STANDING COMMITTEE ON EDUCATION, TRAINING AND YOUTH AFFAIRS

School closures and reform of the ACT education system 2006

SEPTEMBER 2009

Report 2
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Resolution of Appointment

On the 9 December 2008, the Legislative Assembly for the ACT resolved to establish a Standing Committee on Education, Training and Youth Affairs to examine matters related to early childhood education and care, primary, secondary, post secondary and tertiary education, non-government education, youth services, technology, arts and culture.

Terms of Reference

The Committee will consider aspects of the reform of the ACT education system with particular reference to:

1. The ACT Government’s Towards 2020 policy including:
   - Demographic factors influencing regional planning in the delivery of educational services;
   - Configuration of school environments and educational outcomes; and
   - Reorganisation of the ACT school system thus far.

2. The impact of school consolidation and closures with a focus on:
   - Community experiences and attitudes;
   - Student learning experiences; and
   - Financial, social and environmental impacts.

3. Community responses, including:
   - Review of the consultation process, including how public submissions were considered and incorporated into the final reform package;
   - Views on the Education Amendment Bill 2008;
   - Interest expressed by school communities to re-open schools listed for closure; and
   - New uses for school facilities.

4. Any other relevant matter.
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RECOMMENDATIONS

RECOMMENDATION 1
2.59 The Committee recommends that the ACT Government expedites the refurbishment and leasing arrangements for regional community centres, where appropriate, so that these centres can contribute to the vitality of the neighbouring communities.

RECOMMENDATION 2
2.66 The Committee recommends that the delays associated with the heritage assessment of the Flynn Primary School site be investigated by the ACT Government and resolved as soon as possible.

RECOMMENDATION 3
2.67 The Committee recommends that the ACT Government urgently liaise with the representatives of the John Flynn Community Group, or other members of the Flynn community, to negotiate the viability of their, or alternative, proposals for the closed school site.

RECOMMENDATION 4
3.22 The Committee recommends that the ACT Government’s consultation guidelines include advice regarding the legacy of on-line consultation documents. These guidelines should set out measures to ensure that such documents will not mislead the public in the future about the provision of public services.

RECOMMENDATION 5
3.30 The Committee recommends that ministerial advisers be reminded of their ethical obligation to disclose any conflict of interest they may have in a matter during negotiations on behalf of a Minister with members of the community.

RECOMMENDATION 6
3.42 The Committee recommends that the democratic rationale of a citizen centred governance model be incorporated into the ACT Government’s community consultation and engagement guidelines and report to the Legislative Assembly on the progress.
RECOMMENDATION 7

3.52 The Committee recommends that the consultation period of at least six months be maintained for individual school closures as set out in section 20 of the Education Act 2004 and that consultation should incorporate a social impact study.

RECOMMENDATION 8

3.53 The Committee recommends that any mass school closures or changes to the education system on a scale of Toward 2020 should in future be taken to the electorate as an election policy in the preceding election.

RECOMMENDATION 9

4.18 The Committee recommends that the Minister for Education undertake a social impact assessment of the Towards 2020 reform process and report back to the Legislative Assembly on the findings. The social impact assessment should document the social impacts that have occurred as a consequence of the Towards 2020 implementation process and establish whether mitigation strategies deployed have been adequate.

RECOMMENDATION 10

4.19 The Committee recommends that the ACT Government develop comprehensive, public guidelines for the conduct of public social impact assessments for any closures or amalgamations of ACT schools and similar high impact Government service decisions.

RECOMMENDATION 11

4.32 The Committee recommends that the Department of Education and Training ensures that Primary Schools Boards with governance responsibilities for amalgamated preschools include a member of the Preschool Parents Association.

RECOMMENDATION 12

4.35 The Committee recommends that the ACT Government include, as a part of the social impact assessment to be undertaken, the effect of preschool closures on the operation and viability of playgroups in the ACT.

RECOMMENDATION 13

4.40 The Committee recommends that, based on the demographic, educational, social and economic evidence presented during the Inquiry, that the Government immediately commences the process to reopen the Hall and Tharwa Primary Schools.
RECOMMENDATION 14

4.68 The Committee recommends that data about school capacity be regularly reviewed by the Department of Education and Training and provided to each government school and the school community for endorsement. Where this data is disputed by the school or the community of interest, an independent review process should be established to resolve perceived discrepancies to the satisfaction of the school and the Department of Education and Training.

RECOMMENDATION 15

4.72 The Committee recommends that the Department of Education and Training undertake, and make publicly available, research on the educational outcomes for students relocated in ACT public schools as a consequence of the Towards 2020 restructure.
1 INTRODUCTION

Conduct of the inquiry

1.1 On 3rd February 2009, the Committee resolved to inquire into reforms to the ACT Education system undertaken as a result of the Towards 2020: Renewing our Schools proposal with particular reference to school closures, the impact on school communities, the consultation process and the effectiveness of a proposed amendment to the Education Bill.¹

1.2 The Committee advertised in The Canberra Times and on the Legislative Assembly website and invited stakeholders and interested members of the community to make a submission.

1.3 The Committee received 76 submissions from a range of organisations and individuals (Appendix A). In particular, a number of submissions were received from members of the following communities whose schools were closed as a result of the Towards 2020: Renewing our Schools reform process (Towards 2020 reform process):

- Cook Primary School
- Flynn Primary School
- Hall Primary School
- Tharwa Primary School

1.4 Other school and community groups also made submissions including a number of community based groups who were using or had been offered the use of ex-school sites. Most of the submissions received have been published on the Inquiry webpage.² Some submissions were kept confidential at the request of submitters who did not wish their family’s experiences to be made public in case their children might be identified.

1.5 The Committee also received a submission from the Government and the attachments to this submission included documents from the original consultation and of relevance to the decision-making process.

1.6 During the inquiry, the Committee held four public hearings and undertook a visit to three schools which had been affected by the closures of neighbouring schools or by the reform. Full details are provided in Appendix B.

1.7 The Committee appreciated the support of all those who participated in the Inquiry.

Purpose of the inquiry

1.8 As an accepted public policy practice, and as an important component of the policy cycle, the Committee adopted an evaluative perspective to the Towards 2020 reform process. Eighteen months after the confirmation of the restructure of the ACT public school system, the Committee is not aware of any sustained evaluation undertaken by either the Department of Education and Training or by an independent reviewer. The Government submission to the Inquiry provided a reflection on the implementation process thus far. Other submissions indicated the diversity of views.

1.9 In undertaking this Inquiry, the Committee’s objectives were to;

- Review the approach adopted by the ACT Government in delivering a significant reform to the education system;
- Reflect on the adequacy of the processes (consultation processes and impact assessment) used to achieve an effective structural reform of public services;
- Identify areas where improved processes should be used for any future reforms (with reference to the Education Amendment Bill 2008); and
- Provide opportunities for members of the ACT community to give feedback on the reform process and outcomes.

1.10 A significant component of the work undertaken by the Committee involved providing the opportunity for people to reflect on their experiences and voice their views on the process. The Committee received 62 submissions specifically dealing with individual experiences of the reform process and heard from 17 witnesses on these issues. Some, but not all, of this evidence was critical of the government process and highlighted on-going difficulties for families and local communities. Others identified the long-term benefits of the

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3 There is a passing reference to the efforts of schools involved in the schools renewal processes in the 2007 and 2008 External Validation Reports undertaken by Louise Bywaters as a part of the School Excellence Initiative. The 2006-2007 and 2007-2008 Department of Education and Training Annual Reports provide a descriptive overview of the School renewal program for each year.
reform in opening up sites for other community use.

1.11 The Committee undertook visits to three of the schools which received students or experienced a restructure as a part of the proposal to gain a perspective on the longer term implications for students and their new school communities. In general, these visits suggested that the student population had been relatively resilient and had adapted to new school environments. The Committee noted that this experience was not always reflected in the formal evidence received and it was likely that the motivation to formally present these views was not as strong.

1.12 Most noticeable in the school environments observed by the Committee was the efforts of teaching staff to meet the needs of students and their families. It was clear to the Committee that some teachers had made extraordinary efforts to minimise the impact on their schools and students. The Committee does not intend that this report should reflect negatively on individual staff in the Department of Education and Training.

1.13 Furthermore, the Minister for Education and Training advised the Committee that during the six month consultation process in 2006 there was, in his view, 'a genuine desire from a lot of school communities – a lot of teachers, principals, school board chairs and P&C presidents – to make a difference to our public education system.'

1.14 The Committee considered there to be value in reviewing the process used to achieve a major reform of the education system. Much of the evidence provided during the Inquiry presents a particular perspective on the implementation of this major reform of the education system. The Committee did not consider that the passionate, and sometimes negative, evidence provided to the Committee to have been surprising and believes that the Inquiry process may have provided some opportunity for reconciliation with the political process by those most affected by the decisions to close schools.

1.15 At the public hearing, for instance, a representative from the Flynn Primary School Parents and Citizens Association identified the Inquiry as 'the first opportunity to tell Flynn’s story, after two years of trying to challenge the school closure'.

1.16 Although the evidence to the Inquiry has repeated many of the concerns raised during the implementation of this reform about consultation methods used; the evidence collected to inform the decisions and the adequacy of

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4 Minister for Education and Training, Transcript of evidence 13 May 2009, p 111
5 Mr Nicoll, Transcript of evidence 1 May 2009, p 51
educational, financial and social impacts assessments provided, the purpose of this report is to draw out some of the public administration and decision-making lessons for future reference. To many people in the ACT community, these continue to be very real concerns about the implementation approach to reform of the education system.

1.17 The Committee also understood that school closure or school consolidation strategies have been a feature of ACT public debates on a number of occasions before and since self-government. In 1990, the concerns raised in the Legislative Assembly debate about a proposal to close up to 25 schools echoed the issues raised in 2006 about the community consultation process, the criteria for decisions, the level of potential savings and the validity of the calculations of school capacity and usage.6

**Scope of the inquiry**

1.18 The Committee viewed the issues raised by submitters as more than an expression of resentment about the closure of their school and that such dissatisfaction within the ACT community is best addressed by identifying the lessons that can be learned from the experience and ensuring that improved processes are used in the future.

1.19 However, the Committee was also mindful that this Inquiry would not have met some of the expectations of the community who may expect definitive answers, findings of fault or anticipated simple recommendations to reverse the decisions taken by the executive.

1.20 During the Inquiry, the Government stated that no schools closed as a consequence of the *Towards 2020* reform process would be reopened.

1.21 A key focus for the Inquiry was on how improvements in decision-making processes could be achieved.

1.22 The report has five chapters. Chapter 2 provides an outline of the *Towards 2020: Renewing our Schools* proposal focusing particularly on the evidence provided by the ACT Government and the Minister for Education and Training. This chapter also provides some details about the implementation of the *Towards 2020* reform proposal and the process and outcomes of the community consultation on proposed uses of closed school sites.

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6 Mr Wood and Dr Kinlock, *Debates of the Legislative Assembly* 3 May 1990, pp 1587-1596; Hugh Hudson (1990) *A Community Divided? An Examination of School Closures Policy in the ACT*, Independent School Closures Consultancy, Canberra.
1.23 Chapter 3 discusses in some detail the 2006 consultation process and identifies issues of particular concern raised during the Inquiry about the identification of schools for closure at the outset of this process. Some observations about the rationale for government consultations are discussed along with proposed amendments to the Education Act 2004.

1.24 Chapter 4 considers aspects of the evidence base for the Towards 2020 reform proposal and identifies significant weaknesses in the foundations provided for such a major reform with substantial community impact. Aspects of the evidence identified in this chapter include the social impact assessment undertaken, the claims about appropriate school size, the accuracy of the statistical data used in the proposal and validation of improved education outcomes for relocating students.

1.25 The final chapter provides a brief summary of the nine key findings of the Inquiry.
2  RENEWING THE ACT SCHOOL SYSTEM

Towards 2020: Renewing our Schools proposal

2.1 In May 2006, the ACT Government announced a school reform proposal called *Towards 2020: Renewing our Schools*. The proposal represented a major reform in the delivery of public education services in the ACT. These reforms included:
- School closures;
- School reconfigurations;
- Changes to grade configurations; and
- Incorporation of preschools into primary school administrative structures.

2.2 Significantly, the proposal established a regional model to the delivery of education services, based on 'eight geographic and population regions of the ACT' to supersede vestiges of the neighbourhood schools model.

2.3 The new proposal was based on a regional approach to the delivery of educational services. This represented a departure from the original planning model in Canberra where neighbourhood schools were considered desirable and appropriate. The neighbourhood schools model was, according to one submission,

> used in the design of new suburbs in North Canberra from 1958 onwards...The planning objectives of the neighbourhood model are safety and easy access; community focus; equity through even distribution of educational opportunities and facilities; and locational opportunities for multi-use of school buildings for community based activities such as churches, clubs, leisure groups, playgroups, meeting rooms and cultural pursuits.

2.4 The Committee notes that the regional framework for education was perceived as a major shift for those Canberra parents who considered the existing,

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7 ACT Government, Submission no 3, p 2
8 ACT Council of Parents and Citizens Associations, Submission no 37
9 Submission no 28, p 2
neighbourhood arrangements were the best possible for their children. This was particularly the case for families attending schools in North Canberra where this model had been incorporated into the design of many of the suburbs.

**Restructure of public education services**

2.5 The reform package provided options for the most effective allocation of educational resources across eight regions, identified as:

- Gungahlin
- Belconnen North West
- Belconnen South East
- North Canberra
- South Canberra
- Weston Creek
- Woden
- Tuggeranong

2.6 While the possibility of school closures gained significant media attention and dominated the public debate, there was also significant changes proposed to the service delivery model with some reconfiguration of some existing schools and the introduction of:

- Early-childhood schools (pre-school to year 2);
- Pre-school to year 10;
- Year 7 to Year 12 secondary schools; and
- Combined secondary college and CIT campus.

2.7 As a part of the package, $90 million over four years was allocated for 'significant upgrades of remaining schools' and additional funds were earmarked for the construction of new schools and improvements to the information and communication technology systems.\(^\text{10}\)

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Need for education system reform

2.8 The Government submission to the Inquiry identified the Towards 2020 reform proposal as 'the largest reform process of ACT public education since self-government'. The submission also identified the Government's motivation in pursuing this reform as being:

to ensure the on-going sustainability, responsiveness and the high quality of the public education system into the future; to ensure public education continued to be a real choice for students and their families; and to provide every student attending public schools with the opportunity to experience successful learning.

2.9 In order to achieve this objective, the Government contended that 'renewal, reform and some rationalisation was needed.' The evidence provided does not clearly specify the characteristics of the pre-2006 system that were of most concern to the Government or which features of the system were seen to be hindering choice or successful learning.

2.10 In proposing adjustments to the configuration of the educational system, however, the Government undertook to ensure that all ACT students and their families were provided with:

greater choice and diversity through the provision of a range of high quality learning environments and opportunities.

2.11 The Committee observed that the reforms have indeed introduced greater diversity in the structure of the ACT education system and noted that a range of parental considerations will influence school choice including, among many other factors, proximity to their workplaces rather than their homes.

2.12 However, a major question raised during the Inquiry was the rationale for the urgent reforms proposed. Prior to the 2006-2007 Budget, the Department of Education and Training had identified that their focus would be on the development of a new curriculum, an extension in the provision of preschool hours, upgrades to the information technology available in government

11 Submission no. 3, p 1
12 Submission no. 3, p 2
13 Submission no. 3, p 2
14 ACT Government Towards 2020: Renewing Our Schools proposal, Department of Education and Training [06/0617] undated, p 1
schools and achieving efficiencies within the Department through an organisational review. The need for structural reform, including the consolidation of schools, was not identified as a priority.

2.13 Although there were some hints at the need for substantial structural reform, the extent of the reforms proposed in the 2006-2007 Budget caught the community by surprise.

Past proposals

2.14 During the Inquiry emphasis was placed on the unexpected nature of the reforms and it was suggested that the previous Minister for Education and Training had provided no indication that a substantial change was required.

2.15 At the hearing, the Minister for Education and Training put the case that:

there was a collective failing on behalf of this Legislative Assembly from 1989 to 2006—governments of Labor and Liberal persuasion—to address this issue.

2.16 The Minister also observed that:

Had a considered approach occurred over 17 years, we would not have needed the size of reform that occurred in 2006. It is not as if schools had never closed before in the territory and it is not as if schools will not need to in the future. I believe the reforms that occurred in 2006 have set public education up well for the period until 2020.

2.17 The Minister asserted that the Towards 2020 reforms were required because there had been a failure of political will to address the need for structural change and adaptation in the education system in the past.

2.18 One submission to the Inquiry highlighted a citizen initiated proposal to introduce a School Location Act and intended to establish an ACT School Location Plan. The proposal was referred to the Standing Committee on Planning, Development and Infrastructure on 29 November 1990 but the referral appears

16 Mr Barr, Debates of the Legislative Assembly of the ACT 2 May 2006, p 1006
17 The reforms to the education system were also accompanied by a range of other reforms to government services
18 Transcript of evidence 13 May 2009, p. 113
19 Mr Barr, Transcript of evidence 13 May 2009, p 114
20 Mr Barr, Transcript of evidence 13 June 2009, p 120
to have lapsed at the end of the 1st Assembly. This proposal followed plans by the then Alliance Government to close a number of ACT public schools. Considerable public disquiet accompanied those plans also.

### 2006-2007 Budget

2.19 As a part of the Inquiry, the Committee heard that there were multiple pressures on the public education system in 2006. At the time of the announcement of the restructure, a new Minister for Education and Training, Mr Andrew Barr MLA had only recently been appointed.

2.20 The reform proposal was announced alongside a raft of other efficiency measures as a part of the 2006-2007 Budget. In delivering the Budget the Treasurer identified potential financial difficulties the ACT could encounter should the delivery of services continue at current level without reform. When tabling the Budget, the Treasurer linked the Government’s fiscal agenda with ‘a suite of structural changes that will put the finances of the Territory on a sustainable path.’ Reflecting on the 2006 situation during the Inquiry hearing, the Minister for Education and Training asserted that the education system at the time was ‘under capacity by more than 30 per cent, with nearly 18,000 empty desks across our school system.’

2.21 Identifying education as the second biggest budget item (following health), the Treasurer’s budget speech characterised the Towards 2020 reform proposal as:

- a major school rationalisation program, which will start immediately and continue across the forward years. A significant number of neighbourhood schools will close, with comprehensive consultation on proposed closures starting right away.

2.22 The Treasurer also noted that there would:

- No longer be a single, standard template for schooling. Each region will have a plan tailored to its needs.

2.23 The Committee noted that, from the outset of the public consultation, the Towards 2020 reform proposal was linked with the ACT Government’s budget

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21 Submission no 38
23 Mr Barr, Transcript of evidence, 13 May 2009, p. 104
considerations. While noting that this does not mean that subsequent reforms of the school system were solely motivated by the ACT Government’s financial concerns, it has been clear during this Inquiry that some members of the public (particularly those most affected by the outcomes) considered this to be the primary motivation for the reform package.

**Strategic and Functional Review**

2.24 The *Strategic and Functional Review* report prepared by Mr Michael Costello, with the assistance of Professor Greg Smith, for the ACT Cabinet has remained a confidential document despite encouragement by several Members of the ACT Legislative Assembly for the ACT Executive to make the report available. The ACT Executive classified the document as cabinet-in-confidence and consistently claimed public interest immunity in response to calls for its release. Efforts by Members culminated in 2009 with the Assembly resolving to seek a determination by an independent arbiter. In May 2009, the arbiter found that the claim to public interest immunity made by the Executive should be upheld.\(^\text{26}\)

2.25 Notwithstanding this decision, the Committee noted that community interest in the *Strategic and Functional Review* report persists because of the significant impact the 2006 budget had on a number of government services and the structure of the education system.\(^\text{27}\) A view expressed in one submission was that the undisclosed report provided the principal rationale for the Government’s claim that major structural change was the only way ‘to avoid a looming financial disaster’, the submission also asserted that this disaster ‘was never likely to eventuate and never did eventuate’.\(^\text{28}\)

2.26 The 2006-2007 Budget Papers contained an overview of the review titled, *For the Future: Economic and Financial Outlook for the ACT*.\(^\text{29}\) This overview indicates that the *Strategic and Functional Review* found that:

> While government spending in the ACT on State-type services, such as health and education, is about 20 to 25 per cent higher than the national benchmark to deliver average levels of service our outcomes do not necessarily reflect that increased level of expenditure. Indeed, the Review notes that evidence suggests our greater educational outcomes and better

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\(^\text{26}\) *Debates of the Legislative Assembly for the ACT*, 7 May 2009, p 2042

\(^\text{27}\) See Submissions no. 75; see also Submission no 19; Submission no 69

\(^\text{28}\) Submission no. 75, p. 5

health status are primarily due to the higher socio-economic profile of our population, not our higher levels of expenditure on services. The Strategic and Functional Review stresses that the underlying fiscal gap in the ACT does not need to be closed immediately. Indeed it suggests that attempts to do so would be unnecessarily disruptive. It states unequivocally that the Territory has a strong balance sheet and does not face an immediate cash or fiscal crisis…The Review also emphasises that long-run fiscal sustainability requires the structures and operations of government to be simplified and streamlined in keeping with the ACT’s small scale.\textsuperscript{30}

\textbf{Inequity in educational allocations}

2.27 As a clear indicator of the need for change, the \textit{Towards 2020} reform proposal provided a breakdown of the actual costs of educating students at a number of individual schools. An inequity in these costs was evident in this data with the cost of education to students in some schools settings being significantly more than in other schools. The Minister informed the Committee that:

There were some schools in the ACT in 2006 where students were attracting twice the amount of funding as other students in the system— for no reason other than the school they chose to attend: not for an educational reason and not for a reason of socioeconomic disadvantage but because they happened to attend school X and not school Y. That had to change.\textsuperscript{31}

2.28 The Committee does not specifically dispute the Minister’s assessment. However, the Inquiry highlighted significant limitations with the process proposed by the Government to equalise the allocations across the education system.

2.29 One submission indicated that during the consultation process the Hall residents had made an offer to meet the above average costs for the provision of education services in their community without support from the

\textsuperscript{30} ACT Government (2006) \textit{For the Future: Economic and Financial Outlook for the ACT}, Canberra, p 17

\textsuperscript{31} Mr Barr, \textit{Transcript of evidence}, 13 June 2009, p 112
The need for adjustment in these cost disparities was accepted by many of the submissions received during the Inquiry. During the consultation there was an expectation by some communities that preparing a plan to reduce the inequities in expenditure could save their schools. A number of communities were disappointed that their plans did not appear to be considered or make a difference.

**School infrastructure funding**

The other feature of the *Towards 2020* reform proposal was the allocation of funds for upgrades to schools retained and to the information technology infrastructure. These measures, outlined within that year's Budget, were also framed in terms of the overall objective of the proposal to provide 'innovative educational options and improve educational opportunities for our students.'

Funding provided to the education system included $90 million for capital upgrades and specific maintenance programs in addition to existing programs. An allocation of $20 million dollars was also earmarked for upgrades to information technology and services throughout the school system.

The Government also announced 'funding of $21.050 million for a new primary school at Harrison, and $1 million funding for a feasibility study into a college in Gungahlin.'

**Towards 2020: Renewing our Schools consultation process**

The Committee noted that the proposal represented, by any public administration standards, a substantial reform process.

In announcing the *Towards 2020* reform proposal the ACT Government 'committed $4 million over four years to manage *Towards 2020: renewing our schools*.

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33 See for example: Submission no 6; Submission no 7; Submission no 54; Submission no 57; Submission no 59; Submission no 64; Submission no 65; Submission no 66; Submission no 67 from the Cook, Flynn, Tharwa and Hall communities.


schools, to consult with the community and to provide transitional assistance to students who might be affected by the changes. \textsuperscript{36}

2.36 Following the announcement of the reform proposal, a community consultation process was scheduled between June and December 2006 and opportunities for community feedback on the package were announced. The consultation period of six months accorded with the requirements set out in Section 20 of the ACT Education Act 2004. The Government advised the Committee that initial consultation with key community organisations, such as the ACT Council of Parents and Citizens Associations and the Australian Education Union were arranged. A project team was established within the Department of Education and Training to manage the consultation process. \textsuperscript{37}

2.37 The ACT Government established a Towards 2020: Renewing our Schools website, prepared background documents, held numerous public forums throughout the Territory and sought written submissions from school communities and interested individuals. In total, 358 submissions were received as a part of the consultation process and many were posted on the website \textsuperscript{38}. The Government also advised the Committee that 1650 responses to correspondence were prepared during this period. Over 700 meetings were attended by the Minister, ministerial staff and officials from the Department of Education and Training. \textsuperscript{39}

2.38 However, the Minister also advised the Committee hearing that the consultation meetings ‘varied in their intensity…depending on the nature of the community engagement in the consultation process.’ \textsuperscript{40} There were specific displays of anger directed towards the Minister on some occasions.

2.39 On the general process of consultation, the Committee noted the view put by one witness, Dr Alison Ziller, who emphasised that consultation was not simply a question of quantity but also a question of:

the quality of the process. If you hold 700 meetings at which you tell people what is going to happen, it is not highly consultative. I do not know what happened. If you hold 700 meetings and the people who come to those meetings cannot get a record of their contribution then it is

\textsuperscript{37} ACT Government, Submission no 3, p 21
\textsuperscript{38} ACT Government, Submission no 3, p 23. Permission of each submitter was sought before publication.
\textsuperscript{39} ACT Government, Submission no 3, p 23
\textsuperscript{40} Mr Barr, Transcript of evidence, 13 May 2009, p 111
not a transparent process. Even if you hold 700 meetings, it is not the same as properly structured research. What happens is that the people who go to consultation meetings are the people who go to consultation meetings. The people who are uncomfortable in consultation meetings, public meetings, where lots of people are excited and shouting and whatever, do not get heard.  

2.40 Following the six month consultation period a consultation report was completed which provided an overview of the issues raised during the six month discussion. Many of the views outlined in this document have been repeated during the Committee’s Inquiry. Describing the consultation process, the report noted that while many ‘expressed appreciation for the opportunity to review what they valued about their schools(s) and to engage in community debate’ a ‘commonly expressed view was that although the legislative requirements for consultation had been met, a proposal of this magnitude needed a longer process of community engagement. 

The Decision

2.41 Following the completion of the consultation, the Minister for Education and Training announced the decision about the restructure of the schools system on 13 December 2006. The decision included new grade configurations for some ACT public schools, including:

- Preschool to year 6 configurations though the annexation of existing preschools to nearby primary schools to achieve administrative efficiencies and enhance the educational pathways for children;
- Four new early childhood schools (preschool to year 2) to improve transitions for students and provide opportunities for early interventions when is most effective;
- Middle school model (year 6 to year 10) at Stromlo High School to allow greater focus on the educational and community needs of young

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41 Dr Ziller, Transcript of evidence, 21 July 2009, pp 156-157
43 ACT Government, Towards 2020 Consultation Report, p 13
adolescents. The ideals of the middle school campus model also structure the arrangements within preschool to year 10 schools; and

- Year 7 to year 12 school model by combining the Melba and Copeland campuses reflecting a view that this model enhanced curriculum capacity.

2.42 The Minister also announced plans for the closure of nine of the twenty preschools and twelve of the seventeen schools identified in the original proposal. (see Appendix C: Towards 2020 – Summary of Decisions)

2.43 Following a request from seventeen of the preschools and primary schools due for closure, and pursuant to the Administrative Decisions (Judicial Review) Act 1989, the Minister provided a notice of the decision/statement of reasons made in each case through which the Minister suggested he met his full legal requirements under the Education Act.

Implementation thus far

2.44 At the time of the Inquiry, the Towards 2020 reform process had been underway for two and half years and all school closures completed. The Government submission advised that implementation of other reforms announced were near completion.

2.45 The Government also indicated that there would be substantial costs involved in re-opening closed schools. According to the submission:

The cost in the first year to re-open an ‘average’ closed primary school could be as much as $2 million, or even more, depending on how much work was required at the school. This would include the costs of re-commissioning the school, renewing the IT infrastructure, making necessary repairs to buildings, plant or equipment, purchase of computers, library books and other educational resources, and transition support costs for students and families.

2.46 At the hearing, the Minister informed the committee that:

The government has no intention of re-opening any of those schools...To
do so would cost tens of millions of dollars in the long term and would take resources away from all other schools in the territory.  

Future community use of former school sites

2.47 Following the closure of preschool and school sites, the school assets were transferred to the Properties Group of the Department of Territory and Municipal Services (TAMS) which oversees the management of public facilities. The Government identified four possible options for the use of these facilities, including:

- Retain buildings for community use with conversion of playing fields for future use;
- Retain school buildings for community use with disposal of playing fields for future development;
- Retain part of the school buildings for community use with disposal of the larger areas for development; and
- Demolish all buildings on the site and dispose of the site for development.  

2.48 In May 2008, the Government engaged consultants to establish community views on the best use of the former school sites. The process ‘generally found strong support for retaining green space and opposition to development, particularly medium and high density housing, on open space.’ Options agreed included:

- accommodation for community organisations in three regional community centres (RCC);
- eight neighbourhood halls; and
- aged and supported accommodation.  

2.49 The Committee noted that the redevelopment funding for these sites is $32.5 million or approximately $1.9 million per site. This figure is only slightly less than the $2 million figure quoted by the Government as the cost to reopen

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49 Mr Barr, Transcript of evidence, 13 May 2009, p 120
50 ACT Government, Submission no 3, p. 27
51 ACT Government, Submission no 3, p. 28
52 ACT Government, Submission no 3, p. 28
53 ACT Government, Submission no 3, p. 28. A media release of 1 September 2008 (see footnote 58 below) indicates that the expenditure will be $29.9 million.
closed schools, indicating that the overall costs to manage former school sites is approximately the same regardless of the designated use.

2.50 During the Inquiry, the Committee heard that the consultation with the community about the use of former school sites was more highly regarded than the Towards 2020 reform consultation. Ms Dundas from the ACT Council of Social Service summed up this view when she informed the Committee that:

The process around the future of the closed school sites was a much more open and receptive process than the initial Towards 2020 process. The reports from the consultations and then the decisions that were taken showed a government that was fast learning the lessons of what went wrong in the process before and showed, certainly, a willingness to accept community input into the decision making around what was going to happen on those sites.54

Regional Community Centres – The Cook Arts Hub

2.51 The Cook Primary School was closed at the end of 2007. The Committee received submissions from members of the Cook Primary School community which expressed their concerns about the closure. The Cook school community appeared to have a strong argument that the school community itself was a strong one and the school was providing a high quality, distinctive school experience prior to the launch of the Towards 2020 reform proposal.55

2.52 During the Inquiry, the Committee also heard from some community based organisations which were prospective tenants of the former Cook Primary School site. The Canberra Quilters advised the Committee that they believed:

the consultation process on the use of the former school sites was open, inclusive, and accessible and that all interested parties had an opportunity to communicate their views and needs.56

2.53 The Canberra Quilters and the University of the Third Age expressed concern over the length of time between the consultation process and the process for finalising the tenancies.

2.54 The University of the Third Age advised the Committee that they had initially been contacted by the consultants in October 2007 and had considerable

54 Ms Dundas, Transcript of evidence 30 April 2009, p 15
55 Submissions no 5, Submission no 6, Submission no 7, Submission no 8, Submission no 9
56 Canberra Quilters, Submission no 4, p 1
contact during an extended consultation and decision-making process until September 2008 when their tenancy in the former Cook Primary School was announced. A Deed of Grant had recently been signed. The Cook site has been identified as a RCC with an arts focus.57

2.55 On the basis of the evidence from ACTCOSS and these groups the Committee understands that many community groups have been beneficiaries from the school reform process in gaining space for their continued activity.58 In their evidence to the Committee, the University of the Third Age anticipated that between 400 and 1000 members might use the facility once established.59 In addition, a range of other community groups would have access to this community space. The future use of the sites would enliven the local community with a broad demographic profile of people coming into the area.

2.56 Concern was expressed by these community groups that the well advanced plans for the former Cook Primary School may be undermined by any efforts to reverse the original decision regarding the school’s closure. The Committee noted this concern and the potential for new users to reanimate former sites in a different guise and to enliven the local area into the future.

2.57 Members of the Cook School Community presented a number of submissions that argued strongly that their school should not have been closed and that there was a strong case for it to re-open.60 Without judging the merits of such proposals the Committee noted that the ACT Government was opposed to the school reopening and that a number of other community groups have subsequently been identified to occupy the former school site and reopening a school would now be problematic.

2.58 Given the limited amount of affordable community space, the Committee has endorsed the use of ex-school sites as community hubs and would encourage the ACT Government to expedite the refurbishment and leasing process.

RECOMMENDATION 1

2.59 The Committee recommends that the ACT Government expedites the refurbishment and leasing arrangements for regional community centres, where appropriate, so that these centres can contribute to the vitality of the neighbouring communities.

57 The former Melrose Primary School site was also identified as a RCC.
59 Mr Johnson, Transcript of evidence 1 May 2009, p 72
60 See Submissions no 5, Submission no 6, Submission no 7, Submission no 8, Submission no 9
Flynn Primary School Site

2.60 Members of the Flynn community were keen participants in the Inquiry process and provided an extensive submission to the Committee, electronic copies of documents obtained under freedom on information and met with the Committee at a public hearing.

2.61 The Committee noted the on-going sense of frustration being expressed by Flynn community groups which strongly objected to the closure of the neighbourhood school, disputed the legitimacy of the decision and have been unable to secure the future of this site as a viable community hub.61

2.62 Submissions from the residents of Flynn highlighted the unique nature of the suburb’s design: 'Flynn was designed with the school as the centre of the suburb with the houses around it’ - the 'Flynn community had the school as its heart'.62 One submission highlighted that in the absence of a local shop, the school was one of the few locations where local people would meet.63 Another submission emphasised that 'Flynn is currently void of any type of community hub'.64 Many of the submissions from Flynn urged for the school to simply be reopened.

2.63 The Committee also received correspondence from the Flynn Primary School P&C Association later in the Inquiry detailing their concerns about protecting the building – which was designed by architect Enrico Taglietti - while a proposal lodged in December 2007 to heritage list the former school site was assessed.65

2.64 The Committee understands that the heritage assessment of the Flynn Primary School site has yet to be finalised. While the Committee does not intend to propose what might be the most appropriate use for this site, the heritage value of the buildings appeared to be undisputed. The Committee believed that a resolution of status of the site is urgently needed before further deterioration occurs and to restore a positive community focus for the neighbourhood.

2.65 The Committee found the John Flynn Community Group’s enthusiasm and commitment to finding a feasible community use for this site impressive.

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61 John Flynn Community Group, Submission no 26; Flynn Primary School P&C Association, Submission no 66
62 Submission no 19, see also Submission no 20; Submission no 28
63 Submission no 16
64 Submission no 17; Submission no 34
65 Flynn Primary School and Community Group, Correspondence dated 24 July 2009
There appeared to have been little scope or interest in exploring a partnership approach between the Department and the school community to maintaining school operations in Flynn. The Committee was of the view that the Flynn community has a strong case for the restoration of a key community institution and noted that they recommended in their submission that:

The ACT Government work with the Flynn community (through the John Flynn Community Group) and project partners to implement a viable and sustainable:

a) primary school or

b) early childhood precinct and intergenerational community hub using the Flynn school building and grounds.66

RECOMMENDATION 2

2.66 The Committee recommends that the delays associated with the heritage assessment of the Flynn Primary School site be investigated by the ACT Government and resolved as soon as possible.

RECOMMENDATION 3

2.67 The Committee recommends that the ACT Government urgently liaise with the representatives of the John Flynn Community Group, or other members of the Flynn community, to negotiate the viability of their, or alternative, proposals for the closed school site.

66 Submission no 26, p 8
3 TOWARDS 2020 CONSULTATION

3.1 In the evidence to the Inquiry, the Committee heard of the success of many of the initiatives contained in the Towards 2020 reform proposal. The Australian Education Union (AEU), for instance, noted that 'the reorganisation of the ACT public school system in recent years has brought some positive change.' 67

3.2 However, the AEU also queried the way these positive outcomes were achieved, and noted that:

The reality is that you could have a lengthy debate and still not reach an agreed conclusion about whether the way the 2020 list [of schools to close] was provided was the best way or whether a community debate would have produced a better outcome that the community was more supportive of. 68

3.3 Appearing before the Committee, the Minister offered the following perspective:

Budgets and public policy are about choices. The government took a series of decisions and went to the community with those decisions, about how we would restructure our public education system. We had an extensive consultation over a six-month period...It is not possible to achieve any reform in our public education system without there being some consequences, without there being some impact. You cannot make the sorts of structural changes that we did, to reform public education, without there being an impact. At no point did the government suggest that there would not be an impact. There would be transitional costs; those costs would fall on some families more than others. That is why we made available financial assistance and individual assistance for students who were transitioning between schools. 69

3.4 However, Save Our Schools highlighted in their evidence that:

67 Australian Education Union, Submission no 36, p 1
68 Ms Gilmour, Transcript of evidence 30 April 2009, p 29
69 Mr Barr, Transcript of evidence 13 May 2009, pp 105-106
Perhaps the greatest failure of Towards 2020 is that it has undermined community confidence in governmental consultation processes. In a democracy, there must be real and genuine opportunities to influence decision making. The extent and effectiveness of community involvement in major public policy decisions such as those involving the closure of many neighbourhood schools is a test of democracy. Towards 2020 failed this test.70

3.5 The Director of the ACT Council of Social Service also observed that:
the initial Towards 2020 document was flawed. As I say, I think that was backed up by the amount of community concern that was then raised. Shifting the goalposts as the consultation was still proceeding did not encourage good community engagement. I believe that there are a lot of lessons that could be learnt from the 2020 process regarding how government undertakes community consultation in the future.71

3.6 While the Committee acknowledged that there was a clear need for reform to the education system and that positive benefits have arisen from the Towards 2020 reforms, the public discussion required for such a major adjustment of the ACT public education system was widely criticised and clearly fell short of the ideal procedure for genuine consultation.

Experiences of the Towards 2020 consultation

3.7 The concerns raised during the inquiry about the consultation process are numerous. As mentioned, the Committee is aware that the weight of this evidence reflects an understandable bias in the Inquiry with those most likely to contribute having the most significant interest in the issues raised. While the most vocal criticism of the process have been raised specifically by the groups most affected, evidence before the Committee highlighted some deep flaws in the consultation design and timing.

3.8 The variety of views about the consultation process can not be summarised easily, with each submitter highlighting specific experiences or implications that may have arisen. However, this lack of consistency may also confirm confusion built into the consultation framework.

70 Mr Cobbold Transcript of evidence 30 April 2009 p 16; see also Submission no 32
71 Ms Dundas, Transcript of evidence 30 April 2009, p 13
3.9 As ACTCOSS noted that:
the community did not have all of the information that the government
had, so it could not put forward alternative proposals to meet whatever
ends were driving the decision making. If it was economic, if it was
social, if it was education based, this information was not made clear in
the initial *Towards 2020* document. So responses were made based only
on the outcomes that were put forward rather than the evidence that was
underpinning those outcomes. That is a flawed process in terms of trying
to engage the community in decision making as opposed to engaging the
community in response-giving.\(^{72}\)

3.10 From the evidence provided, the Committee was able to identify a number of
themes arising from community experiences of the consultation process
conducted during 2006. These included:
- Timing of the policy announcement which occurred in the context of the
  2006-2007 budget process;
- Identification of schools for closure at the outset of the consultation;
- The fairness and impartiality of the consultation process; and
- Impact on schools closed immediately following the consultation.

3.11 The evidence base for the proposal, and the subsequent decision, was also
challenged during the Inquiry and will be discussed in more details in chapter
four of this report. Specific challenges to this evidence included:
- Educational relevance of school size;
- Veracity of the demographic and other statistical information; and
- Adequacy of the assessment of the social impact.

**Timing of the proposal**

3.12 The Committee noted that many of the submissions focused on the
Government’s handling of the reform announcement made as a part of the
2006-2007 Budget process. A part of the criticism made of the Government was
that school closures were linked to an economic assessment of school viability
and that the policy agenda and structural reform of the education system had

\(^{72}\) Ms Dundas, *Transcript of evidence* 30 April 2009, p 13
been given momentum by the confidential whole-of-government review conducted the previous year.

3.13 Some believed that school closures were touted with a view to land sales and as a revenue raising measure. It was not clear whether the Strategic and Functional Review recommended schools closures, as has been claimed by some submitters\(^73\), but it was clear to the Committee that many people believed this to be the case.

3.14 The Committee does not draw any conclusions as to whether this was the case in 2006, but rather has concentrated on how this perception, and other factors, influenced the consultation process and the general conclusion that the consultation process was poorly devised.

**Identifying schools for closure**

3.15 A number of the submissions identified the difficulty arising from the identification of potential school closures at the outset of the Inquiry process.

3.16 The AEU observed:

> Put simply, the fastest way to kill a school is to put its name on a list of schools that might close and then ask people to argue why it should not. We would hope that in future when these kinds of considerations come forward again the process is much more sensitively managed than was the case this time and that there is genuine consultation with the community—to have the discussions before what look like pre-emptive decisions are made.\(^74\)

3.17 In some areas, particularly in the Belconnen North and Belconnen South regions, the identification of schools that could possibly be closed had the effect of pitching one school community against another. The evidence to the Inquiry would suggest that some of the relationships between some neighbouring communities have continued to be stressed.\(^75\)

3.18 Mount Rogers Primary School advised the Committee that:

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\(^73\) See for example, Submission no 75 p 4 and discussion in Chapter 2 of this report. This may also reflect the history of school closures in the ACT. Options proposed in 1990 are outlined in Hugh Hudson, *A Community Divided: An Examination of School Closure Policy in the ACT*, Report of the independent consultancy on school closures November 1990.

\(^74\) Ms Gilmour, *Transcript of evidence 30 April 2009*, p 26

\(^75\) See for instance, Submission no 19; Submission no 66
After the final school closure announcements were made, PEAs in the North West Belconnen region were redrawn, with a large part of Flynn being included in the Mount Rogers' PEA. In 2006 and 2007 there were negligible enrollments [sic] at Mount Rogers from students living in Flynn.76

**Stigma attached to proposed closure**

3.19 Mount Rogers primary school, which was identified for closure in the original proposal remained opened, but highlighted in their submission an on-going problem with the consultation approach noting that the school:

continues to suffer the stigma of having been originally announced for closure. This has not been alleviated through the continued availability of the original Towards 2020 proposal on the ACT Government website. We are aware that several families when exploring enrollment [sic] options, have indicated to school staff their discovery of the document and questioned whether the school is sustainable. We are aware of one family that refused to consider enrolling at Mount Rogers because of this. We urge that the original proposal be removed from the website.77

3.20 The Committee considered this an unfortunate, lingering consequence of the consultation process. The Committee noted that while the Towards 2020: Renewing our Schools website has been maintained, it is no longer a prominent feature of the Department of Education and Training website and can be accessed via the schools renewal webpage. Obviously, whole of web search engine enquiries will readily locate Towards 2020 reform proposal material identifying specific schools. Even in 2009, such a search will quickly lead to a document which suggests that 'Mount Rogers School would close at the end of 2008'.78

3.21 The Committee would not propose that the Towards 2020: Renewing our Schools site should be removed. However, the dominance of web-based communication during consultations increases the onus on the Government to avoid posting consultation documents which clearly pre-empt the consultation and decision-making stages.

76 Mt Rogers Primary School, Submission no 63, p 2
77 Mt Rogers Primary School, Submission no 63, p 2
RECOMMENDATION 4

3.22 The Committee recommends that the ACT Government's consultation guidelines include advice regarding the legacy of on-line consultation documents. These guidelines should set out measures to ensure that such documents will not mislead the public in the future about the provision of public services.

Fairness and impartiality

3.23 Another consequence of announcing multiple sites likely to close before commencing a consultation process was that those the Government most wanted to consult with were defensive and uncertain about their status in the process. During the course of the Inquiry, several submitters and witnesses raised their concerns about the fairness and impartiality of the process with the Committee.

3.24 Some submissions perceived that there was unwillingness during the consultation to accept the views of the school communities, particularly when those views disputed the evidence being published in consultation documents.79 Others highlighted 'a lack of advanced notice' that the school was 'not satisfactorily meeting DET performance targets, and a lack of consideration of response strategies other than closure.'80 Submissions also raised the view that the logic behind the selection of some sites for closures was never made transparent meaning that 'school communities were forced to gather evidence and analyse information in order to represent an argument against vague criteria.81

3.25 The Committee noted that the Cook Primary School P&C and the Cook Preschool P&C Associations and the Flynn Primary School P&C Association pursued legal action against the Government following the closure of their schools. Early in 2009, the actions had been withdrawn.

3.26 Several submissions asserted a conflict of interest in one Minister's office had influenced the final decision. The involvement of one ministerial adviser in a school community identified for possible closure was considered to have advantaged this school over the other school which subsequently closed.82

79 Submission no 1; Submission no 7; Submission no 8;
80 Submission no 5; See also Ms Newton, Transcript of evidence 1 May 2009, p 65
81 Submission no 6; Submission no 7; Submission no 8;
82 Flynn Primary School P&C Association, Submission no 66
This matter had already been raised in the Legislative Assembly and refuted by the Chief Minister.83 The Committee also sought and received a response from the Chief Minister which rejected the claims made in the evidence provided to the Committee.84 Nonetheless, the Committee would consider it appropriate to remind all ministerial staff of their ethical obligation to disclose any interests they may have in a matter being negotiated by the Government. In this case, the community involved in the negotiations over their school would reasonably have anticipated that such interests would be made clear at the outset of any meeting. It appeared from the evidence provided during the Inquiry that this may not have occurred, the community affected having deduced this from other documents they obtained through a freedom on information claim.

While the Committee has been assured that this was not a factor in the decision-making process, it is not clear ethical expectation of disclosure was always met during the consultation period.

RECOMMENDATION 5

The Committee recommends that ministerial advisers be reminded of their ethical obligation to disclose any conflict of interest they may have in a matter during negotiations on behalf of a Minister with members of the community.

Schools closed in 2006

At the end of 2006, three preschools and seven primary schools were announced for closure (see Appendix C: Towards 2020 – Summary of Decisions). For these schools, the impact appeared to be particularly acute. One Flynn Primary School parent advised the Committee that the family were ill-prepared for the outcome having optimistically focused on the consultation process, not the need to find a new school for their children.85 The preparation for relocating this group of students was severely limited by the time available after the decision. One submission highlighted that they 'had to choose a new school for our children only 5 working days prior to the end of term'.86

83 Mr Stanhope, Debates of the Legislative Assembly 27 August 2008, p 3760
84 Chief Minister, correspondence dated 16 September 2009
85 Submission no 14 (confidential); see also Submission no 17; Submission no 19
86 Submission no 31, p 2
Several submissions described a sense of 'panic amongst parents who were anxious about finding a suitable school to relocate their children'. Another submission highlighted a sense of devastation felt within school communities. Many of the submissions from Hall noted this experience.

The experience for Tharwa Primary School was also intensified by an amendment to the Education Act made in the Legislative Assembly shortly before the announcement of the Minister's decision. According to a submission from the Tharwa community, the amendment prevented them from pursuing their 'backup plan to open a community school'.

The amendment extended the approval process for new school to include existing schools seeking to register an additional campus. In deciding to give approval for a new school, the Minister would be required to assess whether 'the provision of the additional campus by the school would undermine the viability of other existing schools.' Viability was directly relevant to Tharwa school which was closed following the Minister's announcement.

Improving future consultations

The Committee found that there are groups within the ACT and region that have been deeply affected by the Towards 2020 reform proposal consultation process and that the consequence for these groups is that they are disillusioned with and distrustful of government processes. The Committee considered this perception of government to be an undesirable legacy and a poor public administration outcome. This outcome also rests starkly against contemporary democratic theory and research on the importance and value of maximising the opportunities for citizens to participate in government.

Citizen Centred Governance

The Committee believes that a feature of modern democratic systems is the increasing onus placed on governments and parliaments to engage with citizens on the issues that affect their community.

A recent initiative by the ACT Government to progress a "citizen centred

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87 Submission no. 15
88 Submission no 54
89 The Education Amendment Act 2006 (No2) [2006-57] was introduced on 4 May 2006 and passed by the ACT Legislative Assembly on 12 December 2006
90 Submission no 64, p 2
91 Education Act 2004 s84 (1A)
governance” model reflects a general awareness of the importance of engaging citizens in the processes of democracy.92 In outlining this approach, a ACT Government Discussion Paper observed that the initiative reflected:

a world-wide trend in public governance that incorporates citizen engagement. The OECD notes that engaging citizens in policy making is both a “sound investment” and a “core element of good governance” and that it “contributes to building in public trust in government”.93

3.39 The Committee noted that there had been community feedback on this ACT Government initiative (led by the Chief Minister’s Department) and that this feedback was generally supportive of a citizen centred approach. The feedback placed particular emphasis on consultation elements such as community engagement, accountability and access to information. According to the summary report (based on the sixteen submissions received) feedback indicated that active citizens draw a distinction between the theory of community consultation and the way they experience community consultation.

3.40 School closures were identified amongst past consultations that did not satisfy expectations.94 In particular, the feedback indicated that:

- consultation sometimes seemed to be conducted to satisfy the process requirements or to legitimise decisions already made;
- there was no real intention to take the community’s opinion into consideration in decision making;
- there was a lack of feedback;
- there was sometimes no acknowledgement of contributions;
- the Government’s response was not satisfactory; and
- there is a need to be assured that community views have been taken into consideration.95

3.41 The Committee noted the significance of this initiative and would encourage

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93 Chief Minister’s Department Citizen Centred Governance July 2008, p 3
94 Chief Minister’s Department Citizen Centred Governance: summary report of Submissions, February 2009 p 4 available at http://www.cmd.act.gov.au/publications Also noted were the closure of Griffith Library, changes to the Territory Plan and revised ACTION bus timetables consultation processes.
95 Chief Minister’s Department Citizen Centred Governance: summary report of Submissions, February 2009
the ACT Government to incorporate a democratic rationale into the framework for public consultations.

**RECOMMENDATION 6**

3.42 The Committee recommends that the democratic rationale of a citizen centred governance model be incorporated into the ACT Government’s community consultation and engagement guidelines and report to the Legislative Assembly on the progress.

**Proposed amendments to the *Education Act***

3.43 As a part of the Inquiry, the Committee also sought views on the amendments to the *Education Act 2004* which were introduced early in the Seventh Assembly by Ms Meredith Hunter MLA (Appendix D: Education Amendment Bill 2008). The objective of these amendments is to improve the consultation guidelines that must be followed by the Minister before a decision to close or amalgamate a school can be confirmed.\(^9^6\)

3.44 The proposed amendments to Section 20 would significantly augment the consultation required of the Minister before closing or amalgamating a school and establish a two phase consultation process over an 18 month period. The first phase of six months would canvas possible alternatives (clause 5a). The second phase would involve a twelve month consultation with the affected school community (clause 5e). The timing for closure of a school would also be specified at not less than six months (clause 8 and 9).

3.45 The proposed amendments would also introduce requirements that the consultation should be ‘open, equitable, respectful and transparent’ (clause 7b) and designed to maximise community participation (clause 7di). An additional clause (clause 9) would include within the definition of school community:

- the members of the community affected by closing or amalgamating the school, including the students at the school, the students’ families, the school boards and the greater community.

3.46 The Inquiry generated some mixed views about the proposed amendments. Some submitters considered that it would not prevent future governments from conducting "tick a box" consultations. Others, however, considered that it would add another level of protection against superficial engagement with the

community.

3.47 Different stakeholders viewed the extended consultation period as either too long or too short depending upon the particular interest they considered should be satisfied by a consultation process. For instance, the ACT Principals' Association noted that the 'majority of our Association would think that around six months was long enough'.97 Members of the community, however, noted the need to accommodate the full-time obligations of busy parents who usually act in a volunteer capacity to support their school communities. Many of the submissions to the Inquiry highlight the enormous amount of time spent by parents in researching and writing submissions to the government about the Towards 2020 reform proposal.

3.48 The Committee agreed that this represents an unreasonable burden on school communities. However, some of the work undertaken by these communities reflected confusion about the criteria for the consultation. Better definition of the consultation framework would be essential.98

3.49 The Committee also noted an amendment to the Education Act proposed by Mrs Dunne MLA in 2006 which set out a schedule for community consultation.99 The amendment was not passed by the Legislative Assembly.

3.50 On this matter, the Committee's view was influenced by the evidence provided by Dr Alison Ziller (whose evidence on social impact assessment is discussed in detail in chapter 4) who advised the Committee that:

I am a consultant. The iron law of consulting is that never is enough consultation done and after you have letterboxed every street and house, most of them did not get it. However, there are two ways to ameliorate that. People feel very upset about it, and I understand why that is. There are two ways around that. One is that what you did is really transparent. Nowadays people put things on the website, it stays there for a minute and a half and it is not there any more. So it is available, you can track it, you can see that they said they did this and they did that. The second is you do not have very short time periods for comment and you do not try and put a massive change through in a very short period of time. All of

97 Mr Bruce, Transcript of evidence 13 May 2009, p 96
98 See for instance, Submission no 36; Submission no 37; Submission no 70; Submission no 73; Submission no 76;
99 Education Amendment Bill 2006 (no 3). The Bill was introduced into the Legislative Assembly on 16 August 2006 and negatived on 18 October 2006.
those things will fester the idea that we were not consulted, whether or not we were. 100

3.51 The committee considered that although there were mixed opinions about the optimum duration of the consultation period, the major issues of concern that were raised to the committee were mostly about the way the consultation was conducted as well as concern that such a substantive number of school closures did not form part of the Government’s election platform. As extending the minimum period for consultation could exacerbate many of the concerns raised by school communities, the committee considered that the focus should be on ensuring effective consultation rather than an extension of the minimum time required under the Act.

RECOMMENDATION 7

3.52 The Committee recommends that the consultation period of at least six months be maintained for individual school closures as set out in section 20 of the Education Act 2004 and that consultation should incorporate a social impact study.

RECOMMENDATION 8

3.53 The Committee recommends that any mass school closures or changes to the education system on a scale of Toward 2020 should in future be taken to the electorate as an election policy in the preceding election.

100 Dr Alison Ziller, Transcript of evidence 21 July 2009, pp 159-160
4 EVIDENCE-BASE FOR TOWARDS 2020

4.1 A number of submissions to the Inquiry contained very detailed analyses of inconsistencies in the evidence base. The Committee does not intend to comment on all facets of these analyses, or their veracity, but would draw attention to the major submissions by Flynn, Hall, Tharwa, Melrose and Cook communities posted on the Inquiry web-page.101

4.2 Key aspects of the evidence-base identified included:

- Adequacy of the assessment of the social impact.
- Appropriate school size;
- Veracity of the demographic and other statistical information; and
- Evidence of educational outcomes.

4.3 The Committee has detailed some of these matters in this chapter.

Social impact assessment

4.4 Clearly, the impact on the ACT of the Towards 2020 reforms were significant. Communities associated with closed schools were most affected, while some other school communities experienced little change. The ACT Parents and Citizens' Association and the Australian Education Union raised the disproportionate impact on the communities of those schools which were closed.

4.5 The Committee noted that section 20 of the Education Act 2004 requires the Minister to undertake a social impact assessment prior to making a determination to close a school. At the hearing the Committee sought clarification from the Minister as to the social impact assessment process followed.102 The Minister directed the Committee to the Government’s submission and Attachment T: Notice of Decision, Statement of Reasons.103

4.6 The Committee had concerns that the documents referred to by the Minister did not provide a comprehensive assessment of the social impacts and

102 Ms Bresnan, Transcript of evidence 13 May 2009, p 106
103 Mr Barr, Transcript of evidence 13 May 2009, p 108
subsequently sought expert advice on what might be considered an adequate social impact assessment for a major reform process.

4.7 Dr Alison Ziller, Director of the Australia Street Company met with the Committee on 21 July 2009. Dr Ziller noted that while she ‘was not here to comment on the facts of the matter’ before the Committee, she had had a ‘brief, cursory look at some of the materials on the [Inquiry] website’.104

4.8 Dr Ziller advised the Committee that ‘impact assessment is a way of formalising and structuring good decision-making processes’105 and it is generally accepted that effective social impacts analyses are:

- Not the same as cost-benefit analyses;
- Concerned with both qualitative and quantitative impacts;
- Focused on a clearly defined and articulated change;
- Intended to identify probable outcomes;
- Able to be assessed against defined criteria;
- Not a measure of the appropriateness of a change;
- A part of the overall picture to assist in a final decision;
- Aware of immediate and future impacts of a decision;
- Able to assess the differential impacts of a decision;
- Not the same as consultation; and
- Conducted in such a way to ensure that they are independent and transparent.106

4.9 In undertaking a social impact, Dr Ziller emphasised the importance of timeframes to the scope of the assessment observing that this should be consistent with ‘the timeframe that justified the decision’.107 Dr Ziller advised the Committee that:

with respect to something like closing a school and taking account of demographic change, you had to be talking about 20 years; you had to be looking at least that far ahead...You would have to take into account the possibility that there were no children in the school at the moment, or six,

104 Dr Ziller, Transcript of evidence 21 July 2009, p 144
105 Dr Ziller, Transcript of evidence 21 July 2009, p 144
106 Dr Ziller, Transcript of evidence 21 July 2009, pp 144-146
107 Dr Ziller, Transcript of evidence 21 July 2009, p 146
20 or whatever it was, but that things would change quite dramatically within that time frame, in which case the precautionary principle would suggest that you would be ready for it.108

4.10 The Committee noted that the Towards 2020 reform proposal anticipated the structure of the public school system for the next fourteen years.

4.11 Also of importance, according to Dr Ziller, was a clear understanding of the diverse communities which might be affected by the decision. In the case of schools closures, the communities could include intergenerational communities, such as children not yet at attending their neighbourhood school and minority communities, such as Indigenous or English as a second language (ESL) groups who have come to rely on a culturally aware service provided by the particular school. In the submissions to the Inquiry, the Committee was informed of the impact on families whose interests could be characterised in these diverse terms rather than simply the 'general school community'.109

4.12 It was not clear to the Committee from the information provided with the ACT Government’s submission, whether the impact on diverse communities was assessed. Furthermore as Dr Ziller observed of the Notice of Decision, Statement of Reasons provided:

the minister’s statement is a summary. I could not tell whether the summary was based on three volumes of analysis or half an hour’s chat with the head of the department. It probably was not either of those, but I could not tell. And you cannot tell from looking at the statement of reasons.110

4.13 Also of relevance to a social impact assessment, according to Dr Ziller, would be the impact of a decision for the whole of the ACT community, including any benefits that might accrue to other school communities through the reallocation of available funds through the system. Some of these benefits were highlighted by the Minister in the Notice of Decision, Statement of Reasons.

4.14 The Committee was not able to establish from the information provided or

108 Dr Ziller, Transcript of evidence 21 July 2009, p 146
109 See Submission no 21; Submission no 22; Submission no 23; Submission no 29; Submission no 58; Submission no 64. See also the sections on special needs students in the Notice of Decision provided the Minister on request to affected schools – some of these documents are available at http://www.parliament.act.gov.au/committees/index1.asp?committee=117&inquiry=765&category=18
110 Dr Ziller, Transcript of evidence 21 July 2009, p 149
from questions to the Minister whether a comprehensive social impact assessment of the kind described by Dr Ziller was undertaken prior to the decision. However, the Minister inferred at the hearing that ‘a social impact statement along the lines of an environmental impact statement was not undertaken…Nor was it required.’ 111

4.15 Notwithstanding this view, the Committee considered that the process and analysis used in meeting the requirement of the Education Act should have been transparent and accessible to the ACT community prior to, and accompanying delivery of, the decision. On this issue, the Committee considered it important to highlight Dr Ziller’s advice about an effective social impact analysis:

In order to do it properly, you would need to see the argument for each of the proposed changes and you would want to see that that argument was embedded in the international research literature and that they had looked at each individual case to see what those impacts would be in that place. I could not tell whether they had done that. What I did think about it was that it was a large piece of work. There were two aims and there were 23 sites involved; that is a very big change.

There are two things about that. One is that it takes people time to adjust to large changes, and it is often a better idea to not do it in one fell swoop like that. But the second thing is that if it is a large piece of work then you have to allow enough time for it to be done and for people to participate in the unfolding of the information and the unfolding of how the decision making is going, and for the research to come in. 112

4.16 A thorough analysis of the objectives of the proposal and potential impacts on the communities would have provided decision-makers with a more nuanced understanding of the issues at stake for the ACT and provided members of the public with an opportunity to comprehend the components of the restructure. Such an impact assessment could have improved the consultation process and could have made the decision making process more transparent to the community as a whole.

4.17 Dr Ziller also advised the Committee on the value of social impact assessments

111 Mr Barr, Transcript of evidence 13 May 2009, p 108
112 Dr Ziller, Transcript of evidence 21 July 2009, p 148. See also the Planning Institute of Australia National Position Statement on Social Impact Assessment which has been included as Appendix E of this report.
as a way for decision makers to develop mitigation strategies to offset the impact of change. The Committee considered that there would be advantages to conducting a social impact assessment at this stage to address some of the affects being felt by the communities most affected by the change. The Committee is of the view that this assessment would identify many of the issues that have already been raised during this Inquiry. More importantly, however, such as assessment should provide some direction for the restoration of optimism in government processes and connectedness within these communities.

RECOMMENDATION 9

4.18 The Committee recommends that the Minister for Education undertake a social impact assessment of the Towards 2020 reform process and report back to the Legislative Assembly on the findings. The social impact assessment should document the social impacts that have occurred as a consequence of the Towards 2020 implementation process and establish whether mitigation strategies deployed have been adequate.

RECOMMENDATION 10

4.19 The Committee recommends that the ACT Government develop comprehensive, public guidelines for the conduct of public social impact assessments for any closures or amalgamations of ACT schools and similar high impact Government service decisions.

Identified impacts on school communities

4.20 The ACT Council of Social Service (ACTCOSS) advised that, although they had not undertaken a systematic analysis of the impact of school closures, anecdotal evidence suggested that:

as anticipated, some families have seen increased costs around transport; they have seen increased stresses brought about by change. Low-income families or families facing disadvantage are less well equipped to deal with significant change, and these are significant changes for the entire family. The shift in relationships around the community that was there has impacts on those families being able to immediately turn to friends

\[113 \text{ Dr Ziller, Transcript of evidence 21 July 2009, p 151} \]
for support. It also impacts, as I said, in terms of the cost of transport and supporting the delivery of kids to the school door. A range of programs exist that encourage walking, but if there are not schools within walking distance it turns to long bus trips or the use of the family car, which have both environmental and economic impacts.114

4.21 As many of the submissions to the Inquiry pointed out, the implementation of this restructure presented other difficulties for a number of families of students now unable to walk to school and now reliant on public or private transport options. The Committee noted the environmental impact arising from the increased reliance on cars to transport some children to schools no longer within walking or cycling distance from home.115 The Committee also noted, however, that significant numbers of students attend ACT schools which are out of their priority enrolment area and thus rely on public and private transport.

4.22 The Towards 2020 Consultation Report prepared following the six month consultation period with the community noted that a number of submissions: focused particularly on the importance of preschool and primary aged children being able to walk or ride to school and the consequent social and health benefits to them and their families.116

4.23 Notwithstanding the fact that each relocating student was provided with a one-off relocation allowance of $750, the Committee believes that this burden on families of relocation has not been fully assessed. The Minister advised the Committee that:

the number of students affected by the changes represented somewhere around five per cent of the total student population in the ACT and that the benefits that have flowed from those changes have gone to 100 per cent of students across the ACT.117

4.24 Some receiving and restructured schools also made submissions to the Inquiry. Chapman Primary School Parents and Citizens Association noted increased traffic around the school had only recently been improved. Bus time tables have not adapted to school finish times, requiring some students to wait for up

114 Ms Dundas, Transcript of evidence 30 April 2009, p 11
115 Submission no 37, p 11
117 Mr Barr, Transcript of evidence 13 May 2009, p 106
Furthermore, this school has observed as an anomaly in the Weston Creek region with parent at the school preferring a Preschool to year 6 model, ‘over the past 2 year, an average of only 4 children has opted to attend the Year 6 program at Stromlo High’. It is not clear to the Committee how successful this reconfiguration will be given the overlap between primary schools in the area with the high school. According to the 2009 school census figures, there are forty-one Year 6 students at Stromlo High School. This figure represents approximately six per cent of the total school population of 688 students.

During the Inquiry, the Committee visited Melba-Copland Secondary School to discuss the reconfiguration process with the Deputy Principal. The Committee understands from the visit that the restructure had been relatively smooth and this had been supported in the initial stages by a steering committee comprised of family, students and staff from both campuses. Of the logistical challenges involved, a key issue had been to establish effective information and communication systems across both campuses. The Committee was advised during the visit that the amalgamations had extended the curriculum capacity of the school and allowed teachers to better cater to individual student needs.

### Preschool experiences

As a part of the Towards 2020 reform proposal, the management arrangements for preschools significantly changed. The implementation of this proposal meant that ‘each discrete preschool became an integrated unit of a government primary school.’

It appeared that for parents involved in the preschool sector, there had been both advantages and disadvantages from this change. One submission highlighted improved preschool teacher support and professional development opportunities. It also noted the benefits of easier transitions for children moving into the kindergarten class of the host primary school the following year. The Canberra Preschool Association (CPA) observed, however, that a proportion of preschool students will move to Catholic or independent schools for their primary school education which lessened the

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118 Submission no 11
119 On 28 July 2009, the Committee visited three schools (see Appendix B: Public hearings and Visits)
120 Canberra Preschool Society, Submission no 74, p 4
121 Submission no 13
advantage to this group of students.\textsuperscript{122}

4.29 More substantial concerns were raised about the autonomy of the preschools under the new configuration. The Committee was informed of pressures to integrate preschool learning into the programming of the whole school even though children in this young age group benefit from play based learning.\textsuperscript{123} At one hearing the CPA advised that:

Programming in a play-based environment for children at four years old—some of them actually come into the preschool at 3½ years old—is a dynamic process...expecting the preschool teacher to integrate their whole program into the school’s program months in advance does not sit with the early learning structure which is advocated in the curriculum framework.\textsuperscript{124}

4.30 According to the CPA, the restructure arising from the \textit{Towards 2020} reform proposal also changed the long standing partnership between the Department of Education and Training and the parents of the each preschool. The role of the principal in the new configuration had, in some cases, caused difficulties and a number of preschools associations reported being marginalised or pressured to wind-up their associations.\textsuperscript{125}

4.31 The CPA indicated that the governance model sustaining the relationship between primary schools, their boards and the parents of preschool children had yet to be adjusted. The requirements set out in the \textit{Education Act 2004}, were no longer effective or able to sustain the previous partnership between the Department and the parents of preschool children. In their submissions, the CPA proposed a number of amendments to the \textit{Education Act 2004} as a way of reconciling the new and old governance model while retaining some autonomy for the preschool. This would include ensuring representation of preschool parents on the school board.

**RECOMMENDATION 11**

4.32 The Committee recommends that the Department of Education and Training ensures that Primary Schools Boards with governance responsibilities for amalgamated preschools include a member of the Preschool Parents Association.

\textsuperscript{122} Submission no 13. See also Mrs McCaughan, \textit{Transcript of evidence} 1 May 2009, p 76

\textsuperscript{123} Mr Darcy, \textit{Transcript of evidence} 1 May 2009 p 75. See also Submission no 27, p 4

\textsuperscript{124} Mr Darcy, \textit{Transcript of evidence} 1 May 2009, p 75

\textsuperscript{125} Submission no 13, p 8
Consequences for Playgroups

4.33 The ACT Playgroups Association also submitted to the Inquiry and raised concerns about the impact of the school restructure process to a number of active community playgroups. The Association advised that:

Prior to 2006 almost 85 percent of ACT Government pre-schools hosted community playgroups. That figure is now closer to one quarter.126

4.34 According to the Association, this reduction does not reflect a reduction in the number of playgroups but to the closure of a number of ‘pre-schools as safe and appropriate playgroup venues.'127 The Association advised the Committee that:

We believe that this reduction is entirely due to the closure of preschools and the flow on effect that this has had on the availability of neighbouring sites. The closure of ten preschools in the ACT has had a significant impact on the wider community that accessed these sites. Over fifty playgroups have ceased operation completely due to preschool closures, the flow on of increased demand at neighbouring sites and the lack of alternative local, affordable and safe venues. Hundreds of families have been left without their regular support mechanism. In addition, playgroups established for disadvantaged families, those from different cultural groups and with special needs have been left without a venue and have therefore ceased. Much of this has happened with little or no notice and certainly without consultation or engagement of local groups.128

RECOMMENDATION 12

4.35 The Committee recommends that the ACT Government include, as a part of the social impact assessment to be undertaken, the effect of preschool closures on the operation and viability of playgroups in the ACT.

126 Submission no 39, p 1
127 Submission no 39, p 1
128 ACT Playgroups Association, Submission no 39, pp 1-2
Impact on Hall and Tharwa village communities

4.36 The evidence provided to the Committee indicated that the impact on some communities has been extensive and possibly unanticipated by Government. While the Committee has noted the Government’s position that re-opening closed schools would not be an option, the evidence received during this inquiry in regard to the two village communities of Hall and Tharwa was compelling. Both are fringe urban communities and are valued for their heritage and rural connections. The school population for both schools was drawn from elsewhere in the ACT and from regional NSW. These considered to be long standing communities with a history which pre-dates their inclusion in the jurisdiction of the ACT.

4.37 The Committee received twenty-five submissions (thirty-three percent of the total) from members of the Hall community and all advocated that the Hall Primary School be reopened.

4.38 The Committee received one submission from the Tharwa community, but that submission characterised a ‘resilient rural community for over 100 years [which] has been dramatically weakened and disconnected from Canberra’ following the closure of the primary school.\(^{129}\)

4.39 Impacts identified by these community included:
- Loss of social interaction and community identity;
- Additional pressures on work/family life;
- Loss of children’s friendship networks;
- Impact on the health;
- Affect on educational outcomes for children in larger school;
- Less support for special needs students;
- Ongoing costs associated with additional travel;
- Loss of key community institution which sustained special environment and community health focused projects; and
- Loss of heritage use of site

\(^{129}\) Submission no 64, p 1
RECOMMENDATION 13

4.40 The Committee recommends that, based on the demographic, educational, social and economic evidence presented during the Inquiry, that the Government immediately commences the process to reopen the Hall and Tharwa Primary Schools.

Evidence on school size

4.41 The Government evidence to the Inquiry, confirmed a proposition put during the consultation and decision-making phases of the Towards 2020 reform process that the best size for a primary school ranged between 300 to 400 students.'130

4.42 The Committee also heard from the Mr Murray Bruce, Co-President of the ACT Principals Association that the Association had:

not articulated it in terms of a specific number as such, but there is certainly a view that you can reach a point when viability is a difficulty for you, although there is no one size fits all because some people loved their small community and the clientele were extremely happy with it—they actually wanted that kind of a setting—and the staff were fairly contented. But we also did often receive information that “there is just too much pressure, it’s too hard, we can’t do the range of tasks asked from us” and we were worried about the inequity of per capita funding that flows from having schools that are too small. If I was asked personally to say what is a roughly ideal size for a primary school, I think around 200 to 400 is a lovely size for a primary school.131

4.43 The Committee noted that the distinction made by Mr Bruce between size and quality and that a slightly different range of student numbers was proposed as an ideal primary school size.

4.44 The Government submission cited Professor Brian Caldwell’s research as evidence that ‘from an educational perspective, an appropriate and effective size for a primary school is 300 to 400 students.’132

4.45 The Committee noted, however, that the figure quoted has been drawn from a

130 ACT Government, Submission no. 3, p 20
131 Mr Bruce, Transcript of evidence 13 May 2009, pp 94-95
132 ACT Government, Submission no 3, p 20
North American literature review rather than Australian research. This review was cited by Professor Caldwell to highlight that there is little agreement on size but that there has been agreement that quality of schooling is a more important factor affecting student educational outcomes. The paper also identifies the educational benefits of small schools.

4.46 The Committee also observed that Professor Caldwell’s briefing paper has also been cited in the *Notice of Decision* provided to a number of school communities following determinations to close their respective schools. In one statement of reasons, the school community was advised that 'based on a recent Australian study by Professor Brian Caldwell (2005), the appropriate and effective size for a primary school is between 300 and 400 students.'

4.47 The Committee wrote to Professor Caldwell seeking clarification on the inferences that could be drawn from his research paper. The correspondence from Professor Caldwell is attached to this report (Appendix F: Correspondence). On the origin of the briefing paper, Professor Caldwell advised the Committee that 'an earlier version of the briefing paper...was commissioned to provide advice on the provision of secondary education among a group of schools in one region of a state system of education in Australia.'

4.48 Following slight amendments, a version of the paper was posted on-line. This on-line version is Attachment O referred to and provide with the Government's submission.

4.49 Professor Caldwell clarified for the Committee that:

> The reference to an appropriate and effective size of a primary school being in the range of 300-400 students is drawn from Cotton’s review of research in which she cites one of 49 primary sources (Williams, 1990). However, the key messages in my paper and in Cotton's review are that there is no clear agreement among researchers and educators about what constitutes a 'small' school or a 'large' school, and (citing Cotton): 'research has repeatedly found small schools to be superior to large

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135 Professor Brian Caldwell, Correspondence dated 12 August 2009
schools on most measures and equal to them on the rest’. These findings are clear in my paper and Cotton’s report.136

4.50 In writing to Professor Caldwell, the Committee also asked for him to confirm whether or not he had advised on the applicability of these research findings to the Australian, or ACT, educational context. Professor Caldwell informed the Committee that he had not advised on the applicability of these research findings on school size in the ACT or Australian context. More particularly, there is to my knowledge no evidence to support a conclusion that primary schools of less than 300-400 students are necessarily less educationally effective because of their size.137

4.51 Professor Caldwell highlighted for the Committee the concept of "personalised learning’ for all students regardless of the size of the school. The value of a 'personalised learning’ approach is supported by current educational research and practice.138 The value of a small school when it comes to student care, and the consequent educational outcomes, is supported by current international and ACT educational research and practice.139

4.52 The Committee also sought clarification from the Minister who confirmed for the Committee that 'no additional research was provided by Professor Caldwell'.140 (See Appendix F: Correspondence)

4.53 The Committee has concluded that the Professor Caldwell’s research had been used to support a particular policy conclusion when, as Professor Caldwell has indicated, it supports the provision of quality education services in school settings of varying sizes including in small schools. The Committee also observed that this interpretation has been used to support a decision-making process without significant contact or verification of the interpretation from the author.

4.54 The Committee noted from the Towards 2020 reform proposal that the enrolments for each primary school closed were below the figure of 300-400

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136 Professor Brian Caldwell, Correspondence dated 12 August 2009
137 Professor Brian Caldwell, Correspondence dated 12 August 2009.
140 Minister for Education and Training, Correspondence dated 4 September 2009
identified by the Minister as being ideal.

Table 1: Closed primary schools - enrolment data used in the 2006 *Towards 2020* reform proposal

<table>
<thead>
<tr>
<th>Primary schools closed</th>
<th>Capacity</th>
<th>Capacity utilised</th>
<th>Actual enrolment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hall PS</td>
<td>175</td>
<td>73%</td>
<td>128 students</td>
</tr>
<tr>
<td>Rivett PS</td>
<td>250</td>
<td>28%</td>
<td>71 students</td>
</tr>
<tr>
<td>Melrose PS</td>
<td>175</td>
<td>46%</td>
<td>82 students</td>
</tr>
<tr>
<td>Tharwa PS</td>
<td>50</td>
<td>50%</td>
<td>25 students</td>
</tr>
<tr>
<td>Flynn PS</td>
<td>375</td>
<td>48%</td>
<td>179 students</td>
</tr>
<tr>
<td>Weston Creek PS</td>
<td>250</td>
<td>35%</td>
<td>88 students</td>
</tr>
<tr>
<td>Mt Neighbour PS</td>
<td>400</td>
<td>33%</td>
<td>131 students</td>
</tr>
<tr>
<td>Cook PS</td>
<td>150</td>
<td>91%</td>
<td>136 students</td>
</tr>
<tr>
<td>Village Creek PS</td>
<td>500</td>
<td>43%</td>
<td>240 students</td>
</tr>
<tr>
<td>Higgins PS</td>
<td>450</td>
<td>40%</td>
<td>191 students</td>
</tr>
<tr>
<td>Holt PS</td>
<td>450</td>
<td>40%</td>
<td>184 students</td>
</tr>
</tbody>
</table>

The Committee noted that school size can be a factor in considering the viability of a school. In their original submission to the *Towards 2020* reform proposal consultation, the AEU agreed with the proposition that low enrolments can impact on curriculum as well as the morale of the school community. The AEU noted, however, that:

This is particularly the case in secondary schools, where small size means that it is more difficult to offer a broad range of subject choices or to offer subjects at different levels of difficulty. A 'tipping point' is often reached at which parents exercise their choice of schooling by choosing to go elsewhere. As community support declines, the funding and voluntary contribution made by families also declines, and the result can be seen not only in impoverishment of the curriculum, but in deteriorating facilities, buildings, grounds and resources. At this point, no matter how
loyal the remaining families and how enthusiastic and committed the staff, the provision of quality education suffers, students suffer and staff experience stress.\textsuperscript{141}

4.56 The Committee concluded from this evidence that the basis for school closures were based on regional demographic trends and a policy position on the appropriate school size. As a second level factor, the composition of the school and the percentage of students from within the ACT were determinative.

**Demographic and other statistical information**

4.57 One of the submissions to the Inquiry highlighted a discrepancy in the projected enrolments for 2010 included in the Towards 2020 reform proposal which inflated the number of enrolments by up to 1000 students.\textsuperscript{142} Other submissions queried the relevance of such projections for a model intended to be in effect for a decade beyond.

**Demographic data**

4.58 Submissions raised concerns about the accuracy of the demographic data used to inform school enrolment projections noting that projections taken at the regional level were used to inform decisions at the individual school level.\textsuperscript{143} One submitter, a statistician by training, noted that while:

> overall demographic projections used for school closures were well based. However, the method used for individual schools projections were unreliable.\textsuperscript{144}

4.59 Another submitter explained that the demographic projections were:

> averages of whole of region NOT suburb by suburb. These were then used by the government to demonstrate suburb by suburb demands. In respect, comparing apples to oranges and not like to like.\textsuperscript{145}

4.60 At a hearing, the Committee heard from Mr Blackburn who explained that the

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\textsuperscript{141} Australian Education Union submission to the Towards 2020 consultation (2006) p 17 (attached to Submission no 36)

\textsuperscript{142} Submission no 71; See also submission no 66 and Submission no 76, p 43

\textsuperscript{143} Submission no 76, p 41

\textsuperscript{144} Submission no. 65, p. 1

\textsuperscript{145} Submission no 62 p 2. See also Appendix 1 to this submission
'consequence of that [methodology] was that all suburbs were assumed to be in a state of decline.'146 The conclusion drawn by the school community was that the ‘general trends were not applicable to Chifley’.147

4.61 As a part of the Chifley Action Group, members of the Melrose Primary School community undertook an extensive survey of the priority enrolment area for the school with the aim of correcting the record about the Towards 2020 reform proposal enrolment projections. Nonetheless, the same data was used during the consultations about the use of the former school site leading the committee to question again the connection between the consulter and the consulted.148

4.62 The Committee also noted during a visit to Torrens Primary School, the school teachers had observed a changing demographic in the area with more families with young families residing in the priority enrolment area. The proportion of local children in their enrolment figures had increased.

School capacity and attendance figures

4.63 Individual school communities raised concerns about the school capacity and attendance data and the conclusions which were subsequently inferred about their school.

4.64 For instance, the Village Creek Primary School suggested that an inflated figure had been used and capacity had been measured without regard to current configuration and operational requirements of the classroom space.149 Similar views were repeated during the Inquiry.150

4.65 Hall and Tharwa schools disputed the exclusion of students from NSW in their priority enrolment areas. As the Hall representatives informed the Committee:

The reality of living in the ACT means we have to deal with complex cross-boundary issues, yet Towards 2020 would not acknowledge the relationship between Hall and Hall district. Before closure, the primary school was thriving with 128 students, of whom 82 were from New South Wales. The majority of those New South Wales students have parents working in the ACT. Their children now go to other schools in the ACT,

146 Mr Blackburn, Transcript of evidence, 13 May 2009, p 85
147 Submission no 62, Attachment 1
148 Submission no 62, p 3
149 Village Creek SOS Committee submission to the Towards 2020 consultation at http://www.schoolparents.canberra.net.au/Village%20Creek%20PS.pdf, p 2
150 See Submission no 1; Submission no 5; Submission no 7; Submission no 8; Submission no 19; Submission no 38; Submission no 71.
as the P&C has just described. Something like 600 children are bussed through Hall on their way to or from ACT schools every day. It would be much more convenient and mean much less travel time if primary aged children could attend the school in Hall village.151

Another submission detailed how the composition of school attendance figures may have given an incomplete impression of the actual value of a particular school within the community by counting only those students attending a public school rather than all students (attending both public and private schools) in the priority enrolment area.152 According to this submission:

the percentage figures were not the "% of students who live in the priority enrolment area who attend the school", as misleadingly claimed, but, rather, the % of students who live in the priority enrolment area and attend public schools who attend the particular school referred to.153

By eliminating those students who attend private schools from the statistics, this configuration of the data would tend to inflate the sense of "value" of the school to the priority enrolment area residents. The submission cited Narrabundah and Dickson colleges to illustrate the statistical confusion, and noted that:

If all students were taken into account, including those who attended non-government schools, these percentage figures of 86% for Narrabundah College and 60% for Dickson College would reduce to about 37% and 35% respectively.154

**RECOMMENDATION 14**

The Committee recommends that data about school capacity be regularly reviewed by the Department of Education and Training and provided to each government school and the school community for endorsement. Where this data is disputed by the school or the community of interest, an independent review process should be established to resolve perceived discrepancies to the satisfaction of the school and the Department of Education and Training.

151 Ms Hall, *Transcript of evidence* 1 May 2009, p 45
152 Submission no. 75, p. B-2
153 Submission no 75 - Appendix B, p B-1
154 Submission no 75 - Appendix B, p B-3
In making a decision, the Minister advised the Committee to consider the context of the education system and the regional provision of services:

Look at the different education regions in the territory and look at areas where schools closed previously. North Canberra is my favourite example: we used to have Downer primary and Hackett primary, Watson high school and Dickson high school. Over time, recognising changing demographics, we have settled on a couple of amalgamations and a couple of closures that now mean that the schools in that region—North Ainslie primary, 295 students; Campbell primary, 327; Lyneham, 438; Ainslie, 437—are right in that ideal range. That includes their preschool components, so that is the sort of size that we want in our public primary schools. That provides the opportunity for specialist music, PE and art teachers. It means that the workload is fairly distributed across all of the teachers in the school. It means, for example, that they can field sporting teams and have school bands. The breadth of the curriculum is on offer.

Evidence of outcomes

As a part of the 2009 Estimates Inquiry, the Minister provided figures which highlighted the savings accrued from the schools closures. The Minister also advised of improvements to the current school infrastructure, including ICT.

However, the Committee was also aware that many of the communities affected continue to have concerns or doubts about the educational impact on relocated students. The Parents and Citizens Association submission proposed that:

The Department should release its study/research of the impact of the closure of each school on students, families and communities. Alternatively, such research should be completed immediately.

RECOMMENDATION 15

The Committee recommends that the Department of Education and Training undertake, and make publicly available, research on the educational outcomes for students relocated in ACT public schools as a consequence of the Towards 2020 restructure.

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155 Mr Barr, transcript of evidence 13 May 2009, pp 123-124
156 Mr Barr, Answer to question taken on notice no E09-604
157 Submission no 37, p 3
5 KEY FINDINGS

Key finding 1

5.1 The Committee finds that there had been no prior indication that a substantial change to the ACT education system was required with the result that such extensive reforms were not expected or well understood by the ACT community.

Key finding 2

5.2 The Committee finds that, from the outset of the public consultation, the Towards 2020 reform proposal was linked with the ACT Government’s budget considerations. The announcement of a major restructure of the education system in the context of a cost-cutting budget without details of the rationale for the proposal (reference by the govt to an unseen Strategic and Functional Review) was a poor foundation for community engagement. While the Committee does not conclude that the subsequent reforms of the school system were solely motivated by financial concerns, it was clear that some members of the public most affected by the outcomes considered this to be the primary motivation for the reform package.

Key finding 3

5.3 The Committee finds that while there was a need for reform and that some positive benefits have arisen from the Towards 2020 reform process, the public discussion required for such a major adjustment of the ACT public education system did not meet the standard required for genuine consultation.

Key finding 4

5.4 The Committee finds from the evidence provided that the consultation process resulted in

- Some school communities believing that they were in competition with each other to avoid closure.
- Significant number of ACT citizens expressed disillusionment with the consultation processes and subsequently, a negative perception of government.
- Disputes over the criteria informing the consultation and the Government’s decision-making process, and subsequently, the community did not have a
clear understanding of the terms of the consultation or the basis of the decision.

Key finding 5

5.5 The Committee finds that there were inconsistencies in the evidence base supporting the Toward 2020 reform proposal, including:

- Adequacy of the assessment of the social impact.
- Appropriate school size;
- Veracity of the demographic and other statistical information; and
- Evidence of educational outcomes.

Key finding 6

5.6 The Committee finds that, while having accepted the Minister’s position that the requirements of the Education Act in relation to the closure of a school were met, good public administration principles would suggest that a major restructure required a more strategic community engagement process.

Key finding 7

5.7 The Committee finds that a more reasoned and less pressured consultation process would have:

1. Highlighted the regional basis of future educational service delivery, identified demographic evidence and prospective need in these regions for community consultation, including opportunities to challenge and amend the data as necessary.

2. Provided a regional profile of current educational services to inform the consultation, including an indication of schools’ capacities, transport options, potential impact on local communities (numbers of students in local priority enrolment areas and local services surrounding schools such as preschools, shopping centres, sporting and other site activities).

3. Provided a formal proposal for restructure following consultation with each of the regions which was evidence-based (using data agreed by the communities of interest) and a statement of reasons for proposed approach to restructure/closures/annexations/reconfigurations and allow adequate consultation and undertake an independent social impact assessment.
4. Ensured a follow-up process is in place to track educational outcomes for students affected by any changes and to assure parents that education standards were a priority concern. This process should be conducted by an independent education consultant.

**Key finding 8**

5.8 The Committee finds that the provisions in the *Education Act* were not adequate for major restructurings of the education system as was undertaken as a part of the *Towards 2020: School Renewing Our Schools* program. The Committee believed that a more sophisticated public administration approach to sustainable public schooling is required and one which includes a citizen centred approach to decision-making about the services that most affect people’s lives.

**Key finding 9**

5.9 The Committee finds that the public administration and decision-making issues that arose during the *Towards 2020* reform proposal consultation process may not be avoided in the future if the scope and impact of major restructures to systems of service delivery are not properly considered.

Amanda Bresnan MLA
Chair
11 September 2009
Appendix A: Submissions

The following submissions were received and can be viewed on the Legislative Assembly website¹⁵⁸:

<table>
<thead>
<tr>
<th>No</th>
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<tbody>
<tr>
<td>1.</td>
<td>Rosemary Blemings</td>
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<td>2.</td>
<td>Hugh Watson</td>
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<td>3.</td>
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<td>4.</td>
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<td>A.L Jaques</td>
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<td>Natalie Wilkins</td>
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<td>71</td>
<td>Dianne McGrath</td>
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<td>Gavin Mansfield</td>
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<td>75.</td>
<td>Mark Drummond</td>
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<td>76.</td>
<td>Save our Schools</td>
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Appendix B: Public hearings and visits

The following hearings\textsuperscript{159} were held and witnesses who appeared are listed below.

Public Hearing of 30 April 2009

- Mr Trevor Cobbold, Convenor, Save Our Schools
- Ms Roslyn Dundas, Director, ACT Council Of Social Service
- Ms Penny Gilmour, ACT Branch Secretary, Australian Education Union
- Mr Mark O’Neil, Vice President, ACT Council Of Parents & Citizens Associations
- Mrs Elizabeth Singer, President, ACT Council Of Parents & Citizens Associations

Public Hearing of 1 May 2009

- Mr Alistair Crombie, President, Village Of Hall And District Progress Association
- Mr John Darcy, Secretary, Canberra Preschool Society
- Ms Amanda Faulds, Treasurer/Executive Officer, Canberra Preschool Society
- Mrs Penelope Haisman, President, Hall Primary School P&C Association
- Ms Jo Hall, Member, Village Of Hall And District Progress Association
- Mrs Maryann Harris, Secretary, Hall Primary School P&C Association
- Mr Eric Robert Hines, Spokesperson, John Flynn Community Group
- Mr Gary Johnston, President, University Of The Third Age for the ACT
- Dr Jill Karotam, Member, John Flynn Community Group
- Ms Melinda Mary Leahy, Public Officer, Flynn Primary School P&C Association
- Ms Jennifer Lewis, Treasurer, Hall Primary School P&C Association
- Mrs Tracy Mccaughan, President, Canberra Preschool Society
- Mr Brendan Morling, Secretary, Cook Primary School P&C
- Ms Debbie Newton, Ex-Public Liaison Officer, Cook Primary School P&C Association
- Mr Roger Nicoll, President, Flynn Primary School P&C Association

\textsuperscript{159} Transcripts from the hearings can be accessed via the Legislative Assembly website: http://www.hansard.act.gov.au/hansard/2009/comms/default.htm
- Mrs Cathy Nicoll, Member, Flynn Primary School P&C Association
- Ms Judy Small, Child Care Director, Baringa Child Care Centre
- Mr Crispin Walker, Member, Cook Primary School P&C Association

Public Hearing of 13 May 2009
- Mr Andrew Barr, Minister for Education And Training
- Mr Michael Battenally, Co-President, ACT Principals Association
- Mr Keith Blackburn, Former Statistician
- Mr Murray Bruce, Co-President, ACT Principals Association
- Mr Alasdair Roy, Children And Young People Commissioner, Act Human Rights Commission
- Ms Brianna McGill, Adviser, Children And Young People, Act Human Rights Commission

Public Hearing 21 July 2009
- Mr Karim Haddad, Member, Tharwa Community
- Dr Alison Ziller, Director, Australia Street Company

Visits

The Committee visited the following ACT public schools during the Inquiry:

Public school visit on 28 July 2009
- Miles Franklin Primary School
- Melba Copland Secondary School
- Torrens Primary School
Appendix C: *Towards 2020* - Summary of Decisions
<table>
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<td>• Flynn</td>
<td>Curtin Primary School</td>
</tr>
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<td>• Rivett</td>
<td>• Hall</td>
<td>Forrest Primary School</td>
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<td>• The Causeway</td>
<td>• Melrose</td>
<td>O'Connor Cooperative School</td>
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<td>• Mt Neighbour</td>
<td>• Hall</td>
<td>Red Hill Primary School</td>
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<td>• Rivett</td>
<td>• Hackett</td>
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<td>• Tharwa</td>
<td>• Melba</td>
<td>Yarralumla Primary School</td>
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<td>• Weston Creek</td>
<td>• Mt Neighbour</td>
<td>Alford Deakin High School</td>
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<td>• Reid</td>
<td>Campbell High School</td>
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<td>• South Curtin</td>
<td>Kaleen High School</td>
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<td>• Tharwa</td>
<td>The Woden School</td>
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<td></td>
<td>• Weston Creek</td>
<td>Wanniassa School (two sites)</td>
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<th>Schools to change from 2007</th>
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<td>Stromlo High School to operate year 6 –10</td>
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<th>Schools to close of 2007</th>
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<td>Preschool sites at</td>
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<td>• Macarthur</td>
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<td>• Page</td>
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<td>Kambah High School</td>
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<td>Primary Schools at:</td>
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<tr>
<td>• Village Creek</td>
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<tr>
<th>Preschools to amalgamate with primary schools P – 2, P – 6 and P – 10</th>
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<tbody>
<tr>
<td>Chisholm Community School P-10 established</td>
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<tr>
<td>• Integrating Chisholm Preschool, Chisholm Primary School and Caroline Chisholm High School</td>
</tr>
<tr>
<td>Harrison P- 10 school established</td>
</tr>
<tr>
<td>• Accepting enrolments in years P - 6</td>
</tr>
<tr>
<td>Hawker Collegiate established</td>
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<tr>
<td>• Closer links with Hawker Preschool, Hawker Primary School, Belconnen High School and Hawker College</td>
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<td>Preschool sites at</td>
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<tr>
<td>• Isabella Plains #</td>
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<td>P – 2 early childhood schools at</td>
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<td>• Lyons</td>
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<td>• Narrabundah</td>
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<td>• Southern Cross</td>
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| West Belconnen School P – 10 established |

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<th>Schools to change of 2010</th>
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<tr>
<td>Gungahlin Secondary College established</td>
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<th>Schools to close in 2010</th>
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<tr>
<td>Village Creek Preschool</td>
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<th>Schools to change of 2011</th>
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<tr>
<td>Tuggeranong P – 10 school established</td>
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# Preschool programs will continue to operate within the primary school site
Appendix D: Education Amendment Bill 2008

A Bill for an Act to amend the Education Act 2004 presented by Ms Meredith Hunter MLA to the Legislative Assembly on 10 December 2008.
Education Amendment Bill 2008

A Bill for

An Act to amend the Education Act 2004

The Legislative Assembly for the Australian Capital Territory enacts as follows:
This Act is the *Education Amendment Act 2008*.

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see *Legislation Act*, s 75 (1)).

This Act amends the *Education Act 2004*.

*Establishing government schools etc*

*Section 20 (5) and (6)*

*substitute*

(5) Before closing or amalgamating a government school, the Minister must take the following steps:

(a) tell the school community that the Minister is considering closing or amalgamating the school and the reasons why;

(b) consult with the school community for at least 6 months to identify alternatives to closing or amalgamating the school;

(c) obtain and have regard to an independent and comprehensive cost-benefit analysis of the direct and indirect educational, environmental, financial and social impact of closing or amalgamating the school on the school community;

(d) publish a proposal to close or amalgamate the school in a daily newspaper circulating generally in the ACT;

(e) consult with the school community for at least 12 months after the proposal is published;
(f) explain to the school community how the school community’s views have been taken into account in making the final decision.

Section 20 (7) (b)

substitute

(b) consultation should be open, equitable, respectful and transparent;

Section 20 (7) (d) (i)

substitute

(i) relevant information is provided in a timely, equitable and accessible way to enable maximum community participation in debate about the proposal; and

New section 20 (d) and (e)

insert

(8) The Minister must not close or amalgamate a government school before the later of—

(a) 6 months after the final decision was made; and

(b) the end of the school year in which the final decision was made.

(9) In this section:

school community, in relation to a school that is proposed to be closed or amalgamated, means the members of the community affected by closing or amalgamating the school, including the students at the school, the students’ families, the school board and the greater school community.
Endnotes

1  Presentation speech
   Presentation speech made in the Legislative Assembly on 2008.

2  Notification
   Notified under the Legislation Act on 2008.

3  Republications of amended laws
   For the latest republication of amended laws, see www.legislation.act.gov.au.
Appendix E: Social Impact Assessment

BACKGROUND

Impact assessment is a method for predicting and assessing the consequences of a proposed action or initiative before a decision is made. The aims of impact assessment are better decision making processes and better outcomes from decisions.

Economic and environmental impact assessments are well established processes in planning and are widely used. Social impact assessment (SIA) refers to the assessment of the social consequences of a proposed decision or action, namely the impacts on affected groups of people and on their way of life, life chances, health, culture and capacity to sustain these. A triple bottom line approach to planning decisions includes social impact assessment in impact assessment processes.

To date, most planning practice has given less attention to social impact assessment than to environmental and economic impact assessment. Many impact assessments omit social issues altogether while others consider too narrow a range of issues. It is common to find that demographic profiling and community consultation have been substituted for social science research findings and that the impact statement is based on speculation rather than assessment. There is a widespread failure to apply the core sustainability principle of intra-generational equity to impact assessment. As a result of these practices, PIA is concerned that actions have sometimes been taken, and decisions made, on an ill-informed basis and which did not foresee some serious social consequences before they eventuated.

PIA POSITION

1. Impact assessment is an important part of planning and decision making processes.

2. Proposals for change which require an environmental or economic impact assessment also require a social impact assessment.

3. Social impact assessment of policies or plans should be sufficiently robust to anticipate the impact of proposals made under the plan and minimise the need for further assessment.

4. Without limiting the matters in regard to which a social impact assessment may be appropriately required, proposals for:
• larger developments, including: major retail, sports or social infrastructure proposals,
• a significant change of land use, including: new highways, loss of agricultural land
• sale or rezoning of publicly owned land,
• new planning policies and plans and amendments to them, and/or
• controversial uses or increases in intensity (eg brothels or gun shops,
or of gaming or liquor outlets),

should be fully assessed for their social impacts in a SIA.

5. Social impact assessment should be undertaken by appropriately trained and qualified personnel using rigorous social science methodologies and with a high degree of public involvement.

6. A social impact assessment should be a public document.

POLICY PRINCIPLES

PIA recognises that planning practitioners are increasingly aware of the importance of social impact assessment and that inadequate treatment of social issues in impact assessment is not good practice. This policy statement supports good impact assessment practice by planning practitioners and the improvements in planning and decision making which SIA is intended to achieve.

A number of guidelines are available to assist social impact assessment practitioners. These documents confirm that the following are critical aspects of an adequate SIA:

i. The process is undertaken by a competent, professional social scientist and uses rigorous social science methodologies.
ii. The process includes effective, timely and transparent public involvement.
iii. The baseline (pre-change) situation is adequately researched and documented.
iv. The scope of proposed changes is fully described.
v. Examples of similar changes are identified for comparison.
vi. The probable impacts are fully identified, including impacts likely to affect minority groups, marginalised groups, different age, income and cultural groups and future generations.
vii. Direct as well as indirect, long term and short term, positive and negative, passing and accumulating impacts are identified.
viii. The relative equity of impacts is identified. It is important to identify how the benefits and losses will be distributed to different sections of the community.
ix. Impacts over time and location are considered (e.g. local as opposed to state and national benefits and losses.)

x. Impacts which are not amenable to precise measurement are not excluded from consideration – the assessment is an evaluation
xi. A review mechanism is included where appropriate.

xii. The precautionary principle is applied in making an assessment.

A social impact assessment may give rise to recommendations for mitigation if the proposed change goes ahead. Like social impacts, mitigations should be properly researched to establish their effectiveness in dealing with identified impacts and should address inter-and intra-generational equity. However, mitigations are not impacts of the proposed change.

**THIS POSITION STATEMENT DERIVES FROM**


This Position Statement was prepared by PIA Social Planning Chapters.
Appendix F: Correspondence

- Professor Brian Caldwell (dated 12 August 2009)
- Mr Andrew Barr MLA, Minister for Education and Training (dated 4 September 2009)
12 August 2009

Amanda Bresnan MLA
Chair
Standing Committee on Education, Training and Youth Affairs
Legislative Assembly for the Australian Capital Territory
GPO Box 1020
Canberra ACT 2601

Dear Ms Bresnan,

School reform inquiry – research on school size

I write in response to your letter of 30 July 2009 in which you invited comment on statements in the Government submission to the above-mentioned inquiry as they concern a briefing paper prepared by me in 2005. I am happy to respond. I do not address the merits of the Government submission.

The briefing paper is mainly a summary of the major findings of a review of research conducted in 1996 by Kathleen Cotton for the Northwest Regional Education Laboratory (NWREL) based in Portland Oregon, which was cited as the sole reference. NWREL is a private non-profit organisation established in 1966 to provide support for public education in states and school districts in northwest United States (www.nwrel.org).

An earlier version of the briefing paper was prepared for internal discussion by a team of consultants, of which I was a member, which was commissioned to provide advice on the provision of secondary education among a group of schools in one region of a state system of education in Australia. The team cast a wide net as it explored a range of issues related to school provision. One of these issues is school size and the best summary of research that I could find at the time (2005) was Cotton’s work for the NWREL. There was little Australian research on the topic.

While my paper was an internal working document for the purposes of the commissioned project I made only slight amendments to write the online version to which you refer and which is Attachment O of the Government submission.

The reference to an appropriate and effective size of a primary school being in the range 300-400 students is drawn from Cotton’s review of research in which she cites one of 49 primary sources (Williams, 1990). However, the key messages in my paper and in Cotton’s review are that there is no clear agreement among researchers and educators about what constitutes a ‘small’ school or a ‘large’ school, and (citing Cotton): ‘research has repeatedly found small schools to be superior to large schools on most measures and equal to them on the rest’. These findings are clear in my paper and Cotton’s report.

Specifically, in the terms included in your letter, I have not advised on the applicability of these research findings on school size in the ACT or Australian context. More particularly, there is to my knowledge no evidence to support a conclusion that
primary schools of less than 300-400 students are necessarily less educationally effective because of their size.

Our more recent work may be helpful in the deliberations of the Standing Committee. For example, we conducted a five-year research and development program from 2004 to 2008 that culminated in a six-country study and the book published by ACER Press entitled Why not the Best Schools (Caldwell and Harris, 2008) which highlighted the importance of a school strengthening its intellectual, social, spiritual and financial capital. I recommend it and the associated research reports for consideration by the Standing Committee.

Our attention along with that of policymakers around the country and elsewhere has turned to personalising learning, and all schools, regardless of size or level, face the challenge of making this a reality. We recently developed a set of ten indicators for personalising learning to complement indicators for the kinds of capital described above.

I hope these comments are helpful.

Yours sincerely,

[Signature]

Professor Brian J. Caldwell
Managing Director

Professorial Fellow, University of Melbourne
Ms Amanda Bresnan MLA  
Chair  
Standing Committee on Education, Training and Youth Affairs  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Ms Bresnan

Thank you for your letter of 30 July 2009 requesting further details about the school size research briefing paper prepared by Professor Brian Caldwell.

In response to your first two questions, no additional research was provided by Professor Caldwell, or any other researcher, into the nature of school size in an Australian or ACT context.

Regarding the third question, Professor Caldwell presented ‘The Connected School’ on 15 August 2007 in response to an invitation from the Department of Education and Training to be a keynote speaker in the 2007 Public Education Showcase, a seminar program to showcase public education to the ACT community.

This presentation is the only consultancy service for which the Department engaged Professor Caldwell in relation to the Towards 2020 Renewing our Schools program. In addition, the Department and I accepted an invitation in early 2007 to meet with Professor Caldwell to discuss his 2007 publication Raising the Stakes: From Improvement to Transformation in the Reform of Schools.

Yours sincerely

Andrew Barr MLA  
Minister for Education and Training  
- 4 SEP 2009

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Appendix G: Additional and Dissenting Comments

- Ms Amanda Bresnan MLA, Chair
- Ms Joy Burch MLA, Deputy Chair
- Mr Jeremy Hanson CSC MLA
STANDING COMMITTEE ON EDUCATION, TRAINING AND YOUTH AFFAIRS – INQUIRY INTO SCHOOL CLOSURES AND REFORM OF THE ACT EDUCATION SYSTEM

DISSENTING COMMENTS

AMANDA BRESNAN MLA
Standing Committee on Education, Training and Youth Affairs - Inquiry into School Closures and Reform of the ACT Education System

Dissenting Comments

Proposed Amendments to the Education Act

Ms Meredith Hunter MLA has proposed amendments to the Education Act 2004 which improve the consultation guidelines that must be followed by the Minister for Education before a decision to close or amalgamate a school can be confirmed.

The proposed amendments would establish a two phase consultation process over a period of 18 months. The first phase of six months would seek alternatives, and the second phase would involve twelve months consultation with the affected school community. There would also be a specified timing of not less than six months for the closure of a school.

The two separate consultation phases proposed by the amendment would be crucial. By conducting an initial consultation on the actual proposal, the community could provide input into the terms of the second phase and be better informed about the criteria being used to support the Government’s agenda and be more confident in the veracity of the evidence used to support this agenda.

In the Towards 2020 proposal, the understandable concern that school communities had in regard to the possible closure of their schools was intense, and public interest was focused on community issues. Consequently there was much less critical analysis of the scale and shape of the reform proposal itself, which – as this inquiry as indicated – was not adequately justified.

While many of the concerns raised were about the way the consultation was conducted, there were also many consecutive concerns raised about the timeframe. This included that announcing school closures and conducting consultation all within a six month timeframe gave the school communities very little time to gather information and prepare a case for their school to remain open. Families also had to deal with the prospect of finding a new school at the same time as dealing with these other challenges. As Dr Alison Ziller noted in evidence to the Committee, in discussing consultation processes:

The second is you do not have very short time periods for comments and you do not try to put a massive change through in a very short period of time.
It has been suggested that large scale reform such as this needs to be flagged at an election campaign. However, an election campaign addresses a range of issues, and wouldn’t necessarily provide the community endorsement of such a specific initiative.

**Recommendation**

That a consultation period of at least twelve months be incorporated into the consultation requirements set out in section 20 of the *Education Act 2004*.

**Recommendation**

That a thorough social impact assessment be required during the first six months consultation period as any proposals to close or amalgamate schools are developed. The proposal would then be subject to twelve months public consultation.

**Key Findings**

A major restructure such as the school closures requires a strategic and transparent community engagement process. As the proposed amendment to the *Education Act 2004* suggests, the first six month phase of consultation would seek alternatives. As is recommended above, this first six months should also include a thorough social impact assessment as any proposals to close or amalgamate schools are developed. This consultation process, building on the proposed amendments to the *Education Act 2004*, would have:

- Provided a formal proposal for restructure following consultation with each of the school regions which was evidence-based (using data agreed by the communities of interest) and a statement of reasons for a proposed to restructure/closures/annexations/reconfigurations and allow six months consultation; and undertake and publish an independent social impact assessment.

Amanda Bresnan MLA
14 September 2009
I would like to note my appreciation to the Committee Secretariat, Sandra Lilburn, for her assistance and support. I would also like to thank the organisations, groups and individuals who provided submissions and who took the time to participate in the public hearings.

This Inquiry was politically driven – with the Liberals and the Greens choosing to look back to the past, rather than look forward to the future of the ACT education system.

What have we learnt from this Inquiry? We have learnt that the Opposition and Greens continue to look to the past. We have learnt that while the Opposition and Greens continue to call for Hall and Tharwa to be reopened – they have left Flynn, Cook and all other communities behind. Why? Because other community groups are about to call Cook home, providing opportunity for residents to access a range of community organisations; and they feel Flynn’s alternative proposals are suitable.

We have learnt that there is little support for the Greens’ amendments to the Education Act.

At no point have the Opposition or Greens explained how they will go about reversing Towards 2020; nor how they will explain to the schools, teachers and parents the loss of resources from their school that would be required to reopen closed schools.

But we have learnt more: that there is broad support of Towards 2020.

We have learnt that ACT education experts support the Towards 2020 and recognise and value the opportunities provided through Towards 2020. This is captured by Mr Bruce Murray, Co-President, ACT Principals Association, who stated:

Mr Bruce: The Association’s view is that we have a very positive view of that [school closures]. We believe that the opportunity to revitalise public education, offer a range of different options for parents to choose from, respond to some of the pedagogical initiatives that are recommended at current times and all of those sorts of things were a very positive move forward for ACT public education. In a nutshell, that is our view of the reform process.

We did have a view as an Association that there was a need to rationalise the use of resources in the ACT education system and that the closure of overly small schools was necessary.

These views were further supported by Ms Penny Gilmour, ACT Branch Secretary of the Australian Education Union, who commented:

Ms Gilmour: Essentially, the AEU’s position on the issue of school closures is that we certainly held the view that it was an important thing to do—to look at
the education provision across the Territory and to see whether it was still serving needs. Our concern was with the way the process was conducted, not with the idea of a process that might result in the closure of schools per se.

On 6 June 2006 the Government released the Towards 2020: Renewing Our Schools proposal for community consultation. Towards 2020 set out significant reforms of the ACT public education system to ensure access to a range of high quality public schools for all Canberra students.

Towards 2020 also means new schools and new facilities – where they’re needed most. This includes the new Kambah P-10 School and the Gungahlin College to be completed for the start of the 2011 school year, the new Harrison High School and the Kingsford Smith School. In addition there are new gymnasia for Belconnen and Stromlo High Schools; as well as new Performing Arts Centres at Lyneham and Calwell High Schools and Canberra College.

Four early childhood schools now operate at the Southern Cross, Narrabundah, Lyons and Isabella Plains Primary Schools.

The overarching objective of the ACT Government’s Towards 2020 policy was renewal and reform of the ACT public education system.

The Government was clear from the beginning that the Towards 2020 reforms required some school closures and amalgamations, changed administrative arrangements and extensive regional planning to ensure all students have access to the type of schooling that will best meet their developmental, social and educational needs.

The Government identified that in order to ensure the ongoing sustainability, responsiveness and the high quality of the public education system into the future; to ensure public education continued to be a real choice for students and their families; and to provide every student attending public schools with the opportunity to experience successful learning; renewal, reform and some rationalisation was needed.

Despite the doom and gloom of some witnesses, following the announcement of the Towards 2020 decisions and the closure of three preschools and seven primary schools, the annual satisfaction surveys of staff, parents and students in 2007 showed continuing high levels of satisfaction with public schooling in the ACT. Nine out of ten primary school and eight out of ten high school parents and carers expressed satisfaction with their children’s school and education. In addition, nine out of ten school staff expressed satisfaction with their workplaces. It is important to note that almost half of the primary schools surveyed that year had enrolled students from schools or preschools that had closed at the end of 2006. One school included in the survey was closing at the end of 2007 and four of the schools had changed or were to change their year level structure or amalgamate with another school.

In short – the overwhelming majority of the ACT school community are satisfied with their school and the ACT Government’s education reforms.
It was disappointing that the committee spent very little time considering where we would be if the reform of Towards 2020 had not happened. On this theme, Minister Barr commented:

*None of our schools would have been refurbished—other than perhaps what the commonwealth government might have provided through the current process.*

*We would have continued to see a bleeding of enrolments to the private sector. We would have seen the overall quality—because it is a quality versus quantity argument ultimately; that is what it boils down to. We would have continued to have seen the inefficient allocation of resources. We would have continued to see some students in the territory receiving twice as much public funding as others, not because they had an educational disadvantage and not because they had a socioeconomic disadvantage, but because they attended Tharwa, Rivett or Weston—they attended one of those schools—and were receiving $19,000 per year from the taxpayer for their education.*

*My fundamental argument throughout all this is that that money is better spent on a range of other programs—for example, strengthening Indigenous education, lowering class sizes, strengthening literacy and numeracy, putting more resources into ESL, putting more resources into students with a disability, putting more resources into pastoral care, putting more resources into ICT in schools. They are the fundamental choices that anyone who sits in my chair has to weigh up. I chose to prioritise the system and to get the best outcomes for every student. If I do not do that, I do not know who is going to.*

Rather than provide any substantial findings or direction, this Report does little more than recommend a range of new reviews into the decisions that were made in 2006.

The Report has 15 recommendations, however makes just one recommendation about closed schools – Recommendation 13 ‘that based on the demographic, educational, social and economic evidence presented during the Inquiry, that the Government immediately commence the process to reopen the Hall and Tharwa Schools’.

After months of Committee meetings, hearings, school visits and so on, it was only in the final minutes of deliberations that members of the opposition parties hastily decided to insert recommendation 13, calling for the Government to ‘immediately’ commence the process of reopening the Hall and Tharwa Primary School.

I can only presume that this was due to the fact that in reviewing the final draft of this report, the Liberal and Greens members of the Committee realised that this politically motivated Inquiry has produced a report so lacking in substance that inserting this controversial and poorly explored recommendation would be the only hope for them to generate more critical media coverage of this years-old decision.

In reality, what recommendation 13 actually shows is that of the 23 schools that were closed by the Government, the opposition parties believe that only two should be reopened. That is effectively saying that the Government made the right decision in respect to over 90% of the school closures.
Furthermore, how can a report call for a range of reviews and assessments to take place into the school closures, and then pre-empt the outcome of such investigations by also arguing in the same report that certain schools be reopened with any social impact assessment?

This then means that the Committee found that the ACT Government got it right, that the Government reform was necessary, that the reforms as significant and broad as they were they were right and positioned the ACT for the future. That the ACT Government made the right decisions.

I too support robust, transparent and accountable processes; however I was unable to draw from the other members of the Committee a clear sense of the benefits that would result from the recommendations. The costs associated with the work is undetermined – but will be significant. There is no clarity of how the outcomes would be used – it is possible that at more considerable expense and time we will only be looking back again and not investing in our future.

The Report talks about the Towards 2020 consultative processes, however the Inquiry recognises that during the Towards 2020 consultation, the Minister and the government attended over 700 meetings, received 350 submissions and undertook 100 visits to school sites.

The Greens Education Bill Amendments called for longer consultation time. However this Amendment gained little support, As commented by Mr Bruce Co-President, ACT Principals Association:

*The majority of our association would think that around six months was long enough. It would probably be a bit unreasonable if you wanted it shorter than that, looking particularly at the community perspective. Those factors, like seepage, demoralisation, all of that kind of thing, would be exacerbated if it was longer I think.*

The Opposition and the Greens have made comment about the perceived lack of a Social Impact Assessment (SIA). Indeed there are a number of recommendations and comments that refer to a need for SIA, however in reviewing comments made by the independent expert brought in by the committee, Dr Alison Ziller, it is not a clear cut process or ‘answer’.

Indeed, comments by Dr Ziller need to be balance by the fact that by her own admission, she ‘...did not read the original case from the proponents... ’ and that she only ‘..had a brief, cursory look at some of the materials on the website, but I am not here to comment on the facts of the matter before you [the Committee]’.

In her evidence Dr Ziller commented:

*The decision-making process that social impact assessments helps with involves making an assessment of probable outcomes from the proposed change. If you have clarified what the change is then we are looking for what*
the probable outcomes are going to be and which ones of those matter, because there will be some that do not matter, or not matter very much.

... social impact assessment is not a proof, and people sometimes trip over that hurdle. They think they can call in someone to do a social impact assessment who will prove that this is the right thing to do or not the right thing to do, whereas there are so many variables at stake and so many considerations that what you are really calling in is a professional opinion, and it is a professional opinion in regard to social matters.

As stated, a number of the recommendations contained in this Report call for additional reviews or social impact assessments to be undertaken by government, and yet there is not a single mention of the potential financial costs of undertaking such additional investigations. How many thousands of taxpayer dollars would it cost to perform one such social impact assessment at one single school? How many hundreds of thousands, or millions of taxpayer dollars would it cost to undertake such assessments of 23 former schools? Or will they also want to include the schools where the students are now enjoying their new school, their new friends and learning opportunities. How much are the opposition parties willing to spend to look backwards, when the overwhelming majority of students, families and teachers affected by these changes are very happy with their new schools?

I make the following comments on specific recommendations:

1. I do not support Recommendation 9 – ‘The Minister for Education and Training undertake a social impact assessment of the Towards 2020 process and report back to the Legislative Assembly on the findings. The social impact assessment should document the social impacts that have occurred as a consequence of the Towards 2020 implementation process and establish whether mitigation strategies have been adequate.’

2. I do not support Recommendation 12 – ‘That the government include, as a part of the social impact assessment to be undertaken, the effect of the preschool closures on the operation and viability of playgroups in the ACT’.

3. I do not support Recommendation 13 – ‘that based on the demographic, educational, social and economic evidence presented during the Inquiry, that the Government immediately commence the process to reopen the Hall and Tharwa Schools.

Finally, I make comment on the outstanding efforts of those involved in assisting students and their families make their transition to their new schools.

During the Inquiry process, through the submissions, the witnesses and visits to schools, it was made absolutely clear to me that the principals, teachers and staff at the schools went to extraordinary lengths to make the new students welcome.

When given the opportunity to visit Miles Franklin Primary, Melba Copeland and Torrens Primary on 28 July this year, the Committee heard many stories of these efforts to welcome students. These included welcome BBQs, instituting special
programs such as ‘new kids on the block’, principles acting as mentors to students and their families, schools starting new gifted and talented programs to cater to the needs of their new students and many other examples.

It was also excellent to hear of the parents of the new students integrating so well into their new school communities. The Committee was told of several examples of such parents embracing the opportunity to play a part in their schools, everything from taking positions on their new schools’s P&C committee to running the school canteen.

These great efforts appear to have been almost entirely missed by my Committee colleagues. However, I will not let them go unrecognised, and I make the following recommendation:

**Recommendation 1**

*That the Legislative Assembly commend the Department of Education, school principals, teachers, and all those involved in assisting students with the transition to their new schools for their excellent efforts in ensuring that the wellbeing of each individual student was treated with paramount importance.*

In addition to the points I make above, I also look forward to making additional comments when the report is tabled 17th September 2009.

Joy Burch MLA
Member for Brindabella
15 September 2009
ADDITIONAL COMMENTS: MR JEREMY HANSON, CSC, MLA
STANDING COMMITTEE ON EDUCATION, TRAINING AND YOUTH AFFAIRS
INQUIRY INTO SCHOOL CLOSURES
AND REFORM OF THE ACT EDUCATION SYSTEM 2006

While I support this Report, I wish to provide the following additional key finding and recommendation.

Additional Key Finding

That the evidence presented to the Committee during the Inquiry provided sufficient demographic, educational, social, and economic arguments to support the case that the Cook, Flynn, Tharwa and Hall Primary Schools should not have been closed by the ACT Government, and that these schools should be reopened.

Additional Recommendation

I recommend that based on the demographic, educational, social, and economic evidence presented during the Inquiry, that the Government immediately commences the process to reopen the Cook and Flynn Primary Schools.

Jeremy Hanson, CSC, MLA

September 2009