

2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mrs Vicki Dunne)

## Education Amendment Bill 2006 (No 3)

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## Education Amendment Bill 2006 (No 3)

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### A Bill for

An Act to amend the *Education Act 2004*

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

**1 Name of Act**

This Act is the *Education Amendment Act 2006 (No 3)*.

**2 Commencement**

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)).

**3 Legislation amended**

This Act amends the *Education Act 2004*.

**4 Establishing government schools etc  
Section 20 (6) and (7)**

*substitute*

(6) The Minister may determine guidelines for consultation under subsection (5) (b).

(7) The guidelines are a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**5 New section 20A**

*insert*

**20A Guidelines for consultation—transitional**

(1) The provisions set out in schedule 2 are taken, on the commencement of this section, to be a determination made under this Act, section 20 (6).

(2) To remove any doubt and without limiting subsection (1), the provisions set out in schedule 2 may be amended or repealed as if

they had been made as a determination by the Minister under this Act, section 20 (6).

(3) To remove any doubt, the determination mentioned in subsection (1) is taken—

(a) to have been notified under the Legislation Act on the day this section commences; and

(b) to have commenced on the day after this section commences; and

(c) not to be required to be presented to the Legislative Assembly under the Legislation Act, section 64.

(4) Subsections (1), (2) and (3) are laws to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

(5) This section and schedule 2 expire on the day they commence.

## **6 New section 20B**

*insert*

### **20B Closing or amalgamating schools—moratorium**

(1) This section applies to a government school that, on the commencement of this section, is a school identified by the Minister for closure or amalgamation with another government school.

(2) The Minister must not close or amalgamate the school before 1 January 2008.

(3) The consultation period mentioned in section 20 (5) (b) must continue until at least 31 March 2007.

(4) This section expires on 1 January 2008.

**7 New section 20C**

*insert*

**20C Restructuring government school system**

The Minister may restructure the government school system only if the Legislative Assembly has, by resolution, approved the restructure.

**Examples of restructuring**

- 1 changing established student age groupings for schools
- 2 establishing a school as a middle school (years 5 to 8)

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**8 Notice of decisions to be given to affected people  
Section 141 (1)**

*substitute*

- (1) If the Minister makes a reviewable decision, other than a decision mentioned in schedule 1, item 1A or 1AA, the Minister must give written notice of the decision to each person mentioned in schedule 1, part 2.1, column 4 in relation to the decision.
- (1A) If the Minister makes a reviewable decision mentioned in schedule 1, item 1A or 1AA, the Minister must—
  - (a) give written notice of the decision, including a written statement of reasons in relation to the decision, to—
    - (i) the principal of a school affected by the decision; and
    - (ii) the school board of a school affected by the decision; and
    - (iii) the parents and citizens association of a school affected by the decision; and

(b) publish in a daily newspaper published and circulating generally in the ACT—

(i) notice of the decision; and

(ii) a written statement of reasons in relation to the decision.

## **9 New section 141 (4)**

*insert*

(4) In this section:

*parents and citizens association*—see section 37.

*statement of reasons*, for a reviewable decision, means a statement—

(a) of the findings on material questions of fact; and

(b) referring to the evidence or other material on which the findings were based; and

(c) giving the reasons for the decision.

## **10 Minister's decision Schedule 1, part 1.1, new items 1A and 1AA**

*before item 1, insert*

1A	20 (1)	deciding to close a government school established under section 20 (1)	friend of the school
1AA	20 (1)	deciding to amalgamate 2 or more government schools established under section 20 (1)	friend of the school

**11 New schedule 2**

*insert*

**Schedule 2**

(see s 20A)

Australian Capital Territory

**Education (Community Consultation)  
Determination 2006**

**Disallowable instrument DI2006—**

made under the

**Education Act 2004, section 20 (Establishing government schools etc)**

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**Introduction**

These guidelines have been prepared to help schools facing declining enrolments consider their futures, consult their local communities, and make recommendations that would go to the Minister for decision.

The local community should necessarily be involved in helping decide the future direction for their school. This document outlines a process that schools might adopt as a model in developing their own framework for analysis, consideration and decision making.

The following guidelines include a list of issues that should be canvassed as part of a community consultation process. That process should be based on the ACT Government Consultation Protocol (available through the Internet on [www.act.gov.au](http://www.act.gov.au)).



## Guiding principles

The following principles are to be kept in mind throughout the process:

- quality, range, access and flexibility of educational opportunities and associated services available to students are paramount
- consultation processes should be open, transparent, inclusive of all persons with a significant interest in the school, and carefully managed through a series of steps to encourage considered analysis of issues and options
- preschools, and other schools in the regional cluster should be consulted, because of their significant interest in the schools' future
- a balanced perspective, listing advantages and disadvantages of school size, is important
- a wide range of factors need to be considered in deliberations on the future of the school (see *checklist of details to consider* below).

## Analysis of enrolment information and trends

To make the best decision about their school's future viability and quality of education, school communities must analyse enrolment trends and projections. Only then can they determine the relative advantages and disadvantages of the likely future size of their school.

### I. Board to analyse enrolment information and trends

Enrolment data to be accessed and analysed includes:

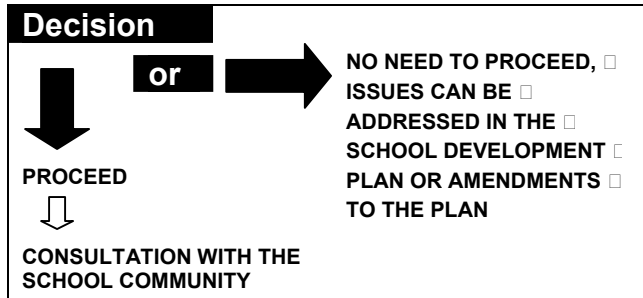
- number of school-age students in the school's priority enrolment area (PEA)

- amount and rate of decline in school population over the last 5 years
- proportion of school enrolments resident (i) inside PEA (ii) outside PEA and change in proportion over the last 5 years
- number of eligible PEA students enrolled in (i) private schools (ii) other public schools in cluster and (iii) out of cluster public schools
- projected enrolments for next 5 years
- similar data for other schools in the region

- 1 In analysing enrolment data school  
2 boards should consider—
- 3 • whether the school trend is  
4 part of a general trend in the  
5 region or whether it is specific  
6 to the school
  - 7 • whether the trends are likely to  
8 continue
  - 9 • factors that might change  
10 projected trends such as new  
11 urban development
  - 12 • likely causes of school-specific  
13 trends

- 14 **2. Board to analyse benefits and  
15 disadvantages of future size of  
16 school**
- 17 • education programs and  
18 resources
  - 19 • social and learning  
20 environment
  - 21 • extra curricula activities
  - 22 • parent participation
  - 23 • staff work loads
  - 24 • before and after school  
25 program
  - 26 • financial support
  - 27 • benefits of predicted school  
28 size
  - 29 • anything else considered  
30 relevant

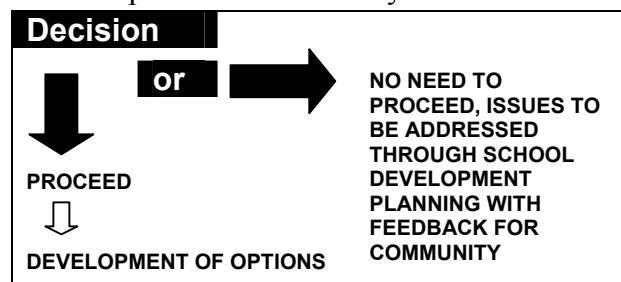
31 *Note* See checklist of details to  
32 consider (list 1) below



- 33 **3. Board consults with school  
34 community and undertakes  
35 planning process**
- 36 Board informs relevant Director:  
37 Schools and convenes meetings of  
38 the current school community.
- 39 • Meetings should be provided  
40 with information on:
    - 41 – enrolment trends
    - 42 – assessment of impact of  
43 declining enrolments on  
44 schools
    - 45 – potential benefits of  
46 maintaining school on site
  - 47 • Board presents plan for  
48 consultation and decision  
49 making process for  
50 consideration by community.  
51 Matters to be considered  
52 include:
    - 53 – defining the community to  
54 be included in consultation  
55 and decision making – all  
56 school parents, all teachers  
57 and staff, preschool  
58 parents, other parents with  
59 young children, other

1 members of the local  
 2 community  
 3 – nature of consultation  
 4 process  
 5 – who is to make the final  
 6 decision - community  
 7 meeting, survey/ballot of  
 8 the whole community or  
 9 the school board  
 10 – how decisions will be  
 11 made – simple majority,  
 12 two-thirds majority or  
 13 other as determined by the  
 14 meeting

15 • Meetings consider establishing  
 16 subcommittees of parents,  
 17 teachers and where applicable  
 18 students to prepare options to  
 19 be put to the community.



## 20 Analysis of strategic options

### 21 4. Analyse strategic options for 22 education provision

23 School board or sub-committees  
 24 prepare a broad range of on-site and  
 25 structural options for the future of  
 26 the school and assess the  
 27 advantages and disadvantages of  
 28 each option

29 *Note See checklist of details to*  
 30 *consider (lists 2 and 3) below*

31 In assessing the advantages and  
 32 disadvantages of each option,  
 33 school communities should  
 34 investigate:

- 35 • experience and organisation of
- 36 other small schools
- 37 • experience of on-site solutions
- 38 adopted by other schools

39 • processes and outcomes, and  
 40 experience of school  
 41 amalgamations

42 • sources of expert advice

43 In developing options school  
 44 communities may need to establish  
 45 whether there are other schools  
 46 interested in pursuing  
 47 amalgamation.

48 The extent of interest will  
 49 determine whether  
 50 and what form of amalgamation  
 51 may be a real  
 52 option.

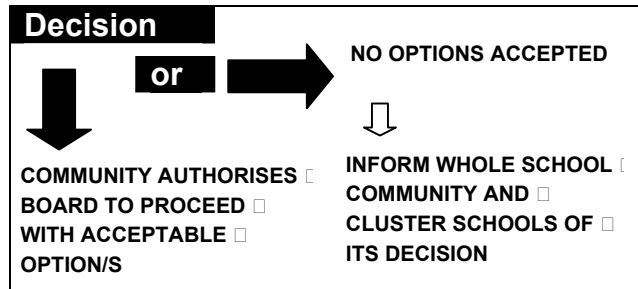
1 **Plan for implementation**

2 Boards convey recommendation to  
3 Minister.

4 A working party should develop  
5 processes for smooth  
6 implementation of the decision.

7 **5. Community consideration of  
8 options**

- 9 • Board reports to school  
10 community on discussions  
11 with neighbouring schools,  
12 circulates process for  
13 consultation and decision-  
14 making process and seek  
15 approval for it.
- 16 • Board circulates summary of  
17 options paper to all school  
18 community members and full  
19 paper is made available on  
20 request.
- 21 • Board organises meetings to  
22 discuss options and  
23 implements agreed decision  
24 making process.



25 If amalgamation is agreed, the  
26 boards need to determine a process  
27 for identifying the site.

28 Factors to be taken into account  
29 could include:

- 30 • independent assessment of the  
31 strengths of each site
- 32 • accessibility for the  
33 communities eg transport, bike  
34 paths, major roads
- 35 • current community usage

1	<b>Checklist of details to consider in the decision-making process</b>	
2	<b>1. Assessing impact of declining</b>	
3	<b>enrolments</b>	35
		— sufficient support staff
		36 — sufficient staff to maintain
4	<b>• education programs and</b>	37 special needs committees,
5	<b>resources</b>	38 curriculum committees,
		39 multicultural committees etc
6	— range and flexibility of	40 — sufficient staff to offer an
7	educational programs	41 adequate range of curricula
8	— student access to	42 and extra-curricula
9	options/electives	43 experiences such as sport,
10	— maintenance of staff to	44 debating, choral training etc
11	adequately teach and	
12	maintain a full range of	45 <b>• social and learning</b>
13	subjects	46 <b>environment</b>
14	— maintenance of staff to	47 — opportunity to learn living
15	adequately support excursion	48 and social skills
16	and camp programs	49 — number of children in same
17	— library facilities	50 year cohort compared with
18	— information technology	51 larger schools
19	— classroom resources and	52 — level of harassment, bullying
20	equipment	53 and other abusive behaviour
21	— playground equipment	54 — individual attention and care
22	— sporting equipment	55 — sense of student belonging
23	<b>• parent participation</b>	56 and identity
24	— pool of parent resources	57 — children's attitude to learning
25	— geographical access of	58 — extent of mixed aged teaching
26	parents to school	
27	— availability of volunteer	59 <b>• extra curricula activities</b>
28	classroom support	60 — sporting activities
		61 — tutor programs
29	<b>• before and after school</b>	
30	<b>program</b>	62 <b>• financial support</b>
		63 — parental contributions
31	<b>• staff work loads</b>	64 — fund raising
32	— number of executive	65 — adequacy of SBM funding
33	positions for administration,	
34	student management etc.	

- |   |   |   |
|---|---|---|
| <p>1 • <b>benefits of predicted school</b></p> <p>2 <b>size</b></p> <p>3 – access and safety for young</p> <p>4 children</p> <p>5 – learning and social</p> <p>6 environment</p> <p>7 – student participation in</p> <p>8 activities</p> <p>9 – relationship with local</p> <p>10 community</p> <p>11 • <b>anything else considered</b></p> <p>12 <b>relevant</b></p> <p>13 <b>2. On-site and structural options</b></p> <p>14 On-site options might include:</p> <p>15 • <b>stabilising or increasing</b></p> <p>16 <b>enrolments by</b></p> <p>17 – developing a better match</p> <p>18 between school programs and</p> <p>19 community expectations</p> <p>20 – communicating the strengths</p> <p>21 of the school to the school</p> <p>22 and wider community</p> <p>23 – developing a particular</p> <p>24 school emphasis eg</p> <p>25 languages, arts etc</p> <p>26 – providing before and after</p> <p>27 school care</p> <p>28 • <b>investigating feasibility of co-</b></p> <p>29 <b>tenants in school to reduce</b></p> <p>30 <b>excess capacity</b></p> <p>31 Structural options might include:</p> <p>32 – twin campus with another</p> <p>33 school covering the same</p> <p>34 year cohorts</p> | <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> | <p>– twin campus with another</p> <p>school covering a different</p> <p>range of year cohorts (eg</p> <p>create a K-10 school with</p> <p>different cohort groups on</p> <p>different campuses)</p> <p>– amalgamation with another</p> <p>school on 1 site and covering</p> <p>the same year cohorts</p> <p>– amalgamate with another</p> <p>school on 1 site but covering</p> <p>a different range of year</p> <p>cohorts (eg create a K-10</p> <p>school on 1 site)</p> <p>– school closure</p> <p><b>3. Factors to be taken into</b></p> <p><b>account in assessing options</b></p> <p>• <b>refer to list 1 above</b></p> <p>• <b>impact on families</b></p> <p>– reduced local access to</p> <p>schooling for current and</p> <p>future users</p> <p>– additional transport costs</p> <p>– safety of young children</p> <p>walking or cycling to school</p> <p>• <b>impact on local community</b></p> <p>– local neighbourhood and</p> <p>shopping centre</p> <p>– facilities for community</p> <p>activities</p> |
|---|---|---|

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**12 Dictionary, definition of *friend of the school***

*insert*

***friend of the school***, for a government school, includes, but is not limited to the following:

- (a) a parent of a student at the school;
- (b) a staff member of the school;
- (c) a member of the parents and citizens association of the school.

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2006.

**2 Notification**

Notified under the Legislation Act on 2006.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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