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Subject: Cook Primary and preschool P&C - 2007 objections to Towards 2020 decision - Part 1

Date: Mon, 30 Mar 2009 21:25:44 +1000

From:

To:

To: ACT Legislative Assembly Inquiry into school closures and reform of the ACT education system

Hi,

I am writing in relation to Terms of Reference 3 - Community responses - and in support of the Education Amendment Bill 2008.

On behalf of Cook Primary School P&C and Cook Preschool P&C, I had carriage of the legal challenge which these bodies attempted to mount in early 2007, under the Administrative Decisions (Judicial Review) Act (1989), on the grounds that the Towards 2020 decision to close Cook Primary School and Cook Preschool:

- breached the rules of natural justice
- the making of the decision was an improper use of the relevant power
- the proposed decision was otherwise contrary to law.

The key facts asserted in the supporting affidavit centred on:

- lack of advance notice that Cook Primary School was not satisfactorily meeting DET performance targets, and lack of consideration of response strategies other than closure
- published DET figures that Cook Primary School was operating at 91% capacity utilisation, conflicting with assertions in the Towards 2020 documents that the school was underutilised
- published independent assessment under DET's auspices that Cook delivered a contemporary curriculum, conflicting with a key reason asserted in the Government's explanation of its Towards 2020 decision to close the school, that larger schools provide better educational outcomes; and
- inconsistent treatment of similar cases put by Cook Primary School (which was closed) and Giralang Primary School (which was retained).

Relevant documents as lodged with the ACT Supreme Court are attached. I am happy to provide further supporting documentation if required.

The Cook P&C and the Cook Preschool P&C approached every law firm in the ACT. Several firms gave an initial opinion that the case appeared to have merit, but were unable to take the case on, either because they had a lot of business with the ACT Government and a conflict of interest could be perceived, or else could not make suitable resources available. We therefore were unable to proceed with the case.

Regards,

Debbie Newton

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