 May 2022, p 10.

¹²¹ Evidence, Mr Gardiner, 9 May 2022, p 10-11.

¹²² Evidence, Mr Manning, 25 May 2022, p 41.

¹²³ Evidence, Mr Manning, 25 May 2022, p 52.

¹²⁴ Evidence, Mr Manning, 25 May 2022, p 41.

Committee comment

- 2.83** It is clear to the committee that the planning for new schools in urban growth areas has been substandard, relying on broad-brush local government area data. While the committee acknowledges a concerted effort by the Department of Planning and Environment to provide more detailed, and better-suited data to School Infrastructure NSW to aid in its demographic planning, it is disappointing the shift to SA2 level is only just occurring. The historical reliance on data at the broad local government area level has meant that local nuances have not been available to be taken into consideration by School Infrastructure NSW and has contributed to planning disasters such as the early years of Oran Park Public School and Gledswood Hills Public School.
- 2.84** The committee accepts the evidence from SINSW that it can only work with the data that it receives. However, given the value that community level data provides to local planning, it is imperative that SINSW engage more actively with local councils. In the view of the committee, local councils have much to offer in terms of ever-evolving 'on the ground' knowledge and should have the opportunity to regularly and proactively provide information to School Infrastructure NSW. The data on which it bases its decisions and builds schools will be much more robust and responsive as a result.
- 2.85** The committee was concerned to hear that shortcomings in demographic planning have had significant negative effects on many school communities. Witnesses from both new and existing suburbs spoke of overcrowded schools, long commutes and a general level of dissatisfaction with School Infrastructure NSW's ability to prepare for growth in populations. Noting this evidence, the committee was disheartened to hear that for some parents, the private system is considered the best option. We believe that every child should have the ability to attend a local public school that is both within capacity and a reasonable distance.
- 2.86** For all these reasons, the committee recommends that School Infrastructure NSW ensure that its demographic planning relies on suburban level population/enrolment projections and close consultation with local government. It should also give greater weight to lessons and demographic trends from past planning successes and failures in newly-developed residential release areas that are similar to recently-established suburbs and their school needs.
- 2.87** On the appropriateness of altering catchment boundaries to reduce demand, the committee recognises both sides of the evidence it has received. When communicated with an adequate warning, after consultation with the community, a change in the catchment area can be an effective way for under-capacity neighbouring schools to alleviate demand on a school. However, it is important to recognise that children form close bonds with their schoolmates and separating them suddenly and unexpectedly should be avoided as far as possible.
- 2.88** On the issue of catchment areas, the committee recommends that the Department of Education provide a publicly available list of school catchment capture rates and enrolment caps to ensure that it is transparent about its schools and their capacity. This will provide necessary information to parents about the enrolment demands a school may be facing, allowing them to factor this into the important decision of where to send their child.

Finding 5

That the demographic planning for new schools in urban growth areas has been substandard, relying on broad-brush local government area data. The Department of Planning and Environment is only now developing demographic tools at a suburban level. This has led to planning disasters such as the early years of Oran Park Public School and Gledswood Hills Public School. At Oran Park Public School, this led to a sea of demountables and a decision to close out-of-area enrolments and to limit the enrolment area to just one street.

Finding 6

That School Infrastructure NSW consultation with local government authorities on the need for new schools has been sporadic. Council population growth projections have an important role to play in getting the planning process right.

Finding 7

That poor demographic planning has had a significant negative effect on a number of school communities, leading to overcrowded schools, longer-than-acceptable commutes to the nearest school and a growing disillusionment with School Infrastructure NSW's ability to respond to population growth.

Recommendation 8

That School Infrastructure NSW ensures that its demographic planning relies on suburban level population/enrolment projections and close consultation with local government. It should also give greater weight to lessons and demographic trends from past planning successes and failures in newly developed residential release areas that are similar to recently-established suburbs and their school needs.

Finding 8

That the NSW Department of Planning and Environment and the NSW Department of Education have not been adept in using the long history of residential land release and school infrastructure planning and provision in Western Sydney to guide decisions for new schools, especially in suburbs for which there have been past examples of similar urban growth, enrolment needs and school construction. Lessons have not been learned.

Finding 9

That School Infrastructure NSW has failed to secure ownership of land for new schools within greenfield development sites in a timely manner. This has led to community frustration with delays to public school construction.

Recommendation 9

That the NSW Department of Education provide a publicly available list of school catchment capture rates and enrolment caps, ensuring that it is transparent about its schools and their capacity.

Voluntary planning agreements as a means of acquiring land for new schools

- 2.89** The committee received evidence on the process involved in land rezoning and acquisition for school infrastructure, primarily from School Infrastructure NSW. Of particular interest to the committee was the efficacy of the voluntary planning agreement (VPA) process currently used by SINSW to acquire land from developers. A case study on Gledswood Hills Public School – whose land was acquired through a VPA with developer Sekisui House in 2019 – is included in this section, illustrating some of the concerns with the process.
- 2.90** As part of its questioning on the planning for new schools, the committee asked School Infrastructure NSW to explain its process for acquiring land for a new school in a greenfield site, including the factors taken into consideration when identifying an appropriate school.
- 2.91** Mr Manning outlined the options available, including negotiating VPAs with developers, acquiring existing sites and, as a final option, compulsory acquisition of land:

There is a VPA process where the Department of Planning, as part of a rezoning... may well negotiate on our behalf for land to be made available to us... We work with Planning pretty closely to make sure that the site we are likely to get is suitable for our use ... so that, as it comes to us, it comes to us in the right space. ... We have some where developers will come and talk to us about what they are planning to do, to see whether we are interested in acquiring a site as part of their development in that space. From time to time ...we will often look at acquiring existing sites and as a last resort would move to a compulsory acquisition process...¹²⁵

Case study: Gledswood Hills Public School

The committee's visit to Gledswood Hills Public School highlighted the pitfalls in School Infrastructure NSW negotiating land for schools with developers through the voluntary planning agreement process.

While the buildings currently onsite were of an impressive standard, the school principal, Ms Donna Shevlin, said that the school site is on difficult terrain and ultimately too small. She pointed out the limited play space for children, which is covered in bitumen and requires the school to stagger break times, to allow the children to fit.

The committee also saw the limited grass area, which due to the uneven topography of the school site, sits at the bottom of a hill and collects water when it rains – making it unusable as a playground after wet weather.

Ms Shevlin said she had asked the council if undeveloped land bordering the school could be granted the school to allow it to expand its playground.

Ms Shevlin also pointed out a pond on a neighbouring reserve, which she said was filled with mosquitoes and required the school to fit all surrounding classrooms with flyscreens to ensure children weren't bitten. Mr Manning explained that these ponds are a necessary flood

¹²⁵ Evidence, Mr Manning, 25 May 2022, p 45.

mitigation component of any development and confirmed that School Infrastructure NSW had responded immediately with the flyscreens when requested by the school.

Mr Manning also advised that there are minimum standards for land acquired for schools as part of a VPA but that the land in Gledswood Hills was, as its name suggested, hilly, limiting their options somewhat.

The committee also visited the site for a proposed school in neighbouring Gregory Hills, which many hope will take some of the strain off Gledswood Hills in due course. Gledswood Hills is also undergoing Stage 2 of an upgrade, which will deliver a further 20 multistorey classrooms.

- 2.92** When questioned about the adequacy of these agreements – particularly the quality of land secured through them – Mr Manning told the committee that while certain characteristics are 'ideal' for a school, such as a flat, regularly shaped site, such land is not always available.¹²⁶ Mr Manning also confirmed that SINSW takes guidance from the Department of Planning on the suitability of a site before committing to a VPA:

We will work with the Department of Planning. They will identify with the developer sites that are available to us that fit. We will then do an assessment on those and get a sense. If they are slightly smaller than our ideal size, we might propose to put a three-storey structure in, rather than a two-storey structure, so that we can get the best value out of the land that we can. We will do that analysis with the Department of Planning before we settle on a final VPA.¹²⁷

- 2.93** In answers to questions on notice, School Infrastructure NSW elaborated on the range of factors considered when identifying a site for a new school, including a case-by-case assessment of site size, location and risks.¹²⁸

Committee comment

- 2.94** Given the centrality of schools to the infrastructure and functioning of a community, the committee believes the allocation of land for school infrastructure deserves a much greater priority in the overall planning and rezoning that occurs in greenfield areas. On the balance of the evidence, the committee is unconvinced that voluntary planning agreements offer an adequate solution, with developers seemingly having the upper hand when it comes to land selection. For this reason, the committee recommends that the Department of Education establish minimum quality standards for the allocation of school lands in voluntary planning agreements, with these standards binding on and enforceable by other government agencies involved in the urban development process.

¹²⁶ Evidence, Mr Manning, 25 May 2022, p 45.

¹²⁷ Evidence, Mr Manning, 25 May 2022, p 46.

¹²⁸ Answers to questions on notice, School Infrastructure NSW, 26 June 2022, pp 1-2.

Finding 10

The committee was distressed to see the inadequacies of the voluntary planning agreement (VPA) that led to the Gledswood Hills Public School site (near Camden). The developer was allowed to offload substandard land, inflicting upon the school a small, steep site next to the suburb's drainage canal/artificial lake (with a mosquito problem). With further construction due, Gledswood Hills is running out of play/sporting space for its students and also has a worrying car parking/pickup/drop-off problem. School VPAs are big decisions, affecting students, teachers and parents for many decades. Education should not be an afterthought in the allocation of land.

Recommendation 10

That the NSW Department of Education establish minimum quality standards for the allocation of school lands in voluntary planning agreements, with these standards binding on and enforceable by other government agencies involved in the urban development process.

Chapter 3 Design and construction of new schools

This chapter explores stakeholder views around the design and construction of new schools by School Infrastructure NSW, particularly in greenfield areas such as in south west and north west Sydney. Its initial sections focus on the adequacy of the current approach to new schools, examining whether the school infrastructure that is being built in these areas is fit-for-purpose. In particular, it examines whether current construction methods used by School Infrastructure NSW (SINSW) strike the right balance between flexibility and ensuring design is guided by pedagogy.

Demountable classrooms are also considered in detail, including stakeholder perceptions that they are increasingly used as a replacement for permanent buildings, as well as their encroachment on play space. To finish, the chapter looks at other considerations beyond classrooms such as road access, on-site parking, school size as well as the importance of natural surrounds in new schools.

Adequacy of the current approach in providing fit-for-purpose new schools

- 3.1** A key area of discussion during the inquiry was the adequacy of the current design and construction approach in providing 'fit-for-purpose' new schools. The importance of fit-for-purpose school infrastructure was a focus of the 2021 Auditor General's report, which recommended that SINSW take a number of steps to ensure it was able to meet demand and deliver fit for purpose learning environments.¹²⁹
- 3.2** Stakeholders were in agreement that having school infrastructure that caters above all to the needs of both students and teachers is best practice, yet disagreed on how a fit-for-purpose school environment can best be achieved.¹³⁰
- 3.3** Mr Anthony Manning, Chief Executive Officer of School Infrastructure NSW, asserted that providing teachers with flexibility in their physical teaching environments is the solution. In his view, it is not the role of School Infrastructure NSW 'to tell teachers how to teach' but rather, to provide them with infrastructure that best meets their individual approach:

I don't think [School Infrastructure's] role is to tell teachers how to teach... my job is to make sure that we are giving teachers the flexibility to roll out whatever model of teaching is the right teaching model for them... There are teachers and subjects and cohorts that lend themselves to open-plan learning; there are other cohorts that lend themselves to a traditional classroom space.¹³¹

- 3.4** The committee asked Mr Manning for further detail on the theory underpinning this approach, in particular, the status of a School Infrastructure authored document entitled *Exploring fit-for-purpose contemporary learning spaces*. This document analysed recent literature on 'contemporary learning spaces', suggesting they can be conducive to highly effective learning and teaching practices and identifying the following as common features:

- group learning areas

¹²⁹ Audit Office of New South Wales, *Delivering school infrastructure*, 8 April 2021, p 5.

¹³⁰ Submission 123, Randwick Girls High School Parents and Citizens Association, pp 5-6,

¹³¹ Evidence, Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW, 25 May 2022, p 42.

- breakout spaces
- no distinct front of classroom
- natural light
- open plan – 'double size' classrooms, with double the students and two or more teachers
- moveable worktables and rolling chairs
- no walls/glass walls/demountable walls.¹³²

3.5 The document states that variations in the design and layout of physical learning spaces can account for up to 16 per cent of student results.¹³³

3.6 Mr Manning responded that this document gives some indication to School Infrastructure NSW regarding 'pedagogical delivery models' but that it is 'not a basis going forward'.¹³⁴

3.7 The Australian Education Union New South Wales Teachers Federation Branch (hereafter Teachers Federation) told the committee that while it supports measures that 'improve the planning and delivery of quality, fit-for-purpose school infrastructure', it is concerned that a focus on efficiency is occurring at the expense of learning environments.¹³⁵ In the Teachers Federation's view, school infrastructure must not be developed as 'cheap, quick fix solutions to the rapid growth in student enrolments' and must always ensure the focus remains on quality learning environments for teaching and learning.¹³⁶

3.8 The Teachers Federation's submission also refers to 'educational guidelines' which set out the requirements for the design of new learning spaces and schools and include reference to 'aesthetically pleasing' spaces.¹³⁷ Expanding on this at the hearing, Mr Henry Rajendra, Vice President of the Teachers Federation, expressed the view that in certain schools, considerations such as pedagogy and class size 'have not been prioritised compared to what an architect may want a school to look like'.¹³⁸

3.9 According to Mr Rajendra, the preference for 'open space learning' classrooms is an example of where design has not been guided by pedagogy and instead, is an example of 'a fad [going] ahead...of the priority of the needs of our kids'.¹³⁹ In his view, these spaces are 'just not fit-for-purpose' in terms of teaching and learning, as they fail to take into consideration the different learning needs of students:

¹³² Tabled document, NSW Department of Education, *Exploring fit-for-purpose contemporary learning spaces*, May 2022, pp 2-3.

¹³³ Tabled document, NSW Department of Education, *Exploring fit-for-purpose contemporary learning spaces*, May 2022, p 1.

¹³⁴ Evidence, Mr Manning, 25 May 2022, p 42.

¹³⁵ Submission 34, Australian Education Union New South Wales Teachers Federation Branch, p 4.

¹³⁶ Submission 34, Australian Education Union New South Wales Teachers Federation Branch, p 6.

¹³⁷ Submission 34, Australian Education Union New South Wales Teachers Federation Branch, p 6.

¹³⁸ Evidence, Mr Henry Rajendra, Deputy President, Australian Education Union NSW Teachers Federation Branch, 9 May 2022, p 35.

¹³⁹ Evidence, Mr Rajendra, 9 May 2022, p 35.

Some of the studies that I have seen over time, particularly when [open-plan learning] was such a hot issue back in 2018...was there was no consideration of the impact of those in terms of anxiety of those who have hearing difficulties. It was quite regrettable because the fad goes ahead in terms of the priority of the needs of our kids, and it is really unfortunate...Open-space learning was once called "flexible learning spaces". It could not be more inflexible by its design, because you could not do anything more than have those three classes into one.¹⁴⁰

- 3.10** To ensure this does not occur in the future, Mr Rajendra advocated strongly for greater involvement of teachers and principals in the design process, stating that while 'architects are absolutely necessary', the imperative for the infrastructure to meet the needs of an individual school must take primacy.¹⁴¹
- 3.11** It should be noted that the Centre for Education Statistics and Evaluation (CESE) has produced research findings on 'What Works Best' in classrooms.¹⁴² 'Explicit Instruction' (or what some call 'Direct Instruction') has been recommended as the superior pedagogy, delivering the best results for student academic outcomes. This involves teachers teaching in front of their students, explicitly explaining concepts and engaging in a rich interchange of knowledge and ideas. They take their students through the various steps and stages of learning.
- 3.12** John Hattie's extensive meta-data analysis of school education studies around the world (involving 80,000 studies and 300 million students) has measured the 'effect size' of different classroom practices (with 0.4 set as the threshold for effectiveness). Direct Instruction has an effect-size of 0.6, a highly beneficial teaching method. Other approaches are measured as regressive strategies: 0.01 for open vs traditional classrooms; 0.02 student control over learning; 0.34 collaborative learning; 0.21 discovery-based teaching; and 0.19 for co- or teach-teaching. These are often practiced in so-called flexible learning spaces and open plan classrooms.
- 3.13** There is, therefore, a clear argument for school design to follow pedagogy. It should not facilitate or encourage fad, low-effect-size teaching methods. It should follow the evidence base and emphasise the necessity of Direct or Explicit Instruction in traditional classroom spaces.

Modern methods of construction to deliver school infrastructure

- 3.14** The committee delved further into the practical delivery of school infrastructure with a number of witnesses. According to the Department of Education, SINSW has developed 'modern methods of construction' – alternatively known as 'design for manufacture and assembly' – to enable it to rapidly deliver 'high quality, efficient and sustainable' school infrastructure.¹⁴³ The Department identifies a number of benefits from these methods, including shorter construction timeframes, reduced waste and a greater value for money.¹⁴⁴

¹⁴⁰ Evidence, Mr Rajendra, 9 May 2022, p 35.

¹⁴¹ Evidence, Mr Rajendra, 9 May 2022, p 35.

¹⁴² Centre for Education Statistics and Evaluation, NSW Department of Education, *What Works Best*, 2 June 2022.

¹⁴³ Submission 28, NSW Department of Education, p 2.

¹⁴⁴ Submission 28, NSW Department of Education, p 2.

- 3.15** The School Infrastructure NSW website identifies two main modern construction approaches used to build school infrastructure:
- volumetric modules involves a modular construction of classrooms and other key structural components in a factory offsite, followed by installation as a complete module at the school site
 - a kit of parts approach is where standardised building components including floor systems, panelised walls, roofs, beams, columns, facades and joinery are manufactured offsite, and the parts are assembled at the school site.¹⁴⁵
- 3.16** Mr Manning told the committee that School Infrastructure NSW has been particularly focused on the speed with which it delivers infrastructure projects, citing the recent delivery of 'thousand place primary schools in six months from construction' as indicative of this speed.¹⁴⁶ Mr Manning also referred to Fern Bay Public School north of Newcastle as a successful 'prototype' built using modern methods of construction.¹⁴⁷ According to him, these methods allow SINSW to use standardised processes while still providing 'the flexibility for teachers depending on how their teaching methodology works' – something he described as 'an effective way to work between us and the [Teachers Federation]'.¹⁴⁸
- 3.17** The Teachers Federation did not raise with the committee any specific issues with these modern methods of construction, specifically their use at Fern Bay Public School. However, as noted at [3.7] the Federation was clear to stress that notwithstanding the time and cost benefits these methods may offer, 'the overriding consideration' must be that the design of these schools is 'fit-for-purpose', with design following pedagogy, 'not the converse'.¹⁴⁹
- 3.18** The committee conducted a site visit to Fern Bay Public School, which was constructed in 12 weeks, including 6 weeks of on-site assembly, using the kit of parts approach. The committee's site visit is discussed in further detail in a case study below.

Case study: Fern Bay Public School

The committee's visit to Fern Bay Public School in early June 2022 allowed it to see first-hand the 'kit of parts' modern method of construction that will increasingly be used by School Infrastructure NSW. The building at Fern Bay is the pilot of the 'pavilion model' - a single storey permanent wooden building, where four classrooms surround a single shared learning space. Doors between each of the classrooms can be opened to combine the entire building, and all of the classrooms are large and light filled. The wood used to construct the pavilion is engineered mass timber – a sustainable alternative to traditional building materials such as steel – with components built in two specialist facilities in south west Sydney and Newcastle. The interiors are colourful and thoughtfully designed for storage and flexible use.

¹⁴⁵ School Infrastructure NSW, *Modern methods of construction*, <<https://www.schoolinfrastructure.nsw.gov.au/what-we-do/we-build-schools/modern-construction-methods.html>>.

¹⁴⁶ Evidence, Mr Manning, 25 May 2022, p 41.

¹⁴⁷ Evidence, Mr Manning, 25 May 2022, p 41.

¹⁴⁸ Evidence, Mr Manning, 25 May 2022, p 41.

¹⁴⁹ Submission 34, Australian Education Union New South Wales Teachers Federation Branch, p 6.

Teachers who spoke to the committee appeared to enjoy teaching in them and students also told us how much they loved their new surrounds. The soundproofing off the rooms was also demonstrated



to the committee, as students moved easily from their classrooms to the playground outside, with very little noise travelling through the rooms' glass walls. The school's principal, Mr Drew Janetzki, said the installation of the new building was done with very little interference to the existing school site, with the buildings performing well since they were installed.

Mr Manning from School Infrastructure NSW explained that the benefit of this method of construction is that the vast major of work can be performed offsite,

allowing the actual onsite installation to take place quickly. For Fern Bay, there was a total construction time of 12 weeks including just six weeks of on-site assembly.

- 3.19** Separately, Ms Libby Clarke, Vice President of the Marsden Park Public School Parents and Citizens Association (hereafter P & C) gave insight into how parents see buildings constructed using these modern methods, speaking favourably of the speed with which they can be built. Ms Clarke did question their appropriateness for high schools, which require specialist vocational education facilities such as woodworking and kitchen areas, but was reassured by evidence that these facilities can still be accommodated in buildings constructed using this method.¹⁵⁰

Issues with staged builds

- 3.20** Continuing its exploration of practical aspects of new school delivery, the committee heard various stakeholders' views on staged builds, where school infrastructure is delivered in distinct phases, often years apart. During its site visits, the committee visited Gledswood Hills Public School, which opened in 2020 and as of May 2022 has over 1000 students enrolled, with planning for stage two currently underway.¹⁵¹
- 3.21** Representatives from Wentworth Point Public School P & C also expressed concern about the staged delivery of Wentworth Point High School, with stage one due to open to an initial 850 students in 2024,¹⁵² before stage two opens to a further 700 students at a later date.

¹⁵⁰ Evidence, Ms Libby Clarke, Vice President, Marsden Park Public School Parents and Citizens Association, 13 July 2022, p 11.

¹⁵¹ Tabled document, School Infrastructure NSW, Correspondence from Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW to the Chair, regarding school and site visits undertaken by the committee on 5 April and 26 April, May 2022. p 2.

¹⁵² Evidence, Ms Monica Cologna, Director, Community and Environmental Planning, City of Canada Bay Council, 25 May 2022, p 11; Submission 122, Wentworth Point Public School Parents and Citizens Association, p 2.

3.22 The President of Wentworth Point Public School P & C, Mr Clement Lun, explained to the committee that the P & C had been told that the staged build was based on the predicted demand being lower in the initial years:

There's also been no funding, as well—been given for stage two in the latest New South Wales budget line item. We did raise those issues about the lack of facilities for the school. That's the reason that they gave. That's why it's being built in two stages—stage one and stage two—so that in stage one, because of the smaller number of enrolments that they're expecting, that they do not require those sort of facilities.¹⁵³

3.23 However, a fellow member P & C, Mr Mark Green, emphasised that it would have been preferable for the high school to be 'built once and built well'.¹⁵⁴ In his view, the staged approach for the high school is problematic, given that key buildings such as the school hall were allocated for construction in this second stage, yet the date of its completion remains unconfirmed.¹⁵⁵

3.24 When asked if these community concerns means that it is better to build schools in one go, Mr Manning of School Infrastructure set out some of the benefits of staged builds, explaining that they allows SINSW to balance the short-term and long-term needs of an area. Mr Manning also stressed that the decision to split the delivery of infrastructure is a question of balance, as building a larger school in a single stage, only for it to sit half-empty, has consequences for other projects:

There is a balance between how quickly we expect the second stage of the infrastructure to be used. If, as we see with some schools, it sits there for four or five years and not be used, it represents capital that we are tying up. Given the capital is finite, it actually prevents me using it in another school where we could make more of a difference.¹⁵⁶

3.25 Elaborating on the detail, Mr Manning said that SINSW works to ensure that 'background infrastructure' such as halls and administrative places are in place in the initial stages, allowing them to 'add a second set of classrooms' to schools in a further stage, as required.¹⁵⁷

Demountable classrooms in new schools

3.26 The issue of demountable classrooms (hereafter demountables) – in particular, the appropriateness of their use to meet growing enrolment numbers – was a key focus of the inquiry. Demountables were a feature of every school the committee visited during its site visits. While they have also been installed in many existing schools such as Concord High School, this chapter focuses on their use in newly constructed schools.

3.27 It was clear from these visits, as well as from the evidence of a number of stakeholders, that the quality of new demountables is a significant improvement on the older models that feature in

¹⁵³ Evidence, Mr Clement Lun, President, Wentworth Point Public School Parents and Citizens Association, 13 July 2022, p 27.

¹⁵⁴ Evidence, Mr Mark Green, Member, Wentworth Point Public School Parents and Citizens Association, 13 July 2022, p 27.

¹⁵⁵ Evidence, Mr Green, 13 July 2022, p 27.

¹⁵⁶ Evidence, Mr Manning, 25 May 2022, p 50.

¹⁵⁷ Evidence, Mr Manning, 25 May 2022, p 44.

existing schools. In general, stakeholders were less concerned about the quality of these buildings and more concerned about what they perceive as a shift towards their long-term use.

3.28 For example, Ms Libby Clarke, Vice President, Marsden Park Public School P & C, told the committee that she is not opposed to demountables, as 'once the children are in the classroom and they've got the bright colours and the interactive whiteboards and things like that, they could be in any classroom'.¹⁵⁸ Similar favourable comments were made by a parent from Ropes Crossing Public School, which opened in 2008, who described the demountables at her child's school as having a proper learning space, store room, wet space for children to clean up after painting, electric whiteboard and air-conditioning.¹⁵⁹

3.29 In contrast, the Teachers Federation was less convinced of the appropriateness of their use, with their Vice President Mr Henry Rajendra describing them as an 'afterthought' that represented an unacceptable failure on the part of SINSW in the planning of new schools.¹⁶⁰ This view was echoed by the Federation of P & C Associations of NSW, who described demountables as a 'symptom of inadequate planning' and recommended that their use be limited to a maximum of two years:

While they are a practical and cost-effective solution for schools experiencing a rapid surge in enrolments, [demountables] should not be used as a semi-permanent or permanent solution...Long-term experience has shown that demountable classrooms have unofficially become long-term structures, and the building of more permanent classrooms is put off indefinitely.¹⁶¹

3.30 Mr Clement Lun also stated that while 'there is nothing wrong with demountables', it was absolutely crucial that they didn't unreasonably encroach on play space for children.¹⁶² This issue is discussed further in a later section.

3.31 The committee took the opportunity to explore the issue of demountable classrooms as a temporary versus permanent solution during Budget Estimates hearings in August 2022, following a government announcement that the opening date for Gregory Hills Public School would be brought forward from 2027 to term one, 2023.¹⁶³ The committee asked the Minister for Education and Early Learning, the Hon Sarah Mitchell MLC, about the form the new school would take. The Minister responded that while a temporary school composed of demountables would be constructed initially to allow students to commence at the start of the 2023 school year, its replacement with a permanent facility was guaranteed:

I want to be clear that we are absolutely building a new permanent facility for that school. A temporary school will be established at the beginning of 2023 to support the opening of the new primary school there...that temporary pop-up school will be, as the name suggests, temporary so that we can start students in that school at the beginning of the school year. We find that that's very important. Particularly being a new school,

¹⁵⁸ Evidence, Ms Clarke, 13 July 2022, p 11.

¹⁵⁹ Submission 77, Ms Donna Zammit, p 1.

¹⁶⁰ Evidence, Mr Rajendra, 9 May 2022, p 40.

¹⁶¹ Submission 38, Federation of P & C Associations of NSW, pp 4-5.

¹⁶² Evidence, Mr Lun, 13 July 2022, p 24.

¹⁶³ Media release, School Infrastructure NSW, *New primary school in Gregory Hills to open next year*, 2 August 2022.

parents often want to start at the beginning of the year as opposed to midway through.¹⁶⁴

3.32 At the same hearing, the committee was told that three other pop-up demountable schools would be built over the next financial year, located at Bungendore and Jerrabomberra near Queanbeyan and Mulgoa in Sydney's west.¹⁶⁵ In response to the assertion that all of these new pop-up schools were being built in place of permanent school buildings, the Minister reiterated that the use of demountables at each location was only a temporary solution:

Permanent builds are occurring at all four of those school projects. So you are wrong to assert that they are not permanent schools being built; they are. The reality is that in all of those school contexts the planning process has taken longer than we had anticipated. We've made a decision in terms of educational delivery for those school communities to start in those temporary facilities. The very name and the nature suggest that they are temporary because it is our Government that will deliver and build those four permanent schools for those communities.¹⁶⁶

Demountables and adequate play space

3.33 The idea that demountables should not encroach on the play space of children came up repeatedly in evidence from stakeholders. Many stakeholders expressed concern about the negative effect this encroachment on playground space had on children:

- 'Demountables have consumed playground space, and the volume of students and limited space available has necessitated some schools putting restrictions on playground games and running (which is hard, particularly for boys). Anecdotally there are more playground injuries in primary schools like broken limbs, and many primary schools are having to stagger recess and lunch breaks, which creates noise and distractions for those who are in class'.¹⁶⁷
- 'We have eight demountables on site, which obviously eats into the space. I know that the play space they currently have is about 7.7 square metres per child...the younger kids... will often retreat from play for fear of being knocked over because of the sheer number of people, and there are not a lot of soft surfaces'.¹⁶⁸
- 'At the moment we have 18 demountables on site at Gledswood Hills Public School and there is not much room left for the kids to play... As of 2021 they separated the break times because there is not enough room for all of the kids to be out at the same time'.¹⁶⁹

3.34 A number of stakeholders underscored how crucial adequate play space is, given the fundamental need for children to run around and burn off energy. For example, Mr Paul

¹⁶⁴ Evidence, Hon Sarah Mitchell MLC, Minister for Education and Early Learning, 23 August 2022, p 41.

¹⁶⁵ Evidence, Minister for Education and Early Learning, 23 August 2022, p 42; Evidence, Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW, 23 August 2022, p 42.

¹⁶⁶ Evidence, Minister for Education and Early Learning, 23 August 2022, p 42.

¹⁶⁷ Submission 39, Northern Sydney District Council of P&C Associations, p

¹⁶⁸ Evidence, Mr Stuart Herring, Chair, Dee Why Public School Parents and Citizens Rebuild Subcommittee, 25 May 2022, p 20

¹⁶⁹ Evidence, Ms Hanna Braga, Parent, Gledswood Hills Public School, 13 July 2022, p 5.

Klarenaar, Advocacy Lead from the Australian Health Promotion Association, advised the committee that while the New South Wales Educational Facilities Standards and Guidelines had a 'rule of thumb of at least 10 square metres per child', the Australian Health Promotion Association recommended 'a minimum requirement of 20 metres squared per child of open space' with best practice being 25 metres squared.¹⁷⁰ On the importance of this space to children's learning and wellbeing, Mr Klarenarr explained:

There is overwhelming evidence that physical activity is linked with mental health benefits, mood, social benefits and academic improvement...Logically, insufficient physical activity opportunities or space will result in insufficient academic outcomes as well as greater incidental opportunity for conflict because of insufficient space.¹⁷¹

- 3.35** A parent of three boys at Marsden Park Public School, Ms Libby Clarke, observed that she felt 'very sorry for their teachers' if her sons didn't have the opportunity to 'run around at lunchtime and burn some energy'.¹⁷² Another parent of a child in Wentworth Point, Mr Clement Lun, asserted that adequate play space was particularly critical for schools in high-density areas, such as Wentworth Point, where most students live in apartments without backyards.¹⁷³
- 3.36** Mr Henry Rajendra from the Teachers Federation spoke with similar strength about the need for adequate play space, describing the time kids spend playing during lunch and recess as being 'part of their social development'.¹⁷⁴ A case study on Riverbank Public School explores the effect of a loss of play space, as well as natural surrounds, below:

Case study: Riverbank Public School

Riverbank Public School opened in Term 1, 2015 and is located in the suburb of The Ponds in the north west of Sydney. The school shares a site with The Ponds High School and currently has the highest enrolment numbers of any primary school in New South Wales. The 2021 Annual Report for the school put the figure at 2090 students, 89 per cent of whom have a language background other than English. The principal, Ms Jeanie Brown, is supported by three deputy principals and nine assistant principals, with 73 classroom teachers across the entire school.

¹⁷⁰ Evidence, Mr Paul Klarenaar, Advocacy Lead, Australian Health Promotion Association, 25 May 2022, p 24.

¹⁷¹ Evidence, Mr Klarenaar, 25 May 2022, p 25.

¹⁷² Evidence, Ms Clarke, 13 July 2022, p 11.

¹⁷³ Evidence, Mr Lun, 13 July 2022, p 24.

¹⁷⁴ Evidence, Mr Rajendra, 9 May 2022, p 37.

Riverbank Public School is an interesting anomaly amongst a number of schools in north west Sydney that are experiencing enrolment challenges due to inadequacies in the planning process, as discussed in chapter 2. It was made very clear to the committee that the school's large enrolment numbers are not a result of poor planning and that instead, its excellent reputation is leading people to actively move to the area to enrol their child at the school.

Mr Manning said that School Infrastructure NSW is very supportive of the school's success and that it would continue to support the principal in delivering the excellent educational experience for students at the school. At the time of the committee's visit, a number of new demountables were being built, covering an area of grass that previously formed part of the school's playground.



The committee's visit to the school made clear the infrastructure challenges that come with educating that number of students. Lunchtime saw the entire playground become a mass of children, and the committee was told that each child had approximately 5.52 square metres of play space – well below the recommended ten metres of recommended play space that should be provided for children.

The committee was also struck by the absence of trees – no doubt a competitor for space in an already tight environment – long with the vast expanses of concrete and artificial turf that covered the playground. One of the representatives from School Infrastructure NSW said that these surfaces were good in rainy weather, as they get boggy or muddy, and mean children aren't stuck inside on rainy days.

Whilst it was very clear that Ms Brown was working towards an optimal physical environment for her school, she highlighted that the continued attraction of parents to the school, despite its infrastructure challenges attested to the value that parents place on quality of education over bricks and mortar.

- 3.37** Stakeholders from Lennox Head Public School highlighted that the extensive use of demountables is not limited to new builds, with many established schools also losing play space to them. Aerial photographs included in the submission of Lennox Head Public School included below evidenced this loss of play space to demountables, with the left image showing the playing field in 2017, and the image on the right showing the playing field in 2021. The use of demountables to upgrade existing schools is discussed in further detail in chapter 4.

Figure 1 Lennox Head Public School – May 2017 (left) and October 2021 (right)



Source: Submission 29, Lennox Head Public School P & C, p 10.

- 3.38** During the committee's site visit to Schofields Public School in April 2022, we toured a set of new model two-storey demountables. The committee received limited formal evidence on the use of these double-storey buildings from both school community members and School Infrastructure NSW. However, the North Shore District Council of P & C Associations expressed concern that despite their successful use in other states, the requirement that two-storey demountables have rainwater tanks and disabled access to the second story made their use in New South Wales less viable, calling for these requirements to be changed.¹⁷⁵

Broader considerations for new schools

- 3.39** Aside from classrooms, the committee heard that broader considerations, such as road access, on-site parking, school size and ensuring access to natural surrounds were similarly important for School Infrastructure NSW to get right when building new schools.

Road access and parking

- 3.40** On the topic of road access, Tweed Shire Council said that traffic congestion, parking and road safety were frequent concerns for school infrastructure projects but that they did not appear to garner adequate or appropriate recognition at the planning stage:

We have seen little to no acknowledgement of [traffic congestion, parking and road safety] in the planning for current school upgrades proposed in Tweed, which will exacerbate these problems. Where Council has suggested remedies through amendment to the site layout or conditions for the provision of external infrastructure, such as road widening or footpath connections, these are frequently opposed by the Department... Meetings held with School Infrastructure representatives are often unproductive as officers are advised that compliance with Council's Development Control Plans are less relevant than Education policies, an example being those applicable to parking provision on school grounds.¹⁷⁶

- 3.41** Various parent stakeholders told the committee of the practical difficulties they faced in dropping off and picking their children up from a number of newly-built schools, describing

¹⁷⁵ Submission 39, Northern Sydney District Council of P & C Associations, p 4.

¹⁷⁶ Submission 24, Tweed Shire Council, p 2.

the traffic at both ends of the school day as chaotic and for some, dangerous. Stakeholders also suggested that a trend of building new schools without adequate parking facilities contributes to this traffic:

- 'It's a nightmare... Some parents get there at 2.00 pm ... [it's] chaos really close to the school—I feel like it can be quite dangerous because there's not enough spots and the streets are really small'.¹⁷⁷
- 'The kiss and drop zone is always full of cars... then there's the road, which you can fit two cars going either side, just. But if people park all down the side... it is bumper to bumper through there. And the teachers are there until at least 3.10 pm with people trying to get through to get close enough to the school to pick up their kids'.¹⁷⁸
- 'New schools in the Hills have been delivered without any car parking provision. This creates a strain on local communities where roads around schools become unsafe, with a significant amount of street parking at drop off and pick up times, and other community facilities being relied on to cater for teachers... where teachers utilise the parking for the community sports fields across the road'.¹⁷⁹
- 'For Wentworth Point [high school]... they are only providing 29 car park spaces for staff and they expect the majority of the students to be travelling by either active transport or walking. For us, looking at the census statistics, it is just not possible because the bulk of the enrolments that we expect will be coming from out of Wentworth Point'.¹⁸⁰

3.42 Mr Clement Lun suggested that the failure to provide adequate parking in newly-built schools, is also leading to a high turnover among teachers, who he said would rather teach somewhere where parking is provided.¹⁸¹ A fellow member of the P & C, Mr Mark Green, echoed these comments, stating that teachers he was speaking to about the future Wentworth Point High School were already raising the issue of a lack of parking:

I am really worried. I am trying to encourage some of my best teachers I know to apply for the school, but I'm really worried that they are already saying to me, "But how will I get there?", and, "If I can't park"—the best teachers won't necessarily come from Wentworth Point and they can't walk or ride. I think, particularly in a time of a teacher shortage, it is probably not the greatest sales point for a school.¹⁸²

3.43 The importance of parking to teachers was also highlighted by Mr Rajendra of the Teachers Federation, who said that given the fact that 'teachers take their work home', public transport 'just does not cut it',¹⁸³ a view also expressed by the Carlingford Community.¹⁸⁴

¹⁷⁷ Evidence, Ms Braga, 13 July 2022, p 5.

¹⁷⁸ Evidence, Ms Kate Laney, Parent, Gledswood Hills Public School, 13 July 2022, pp 5-6.

¹⁷⁹ Submission 118, The Hills Shire Council, p 2.

¹⁸⁰ Evidence, Mr Lun, 13 July 2022, p 24.

¹⁸¹ Evidence, Mr Lun, 13 July 2022, p 27.

¹⁸² Evidence, Mr Green, 13 July 2022, p 29.

¹⁸³ Evidence, Mr Rajendra, 9 May 2022, p 37.

¹⁸⁴ Submission 127, Carlingford Community, p 6.

School size

- 3.44** The committee also asked representatives from the Teachers Federation for their thoughts on the suggestion that the Department of Education is increasingly building large-scale schools that often accommodate over 1000 students, in place of a number of smaller schools. Using the example of Murwillumbah Education Campus – which was formed through the amalgamation of four schools on the Far North Coast: Murwillumbah Primary School, Murwillumbah East Primary School, Murwillumbah High School and Wollumbin High School – Mr Rajendra responded that a number of parents were concerned about sending their children to a large school:

The collapse of the four schools into two has caused significant distress, where parents have felt comfortable going to particularly the smaller primary schools and then the prospect of going to a larger one has unsettled quite a number of parents... They are used to having their small, almost village-type feel school.¹⁸⁵

The importance of natural surrounds

- 3.45** In addition to adequate play space, many stakeholders emphasised the importance of ensuring natural environmental elements are factored into school design. Mr Paul Klarenaar, Advocacy Lead from the Australian Health Promotion Association explained that research has shown that 'green spaces that have shade...soft surfaces...foliage...that can be touched as well as smelt and seen' are hugely beneficial for children's mental health.¹⁸⁶
- 3.46** Similarly, the City of Parramatta Council's submission referred to the health and wellbeing benefits of natural turf and canopy cover, while also lamenting an apparent failure to incorporate green space in many newly built schools.¹⁸⁷ The loss of natural surrounds in new schools is explored earlier in a case study on Riverbank Public School.

Committee comment

- 3.47** In the committee's view, the importance of fit-for-purpose school infrastructure cannot be understated, as teachers need to be provided with physical infrastructure whose design is guided by pedagogy, not the other way round. How teachers teach is the key determinant of student results. Open plan, flexible learning spaces struggle to foster student concentration and are particularly detrimental for hearing-impaired students. The traditional classroom design is more likely to encourage teachers to recognise the benefits of Direct or Explicit Instruction, as per the John Hattie research and the Centre for Education Statistics and Evaluation's 'What Works Best' findings. Everything the NSW Government and Department of Education do must be aimed at maximising student outcomes. School design should follow pedagogy and encourage, as much as possible, high-effect-size teaching methods. Regressive classroom practices should be avoided. The committee therefore recommends that School Infrastructure NSW follow CESE's and John Hattie's findings on pedagogy, ensuring that school and classroom design

¹⁸⁵ Evidence, Mr Rajendra, 9 May 2022, p 36.

¹⁸⁶ Evidence, Mr Klarenaar, 25 May 2022, p 26.

¹⁸⁷ Submission 30, City of Parramatta Council, p 5.

fosters the use of Direct or Explicit Instruction teaching methods for the proven benefit of students.

Finding 11

That school design should follow pedagogy and encourage, as much as possible, high-effect-size teaching methods. Regressive classroom practices should be avoided.

Recommendation 11

That School Infrastructure NSW follow the Centre for Education Statistics and Evaluation CESE's and John Hattie's findings on pedagogy, ensuring that school and classroom design fosters the use of Direct or Explicit Instruction teaching methods for the proven benefit of students.

- 3.48** The committee recognises that School Infrastructure NSW has developed a number of innovative methods to allow it to build new school buildings in record time, with flexibility central to their design. Visits to Northbourne Public School and Fern Bay Public School allowed us to see these methods in practice and speak to the teachers who work within these buildings, who spoke highly of the finished product. School Infrastructure NSW is to be congratulated for these successes, particularly its prototype 4-classroom prefabricated buildings, erected in six weeks at Fern Bay Public School, which the committee believes should be fast-tracked as a blueprint for other schools. This model has the quality and flexibility to assist non-metropolitan schools overwhelmed by enrolment growth (as per Fern Bay Newcastle). It can also enable new schools in fast growing urban areas to promptly meet enrolment needs without over-reliance on demountable classrooms. Further, in our view it stands as a good solution for high schools, given the need for vocational education facilities such as woodworking and food technology rooms, which we understand can be accommodated within these prefabricated buildings' kit-of-parts.
-

Finding 12

That despite some notable planning/provision failures, School Infrastructure NSW has also developed new innovative solutions for school infrastructure to cope with rapid population and enrolment growth. The committee was particularly impressed by the final outcome for the Northbourne Public School at Marsden Park and the new 'instant classrooms' at Fern Bay Public School.

Recommendation 12

That School Infrastructure NSW fast track the production of its prototype 4-classroom prefabricated buildings, erected in six weeks at the Fern Bay Public School trial of this modern method of construction. This has the quality and flexibility to assist:

- non-metropolitan schools overwhelmed by enrolment growth (as per Fern Bay Newcastle)
 - new schools in fast growing urban areas to promptly meet enrolment needs without over-reliance on demountable classrooms, and
 - high schools, given their need for vocational education facilities such as woodworking and food technology rooms.
-

- 3.49** The committee was pleasantly surprised by the quality of demountable classrooms it saw at many of the schools it visited during its site visits. These buildings are of a high standard, with double-story demountables making a particular impression on the committee. Greater use of the double-story option is an obvious way to reduce the footprint of demountables on school grounds and free up valuable play space. Nevertheless, the committee is concerned by evidence that demountables are being used in place of permanent buildings, well beyond their intended 'temporary' purpose. While their quality may be comparable, permanent, well-built infrastructure is something every child in New South Wales should have access to. Permanent buildings signal to parents that their child has been considered and that the quality of their education matters. For this reason, the committee recommends that the NSW Government set a community/educational standard of no school having more than 50 per cent of its classrooms as demountables.

Finding 13

That the quality of demountable classrooms has improved significantly compared to those available 20 years ago. This is especially true of the new double-story demountables. Nonetheless, the objective should always be to maximise the number of purpose-built permanent classroom buildings. In new housing estates, homebuyers have invested heavily in their residential dream, and do not want their children educated in schools featuring a sea of ad hoc demountables. Government must match middle class housing investment with quality school infrastructure investment.

Recommendation 13

That the NSW Government set a community/educational standard of no school having more than 50 per cent of its classrooms as demountables.

- 3.50** In addition to providing quality, permanent school buildings, the committee believes school ovals are an essential part of any new build, providing the necessary open space for students to run around, to play sport and enjoy open space. While we acknowledge that land availability – particularly in inner city Sydney – may be limited, school ovals should not be considered optional to a school environment. Instead, allocating open space for active movement should be a fundamental consideration in the design and planning of every new school. For this reason, the committee recommends that the NSW Department of Education provide a school oval at every new school, and in circumstances where joint-use arrangements are the only option, these ovals should be located either directly adjacent to the school site, or within close proximity to the school site.

Recommendation 14

That the NSW Department of Education provide a school oval at every new school, and in circumstances where joint-use arrangements are the only option, these ovals should be located either directly adjacent to the school site, or within close proximity to the school site.

- 3.51** The committee was also struck by the absence of natural surrounds at several of the schools it visited, with many school playgrounds constructed using extensive concrete and synthetic materials, and with few trees. While the committee understands that synthetic materials are a

practical solution during periods of bad weather, preventing muddy, boggy grass playgrounds, a connection with nature should not be abandoned lightly. We believe it is crucial for children to be able to run around, not only on playgrounds that are large enough, but in areas where natural greenery also features. Shady trees offer respite on hot days, especially in western Sydney. The committee therefore recommends that the installation of synthetic play and sporting surfaces be accompanied by extensive tree and garden planting to ensure all schools give their students a clear connection to nature.

Finding 14

The committee visited several schools installing synthetic play/sporting surfaces. These have the advantage of all-weather, all-year use; overcoming the bog-grass problem other schools are experiencing due to the recent record rainfall. In schools with little available open space (that is, a high number of demountables), the loss of natural surfaces can be a concern. Quality learning environments must allow students to maintain a connection with nature, which can have a calming and inspirational impact. No school should be allowed to develop as a concrete jungle.

Recommendation 15

That the installation of synthetic play and sporting surfaces be accompanied by extensive tree and garden planting to ensure all schools give their students a clear connection to nature.

- 3.52** Finally, the committee was concerned to hear evidence that many new schools are being constructed without adequate provision for staff parking, forcing staff to rely on other forms of transport to get to and from school. It is unfair to expect teachers to ferry the many resources they require for class long distances, particularly given how many teachers take their work home. In addition, a failure to provide appropriate road access to facilitate pickup and drop off at the start and end of the school day has made the streets surrounding many schools congested and unsafe, as well as making commuting time much greater than should be. To remedy both these issues, the committee recommends that School Infrastructure NSW ensure that all new school builds provide staff parking sufficient to accommodate the full staff complement, taking account of potential future growth in student enrolments. We also recommend that School Infrastructure NSW work with relevant local councils to ensure that road infrastructure around new school builds is adequate to accommodate safe and efficient school drop off and pickup arrangements, taking account of potential future growth in student enrolments. We further consider that this should be an explicit requirement in the planning approval process.
-

Finding 15

That many new schools have been constructed without adequate provision for staff parking or appropriate provision of road access to facilitate pick up and drop off of students. These failings have been compounded by the failure to accurately predict likely enrolment growth and has resulted in traffic congestion and road safety risks being exacerbated.

Recommendation 16

That School Infrastructure NSW ensure that all new school builds provide staff parking sufficient to accommodate the full staff complement, taking account of potential future growth in student enrolments.

Recommendation 17

That School Infrastructure NSW work with relevant local councils to ensure that road infrastructure around new school builds is adequate to accommodate safe and efficient school drop off and pickup arrangements, taking account of potential future growth in student enrolments, and that this be an explicit requirement in the planning approval process.

Chapter 4 Maintaining and upgrading existing schools

This chapter examines current issues with maintaining and upgrading existing schools highlighted by inquiry participants, taking into account School Infrastructure NSW renewal programs, school community and local council views on the process, and the unique circumstances and needs of schools in metropolitan, regional and rural New South Wales. As noted in chapter 1, the Auditor General's 2017 report highlighted 'chronic under-investment' in school infrastructure and the imperative of a better balance between the building of new schools and investing in maintenance and renewal.

The chapter commences by detailing the challenges experienced by schools with dated facilities that are experiencing rapid growth in enrolments, with a particular focus on neglected bathroom facilities and ageing demountables. In doing so, it considers stakeholder views on the effect that substandard school infrastructure can have on the educational experience of children. It then explores the School Infrastructure NSW representatives' perspective on the challenges in maintaining and upgrading existing schools, before turning to evidence the committee received on why maintaining the infrastructure of local public schools is so important, regardless of the hurdles. Finally, the chapter considers the specific needs of school communities located in rural New South Wales, and those experiencing a transition from rural to suburban status.

Poor infrastructure in some schools

- 4.1 This section explores evidence the committee received from stakeholders, primarily parents, on the poor infrastructure in some existing schools, including the issue of outdated and neglected facilities, especially bathrooms and toilets, along with the overreliance on demountables, many of which are themselves old. Stakeholders were clear in their view that keeping existing school infrastructure well-maintained and regularly upgraded is fundamentally important. Arguments put forward in support of this assertion included to ensure a safe environment for students, to enhance academic achievement and to promote mental health and wellbeing.

Dated and neglected facilities

- 4.2 Throughout the inquiry, various stakeholders raised concerns about the state of the infrastructure in a number of existing schools. These concerns related to what were described as inappropriate or 'dated' facilities, with witnesses identifying a variety of negative flow-on effects for students.
- 4.3 The Randwick Boys High School P & C, for example, asserted that ageing facilities at their school, which was built in 1959, are having a direct negative impact on student learning, as teachers' ability to conduct their classes are affected and certain standard features are not available:

The facilities at RBHS overall are dated and in need of upgrades to address issues including inoperable ventilation systems, unflued gas heaters, poor lighting and emergency systems, and concrete cancer. Being over 50 years old, the spaces are poorly arranged for both student and teacher workflows and do not facilitate the teaching of

current pedagogies, while certain required facilities are absent from the school altogether.¹⁸⁸

- 4.4** Of even greater concern to Randwick Boys P & C is that the final business case for the school's redevelopment identified its infrastructure as failing to meet minimum safety standards under relevant legislation.¹⁸⁹ The Randwick Girls High School P & C referred to similar safety issues, with concrete cancer and asbestos having been found in the school buildings.¹⁹⁰ Ms Suzy Forrester, Secretary of the Randwick Boys P & C provided further detail at the hearing, noting that the school's fire safety and emergency management systems are also in urgent need of upgrade.¹⁹¹
- 4.5** For many stakeholders, the negative effect of these dated facilities is compounded by the failure to regularly maintain them, such that they to fall into further disrepair. The committee heard that many of these existing schools are also overcrowded, owing to the failure to upgrade them in line with student enrolment growth.

Impact on students

- 4.6** There was a strong message from stakeholders that outdated and neglected facilities are having an adverse impact on the school community, both in terms of the health and wellbeing of students, as well as their learning experience. On this issue, Mr Henry Rajendra, Deputy President of the Australian Education Union NSW Teachers Federation Branch (hereafter Teachers Federation) asserted that expecting students and teachers to attend neglected facilities indicates a lack of respect, with student and staff morale suffering as a consequence:

This goes to the issue of respect. Our teachers are absolutely dedicated to their students. Equally, parents are very supportive of the work that is conducted in our schools. When you are working in many schools that are substandard, I would argue that it is a reflection of a lack of respect from the department et cetera in terms of the work that teachers do and what students engage in. It does impact on morale.¹⁹²

- 4.7** Witnesses representing Concord High School parents expressed similar views about the effects on student morale, with Ms Kathryn Zerk, President, Concord High School P & C, describing the school's dated and neglected facilities as leading students to feel forgotten, overlooked and ashamed of their school, undermining their desire to learn:

[We] certainly see that our children feel really embarrassed about where they go to school. They don't like to tell people where they go to school. They feel unmotivated. When they're in a situation where they're in a school that's just in dire decay, they don't feel motivated. They don't feel like they're being cared for. They're surrounded by neglect.¹⁹³

¹⁸⁸ Submission 124, Randwick Boys High School Parents and Citizens Association, p 6.

¹⁸⁹ Submission 124, Randwick Boys High School Parents and Citizens Association, p 6.

¹⁹⁰ Submission 123, Randwick Girls High School Parents and Citizens Association, p 5.

¹⁹¹ Evidence, Ms Suzy Forrester, Secretary, Randwick Boys High School Parents and Citizens Association, 13 July 2022, p 17.

¹⁹² Evidence, Mr Henry Rajendra, Deputy President, Australian Education Union NSW Teachers Federation Branch, 9 May 2022, p 38.

¹⁹³ Evidence, Ms Kathryn Zerk, President, Concord High School Parents & Citizens Association, 25 May 2022, p 12.

- 4.8 In its submission, the Concord High School P & C provided further examples of the negative impact substandard facilities can have on students' health and wellbeing, noting that inadequate ventilation, temperature extremes, poor lighting and overcrowding all increased the rate of absenteeism and reduced students' cognitive abilities.¹⁹⁴ The P & C highlighted that Concord High School is currently fifty percent above capacity and that this overcrowding has given rise to a number of consequences for students' mental health:

We are concerned about the psychological impact of overcrowding, the difficulty for teachers to identify and respond to mental health concerns due to staff shortages and work demands, and the lack of psychological support at the school for students ... We are deeply concerned about the impact and generational damage, overcrowded school environments have on our children's mental health and wellbeing.¹⁹⁵

- 4.9 As to how this overcrowding is affecting students' learning, Ms Kathryn Zerk, President of Concord High School P & C, referred to thoroughfares between classrooms being used to conduct classes. She cautioned that such conditions not only negatively impact on students' ability to learn, due to noise and disruption, but could also present risk of harm, with chairs being placed immediately adjacent to descending stairs.¹⁹⁶ The committee observed these thoroughfares during its visit, as discussed in the case study below.

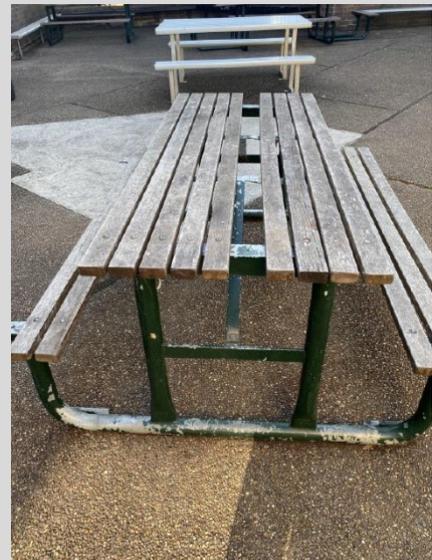
Case study: Concord High School

The committee visited Concord High School in early April 2022, having read the submission of the school's P & C which highlighted numerous concerns about the infrastructure at the ageing school.

During its visit, the committee saw first-hand how badly the school surrounds had been left to degrade. The main lunch area was an exposed pebblecreted area, with wooden tables with slats missing and broken seats. Interior school walkways were dark and cold, while paths between the school's demountables were uneven and dotted with puddles.

The school's principal, Mr Victor Newby, explained that the school's dated facilities limited his staff's ability to teach, with classes having to be held in thoroughfares and open common areas due to a lack of space.

He also said that a particular challenge for an ageing high school such as Concord High was that teenage school students, through no fault of their own, put more physical strain on the buildings as they moved between classes throughout the day.



¹⁹⁴ Submission 40, Concord High School Parents and Citizens Association, p 1.

¹⁹⁵ Submission 40, Concord High School Parents and Citizens Association, pp 2 and 14.

¹⁹⁶ Evidence, Ms Zerk, 25 May 2022, p 11.

Mr Manning acknowledged that schools built in the 1970s, such as Concord, pose particular challenges to maintain as the infrastructure has date to a point where it is no longer fit for purpose.

Toilets and bathrooms

4.10 For many stakeholders, the poor quality of toilet facilities was emblematic of a failure to maintain infrastructure in existing schools. The committee visited a number of schools including Concord High School and Gillieston Public School whose bathrooms were of a poor standard, being housed in demountables and in the case of Gillieston, serviced by the original septic system. Parents from that school described this arrangement, which requires the toilets to be emptied fortnightly by a truck, causing a strong odour, as equivalent to 'third world conditions'.¹⁹⁷

4.11 Ms Yvonne Hilsz, Vice-President of the Federation of Parents and Citizens Associations (hereafter the P & C Federation) was equally critical of state of toilets in many schools, identifying vandalism, broken soap dispensers, strong odours, doors falling off their hinges and broken toilets as examples of disrepair she had seen.¹⁹⁸ Ms Hilsz highlighted the frequency with which these issues are raised with the P & C Federation and accordingly, she strongly advocated for access to clean, well-maintained toilets as a basic, fundamental right, emphasising the significant impact on some students' choices and therefore, their health:

It is absolutely disgraceful. We have children who live in housing estates who probably have better access to toilets than our children in all schools. ... We have parents complaining that their children have UTIs—bladder issues—because their children refuse to go to the toilet during the day for toilet stops. Therefore, they are not drinking water in the classrooms, so they are dehydrated all day ... we have behavioural issues in the classroom.¹⁹⁹

4.12 Ms Zerk from the Concord High School community also attested to students experiencing health issues as a result of not having access to suitable toilet facilities. She told the community that some students were deliberately eating and drinking less in order to avoid using bathroom facilities, many of which were demountables, until returning home.²⁰⁰ She also spoke of female students experiencing distress because they were waiting their entire lunch break to access sanitary facilities.²⁰¹

¹⁹⁷ See, for example, Submission 80, Mrs Sarah Bird, p 1, Submission 113, Mr Todd Sellers, p 1, Evidence, Ms Katie Ferguson, President, Gillieston Primary School Parents and Citizens Association, 9 May 2022, p 25; Submission 91, Mr Todd Blacklaws, p 1.

¹⁹⁸ Evidence, Ms Yvonne Hilsz, Vice-President, Federation of Parents and Citizens Associations of NSW, 9 May 2022, p 13.

¹⁹⁹ Evidence, Ms Hilsz, 9 May 2022, p 13.

²⁰⁰ Submission 40, Concord High School Parents and Citizens Association, p 6, Evidence, Mr Andrew Ferguson, 9 May 2022, p 25.

²⁰¹ Evidence, Ms Zerk, 9 May 2022, p 11.

Demountables

- 4.13** Chapter 3 examined the use of demountable classrooms in new schools and noted that they were in use at every school the committee visited during the inquiry. In the context of new schools, the committee heard that the quality of new demountables is a significant improvement on the older models that largely feature in existing schools.
- 4.14** The evidence on their use in existing schools, where in some cases, they are left to fall into disrepair, was different. For example, Randwick Boys High School P & C reported that the school's popular food technology course has been taught for seven years in a demountable classroom with 'dated and deficient facilities, including poor ventilation and power supply, presenting a risk to the students and staff'.²⁰²
- 4.15** Similarly, a submission author from the East Hills district alluded to an overreliance on demountables in schools such as Picnic Point High and Revesby South Public School, many of which are decades old and 'long overdue' for an upgrade.²⁰³ A photograph from the submission shows a row of aging demountables at Picnic Point High School, which the submission describes as 'sweat boxes' in the summer.²⁰⁴
- 4.16** Parent stakeholders also described challenges with fitting demountables within the footprint of existing schools, which are often located in established residential areas with limited room for expansion. For example, Concord High School P & C noted that due to a lack of alternative space, the demountables at their school had been placed on the school oval, where mud becomes a safety issue during rainy weather. While the P & C acknowledged the work of the Asset Management Unit within School Infrastructure NSW in installing walkways, it stated that flooding remains an issue. In the P & C's view, it is unlikely that many of the problems with the demountables will be addressed as they are considered only temporary, 'even though many of them have been in the school for a long time'.²⁰⁵
- 4.17** Parents from the Orange Grove Public School also highlighted the sacrifice of green space intended under existing plans, as of October 2022 to upgrade their school.²⁰⁶

Challenges for upgrading older facilities

- 4.18** Noting a number of stakeholders' concerns about dated and neglected facilities in existing schools, the committee asked representatives from School Infrastructure NSW for their view on the adequacy of the maintenance and upgrade program for older schools.
- 4.19** The Chief Executive Officer of SINSW, Mr Anthony Manning, acknowledged that the department's focus had previously been largely on building new schools in growth areas. He assured the committee, however, that having recognised that as a result, the gap between the

²⁰² Submission 124, Randwick Boys High School Parents and Citizens Association, p 12.

²⁰³ Submission 9, Name suppressed, pp 11-13.

²⁰⁴ Submission 9, Name suppressed, pp 13.

²⁰⁵ Submission 40, Concord High School Parents and Citizens Association, p 2.

²⁰⁶ Correspondence from Ms Angela Rheinlander, Parent, Orange Grove Public School, to the committee, received 24 September 2022.

quality of new and older schools was growing, SINSW is shifting its focus to addressing the infrastructure needs of older schools, such as Concord High School.²⁰⁷

4.20 In doing so, Mr Manning stressed that schools of a similar era to Concord High, built in the late seventies, presented unique challenges that require not merely maintenance but upgrades:

They are beginning to show their age, particularly around some of the modern teaching methods we are beginning to see. We are beginning to work through the programs of how we go about tackling those schools and how we look at potential upgrade programs for those schools. It is not necessarily a question of just maintenance. We can maintain anything, but that is essentially keeping it in the same condition but keeping it safe.²⁰⁸

4.21 Mr Manning also stated that upgrading or rebuilding old schools in metropolitan areas sometimes requires a particular approach, given the difficulty in finding alternative locations during construction. He told the committee that one effective model, used for Fort Street Public School, was the construction of a pop-up school in a neighbouring location:

There are projects like Fort Street Public School where we have utilised the pop-up school that was installed for the Ultimo school program, to actually enable us to empty the school so there is no disruption whatsoever to the learning for the kids at that school. We have the [Fort Street] site entirely to ourselves. It's a very small site and absolutely would not lend itself to both construction and educating primary school children. We have used that model a few times where we have had to take a decision to decant an entire school for the period of the redevelopment, and that has been a really effective way to do that.²⁰⁹

4.22 Regarding maintenance, the former Education Minister, Hon Rob Stokes MP, announced in January 2019 that the school's maintenance backlog would be wiped to zero by July 2020.²¹⁰ However, evidence from a number of stakeholders suggested that maintenance continues to be problematic at a number of ageing schools in 2022, with the result being that P & Cs often find themselves called on to use their funding, gathered via donations and fundraising efforts, for essential school repairs.²¹¹ There was strong opposition to this solution, with the Teachers Federation asserting that 'NSW Treasury, not school communities themselves and the teachers who work in them, should bear responsibility for the adequate funding of maintenance'.²¹²

4.23 The P & C Association also expressed the view that school P & Cs should not have any responsibility for funding maintenance, whilst also acknowledging the right of school P & Cs to allocate their own funding as they see fit. Ms Hilsz, Secretary of the P & C Federation, told the committee that school P & Cs often find themselves in a bind, where they seek to resolve minor maintenance issues themselves to avoid unnecessarily delay and consequential impact on students, only to be prevented from doing so by red tape when engaging with the School

²⁰⁷ Evidence, Mr Anthony Manning, Chief Executive, School Infrastructure NSW, 25 May 2022, pp 41-42.

²⁰⁸ Evidence, Mr Manning, 25 May 2022, pp 41-42.

²⁰⁹ Evidence, Mr Manning, 25 May 2022, p 49.

²¹⁰ Media release, Hon Rob Stokes MP, Minister for Education, 'School maintenance backlog wiped to zero', 29 January 2019.

²¹¹ Evidence, Ms Hilsz, 9 May 2022, pp 13-14.

²¹² Submission 34, Australian Education Union New South Wales Teachers Federation Branch, pp 7-8.

Infrastructure NSW Asset Management Unit.²¹³ Mr Alan Gardiner, Vice President of the P & C Federation elaborated on this difficulty, describing the final process used to complete maintenance works as 'bureaucratic' and subject to inefficiencies as well as heightened costs:

[The] department has been very hard edged over the last few years that everything has to go through standard departmental processes, which means minor maintenance has to go through their master contracts and that has got associated bureaucratic overhead and cost. Any building works has to go through the government tendering system, which used to not be the case and imposes not just time delay but extra costs. There is definitely a premium which is being paid by the Government for going through that process with pre-qualified tenderers.²¹⁴

- 4.24** In recognition of the problems regarding maintenance, several stakeholders recommended that School Infrastructure NSW undertake an audit of all schools in order to prepare comprehensive maintenance plans.²¹⁵ Concord High School P & C further advocated that every public school have a publicly available masterplan with a list of funded, prioritised improvements based on data and community consultation.²¹⁶
- 4.25** As a way to avoid an unnecessary maintenance backlog, the P & C Federation suggested that schools be permitted to complete minor upgrades independent of SINSW, and that the current project threshold of \$30,000 be raised for schools that have demonstrated capacity to reliably complete projects.²¹⁷ On this issue, the Hon Sarah Mitchell MLC, Minister for Education and Early Learning, announced in August 2022 that in partnership with the Local Trade Scheme, local tradespeople will be offered the opportunity to undertake school maintenance jobs valued up to \$50,000.²¹⁸ As the School Infrastructure NSW website states, the type of maintenance anticipated to be included in this Scheme includes painting walls, repairing or replacing items such as floor coverings, carpets, paving or upholstery as well as general maintenance jobs such as roof repairs, tiling, repairing gutters and landscaping.²¹⁹

Importance of maintaining the local public school

- 4.26** The committee also received evidence on the benefits that properly maintained facilities can offer the wider school community, such as honouring the right of families to enrol their children

²¹³ Evidence, Ms Hilsz, 9 May 2022, pp 13-14.

²¹⁴ Evidence, Mr Alan Gardiner, Vice-President, Federation of Parents and Citizens Associations of NSW, 9 May 2022, pp 13-14.

²¹⁵ See, for example, Evidence, Clr Lisa Lake, Mayor, Cumberland City Council, 25 May 2022, p 3, Submission 33, Cumberland City Council, p 1 Evidence, Ms Monica Cologna, Director, Community and Environmental Planning, City of Canada Bay Council, p 11, and Submission 7, City of Canada Bay Council, p 19. Ms Zerk, 25 May 2022, p 12.

²¹⁶ Submission 40, Concord High School Parents and Citizens Association, p 4.

²¹⁷ Evidence, Mr Gardiner, 9 May 2022, p 14.

²¹⁸ Media release, Hon Sarah Mitchell MLC, Minister for Education, 'Maintenance blitz ready for NSW public schools, 19 August 2022.

²¹⁹ School Infrastructure NSW, Local tradies looking after local schools, <https://www.schoolinfrastructure.nsw.gov.au/what-we-do/we-support-communities/local-tradies-looking-after-local-schools.html>

in local schools and preventing the drift to non-government schools, which also increases the risk that under-utilised facilities will then suffer from underinvestment.

4.27 Despite the challenges identified above, there was a strong view among participants that keeping existing school infrastructure well-maintained and regularly upgraded is fundamental to respecting the right of children to attend their local public school. There was unanimous support for this right among both parent groups and the Department of Education, with Mr Manning telling the committee that all children have the right to attend their local school, and that the department 'will never turn students away from one of our public schools'.²²⁰

4.28 Despite this in principle agreement between stakeholders, inquiry participants argued that diminished conditions at certain schools are causing parents to enrol their children in out of area or non-government schools. For example, Mr Todd Sellers, a parent at Gillieston Public School, suggested that the presently decreasing student population of that school 'is primarily due to the significant difference in infrastructure and facilities and as such, a perceived lesser standard at our school'.²²¹ Another parent at the school and the President of its P & C, Ms Katie Ferguson, gave similar evidence, referring to one parent whose daughter with a disability is not able to attend the school, based on its poor infrastructure not catering to her needs:

I have had countless parents tell me they would rather be in debt due to private school fees than send their children to Gillieston. This is not good enough. I recently met with a mother who actually wanted to send her daughter to Gillieston but, as her daughter has a hearing disability, the acoustics in the demountable classrooms are too much for her to bear. She is now sending her daughter to a Catholic school over 20 kilometres away because she could not get an out-of-zone placement at a more local out-of-zone school. This is not good enough.²²²

4.29 Similarly, Councillor Andrew Ferguson reported that families in the Concord High School catchment area are enrolling children in private schools at significant cost, in spite of a preference toward the government system. He told the committee, 'I have also spoken to local parents who have enrolled their children in private schools rather than Concord High School despite not being able to afford this'.²²³

4.30 Stakeholders also suggested that a drift of students away from a public school with poor infrastructure can contribute to a cycle of underutilisation. For example, Ms Suzy Forrester, Secretary of Randwick Boys P & C, said that the fact that their school was consistently under-capacity – with the school currently capturing only 22 per cent of eligible students in the area – means that there is little appetite on the part of the department to invest in the school.²²⁴ The Carlingford community identified similar issues with underutilisation, describing Carlingford West Public School as vastly over-capacity, while neighbouring schools in Telopea, Yates Avenue and Oatlands are all under-enrolled.²²⁵

²²⁰ Evidence, Mr Manning, 25 May 2022, p 40.

²²¹ Submission 113, Mr Todd Sellers, p 1.

²²² Evidence, Ms Katie Ferguson, President, Gillieston Primary School Parents and Citizens Association, 9 May 2022, p 25.

²²³ Submission 56, Clr Andrew Ferguson, p 1.

²²⁴ Evidence, Ms Forrester, 13 July 2022, p 18.

²²⁵ Submission 127, Carlingford Community, p 3.

Upgrading schools in regional and rural areas

- 4.31** The committee heard that school communities located in regional and rural New South Wales face unique challenges in respect of school infrastructure. Several stakeholders from such areas highlighted the effects of rapid population growth, which had changed their communities from rural farmland to areas of high residential development in a short period of time. It was clear that many stakeholders feel that investment in school infrastructure in their areas has failed to anticipate and keep pace with this change, with students continuing to attend schools initially built for very few students.
- 4.32** One such school was Gillieston Public School, in the Hunter region, near Maitland, established in 1858 and consisting of two permanent buildings which remain today, alongside ten demountables which have been added over the past 20 years.²²⁶ Parents at Gillieston were clear in their view that the school's dated infrastructure – initially built for the local farming families – was having a detrimental effect on their children's learning and development. Aside from the poor classrooms providing for learning, Mr Todd Sellers, a parent at the school, asserted that the uneven ground and slope of the school's playing field has resulted in a number of student injuries, including ankle sprains and other injuries.²²⁷ On the same issue, Ms Katie Ferguson argued that the inappropriateness of this field for school sport training means that students at the school don't get the same opportunities as others, such as participating in inter-school sports competitions.²²⁸

Case study: Gillieston Public School

The committee visited Gillieston Public School in early June 2022, following its visit to the successful prototype 'pavilion' classroom at Fern Bay Public School. The infrastructure at Gillieston was a stark contrast to what the committee had seen just thirty minutes down the road, and highlighted how far behind that community had been left.

Along with parents who had appeared at the committee's hearing in May, the committee was joined by representatives from School Infrastructure NSW, the Member for Maitland, as well as a number of the local media. It was clear to the committee that the situation at Gillieston had generated significant media attention, as parents such as Katie Ferguson advocated for a school that meets the needs of the local community. Along with being a parent of three children, Ms Ferguson is the President of the school P & C and clearly had the support of the school's principal, Ms Lauren Fernando, in drawing attention to the issues at the school. Other parents present at the visit told the committee of their frustration that the school's infrastructure did not match the quality of its teachers, something which led to a high turnover in staff, as well as parents moving their children to neighbouring private and Catholic schools.

During its visit, the committee saw the 'chicken wire fence' surrounding the school, along with the sloped playing field and numerous demountable classrooms – including the combined demountable canteen and school hall. At the same time, the committee saw the massive residential development occurring next to the school – with greenfield areas extending in all directions.

²²⁶ Evidence, Mr Todd Sellers, Parent, Gillieston Primary School, 9 May 2022, p 26.

²²⁷ Evidence, Mr Sellers, 9 May 2022, p 26.

²²⁸ Evidence, Ms Ferguson, 9 May 2022, p 25, Submission 89, Ms Katie Ferguson, p 1.

Many parents expressed their frustration at being in limbo and were adamant that they wanted certainty from School Infrastructure NSW around the status of a new school promptly. Mr Manning told everyone present that he was aware of the urgent needs of the school, making a commitment to upgrade the school's fencing by the end of the year and to ensure a more permanent solution was a key priority of his agency.

- 4.33** Other parents representing Gillieston Public School discussed the inadequate and unsafe chicken wire fencing at the school,²²⁹ with Mr Simon Rolfe describing his distress over having to stop a child jumping over the fence into traffic.²³⁰ Mr Sellers called for the old fence to be upgraded to the industry standard steel fence used in other schools.²³¹ Ms Ferguson informed the committee that she had made representations to the Minister's office and received a response that the fencing was appropriate for a rural school.²³²
- 4.34** In response to questions about Gillieston Public School at the hearing in May 2022, Mr Anthony Manning confirmed that School Infrastructure NSW is aware of the issues facing the school, describing it as an example of a previously rural school located in an area quickly becoming urbanised:
- Gillieston is a really good example of a school that up until very recently has been a rural school. You can see—and we will see as we go around—the development beginning to move around the school. There is still quite a lot more development yet to happen as part of that process. But it does give us an opportunity to begin to grow that school and then look at permanent growth for that school, which is what they will need into the future.²³³
- 4.35** Given the seriousness of evidence it received about Gillieston Public School, the committee travelled there in early June 2022, where it met with parents from the school, along with representatives from School Infrastructure NSW. The committee toured the school, seeing its inadequate infrastructure firsthand. During this visit, representatives from SINSW indicated that they were aware of the urgent needs of the school, making a commitment to upgrade the school's fencing by the end of the year and suggesting that more work would be announced in the pending 2022-23 Budget. The Budget announcements relating to Gillieston Public School, along with other schools visited during this inquiry, are discussed at 4.38.
- 4.36** The committee also heard from the Ulladulla High School P & C, representing another area in transition due to rapid population growth. The P & C submission described overcrowding at the local public schools and pointed to suitable neighbouring facilities that are currently empty, questioning why School Infrastructure NSW would not secure the site to accommodate the growing student population.²³⁴ As noted in chapter 3, parents from Lennox Head Public School, a longstanding regional primary school on the NSW Mid North Coast, described similar student enrolment growth, with the resultant loss of much of the school's playground to demountables.

²²⁹ Submission 80, Mrs Sarah Bird, p 1, Submission 89, Ms Katie Ferguson, p 1.

²³⁰ Evidence, Mr Simon Rolfe, Parent, Gillieston Public School, 9 May 2022, p 25.

²³¹ Submission 113, Mr Todd Sellers, 9 May 2022, p 2.

²³² Evidence, Ms Ferguson, 9 May 2022, p 32-33.

²³³ Evidence, Mr Manning, 25 May 2022, p 50.

²³⁴ Submission 119, Ulladulla High School Parents and Citizens Executive Committee, p 1.

4.37 As regards to rural or remote schools serving as distance education facilities, the Isolated Children's Parents' Association of New South Wales advocated for suitable facilities at locations such as the 'School of the Air' in Broken Hill, which currently cannot accommodate the full enrolment of students at one time.²³⁵ Ms Laura Stalley, Member of the Association's State Council, informed the committee that the current solution of staggering students' attendance creates difficulties for parents with more than one child at the school. Ms Stalley advocated for facilities that will allow the whole student body to attend at once so that all can benefit from the classroom experience, including the social interactions that come along with it. She referred to the Finigan School of Distance Education as a model for potential upgrades to the Broken Hill campus.²³⁶

2022-2023 Budget announcements

4.38 During the course of the inquiry, the 2022-2023 Budget was delivered, in which funding for 23 new and upgraded school projects was announced.²³⁷ In July 2022, School Infrastructure NSW indicated that this includes funding for the development of Gillieston Public School, to replace demountables on the existing site and provide fit for purpose learning spaces.²³⁸ Separate to this project, the Asset Management Unit within SINSW will also deliver a number of short to medium projects to address the concerns at Gillieston mentioned above, including upgrading the fencing and connecting the school to the town sewer.²³⁹

4.39 Other regional schools identified for upgrade in the 2022-2023 Budget include Ulladulla High School, Yanco Agricultural High School and Young High School. In addition, funding was confirmed for the relocation of Lennox Head Public School following the identification of Aboriginal artefacts, as discussed in chapter 2.²⁴⁰

4.40 Within the Sydney region, a number of ageing schools highlighted during the inquiry received funding allocation for upgrades. This included Concord High School, with a draft masterplan displayed to the school community in late August, as well as Randwick Boys and Girls High School.²⁴¹

Committee comment

4.41 The committee is encouraged by the commitment demonstrated by School Infrastructure NSW to the schools highlighted in this inquiry. In particular, we commend the agency for its

²³⁵ Submission 35, Isolated Children's Parents' Association of New South Wales, p 1.

²³⁶ Evidence, Ms Laura Stalley, NSW State Council, Isolated Children's Parents' Association, 25 May 2022, pp 28-29.

²³⁷ NSW Government, Budget Paper 3 - Infrastructure Statement 2022-23, p 5.

²³⁸ Planning update, School Infrastructure NSW, Gillieston Public School redevelopment, 1 July 2022, pp 1-2.

²³⁹ Planning update, School Infrastructure NSW, Gillieston Public School redevelopment, 1 July 2022, pp 1-2.

²⁴⁰ NSW Government, Budget Paper 3 - Infrastructure Statement 2022-23, pp 6-7.

²⁴¹ NSW Government, Budget Paper 3 - Infrastructure Statement 2022-23, pp 6-7.

responsiveness to inquiry participants' concerns, noting that a number of schools considered during the process have recently had significant funding committed to substantial projects.

- 4.42** At the same time, the committee acknowledges statements by School Infrastructure NSW that a previous focus on building new schools had widened the gap in the quality of infrastructure at existing schools. A key message of the Auditor General's first report, adopted by the NSW Government, was that this be addressed. While the committee appreciates that it will take time for the renewed focus on upgrading schools to roll out, it remains an imperative that must progress with greater momentum. The poor standard of infrastructure of existing schools was particularly evident during the committee's site visit to Concord High School, where we saw toilet doors falling off hinges, numerous demountable toilet blocks, playground seating falling apart, uneven walkways, and thoroughfares in between classrooms that were used as teaching spaces. This is unacceptable.
- 4.43** In the committee's view, it is absolutely crucial that a balance be struck between building new and upgrading existing schools. The infrastructure of existing schools should not be left to deteriorate to the point where the environment becomes inhospitable to students. For this reason, the committee recommends that the NSW Government ensure that existing school infrastructure is maintained to an acceptable standard and does not suffer as a result of a focus on new school construction.
-

Finding 16

That a balance must be struck between building new and upgrading existing schools. The infrastructure of existing schools should not be left to deteriorate to the point where the environment becomes inhospitable to students.

Recommendation 18

That the NSW Government ensure that existing school infrastructure is maintained to an acceptable standard and does not suffer as a result of a focus on new school construction.

- 4.44** The quality – or lack thereof – of bathroom infrastructure in a number of existing schools was another important feature of the committee's inquiry. While no school infrastructure should be allowed to degrade without repair, access to well-maintained, permanent toilets is a fundamental right of every school child. On the basis that access to clean toilets of a good standard is a basic human right and that such access is essential to an effective learning environment, the committee recommends that School Infrastructure NSW ensure that toilets of adequate quantity and quality are provided in all schools. This adequacy should be measured against a clear and public standard that sets the number of toilets per male and female student, the frequency of the cleaning regime established on the basis of anticipated frequency of use, and a benchmark for repair of damaged toilets within defined time frames. In addition, this standard should be communicated to parents and students each year.
-

Finding 17

In our visits to schools, it was clear that a top priority must always be to have clean, functional and safe toilet areas for the students and that keeping toilets of this standard should be a priority in the School Infrastructure NSW maintenance budget.

Recommendation 19

That, noting that access to clean toilets of a good standard is a basic human right and that such access is essential to an effective learning environment, School Infrastructure NSW ensure that toilets are provided in all schools at an adequate quantity and quality, and that their adequacy be measured against a clear and public standard that sets:

- the number of toilets per male and female student
- the frequency of the cleaning regime established on the basis of anticipated frequency of use
- a benchmark for repair of damaged toilets within defined time frames.

Further, that this standard be communicated to parents and students each year.

- 4.45** Linked to this, the committee heard evidence from the P & C Association that school P & Cs are routinely footing the bill for maintenance work, particularly the repair of toilets, in order to ensure work is carried out in a timely manner. It appears to the committee that many stakeholders see the process for conducting maintenance work as unreasonably bureaucratic. To remedy this, the committee recommends that SINSW reduce the red tape around smaller maintenance and repair projects, ensuring that the hard work and fundraising efforts of P & Cs are not frustrated by bureaucratic delays. We also call on SINSW to conduct an audit of schools with dated facilities and prepare a comprehensive plan to address all maintenance needs across the entire school system. To improve transparency around maintenance issues and the condition of NSW schools, we also recommend that School Infrastructure NSW publish annually on its website a report on the current maintenance backlog.

Recommendation 20

That School Infrastructure NSW reduce the red tape around smaller maintenance and repair projects, ensuring that the hard work and fundraising efforts of Parents and Citizens Associations are not frustrated by bureaucratic delays.

Recommendation 21

That School Infrastructure NSW conduct an audit of schools with dated facilities and prepare a comprehensive plan to address all maintenance needs across the entire school system, giving priority to toilet area maintenance.

Recommendation 22

That School Infrastructure NSW publish annually on its website a report on the current maintenance backlog, ensuring transparent reporting of the condition of New South Wales schools.

- 4.46** It was clear to the committee that a number of schools outside the Sydney region have suffered due to the Department's focus over some years on building new schools. The most emblematic example of this focus, as well as the failure to ensure school infrastructure keeps pace with surrounding development in a rapidly urbanising, previously rural area, was Gillieston Public School. Noting this failure, the committee commends the tireless advocacy of parents such as

Katie Ferguson, Todd Sellers, Simon Rolfe, Sarah Bird and no doubt many others who ensured these issues were not ignored. This fast-growing community has a school without security fencing, sewerage connections, decent classrooms, proper canteen or a hall. The committee was similarly affected by its visit to Concord High School, as well as the evidence from the Isolated Children's Parents Association about the quality of distance education facilities.

- 4.47** We are comforted to learn that the advocacy and attention brought to the situation at Gillieston Public School has produced tangible results for a school community in dire need of a high-quality public school. We commend the particular responsiveness of School Infrastructure NSW to the committee's work and look forward to seeing swift movement in this area. School Infrastructure NSW has demonstrated that it can act promptly and deliver effective solutions to the issues highlighted by this committee, something for which the committee is grateful. Given this demonstration of good faith, the challenge for the agency will be to ensure it is consistently responsive to school infrastructure needs in coming years. Having seen for itself how responsive the Department can be, the committee recommends it give urgent attention to delivering swiftly the promised upgrades to schools such as Concord High, Gillieston Public and the distance education facility in Broken Hill, so that these students can experience schools worthy of them.
-

Finding 18

That School Infrastructure NSW has demonstrated that it can act promptly and deliver effective solutions to the issues highlighted by this committee, something for which the committee is grateful. Given this demonstration of good faith, the challenge for the agency will be to ensure it is consistently responsive to school infrastructure needs in coming years.

Recommendation 23

That the NSW Government give urgent attention to delivering the promised upgrades to schools such as Concord High, Gillieston Public and the distance education facility in Broken Hill swiftly, so that these students can experience schools worthy of them

- 4.48** Finally, we wish to reiterate that communication and consultation with the parent community at every school in New South Wales must be a fundamental component of any discussion around maintaining and upgrading existing schools. Like all parents in this inquiry, the parents of students at a number of the state's longstanding public schools have shown themselves to be tireless advocates for every student's right to attend their local public school, with quality infrastructure that supports the learning experience of students.

Chapter 5 Asbestos at Castle Hill High School

During the course of the inquiry, the mishandling of the discovery of asbestos at Castle Hill High School came to the committee's attention, and we took the opportunity to examine the matter as a specific example of how the NSW Department of Education – at the local and central level – responds to and resolves such matters, as an important and highly sensitive aspect of the management of school infrastructure.

In sum, repeated reports of suspected asbestos at the school were not acted on over several years, and when a test was finally conducted in 2016 its positive result was neither acted on nor communicated to staff, students or the department. Subsequent investigations by the department's Performance and Ethical Standards Unit and SafeWork NSW have taken a significant length of time.

While the committee was constrained in how far it could examine the specific actions of individuals given that the SafeWork NSW investigation is not expected to conclude until the end of the year – after this report is handed down – we sought to understand teachers' and parents' substantial concerns – and by putting them to the department, to examine its handling of the matter from a systemic point of view.

This chapter commences with a timeline of events from the first suspected presence of asbestos at the school until the present day. It then provides an overview of the two investigations of the school's handling of the matter. Next, it explores the apparent actions in respect of the 2016 test, then critically examines the school and department's responses to the discovery. Finally, it explores the question of whether the school is actually now safe.

Timeline of events

5.1 This section documents the chronology of key events in the discovery and reporting of asbestos at Castle Hill High School. While there was some division amongst stakeholders as to the specific dates of certain events, the table below provides a broad timeline, drawing on the evidence before the committee as well as documents provided in the NSW Department of Education's return to the Legislative Council's order for papers relating to asbestos at the school.²⁴² As some of the facts are disputed, we have endeavoured to focus on information that is broadly accepted as fact:

Year	Summary of event
2008	<ul style="list-style-type: none"> Asbestos Register of Castle Hill High School identifies 76 entries of asbestos, primarily in floor coverings, with five located in the ceiling.²⁴³
2010	<ul style="list-style-type: none"> Castle Hill High School Work Health and Safety (WHS) committee minutes dated 1 August 2010 first refer to dust falling from the ceiling in certain classrooms.²⁴⁴

²⁴² Return to order for papers, 21 September 2022, Castle Hill High School, NSW Department of Education, Document P0425.

²⁴³ Return to order for papers, 21 September 2022, Castle Hill High School, Castle Hill High School, Document P0597.

²⁴⁴ Evidence, Mr Shane Stubbs, Teacher, Castle Hill High School, 19 September 2022, pp 2-3.

2016	<ul style="list-style-type: none"> • Teachers lodge complaints about asbestos issue in Sentral, the school's new system for registering maintenance requests.²⁴⁵ • Samples of dust falling in the Human Society and its Environment (HSIE) staffroom are taken and sent for testing (the 2016 test). On 29 July 2016, a positive result is received by the school.²⁴⁶ • WHS committee minutes from 1 August 2016 refer to the school as 'still waiting on analysis'.²⁴⁷ • On 5 September 2016, WHS committee minutes state 'B block tested. All clear. Testing rest of school'.²⁴⁸ • The WH&S committee minutes for the following 15 meetings re-state this negative result. No further report or testing conducted.²⁴⁹
2020	<ul style="list-style-type: none"> • All staff are notified of positive tests for asbestos at the school on 11 May 2020 following identification by the Asset Management Unit within the School Infrastructure NSW.²⁵⁰ • On 13 May 2020, parents are emailed by the principal to inform them that four buildings at the school will be quarantined to allow precautionary work to take place, following the identification of friable asbestos in the ceiling.²⁵¹ • On 29 May 2020, Mr Shane Stubbs, Teacher, Castle Hill High School, makes complaint to the Performance and Ethical Standards (PES) unit within the NSW Department of Education regarding the management of the issue.²⁵² • In June 2020, SafeWork NSW is engaged in an advisory capacity by the then Occupational Hygienist overseeing asbestos remediation works being undertaken at the school.²⁵³ • In October 2020, Mr Shane Stubbs and Mr John Connell, Teacher, Castle Hill High School, are informed by PES that it will investigate the matter. Their first interview with PES is held on 4 November 2020.²⁵⁴
2021	<ul style="list-style-type: none"> • In February 2021, SafeWork NSW receives further engagement from a Castle Hill High School staff member and in March 2021 commences its own investigation into the management of asbestos at Castle Hill High School.²⁵⁵

²⁴⁵ Submission 139, Name suppressed, p 1.

²⁴⁶ Evidence, Mr Stubbs, 19 September 2022, p 7.

²⁴⁷ Evidence, Mr Stubbs, 19 September 2022, p 7.

²⁴⁸ Evidence, Mr Stubbs, 19 September 2022, p 7.

²⁴⁹ Evidence, Mr Stubbs, 19 September 2022, p 7.

²⁵⁰ Evidence, Mr Stubbs, 19 September 2022, p 3; Evidence, Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW, 19 September 2022, p 25.

²⁵¹ Submission 146, Name suppressed, p 2.

²⁵² Evidence, Mr Stubbs, 19 September 2022, p 13.

²⁵³ Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, to the Chair, 16 September 2022, p 2.

²⁵⁴ Evidence, Mr Stubbs, 19 September 2022, p 4.

²⁵⁵ Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, to the Chair, 16 September 2022, p 2.

2022	<ul style="list-style-type: none"> • During the course of the PES investigation, the NSW Department of Education becomes aware of results from the 2016 asbestos test, which identifies a positive response for asbestos.²⁵⁶ • On 1 August 2022 parent informed via letter that further asbestos was detected in a staff room and book room at the school in early 2022.²⁵⁷ • A P & C meeting on 17 August 2022 is attended by Departmental representatives, with parent attendees asked to email questions and concerns after the meeting.²⁵⁸ • PES investigation finalised on 14 September 2022, finding that that two employees at Castle Hill High School had engaged in misconduct.²⁵⁹ • SafeWork NSW investigation expected to be finalised by the end of the year.²⁶⁰
-------------	--

Performance and Ethical Standards Unit and SafeWork NSW investigations

- 5.2** At the time of the inquiry, there were two formal investigations into the management of asbestos at Castle Hill High School taking place. The first was conducted by the Performance and Ethical Standards (PES) Unit of the NSW Department of Education, with the investigation commencing in October 2020 following the complaints of two teachers at the school about the school executive's management of the issue.²⁶¹
- 5.3** PES completed its report in the week prior to the committee's hearing with stakeholders from Castle Hill High School. Further details of this investigation are discussed in the following sections.
- 5.4** A second investigation is also being conducted by SafeWork NSW under the *Work Health and Safety Act 2011* (WHS Act). This investigation commenced in March 2021 and concerns whether the WHS Act was breached by any individuals involved.²⁶² According to SafeWork NSW, a possible outcome of this investigation is criminal prosecution under the WHS Act in respect of any breaches, or other compliance and enforcement action, with the investigation expected to be completed by the end of the year.²⁶³

²⁵⁶ Evidence, Mr Manning, 19 September 2022, p 25.

²⁵⁷ Submission 131, Name suppressed, p 1; Submission 133, Name suppressed, p 4.

²⁵⁸ Submission 133, Name suppressed, p 3.

²⁵⁹ Evidence, Mr Daryl Currie, Executive Director, Performance and Ethical Standards, NSW Department of Education, 19 September 2022, p 29.

²⁶⁰ Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, to the Chair, 16 September 2022, p 2.

²⁶¹ Evidence, Mr Stubbs, 19 September 2022, p 4.

²⁶² Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, NSW Department of Customer Service, to the committee, received 13 September 2022.

²⁶³ Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, NSW Department of Customer Service, to the committee, received 13 September 2022; Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, NSW Department of Customer Service, to the committee, received 16 September 2022.

- 5.5** The committee invited investigators from SafeWork NSW involved in the Castle Hill High School investigation to appear at its hearing on 19 September 2022. In its response to the invitation, SafeWork NSW submitted that requiring these individuals to give evidence in relation to a current investigation 'could result in potential prejudice to both the investigation, and to any future compliance and enforcement action that may be taken by SafeWork NSW'.²⁶⁴
- 5.6** Noting that it does leave some gaps in the evidence used in this report, the committee has had no choice but to respect the SafeWork NSW process, in order to avoid inadvertently undermining the effectiveness of the investigation and prejudicing any potential future criminal proceedings.

Teacher and parent views on the school's response

- 5.7** A number of teachers and parents came forward to express their very strong concerns about the clear mishandling of the presence of asbestos at the school. These concerns are documented below, along with the views of the local state Member of Parliament, Mr Ray Williams MP, who acted on behalf of his community to bring attention to the issue, including by giving evidence to the committee.

Teacher concerns

- 5.8** One of the most salient aspects of this inquiry was the level of concern and distress felt by a number of teaching staff at Castle Hill High School, based on their belief that they had been exposed to asbestos, potentially over an extended period. As Mr John Wright, the school's Acting Head Teacher of History wrote, many staff members in the HSIE faculty 'harbour very serious concerns that in time they may contract an asbestos-related illness'.²⁶⁵ Aside from the fact of their exposure, a significant aspect of this concern stems from the fact that a test conducted in 2016 returned a positive result for asbestos, but staff and the rest of the school community were not informed of the existence of this result until 2022, after it was discovered during an investigation by the Performance and Ethical and Standards Unit of the NSW Department of Education.²⁶⁶
- 5.9** It is apparent that concerns of the teaching staff have been amplified by what they perceive as the persistent lack of responsiveness and accountability that continues to this day. This was very much the position of two teachers at Castle Hill High School, Mr Shane Stubbs and Mr John Connell, who gave evidence to the committee in a public hearing on 19 September 2022. As Mr Connell expressed:

The other cultural problem I would say ... is that classroom teachers such as myself and Shane are held to account for lots of things but directors and principals, apparently,

²⁶⁴ Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, NSW Department of Customer Service, to the committee, received 13 September 2022; Correspondence from Ms Natasha Mann, Deputy Secretary, Better Regulation, NSW Department of Customer Service, to the committee, received 16 September 2022.

²⁶⁵ Submission 132, Mr John Wright, p 1.

²⁶⁶ Evidence, Mr Stubbs, 19 September 2022, p 6; Evidence, Mr Anthony Manning, 19 September 2022, p 26.

from almost three years' of experience of dealing with PES, it's almost like they are untouchable ... a whole bunch of directors were told about this, and even commonsense, even if they didn't know the asbestos management policy, they would just twig that people asked for testing. What we understood then was that people asked for testing and it wasn't done.²⁶⁷

- 5.10** A number of other teachers also referred to inaction on the part of the school when individual staff repeatedly raised concerns about debris falling from ceilings. One teacher described the school's approach to responding to reports of asbestos concerns as 'begrudging', referring to the school 'brushing off suggestions that the falling debris might be asbestos and be of potential harm'.²⁶⁸ For some, it is highly distressing that their fears fell on deaf ears and it is now apparent that they and their colleagues have experienced long term exposure.²⁶⁹ Indeed, several teachers provided submissions on a confidential basis, which made very clear their serious and significant concerns regarding potential asbestos exposure and their views on the actions of the principal and deputy principal, which are discussed in a later section.

Parent concerns

- 5.11** It is also clear than many parents share these concerns around exposure, as well disappointment with the communication on the issue, both from the school as well as the Department.²⁷⁰ This is the case for parents whose children had been at the school for many years, as well as those whose children had just joined. For example, Ms Elizabeth Madders told the committee that all three of her children had attended the school, with her youngest graduating this year. Ms Madders reported that the first time parents were told of the asbestos at the school was in May 2020.²⁷¹
- 5.12** New parents also expressed frustration with the lack of communication around the issue, with Ms Raquel Henson telling the committee that the amount of asbestos at the school has not been adequately communicated, and that even the signage at the school is inadequate:

I would just like to start by saying how I am a bit disappointed in the lack of communication, which has been brought forward, about the risks that are posed to our children... I had to dig through information [at Parliament, returned in response to the order for papers] to find out that the amount of asbestos that is actually friable in the school is actually quite shocking. The fact that there is lack of signage in the school, which poses a great risk to people who are coming onto site and actually disturbing asbestos and putting children, and staff, at risk—this is unacceptable for the health and wellbeing of our children.²⁷²

- 5.13** Parents also described the challenges in getting information on the current safe level of asbestos at the school, based on current air monitoring. On this point, Mr Aldrin Mendonca said that parents had no access to air monitoring reports currently been conducted at the school, to the

²⁶⁷ Evidence, Mr Connell, 19 September 2022, p 12.

²⁶⁸ Submission 137, Name suppressed, p 1.

²⁶⁹ Submission 135, Confidential; Submission 145, Confidential; Submission 141, Confidential.

²⁷⁰ Submission 130, Name suppressed, p 1; Submission 133, Name suppressed, p 1; Submission 134, Name suppressed, p 1.

²⁷¹ Evidence, Ms Elizabeth Madders, Parent, Castle Hill High School, 19 September 2022, p 18.

²⁷² Evidence, Ms Raquel Henson, Parent, Castle Hill High School, 19 September 2022, p 18.

extent that '[a]nybody who wants information, of course, goes to the Parliament House and gets the information'.²⁷³

- 5.14** The committee heard that parents' concerns have been further frustrated within the P & C context. Ms Madders reported that recent attempts to establish an asbestos subcommittee on the P & C were denied, based on proper process not being followed.²⁷⁴ In a subsequent submission to the inquiry, the Castle Hill High School P & C explained that it is open to doing so, provided such a group is formed using due process, to ensure the group is protected under relevant insurances.²⁷⁵

The local member's concerns

- 5.15** The Member for Castle Hill, Mr Ray Williams MP, echoed many of the concerns of parents and teachers in his evidence to the committee, particularly regarding the ongoing lack of clarity and poor communication around the present-day safety of the school. Mr Williams told the committee that while he had not been provided with evidence on who was to blame for the issue, and as such, could not answer those questions, he was very clearly of the view that the issue 'continues to be kicked down the road by the Department of Education'.²⁷⁶

I state for the record that if the education department is not responsible for this, and if this is not a primary asset of theirs, then who is responsible for it? Government, Ministers and members of Parliament are only as good as the information that we receive. It's very sad and it's a sad indictment that it has taken so long for this information to be made public and for something to be done about it. I certainly don't think that the process has finished. As a matter of fact, I think it needs to start and it needs to start today.²⁷⁷

- 5.16** In his opinion, the uncertainty around the current safety of the school is the paramount concern and it is crucial that safety be established immediately. Given this belief, Mr Williams told the committee that after speaking with teachers and parents on 26 May 2022, he called the Minister for Education and Early Learning the following day to seek reassurance that confirmation of the school's safe environment would be immediately provided:

I had a conversation the very next day with the Minister over the phone. The Minister commenced by explaining that she was advised by the department that there were no problems with asbestos at Castle Hill High School. I was fairly blunt in my assessment and saying that I wanted her confirmation by the close of business the following Monday—there was a weekend in between—stating that that school was asbestos-free, that there was no contamination within that school and that an independent assessment would be undertaken immediately to establish that ... because I think enough time has been wasted and enough lives have been placed at risk. I think we needed some urgent action.²⁷⁸

²⁷³ Evidence, Mr Aldrin Mendonca, Parent, Castle Hill High School, 19 September 2022, p 19.

²⁷⁴ Evidence, Ms Madders, 19 September 2022, p 20.

²⁷⁵ Submission 147, Castle Hill High School P & C Association, p 3.

²⁷⁶ Evidence, Mr Ray Williams MP, Member for Castle Hill, 19 September 2022, p 42.

²⁷⁷ Evidence, Mr Ray Williams MP, Member for Castle Hill, 19 September 2022, pp 44-45.

²⁷⁸ Evidence, Mr Williams MP, 19 September 2022, p 43.

- 5.17** Noting that this independent assessment had yet to occur in the four months since he had requested it, Mr Williams reiterated his calls for this to take place.²⁷⁹

The asbestos test conducted in 2016

- 5.18** Given its centrality to the concerns of both teachers and parents, the committee sought to understand how the 2016 test came into existence and what happened after it was commissioned.
- 5.19** Mr Stubbs provided the committee with a detailed overview of the commissioning and reporting on this 2016 test. In response to the committee's suggestion that it had been commissioned by the school management through a general assistant, Mr Stubbs confirmed his belief that it had been and that it was requested as part of the principal and deputy principal's role on the school's work WHS committee.²⁸⁰ Mr Stubbs explained that one of the responsibilities of that committee, which is headed by the principal and deputy principal, is to investigate staff complaints about building infrastructure.²⁸¹
- 5.20** Mr Stubbs confirmed to the committee that a general assistant to the principal and deputy principal paid for this test on 29 July 2016.²⁸² On 5 September 2016, the WHS minutes read 'B block tested. All clear. Testing rest of school', however no subsequent WHS minutes refer to the receipt of any report.²⁸³ Exactly what happened to the 2016 test is not known, with staff at the school telling the committee that various information has been communicated: that the sample had been lost, or alternatively, that it was never lodged.²⁸⁴ Another teacher reported that staff were told that the test had come back negative.²⁸⁵
- 5.21** Noting the seriousness of this matter, discussed in detail in the hearing, the committee sought to provide both the former principal and former deputy principal, as well as the Director of Educational Learning for the Hills District, the opportunity to respond to the evidence put before the committee, seeking the assistance of the Minister's Office to forward its correspondence to the individuals concerned.²⁸⁶ However the Minister's Office subsequently advised that neither it nor the department were 'in a position to do so as it is not considered an appropriate request in the circumstances' of the SafeWork investigation.²⁸⁷
- 5.22** The committee also put the views of these teachers to representatives of the department. In their response, each departmental witness emphasised the significance of the ongoing statutory

²⁷⁹ Evidence, Mr Williams MP, 19 September 2022, p 45.

²⁸⁰ Evidence, Mr Stubbs, 19 September 2022, pp 3 and 6.

²⁸¹ Evidence, Mr Stubbs, 19 September 2022, p 3.

²⁸² Evidence, Mr Stubbs, 19 September 2022, p 7.

²⁸³ Evidence, Mr Stubbs, 19 September 2022, p 7.

²⁸⁴ Submission 137, Name suppressed, p 1.

²⁸⁵ Submission 131, Name suppressed, p 1.

²⁸⁶ Correspondence from the Chair, to Ms Vicki Brewer, Mr Andrew Mitchell and Ms Joanne Marshall, 27 September 2022, p 2.

²⁸⁷ Email from the Office of Minister Mitchell to the secretariat, received 4 October 2022.

investigation by SafeWork NSW and their obligation not to hinder or prejudice its work, thus limiting their ability to comment in detail on the issue.²⁸⁸

5.23 Mr Daryl Currie, Executive Director of PES, advised the committee that the PES investigation found 'no evidence that [the 2016] test had been sighted by anybody else', apart from the general assistant who had been asked to organise it.²⁸⁹ Mr Manning advised that there was no information to suggest the 2016 test was positive until it was located in 2022, and that it was not clear whether the results were shared with staff at the time.²⁹⁰

5.24 Mr Currie made it clear that he was unable to go into any specific detail on the investigation, including discussing any potential reasons given by the principal or deputy principal for their behaviour. However, when pressed by the committee, he stated that he would not characterise their behaviour as 'intentional' and that ultimately, 'human error is at the centre of this situation'.²⁹¹

5.25 Mr Currie also provided the following findings, which referred to a number of policies and protocols not having been adhered to:

What we found with regard to the investigation was misconduct relating to poor delegation and oversight practices, leaving a junior staff member with responsibility to manage testing and to action results; failed to take reasonable steps to action staff health and safety concern about dust in a timely manner; failed to document key aspects of responses to asbestos risks; failed to follow asbestos policies and protocols, including involving other parts of the department with responsibility to manage asbestos issues; and provided false and misleading information to other staff.²⁹²

5.26 Mr Manning confirmed to the committee that as a result of these findings, disciplinary action had been taken against senior staff at the school.²⁹³

5.27 Taking a systemic point of view, Mr Manning stated that the key failure was in the school not following procedure to engage the department's Asset Management Unit, which would have immediately deployed its expertise to manage the asbestos as well as teacher and parent concerns:

The health, safety and wellbeing of our students and our staff is the department's highest priority, and we have a rigorous system of maintenance and monitoring at all schools across New South Wales. However, regrettably and with disappointment, we can confirm that certain procedures were not followed by senior staff at Castle Hill High School.

At the heart of the problem was that the school did not follow the specific procedure to immediately inform the Asset Management Unit of the department after a concern

²⁸⁸ Evidence, Mr Manning; 19 September 2022, p 25; Evidence, Mr Currie, 19 September 2022, p 29; Evidence, Ms Leanne Nixon, Deputy Secretary, School Performance—North, NSW Department of Education, 19 September 2022, p 28.

²⁸⁹ Evidence, Mr Currie, 19 September 2022, p 37.

²⁹⁰ Evidence, Mr Manning; 19 September 2022, p 26.

²⁹¹ Evidence, Mr Currie, 19 September 2022, p 37.

²⁹² Evidence, Mr Currie, 19 September 2022, p 29.

²⁹³ Evidence, Mr Manning, 19 September 2022, p 25.

was expressed about a possible asbestos issue. The Asset Management Unit is an expert and immediately available support for our schools that is specifically tasked with proactively managing asbestos concerns. Schools are required to notify the AMU immediately of any such concerns. Unfortunately, in this case the school did not contact the AMU when it should have, and the AMU's help and expertise were not immediately enlisted. Had the school followed the required procedures as outlined specifically in the department's asbestos management plan, community concern could have been allayed quickly and with confidence.²⁹⁴

- 5.28** More broadly, Mr Manning also asserted that since the creation of School Infrastructure NSW in 2017, the Department is taking a much more proactive role in addressing safety concerns in school buildings, as evidenced by the discovery of further asbestos at the school in 2020:

We are far more active in all of our schools, and that has been something that has been increasing since the existence of School Infrastructure, and we continue to reinforce it. The more work we can carry out inside schools, the more chance there is of making sure that things don't slip through the net. We will still have unexpected finds because that is the nature of what it is, but they are then properly dealt with as we find them. We are not waiting for people to notify us to it.²⁹⁵

Specific systemic concerns

- 5.29** Separate to concerns around the handling of the 2016 test, the committee also heard staff concerns about broader failings in the management of work health and safety at the school, district and departmental levels. These concerns, which thus had a more systemic focus, coalesced around principals' understanding of their WHS responsibilities, higher level oversight of school WHS, and the length of the Performance and Ethical Standards investigation. These are discussed in turn below.

Principals' understanding of their work health and safety responsibilities

- 5.30** It emerged from the evidence that neither the principal or deputy principal appeared to have the appropriate knowledge of asbestos management, despite the principal being the accountable officer for WHS on the school site.²⁹⁶
- 5.31** Mr Connell told the committee of his incredulity at being told by the principal in August 2020 that she had 'never read the asbestos management policy', despite a number of staff complaints being made about its perceived presence.²⁹⁷ He also reported having a similar conversation with the deputy principal, who similarly displayed no awareness of the policy's requirements and appeared not to have been trained in them.²⁹⁸

²⁹⁴ Evidence, Mr Manning; 19 September 2022, p 26.

²⁹⁵ Evidence, Mr Manning, 19 September 2022, p 33.

²⁹⁶ Evidence, Ms Leanne Dixon, Deputy Secretary, School Performance – North, NSW Department of Education, 19 September 2022, p 28.

²⁹⁷ Evidence, Mr Connell, 19 September 2022, p 9.

²⁹⁸ Evidence, Mr Connell, 19 September 2022, p 10-11.

- 5.32** The committee asked the Department how it could be that a school's senior executive had no knowledge of key WHS procedures in respect of asbestos. Mr Manning emphasised that the situation at Castle Hill was highly unusual, and that the vast majority of principals are very aware of asbestos issues.²⁹⁹ He went on to advise that the Department did not ask principals to prove that they had completed their training regarding asbestos, but that it is something the Department is now considering in light of the PES investigation.³⁰⁰ Mr Manning took on notice the specifics of how the Department tracks whether principals have actually undertaken the training or not.³⁰¹ In its response, the Department stated:

The Department of Education has a suite of policies and systems in place to respond to concerns relating to suspected or potential exposure to asbestos, central to which is the Department's Asbestos Management Plan. All principals are required to be familiar with the Plan and their school's Asbestos Register. The online training module 'Control and Management of Asbestos in the Workplace' is available to all Department employees, including principals, to access through the MyPL application. Training module content is reviewed on an ongoing basis.³⁰²

Oversight of work health and safety

- 5.33** In addition to their criticisms of the school executive's response, both Mr Stubbs and Mr Connell expressed disappointment in the department's oversight of the school's WHS response.
- 5.34** On the first issue, Mr Stubbs told the committee that he believed that the Director of Educational Learning (DEL) for the Hills District had failed to provide effective oversight of the school principal's work health and safety obligations.³⁰³ In his view, the principal's longstanding non-compliance with mandatory work health and safety requirements was allowed to continue as the DEL had not checked and signed off on their completion. In turn, he believes the department's WHS unit had not ensured compliance on the part of the DEL or the principal.³⁰⁴
- 5.35** The committee put these views to representatives of the Department, as well as why the DEL did not review any of the minutes of the work health and safety committee or actively follow up any complaints made in the school's Sentral maintenance system. Departmental representatives reiterated that they were not in a position to comment on whether any particular individual had breached their legal obligations under the *Work Health and Safety Act 2011*.³⁰⁵ Ms Leanne Nixon, Deputy Secretary, School Performance – North, emphasised that the accountable officer for school work health and safety is the school principal, not the DEL.³⁰⁶

²⁹⁹ Evidence, Mr Manning, 19 September 2022, p 26-27.

³⁰⁰ Evidence, Mr Manning, 19 September 2022, p 27.

³⁰¹ Evidence, Mr Manning, 19 September 2022, p 31.

³⁰² Answers to questions on notice, NSW Department of Education, 14 October 2022, pp 5-6.

³⁰³ Evidence, Mr Stubbs, 19 September 2022, p 10.

³⁰⁴ Evidence, Mr Stubbs, 19 September 2022, p 10.

³⁰⁵ Evidence, Ms Dixon, 19 September 2022, p 28; Evidence, Mr Currie, 19 September 2022, pp 29-30.

³⁰⁶ Evidence, Mr Anthony Manning, 19 September 2022, p 25.

The length of the Performance and Ethical Standards investigation

- 5.36** For both Mr Stubbs and Mr Connell, their concerns regarding the school and department's failings were exacerbated by the significant length of time it took PES to undertake its investigation. As noted above, this was completed in September 2022, the week before the committee's hearing on the matter. Both witnesses were adamant that it should not have taken two years for that matter to be finalised, during which time building works continued to occur at the school.³⁰⁷ Mr Connell described his surprise at learning in October 2020 that PES was only then beginning to investigate the complaint made by Mr Stubbs in May of that year:

When I first was in contact with the first person at PES, I wasn't even aware that it wasn't being investigated. So I would get emails back saying things like, "Thank you very much, Mr John Connell. This is receiving a high priority." I just thought, "They're investigating. They've got all the evidence they need." Basically, I just thought, "What more do they need than the screenshots?" But, no, then it got put to another person. And then finally I got a call ... "We've decided to investigate your matter." And I'm just like, "What?" It had been with them for months ... I constantly got the reply back from PES, when I would complain about the length of investigation, that "it's a complex matter" with lots of things that I wasn't aware of.³⁰⁸

- 5.37** By some way of explanation for the length of the investigation, Mr Currie of PES told the committee that the Department's initial response to Mr Stubbs' May 2020 complaint occurred under the staff complaints procedure, but that it was subsequently referred to PES:

It wasn't an investigation procedure, and so that initial anonymous complaint and the response to it was under the complaints management policy. When alleged misconduct was considered by Ms Marshall, she then referred it to PES and PES took it on as an investigation as alleged misconduct. So they're two very different processes that deal with situations in very different ways.³⁰⁹

The adequacy of the disciplinary action against the principal and deputy principal

- 5.38** The committee also received evidence on the adequacy of the disciplinary action taken against the school executive for their management of the discovery of asbestos: the former principal, now retired, cannot be re-employed in a NSW school, while the former deputy has been demoted transferred to a new school.³¹⁰ Mr Connell and Mr Stubbs made comment on this issue³¹¹ and the committee raised it with the department.
- 5.39** Mr Currie explained that PES took a number of factors into consideration when determining the appropriate disciplinary action for employees, including their statutory responsibility under the work health and safety legislation, as well as the training and development provided to the employee.³¹² Mr Currie also advised that mitigating factors such as understanding and contrition, as well as the overall length of the employee's career were factored into the determination.³¹³

³⁰⁷ Evidence, Mr Connell, 19 September 2022, p 2; Evidence, Mr Stubbs, 19 September 2022, p 13.

³⁰⁸ Evidence, Mr Connell, 19 September 2022, p 13.

³⁰⁹ Evidence, Mr Currie, 19 September 2022, p 28.

³¹⁰ Daniella White, 'Not to be employed': Former principal sanctioned over Castle Hill asbestos saga', *Sydney Morning Herald*, 19 September 2022.

³¹¹ Evidence, Mr Connell and Mr Stubbs, 19 September 2022, p 14.

³¹² Evidence, Mr Currie, 19 September 2022, p 29.

³¹³ Evidence, Mr Currie, 19 September 2022, p 29.

- 5.40** Mr Currie stressed that it is important that an understanding of PES' role as a protective, non-punitive body remained central to any discussion.³¹⁴ In his words, the purpose of the actions taken by PES is 'to protect from any future harm ... not to punish someone' and that it was not for PES to determine whether an employee might have breached the relevant work health and safety legislation.³¹⁵ Both Mr Currie and Mr Manning also repeatedly emphasised that part of PES' role is to develop future recommendations for the Department of Education to consider, in order to determine where failings occurred and 'what can be instituted from a system perspective to ensure those things don't happen again'.³¹⁶

The length of the SafeWork investigation

- 5.41** Just as teachers were frustrated with the length of the PES investigation, they remain perplexed by the length of the SafeWork NSW investigation.
- 5.42** The committee took this up directly with SafeWork NSW, who advised that it had commenced its initial inquiries in March 2021, which then led to the investigation proper. Noting that SafeWork investigations may take three months to two years to complete, it set out 'a range of factors impacting [its] ability to progress [this] investigation more quickly' including:
- the complexities associated with investigating historical matters such as the identification and availability of witnesses and other evidence;
 - the volume of and accessibility to witnesses due to standard school operation times;
 - the limitations and restrictions in place due to the Covid-19 pandemic; and
 - the timing and discovery of evidence throughout the investigation process that resulted in further enquiries needing to be undertaken.³¹⁷

Is the school now safe?

- 5.43** As noted above, both teachers and parents expressed to the committee their fear that the school is not currently safe from contamination, and therefore that they and the school's students remain at risk. These fears were underscored by the local member, Mr Ray Williams MP, as documented in an earlier section.
- 5.44** Mr Manning sought to address the fears in his opening statement to the committee, stating that once the Asset Management Unit identified asbestos in situ at the school in 2020, the standard processes were actioned:

In response, standard processes were engaged to immediately manage the site, consistent with the department's asbestos management plan. Safety measures were put in place, including sample testing together with air monitoring, which have returned results below or equal to the minimum detection limits in relation to the building

³¹⁴ Evidence, Mr Currie, 19 September 2022, p 29.

³¹⁵ Evidence, Mr Currie, 19 September 2022, p 29.

³¹⁶ Evidence, Mr Manning, 19 September 2022, p 26; Evidence, Mr Currie, 19 September 2022, p 26.

³¹⁷ Correspondence from Natasha Mann, Deputy Secretary, Better Regulation Division and NSW fair Trading Commissioner, Head of SafeWork NSW, to Chair, received 16 September 2022.

elements. This has included testing of material located within the roof cavity above the ceiling, which indicated very low to no levels of asbestos in the HSIE staffroom, which has been the subject of initial concerns with the school.³¹⁸

- 5.45 He then stated that those actions, along with measures including remediations and hygiene cleans, together with the safety certificates issued by SafeWork NSW 'gives the department a high level of confidence that the school is a safe place. These factors also indicate that the long-term historic risk of exposure over the lifetime of the school is considered to be low—no more than what might otherwise occur in any building or private building that otherwise contains asbestos-containing materials. We continue to monitor the situation and await the findings of SafeWork NSW.'³¹⁹

Committee comment

- 5.46 The committee acknowledges the deep-seated fear and distress experienced by the teachers, parents and students at Castle Hill High School as a result of the presence of asbestos and how it has been managed. It is abundantly clear that many people feel they have been unknowingly exposed to asbestos over a number of years, with some holding immense worry about their future, as well as the future of the children at the school. To make matters worse, a number of individuals raised their concerns early on and were not taken seriously. To find out that they were justified in their concern but dismissed at the time, has understandably left many feeling betrayed and frightened. The situation at Castle Hill High School should not have happened and it is clear that certain actions of the former school executive, as well as the NSW Department of Education have been a significant contributor to the very real mental distress being experienced.
- 5.47 While this part of the inquiry may have traversed the actions of certain individuals, it is clear that broader, systemic failings meant that appropriate oversight of the principal and deputy principal at Castle Hill High School did not occur. Chief among these is the present lack of evidence required by the Department of Education that those responsible for work health and safety in any school have actually completed their mandatory asbestos training. The committee therefore recommends that the department of introduce a certification requirement for completion of the Asbestos Management Plan by each accountable officer at a school, to ensure compliance with this important training. Related to this, we recommend that each school have a School Infrastructure NSW staff member appointed as the contact point to assist with the school's asbestos management plan and asbestos register. The staff member's contact details are to be made available to school staff and to the school's P & C.

³¹⁸ Evidence, Mr Manning, 19 September 2022, p 25.

³¹⁹ Evidence, Mr Manning, 19 September 2022, p 25.

Recommendation 24

That the NSW Department of Education introduce a certification requirement regarding the completion of the Asbestos Management Plan by each accountable officer at a school, to ensure compliance. Further, that each school have a School Infrastructure NSW staff member appointed as the contact point to assist with the school's asbestos management plan and asbestos register. The staff member's contact details are to be made available to school staff and to the school's Parents & Citizens Association.

- 5.48** At a broader level, the committee believes that the department's former Local Schools, Local Decision (LSLD) policy contributed to the environment in which a principal's decisions at Castle Hill High School regarding asbestos management were not given proper oversight, to the detriment of health and safety at the school. One consequence of this environment is that work health and safety committee minutes were not checked by the Director of Educational Learning for Castle Hill High School as the context required, allowing the issue of the missing 2016 asbestos test to remain unresolved over a period of years.
- 5.49** On the same issue, we believe parents deserve further insight into potential work health and safety issues affecting their children and recommend that school work health and safety committees be required to have a parent representative – elected by and from the whole parent body – sit on them. In the committee's view, this will deliver new levels of transparency and accountability in respect of the health and safety risks to which any school community is exposed.
-

Finding 19

That the NSW Department of Education's former Local Schools, Local Decisions policy helped to create the environment in which a principal's decisions at Castle Hill High School regarding asbestos management were not given proper oversight, to the detriment of health and safety at the school.

Finding 20

That work health and safety committee minutes were not given the requisite scrutiny and oversight by the Director of Educational Learning for Castle Hill High School, allowing the issue of the missing 2016 asbestos test to remain unresolved for much longer than it should have.

Recommendation 25

That the NSW Department of Education issue a policy requiring school work health and safety committees to have a parent representative sit on the committee and that the parent representative be elected by and from among the whole parent body.

- 5.50** Notionally the Department has abolished the Local Schools Local Decisions (LSLD) policy, replacing it with the School Success Model (SSM). This is a set of targets for school improvement, the use of which has been postponed until after the 2023 State General Election. In effect, there is nothing about the SSM that reverses the errors and damage caused by LSLD. The Department of Education and its schools are still living under the management assumption
-

that school principals always know best and that decision making about schools should be as decentralised as possible.

- 5.51** The Castle Hill High School asbestos scandal has exposed the single greatest flaw in the LSLD ethos: if a school principal goes rogue (in this case, taking no action about asbestos dangers), there is nothing in the system to monitor and correct the damage caused. At Castle Hill, for example, whenever the Director of Educational Learning for the school received complaints about the asbestos problem, she simply relayed the principal's assurances that everything was fine. And so it went up the management line-of-authority. Yet on the material available to the committee, the principal was either burying her head in the sand or systematically lying her to her staff and the school community about incidents and complaints concerning the asbestos problem. It was suggested to the inquiry that the principal was focused solely on the school's competitive position in The Hills district against other schools for academic success and reputation. She could not contemplate any closure of Castle Hill High School to do the necessary asbestos remediation work.
- 5.52** The Government must acknowledge that the SSM does not effectively replace the LSLD policy and that continuing down this path will allow the damage, highlighted by Castle Hill, to continue. To effectively replace LSLD, the NSW Government and Department of Education need to clearly define the core requirements for high-quality school management practices, most obviously in maximising student outcomes, evidence-based classroom practice, curriculum adherence, behavioural standards and work health and safety. Every government school should be expected to adhere to this model, with strong oversight to ensure compliance. This model should be published on the School Infrastructure NSW website and accessible to parents. This is the only way in which the damage and decline of the Local Schools, Local Decisions era in New South Wales can be reversed. From tens of thousands of research studies around the world, we know what works well in schools and what doesn't. The tragedy of LSLD was that it gave schools an open invitation to move away from the established evidence-base and engage in whatever fads, experiments and reckless cowboy-type behaviour that caught the eye of the school principal and senior teachers. At Castle Hill High School, this policy flaw has endangered the health of the school community, not just through the direct asbestos-related dangers but also the crippling anxiety teachers and parents have felt about the school's lies and negligence in failing to deal with the problem.

Recommendation 26

That the NSW Government acknowledge that the School Success Model does not effectively replace the Local Schools, Local Decisions policy and that the ongoing management culture of decentralised decision making to local school level and entrusting huge faith in school principals will continue to damage the NSW school education system. The lessons of Castle Hill High school must be acted on.

Recommendation 27

That the NSW Government create a new model for what a successful school looks like, ensuring this model maximises student outcomes, evidence-based classroom practice, curriculum adherence, behavioural standards and work health and safety. Every government school should be expected to adhere to this model, with the NSW Department of Education establishing strong monitoring and compliance systems to ensure that it happens. This model should be published on the School Infrastructure NSW website and accessible to parents.

- 5.53** It is also clear that much of the distress felt by those who participated in this inquiry has been exacerbated by the unnecessarily protracted investigation conducted by the Performance and Ethical Standards unit within the Department of Education. It is completely unacceptable that it took over two years for findings of misconduct to be made, while those who made the initial complaints were left in the dark about the status of the investigation. Serious and compelling complaints were made on a number of occasions by staff at the school and the committee reiterates its acceptance of their evidence that they did not feel taken seriously, and indeed now feel aggrieved at their apparently continued risk. To remedy this, the committee recommends that, in circumstances where a potential breach of the *Work Health and Safety Act 2011* has occurred, the NSW Department of Education's Performance and Ethical and Standards unit be required to finalise its investigation within six months.
-

Recommendation 28

That in circumstances where a potential breach of the *Work Health and Safety Act 2011* has occurred, the NSW Department of Education's Performance and Ethical Standards Unit be required to finalise its investigation within six months.

- 5.54** On the actions of the former principal and deputy principal, the committee was astounded to learn that neither of these individuals followed up on the results of the 2016 asbestos test. This would have been very easy to do – they simply needed to check the relevant emails (as the Performance and Ethical and Standards investigation ultimately did) and the school bank accounts for where the payment to the Wollongong testing company had been made. They did neither of these things. The committee is deeply perplexed that this did not occur and considers it grossly negligent.
- 5.55** The committee is also deeply concerned that the outcomes of the Performance and Ethical and Standards investigation do not reflect the gravity of the former principal and deputy principal's actions. As the former principal had already retired, PES's action against her had no practical consequence. In light of the deputy principal's failings, the decision to allow him to work in another school, albeit with demotion, is woefully inadequate. Both outcomes reflect a tendency for the PES to go soft on misconduct. The Castle Hill High School example shows that the PES operates like a protection racket or cosy club for incompetent teachers. The committee recommends that the PES be reformed so that it is staffed by independent recruits from outside the department, not former principals and Directors of Educational Learning, who lack an objective, real world perspective on teacher discipline.
-

Recommendation 29

That the NSW Department of Education reform its Performance and Ethical Standards Unit so that it is staffed by independent recruits from outside the department to ensure an objective, real world perspective on teacher discipline.

- 5.56** While the department underscored to the committee its confidence that the school is now safe, it very clear to us that parents and teachers, as well as the local Member for Castle Hill, remain unconvinced. Throughout this entire inquiry, the committee has heard that parents feel that communication from the Department of Education could be improved. While it is the right of any parent to be kept informed of developments at their child's school, the importance of clear and transparent communication takes on a whole new significance when questions of safety are concerned. The committee is very disheartened to hear that parents remain uncertain about risks to their children's health. Parents should not have to rely on the processes of Parliament to gain answers to questions about the current safety of their school.
- 5.57** To this point, it is also apparent that, despite the lengthy PES investigation, and in the context of the as yet incomplete SafeWork investigation, a number of questions remain about what exactly happened at Castle Hill High School. The continuing SafeWork NSW investigation has meant that many witnesses, particularly those from the Department of Education, were not able to provide the detail to the committee that would answer these questions. While the committee has received correspondence from SafeWork NSW confirming that this investigation will be completed by the end of the year, we believe questions still need to be answered, and assurance of the school's safety is still needed. For this reason, the committee recommends that the Minister for Education and Early Learning fulfil the promise made to the Member for Castle Hill for an independent assessment of the presence of asbestos at Castle Hill High School, to determine the current safety of the school.
-

Recommendation 30

That the Minister for Education and Early Learning fulfil her promise to the Member for Castle Hill for an independent assessment of the presence of asbestos at Castle Hill High School, to determine the current safety of the school.

Appendix 1 Submissions

No.	Author
1	Western Parkland Councils
2	Name suppressed
3	Mrs Xenia Steliou
4	Name suppressed
5	Ms Loretta Fincato
6	Mrs Barbara Exton
7	City of Canada Bay
8	Northern Beaches Council
9	Name suppressed
10	Cr Charles Jago
11	Confidential
12	Name suppressed
13	Ms Erin Stevenson
14	Name suppressed
15	Name suppressed
16	Confidential
17	Mrs Rosanna McGuire
18	Name suppressed
19	Name suppressed
20	Mr Darren Webb
21	Name suppressed
22	Name suppressed
23	Auditor-General for New South Wales
24	Tweed Shire Council
25	Name suppressed
26	Australian Health Promotion Association
27	Ulladulla Area Schools Expansion Action Group
28	NSW Department of Education
29	Lennox Head P&C
30	City of Parramatta Council
31	Canterbury Bankstown Council
32	Confidential

No.	Author
33	Cumberland City Council
34	Australian Education Union New South Wales Teachers Federation Branch
35	Isolated Children's Parents' Association of New South Wales Inc
36	National Trust of Australia (New South Wales)
37	Future of Milperra WSU Campus
38	Federation of Parents and Citizens Associations of New South Wales
39	Northern Sydney District Council of P&C Associations
40	Concord High School P&C Association
41	Mr Paul Judge
42	Name suppressed
43	Name suppressed
44	Name suppressed
45	Confidential
46	Name suppressed
47	Name suppressed
48	Name suppressed
49	Name suppressed
50	Name suppressed
51	Name suppressed
52	Mrs J De Oliveira
53	Name suppressed
54	Mr Devendra Rathore
55	Confidential
56	Mr Andrew Ferguson
57	Name suppressed
58	Confidential
60	Name suppressed
61	Name suppressed
62	Name suppressed
63	Mr Irfan Ahmed
64	Name suppressed
65	Mr David Bentham
65a	Mr David Bentham
66	Name suppressed
67	Confidential

No.	Author
68	Name suppressed
69	Mr Gavin Roberts
70	Cr Linda Downey
71	Mr Andrew Molloy
72	Mrs Charlotte Wright
73	Name suppressed
74	Name suppressed
75	Mrs Julie Everett
76	Name suppressed
77	Ms Donna Zammit
78	Name suppressed
79	Mr Simon Rolfe
80	Mrs Sarah Bird
81	Name suppressed
82	Mr Ian Thompson
83	Name suppressed
84	Name suppressed
85	Mrs Parwati Dhungana
86	Name suppressed
87	Name suppressed
88	Name suppressed
89	Mrs Katie Ferguson
90	Name suppressed
91	Mr Todd Blacklaws
92	Name suppressed
93	Name suppressed
94	Name suppressed
95	Name suppressed
96	Confidential
97	Mr Anthony Peachman
98	Name suppressed
99	Mr Thomas Ferguson
100	Name suppressed
101	Mrs Sally Bromage
102	Name suppressed

No.	Author
103	Name suppressed
104	Name suppressed
105	Name suppressed
106	Name suppressed
107	Name suppressed
108	Mrs Hannah Delphine
109	Name suppressed
110	Mr Mark Pentecost
111	Ms Jo Smith
112	Mrs Sharon Sellers
113	Mr Todd Sellers
114	Name suppressed
115	Name suppressed
116	Save Our Sons Duchenne Foundation
117	Dee Why Public School P&C Rebuild Subcommittee
118	The Hills Shire Council
119	Ulladulla High School Parent and Citizen (P&C) Executive Committee
120	Marsden Park Public School Parents and Citizens Association
121	Ms Marnie Coates
122	Wentworth Point Public School Parents and Citizens Association
123	Randwick Girls High School Parents and Citizens Association
124	Randwick Boys' High School Parents and Citizens Association
125	Ms Hanna Braga
126	Ms Kate Laney
127	Carlingford Community
128	Confidential
128a	Confidential
129	Confidential
130	Name suppressed
131	Name suppressed
132	Mr John Wright
133	Name suppressed
134	Name suppressed
135	Confidential
136	Name suppressed

No.	Author
137	Name suppressed
138	Mr Aldrin Mendonca
139	Name suppressed
140	Name suppressed
141	Confidential
142	Confidential
143	Confidential
144	Covid Safe Schools Inc
145	Confidential
146	Name suppressed
147	Castle Hill High School Parents & Citizens Association

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday 9 May 2022 Room 814/815 Parliament House, Sydney	Ms Margaret Crawford	Auditor-General of New South Wales
	Ms Claudia Mignotto	Assistant Auditor-General of New South Wales, Performance Audit
	Mr Michael Thistlethwaite	Director, Performance Audit
	Ms Yvonne Hilsz	Vice President, Federation of Parents and Citizens Associations of NSW
	Mr Alan Gardiner	Secretary, Federation of Parents and Citizens Associations of NSW
	Mr Danny Rose <i>(via videoconference)</i>	Manager, Roads and Stormwater, Tweed Shire Council
	Ms Ivy Yap <i>(via videoconference)</i>	Member, Lennox Head Public School Parents and Citizens Association
	Ms Kerren Kernaghan <i>(via videoconference)</i>	Member, Lennox Head Public School Parents and Citizens Association
	Ms Melanie Doyle <i>(via videoconference)</i>	Member, Ulladulla High School Parents and Citizens Executive Committee
	Mr Kevin Bartolo <i>(via videoconference)</i>	Founder, Ulladulla Area Schools Expansion Action Group
	Mr Todd Sellers	Gillieston Primary School parent
	Mr Simon Rolfe	Gillieston Primary School parent
	Ms Katie Ferguson	Gillieston Primary School parent
	Ms Sarah Bird <i>(via videoconference)</i>	Gillieston Primary School parent
Mr Henry Rajendra	Deputy President, Australian Education Union NSW Teachers Federation Branch	
Mr Greg Butler	Research/Industrial Officer, Australian Education Union NSW Teachers Federation Branch	

Date	Name	Position and Organisation
Wednesday 25 May 2022 Room 814/815 Parliament House, Sydney	Cr Linda Downey <i>(via videoconference)</i>	Councillor, Canterbury Bankstown Council
	Cr Lisa Lake	Mayor, Cumberland City Council
	Mr Daniel Cavallo	Environment and Planning, Cumberland City Council
	Ms Monica Cologna	Director of Community and Environmental Planning, City of Canada Bay Council
	Mr Paul Dewar	Manager of Strategic Planning, City of Canada Bay Council
	Mr Andrew Ferguson	Councillor, City of Canada Bay Council
	Ms Kathryn Zerk <i>(via videoconference)</i>	President, Concord High School Parents and Citizens Association
	Mr Stuart Herring	Chair, Dee Why Public School Parents and Citizens Rebuild Subcommittee
	Mr Paul Klarenaar	Advocacy Lead, Australian Health Promotion Association
	Ms Laura Stalley	State Councillor, Isolated Children and Parents
	Dr Kim Johnstone <i>(via videoconference)</i>	A/Director Economics, Population and Land Use Forecasting, Department of Planning and Environment
	Mr Matt Berger <i>(via videoconference)</i>	Manager, Population Insights, Delivery, Coordination, Digital and Insights, Department of Planning and Environment
Mr Anthony Manning	Chief Executive, School Infrastructure NSW, NSW Department of Education	
Mr Glenn Downie	Executive Director, Asset Management, School Infrastructure NSW, NSW Department of Education	
Wednesday 13 July 2022 Room 814/815 Parliament House, Sydney	Ms Hanna Braga <i>(via videoconference)</i>	Founder, Community Support for Gregory Hills Public School and Parent, Gledswood Hills Public School
	Ms Kate Laney <i>(via videoconference)</i>	Member, Community Support for Gregory Hills Public School and Parent, Gledswood Hills Public School

Date	Name	Position and Organisation
	Ms Libby Clarke	Vice President, Marsden Park Public School Parents and Citizens Association
	Ms Marnie Coates <i>(via videoconference)</i>	Parent, Medowie Public School
	Ms Suzy Forrester <i>(via videoconference)</i>	Secretary, Randwick Boys High School Parents and Citizens Association
	Ms Leanne Bergan <i>(via videoconference)</i>	Secretary, Randwick Girls High School Parents and Citizens Association
	Mr Clement Lun	President, Wentworth Point Public School Parents and Citizens Association
	Mr Mark Green	Member, Wentworth Point Public School Parents and Citizens Association
	Mr Paul Judge	Future of Western Sydney University Milperra Campus
	Mr Andrew Molloy	Future of Western Sydney University Milperra Campus
Monday 19 September 2022 Macquarie Room Parliament House, Sydney	Mr Shane Stubbs	Teacher, Castle Hill High School
	Mr John Connell	Teacher, Castle Hill High School
	Ms Raquel Henson <i>(via videoconference)</i>	Parent, Castle Hill High School
	Mr Aldrin Mendonca <i>(via videoconference)</i>	Parent, Castle Hill High School
	Ms Elizabeth Madders <i>(via videoconference)</i>	Parent, Castle Hill High School
	Ms Leanne Nixon	Deputy Secretary, School Performance – North, NSW Department of Education
	Mr Daryl Currie	Executive Director, Professional and Ethical Standards, NSW Department of Education
	Mr Anthony Manning	Chief Executive, School Infrastructure NSW, Department of Education

Date	Name	Position and Organisation
	Mr Glenn Downie	Executive Director, Asset Management, School Infrastructure NSW, Department of NSW
	Mr Ray Williams MP	Member for Castle Hill

Appendix 3 Minutes

Minutes no. 46

Thursday 14 October 2021

Portfolio Committee No. 3 – Education

Macquarie Room, Parliament House, 9.45 am

1. Members present

Mr Latham, *Chair*

Mr Fang, Deputy Chair

Mr D'Adam

Mr Farlow

Mrs Houssos

Mr Shoebridge

2. Apologies

Ms Cusack

3. Previous minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 44 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 9 September 2021 – Email from Ms Katherine Deves, Co-founder and Spokeswoman for Save Women's Sport Australasia, to the committee acknowledging receipt of the committee's report on the inquiry into the Education Legislation Amendment (Parental Rights) Bill 2020 and expressing thanks for being given an opportunity to contribute to the process.

Sent:

- 6 September 2021 – Email from the secretariat, to the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, forwarding transcript of evidence with questions on notice highlighted and supplementary questions.

5. Inquiry into Budget Estimates 2021-2022 – preliminary hearings

5.1 Answers to questions on notice and supplementary questions

The following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and supplementary questions from the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, received 27 September 2021.

5.2 Supplementary hearings – procedural resolutions

The committee noted the Budget Estimates supplementary hearings timetable for 2021-2022 agreed to by the House, with hearings commencing at 9.30 am and concluding by 5.30 pm, for Portfolio Committee No. 3:

Date	Portfolio	No. of possible witnesses in person
Tuesday 2 November 2021	Skills and Tertiary Education (Lee)	3
Wednesday 3 November 2021	Education and Early Childhood Learning (Mitchell)	3

5.3 Allocation of question time and total hearing time

The committee noted that under the Budget Estimates 2021-2022 resolution the below portfolios will be examined as follows:

- Skills and Tertiary Education – by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, with 15 minutes reserved for Government questions from 12.45 pm to 1.00 pm, if required.
- Education and Early Childhood Learning – by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of each session, if required.

5.4 Witness requests

Resolved, on the motion of Mrs Houssos: That, in addition to the Minister, the committee invite the following witnesses:

SKILLS AND TERTIARY EDUCATION

Invited to appear from 9.30 am until 1.00 pm in person with Minister
Ms Georgina Harrison, Secretary, Department of Education
Mr Steffan Faurby, Managing Director, TAFE NSW
Invited to paper from 9.30 am until 1.00 pm via Webex
Mr David Collins, Acting Executive Director, Skills and Higher Education, Department of Education
Ms Chloe Read, Deputy Secretary, Education and Skills Reform, Department of Education
Ms Julie Tickle, Chief People and Culture Officer, TAFE NSW
Mr Michael Alacqua, Chief Transformation Officer, TAFE NSW
Dr Margot McNeill, Chief Product and Quality Officer, TAFE NSW
Ms Kirsty Hosea, Chief Delivery Officer, TAFE NSW
Mr Vik Naidoo, Chief Strategy and Commercial Officer, TAFE NSW
Mr David Backley, Chief Information Officer, TAFE NSW
Ms Catherine Grummer, Chief Corporate Services Officer, TAFE NSW
Mr David Withey, Deputy Secretary, Chief Operating Officer, Department of Education

EDUCATION AND EARLY CHILDHOOD LEARNING

Invited to appear from 9.30 am until 5.30 pm in person (with Minister 9.30 am - 1.00pm)
Ms Georgina Harrisson, Secretary, Department of Education
Invited to appear from 9.30 am until 1.00 pm in person (with Minister)
Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW, Department of Education
Invited to appear from 2.00 pm until 5.30 pm in person with the Secretary
Ms Paul Martin, Chief Executive Officer, NSW Education Standards Authority
Ms Ruth Owen, Acting Group Deputy Secretary, School Improvement and Education Reform Group, Department of Education
Invited to appear from 9.30 am until 5.30 pm via Webex
Ms Leanne Nixon, Deputy Secretary, School Performance – North, Department of Education
Ms Sally Blackadder, Acting Deputy Secretary, Learning Improvement, Department of Education
Mr David Withey, Chief Operating Officer, Department of Education
Mr Murat Dizdar, Deputy Secretary, School Performance South, Department of Education
Ms Yvette Cachia, Chief People Officer, Department of Education
Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW, Department of Education
Ms Lisa Alonso Love, Deputy Secretary, Education and Skills Reform, Department of Education
Mr Paul Towers, Executive Director, Infrastructure Planning
Ms Marnie O'Brien, Executive Director, Health and Safety, Department of Education

Resolved, on the motion of Mrs Houssos: That the committee not invite parliamentary secretaries to appear as a witness at the hearings.

5.5 Witness appearance time

Resolved, on the motion of Mr Shoebridge: That:

- the Minister appear from 9.30 am until 1.00 pm
- departmental staff appear from 9.30 am until 5.30 pm for the Education hearing and 9.30 am until 1.00 pm for the Skills and Tertiary Education hearing.

6. Consideration of terms of reference

The Chair tabled a letter proposing the following self-reference:

1. That Portfolio Committee No 3 - Education inquire into and report on the planning and delivery of school infrastructure in New South Wales, and in particular:
 - (a) the implementation of recommendations of the 2021 Auditor-General's Report entitled 'Delivering School Infrastructure',
 - (b) the adequacy of plans by the NSW Government to deliver educational facilities for every NSW public school student,
 - (c) the adequacy of investment in new or upgraded infrastructure at existing NSW public school and in new school project, including:
 - (i) management,
 - (ii) planning,
 - (iii) design,

- (iv) construction,
- (v) maintenance, and
- (vi) budgeting and expenditure of new projects,
- (d) the role of local community organisations and groups in responding to the lack of or shortage of educational facilities at any NSW public school especially in areas of high growth and in proposed new suburbs,
- (e) the adequacy of demographic planning for anticipated school enrolments,
- (f) delays in converting new school announcements into site identification and school construction,
- (g) specific planning for new schools and increased enrolments in Western Sydney, the Canada Bay region and on the far north coast, and
- (h) any other related matters.

2. That the committee report by 28 October 2022.

Resolved, on the motion of Mr Shoebridge: That the terms of reference be amended by:

- omitting 'region' after Canada Bay in (g) and inserting instead 'local government area'
- inserting a further item after (g), 'school design that promotes health and safety, and'.

Resolved, on the motion of Mrs Houssos: That the committee adopt the terms of reference as amended.

7. Conduct of the inquiry into the planning and delivery of school infrastructure in New South Wales

7.1 Closing date for submissions

Resolved on the motion of Mrs Houssos: That the closing date for submissions be Friday 11 February 2022.

7.2 Stakeholder list

Resolved on the motion of Mrs Houssos: That the secretariat circulate to members the Chairs' proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

7.3 Advertising

The committee noted that all inquiries are advertised via Twitter, Facebook, stakeholder emails and a media release distributed to all media outlets in New South Wales.

7.4 Hearing dates

Resolved on the motion of Mrs Houssos: That the timeline for hearings be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

8. Adjournment

The committee adjourned at 10.00 am, until Tuesday 2 November 2021, 9.15 am, Jubilee Room, Parliament House, Budget Estimates public hearing – Skills and Tertiary Education.

Emma Rogerson
Committee Clerk

Minutes no. 54

Tuesday 5 April 2022

Portfolio Committee No. 3 – Education

Northbourne Public School, Marsden Park, at 9.25 am

1. Members present

Mr Latham, *Chair*

Mr Fang, *Deputy Chair*

Mr D'Adam

Mr Farlow

Mrs Houssos

2. Apologies

Ms Cusack

Mr Shoebridge

3. Correspondence

The committee noted the following items of correspondence:

Sent:

- 21 March 2022 – Email from secretariat to Office of the Hon Sarah Mitchell MLC, Minister for Education and Early Learning, forwarding a letter from the Chair requesting assistance in facilitating the committee's proposed site visits to schools in North West Sydney and South West Sydney on 5 April 2022 and 26 April 2022.

4. Inquiry into the planning and delivery of school infrastructure in New South Wales

4.1 Site visits

The committee toured the following schools and locations, accompanied by representatives from the NSW Department of Education, as well as representatives from the school executive:

Northbourne Public School

- Ms Michele Hedge, Principal, Northbourne Public School
- Mr Anthony Manning, Chief Executive, School Infrastructure
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW
- Ms Cathy Brennan, Executive Director, School Performance, Metro North

Schofields Public School

- Mr Colin Ross, Principal, Schofields Public School
- Mr Anthony Manning, Chief Executive, School Infrastructure
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW
- Ms Cathy Brennan, Executive Director, School Performance, Metro North

Riverbank Public School

- Ms Jeanie Brown, Principal, Riverbank Public School and R/Director, North West Strategy, Metropolitan North School Performance Directorate
- Mr Anthony Manning, Chief Executive, School Infrastructure
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW
- Ms Cathy Brennan, Executive Director, School Performance, Metro North

Concord High School

- Mr Victor Newby, Principal, Concord High School
- Mr Anthony Manning, Chief Executive, School Infrastructure

- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW
- Mr Murat Dizdar, Deputy Secretary, School Performance, South

5. Adjournment

The committee adjourned at 2.53 pm, until 9.20 am, Tuesday 26 April 2022 – site visit to South West Sydney schools.

Laura Ismay

Committee Clerk

Minutes no. 55

Tuesday 26 April 2022

Portfolio Committee No. 3 – Education

Oran Park Public School, Oran Park, at 9.20 am

1. Members present

Mr Latham, *Chair*

Mr D'Adam

Mr Farlow

Mrs Houssos

2. Apologies

Mr Fang, *Deputy Chair*

Ms Boyd

Ms Cusack

3. Draft minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 53 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 5 April 2022 – Letter from Ms Georgina Harrison, Secretary, Department of Education, to the Chair, providing the committee with a copy of the termination letter provided to Mr Steffen Faurby on 2 December 2021, on a confidential basis.

Sent:

- 8 April 2022 – Letter from Chair to Mr Victor Newby, Principal, Concord High School, expressing thanks for the site visit to the school on 5 April 2022
- 8 April 2022 – Letter from Chair to Ms Jeanie Brown, Principal, Riverbank Public School expressing thanks for the site visit to the school on 5 April 2022
- 8 April 2022 – Letter from Chair to Mr Colin Ross, Principal, Schofields Public School, expressing thanks for the site visit to the school on 5 April 2022
- 8 April 2022 – Letter from Chair to Ms Michelle Hedge, Principal, Northbourne Public School, expressing thanks for the site visit to the school on 5 April 2022.

5. Inquiry into the planning and delivery of school infrastructure in New South Wales

5.1 Site visits

The committee toured the following schools and locations, accompanied by representatives from the NSW Department of Education, as well as representatives from the school executive:

Oran Park Public School

- Ms Donna Shevlin, Principal, Oran Park Public School
- Mr Anthony Manning, Chief Executive, School Infrastructure
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW
- Mr Murat Dizdar, Deputy Secretary, School Performance, South

Gledswood Hills Public School

- Ms Lisa Whitfield, Principal, Gledswood Hills Public School
- Ms Karen Endicott, Director Educational Leadership, St Andrews Principals Network
- Mr Anthony Manning, Chief Executive, School Infrastructure
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW
- Mr Murat Dizdar, Deputy Secretary, School Performance, South

Site of the new primary school for Gregory Hills

- Mr Anthony Manning, Chief Executive, School Infrastructure
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW

6. Inquiry into the termination of the former Managing Director of TAFE NSW

Resolved on the motion of Mr Farlow: That the committee keep Mr Faurby's termination letter confidential.

7. Inquiry into the planning and delivery of school infrastructure in New South Wales

7.1 Proposed witnesses

Resolved, on the motion of Mrs Houssos: That the committee invite representatives from the Research and Demography team, Department of Planning and Environment, and the Property Council of Australia to appear as witnesses at the hearing on Wednesday 25 May 2022.

7.2 Correspondence to Department of Education

Resolved, on the motion of Mr D'Adam: That the Chair, on behalf of the committee, write to the NSW Department of Education to request that it provide a copy of the business case for the Gledswood Hills Public School.

7.3 Site visits

The committee toured proposed new school locations in Leppington.

8. Adjournment

The committee adjourned at 1.13 pm, until 9.45 am, Friday 29 April 2022 – public hearing, inquiry into the termination of the former managing Director of TAFE NSW.

Laura Ismay

Committee Clerk

Minutes no. 57

Monday 9 May 2022

Portfolio Committee No. 3 – Education

Room 814/815, Parliament House, Sydney, at 10.00 am

1. Members presentMr Latham, *Chair*Mr Fang, *Deputy Chair* (from 11.47 am)

Ms Boyd (until 11.52 am, then from 2.05 pm)

Ms Cusack (via videoconference)

Mr D'Adam (from 12.32 pm)

Mr Farlow

Mrs Houssos (until 1.00 pm)

Mr Moselmane (substituting for Mr D'Adam from 10.00 to 1.00 pm)

2. Draft minutes

Resolved on the motion of Mr Farlow: That draft minutes nos 54, 55 and 56 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 4 May 2022 – Letter from Ms Lauren Conceicao, NSW Deputy Executive Director, Property Council of Australia, declining the committee's invitation to give evidence as part of the inquiry into the planning and delivery of school infrastructure in New South Wales
- 5 May 2022 – Letter from the Hon Geoff Lee, Minister for Corrections and former Minister for Skills and Training to the Chair, declining the committee's invitation to give evidence as part of the inquiry into the termination of the Managing Director of TAFE NSW.

Sent:

- 8 April 2022 – Letter from the Chair to Ms Yvette Cachia, Chief People Officer, NSW Department of Education, asking her to show cause why the committee should not seek to refer her to the Privileges Committee for wilfully misleading Budget Estimates
- 28 April 2022 – Letter from the Chair to Ms Donna Shevlin, Principal, Oran Park Public School, expressing thanks for the site visit to the school on 26 April 2022
- 28 April 2022 – Letter from the Chair to Ms Lisa Whitfield, Principal, Gledswood Hills Public School, expressing thanks for the site visit to the school on 26 April 2022
- 29 April 2022 – Letter from the Chair to Mr Anthony Manning, Chief Executive, School Infrastructure NSW, Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW and Mr Murat Dizdar, Deputy Secretary, School Performance, NSW Department of Education, expressing thanks for their assistance with site visits on 5 and 26 April 2022
- 2 May 2022 – Letter from the Chair to the Hon Geoff Lee, Minister for Corrections, inviting him to give evidence in his capacity as the former Minister for Skills and Training at the hearing on Monday 9 May 2022 for the inquiry into the termination of the former Managing Director of TAFE NSW
- 3 May 2022 – Letter from the Chair to Ms Georgina Harrisson, Secretary, NSW Department of Education, inviting her to respond to evidence received at the hearing on 29 April 2022 for the inquiry into the termination of the former Managing Director of TAFE NSW
- 5 May 2022 – Letter from the Chair to Ms Georgina Harrisson, Secretary, NSW Department of Education, requesting a copy of the business case for Gledswood Hills Public School

4. **Inquiry into the termination of the former Managing Director of TAFE NSW**

The committee noted that Minister Lee declined to appear and discussed the Chair's proposal for a brief report.

Resolved, on the motion of Mr Moselmane: That the letter from the Hon Geoff Lee, Minister for Corrections and former Minister for Skills and Training, to the Chair, declining the committee's invitation to give evidence to the inquiry, received 5 May 2022, be published.

5. **Inquiry into the planning and delivery of school infrastructure in New South Wales**

5.1 **Public submissions**

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submissions nos 1, 3, 5, 6, 7, 8, 10, 13, 17, 20, 21, 23, 24, 26, 28-30, 31, 33-41, 52, 54, 56, 63,65, 65a, 69, 70, 71, 72, 75, 77, 79, 82, 85, 89, 91, 97, 99, 101, 108, 110, 111, 112, 113, 116-118.

Resolved, on the motion of Ms Boyd: That the publication status of submission no 80 be changed from partially confidential to public.

5.2 **Partially confidential submissions**

The committee noted that the following submissions were partially published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 2, 4, 9, 12, 14, 15, 18, 19, 21, 22, 25, 27, 42-44, 46-51, 53, 57, 60-62, 64, 66, 68, 73, 74, 76, 78, 80, 81, 83, 84, 86-88, 90, 92-95, 98, 100, 102-107, 109, 114, 115, 119.

Resolved, on the motion of Ms Boyd: That the committee keep submission author names confidential, as per the request of the author, in submission nos. 2, 4, 9, 12, 14, 15, 18, 19, 21, 22, 25, 27, 42-44, 46-51, 53, 57, 60-62, 64, 66, 68, 73, 74, 76, 78, 80, 81, 83, 84, 86-88, 90, 92-95, 98, 100, 102-107, 109, 114, 115, 119.

5.3 **Confidential submissions**

Resolved, on the motion of Ms Boyd: That the committee keep submission nos. 11, 16, 32, 45, 55, 58, 67 and 96 confidential, as per the request of the author.

5.4 **Allocation of questioning**

Resolved, on the motion of Mr Farlow: That the questioning of witnesses be shared on a free-flowing basis.

5.5 **Video recording of hearings**

Resolved, on the motion of Mr Farlow: That the committee authorise publication on the Parliament's YouTube channel of the video recordings for all hearings of the:

- inquiry into the termination of the former Managing Director of TAFE NSW
- inquiry into the planning and delivery of school infrastructure in New South Wales.

6. **Inquiry into Budget Estimates 2021-2022**

The committee noted that the Chair intends to write to Minister Mitchell to seek her agreement to approach Mr Luke Ballard, Director Educational Leadership, Connected Communities, NSW Department of Education, to seek his version of events at a meeting on 11 May 2021 between Mr Murat Dizdar, Deputy Secretary, School Performance, NSW Department of Education, and Mr Nathaniel Train, former Principal of Walgett Primary School, at which Mr Ballard was also present. Mr Train alleges he raised concerns with Mr Dizdar about students of Walgett Community College being assisted with NAPLAN tests, and provided a document to him, contrary to Mr Dizdar's evidence to the committee at the Budget Estimates hearing on 4 April 2022.

7. Inquiry into the planning and delivery of school infrastructure in New South Wales

7.1 Public hearing

The witness and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Margaret Crawford, Auditor-General of New South Wales
- Ms Claudia Migotto, Assistant Auditor-General of New South Wales, Performance Audit
- Mr Michael Thistlewaite, Director, Performance Audit.

Mrs Houssos tabled the following documents:

- Email from Matthew Metlege, Assistant Project Director, Infrastructure Delivery, School Infrastructure, NSW Department of Education, titled 'Tallowong cost report treign', sent 15 April 2021
- Email from Matthew Metlege, Assistant Project Director, Infrastructure Delivery, School Infrastructure, NSW Department of Education, titled 'Tallowong FEC update', sent 16 April 2021
- Email from Martin Cook, Director Projects, School Infrastructure, NSW Department of Education, titled, 'Tallowong PS', sent 24 August 2020.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Yvonne Hilsz, Vice President, Federation of Parents and Citizens Associations of NSW
- Mr Alan Gardiner, Secretary, Federation of Parents and Citizens Associations of NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Danny Rose, Manager, Roads and Stormwater, Tweed Shire Council (via videoconference)
- Ms Ivy Yap, Member, Lennox Head Public School Parents and Citizens Association (via videoconference)
- Ms Kerren Kernaghan, Member, Lennox Head Public School Parents and Citizens Association (via videoconference).

Ms Yap tendered the following documents:

- 'Lennox Head Public School: Hearing 09 May tender document' with photographs
- NSW Department of Education, 'Lennox Head Public School and Southern Cross Public School: Community Update, May 2022'
- NSW Department of Education, 'Lennox Head Public School Community Update, April 2022'.

The evidence concluded and the witnesses withdrew.

The following witnesses was sworn and examined:

- Mr Kevin Bartolo, Founder, Ulladulla Area Schools Expansion Action Group (via videoconference)
- Ms Melanie Doyle, Member, Ulladulla High School Parents and Citizens Executive Committee (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Todd Sellers, Gillieston Primary School parent
- Mr Simon Rolfe, Gillieston Primary School parent
- Ms Katie Ferguson, Gillieston Primary School parent
- Ms Sarah Bird, Gillieston Primary School parent (via videoconference)

Mr Sellers tendered the following documents:

- Letter from Cr Philip Penfold, Mayor, Maitland City Council, titled 'Support for urgent attention to Gillieston Public School infrastructure', dated 6 May 2022
- 'Gillieston Heights aerial photo' and map of Maitland local government area
- Map of 12 classrooms on the Gillieston Public School site, showing two permanent classrooms and ten demountables
- Photographs of Maitland Public School, Rutherford Public School and Gillieston Public School.

Ms Ferguson tendered the following documents:

- NSW Department of Education, 'NSW Government Building Grants Assistance Scheme (BGAS) for non-government schools – 2020-21 Projects'
- Tweet from Correna Haythorpe, Australian Education Union Federal President, regarding federal government funding for public and private schools under the 2022-23 Budget
- NSW Department of Education, School Infrastructure, 'Millthorpe Public School Project update, December 2021'
- Statement on upgrade of Millthorpe Public School, undated
- Six photographs of features of the Gillieston Public School.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Henry Rajendra, Deputy President, Australian Education Union NSW Teachers Federation Branch
- Mr Greg Butler, Research/Industrial Officer, Australian Education Union NSW Teachers Federation Branch.

The evidence concluded and the witnesses withdrew.

The Chair tabled the following document:

- NSW Department of Education, 'Exploring fit-for-purpose contemporary learning spaces', undated.

The public hearing concluded at 2.45 pm.

7.2 Tended documents

Resolved, on the motion of Ms Boyd: That the committee accept and publish the following documents tendered during the public hearing:

- Email from Matthew Metlege, Assistant Project Director, Infrastructure Delivery, School Infrastructure, NSW Department of Education, titled 'Tallowong cost report treign', sent 15 April 202, tabled by Mrs Houssos
- Email from Matthew Metlege, Assistant Project Director, Infrastructure Delivery, School Infrastructure, NSW Department of Education, titled 'Tallowong FEC update', sent 16 April 202, tabled by Mrs Houssos
- Email from Martin Cook, Director Projects, School Infrastructure, NSW Department of Education, titled, 'Tallowong PS', sent 24 August 2020, tabled by Mrs Houssos
- 'Lennox Head Public School: Hearing 09 May tender document' with photographs, tendered by Ms Yap
- NSW Department of Education, 'Lennox Head Public School and Southern Cross Public School: Community Update, May 2022', tendered by Ms Yap
- NSW Department of Education, 'Lennox Head Public School Community Update, April 2022', tendered by Ms Yap
- Letter from Cr Philip Penfold, Mayor, Maitland City Council, titled 'Support for urgent attention to Gillieston Public School infrastructure', dated 6 May 2022, tendered by Mr Sellers
- 'Gillieston Heights aerial photo' and map of Maitland LGA, tendered by Mr Sellers
- Map of 12 classrooms on the Gillieston Public School site, showing two permanent classrooms and ten demountables, tendered by Mr Sellers

- Photographs of Maitland Public School, Rutherford Public School and Gillieston Public School, tendered by Mr Sellers
- NSW Department of Education, 'NSW Government Building Grants Assistance Scheme (BGAS) for non-government schools – 2020/21 Projects', tendered by Ms Ferguson
- Tweet from Correna Haythorpe, Australian Education Union Federal President, regarding federal government funding for public and private schools under the 2022-23 Budget, tendered by Ms Ferguson
- NSW Department of Education, School Infrastructure, 'Millthorpe Public School Project update, December 2021', tendered by Ms Ferguson
- Statement on upgrade of Millthorpe Public School, undated, tendered by Ms Ferguson
- Six photographs of features of the Gillieston Public School, tendered by Ms Ferguson
- NSW Department of Education, 'Exploring fit-for-purpose contemporary learning spaces', undated, tendered by the Chair.

7.3 Partially confidential submission

Resolved, on the motion of Ms Cusack: That the committee keep the following information confidential, as per the recommendation of the secretariat: names and/or identifying and sensitive information in submission no. 27.

7.4 Site visit to Gillieston Public School

Resolved, on the motion of Mr D'Adam: That the secretariat canvass members' availability to visit Gillieston Public School on a date to be determined by the Chair in consultation with the committee.

7.5 Correspondence to School Infrastructure NSW

Resolved, on the motion of Mr D'Adam: That the Chair, on behalf of the Committee, write to Mr Anthony Manning, Chief Executive, School Infrastructure NSW, NSW Department of Education, requesting:

- details of the current situation of, and the NSW Department of Education's intentions for, the physical environment at Lennox Head Public School and Gillieston Public School
- a copy of the *School Assets Strategic Plan 2017* and the 2020 update to that document
- information on the policy status of the 'Exploring fit-for-purpose contemporary learning spaces' document published by School Infrastructure NSW, including whether that document drives policy, and if not, what the current drivers are.

8. Inquiry into Budget Estimates 2021-2022

8.1 Consideration of response from Ms Yvette Cachia, Chief People Officer, Department of Education

Resolved, on the motion of Mr D'Adam: That:

- if no response from Ms Cachia is received by close of business Monday 9 May 2022, the committee make a special report to the House recommending that the House refer the matter to the Privileges Committee
- if a response is received by that time, the committee meet this week to consider the response.

9. Adjournment

The committee adjourned at 2.55 pm, until Wednesday 25 May 2022 (public hearing, inquiry into the planning and delivery of school infrastructure).

Merrin Thompson
Committee Clerk

Minutes no. 58

Wednesday 25 May 2022

Portfolio Committee No. 3 – Education

Room 814/815, Parliament House, Sydney, at 10.02 am

1. Members presentMr Latham, *Chair*Mr Fang, *Deputy Chair* (from 10.10 am)

Ms Cusack (via videoconference, from 10.10 am to 1.15 pm then from 3.20 pm)

Mr D'Adam

Mr Farlow

Mrs Houssos

2. Apologies

Ms Boyd

3. Previous minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 57 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 11 May 2022 – Letter from Ms Jenny Aitchison MP, Member for Maitland, to the Chair, regarding the committee's proposed site visit to Gillieston Primary School in June 2022
- 11 May 2022 – Email from Ms Megan Munari, Principal Coordinator Forward Planning, The Hills Shire Council, to the secretariat, declining the invitation to give evidence at a public hearing for the inquiry into the planning and delivery of school infrastructure in New South Wales on 25 May 2022
- 13 May 2022 – Letter from Ms Georgina Harrisson, Secretary, NSW Department of Education to the Chair, responding to evidence received at the hearing on Friday 29 April 2022 for the inquiry into the termination of the former Managing Director of TAFE NSW
- 13 May 2022 – Email from the office of the Hon Mark Buttigieg MLC, Opposition Whip, advising that the Hon Shaoquett Moselmane MLC will be substituting for the Hon Courtney Houssos MLC for the site visit to Gillieston Public School on Wednesday 1 June 2022
- 16 May 2022 – Letter from Ms Georgina Harrisson, Secretary, NSW Department of Education to the Chair, responding to request by the committee for the Gledswood Hills Public School business case
- 17 May 2022 – Email from Mr Sandy Kervin, General Manager, Save Our Sons Duchenne Foundation, to the secretariat, declining the invitation to give evidence at a public hearing for the inquiry into the planning and delivery of school infrastructure in New South Wales on 25 May 2022
- 24 May 2022 – Email from Mr David Kerr, Director Community and Belonging, Northern Beaches Council, to the secretariat, declining the invitation to give evidence at a public hearing for the inquiry into the planning and delivery of school infrastructure in New South Wales on 25 May 2022
- 24 May 2022 – Email from Ms Alison Cantlon, Manager, Government Business, to the secretariat, confirming nominated witnesses from the NSW Department of Education at the public hearing for the inquiry into the planning and delivery of school infrastructure in New South Wales on 25 May 2022.

Sent:

- 13 May 2022 – Letter from Chair to Mr Anthony Manning, Chief Executive, School Infrastructure NSW, requesting information following the first hearing of the inquiry into the planning and delivery of school infrastructure in New South Wales.

Resolved, on the motion of Mrs Houssos: That the committee authorise the publication of correspondence from Ms Georgina Harrisson, Secretary, NSW Department of Education, to the Chair, responding to

evidence received at the hearing on Friday 29 April 2022 for the inquiry into the termination of the former Managing Director of TAFE NSW, dated 13 May 2022.

5. Inquiry into the planning and delivery of school infrastructure in New South Wales

5.1 Public hearing

The witnesses and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Cr Linda Downey, Councillor, Canterbury Bankstown Council (via videoconference)
- Cr Lisa Lake, Mayor, Cumberland City Council
- Mr Daniel Cavallo, Environment and Planning, Cumberland City Council.

Cr Lake tabled the following document:

- Map, community economic profile and datasets regarding Cumberland City Council local government area.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Monica Cologna, Director of Community and Environmental Planning, City of Canada Bay Council
- Mr Paul Dewar, Manager of Strategic Planning, City of Canada Bay Council
- Mr Andrew Ferguson, Councillor, City of Canada Bay Council
- Ms Kathryn Zerk, President, Concord High School Parents and Citizens Association (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Stuart Herring, Chair, Dee Why Public School Parents and Citizens Rebuild Subcommittee.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Paul Klarenaar, Advocacy Lead, Australian Health Promotion Association.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Laura Stalley, State Councillor, Isolated Children and Parents.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Dr Kim Johnstone, A/Director Economics, Population and Land Use Forecasting, Department of Planning and Environment (via videoconference)
- Mr Matt Berger, Manager, Population Insights, Delivery, Coordination, Digital and Insights, Department of Planning and Environment (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Anthony Manning, Chief Executive, School Infrastructure NSW, NSW Department of Education
- Mr Glenn Downie, Executive Director, Asset Management, School Infrastructure NSW, NSW Department of Education.

Mr Manning tabled the following documents:

- Correspondence from Ms Georgina Harrison, Secretary, NSW Department of Education, to Mr Bjarne Nordin, Committee Manager, Public Accounts Committee, providing document detailing actions taking by the Department to address recommendations of the 'Delivering School Infrastructure' performance audit, completed by the Audit Office of NSW, dated 13 May 2022
- Correspondence from Mr Anthony Manning, Chief Executive, School Infrastructure NSW, NSW Department of Education, to Chair, regarding school and site visits undertaken by the committee on 5 April and 26 April 2022.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.18 pm.

The public and media withdrew.

5.2 Tendered documents

Resolved, on the motion of Mr Fang: That the committee accept and publish the following documents tendered during the public hearing:

- Map, community economic profile and datasets regarding Cumberland City Council local government area, tendered by Cr Lake
- Correspondence from Ms Georgina Harrison, Secretary, NSW Department of Education, to Mr Bjarne Nordin, Committee Manager, Public Accounts Committee, providing document detailing actions taking by the Department to address recommendations of the 'Delivering School Infrastructure' performance audit, completed by the Audit Office of NSW, dated 13 May 2022, tendered by Mr Manning
- Correspondence from Mr Anthony Manning, Chief Executive, School Infrastructure NSW, to Chair, regarding school and site visits undertaken by the committee on 5 April and 26 April 2022, tendered by Mr Manning.

6. Inquiry into the termination of the former Managing Director of TAFE NSW

The Chair submitted his Chair's draft report, entitled 'Termination of the former Managing Director of TAFE NSW', which, having been previously circulated, was taken as being read.

Mrs Houssos moved: That a new finding be inserted after Finding 1:

Finding 2

That Minister Lee should have appeared before the committee to explain why he sacked Mr Faurby as the Managing Director of TAFE NSW and cost NSW taxpayers \$421, 241.27.

Question put.

The committee divided.

Ayes: Mr D'Adam, Mrs Houssos, Mr Latham.

Noes: Ms Cusack, Mr Fang, Mr Farlow.

Question resolved in the affirmative on the casting vote of the Chair.

Mr Farlow moved: That the committee comment, Finding 1 and Recommendation 1 be omitted.

Question put.

The committee divided.

Ayes: Ms Cusack, Mr Fang, Mr Farlow.

Noes: Mr D'Adam, Mrs Houssos, Mr Latham.

Question resolved in the negative on the casting vote of the Chair.

Mrs Houssos moved: That:

The draft report as amended be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, answers to questions on notice and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished correspondence relating to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

The secretariat is tabling the report at a time to be confirmed on 26 May 2022;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

Ayes: Mr D'Adam, Mrs Houssos, Mr Latham.

Noes: Ms Cusack, Mr Fang, Mr Farlow.

Question resolved in the affirmative on the casting vote of the Chair.

7. Adjournment

The committee adjourned at 4.26 pm until 1.00 pm Wednesday 1 June 2022 (Fern Bay and Gillieston Public school site visit).

Laura Ismay

Committee Clerk

Minutes no. 59

Wednesday 1 June 2022

Portfolio Committee No. 3 – Education

Fern Bay Public School, Fern Bay at 12.50 pm

1. Members present

Mr Latham, Chair

Mr D'Adam

Mr Farlow (*from 2.15 pm*)

Mr Moselmane (*substituting for Mrs Houssos*)

2. Apologies

Ms Boyd

Ms Cusack

Mr Fang, Deputy Chair

3. Inquiry into planning and delivery of school infrastructure in New South Wales

3.1 Site visit

The committee toured the following schools, accompanied by representatives from the NSW Department of Education, as well as the Member for Newcastle and Member for Cessnock:

Fern Bay Public School

- Mr Drew Janetzki, Principal

- Mr Tim McCallum, Executive Director, School Performance, Regional North School Performance Directorate
- Ms Trish Bowen, Director, Educational Leadership, Port Stephens Principals Network
- Mr Tim Crakanthorp, Member for Newcastle
- Mr Anthony Maninng, Chief Executive, School Infrastructure NSW
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW

Gillieston Public School

- Ms Lauren Fernando, Principal, Gillieston Public School
- Ms Julie Kennedy, Relieving Executive Director, School Performance, Regional North and West School Performance Directorate
- Ms Christine Boyd, Chief of Staff to the Member for Maitland
- Mr Clayton Barr, Member for Cessnock
- Mr Tony Gadd, Director, Educational Leadership, Maitland Principals Network
- Mr Anthony Maninng, Chief Executive, School Infrastructure NSW
- Ms Lisa Harrington, Executive Director, Business Enablement, School Infrastructure NSW
- Gillieston Public School parents who appeared at public hearing on 25 May 2022.

4. Adjournment

The committee adjourned at 3.30pm until Wednesday 15 June 2022 – teacher shortages, first meeting.

Laura Ismay

Committee Clerk

Minutes no. 60

Wednesday 15 June 2022

Portfolio Committee No. 3 – Education

Via videoconference, at 10.06 am

1. Members present

Mr Latham, Chair

Mr Fang, *Deputy Chair*

Mr D'Adam

Mr Farlow

Mrs Houssos

2. Apologies

Ms Boyd

Ms Cusack

3. Previous minutes

Resolved, on the motion of Mr Farlow: That draft minutes nos. 51, 52 and 58 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 1 June 2022 – Letter from the Minister for Education replying to Chair re seeking agreement to contact Mr Ballard re Walgett school assisting NAPLAN tests.

Sent:

- 9 May 2022 – Letter from the Chair to the Minister for Education seeking agreement to contact Mr Ballard re Walgett school assisting NAPLAN tests.

5. Consideration of terms of reference

The Chair tabled a letter proposing the following self-reference:

Teacher shortages in New South Wales

- (1) That Portfolio Committee No 3 - Education inquire into and report on teacher shortages in New South Wales, and in particular:
 - (a) current teacher shortages in NSW schools,
 - (b) future teacher supply and demand,
 - (c) out-of-area teaching, merged classes and minimal supervision in NSW schools,
 - (d) the NSW Teacher Supply Strategy,
 - (e) teaching workforce conditions,
 - (f) Initial Teacher Education,
 - (g) impacts related to COVID-19, including the impact of government responses such as remote teaching and safety restrictions
 - (h) the impact of workplace mandates,
 - (i) the status of the teaching profession, and
 - (j) any other related matter.
- (2) That the committee report by 8 November 2022.

Mr Fang moved: That the terms of reference be amended by inserting further items after (i):

- (j) the impacts of the Staffing Agreement on the ability of principals to effectively staff schools and manage performance,
- (k) the administrative burden for principals associated with recruiting for and appointing roles,
- (l) the impact of central appointments prioritisation for teaching and principal roles,
- (m) support for principals to effectively staff schools above base allocation,
- (n) the impacts of incentives and the transfer point system on regional shortages,
- (o) the approval to teach process in New South Wales
- (p) COVID related impacts

Resolved, on the motion of Mrs Houssos: That item (p) of Mr Fang be incorporated into item (g) in the proposed terms of reference.

Mr D'Adam moved: That the remaining amendment of Mr Fang be amended by omitting paragraphs (k) to (n) and inserting instead "(k) the role of principals in recruitment and maintenance of school staffing".

The committee divided.

Ayes: Mr D'Adam, Mrs Houssos.

Noes: Mr Fang, Mr Farlow, Mr Latham.

Question resolved in the negative.

Original question, as amended, put.

The committee divided.

Ayes: Mr Fang, Mr Farlow, Mr Latham.

Noes: Mr D'Adam, Mrs Houssos.

Question resolved in the affirmative.

Resolved, on the motion of Mr D'Adam: That the terms of reference be amended by inserting further items after (o):

- (p) the impact of casualisation, temporary contracts and job insecurity,
- (q) the measurement of staff turnover particularly in regard to temporary staff, and

Resolved, on the motion of Mr D'Adam: That the committee adopt the terms of reference as amended:

- (1) That Portfolio Committee No. 3 - Education inquire into and report on teacher shortages in New South Wales, and in particular:
 - (a) current teacher shortages in NSW schools,
 - (b) future teacher supply and demand,
 - (c) out-of-area teaching, merged classes and minimal supervision in NSW schools,
 - (d) the NSW Teacher Supply Strategy,
 - (e) teaching workforce conditions,
 - (f) Initial Teacher Education,
 - (g) impacts related to COVID-19, including the impact of government responses such as remote teaching and safety restrictions,
 - (h) the impact of workplace mandates,
 - (i) the status of the teaching profession,
 - (j) the impacts of the Staffing Agreement on the ability of principals to effectively staff schools and manage performance,
 - (k) the administrative burden for principals associated with recruiting for and appointing roles,
 - (l) the impact of central appointments prioritisation for teaching and principal roles,
 - (m) support for principals to effectively staff schools above base allocation,
 - (n) the impacts of incentives and the transfer point system on regional shortages,
 - (o) the approval to teach process in New South Wales,
 - (p) the impact of casualisation, temporary contracts and job insecurity,
 - (q) the measurement of staff turnover particularly in regard to temporary staff, and
 - (r) any other related matter.
- (2) That the committee report by 8 November 2022.

6. Conduct of the inquiry into teacher shortages in New South Wales

6.1 Proposed timeline

Resolved on the motion of Mr Farlow: That the committee adopt the following timeline for the inquiry:

- Submissions and online questionnaire close – Sunday 31 July 2022
- Three hearings in August and September
- Report deliberative – First week in November 2022
- Tabling report – by Tuesday 8 November.

Resolved on the motion of Mr Farlow: That the dates of hearings be determined by the Chair after consultation with members regarding their availability.

6.2 Stakeholder list

Resolved on the motion of Mr Farlow: That the secretariat circulate to members the Chairs' proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders,

and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

6.3 Short individual submissions

Resolved, on the motion of Mr Farlow: That, in the event that 200 or more individual submissions are received, the committee may adopt the following approach to processing short submissions, to enable significant efficiencies for the secretariat and members while maintaining the integrity of how submissions are treated:

- All submissions from individuals 250 words or less in length will be channelled into one single document to be published on the inquiry website.
- Each will still have an individual submission number, and will be published with the author's name or as name suppressed, according to the author's request.
- Each will be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice.
- All other submissions will be processed and published as normal.

6.4 Online questionnaire

Resolved, on the motion of Mr Farlow: That the committee use an online questionnaire to capture individuals' views, and that the draft questions be circulated to the committee for comment, with a meeting on request from any committee member if there is disagreement on the questions.

Resolved, on the motion of Mrs Houssos: That the committee not accept proformas.

6.5 Online questionnaire report

Resolved, on the motion of Mr Farlow: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- only responses from NSW participants will be analysed in the report
- the committee authorises the secretariat to publish the questionnaire report on the inquiry website unless any member raises an objection to publication via email
- individual responses be kept confidential on tabling.

6.6 Advertising

The committee noted that all inquiries are advertised via Twitter, Facebook, stakeholder emails and a media release distributed to all media outlets in New South Wales.

6.7 Circulation of terms of reference to Department of Education staff

Resolved on the motion of Mr D'Adam: That the Chair write to the Secretary of the NSW Department of Education requesting that the inquiry terms of reference be circulated to all Department of Education staff, with the advice that they may participate in the inquiry.

7. Inquiry into Budget Estimates 2021-2022

7.1 Consideration of Chair's draft report

The Chair submitted his Chair's draft report, entitled 'Budget Estimates 2021-2022', which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr D'Adam: That the report be amended by omitting the committee comment and recommendation which reads:

'Committee comment

The committee is disappointed with the quality of answers and lack of information provided by the Department of Education during the Budget Estimates inquiry. Hence we recommend that the Government remind all of its public servants appearing before Parliamentary committees that they must at all times provide accurate and relevant information, and that telling the truth is an obligation from being sworn in as a witness, enforceable under the Parliamentary Evidence Act.

Recommendation 1

That the NSW Government remind all of its public servants appearing before Parliamentary committees that they must at all times provide accurate and relevant information, and that telling the truth is an obligation from being sworn in as a witness, enforceable under the Parliamentary Evidence Act.'

and inserting instead:

Committee comment

The committee is disappointed with the quality of answers and lack of information provided by the Department of Education during the Budget Estimates inquiry. Hence we recommend that the Government remind all of its public servants appearing before Parliamentary committees that they must at all times provide accurate and relevant information, and that telling the truth is an obligation from being sworn in as a witness, enforceable under the Parliamentary Evidence Act. The committee notes that witnesses individually take an oath when appearing before the committee and that the obligations arising from this oath cannot be delegated, this includes not being able to delegate to government departments or agencies.

Recommendation 1

That the NSW Government remind all of its public servants appearing before Parliamentary committees that:

- (1) they must at all times provide accurate and relevant information,
- (2) they have an obligation to assist the committee in its inquiry and not deliberately impede obstruct or delay the committee in its work
- (3) telling the truth is an obligation from being sworn in as a witness, enforceable under the Parliamentary Evidence Act.

Resolved, on the motion of Mrs Houssos: That:

The draft report as amended be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The report be tabled by 30 June 2022.

8. Inquiry into the planning and delivery of school infrastructure in New South Wales

8.1 Public hearing

Resolved, on the motion of Mr D'Adam: That the committee invite witnesses to give evidence regarding the University of Western Sydney Milperra campus.

9. Adjournment

The committee adjourned at 10.28 am until 9.30 am Wednesday 13 July 2022 (Inquiry into the planning and delivery of school infrastructure – public hearing)

Liz Clark

Committee Clerk

Minutes no. 61

Wednesday 13 July 2022

Portfolio Committee No. 3 – Education

Room 814/815, Parliament House, Sydney, at 9.31 am

1. Members presentMr Latham, *Chair*Mr Fang, *Deputy Chair*

Mr D'Adam

Mr Farlow

Mrs Houssos

2. Apologies

Ms Boyd

Ms Cusack

3. Draft minutes

Resolved on the motion of Mr D'Adam: That draft minutes nos 59 and 60 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 22 June 2022 – Email from Ms Elizabeth Clarke, Secretary Marsden Park Public School, to the secretariat, confirming that Ms Amanda Schultz, President, Marsden Park Public School is unable to attend the hearing on 13 July 2022.

Sent:

- 14 June 2022 – Letter from Chair to Ms Georgina Harrisson, Secretary, NSW Department of Education, and Mr Anthony Manning, Chief Executive, School Infrastructure NSW, requesting information about Lennox Head Public School.
- 20 June 2022 – Letter from Chair to the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood, requesting support for teachers to participate in the inquiry into teacher shortages.
- 20 June 2022 – Letter from Chair to Ms Georgina Harrisson, Secretary, NSW Department of Education, requesting that the terms of reference for the inquiry into teacher shortages be circulated to all department staff, and that staff be encouraged to participate in the inquiry.
- 3 May 2022 – Letter from the Chair to Ms Georgina Harrisson, Secretary, NSW Department of Education, inviting her to respond to evidence received at the hearing on 29 April 2022 for the inquiry into the termination of the former Managing Director of TAFE NSW.
- 5 May 2022 – Letter from the Chair to Ms Georgina Harrisson, Secretary, NSW Department of Education, requesting a copy of the business case for Gledswood Hills Public School.

5. Inquiry into Budget Estimates 2022-2023 – procedural resolutions

The committee noted that the Budget Estimates timetable for 2022-2023 was agreed to by the House, with hearings commencing at 9.30 am and concluding by 5.15 pm. Below is a table of Portfolio Committee No. 3 hearings:

Date	Portfolio
Tuesday 23 August 2022	Education and Early Learning
Thursday 25 August 2022	Skills and Training, Science, Innovation and Technology

5.1 Allocation of question time and total hearing time

The committee noted that under the Budget Estimates 2022-2023 resolution each portfolio, except The Legislature, will be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of the morning and afternoon session, if required.

5.2 Witness requests

Resolved, on the motion of Mr Fang: That for the portfolio of Education and Early Learning, the committee invite the following witnesses:

- Hon Sarah Mitchell MLC, Minister for Education and Early Learning
- Ms Georgina Harrisson, Secretary, Department of Education
- Ms Simone Walker, Group Deputy Secretary, School Improvement and Education Reform Group, Department of Education
- Ms Leanne Nixon, Deputy Secretary, School Performance - North, Department of Education
- Ms Lisa Alonso Love, Deputy Secretary, Education and Skills Reform, Department of Education
- Ms Ruth Owen, Deputy Secretary, Learning Improvement, Department of Education
- Mr Murat Dizdar, Deputy Secretary, School Performance - South, Department of Education
- Mr David Withey, Chief Operating Officer, Department of Education
- Ms Yvette Cachia, Chief People Officer, Department of Education
- Mr Anthony Manning, Chief Executive, School Infrastructure NSW, Department of Education
- Mr Paul Martin, Chief Executive Officer, NSW Education Standards Authority
- Mr Daryl Currie, Executive Director, Professional and Ethical Standards
- Ms Dianne Van Berlo, Executive Director, Health, Safety and Staff Wellbeing
- Mr Luke Ballard, Director, Educational Leadership, NSW Department of Education (afternoon session only).

Resolved, on the motion of Mr Fang: That for the portfolio of Skills and Training, Science, Innovation and Technology, the committee invite the following witnesses:

- Hon Alister Henskens MP, Minister for Skills and Training, Science, Innovation and Technology
- Mr Stephen Brady, A/Managing Director, TAFE NSW
- Ms Julie Tickle, Chief People and Culture Officer, TAFE NSW
- Dr Margot McNeill, Chief Product and Quality Officer, TAFE NSW
- Mr Vik Naidoo, Chief Strategy and Commercial Officer, TAFE NSW
- Mr Michael Alacqua, Chief Transformation Officer, TAFE NSW
- Ms Amy Brown, Secretary, Department of Enterprise, Investment and Trade, and Chief Executive Officer, Investment NSW
- Prof Hugh Durrant-Whyte, NSW Chief Scientist & Engineer, Investment NSW
- Ms Georgina Harrisson, Secretary, NSW Department of Education
- Ms Chloe Read, Deputy Secretary, Education and Skills Reform, NSW Department of Education
- Mr David Collins, Executive Director, Training Services NSW, NSW Department of Education
- Ms Simone Walker, Group Deputy Secretary, School Improvement and Education Reform, NSW Department of Education.

The committee noted that where a witness no longer occupies a position, invitations will be made based on the position.

Resolved, on the motion of Mr Fang: That the committee submit any further witness requests to the secretariat by 5.00 pm, Friday 15 July 2022.

Resolved, on the motion of Mr Fang: That the committee not invite parliamentary secretaries to appear as a witness at the hearings.

5.3 Witness appearance time

The committee noted that under the Budget Estimates 2022-2023 resolution ministers are invited to appear for the morning sessions only, 9.30 am to 12.45 pm, unless requested by the committee to appear also for the afternoon session.

5.4 Recording of hearing

Resolved, on the motion of Mr Fang: That all Budget Estimates 2022-2023 hearings be recorded and that these recordings be placed on the inquiry webpage as soon as practicable after the hearing.

6. Inquiry into teacher shortages in New South Wales

6.1 Request for information from the Victorian Department of Education

Resolved, on the motion of Mr D'Adam: That the committee write to the Victorian Department of Education requesting information regarding its teacher support program.

6.2 Roundtable meetings with teachers

Resolved on the motion of Mr D'Adam: That the committee conduct a private roundtable with beginner teachers and those who have exited the profession on 24 September 2022, with the Secretariat to identify participants through submissions, unions, the Department of Education and universities.

6.3 Online questionnaire

The committee noted the text of the online questionnaire as agreed via email.

Inquiry into teacher shortages in New South Wales Online questionnaire

Advertising: If you are a parent or guardian of school aged child/ren, a teacher or a principal, we are seeking your views on the factors contributing to teacher shortages, and how the NSW Government can address them. Please respond to our online questionnaire.

Questions:

- (1) Where do you live? (*Choose one*)
- Metropolitan Sydney
 - Regional New South Wales
 - Rural New South Wales
 - Outside New South Wales
- (2) In what capacity are you responding to this questionnaire? (*Tick all that apply*)
- Teacher
 - Principal
 - Other member of school executive
 - Parent/guardian of school age child/ren
 - Current school student
 - Former school student
 - Other interested party

If you ticked "teacher":

- (a) What is your current employment status?
- Permanent full time
 - Permanent part time
 - Contract
 - Casual
- (b) Do you have any plans to leave teaching in the next five years?
- Yes
 - No
- (3) Which of the following do your comments mainly relate to? (*Tick all that apply*)
- Public schools
 - Catholic schools
 - Private/independent schools
- (4) Are you answering these questions in relation to: (*Tick all that apply*)
- Primary schools
 - High schools
- (5) (a) How have teacher shortages affected the school/s you are familiar with in the last 12-24 months? (*Tick all that apply*)
- School closing early
 - Groups of students sent home early
 - Groups of students told to do home learning
 - Collapsed/merged classes
 - Unsupervised classes
 - Classes taught by out-of-field teachers
 - Lack of co-curricular opportunities
 - Lack of gifted and talented programs
 - Lack of school support programs
 - Other – please specify
- (b) Please comment (100 words)
- (6) (a) Which factors do you see as contributing to teacher shortages? (*Tick all that apply*)
- Diminished status of the teaching profession
 - Government inaction in filling teacher vacancies
 - Salary rates
 - Workload
 - Job insecurity (temporary/casual/contract positions etc)
 - Other working conditions
 - Inadequate career progression/opportunities
 - Government responses to COVID-19, for example remote teaching and safety restrictions
 - COVID-19 vaccination mandate
 - Other – *please specify*
- (b) Please comment (*Text box - 100 words*)
- (7) (a) What solutions do you support to address teacher shortages?

- Increase salaries
- Reduce administration workload for teachers
- Reduce face to face hours
- Improve utilisation of non-teaching staff
- Address job insecurity
- Improve working conditions
- Improve career progression/opportunities
- Recruitment program to recruit NSW high achievers into teaching
- Keep high performing teachers in classrooms, not admin roles
- Recruit teachers from overseas
- Recruit teachers from interstate
- Recruit from other professions eg successful business people
- End COVID-19 vaccination mandate
- Other – *please specify*

(b) Please comment (*Text box - 100 words*)

(8) Do you have any other comments? (*Text box - 100 words*)

7. Inquiry into the planning and delivery of school infrastructure in New South Wales

7.1 Answers to questions on notice

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Audit Office of New South Wales, received 27 May 2022,
- Paul Klarenaar, Advocacy Lead, Australian Health Promotion Association, received 28 May 2022,
- Ms Kathryn Zerk, Concord High School Parents and Citizens Association, received 5 June 2022,
- Mr Daniel Cavallo, Director, Environment and Planning, Cumberland City Council, received 7 June 2022,
- Mr Stuart Herring, Chair, Dee Why Public School Parents and Citizens Rebuild Subcommittee, received 14 June 2022,
- Councillor Linda Downey, Canterbury Bankstown Council, received 20 June 2022,
- School Infrastructure NSW, received 22 June 2022,
- City of Canada Bay Council, received 23 June 2022,
- Isolated Children and Parents Association, received 27 June 2022,
- Dr Kim Johnstone, A/Director Economics, Population and Land Use Forecasting, Department of Planning and Environment and Mr Matt Berger, Manager, Population Insights, Delivery, Coordination, Digital and Insights, Department of Planning and Environment, received 1 July 2022.

7.2 Public submissions

Resolved on the motion of Mr Fang: That the committee authorise the publication of submission nos 71, 120, 121, 122, 123, 124, 125 and 126.

7.3 Public hearing

The witness and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Hanna Braga, Founder, Community Support for Gregory Hills Public School and Parent, Gledswood Hills Public School (via videoconference)

- Ms Kate Laney, Member, Community Support for Gregory Hills Public School and Parent, Gledswood Hills Public School (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Libby Clarke, Vice President, Marsden Park Public School Parents and Citizens Association.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Marnie Coates, Parent, Medowie Public School (via videoconference).

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Suzy Forrester, Secretary, Randwick Boys High School Parents and Citizens Association (via videoconference)
- Ms Leanne Bergan, Secretary, Randwick Girls High School Parents and Citizens Association (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Clement Lun, President, Wentworth Point Public School Parents and Citizens Association
- Mr Mark Green, Member, Wentworth Point Public School Parents and Citizens Association.

Mr Lun tabled the following documents:

- Document entitled 'Wentworth Point Residents Action Group (WPRAG) response to the proposed Joint Use Agreement for the School Oval'
- Submission to the Department of Planning and Environment from the Wentworth Point Residents Action Group regarding Wentworth High School – Application Number SSD-11802230, dated 2 July 2022.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Paul Judge, Future of Western Sydney University Milperra Campus
- Mr Andrew Molloy, Future of Western Sydney University Milperra Campus.

Mr Judge tabled the following documents:

- Document entitled 'Attachment D: links for virtual tours of WSU Milperra campus and facilities'
- Document containing eight photos of the Milperra WSU campus
- Document entitled 'Link to Save Milperra Uni site for Public Education petition'
- Riverlands Development street tree masterplan, prepared by Sturt Noble Associates
- Aerial photograph of the Milperra WSU campus depicting the circumference of a ten minute walk from the centre of the campus
- Aerial map of the Milperra WSU campus
- Map of Bankstown Campus prepared by Western Sydney University, created 3 November 2020
- Map of Greater Sydney depicting the locations of selective high schools
- Document prepared by MySchools from Australian Curriculum Assessment and Reporting Authority, entitled 'Overview of primary and secondary schools in Panania-Milperra-Picnic Point Statistical Area, as at 2019'

- Document prepared by mychild.gov.au entitled 'Overview of pre-school and long day care centres: SA2 district'
- Document entitled 'Population summary: City of Canterbury Bankstown, prepared by .id (informed decisions)', February 2018.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 1.13 pm.

7.4 Tendered documents

Resolved, on the motion of Mrs Houssos: That the committee accept and publish the following documents tendered during the public hearing:

- Document entitled 'Wentworth Point Residents Action Group (WPRAG) response to the proposed Joint Use Agreement for the School Oval', tendered by Mr Lun
- Submission to the Department of Planning and Environment from the Wentworth Point Residents Action Group regarding Wentworth High School – Application Number SSD-11802230, dated 2 July 2022, tendered by Mr Lun
- Document entitled 'Attachment D: links for virtual tours of WSU Milperra campus and facilities', tendered by Mr Judge
- Document entitled 'Link to Save Milperra Uni site for Public Education petition, tendered by Mr Judge
- Riverlands Development street tree masterplan, prepared by Sturt Noble Associates, tendered by Mr Judge
- Aerial photograph of the Milperra WSU campus depicting the circumference of a ten minute walk from the centre of the campus, tendered by Mr Judge
- Aerial map of the Milperra WSU campus, tendered by Mr Judge
- Map of Bankstown Campus prepared by Western Sydney University, created 3 November 2020
- Map of Greater Sydney depicting the locations of selective high schools, tendered by Mr Judge
- Document prepared by MySchools from Australian Curriculum Assessment and Reporting Authority, entitled 'Overview of primary and secondary schools in Panania-Milperra-Picnic Point Statistical Area, as at 2019', tendered by Mr Judge
- Document prepared by mychild.gov.au entitled "Overview of pre-school and long day care centres: SA2 district', tendered by Mr Judge
- Document entitled 'Population summary: City of Canterbury Bankstown, prepared by .id (informed decisions)', February 2018, tendered by Mr Judge.

7.5 Correspondence - Department of Education

Resolved on the motion of Mr D'Adam: That the committee write to the Minister for Education and Early Learning to request the following:

- the scheduled open date for Gregory Hills Public School,
- the student capacity and the out of area enrolment policy at Barramurra Public School, and
- the number of students who travel from Medowie to attend the two public high schools located in Raymond Terrace.

Resolved on the motion of Mr D'Adam: That the committee write to School Infrastructure NSW to invite them to respond to issues raised during the hearing.

8. Adjournment

The committee adjourned at 1.20 pm, until Thursday 4 August 2022 (public hearing, inquiry into teacher shortages in New South Wales).

Laura Ismay
Committee Clerk

Minutes no. 62

Thursday 4 August 2022

Portfolio Committee No. 3 – Education

Room 814/815, Parliament House, Sydney, at 10.16 am

1. Members present

Mr Latham, *Chair*

Mr Fang, *Deputy Chair*

Ms Boyd

Ms Cusack (*until 12.00 pm*)

Mr D'Adam

Mr Farlow (*via videoconference*)

Mrs Houssos (*until 12.32 pm*)

2. Draft minutes

Resolved on the motion of Mrs Houssos: That draft minutes no. 61 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 20 July 2022 – Email from Mr Patrick Doumani, Communications Officer, Federation of Parents and Citizens Association of NSW, to the secretariat declining an invitation to appear at a public hearing for the inquiry into teacher shortages in New South Wales
- 27 July 2022 – Letter from the Hon Sarah Mitchell MLC, Minister for Education and Early Learning, to the Chair regarding future communications with her portfolio agencies
- 29 July 2022 – Email from Mr Craig Petersen, President, NSW Secondary Principals' Council Inc., to the secretariat declining an invitation to appear at a public hearing for the inquiry into teacher shortages in New South Wales
- 31 July 2022 – Email from Ms Robyn Evans, President NSW Primary Principals' Association, to the secretariat declining an invitation to appear at a public hearing for the inquiry into teacher shortages in New South Wales
- 2 August 2022 – Email from Ms Teresa Rucinski, Vice President, NSW Parents Council, withdrawing from the scheduled appearance on 4 August 2022 at a public hearing for the inquiry into teacher shortages in New South Wales.

4. Inquiry into teacher shortages in New South Wales

4.1 Public submissions

The committee noted that following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submissions nos 2-6, 10, 13, 17-18, 23, 29-30, 32, 35, 39, 43, 55, 61, 64, 66, 69, 75-76, 79, 81-82, 84-90, 98, 105-106.

4.2 Name suppressed submissions

The committee noted that the following submissions were partially published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1, 7-9, 11-12, 15-16, 19-20, 24-28, 31, 33, 36-38, 40-42, 44, 46-54, 56-60, 62-63, 65, 67-68, 70-71a, 74, 77-78, 80, 83, 92-93, 95, 97, 99-102, 104.

4.3 Confidential submissions

Resolved on the motion of Ms Boyd: That the committee keep submission nos 14, 21, 22, 34, 45, 72-73, 94 and 103 confidential, as per the request of the author.

4.4 Further public submission

Resolved, on the motion of Ms Boyd: That the committee publish submission no 125.

4.5 Online questionnaire results summary

The committee noted the online questionnaire closed on 31 July 2022, with over 11,000 responses being received. The committee also noted that the high-level summary prepared by the secretariat, which sets out the quantitative data arising from the survey, had been published, as agreed via email on 3 August 2022.

4.6 Public hearing

The witness and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Angelo Gavrielatos, President, NSW Teachers Federation
- Mr Henry Rajendra, President, NSW Teachers Federation.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Mark Northam, Secretary, Independent Education Union of Australia (NSW/ACT Branch).

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Dr Fiona Longmuir, Lecturer, Educational Leadership, School of Education, Culture and Society, Faculty of Education, Monash University (via videoconference).

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Professor Kim Beswick, Director of the Gonski Institute for Education, Head of the School of Education, and Professor of Mathematics Education, University of New South Wales
- Professor Susan Ledger, Head of School – Dean of Education, University of Newcastle (via videoconference)
- Laureate Professor Jenny Gore, Director, Teachers and Teaching Research Centre and Fellow, University of Newcastle (via videoconference)
- Professor Debra Hayes, Professor Education and Equity, Head of School, Sydney School of Education and Social Work, University of Sydney (via videoconference)
- Professor Mary Ryan, Executive Dean, Faculty of Education and Arts, Australian Catholic University.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.00 pm.

4.7 Correspondence to the Minister for Education, the Hon Sarah Mitchell MLC

Mr D'Adam moved: That the committee write to the Minister for Education and Early Learning requesting a response to the allegation put by Mr Angelo Gavrielatos, President, NSW Teachers Federation, during the public hearing, that the Minister and the Department of Education have misled the Parliament via their responses on the Questions and Answers Paper.

Mr Fang moved: That the motion of Mr D'Adam be amended by omitting 'requesting a response to the allegation put by Mr Angelo Gavrielatos, President, NSW Teachers Federation, during the public hearing, that the Minister and the Department of Education have misled the Parliament via their responses on the Questions and Answers Paper.' and inserting instead, 'to advise her of the allegation made during the hearing and provide an opportunity to respond.'

Amendment of Mr Fang put.

The committee divided.

Ayes: Mr Fang, Mr Farlow

Noes: Ms Boyd, Mr D'Adam, Mr Latham.

Amendment of Mr Fang resolved in the negative.

Original question of Mr D'Adam put and passed.

5. Inquiry into the planning and delivery of school infrastructure in New South Wales

Resolved, on the motion of Mr D'Adam: That the committee conduct a further hearing focusing on asbestos at Castle Hill High School on Monday 19 September, subject to the Select Committee on the Greyhound Welfare and Integrity Commission abandoning that date.

6. Adjournment

The committee adjourned at 3.09 pm, until Tuesday 16 August (second public hearing, inquiry into teacher shortages in New South Wales).

Madeleine Dowd

Committee Clerk

Minutes no. 67

Monday 19 September 2022

Portfolio Committee No. 3 – Education

Macquarie Room, Parliament House, Sydney, at 9.30 am

1. Members present

Mr Latham, *Chair*

Mr Fang, *Deputy Chair (from 10.45 am)*

Ms Boyd (*until 12.57 pm*)

Mr D'Adam

Mr Farlow

Mrs Houssos (*until 1.15 pm, from 2.43 pm*)

2. Apologies

Mrs MacDonald

3. Draft minutes

Resolved on the motion of Mrs Houssos: That draft minutes nos 63 and 64 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 6 September 2022 – Letter from the Office of Hon Sarah Mitchell MLC, Minister for Education and Early Learning, to the Chair, regarding the hearing on 19 September 2022 concerning asbestos at Castle Hill High School
- 12 September 2022 – Text message from Ms Vicki Brewer, former Principal, Castle Hill High School, to the secretariat, declining the committee's invitation to appear as a witness at the public hearing on Monday 19 September
- 12 September 2022 – Email exchange between secretariat and Office of Hon Sarah Mitchell MLC, Minister for Education and Early Learning, to the committee, responding to the request for witnesses from the Department of Education to appear at the public hearing on Monday 19 September
- 13 September 2022 – Email from Ms Natasha Mann, Deputy Secretary, Better Regulation, to the committee, outlining concerns regarding the attendance of witnesses from SafeWork NSW at the public hearing on Monday 19 September

- 15 September 2022 – Letter from Hon Sarah Mitchell MLC, Minister for Education and Early Learning, responding to further request for attendance of witnesses at the 19 September 2022 hearing for the inquiry into planning and delivery of school infrastructure in NSW
- 15 September 2022 – Email from Mr Shane Stubbs, Teacher, Castle Hill High School, to the committee providing two documents entitled 'Letter from Mr David Wright Smith, Professional and Ethical Standards Directorate (PES) to Mr Stubbs, regarding the outcome of the investigation conducted by the PES regarding allegations that an employee engaged in misconduct' and 'Email from Mr David Wright Smith, PES to Mr Stubbs, regarding final PES report'
- 16 September 2022 – Letter from Ms Georgina Harrison, Secretary, NSW Department of Education, to the Chair, regarding the attendance of witnesses from the Department of Education at the public hearing on Monday 19 September
- 16 September 2022 – Letter from Ms Natasha Mann, Deputy Secretary, Better Regulation, responding to the request of the committee for more information regarding the SafeWork NSW investigation at Castle Hill High School.

Sent:

- 29 August 2022 – Letter from the Chair to Ms Georgina Harrison, Secretary, NSW Department of Education, requesting the Department's assistance in informing the Castle Hill High School community of the ability to make a submission to the school infrastructure inquiry
- 14 September 2022 – Letter from the Chair to Ms Georgina Harrison, Secretary, NSW Department of Education, reissuing invitation to witnesses to appear at the public hearing on Monday 19 September
- 15 September 2022 – Letter from the Chair to Ms Natasha Mann, Deputy Secretary, Better Regulation and NSW Fair Trading Commissioner, SafeWork NSW, requesting further information on the SafeWork NSW investigation at Castle Hill High School, including an indicative timeframe for the investigation.

Resolved, on the motion of Mrs Houssos: That the following correspondence be kept confidential, at the request of the author:

- Letter from Ms Georgina Harrison, Secretary, NSW Department of Education, to the Chair, regarding the attendance of witnesses from the Department of Education at the public hearing on Monday 19 September, received 16 September 2022.

5. Inquiry into the planning and delivery of school infrastructure in New South Wales

5.1 Public submissions

Resolved on the motion of Mr Farlow: That the committee authorise the publication of submission nos 132, 138 and 144.

5.2 Partially confidential submissions

Resolved on the motion of Mr Farlow: That the committee keep the following information confidential, as per the request of the author: names in submissions nos. 130, 131, 133, 134, 136, 137, 139, 140, 146.

5.3 Public hearing

The witness and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Shane Stubbs, Teacher, Castle Hill High School
- Mr John Connell, Teacher, Castle Hill High School.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Raquel Henson, Parent, Castle Hill High School (via videoconference)
- Mr Aldrin Mendonca, Parent, Castle Hill High School (via videoconference)

- Ms Elizabeth Madders, Parent, Castle Hill High School (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Leanne Nixon, Deputy Secretary, School Performance – North, NSW Department of Education
- Mr Daryl Currie, Executive Director, Professional and Ethical Standards, NSW Department of Education.

The Chair reminded the following witnesses that they did not need to be sworn, as they had been sworn at earlier hearing for the same inquiry:

- Mr Anthony Manning, Chief Executive, School Infrastructure NSW, Department of Education.
- Mr Glenn Downie, Executive Director, Asset Management, School Infrastructure NSW, Department of NSW

The evidence concluded and the witnesses withdrew.

Mr Ray Williams MP, Member for Castle Hill was admitted. The Chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The evidence concluded and the witness withdrew.

The public hearing concluded at 2.42 pm.

5.4 Confidential submissions

The committee considered publication of submissions 128, 128a, 135, 141, 142, 142 and 145 in light of requests made by the authors.

Resolved, on the motion of Mr Farlow: That the committee keep submission nos. 128, 128a, 129, 135, 141, and 145 confidential.

5.5 Partially confidential submissions with redactions

Resolved, on the motion of Mr Farlow: That the committee authorise the publication of submissions 142 and 143, with the exception of names and sensitive identifying information, highlighted in yellow, which are to remain confidential, as per the request of the author.

5.6 Further evidence regarding asbestos at Castle Hill High School

The committee discussed holding a further hearing to take evidence from Ms Vicki Brewer, Former Principal, Castle Hill High School, Mr Andrew Mitchell, Deputy Principal, Castle Hill High School and Ms Joanne Marshall, Director, Educational Learning, The Hills Network. The committee noted that that each individual should have a right of reply to the inquiry evidence.

The committee also discussed correspondence received from Ms Natasha Mann, Deputy Secretary, Better Regulation, responding to the request of the committee for more information regarding the SafeWork NSW investigation at Castle Hill High School.

Resolved, on the motion of Mr Farlow: That the committee write to Ms Brewer, Mr Mitchell and Ms Marshall to invite them to respond to evidence received during the hearing.

Resolved, on the motion of Mrs Houssos: That the committee provide any supplementary questions to SafeWork NSW regarding the investigation at Castle Hill High School to the secretariat following the circulation of the transcript.

6. Adjournment

The committee adjourned at 2.53 pm, until Friday 23 September 2022 (public hearing, inquiry into teacher shortages in New South Wales).

Laura Ismay

Committee Clerk

Draft minutes no. 70

Friday 21 October 2022

Portfolio Committee No. 3 – Education

Room 1043, Parliament House, 11.00 am

1. Members presentMr Latham, *Chair* (via videoconference)Mr Fang, *Deputy Chair*

Ms Boyd

Mr D'Adam (via videoconference)

Mr Farlow (via videoconference)

Mrs Houssos (via videoconference)

Mrs MacDonald

2. Previous minutes

Resolved, on the motion of Mr Farlow: That draft minutes nos. 67 and 68 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 8 September 2022 – Email from Mr Shane Stubbs, Teacher, Castle Hill High School, to the committee, providing further information regarding asbestos at Castle Hill High School, with attachments
- 11 September 2022 – Email from Mr Shane Stubbs, Teacher, Castle Hill High School, to the committee, providing further information regarding asbestos at Castle Hill High School, with attachments
- 15 September 2022 – Email from Mr John Connell, Teacher, Castle Hill High School, to the committee, providing further information regarding asbestos at Castle Hill High School, with attachments
- 19 September 2022 – Letter from Hon Sarah Mitchell MLC, Minister for Education and Early Learning, to the Chair responding to correspondence dated 19 July 2022 regarding Gregory Hills Public School
- 19 September 2022 – Email from Ms Elizabeth Madders, Parent, Castle Hill High School, to the committee, providing school notifications received by parents about asbestos at Castle Hill High School
- 22 September 2022 – Letter from Teacher 2, Castle Hill High School, to the committee, providing further evidence to the inquiry
- 24 September 2022 – Email from Ms Angela Rheinlaender, Parent, Orange Grove Public School, to the committee, regarding asbestos and other infrastructure matters at Orange Grove Public School
- 25 September 2022 – Email from Ms Elizabeth Madders, Parent, Castle Hill High School, to the committee, providing a works notification received by parents at Castle Hill High School on 21 September 2022
- 30 September 2022 – Letter from Ms Natasha Mann, Deputy Secretary, Better Regulation, Head of SafeWork NSW, to the committee, responding to questions from the committee about the SafeWork NSW investigation into Castle Hill High School
- 3 October 2022 – Email from Mr Peter Vogel, COVID Safe Schools Inc, to the secretariat, regarding the submission made by the organisation to the inquiry
- 4 October 2022 – Email from Office of the Hon Sarah Mitchell MLC, Minister for Education and Early Learning, to the committee, declining the committee's request for assistance with the distribution of correspondence on 27 September 2022
- 13 October 2022 – Email from Dr Peter Watts AM, to the committee, regarding upgrades to Orange Grove Public School
- 14 October 2022 – Email from Ms Elizabeth Madders, Parent, Castle Hill High School, providing further information regarding asbestos at Castle Hill High School, with attachments.

Sent

- 23 September 2022 – Email from the secretariat to Ms Natasha Mann, Deputy Secretary, Better Regulation, providing further questions from the committee regarding the SafeWork NSW investigation at Castle Hill High School
- 27 September 2022 – Email from the secretariat to the Office of the Hon Sarah Mitchell MLC and Ms Georgina Harrisson, Secretary, NSW Department of Education, attaching correspondence to Ms Joanne Marshall, Director, Educational Learning, The Hills Network, NSW Department of Education, Ms Vicki Brewer, former principal, Castle Hill High School, and Mr Andrew Mitchell, former deputy principal, Castle Hill High School, inviting them to respond to evidence received during the public hearing on 19 September 2022

The committee noted that in its correspondence to the committee, received 4 October 2022, the Office the Hon Sarah Mitchell MLC, Minister for Education and Early Learning, declined to pass on the committee's correspondence to Ms Vicki Brewer, Former Principal, Castle Hill High School, Mr Andrew Mitchell, Deputy Principal, Castle Hill High School, and Ms Joanne Marshall, Director, Educational Learning, The Hills Network, inviting them to respond to evidence received during the hearing.

Resolved, on the motion of Mr Fang: That the following items be kept confidential:

- Email from Mr Shane Stubbs, Teacher, Castle Hill High School, to the committee, providing further information regarding asbestos at Castle Hill High School, received 8 September 2022, with attachments
- Email from Mr Shane Stubbs, Teacher, Castle Hill High School, to the committee, providing further information regarding asbestos at Castle Hill High School, received 11 September 2022, with attachments
- Email from Mr John Connell, Teacher, Castle Hill High School, to the committee, providing further information regarding asbestos at Castle Hill High School, received 15 September 2022, with attachments
- Letter from Teacher 2, Castle Hill High School, to the committee, providing further evidence to the inquiry, received 22 September 2022
- Email from Ms Elizabeth Madders, Parent, Castle Hill High School, providing further information regarding asbestos at Castle Hill High School, with attachments.

Resolved, on the motion of Mr Fang: That the email from Mr Shane Stubbs, Teacher, Castle Hill High School, to the committee providing two documents regarding the Performance and Ethical Standards Unit investigation into asbestos at Castle Hill High School, received 15 September 2022, be kept confidential.

4. Inquiry into planning and delivery of school infrastructure in New South Wales

4.1 Public submission

The following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 147.

4.2 Change of publication status – Submissions no 142 and 143

The committee noted that it previously agreed via email that the publication status of submission nos 142 and 143 be changed from partially confidential to confidential, at the request of the authors.

4.3 Consideration of Chair's draft report

The Chair submitted his Chair's draft report, entitled 'Building better schools: Improvements to NSW school infrastructure, Report of the inquiry into the planning and delivery of school infrastructure in New South Wales' which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mrs Houssos: That Finding 4 be amended by:

- a. inserting 'and Gledswood Hills Public School' after 'Oran Park Public School', and
- b. omitting 'which was a sea of demountables and had to close out-of-area enrolments by limiting the enrolment area to just one street' and inserting instead 'At Oran Park Public School, this led to a sea of demountables and a decision to close out-of-area enrolments and limit the enrolment area to just

one street.'

Resolved, on the motion of Mrs Houssos: That Finding 10 be amended by omitting "pop-up" before 'Northbourne Public School at Marsden Park'.

Resolved, on the motion of Mrs Houssos: That Finding 15 be amended by omitting 'success' after 'Given this demonstration of' and inserting instead 'good faith'.

Resolved, on the motion of Mrs Houssos: That:

- a. Finding 16 be amended by inserting 'at Castle Hill High School' after 'in which a principal's decisions', and
- c. Finding 17 be amended by inserting 'for Castle Hill High School' after 'the Director of Educational Learning'.

Resolved, on the motion of Mrs Houssos: That the following new finding be inserted:

'Finding X

School Infrastructure NSW has failed to secure ownership of land for new schools within greenfield development sites in a timely manner. This has led to community frustration with delays to public school construction.'

Resolved, on the motion of Mrs Houssos: That the following new finding be inserted:

'Finding X

Many schools that were promised by the NSW Government as early as 2018 have remained in planning for more than four years without any substantial community updates or timelines provided.'

Resolved, on the motion of Mrs Houssos: That Recommendation 3 be amended by omitting 'provide updates on the progress of planned projects' and inserting instead 'once school sites have been acquired, provide transparent project timelines, including estimated timelines where timelines are not finalised.'

Mrs Houssos moved: That Recommendation 9 be amended by omitting '50 per cent' and inserting instead '25 per cent'.

Question put.

The committee divided.

Ayes: Mr D'Adam, Mrs Houssos.

Noes: Mr Fang, Mr Farlow, Mr Latham, Mrs MacDonald.

Question resolved in the negative.

Resolved, on the motion of Mrs Houssos: That Recommendation 16 be amended by inserting at the end: 'Further, that each school have a School Infrastructure NSW staff member appointed as the contact point to assist with the school's asbestos management plan and asbestos register. The staff member's contact details are to be made available to school staff and its Parents & Citizens Association.'

Resolved, on the motion of Mrs Houssos: That Recommendation 19 be amended by inserting at the end: 'This model should be published on the School Infrastructure NSW website and accessible to parents.'

Resolved, on the motion of Mrs Houssos: That the following new recommendation be inserted:

'Recommendation X

That School Infrastructure NSW provide a publicly available list of school catchment capture rates and enrolment caps, ensuring that it is transparent about its schools and their capacity.'

Resolved, on the motion of Mrs Houssos: That the following new recommendation be inserted:

'Recommendation X

That School Infrastructure NSW publish annually on its website a report on the current maintenance backlog, ensuring transparent reporting of the condition of NSW schools.'

Resolved, on the motion of Mrs Houssos: That the following new recommendation be inserted:

'Recommendation X

That the NSW Department of Education provide a school oval at every new school, and in circumstances where joint-use arrangements are the only option, these ovals should be located either directly adjacent to the school site, or within close proximity to the school site.'

Resolved, on the motion of Mrs Houssos: That the following new recommendation be inserted:

'Recommendation X

That School Infrastructure NSW provide either a completion timeframe or an estimated completion timeframe on every major project listed on the School Infrastructure NSW website. The timeframe should be a maximum of a six-month window, with reasons publicly listed when timeframes need to change. This will provide local school community with greater confidence around promised projects and manage community expectations. The current situation where schools promised in 2018 still don't have a publicly available completion timeframe is not acceptable.'

Resolved, on the motion of Mrs Houssos: That the following new recommendation be inserted:

'Recommendation X

That School Infrastructure NSW conduct community consultation on school infrastructure projects in-house, without spending taxpayer money on communications contracts. Where external communications consultants are appointed, School Infrastructure NSW must disclose the spending amount and justify why it is required on their website within seven days of entering a contract for the services.'

Resolved, on the motion of Mrs Houssos: That the following new recommendation be inserted:

'Recommendation X

That School Infrastructure NSW ensure a project update document is provided online for each major School Infrastructure NSW project at a minimum interval of once every three months. The long period of up to four years without project updates has left many communities without adequate information on promised projects.'

Resolved, on the motion of Mr D'Adam: That the following new finding and recommendations be inserted after paragraph 3.50:

'Finding X

Many new schools have been constructed without adequate provision for staff parking or appropriate provision of road access to facilitate pick up and drop off of students. These failings have been compounded by the failure to accurately predict likely enrolment growth and has resulted in traffic congestion and road safety risks being exacerbated.

Recommendation X

That School Infrastructure NSW ensure that all new school builds provide staff parking sufficient to accommodate the full staff complement, taking account of potential future growth in student enrolments.

Recommendation X

That School Infrastructure NSW work with relevant local councils to ensure that road infrastructure around new school builds is adequate to accommodate safe and efficient school drop off and pickup arrangements taking account of potential future growth in student enrolments and that this be an explicit requirement in the planning approval process.'

Resolved, on the motion of Mr D'Adam: That Recommendation 12 be omitted: 'Noting that toilets of good standard are essential to the learning environment, that School Infrastructure NSW ensure that the provision and repair of toilets in schools occur expeditiously' and the following new recommendation be inserted instead:

'Noting that access to clean toilets of a good standard is a basic human right and that such access is essential to an effective learning environment, that School Infrastructure NSW ensure that toilets are

provided in all schools at an adequate quantity and quality and that the adequacy be measured against a clear and public standard that sets:

- o the number of toilets per male and female student
- o the frequency of the cleaning regime established on the basis of anticipated frequency of use
- o a benchmark for repair of damaged toilets within defined time frames

Further, that this standard be communicated to parents and students each year.'

Resolved, on the motion of Mr D'Adam: That Recommendation 17 be amended by omitting 'on them' after 'That the NSW Department of Education issue a policy requiring school work health and safety committees to have a parent representative' and inserting instead 'elected to sit on the committee and that the parent representative be elected by and from among the whole parent body.'

Resolved, on the motion of Mr Farlow: That paragraph 5.32 be amended by inserting at the end: 'In its response, the department stated:

'The Department of Education has a suite of policies and systems in place to respond to concerns relating to suspected or potential exposure to asbestos, central to which is the Department's Asbestos Management Plan. All principals are required to be familiar with the Plan and their school's Asbestos Register. The online training module 'Control and Management of Asbestos in the Workplace' is available to all Department employees, including principals, to access through the MyPL application. Training module content is reviewed on an ongoing basis.' [FOOTNOTE: Answers to questions on notice, NSW Department of Education, 14 October 2022, pp 5-6].

Resolved, on the motion of Mrs Houssos: That any new findings and recommendations agreed to be inserted at the appropriate section of the report, with the location to be determined by the secretariat.

Resolved, on the motion of Mr D'Adam: That:

- d. the draft report as amended be the report of the committee and that the committee present the report to the House;
- e. the transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;
- f. upon tabling, all unpublished attachments to submissions be kept confidential by the committee;
- g. upon tabling, all unpublished submissions, tabled documents and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- h. the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- i. the committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- j. dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;
- k. the secretariat is tabling the report at 9.30 am on Wednesday 26 October 2022;
- l. the Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

5. Inquiry into Budget Estimates 2022-2023

Resolved, on the motion of Mrs Houssos: That subject to the availability of witnesses, the Budget Estimates hearing for Portfolio Committee No. 3 – Education on Tuesday 25 October be put back to 10.00 am until 1.30 pm.

6. Adjournment

The committee adjourned at 11.57 until 9.30 am Tuesday 25 October 2022 (Budget estimates supplementary hearing).

Laura Ismay

Committee Clerk

