

20 November 1990

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Debate (on motion by **Mr Duby**) adjourned.

Sitting suspended from 5.18 to 8.00 pm

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE

Schools Location - Referral of Paper

MR HUMPHRIES (Minister for Health, Education and the Arts) (8.00): Mr Speaker, I table the following paper:

Schools location - suggested format for proposed bill and draft content, prepared by Mr G. Evans, Board member, Hawker College, dated October 1990.

I move:

That the paper be referred to the Standing Committee on Planning, Development and Infrastructure for inquiry and report.

Question resolved in the affirmative.

ESTIMATES - SELECT COMMITTEE
Report on the Appropriation Bill 1990-91

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Estimates - Select Committee - Appropriation Bill 1990-91 -
Report, dated November 1990.
Copies of minutes.

Pursuant to the resolution of the Assembly, the Speaker authorised the printing and distribution of the report on 5 November 1990. I seek leave to move a motion authorising the publication of the minutes.

Leave granted.

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12 February 1991

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Belconnen Remand Centre

MR JENSEN: Mr Speaker, my question is directed to Mr Collaery in his capacity as Minister for corrective services. I refer the Minister to a leading article in last week's *Community Times*. Minister, is there any truth in the suggestion that there has been some kind of cover-up about allegations of misconduct at the Belconnen Remand Centre?

MR COLLAERY: I thank Mr Jensen for the question. Of course, the answer is no, there has been no cover-up. Mr Stevenson was provided with a very comprehensive response to a series of questions on notice. I believe that 28 questions on notice were placed on the notice paper in September 1990. Some of the matters alluded to by Mr Stevenson were still the subject of ongoing appeals by Mr Albrighton. Others were the subject of contemporaneous investigations, and Mr Stevenson's questions have been answered. It is clear, I believe, that Mr Stevenson can now concede to the *Community Times* that there is no cover-up, that those matters have been fully inquired into and that other matters are still in train.

Schools Location Legislation

MR MOORE: Mr Speaker, my question is to Mr Norm Jensen in his capacity as chairman of the Committee on Planning, Development and Infrastructure. Mr Jensen, on 20 November, a Tuesday evening, in this house, there was a reference to the planning committee by the Minister for Education, Mr Humphries, concerning the Schools Location Bill. I wonder what action the planning committee has taken on that Schools Location Bill, particularly considering the relevance of that issue at this particular moment.

MR JENSEN: In answer to Mr Moore's question: At this stage, Mr Speaker, in view of the fact that the planning committee is in the process of commencing an investigation and a consideration of the package of legislation, we have not, in fact, commenced the inquiry into the Bill that Mr Moore refers to.

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W. W. R. R.

SUGGESTED FORMAT AND DRAFT CONTENT

for a proposed

SCHOOLS LOCATION BILL 1990



LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

ASSEMBLY

This document was
authorised for publication to

Mr. G. Evans
pursuant to
standing order 212 on

6 March 2009

[Signature]

.....
Clerk of the Legislative Assembly

Graeme Evans
Board Member
Hawker College

October 1990

PROPOSED SCHOOLS LOCATION ACT 1990

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- Section 3 : Definitions and Interpretation

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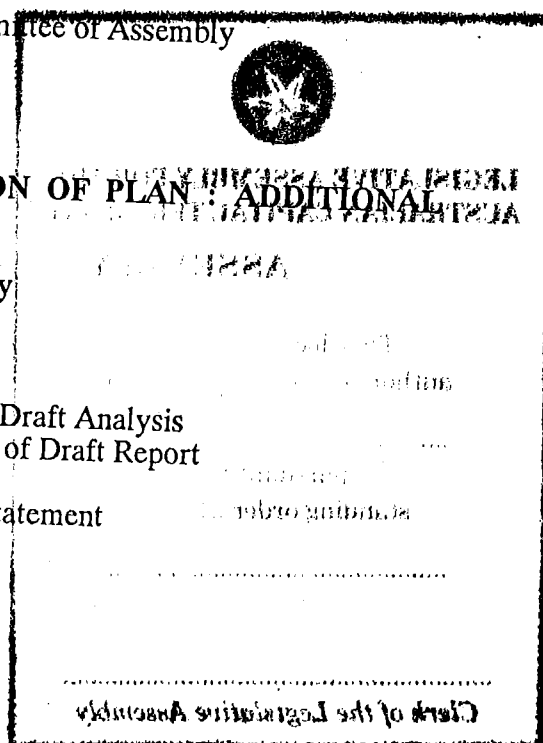
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A Bill for

An Act to provide for the establishment, review and revision of a location and siting plan for A.C.T. public schools.

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART I - INTRODUCTORY AND FORMAL

Short Title

1. This Act may be cited as the Schools Location Act 1990.

Commencement

2. This Act commences on the day on which it is notified in the Gazette.

Interpretation and Definitions

3. In this Act, unless the contrary intention appears:

"A.C.T. community means all individuals residing in, working in, or participating in any manner in public schooling in, the A.C.T.;

"Board" means the school board of an A.C.T. public school established in accordance with section ... of the [Education Act?];

"Minister" means the territorial Minister of State responsible for the time being for A.C.T. public schooling;

"parents" means parents and guardians of present and former students of A.C.T. public schools, together with persons who participate in the Board or parents' and citizens' association of a public school and are not staff or students of that school;

"partners in A.C.T. public schooling" means the students, parents and teachers of the territory's public schools;

"peak organisations of the partners in A.C.T. public schooling" means [the organisations listed in schedule 1;] [the Secondary Students Council, the A.C.T. Council of Parents' and Citizens' Associations and the A.C.T. Teachers' Federation;]

"plan" means the A.C.T. Schools Location Plan as established and amended in accordance with this Act;

"priority enrolment area" means, in relation to any school, the surrounding area within which residents have a right of attendance at that school regardless of vacancies;

"public school" means a school which is part of the network of pre-schools and primary and secondary schools established, and wholly financed by or through, the A.C.T. government;

"public schooling" means the provision of non-discriminatory educational services through the territory's public schools;

"staff" includes the principal, teaching staff and administrative staff of a public school;

"steering committee" means the committee established under section 10;

"territory planning authority" means the authority established under A.C.T. law to be the planning authority for the territory and includes the Interim Territory Planning Authority;

"territory public schooling authority" means the authority for the time being charged under A.C.T. law with responsibility for the A.C.T. public schooling system.

PART II - SCHOOLS LOCATION PLAN

Intention of the Assembly

4. It is the intention of the Assembly, in relation to public schooling, that there should be full and proper recognition of:
 - (a) the value and priority placed on public schooling by the A.C.T. community;
 - (b) the wish of the A.C.T. community to be properly consulted about, and to assist in determining, matters of education policy and practice;
 - (c) the importance of school location policy and practice with respect to both the foregoing; and
 - (d) the nexus between school location policy and practice, on the one hand, and the wider physical and social planning and functioning of the A.C.T., on the other hand;
 - (e) the partnership character of A.C.T. public schooling, and in particular the partnership between students, parents and teachers and other staff in planning and carrying out public schooling; and
 - (f) the particular appropriateness, therefore, of the partners in public schooling being fully consulted in relation to school location policy and practice.

Establishment of Plan

5. Consistent with the Assembly's intention, a plan entitled the A.C.T. Schools Location Plan is to be prepared and maintained in the manner set out in this Act.

Coverage of Plan

6. (1) The plan is to set out the location of each present A.C.T. public school, together with the locations of future A.C.T. public schools foreseen as being required.
- (2) The plan shall in the case of each public school indicate:
 - (a) the priority enrolment area the school serves or will serve;
 - (b) the other community facilities and services which operate in or from the school buildings or grounds; and
 - (c) the facilities and services in the neighbourhood of the school, particularly those which interact with, or gain benefit from, the presence of the school.
- (3) Facilities and services relevant to paragraphs (2)(b) and (2)(c) shall be noted in the plan whether owned or operated by the public, voluntary or private sectors, or by a combination of such sectors.

Nature of Plan

7. The plan is to consist of such maps and explanatory material as the Assembly by resolution directs or, in the absence of such direction, as the steering committee considers appropriate.

Allocation of Roles

8. The preparation of the initial plan, and review and revision of the plan as and when required, are to be undertaken as follows:
 - (a) the initial plan is to be prepared by the steering committee established in Part III and is to be submitted to the Assembly for scrutiny and, if approved, endorsement;
 - (b) so far as it involves additional schools being provided for, review and revision of the plan is to be undertaken by the territory planning authority in consultation with the bodies specified in Part IV;
 - (c) so far as it involves the possible closure of schools, review and revision of the plan, as it stands at any time, is to be undertaken by a committee or subcommittee of the Assembly; and
 - (d) whether involving additional schools or school closures, review and revision of the plan is to be subject to the approval of the Assembly.

Effect of Plan

9. The plan, as made or revised in accordance with this Act, shall have the force of law and shall be binding on the Minister and the territory public schooling authority.

PART III - PREPARATION OF INITIAL PLAN

Steering Committee

10. (1) A draft A.C.T. Schools Location Plan is to be prepared by a steering committee representing the territory public schooling authority, the territory planning authority and each of the peak organisations of the partners in A.C.T. public schooling.
- (2) Each of these organisations is to have two representatives on the steering committee.
- (3) Each organisation is to select its representatives in accordance with its normal arrangements and is to notify the Minister of the representatives so chosen.
- (4) The National Capital Planning Authority shall be invited to nominate an observer to attend meetings of the steering committee to provide information and data and to participate in its deliberations but not to vote.

Secretariat

11. A secretariat to service the steering committee shall be jointly drawn from the territory public schooling authority and from the territory planning authority.

Contributions to Draft Plan by Boards

12. (1) The steering committee shall arrange for the Boards of A.C.T. public schools to be invited to submit views and information for use in the preparation of the draft plan.
- (2) Such views and information may relate to either or both of:
 - (a) the particular school for which that Board is responsible; or
 - (b) general issues associated with the plan or its development.
- (3) Each Board submitting views or information shall indicate by what means and to what extent it consulted with members of the school community of that school.

Other Contributions

13. (1) The steering committee shall cause advertisements to be placed in one or more newspapers circulating within the territory inviting the contribution of views and information by other persons and organisations.
- (2) The steering committee shall also write direct to persons and organisations considered by the committee to be likely to be interested or relevant and shall invite them to submit views and information.

Method of Preparation of Plan

14. In preparing the draft plan, the steering committee:
- (a) shall act as expeditiously as is consistent with obligations for consultation set out in this Act;
 - (b) shall fully consider each submission received whether relevant directly or by way of background;
 - (c) shall fully consider data or analyses supplied by authorities of the territory, New South Wales or national governments;
 - (d) may request supplementary data or analyses from such authorities;
 - (e) may deal in the plan with such matters, in addition to those prescribed in this Act, as the committee considers appropriate; and
 - (f) shall make available for public scrutiny all submissions it receives.

Tabling of Draft Plan

15. (1) When completed, the draft plan is to be tabled in the Assembly or, if the Assembly is not then sitting, a copy shall be provided to each member, with the draft plan having standing and immunity as if so tabled.
- (2) As soon as possible after the draft plan has been tabled or otherwise made available to members a copy shall be provided to each Board and to each person or organisation which made a submission to the steering committee.

Review by Committee or Subcommittee of Assembly

16. (1) Upon such tabling or delivery to members, the draft plan is deemed to have been referred, for examination and report, to such committee or subcommittee of the Assembly as the Assembly shall have, by resolution, determined.
- (2) If the Assembly has not so determined, the draft plan shall be deemed to have been referred to the Social Policy Committee of the Assembly.
- (3) The committee or subcommittee to which the draft plan has been referred shall review the draft plan as expeditiously as possible and in this regard:
- (a) shall invite comments from Boards and the peak organisations of the partners in A.C.T. public schooling; and
 - (b) shall call such other witnesses or evidence as it considers would assist its analysis and the preparation of its report.

Report to Assembly

17. (1) As soon as it is available, the report of the committee or subcommittee shall be tabled in the Assembly or, if the Assembly is not then sitting, shall be provided to each member.

- (2) A copy of the report will also be provided to each Board and to each person or organisation which provided views or information to the steering committee.

Coming into Force of Plan

18. (1) The draft plan, as amended by the Assembly committee or subcommittee, shall be dealt with in the Assembly as if it were delegated legislation, except that a motion of disallowance, if not debated and voted on within 15 sitting days of notice of it having been given, shall be deemed to have been passed.
- (2) Subject to subsection (1), if endorsed, or deemed to have been endorsed, in accordance with the procedures applying to delegated legislation, the plan shall have the force of law and shall be binding on the Minister and the territory public schooling authority unless or until amended in accordance with this Act.

PART IV - REVIEW AND REVISION OF PLAN : ADDITIONAL SCHOOLS

Responsibility of Planning Authority

19. (1) The territory planning authority shall keep under review the need, or the possible need, for new and additional public schools, particularly in new or proposed new areas.
- (2) Processes in accordance with this Part shall be set in course whenever in the reasonable professional judgment of the territory planning authority there is or may be a need to provide in the plan for one or more new or additional public schools.

Other Initiation of Review

20. (1) Notwithstanding the specific obligation of the territory planning authority in this regard, the possibility of the plan being amended to identify additional sites for public schools, or prospective public schools, may also be initiated by:
- (a) the territory public schooling authority; or
 - (b) any Board in relation to an additional public school or schools in the township in which that Board's school is located; or
 - (c) any of the peak organisations of the partners in A.C.T. public schooling; or
 - (d) any interested person or community organisation.
- (2) If any of the organisations listed in paragraphs (1)(a), (1)(b) or (1)(c) notifies the territory planning authority of its belief that an additional public school is or may be needed, the authority shall set in course the procedures provided for in this Part.

- (3) Where the territory planning authority is notified of such a belief held by a person or organisation referred to in paragraph (1)(d), the authority may set in course the procedures provided for in this Part.

Preparation of Draft Analysis

21. Where amendment of the plan to provide for one or more new or additional public schools is to be examined, the territory planning authority shall prepare a draft analysis and statement as provided for in this Part.

Content of Draft Analysis

22. (1) The draft analysis and statement shall set out the key elements of the proposal in an orderly manner, including:
- (a) the factor or factors which brought to attention the proposal being examined;
 - (b) the factors indicating that the provision sought should be made;
 - (c) any contra-indications also identified; and
 - (d) the balance considered to exist and the conclusion arrived at.
- (2) In examining the issues arising under these headings, the draft analysis and statement shall, among other matters addressed, examine:
- (a) the anticipated relationship between the proposed school or schools and other community facilities and services on the same site or in the same neighbourhood;
 - (b) the accessibility of each site under examination with respect to pedestrian and other locally originated, non-motorised traffic; and
 - (c) the anticipated role of the school or schools as a component of a comprehensive public school network of neighbourhood schools.

Consultations during Preparation of Draft Analysis

23. The territory planning authority may, during the preparation of the draft analysis and statement, consult with such persons or bodies as it sees fit and must consult with the bodies listed in the following section.

Consultations following Preparation of Draft Analysis

24. The draft analysis and statement prepared in accordance with this Part must be supplied, for information and comment, to:
- (a) the territory public schooling authority;
 - (b) the Board of each public school already operating in a township where additional public schools, if endorsed for inclusion in the plan, would or might be built; and
 - (c) the peak organisations of the partners in A.C.T. public schooling.

Response to Consultation

25. (1) Comments on the draft analysis and statement, and supplementary data relevant to it, may be supplied to the territory planning authority by the organisations listed in the preceding section and by other persons and organisations.
- (2) The territory planning authority:
- (a) shall, where it considers it appropriate, revise the draft report in the light of the comments and data received; and
 - (b) shall incorporate, in the main text or by way of appendices, full and even-handed accounts of views received which differ from those of the authority.

Handling of Revised Analysis and Statement

26. The revised analysis and statement is to be:
- (a) tabled in the Assembly;
 - (b) reviewed by a committee or subcommittee of the Assembly; and
 - (c) endorsed, or deemed to have been endorsed, by the Assembly,
- by procedures which as nearly as practicable follow those set out in sections 15 to 18 relating to the initial plan, and is to come into force in like manner and with like effect.

PART V - REVIEW AND REVISION OF PLAN : SCHOOL CLOSURES

Open and Public Analysis Needed

27. (1) A proposal or suggestion to close an A.C.T. public school shall be recognised as requiring open and public analysis.
- (2) Having regard to the importance of any proposed or suggested closure, this analysis is to be undertaken by the Assembly and/or by a committee or subcommittee of the Assembly.

Focus of Analysis

28. (1) Such analysis shall focus in particular on the effects and implications the closure would have in terms of:
- (a) the relationship between the school and its community, and between the school and other forms of community facilities and services, whether provided by the public or private sectors; and
 - (b) the effective and equitable delivery of education, including whether the closures would have unequal effects on different societal groups.

- (2) Without detracting from the generality of subsection (1), in undertaking the analysis an examination shall be made of:
 - (a) the likely impact of the closure on the personal costs of families affected, the income or viability of nearby businesses, and the like; and
 - (b) the impact of the closure on the use of scarce community resources, such as energy for transportation.

Initiation of Analysis

- 29. (1) The procedures set out in this Part:
 - (a) shall be followed in any situation where the territorial government, or any authority of that government, proposes to close any A.C.T. public school; and
 - (b) may be followed in any situation where any other person or body suggests that an A.C.T. public school be closed.
- (2) A decision to utilise such procedures in any situation to which paragraph (1)(b) applies may be made by:
 - (a) the Assembly by resolution; or
 - (b) a relevant Assembly committee or subcommittee by resolution; or
 - (c) the Minister responsible for public schooling; or
 - (d) the chairor of a relevant Assembly committee or subcommittee.

Overview of Process

- 30. (1) The analysis of the matters specified in section 28:
 - (a) shall initially be undertaken by such committee of the Assembly, or by a Schools Location Subcommittee of such committee, as the Assembly by resolution from time to time determines; and
 - (b) may subsequently be considered in such ways, including by the Assembly, as the Assembly determines.
- (2) Until the Assembly otherwise determines, the analysis shall be undertaken by [a Schools Location Subcommittee of] the Social Policy Committee of the Assembly.

Consideration by Committee or Subcommittee

- 31. An enquiry being conducted for the purposes of this Part by a committee or a Schools Location Subcommittee of the Assembly:
 - (a) shall be undertaken expeditiously;
 - (b) shall be open and public in all its proceedings;

- (c) shall invite and receive public submissions;
- (d) shall fully consider such submissions whether relevant directly or by way of background;
- (e) shall fully consider data and analyses supplied by A.C.T., N.S.W. or national government authorities;
- (f) may request supplementary data or analyses from such authorities;
- (g) shall report on the matters specified in subsection 28;
- (h) shall report also on such other matters as the Assembly by resolution determines; and
- (i) may report on such other matters as the committee or subcommittee considers appropriate.

Presentation of Report to Assembly

32. The report of the committee or subcommittee shall be tabled in the Assembly or, if the Assembly is not then sitting, a copy shall be provided to each member, with the report having standing and immunity as if so tabled.

Procedure Where Closure Recommended

33. (1) Where the committee or subcommittee has recommended that the school in question be closed, such closure shall be deemed to have been agreed with by the Assembly, and such closure may take effect, unless within 45 calendar days or 12 sitting days, whichever is the lesser, a member submits a notice of motion for the disallowance of the recommendation.
- (2) Such motion for disallowance shall be dealt with by the Assembly as if it were a motion relating to the disallowance of subordinate legislation, provided that if such motion is not debated and voted on within 15 sitting days of notice of it having been given, it shall be deemed to have been passed.

Procedure Where Remaining Open Recommended

34. (1) Where the committee or subcommittee has recommended that the school in question remain open, the Minister with responsibility for A.C.T. public schooling:
- (a) may table reasons for the overturning of the recommendation; and
 - (b) may give notice that s/he requires a motion put to the Assembly that the recommendation be not agreed with.
- (2) A notice of motion pursuant to paragraph (1)(b) of this section:
- (a) may not be given without a concurrent or prior tabling of the document referred to in paragraph (1)(a); and

- (b) must be given within 21 calendar days of the report being tabled.
- (3) If a notice of motion has not been given pursuant to this section, the recommendation of the committee or subcommittee shall be deemed to have been endorsed by the Assembly.
- (4) A notice of motion given pursuant to this section shall not be put to vote:
 - (a) within 45 calendar days or 10 sitting days, whichever is the greater, of the report being tabled or otherwise provided to members; or
 - (b) within 28 calendar days, or 6 sitting days, whichever is the greater, of the Minister tabling reasons for the overturning of the recommendation.

Implementation of Outcome

35. Where:

- (a) a recommendation for closure has not been disallowed; or
- (b) the Assembly has resolved that it does not agree with a recommendation that a school remain open,

the closure of the school may proceed as soon as is administratively feasible, paying reasonable regard to the interests of the students, teachers and parents involved.

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SCHOOLS LOCATION BILL 1990

 LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY ASSEMBLY This document was authorised for publication to <i>Mr. G. Evans</i> pursuant to standing order 212 on <i>6 March 2009</i> <i>[Signature]</i> Clerk of the Legislative Assembly

Graeme Evans
Board Member
Hawker College

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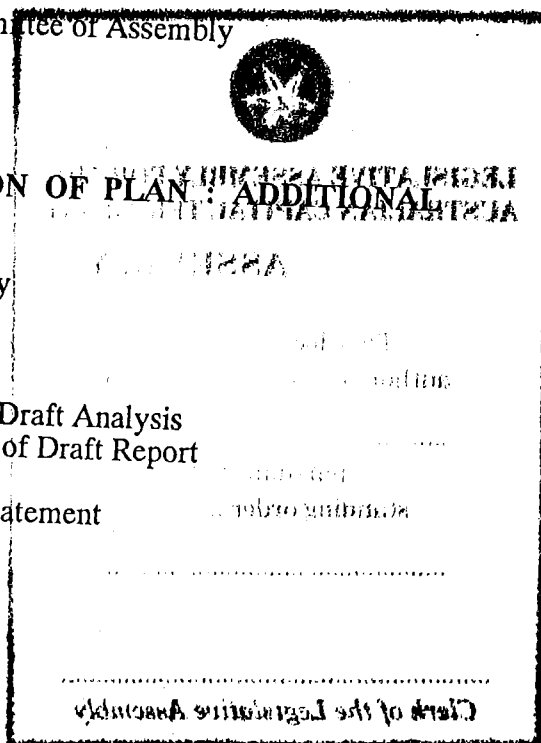
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- Section 35 : Implementation of Outcome

A Bill for

An Act to provide for the establishment, review and revision of a location and siting plan for A.C.T. public schools.

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART I - INTRODUCTORY AND FORMAL

Short Title

1. This Act may be cited as the Schools Location Act 1990.

Commencement

2. This Act commences on the day on which it is notified in the Gazette.

Interpretation and Definitions

3. In this Act, unless the contrary intention appears:

"A.C.T. community means all individuals residing in, working in, or participating in any manner in public schooling in, the A.C.T.;

"Board" means the school board of an A.C.T. public school established in accordance with section ... of the [Education Act?];

"Minister" means the territorial Minister of State responsible for the time being for A.C.T. public schooling;

"parents" means parents and guardians of present and former students of A.C.T. public schools, together with persons who participate in the Board or parents' and citizens' association of a public school and are not staff or students of that school;

"partners in A.C.T. public schooling" means the students, parents and teachers of the territory's public schools;

"peak organisations of the partners in A.C.T. public schooling" means [the organisations listed in schedule 1;] [the Secondary Students Council, the A.C.T. Council of Parents' and Citizens' Associations and the A.C.T. Teachers' Federation;]

"plan" means the A.C.T. Schools Location Plan as established and amended in accordance with this Act;

"priority enrolment area" means, in relation to any school, the surrounding area within which residents have a right of attendance at that school regardless of vacancies;

"public school" means a school which is part of the network of pre-schools and primary and secondary schools established, and wholly financed by or through, the A.C.T. government;

"public schooling" means the provision of non-discriminatory educational services through the territory's public schools;

"staff" includes the principal, teaching staff and administrative staff of a public school;

"steering committee" means the committee established under section 10;

"territory planning authority" means the authority established under A.C.T. law to be the planning authority for the territory and includes the Interim Territory Planning Authority;

"territory public schooling authority" means the authority for the time being charged under A.C.T. law with responsibility for the A.C.T. public schooling system.

PART II - SCHOOLS LOCATION PLAN

Intention of the Assembly

4. It is the intention of the Assembly, in relation to public schooling, that there should be full and proper recognition of:
 - (a) the value and priority placed on public schooling by the A.C.T. community;
 - (b) the wish of the A.C.T. community to be properly consulted about, and to assist in determining, matters of education policy and practice;
 - (c) the importance of school location policy and practice with respect to both the foregoing; and
 - (d) the nexus between school location policy and practice, on the one hand, and the wider physical and social planning and functioning of the A.C.T., on the other hand;
 - (e) the partnership character of A.C.T. public schooling, and in particular the partnership between students, parents and teachers and other staff in planning and carrying out public schooling; and
 - (f) the particular appropriateness, therefore, of the partners in public schooling being fully consulted in relation to school location policy and practice.

Establishment of Plan

5. Consistent with the Assembly's intention, a plan entitled the A.C.T. Schools Location Plan is to be prepared and maintained in the manner set out in this Act.

Coverage of Plan

6. (1) The plan is to set out the location of each present A.C.T. public school, together with the locations of future A.C.T. public schools foreseen as being required.
- (2) The plan shall in the case of each public school indicate:
 - (a) the priority enrolment area the school serves or will serve;
 - (b) the other community facilities and services which operate in or from the school buildings or grounds; and
 - (c) the facilities and services in the neighbourhood of the school, particularly those which interact with, or gain benefit from, the presence of the school.
- (3) Facilities and services relevant to paragraphs (2)(b) and (2)(c) shall be noted in the plan whether owned or operated by the public, voluntary or private sectors, or by a combination of such sectors.

Nature of Plan

7. The plan is to consist of such maps and explanatory material as the Assembly by resolution directs or, in the absence of such direction, as the steering committee considers appropriate.

Allocation of Roles

8. The preparation of the initial plan, and review and revision of the plan as and when required, are to be undertaken as follows:
 - (a) the initial plan is to be prepared by the steering committee established in Part III and is to be submitted to the Assembly for scrutiny and, if approved, endorsement;
 - (b) so far as it involves additional schools being provided for, review and revision of the plan is to be undertaken by the territory planning authority in consultation with the bodies specified in Part IV;
 - (c) so far as it involves the possible closure of schools, review and revision of the plan, as it stands at any time, is to be undertaken by a committee or subcommittee of the Assembly; and
 - (d) whether involving additional schools or school closures, review and revision of the plan is to be subject to the approval of the Assembly.

Effect of Plan

9. The plan, as made or revised in accordance with this Act, shall have the force of law and shall be binding on the Minister and the territory public schooling authority.

PART III - PREPARATION OF INITIAL PLAN

Steering Committee

10. (1) A draft A.C.T. Schools Location Plan is to be prepared by a steering committee representing the territory public schooling authority, the territory planning authority and each of the peak organisations of the partners in A.C.T. public schooling.
- (2) Each of these organisations is to have two representatives on the steering committee.
- (3) Each organisation is to select its representatives in accordance with its normal arrangements and is to notify the Minister of the representatives so chosen.
- (4) The National Capital Planning Authority shall be invited to nominate an observer to attend meetings of the steering committee to provide information and data and to participate in its deliberations but not to vote.

Secretariat

11. A secretariat to service the steering committee shall be jointly drawn from the territory public schooling authority and from the territory planning authority.

Contributions to Draft Plan by Boards

12. (1) The steering committee shall arrange for the Boards of A.C.T. public schools to be invited to submit views and information for use in the preparation of the draft plan.
- (2) Such views and information may relate to either or both of:
 - (a) the particular school for which that Board is responsible; or
 - (b) general issues associated with the plan or its development.
- (3) Each Board submitting views or information shall indicate by what means and to what extent it consulted with members of the school community of that school.

Other Contributions

13. (1) The steering committee shall cause advertisements to be placed in one or more newspapers circulating within the territory inviting the contribution of views and information by other persons and organisations.
- (2) The steering committee shall also write direct to persons and organisations considered by the committee to be likely to be interested or relevant and shall invite them to submit views and information.

Method of Preparation of Plan

14. In preparing the draft plan, the steering committee:
- (a) shall act as expeditiously as is consistent with obligations for consultation set out in this Act;
 - (b) shall fully consider each submission received whether relevant directly or by way of background;
 - (c) shall fully consider data or analyses supplied by authorities of the territory, New South Wales or national governments;
 - (d) may request supplementary data or analyses from such authorities;
 - (e) may deal in the plan with such matters, in addition to those prescribed in this Act, as the committee considers appropriate; and
 - (f) shall make available for public scrutiny all submissions it receives.

Tabling of Draft Plan

15. (1) When completed, the draft plan is to be tabled in the Assembly or, if the Assembly is not then sitting, a copy shall be provided to each member, with the draft plan having standing and immunity as if so tabled.
- (2) As soon as possible after the draft plan has been tabled or otherwise made available to members a copy shall be provided to each Board and to each person or organisation which made a submission to the steering committee.

Review by Committee or Subcommittee of Assembly

16. (1) Upon such tabling or delivery to members, the draft plan is deemed to have been referred, for examination and report, to such committee or subcommittee of the Assembly as the Assembly shall have, by resolution, determined.
- (2) If the Assembly has not so determined, the draft plan shall be deemed to have been referred to the Social Policy Committee of the Assembly.
- (3) The committee or subcommittee to which the draft plan has been referred shall review the draft plan as expeditiously as possible and in this regard:
- (a) shall invite comments from Boards and the peak organisations of the partners in A.C.T. public schooling; and
 - (b) shall call such other witnesses or evidence as it considers would assist its analysis and the preparation of its report.

Report to Assembly

17. (1) As soon as it is available, the report of the committee or subcommittee shall be tabled in the Assembly or, if the Assembly is not then sitting, shall be provided to each member.

- (2) A copy of the report will also be provided to each Board and to each person or organisation which provided views or information to the steering committee.

Coming into Force of Plan

18. (1) The draft plan, as amended by the Assembly committee or subcommittee, shall be dealt with in the Assembly as if it were delegated legislation, except that a motion of disallowance, if not debated and voted on within 15 sitting days of notice of it having been given, shall be deemed to have been passed.
- (2) Subject to subsection (1), if endorsed, or deemed to have been endorsed, in accordance with the procedures applying to delegated legislation, the plan shall have the force of law and shall be binding on the Minister and the territory public schooling authority unless or until amended in accordance with this Act.

PART IV - REVIEW AND REVISION OF PLAN : ADDITIONAL SCHOOLS

Responsibility of Planning Authority

19. (1) The territory planning authority shall keep under review the need, or the possible need, for new and additional public schools, particularly in new or proposed new areas.
- (2) Processes in accordance with this Part shall be set in course whenever in the reasonable professional judgment of the territory planning authority there is or may be a need to provide in the plan for one or more new or additional public schools.

Other Initiation of Review

20. (1) Notwithstanding the specific obligation of the territory planning authority in this regard, the possibility of the plan being amended to identify additional sites for public schools, or prospective public schools, may also be initiated by:
- (a) the territory public schooling authority; or
 - (b) any Board in relation to an additional public school or schools in the township in which that Board's school is located; or
 - (c) any of the peak organisations of the partners in A.C.T. public schooling; or
 - (d) any interested person or community organisation.
- (2) If any of the organisations listed in paragraphs (1)(a), (1)(b) or (1)(c) notifies the territory planning authority of its belief that an additional public school is or may be needed, the authority shall set in course the procedures provided for in this Part.

- (3) Where the territory planning authority is notified of such a belief held by a person or organisation referred to in paragraph (1)(d), the authority may set in course the procedures provided for in this Part.

Preparation of Draft Analysis

21. Where amendment of the plan to provide for one or more new or additional public schools is to be examined, the territory planning authority shall prepare a draft analysis and statement as provided for in this Part.

Content of Draft Analysis

22. (1) The draft analysis and statement shall set out the key elements of the proposal in an orderly manner, including:
- (a) the factor or factors which brought to attention the proposal being examined;
 - (b) the factors indicating that the provision sought should be made;
 - (c) any contra-indications also identified; and
 - (d) the balance considered to exist and the conclusion arrived at.
- (2) In examining the issues arising under these headings, the draft analysis and statement shall, among other matters addressed, examine:
- (a) the anticipated relationship between the proposed school or schools and other community facilities and services on the same site or in the same neighbourhood;
 - (b) the accessibility of each site under examination with respect to pedestrian and other locally originated, non-motorised traffic; and
 - (c) the anticipated role of the school or schools as a component of a comprehensive public school network of neighbourhood schools.

Consultations during Preparation of Draft Analysis

23. The territory planning authority may, during the preparation of the draft analysis and statement, consult with such persons or bodies as it sees fit and must consult with the bodies listed in the following section.

Consultations following Preparation of Draft Analysis

24. The draft analysis and statement prepared in accordance with this Part must be supplied, for information and comment, to:
- (a) the territory public schooling authority;
 - (b) the Board of each public school already operating in a township where additional public schools, if endorsed for inclusion in the plan, would or might be built; and
 - (c) the peak organisations of the partners in A.C.T. public schooling.

Response to Consultation

25. (1) Comments on the draft analysis and statement, and supplementary data relevant to it, may be supplied to the territory planning authority by the organisations listed in the preceding section and by other persons and organisations.
- (2) The territory planning authority:
- (a) shall, where it considers it appropriate, revise the draft report in the light of the comments and data received; and
 - (b) shall incorporate, in the main text or by way of appendices, full and even-handed accounts of views received which differ from those of the authority.

Handling of Revised Analysis and Statement

26. The revised analysis and statement is to be:
- (a) tabled in the Assembly;
 - (b) reviewed by a committee or subcommittee of the Assembly; and
 - (c) endorsed, or deemed to have been endorsed, by the Assembly,
- by procedures which as nearly as practicable follow those set out in sections 15 to 18 relating to the initial plan, and is to come into force in like manner and with like effect.

PART V - REVIEW AND REVISION OF PLAN : SCHOOL CLOSURES

Open and Public Analysis Needed

27. (1) A proposal or suggestion to close an A.C.T. public school shall be recognised as requiring open and public analysis.
- (2) Having regard to the importance of any proposed or suggested closure, this analysis is to be undertaken by the Assembly and/or by a committee or subcommittee of the Assembly.

Focus of Analysis

28. (1) Such analysis shall focus in particular on the effects and implications the closure would have in terms of:
- (a) the relationship between the school and its community, and between the school and other forms of community facilities and services, whether provided by the public or private sectors; and
 - (b) the effective and equitable delivery of education, including whether the closures would have unequal effects on different societal groups.

- (2) Without detracting from the generality of subsection (1), in undertaking the analysis an examination shall be made of:
 - (a) the likely impact of the closure on the personal costs of families affected, the income or viability of nearby businesses, and the like; and
 - (b) the impact of the closure on the use of scarce community resources, such as energy for transportation.

Initiation of Analysis

- 29. (1) The procedures set out in this Part:
 - (a) shall be followed in any situation where the territorial government, or any authority of that government, proposes to close any A.C.T. public school; and
 - (b) may be followed in any situation where any other person or body suggests that an A.C.T. public school be closed.
- (2) A decision to utilise such procedures in any situation to which paragraph (1)(b) applies may be made by:
 - (a) the Assembly by resolution; or
 - (b) a relevant Assembly committee or subcommittee by resolution; or
 - (c) the Minister responsible for public schooling; or
 - (d) the chairor of a relevant Assembly committee or subcommittee.

Overview of Process

- 30. (1) The analysis of the matters specified in section 28:
 - (a) shall initially be undertaken by such committee of the Assembly, or by a Schools Location Subcommittee of such committee, as the Assembly by resolution from time to time determines; and
 - (b) may subsequently be considered in such ways, including by the Assembly, as the Assembly determines.
- (2) Until the Assembly otherwise determines, the analysis shall be undertaken by [a Schools Location Subcommittee of] the Social Policy Committee of the Assembly.

Consideration by Committee or Subcommittee

- 31. An enquiry being conducted for the purposes of this Part by a committee or a Schools Location Subcommittee of the Assembly:
 - (a) shall be undertaken expeditiously;
 - (b) shall be open and public in all its proceedings;

- (c) shall invite and receive public submissions;
- (d) shall fully consider such submissions whether relevant directly or by way of background;
- (e) shall fully consider data and analyses supplied by A.C.T., N.S.W. or national government authorities;
- (f) may request supplementary data or analyses from such authorities;
- (g) shall report on the matters specified in subsection 28;
- (h) shall report also on such other matters as the Assembly by resolution determines; and
- (i) may report on such other matters as the committee or subcommittee considers appropriate.

Presentation of Report to Assembly

32. The report of the committee or subcommittee shall be tabled in the Assembly or, if the Assembly is not then sitting, a copy shall be provided to each member, with the report having standing and immunity as if so tabled.

Procedure Where Closure Recommended

33. (1) Where the committee or subcommittee has recommended that the school in question be closed, such closure shall be deemed to have been agreed with by the Assembly, and such closure may take effect, unless within 45 calendar days or 12 sitting days, whichever is the lesser, a member submits a notice of motion for the disallowance of the recommendation.
- (2) Such motion for disallowance shall be dealt with by the Assembly as if it were a motion relating to the disallowance of subordinate legislation, provided that if such motion is not debated and voted on within 15 sitting days of notice of it having been given, it shall be deemed to have been passed.

Procedure Where Remaining Open Recommended

34. (1) Where the committee or subcommittee has recommended that the school in question remain open, the Minister with responsibility for A.C.T. public schooling:
- (a) may table reasons for the overturning of the recommendation; and
 - (b) may give notice that s/he requires a motion put to the Assembly that the recommendation be not agreed with.
- (2) A notice of motion pursuant to paragraph (1)(b) of this section:
- (a) may not be given without a concurrent or prior tabling of the document referred to in paragraph (1)(a); and

- (b) must be given within 21 calendar days of the report being tabled.
- (3) If a notice of motion has not been given pursuant to this section, the recommendation of the committee or subcommittee shall be deemed to have been endorsed by the Assembly.
- (4) A notice of motion given pursuant to this section shall not be put to vote:
 - (a) within 45 calendar days or 10 sitting days, whichever is the greater, of the report being tabled or otherwise provided to members; or
 - (b) within 28 calendar days, or 6 sitting days, whichever is the greater, of the Minister tabling reasons for the overturning of the recommendation.

Implementation of Outcome

35. Where:

- (a) a recommendation for closure has not been disallowed; or
- (b) the Assembly has resolved that it does not agree with a recommendation that a school remain open,

the closure of the school may proceed as soon as is administratively feasible, paying reasonable regard to the interests of the students, teachers and parents involved.