

15<sup>th</sup> December 2023

To whom it may concern

There are many things throughout the last 3 years during the COVID-19 pandemic period that have not been addressed or thought through properly.

- Loss of job(s) due to mandatory vaccination requirements. My [REDACTED] lost two jobs due to not being able to prove vaccination status. The process of trying to survive without work and no employer taking on anyone unvaccinated was horrific. Let's not mention the process of trying to get jobseeker payments to survive only to get knocked back time and time again!
- Mask mandates - although the public health order specified a mask was not mandatory in public schools, the Education department chose to mandate masks without supplying evidence as to how they came to that conclusion nor were they held accountable for this non-scientific based decision. This resulted in our [REDACTED] being suspended from school which caused unnecessary mental and physical stress!
- Even though vaccines were not tested enough (especially) for transmissibility ([REDACTED] admitted this in a court of law), those unvaccinated within society and the workplace were treated like lepers, there is NO justification to be treated like that. Three years down the track I'm still unable to work in my original workplace due not being fully vaccinated against COVID-19. We are living with COVID-19 so why does vaccination status still impact where you can and can't work? Why is the government not insisting that all workplaces remove these mandates? Government's inaction on lifting all mandates in workplace is still impacting people both mentally and financially.

There are many instances where the handling of the COVID-19 pandemic was flawed. It has affected many families significantly and unfortunately we continue to feel the repercussions of these bad decisions.

THERE MUST BE AN INDEPENDANT INQUIRY INTO COVID-19 RESPONSE WITHIN AUSTRALIA AND ALL OVER THE WORLD.

Yours sincerely,

Andigone Aguilar

## Andigone AGUILAR

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**From:** Andigone Aguilar [REDACTED]  
**Sent:** Friday, 15 December 2023 9:18 AM  
**To:** Andigone AGUILAR  
**Subject:** [REDACTED]

FYI

===== Forwarded message =====

**From :** [REDACTED]  
**To :** [REDACTED]  
**Cc :** "Andigone [REDACTED]"  
**Date :** Thu, 07 Jul 2022 00:30:35 +1000  
**Subject :** [REDACTED]

=====

Please do not close this case as the main points of our complaints have not been adequately addressed.

You reported under "The Department's responses" section that [REDACTED] was moved to separate spaces within the school due to his refusal to wear a mask (in line with the department's mask mandate then in force). This action was taken in order to adhere to the Public Health Order.

Our point being that the school was NOT adhering to the Public Health Order at the time which clearly stated that students in schools were exempt from wearing masks as stated in Clause 2.17 of the NSW Public Health Order then in force.

You reported under "The outcome of your complaint" section that the actions taken by the school were short-term and do not appear unreasonable in the circumstances.

My wife and I disagree with this finding because the school has a duty of care to our [REDACTED] which they clearly failed to adhere to by not allowing him to come out for recess or lunch when all the other kids were able to have lunch and recess without having to wear any masks. Students were only required to wear masks when they were in the corridors or attending class.

Another case in point is that our complaint involves Mr [REDACTED] actions which should automatically remove him from having any involvement in responding on behalf of the school or the department. Mr [REDACTED] would obviously deny all wrongdoing and therefore this requires another independent party to respond on behalf of the department.

Finally, at no time did your findings, the department's response or the school's response address our main request for the scientific and/or medical facts that the Department of Education used to go above and beyond the Public Health Order and enforce a mask mandate on their students. We provided our medical and scientific facts to the school and the department on the evidence of why masks were harmful to children. What we are asking the department with the help of the ombudsman is for the department to provide evidence of the scientific and/or medical facts that the department used to base their decisions on to enforce a mask mandate.

Please provide us with the information on how to appeal your decision/findings as we feel our complaints have not been adequately addressed.

Yours sincerely,

██████████ & Andigone Aguilar  
Parents of ██████████

---- On Tue, 28 Jun 2022 10:11:32 +1000 ██████████

██████████ wrote ---

**For Official Use Only**

Reference: **C/2021/16504**

Dear Mr ██████████

**Your complaint about ██████████ and the NSW Department of Education**

I am writing to inform you of the outcome to your complaint, received on 9 November 2021 about ██████████ (**the school**) and the Department of Education (**the department**) regarding your son ██████████ decision not to wear a mask at school. You raised concerns that:

- the school was about to suspend ██████████
- the school had restricted ██████████ to certain areas in the school because he was not wearing a mask
- one of the teaching staff had referred to ██████████ as 'dangerous'
- the department's 'mask mandate' did not take into account an exemption in the NSW Health Order in force at that time.

You also sent us your complaint correspondence with Mr ██████████ Director Educational Leadership, dated 29 October and 3 November 2021.

Your complaint was allocated to me in January 2022 and I contacted you for further information. On 25 January 2022, you advised that ██████████ would be starting year ██████████ at ██████████ on 31 January 2022. You stated you had provided a statutory declaration cited by the school to allow ██████████ not to wear a mask at school, however you still wished to pursue the complaint. On 17 February 2022 you provided a copy of a letter from Mr ██████████ dated 1 February 2022 advising your appeal against the school's decision to suspend ██████████ was not upheld by the department.

I contacted the department on 14 April and 1 June 2022 to find out what had occurred following [REDACTED] suspension. I also asked the department to respond to the allegations of [REDACTED] being ostracised within the school.

### **The department's responses**

The department advised that for a period of 10 school days, from 26 October to 8 November 2021 [REDACTED] was moved to separate spaces within the school due to his refusal to wear a mask (in line with the department's mask mandate then in force). This action was taken in order to adhere to the Public Health Order and the department's guidelines in order to keep students and staff safe. [REDACTED] left school with parental permission on 5 of these days.

The school suspended [REDACTED] from 9 – 12 November 2021 following his refusal to wear a mask during the previous 10 days. The principal and deputy principals of the school made daily contact with your family during this period to explain the department's obligations for wearing of masks. The principal met with you and Mr [REDACTED] spoke with you on the phone. Mr [REDACTED] wrote to you on 3 November 2021 regarding exemptions for mask wearing for high school students. On 16 November 2021, [REDACTED] returned to school with a statutory declaration which meant he was no longer required to wear a mask at school. He was not separated from other students after this date.

### **The outcome of your complaint**

I acknowledge that you and [REDACTED] have strong views on the mask mandate that the department had in place during this time. I note you were concerned about the limitations you felt this placed on [REDACTED] ability to exercise his free will and to make his own decisions. However, the department has a continuing duty to consider the welfare and safety of the broader school community, at [REDACTED] and other schools. The actions taken by the school were short-term and do not appear unreasonable in the circumstances. I also note the school and department were in regular contact with you during this time, with a view to resolving the matter. After a period of 10 days, [REDACTED] was able to return to school with a statutory declaration.

I am also satisfied that the department has appropriately responded to the issues raised in your complaint.

For these reasons I will take no further action on this matter and will now close your file. If you have any questions regarding this matter, please contact me as per the details below.

Kind regards

[REDACTED] (she/her)

Investigation Officer | Complaints & Resolution Branch | NSW Ombudsman

P [REDACTED]

E [REDACTED]

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**Andigone AGUILAR**

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**From:** Andigone Aguilar [REDACTED]  
**Sent:** Friday, 15 December 2023 9:16 AM  
**To:** Andigone AGUILAR  
**Subject:** [REDACTED]

FYI

===== Forwarded message =====

**From :** [REDACTED]  
**To :** [REDACTED]  
**Cc :** "Andigone [REDACTED]"  
**Date :** Sat, 30 Jul 2022 11:24:16 +1000  
**Subject :** [REDACTED]

Hello [REDACTED]

Can you please let us know the process to appeal your findings? We do not agree with them.  
Below are our responses in **RED**.

---- On Wed, 27 Jul 2022 09:43:59 +1000 [REDACTED]

[REDACTED] wrote ---

**For Official Use Only**

Reference: **E/2022/2221**

Dear Mr [REDACTED]

**Your email dated 7 July 2022 in response to the closure of your complaint about the Department of Education to our office**

Thank you for your email.

In response to the concerns you have raised:

- Our office does not make legal determinations about the interpretation of legislation, in this case the Public Health Order. I sought the views of our legal counsel who advised that they shared the view of the department in this matter. [REDACTED] - **We are not after any legal interpretations. We are wanting the evidence that the Department of Education used to justify their mask mandates. We had presented our evidence. We are after the department's evidence. They need to be transparent so that in the future if we need to dispute it then we have documented evidence regarding their mask mandates. This is important because we have strong evidence that the Department of Education failed in their Duty of Care during their response to COVID.)**
- I understand that you found the separation of [REDACTED] from his schoolfriends unreasonable. It is necessary for us to take into consideration both your view and that of the school, as well as the relevant policies and procedures of the department. In our view the action taken by the school was not objectively unreasonable, and the fact that it occurred for only a few days was a factor in that assessment. [REDACTED] - **We are not aware of any limit to the Department of Education or the [REDACTED] Duty of Care. Whether the "torture" or "intimidation" occurs for one minute, or one hour, or one day, it still has an impact on a child's mental health. We disagree that because it only lasted for a few days that this treatment of our [REDACTED] is in any way acceptable.)**
- Mr [REDACTED] Director Educational Leadership for the [REDACTED] responded to your correspondence of 29 October 2021 and again on 1 February 2022 in line with the department's policies. Our office did not come across any information which suggested that Mr [REDACTED] should have removed himself due to any conflict of interests in the matter. You had the opportunity to raise your concerns further with [REDACTED] Executive Director for the [REDACTED]. [REDACTED] - **This does not make any sense. Our complaint is directly against Mr. [REDACTED] as the Principal (Ms. [REDACTED]) was taking directions from him. How can he then make the decision whether or not the complaint is valid? This is clearly a conflict of interest. The matter has to be looked into without any bias by someone independent of Mr [REDACTED] or any members of his staff that report to him. Furthermore, it was not clear to us that we had the opportunity to raise our concerns further with [REDACTED]. Otherwise, we would have. Are we able to raise our concerns to Mr [REDACTED] now?).**
- Our office does not investigate government policy – the mask mandate in NSW schools was policy that emanated from the Public Health Order which arose from a policy decision of the state government. [REDACTED] - **We are not asking you to investigate government policy. We are asking you to ask the Department of Education and the [REDACTED] for the evidence that they used to enforce the mask mandate onto their students. As the ombudsman you must be concerned about why some of the private and independent schools were allowed to not enforce the mask mandate onto their students.)**

[REDACTED] - **In conclusion, it is now a well-known fact that masks do more harm than good to children.)**

Please let us know how to appeal your decision to close this case.

Yours sincerely,

[REDACTED] & Andigone Aguilar

Kind regards

[REDACTED] (she/her)

Investigation Officer | Complaints & Resolution Branch | NSW Ombudsman

P [REDACTED]

E [REDACTED]

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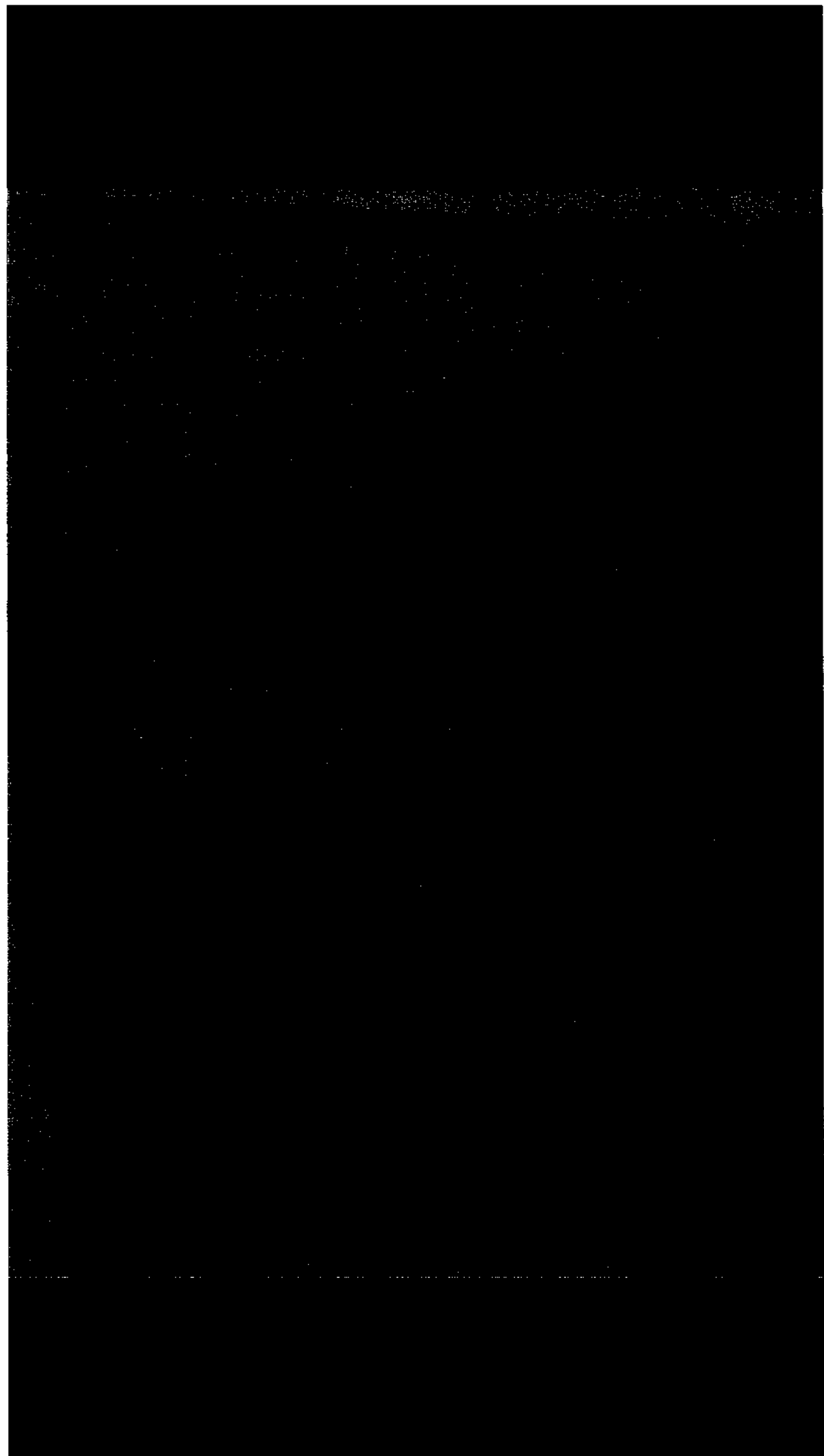
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## Andigone AGUILAR

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**From:** Andigone AGUILAR  
**Sent:** Thursday, 11 November 2021 9:30 AM  
**To:** [REDACTED]  
**Cc:** 'andigone @aguilar.com.au'  
**Subject:** RE: [REDACTED] Membership [SEC=UNOFFICIAL]

### UNOFFICIAL

Dear [REDACTED]

Thank you for the follow up email.

Please continue to finalise ceasing my [REDACTED] membership. Membership fees are a small component for cancelling my [REDACTED] membership.

Some of the reasons that prompted me to cancel my membership are as below:

- It seems that the [REDACTED]/Unions will fight tooth and nail for petty issues but shy away from any serious ones e.g. Mandating/coercion of COVID-19 injections.
- Currently the unvaccinated are not being supported in any way what so ever by the unions. Being a casual we don't have many rights as it is but now we are limited to where we can work and how often we are rostered. There has never been mention of how the unvaccinated can resume working in areas such as the airport, e.g. use of rapid antigen testing.
- Currently the workplace is a sad place to be. From what I'm experiencing amongst other NSWIE's staff is that they feel they have the right to exclude, gossip and joke about those that are not vaccinated. It's like an 'elephant in the room' and higher management are just ignoring the signs. Every conversation leads to your vaccination status and staff constantly want to know what your vaccination status is even though it's none of their business.
- There is segregation of the two classes within the workplace, the unvaccinated are being treated like lepers. As you would be aware, due to the current NSW Public Health Orders, the unvaccinated are still wearing masks in office environments while other vaccinated staff don't social distance, kiss and hug like there was never a pandemic. This punishment is due to the unvaccinated making a medical choice NOT to be injected with a trial/provisional vaccine that doesn't protect you fully from the virus, there is no long term data to prove it is safe and currently has more adverse side effects than the virus itself, not forgetting it doesn't even stop the spread!

In all honesty if the workplace was worried about the health and safety of all their staff then rapid antigen tests should have been considered for all staff.

There is no need to be in phone contact, these are only some of my current views and the emotional stress of dealing with these ongoing daily issues both in life and the workplace is wearing me down.

All the best.  
Andigone

UNOFFICIAL