

**INQUIRY INTO CLOSURE OF PUBLIC SCHOOLS IN NEW
SOUTH WALES**

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Additional Information for the Legislative Council Select Committee on the Closure of Public Schools

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1 Summary

Looking into the process of school closure in NSW has opened a can of worms. The lack of a coherent policy on school closures, the chaotic nature of the process, the lack of a defined purpose or clear guidelines for action, the dishonesty, hostility and incompetence of staff, the disturbing culture within the DEC, and the impossibility of calling the DEC to account or obtaining any disinterested overview of the process, and other matters have been revealed in their full glory. The parents who have lived through this and have fought to have these matters examined by this committee are demoralised and exhausted by their experiences, while those beginning to go through this process are angry and confused. As a wider question, the DEC and its policy of small school closures has had an impact on communities in rural and regional Australia which has never been questioned or examined.

The points which appear to me are these:

1. The introduction of the protocols has caused more problems than it has solved. The protocols themselves are ambiguous in places and lacking in logic, clarity and specificity. It is nowhere prescribed that the consultative group should write/say/establish/conclude or achieve anything. The actual purpose of the protocols is unclear, as is whether the process conducted thereunder is intended to have any impact on the future of the schools under review. In practice, of course, it has had none.
2. No-one involved in the application of the protocols, neither parents, Teachers' Federation nor DEC, understand the meaning or purpose of the protocols. Common misconceptions include: 1) the Teachers' Federation representative in the School consultative Group is not required to take part in the process/is there to support staff who are Federation members/is there as professional support to the principal/may not consult with parents; 2) the principals of impacted schools "if amalgamation or other educational provision" is to be considered are the same as the "neighbouring principals" who in step 7 have a separate meeting with director and principal of the school under review. This could happen, but is not necessarily or logically the case, and would need to be determined at each school. "Other educational provision" is not the same as students being "likely to transfer" to "neighbouring schools." No definition or discussion of "other educational provision" has ever occurred since these protocols were implemented.
3. Step 9 of the protocols, whether or not this was intended, mandates closure of one-teacher schools.
4. All schools coming under review under these protocols - and I do not include Blackville and Wollar, where parents and the community deny that they have entered and concluded this process - have been closed.
5. The DEC does not have any standards or principles by which the desirability of closing schools may be judged. The reasons given vary and are usually considered self-evident. Size, cost saving, proximity to nearby larger schools, future enrolment projections and academic attainment are all raised, but few facts are ever adduced to support or clarify school reviews. Some, but not all, schools which have formed consultative groups have had terms of reference to guide "consultation," but no relation

of the consultation to the terms of reference has been demonstrated. Unsupported and sometimes false statements are knowingly made by DEC officers as part of the “box-ticking” aspect of the process. Assumptions underlying the process are untested and often not articulated.

6. School enrolments are constantly monitored, and “under-10 lists” kept, and all schools coming under these protocols have been one-teacher schools, but the DEC officially insists that there is no “magic number”, that there is no systematic plan to close small schools, and that “no decision has been made,” when none of these things is borne out by fact.
7. In all schools where “approval to consult locally” has been granted, the stated aim of this consultation is to close schools.
8. Most schools closed are officially described as schools where “a majority of the parents agreed.” The nature of this agreement has in all but two cases been problematic.
9. The DEC does not support schools or develop plans to increase enrolments.
10. The cost of school closure is not recorded or scrutinised, but can be very considerable, as at Martins Creek.
11. The enforcement of school intake zones is patchy. In most cases out-of-area enrolments are permitted, with the exception of some high schools, densely populated areas with limited school capacity, and very small schools with excess capacity where local enrolment is not enforced, and acceptance of non-local enrolments is often prohibited or circumvented.
12. The abolition of enforced school intake zones has disadvantaged small schools and led to considerable waste and duplication of resources. The cost of this policy, however, has never been scrutinised or calculated, and the DEC keeps no records to enable this scrutiny or calculation.
13. The long-term effect of school closure has never been studied.
14. Complaints made about DEC officers are not dealt with impartially, sometimes being dealt with by the subjects of the complaint. No complaints made against DEC officers relating to consultation processes have been upheld either by the DEC or by the ombudsman. No effective oversight of behaviour in the DEC, or complaints processes, exists. Complaints processes at best are tokenistic and complaints are “defended” rather than investigated. No impartial avenues exist for grievances against the DEC, and no bodies with any form of oversight have enforceable powers. Legal avenues for the pursuit of grievances are very limited and practically and financially inaccessible to parents.
15. The competence of DEC officers is low. Recruitment to senior DEC positions is largely internal, which limits the available talent and results in personal appointments rather than merit based appointments. DEC officers are often lacking in communication and interpersonal skills and have low standards of integrity. A culture of concealment, bullying and favouritism directed at both staff and parents has become

entrenched in the DEC. The introduction of personnel at all levels with analytical, financial management and administrative skills is desperately needed.

16. DEC officers seem to have undefined and unlimited powers and are able to authorise unlimited financial expenditure which is neither scrutinised nor recorded. External oversight and reliable grievance procedures external to the DEC are desperately needed.
17. Of 27 relevant schools of which I have knowledge, 18 reported problems with the DEC. 15 of these reported complex, serious and often distressing problems. 5 of the remaining schools reported negative long-term effects from school closure. That is 23 of 27 schools reporting strongly negative interaction with the DEC, and the list is by no means exhaustive. I am still contacting parents from schools which have been or are under threat. At three of these schools the question of a child/children with special needs has arisen and has been problematic. According to a Children with Disabilities Australia survey, children with disabilities are problematic in 68% of reported cases across all situations, and these inadequacies are complicated when schools are under threat. This is a department and a system which has very serious inadequacies in so many aspects of its functioning that thorough review and serious action is indicated.

2 Why Do Schools Close?

Schools in NSW close because of their size. They close because they are small enough to be closed without huge practical difficulties. When schools fall to a certain number, particularly if they are in a vulnerable situation, they are closed. The small size is a necessary condition, but no-one ever asks if it is a sufficient condition. This is, when you think about it, a serious omission. There is a presumption that part of the Department's function is to look constantly at schools to see if they can be closed. There is an assumption that school closure is an ongoing function of the department rather than a response to situations which may necessitate school closure, a good, positive action, an active rather than a responsive function. At some point someone in the Department should look at that function and decide what type of function it should be. That is not going to happen any time soon, and in the Department at present there is not one single person who is intellectually equipped to understand the question.

Part of the reason for the presumption is that school closures have something to do with deployment of resources in response to significant population changes. Since it is almost invariably small schools which are closed, this is not true. Those closures are always in response to small population changes, and since the Department is very zealous about this, it is often fluctuations rather than changes, or changes brought about deliberately by the Department. It is questionable that the Department should be constantly seeking for schools to close rather than closing schools occasionally when it is unavoidable to do so. I would argue that the latter should be the Department's function. I would argue that there is no reason whatsoever for the Department to close a certain number of schools each year, or to ask, "Can we close it?" rather than to say, "Do we have to close it?"

If you change that question you would change the Department's actions. That would be true even if the Department was acting in an honest manner, but of course it isn't. It is saying, "We will close these schools and no-one is going to stop us. We will do whatever it takes, and in the end, if we are defied, we will use lies and force." That is the present issue, but the underlying presumptions really should be tackled if the present issue is not to continue.

What happens at present is that there is an unarguable, untouchable presumption that small schools ought to close. The Department says there is no "magic number" but this is not true. The magic number is the number at which it is reasonably easy to close a school, the number at which a school is vulnerable to undermining or pressure, and this is the number which varies a bit according to circumstance, geography and the intellectual attainments and strength of will of the parents, all of them obstacles. The Department does not have to put up an argument for that because we all believe, deep down, that small schools really ought to be closed, and this almost primeval belief is so self-evident that we never question it or even dredge it out of our subconscious and look at it. Then those of us who do not want our own small school to close have to put up a desperate fight for why we should be allowed to keep it, and this is regarded as asking for an indulgence, an exemption, a bit of special treatment to which we really are not entitled: we are taking taxpayers' money and, even worse, we are getting something for our children that other people's children aren't getting. Our small school is giving children a quality of setting, teaching, experience and a type of belonging which is not valid, since school is about conformity, mass processing, economies of scale, standardisation and a healthy

dose of ugliness and isolation from your community. This is an ingrained and widely held attitude, and even the people fighting for their schools feel slightly apologetic for asking favours.

No-one ever faces the fact that these are attitudes. They have no divinely-ordained validity and they are completely untested as to fact and have not been subject to very relevant qualitative analysis. So there are two problems: the Department always has an uneasy feeling that there are surplus schools, which must be sought out and exterminated, and "small" equates to "surplus." The presumption is that your school must close, and you must try to rebut the presumption if possible. This has not been affected by the protocols, but I would argue that it is wrong. It should be for the DEC to prove its case against these schools. People trying to retain their schools are often in no position to battle with the DEC, even if the DEC was intending to deal fairly with them and treat information on its merits. Schools constantly have to justify existing because they might just be a luxury, and small schools can never justify existing because we all understand that "small" is by definition "unjustifiable." We have suffered from this constantly: people who commiserate with us over the school sometimes say, "but it's very small." This is understood to be a drawback/an indication that it will not survive anyway. The DEC decreed that it should stay small and should not survive. That is their choice, not inherent in the school's size and location, and could be changed at any time. More frustratingly, these people do not understand their own assumptions. Small schools have ticked over AS small schools for more than a hundred years. There is no evidence to say that they could not continue to do so. Now there is a presumption that they cannot/should not do so. Even worse, whenever the school has been in the newspapers there have been outraged comments about the parents wanting their own pet school at the expense of other children/using other people's money. As I have said, the financial implications are more complex than this, but these schools are not expensive. They use up a small amount of money and save little if closed. If the continuance of a good school is an outrageous luxury, what is the assumption underlying this? That schools should be places of mass assembly? that everyone is entitled to certain things and certain things only as far as education goes? That all schools must be of one size and type? That any expressed wish of any citizen must be thwarted if it involves public money, because public money can only be spent on things that people DON'T want, or like, or which aren't much good? That if something involving public money pleases someone, it is a sign that it is a luxury and must be abolished in case someone is getting more than someone else, and everyone should be equally unhappy? where does that attitude, which is extremely prevalent, stop? Do we begin to deny disabled people what they need because it pleases them to get those things and they are paid for by public money – their own personal wheelchair, for instance. We are deeply grudging as a society and maddeningly illogical. (I recently read something which I quote "The older I get, the more I realise that the people in charge are terrifyingly stupid." While that is certainly not entirely true, I did think of the DEC.) Mr Piccoli says that when schools reach single digits they are not viable – but what does he mean?

That they will fall to zero, or that they are not functioning, or that they are not giving value for money? Schools do go on in single digits, fluctuate in numbers, and survive. They always have. Now, it seems, we have a business model and even stable enrolments won't do. Schools must show continuous growth. When did this happen, and why? this is a tidying-up model, but not based on anything sensible. This is not about the children, certainly not

about communities, apparently not about money. It is difficult to see what it is about, but it is certain that the Department itself does not know. Certainly now it cannot survive as the Martins Creek catchment area has been abolished and taken over by Paterson. At one time Vacy, which has a bus service from Martins Creek, was the Department's preferred school, but now it is evidently Paterson. Paterson has a new principal who was "mentored" and "coached" through the ranks by . Paterson is also a much more defensible school than Vacy, which has an excellent principal but very poor NAPLAN results which constantly decline. Paterson, presumably, is to be the leading school when the new hub and spoke model is implemented.

The question of cost is something that someone should go into, but, astonishingly, no-one has. The briefings and recommendations on both Wollombi and Martins Creek schools state that \$34,000 will be saved by the closure in each case. This is a simple subtraction of ongoing staffing costs from the annual funding under the RAM. It is not a financial study. Of course there will be extra travel costs to add to that, and depending on whether the enrolment of Martins Creek children at other places necessitates any extra costs – as with – the picture may change. However, it is clear that the DEC does not care. There is very poor planning and financial management in the DEC. I recommend the article "Schoolyard Crush" by Ceridwen Dovey¹, concerning poor planning in Sydney schools. Some efforts have been made to sell valuable school sites, but this has not offset the cost of building new schools. It has in some short sighted decisions increased that cost. small schools with not-particularly-valuable sites make no measurable difference to the DEC's \$14 billion schools budget. Mr Piccoli and Dr Bruniges insist upon this, and I believe it is true. They insist it is in the best interests of the children, and this is not true. even where schools have valuable sites, as at Wollombi, there is little gain to the DEC. As Laguna has limited capacity, a new school site will be needed at some point, and the sale of Wollombi school, if it goes ahead, will not cover this. Decisions about school closure are made by ex-schoolteachers who neither know about planning and finances nor are required to account financially for their decisions. There may be a perception, as there certainly is in the community at large, that closing these schools saves something, but no-one knows if it does, and generally it does not seem to, especially in the long term. As I have said, school closures in the 1970s resulted in abandoned and derelict schools, or schools sold for almost nothing. School sales in Sydney returned short-term gain from time to time but have always resulted in long-term expense. If the DEC wants to make budget cuts better financial management would be a better way to go. Taking financial decisions out of the hands of ex primary school teachers would be another. As with so many things, the financial question in the DEC is in chaos.

Given that all enrolments at Martins Creek are now out of zone, even those of children who live 200 metres from the school, and out of zone enrolments are not permitted, the school is not viable. This is what happened at Crowdy Head. But it could be viable! It is the DEC's choice to kill it off, not for any good reason in the first place, and now because Frank Potter will not be defied and is determined to exact obedience from parents.

I suggest that all of this is simply testament to the unwillingness of humans to think or analyse when blind action will do. It is certainly not very "twenty-first century thinking." Behind this there is always the faint, occasionally-surfacing notion that schools are not

¹<https://www.themonthly.com.au/issue/2015/february/1422709200/ceridwen-dovey/schoolyard-crush>

really an entitlement. If you want your children to read and write and “figger” you should pay. Certainly if you can afford it you should pay. The idea of getting rid of government schools and substituting a “voucher” system is articulated from time to time. It may have certain merits, but it is best to be honest about it.

Small schools have changed since they were seen as necessities which were five days away from the nearest town by bullock dray and the children had no shoes. That was often true, but it was not even then a sound basis for qualitative judgement. It is an impression of schools which has been fostered by the movies, and has become a “meme” rather than a reflection of reality. On the day that the motion establishing this inquiry was passed there were speeches in the Legislative Council which sought to perpetuate the myth that children ride horses to these schools while at weekends the 1950s car rolls over the unsealed roads to the nearest town with a picture-show. This is disingenuous and unhelpful. Teachers at bush schools varied, naturally, as at all schools, but teacher training in the past was quite stringent and the standards expected by the Department were the same in all schools. In what was probably the heyday of small schools, from the 1930s to the 1960s, there is strong evidence that children at small schools were in no way disadvantaged by these schools. As I have pointed out until I am blue in the face, our recently-appointed High Court judge Stephen Gageler attended a tiny primary school at Giants’ Creek. Les Murray, Jill Ker Conway, Julie Anthony, Patsy Adam-Smith and many others are products of small schools. We have a society which since the 1950s has made it easier for children from all walks of life to excel – though these opportunities appear to have been in decline for some time – and the number of children from very small schools to do so has been disproportionately high. Whence, then, the idea that one-teacher schools must be intrinsically undesirable? This is another one of those things which sounds vaguely logical, so no-one ever checks the facts.

There is a fair amount of research into school size and achievement, but not a lot that is much good. A lot of American research is inapplicable here because it relates mostly to high schools, their social and funding systems are so different, and their terminology is different: “small schools” may be anything from 200 upwards. There is some research from the UK, Canada and Europe where small schools are more common and have a long history. These schools do differ from ours in that funding may be more localised and follow a different formula: per capita funding does disadvantage small schools, and local authorities with limited funds do generally seek to close small schools where possible to divest themselves of their responsibility to fund schools. Nonetheless, there is no support for the idea that small size is an intrinsically undesirable attribute for a school. That is not even a logical assumption in a society in which small class sizes are seen as a good, and one-on-one tutoring is accepted as the best way to confer academic advantage. It is now difficult to perform research into small schools as they are far less common than they were, and a goodly number of those remaining are in areas of multiple disadvantage, but the Department of Education is unaware of these distinctions and uninterested in facts. They are out to close small schools, and go about it lazily and unethically.

On the ground what happens is that we go through a “process” which is not intended to find anything out and not intended to affect closure. Where schools have not – yet – proceeded to closure, such as Blackville and Wollar, it was other factors that slowed things down, not anything which came out in the “extensive community consultation.” At Martins Creek the briefing for the Executive Director was written to his specifications by

members of the Department. It did not, by order of Mr Potter, contain any conclusions. It could scarcely have done so on the basis of what it contained. It is a chaotic and fairly senseless document, and leaving aside the major problems with fact and honesty, is very vague. Paterson school has a highly-regarded performing arts programme, and at Martins Creek all children take part in a full-scale end of year musical in front of about 100 people, we are told. Also, Paterson school had several children in zone cross-country, and Martins Creek school won the percentage trophy at the PSSA small school sports carnival. This is the standard of information the briefing contains. If you are thinking, "So what?" then that is really the only reaction that anyone could have to the entire report. There is nothing that could justify closing Martins Creek school in that. There is nothing that shows that the children would be better off at Paterson, let alone that they are so badly off at Martins Creek that any responsible person would shut that school and get them out of there, no matter where they went. That is the basic message the Department use to justify school closures, interspersed with, "Our figures show it was dying out anyway."

Mr Piccoli says of Bilbul, "The advice from experts is that the best thing to do with that school is to amalgamate it with Yenda and Yoogali," he said. "So what consequences it might have on former students or the community is a secondary concern. That's just the reality of the position I have as the Minister for Education and the responsibility I have to those students." (ABC news, 31 October 2011) Mr Piccoli is untruthfully implying that he had the authority/there was the need to step in and get those children out of there. He says that he had a responsibility to the children. This is not true. If the DEC's preference is to close that school, that is not the same thing as a responsibility. There is a disturbing implication often encountered in the DEC that officers have a "responsibility" to other people's children, and that this "responsibility" looks very much like an order that the children go somewhere or do something that the DEC wants done rather than that which the parent might choose. This is a different matter entirely. The children were not at risk at this school. The "responsibility" was actually an assumption of authority over those children. At some point the rights of a government agency need to be defined, as officers may not understand the limit of those rights.

This is the sort of nonsense people fighting not only for small schools but for a bit of sanity and reality have to contend with. What Mr Piccoli said was given to him on a piece of paper to read off. It was not true. There were no experts. There was no crisis. No analysis was done of the best thing to do with that school. Had it been the same school with 14 projected enrolments instead of 11, there would have been no closure and nothing to be said. ... of Carcoar, Euchareena and Wyangala fame was the SED in charge – the "expert," perhaps. There was no certainty that the children would go to Yenda or Yoogali. They might have been homeschooled, or gone to another small school, or moved to Walgett and ended up in Walgett high school where students attack each other with broken bottles. Walgett High School is not being closed, though there can be no question that the "most effective educational provision" would be to get the children out of there. It is too big to close, so they and teachers must take their chances with physical violence.

The DEC cannot prescribe where children go from closed schools, can not guarantee that they will be better off or even predict what they will do. The DEC does not care once they get the children out of there and shut the doors. That can only mean that these schools are so terrible that children could not be worse off anywhere else in the state, or that the DEC is spouting rhetoric which no-one can even be bothered to question. Imagine

that! It should be the DEC's concern what will happen to communities. They should only be exempt from responsibility to the public if the children are in immediate physical and moral danger, and there are laws about that. If a school is so bad, then the Department is not doing its duty and the problems should be corrected, not ignored while the children are shipped off to places which have not been "examined" by "experts" to see if they are any better.

This is all very obvious, but this tokenism, these lies and illogicalities and irresponsible behaviours and utterances and general ridiculousness are intolerable to live through. Everyone involved with school closure has had to live through them.

The DEC should have a responsibility to communities. It is actually a frightening idea that a government agency should have no obligation to assess the impact of its activities on society. At all places where school closure has been an issue, people have reported that there will be/has been a flow-on effect in the community. It is not good for society that people should be estranged from their communities, that in a practical sense and a psychological sense they should not belong and be able to give and receive help from their fellows. As the DEC cannot and does not conduct research into the consequences of its actions, I have done some myself. In the wave of school closures of the 1970s all but one of the primary schools in the vast stretch between Denman and Dubbo, up to Coolah and down to Ulan, was closed. Only Cassilis primary school remains. The other schools are central schools. Children travel up to 120 km to central schools at Merriwa, Dunedoo, Coolah and Mendooran. At Neilrex and Merrygoen the former schools are derelict. They were, and remain, almost valueless as real estate. At Leadville the school is a private residence. At these three places there has been a flow-on effect which has not only made the town lose heart, but which has affected the appearance of the towns. At Neilrex and Merrygoen the schools, the halls and even the public tennis courts and playground are derelict. There is no centre and no committed group of people to shoulder the upkeep of community assets.

In more affluent areas, such as Bandon Grove near Dungog and Martinsville near Morisset, the loss of the school has fragmented the community. Martinsville is essentially a dormitory suburb, and one of the striking features of life there, which used not to be an issue, is that people do not feel safe. They do not know their neighbours. They lock their doors at dusk or before. Some long time residents have moved away because it is, though pretty, not a nice place to live. It has no heart. The community tennis courts have become a trysting place for drug dealers. This is not simply because the school closed in the 1970s, but it is an illustration of what happens to a community when it has no bonds. There should be some government policy somewhere which envisions something about society and the value of community, and it should be acted upon.

At Bandon Grove, which remains to some extent an area of primary production, there was real grief over the loss of the school. It is still felt today. Residents have kept the hall functioning and the church still holds services, but there has been no mechanism by which new residents can be assimilated into the community. The school once performed this function. The Bandon Grove shop, which was opposite the school, has closed. the school's closure did have an economic impact on this shop, and it had a personal impact on the owner, whose life was quite involved with the school.

These factors are neither frivolous nor nonsensical. We are humans. This is human

society. It matters that we live on a human scale. Even if we want to reduce everything to its most unpleasant level, the breakdown in communities and the unhappiness of individuals has a financial and a societal cost.

At Martins Creek there were two attempts made – two “heads” if you like – to give a token justification for closing the school. One was the NAPLAN results. [redacted] did not understand that his first attempts at this were not valid, and made it explicit to me at the committee meeting on 14 August that he intended to make the school look bad. “I’m not taking it out,” he insisted, and “If I compare it with Vacy and Paterson it’ll look even worse.” I pointed out that direct comparisons could not be made with larger schools of a different socioeconomic type, and he did not understand me. He sent the Naplan analysis twice more to the DEC’s High Performance Unit to get more detail in the belief that it would somehow overcome the fundamental flaws in the analysis, and overcome the minor technical detail that 3 of the 15 students purportedly sitting NAPLAN at Martins Creek had actually been attending quite other schools. [redacted] was never good with numbers: he pronounced to Frank Potter on 2 April 2014 “Martins Creek has NO students doing NAPLAN this year,” when four of the six students were actually doing so. He has never heard of the computing term GIGO – “garbage in, garbage out”, which applies to statistical analysis. It is worth quoting Charles Babbage here, “On two occasions I have been asked, “Pray, Mr Babbage, if you put into the machine wrong figures, will the right answer come out?” I am not able rightly to apprehend the kind of confusion of ideas that could provoke such a question.” He should have tried working with the Department of Education.

As I have said elsewhere, my husband, who is more than qualified in this area, having worked internationally as a research mathematician and statistician, on 22 September 2014 spoke to [redacted], author of the NAPLAN analysis and DEC employee, about the data. [redacted] said to him, “You can’t do anything with these figures, there is not enough data.” This did not deter [redacted], nor did a Board of Studies officer calling the analysis “a nonsense” nor an email from ACARA stating that 35 to 40 results would have been necessary for analysis and even then they could not approve of NAPLAN results being used to attack a school’s performance. [redacted] explained this away by saying that the remarks applied only to “raw data”, which piece of wisdom even he was unable to explain. Professor Margaret Wu also analysed the DEC analysis and pointed out its unreliability on several fronts, as well as its unsettling ethical and political implications. There is no-one more expert on NAPLAN than Professor Wu, but [redacted] relegated her to an appendix in the “briefing” for Frank Potter, stating bravely that he regarded [redacted] analysis as “expert” – which is more than [redacted] did. He did not regard Margaret Wu as “expert.” He did not regard the truth as desirable. If Mr Piccoli was told by DEC “experts” to close Bilbul school I take leave to doubt that it was the right course of action. Moreover, Mr Potter by his own admission did not even read the appendices in his own briefing. He has a problem with lots of words.

The NAPLAN analyses by qualified people were sought by me on behalf of Sue Coutts, then the parent representative on the School consultative Group at Martins Creek. Any attempts to find research or analyse data as mandated by the protocols were made by parents, not by the DEC, and were mostly not accepted by [redacted]. The fairly minor question of the BER building could so easily have been settled by the DEC but [redacted] was most anxious not to pass on any facts. I think he did obtain some unpalatable facts

and concealed them. Mrs Coutts and I obtained assessments of the building's portability and associated costs from three people who were in different ways "expert" but would not accept these.

The other argument for the closure of Martins Creek school was, according to Mr Potter: "We look at the educational opportunity for the young people in the area. It is my professional view that the educational opportunities for those young people in a larger setting where they would be able to work in cohorts of larger size, the education utility of working in a group in terms of twenty-first century education and the sorts of collaboration and consultation processes that we would want children to be able to be skilled in, as well as opportunities for extended curriculum breadth – my recommendation was based on that those opportunities would be enhanced by the students moving to schools 7 and 12 km down the road." There are problems with this. Mr Potter has admitted that he never intended to recommend that the school stay open, that the consultation, which should have tested his opinion and replaced it with facts, was just for people to "vent", and of course what he says is nonsense not supported by the facts. As I have written elsewhere, et al wrote vague statements to the effect of "broader range of staff" "greater range of curriculum offerings" "Martins Creek is limited by its staffing entitlement" and so on. Every school is limited by its staffing entitlement, which at Martins Creek gives it a teacher/pupil ratio of 1/3 as opposed to neighbouring schools 1/20. No facts or site-specific information was sought or accepted by these people. Mr Potter has been to Martins Creek once, to watch a play. He has no familiarity with the school or how it works, or any familiarity with the other schools. He was simply expressing his prejudices at best, or at worst telling lies he hoped would sound plausible because he was determined to get the better of that damned school, which is far more characteristic of how Mr Potter, and Mr Prior actually work. To an even vaguely academic, logical or legal mind it is appalling to make statements and not back them up. As an undergraduate Mr Potter would have got the pencilled note "Source for this?" against his statements. As there is a presumption that a small school has disadvantages too well known to need examining, so there is a lazy assumption that any large school must have advantages. Schools vary hugely. Woodberry Primary school, for instance, or Telarah primary school, would expose Martins Creek children to bullying and violence. There are remedial programmes on offer at each of those schools, but there are no enrichment or extension programmes because, as disadvantaged schools, they are not deemed to qualify for such programmes and the teachers do not feel that they have the clientele for them. I can state this because I found out the facts. Mr Potter would witter on about 21st century collaborative learning obviously needing hundreds of students and unable to be accessed without hundreds of students, but it would be empty jargon and generalisation. The whole "consultation process" and all the responses to ministerial and media enquiries were along these lines. The DEC did not descend to fact. In fact 21st century learning has fewer barriers and is less dependent on physical contiguity than ever before. Mr Potter was once a schoolteacher. He has his preferences. His views are not expert. There are differing views. Mr Potter is just in a position to put his prejudices into effect because he is the boss. He has admitted that he always intended to put them into effect. The facts did not support him, so the facts were ignored and suppressed. From the start the reports and documents were falsified and slanted, to say that principals agreed when they did not, to put things in a way that would make the school look worse/the staff look worse/strengthen the case for consulting. Mr Potter is no expert. He could not grapple with facts so he disposed of them. He did not read any dissenting views which

came in his way. Education Department employees are not much given to reading: when I sent the 5-page letter detailing the parents' reasons for withdrawing from the consultative committee Mr Potter is much struck by the idea that the DEC may have to provide a response to it, which will involve knowing what it contains. [redacted] is astounded, and professes not to have read so much since having done formal study two years before, and to need annual leave in order to read five pages. Two things emerge here – senior DEC employees are not fluent readers, and Mr Potter was not intending to take any notice of the contents, simply to master enough of it to provide a response if someone wanted one. In the event he turned it over to [redacted] to “investigate”, and she did not read most of it either. Frank Potter struggles with lots of writing: when he sends the RML documents (mostly letters from me) as well as this letter to [redacted] he refers to my former letters as “a tome.” That would be almost twenty pages. If Frank Potter struggles to read and understand five pages written in a discursive style, he evidently does not keep up with academic research. His professional opinion is not, evidently, a well-informed one, and he is not convincing as one who feels he has the qualifications and the authority to make decisions about the education of other people's children.

The empty “twenty-first century learning” catchphrase is meaningless and Mr Potter has never attempted to explain it. However, on the basis of what he has said to this committee, the facts at Martins Creek do not support him. The children there have greater access to technology than most places. They have an iPad and a computer each. They have the most highly-regarded IT teacher/technician in the Maitland network employed permanently to give them small-group tuition every week. They work collaboratively with other schools, practise music and access gifted and talented programmes through videoconferencing, participate in robotics, language and art workshops with other schools in the Dungog community of schools both remotely and physically. Even [redacted] acknowledges that Martins Creek school covers all the required curriculum areas and more. I have several times mentioned the outstanding NAPLAN results of 2014. So how can the school be so bad it positively needs to be closed for the salvation of the students? These children are not limited. They are not missing out on 21st century learning. If Mr Potter thinks he likes the neighbouring schools better, he is at liberty to do so – limited only by the fact that he has never visited either school – but it is not his responsibility to foist that view upon parents who are – at that school – better qualified than he to judge the quality of their children's education and decide what they want for their children.

The major reason for the increase in school closures is to be found in the “reforms” being undertaken by the DEC. The DEC is pretending, sometimes in a very token way, that the old conditions still obtain and they are closing schools on their merits -though only small schools – but a lot of it is housekeeping associated with these reforms. A major agglomeration and consolidation of schools and regions is taking place. In 2013 a reorganisation of school networks and regions took place. Frank Potter, Graham Kahabka and [redacted] came into their positions at this time. From 11 “regional directors” the DEC changed to just 4 “executive directors” with the same functions but with responsibility for 2 or 3 of the former regions. School networks were enlarged and made more geographically coherent at the same time. Part of the “reform” also embraced school and principal classifications. P6 and small p5 principals are henceforth to be known as Teaching Principal or Associate Principal 1 and 2. School classifications are also rationalised. As of January 2016 teaching principals may choose to remain as teaching principals or opt to be associate

principals: all new appointments at this level will be associate principals, and by 2020 the option will be removed. Some of the wording explaining the new school and principal classifications implies that p6 and small p5s will be progressively moving to larger p5 status or non-existence. The Primary Principals Association submission of 2013 regarding the reclassification expresses concerns at this: they feel that children will be the losers from downgrading the role and authority of teaching principals. They are also concerned that this is a preparation for the “hub and spoke” model of school networks, which of course it is. They mention the possibility of school closures in connection with it: “The Association notes that there is no mention made of school closures or schools being placed in recess as part of the draft proposal on school reclassification”, but they are afraid there will be. The P and C Federation expressed similar concerns before this committee. The DEC research paper “New Classification Structures for Schools and Principals” several times cites the 2010 paper “Creating a Self-Improving School” by D H Hargreaves. The model of “Self-Improving School Systems” is a UK initiative which has begun to revolutionise the school system. It is based on the same “hub and spoke” or “family cluster” system. The rationale is that schools should share leadership so that everyone gets the benefit of every leader’s particular strengths. There will be a central school which will provide the most leadership because it is the most successful school so must have the best leadership. By and large these family clusters will be geographical, though this is not mandatory. In practice the main leader will be the biggest school. The formerly autonomous principals will become “middle leaders”, as they are no longer the leader of a school, but they have a role to play in lower leadership of the cluster. This could work well, but it has caused a great deal of concern as there are some obvious pitfalls. All the schools will work together and feel responsible for each other and this will lead to continuous improvement. It is not a cost-cutting measure, and in fact bids fair to be quite expensive. This is, however, a business model, and there must be collaborative competition in the mix, as there can be no improvement without competition. At the same time everyone will want the cluster to succeed, and will use difference as a “spur to learning rather than conflict.” This model is probably subtitled somewhere “Utopia.” I can assure you now that in the hands of staff of the calibre of Messrs Potter and it is like a vision of hell.

Be that as it may, schools are being rationalised to get this model into order. You will note that schools which are being closed form clusters. They are either close to other schools or at really significant distances. They are being neatened up. They are also politically organised to some extent, mostly being in safe National seats. Schools are being rationalised as a form of housekeeping for the new model. The protocols are being used to pretend that it’s all being done in accord with strict principles, even if those principles don’t allow for schools to remain open and even if it’s not.

I cannot do better than to refer the committee to an article by Ceridwen Dovey on the Department’s faulty planning and shortsighted school closures in Sydney. It will be found here:

<https://www.themonthly.com.au/issue/2015/february/1422709200/ceridwen-dovey/schoolyard-crush>

Inexpert planning, unqualified demographers, a “toxic work environment”, DEC managers spending millions and millions of dollars and not being accountable for it, attempts to make money from school selloffs which resulted in the necessity to spend ten times as much – nothing has changed.

3 Response to Public Hearing

I quote from the public hearing of 20 August in which a number of DEC officers appeared before this committee.

“Dr BRUNIGES:

The Act has remained. The Act is broken into two sections. Section 28 (1) to (9)

requires the Minister, on 15 June each year to do that....

The other part of the Act, Section 28 (1) (a) to (c) is a separate process. The (a), (b)

and (c) clauses of that go to one-teacher schools.”

I am somewhat surprised that Dr Bruniges is not clearer on these matters. The Act is not divided into two parts. Section 28 itself, (not the Act) which is what is under discussion, is not precisely broken into two parts. Subsection 1) prescribes that the minister may close schools: subsections 2) to 9) describe the process in accord with which school closures are permitted. Subsection (10) states “The procedure outlined in this section for the closure of a school does not apply”: then in a) b) and c) lists the conditions under which these provisions do not apply. It does not go on to state what process, if any, DOES apply. Section 28 subsection (10) is not a separate process. It is a list of exemptions from the provisions of 2) to 9) of this section. No “process” is prescribed or foreshadowed under s28 (10) a to c. In fact (c) is self-sufficient, in that the minister simply decides to close a school for reasons which are exceptional but sufficient. No process is necessary for s28(10) b in which parents agree to close a school and it is closed. No process is prescribed for s28 (10) a), a one-teacher school. The DEC has included one-teacher schools, up to a point, in its “Protocols”, but this was not mandated by the Act.

Further, Dr Bruniges is completely in error in saying that s 28 (10) a), b) and c) go to one-teacher schools. Paragraph a) is the only one applying to one-teacher schools. It exempts them from this process. There is no more to be said about them in s 28, and no more that needs to be said. Subsection 10 paragraphs a), b) and c) list the circumstances in which the closure of schools does not need to follow the process set out in subsections 2) to 9) inclusive. That is the purpose of subsection (10). Paragraphs b) and c) deal with the conditions under which larger-than-one-teacher schools may be exempt from the process described in subsections 2) to 9). The exemption of one-teacher schools has already been provided for in paragraph a). If a one-teacher school is closed and the majority of parents agreed, this simply makes assurance doubly sure, since that school was already exempt from the provisions of s 28 2) to 9) by virtue of being a one-teacher school. However, the point needs to be made that there is no compulsion on the DEC to examine any school for closure simply by virtue of its eligibility for inclusion in the list at subsection (10).

I further quote Dr Bruniges:

“The majority of public schools that we have closed have fallen under section 28 (10) (b) where the majority of parents have agreed.” and “That has been

the fact. The majority of public schools have been approved for closure under 28 (10) (b)”.

The main purpose of 28 (10) is to give a list of school categories which, should the minister wish to close such schools, may be closed without regard to the process prescribed in ss2) to (9). It does not mean that all schools falling into those categories should somehow be identified or that schools put themselves into these categories and thus become eligible for closure, and then, following from this, closure is somehow mandated. Schools may fall under these categories either without being closed or without the preliminary conditions existing which necessitate examination of s 28. In 10) a being a one-teacher school does not necessarily mandate closure. In 10) b it is highly likely that there would have been a great many actions by the DEC and others which preceded the agreement of parents. The DEC in nearly all cases would have to propose closure before the parents agreed. The DEC must move towards closure of a school before looking at s 28 (10) to see if the processes outlined in 2) to 9) must then be followed. In all cases there had to be a reason or reasons for going so far. S28 (10)b would very rarely occur spontaneously – the DEC would work to get the closure of a school to that point before ascertaining the parents’ views and then referring to the Act to clarify whether, given current circumstances, they needed to begin the process at subsection 2). The focus of this inquiry is largely on the processes leading up to approval, and the technicality that s 28(10) b applied does not act to negate this. Dr Bruniges seems to imply that she has made a stand-alone statement and there were no conditions precedent to the agreement – if genuine – of the parents. This is not so. I hope that the focus of this inquiry will continue to be on the circumstances leading to approval of closure and on the nature of that parental consent.

Schools are not, and cannot be, approved for closure “under” s 28 (10) b). They can be approved for closure after coming under s (10) b, which then has something to say to the procedures around closure. It is not a paragraph giving the conditions which must be met if closure is to be approved and which, if met, are sufficient to justify closure. This is the distinction which Dr Bruniges does not grasp. As far as I am aware, all but 3 of the schools closed since 2011 have been one-teacher schools. This means that s 28 (10) b) is irrelevant to the approval procedure for these schools. Perhaps the parents agreed, though I dispute that, but they did not need to agree in order for these one-teacher schools to be exempt from the processes described in subsections 2) to 9). I assume Dr Bruniges to be saying their closure was approved by the minister, and he certainly did not have to have regard to (10) b) since the effect of (10) a) was to provide him already with the necessary exemption from a set of steps he would otherwise have been bound to follow. If he could have been said to approve closure “under” any provision it would be s 28 (1), having regard to the processes followed and whether the relevant paragraph of subsection (10) – which in their case would have been paragraph a) – applied. The Department set out to close those schools – s 28 (10) b) did not spontaneously arise. She could actually have said of schools closed since 2013 that they were closed “under” step 9 of the protocols, but not under s 28 (10)b).

I have laboured this point somewhat because by bandying about “s 28 (10) b)” as though it were a blueprint for action rather than primarily one of a list of exemptions, Michele Bruniges is seeking to dignify, legitimise and add clout to a miserable process undertaken by the department which is illegitimate, undignified and too often in accord with nothing official.

These are nice distinctions and I have been elaborately detailed in making clear my meaning. I would argue that senior members of the DEC are employed and paid to be just as precise and just as clear, and should not be undertaking school closures without every distinction, no matter how nice, at their fingertips. They should also be capable of expressing themselves with exactitude.

I must also take exception to her statement that the majority of schools closed as a result of agreement by the parents. Before discussing this I would point out that one notable conclusion which must be drawn from her statement that the Act applied is that the majority of schools did not close as a result of the application of the protocols. Once the move had been made to close the school and the parents had consented, s 28 (10) b applied, and exempted the minister from certain closure processes (though, in one-teacher schools, he/she was already exempt). The real significance does not lie within the Act. The real significance lies in the fact that the DEC is then exempt from following its own protocols -depending on when the parental consensus was reached. Therefore it may be immaterial how much or how often the protocols are refined to provide "transparency", the Department by its own admission has in the majority of cases not used them. I am aware that the protocols were ostensibly followed but certainly not properly followed at Martins Creek and Wollombi. They were not followed to a conclusion at Eraring, Spencer, Sutton Forest, Corinella, Numeralla, Bellombopinni, Ellangowan, Bylong Upper and many others. I assume that these schools therefore qualify as schools where "the majority of the parents agreed." The actual situation on the ground is very different. I do know of two schools where the parents did agree to closure. At the other schools, however, this is not the truth. At Eraring school, as the committee is aware, there were serious issues with the principal. Parents were driven out and enrolments were refused. The remaining parents accepted that the school had gone beyond recall. This is not the same as "the parents agreed." At Spencer there were issues with the principal and dissension between parents over discipline and the disruptive behaviour of some students. The community did not rally to save this school, as it simply fell apart, was not a nice place, went beyond the point of no return, and the principal supported the enrolment of children at other schools, which were not a great distance away. This too is a school at which "the parents agreed."

Corinella school is also apparently a "parents agreed" school. I quote:

Local farmer and parent representative says the community is devastated.

"Everyone is in shock," she said.

"They are very upset."

"Without the school the community will die, that connection won't be there."

I do not see how the DEC reconciles this with "the best interests of the children" or "the most effective educational provision" or "the children will be better off" or "the school is not viable." If you distress their parents and destroy their communities children are not better off. This is another "parents agreed" school, where parents say they were actually given no choice. The principal who closed their school has been appointed to Carcoar with predictable result.

The DEC shows no awareness of children as whole human beings, existing in multiple settings, nor of schools as having multiple functions in society. At Martins Creek, children

are currently excelling academically and in sport and are benefiting enormously from the high quality, both aesthetically and socially, of their surroundings. They have access to, and use, every conceivable form of technology, but arguably benefit more from the increased feelings of belonging and self-worth engendered by their safe, tranquil and orderly small-school and community setting, in which very high-quality personal interaction is enabled.

At Sutton Forest there were serious issues at the school, which apparently began with some parents and were initially directed at a teacher. Parents were divided over this issue, and enrolments began to fall. The principal marginalised the community, whose members had supported the school for generations. I am informed that the principal “ran down” the school by closing down extra-curricular and enrichment activities, particularly those supported by community members. I would have included this school in my submission on the closure of two-teacher schools, but I had not then heard about it. This is a school which had an enrolment of 32 children in 2013, 25 in 2014, and zero in 2015. This catastrophic fall in numbers, as in other cases, apparently did not alert the DEC to the fact that there were problems. I suspect that this is because the disintegration of the school suited them so well, and the principal was encouraged to pursue her ruinous course. This shows complete disregard for the damage done to the children, parents and community involved. I do not know what the official word is on the process of closure of the school at the end of 2014, but community members deny that there was any community consultation. The principal circulated a “fact sheet” once the decision had been made, but this fact sheet has been described to me as “full of lies.” The area around the school has been rezoned for large-lot dual-occupancy residential, and it is generally felt that the population will grow. There is a great deal of bitterness about this school closure and residents are still fighting to have it reopened. It is likely, however, that the community is fragmented beyond recall. I do not know whether this is a school which ostensibly followed the process or another “parents agreed” school. Once approval was sought and obtained, however, s 28 (10) came into play, as it always does with a one-teacher school, regardless of what the parents may do. I do not think that this, however, is the issue. It is the process that is the issue.

At Bylong Upper the school closed due to mine expansion: the mining company, however, professes to have offered to relocate the school. Some residents accepted that everyone was going to “move away” as the mine progressed, but not all are sure about this. There is some feeling in the community that they may have been denied the opportunity to explore other avenues – as one resident expressed it, they were “sold a pup.” At Numeralla the enrolments dropped from 33 to 2 in 2 years, for reasons which I have detailed elsewhere. The remaining parents accept that there is no school to save, but were hoping just to survive to the end of the year. There has been very little consultation, as there is no point: I do not know whether this will be classified as a “decision” due to low numbers or as “the parents agreed.” At Bellombopinni the parents accepted that there would be no further growth due to the highway expansion, but not everyone is satisfied that that was really true. At Murrumbidgee the school was closed with an enrolment of 19, which is high. There was no consultation although the protocols were in force at the time (2014). Parents were told that it was happening and that the decision had been made. They did not go through a process and were told that no protests would avail as their school was both to close and to amalgamate with Whitton. This, I am sure, is one of Dr Bruniges’ “the parents agreed” schools.

Bilbul is similar. The Narrandera Argus of 25 September 2012 states "Mr Piccoli said every year four to eight small schools were closed in NSW. They included Bilbul near Griffith where the parents themselves decided that the school should be closed, rather than taking up the recess option." This would certainly be a "parents agreed" school, but they were offered no options. This was of course before the protocols were introduced, and parents were told that the school could not stay open. There was no "remain open" option. I have today spoken to one of those Bilbul parents, . Her words were, "It was disgusting. We should have formed a committee but we didn't have time." They closed the school "virtually overnight." She told me that there were some parents whose children were going to high school the next year who were not greatly affected, and that she herself had taken some time to consider the school's position, by which time it was too late. She further told me that the community was greatly affected, that the Department officers "lied" and that "you can't beat the government." This is Mr Piccoli's "parents did the right thing" and Michele Bruniges' "parents agreed" translated into reality.

The DEC has left a trail of misery and distress and destruction across NSW. They have never undertaken and will never undertake any sort of review to decide if the children they transplanted are measurably better off, because they lost interest in those children as soon as they managed to shift them. Ironically this means they have lost a heaven sent opportunity to do research on whether children do better when they move to larger schools, which is an article of faith with the DEC but must remain speculative even while they use it s a basis for further action.

There are many other stories, but these do illustrate that the statements made by DEC officers do not reflect the truth.

I would like to digress slightly here to give you an illustration of an "RML standard response" which perfectly illustrates the standard of veracity and the methods of dealing with ticklish subjects employed by officers of the DEC. On 10/2/15 Paul Green wrote to the minister for education, asking in part, "Also, regarding concerns with (the special needs student) – has the department obtained expert psychological advice that no adverse effects will occur to him should he be transferred to another school? If so, can that information be made available to his ?"

The answer to the first part should have been, "No" as no such assurance has ever been either sought or given. Instead, the response, prepared by Frank Potter, , and , is as follows:

"In relation to the concerns raised regarding. .. a special needs student, I am further advised that two senior psychologists, from within the Department of Education and Communities, met with his , his treating psychologist and representatives from... on 6 November 2014 to discuss the recommended length of time for his transition, to an alternative educational setting, should it be needed. I understand that a report was pre-

pared by the Department's psychologists and submitted to the Executive Director, Public Schools NSW, on 7 November 2014. A copy of the report was requested by ... and I understand this has been forwarded to her."

You will note that the awkward question of possible adverse effects resulting from transition is ignored. However, the gratuitous information that a meeting was held with two DEC psychologists is given in the hope that the assumption will be made by the reader that these psychologists did in fact assure the DEC that the child would suffer no adverse effects, that their assurance was obtained from the other people at the meeting, and that the child's ... has been given this assurance. In fact that meeting discussed in some detail the unpalatable truths about the child and the extreme fears for his future held by those involved in his care and treatment, and none of that was acknowledged in the report prepared by these psychologists: the response to Mr Green does not deal with this. This committee heard those unpalatable truths and can judge how uninformative and misleading this response from the minister actually is.

Since appearing before this committee Mrs Coutts and I have been in contact with parents from two schools, Wyangala Dam and Euchareena, both in the Orange region. The executive director is Graham Kahabka and the local director is ... whom you may have heard about from parents at Carcoar. she also closed ... school. At Carcoar the issue was the replacement of a long-serving relieving principal with another principal whose tenure has seen numbers fall. ... gave several different versions of the process taken to appoint this principal. Parents found her so abrasive they dealt directly with Graham Kahabka, who is in charge of this process and sanctioned it. Mr Kahabka eventually declined to communicate with them any longer. Parents expect the school to fail under this principal, who was in charge when Corinella school closed.

On 21 August 2015 the "Wellington Times" published a story saying that Euchareena school was likely to close and that parents were saying "We are appealing to the powers that be to please hold off on any decision until we have a chance to discuss this further,". This should not have happened as the school was then purportedly going through the consultation process, and what is that if not "discussion?" Mr Prior professedly believes that the protocols are adding a "layer of transparency," but the facts – with which he is well acquainted, given the involvement of himself and his executive directors in these matters and given that there are only 4 executive directors of schools, with whom he works closely and presumably appointed personally, in his school operations unit – say otherwise.

Euchareena saw a fall in enrolments from 16 in 2011 to 5 in 2014. The principal is on maternity leave and a relieving principal was appointed earlier this year. It is perceived that the principal who is on leave caused problems and now the relieving principal has been sent in to finish the school off. According to the DEC the review process began in May this year.

In an email dated 25 August, which I attach, a P and C representative from the school, ... states that she met with ... and two principals in the last two weeks of term 2 this year. She was given a copy of the protocols dated February 2014, and I believe that the official story is that this was a meeting of the School Consultative Group as outlined in step 5 of the protocols. A community meeting was held on 14 July. ... told the community that no decision had been made but that it would be best for the children to transition them to another school in term 4. Parents did not agree.

There have been no further meetings. No-one was given to understand that this was a consultative process. told them that the DEC would make the decision. The meeting was hostile on both sides.

did not know until 31 August that the copy of the protocols she had been given was outdated, and the current version is that dated December 2014. There has been no involvement by the Teachers' Federation. As the attached emails show, on 1 September tells that they are at step 6 of the protocols. On 2 September she advises of the composition of the committee, which does not tally with any version of the protocols, and that she, , not the committee, is currently looking at demographic data. She also says there are no meetings which are required to be held.

does not know what in practice they are required to do nor what effect, if any, this will have on the outcome. this is the big flaw in the protocols – the “consultation” does not necessarily have to do anything or have any impact on the outcome, and nowhere is it stated that it must. Interestingly she says that the Teachers' Federation is being kept informed. This is odd – in the February protocols this is not necessary, but in the December protocols the Teachers Federation should not only be advised but be represented on the school consultative group. We further believe that the Teachers' Federation is possibly retrospectively being kept informed because Mrs Coutts contacted them, not because initiated contact. contacted Graham Kahabka on 27 August – he acknowledges that there has been “miscommunication”, which is the DEC's standard term for being caught out in a lie or omission. Despite having the chance to confess to that there are new protocols, neither nor Graham Kahabka has done so at that point. (I will today send a copy of the protocols to). on (2 Sept) sent a letter to pointing this out. I attach her letter.

This is a brilliant example of how the new protocols, no matter how good – and that is questionable – can be circumvented. If parents cannot be induced to “agree” to school closure, they can be given an outdated version of the protocols and then not consulted, have nothing explained to them and be given to understand that they have no power and no further role. I should also add that at no time were parents at Martins Creek, including the parent representative in the consultative group, given a copy of the protocols, but I think this is because did not use them himself. Parents obtained them from the Teachers' Federation.

I further attach the response from to .

There are a lot of problems with it, including the farfetched explanation that the Molong principal was there just in case transferring the children to Molong school is seen as an “other educational provision” model rather than a “school where children are likely to transfer” as per step 7 – but let us just address the Teachers Federation.

“Ms Lemaire: if there is a decision to proceed then it is very clear in step 3 – and we believe this is very important – that the executive director must contact the local member of the Primary Principals' Association, the Secondary Principal's Council [SPC] and the federation”

and

Ms Lemaire: “I became aware by an email from an organiser last night – because I have been elsewhere I have not been able to follow it up – that there is a

possibility and there was a question about consultation. I could take that on notice."

And yet, according to _____, the Teachers Federation rep _____ knew about Euchareena, - and probably the story will be the same for Wyangala Dam when it is cooked up - in May. Presumably he was given the "fact sheet" provided to the other stakeholders at step 3, by Graham Kahabka, or perhaps not. Someone is lying here, or does not know how to do their job. The "one" Ms Lemaire is following up may be another school entirely. Quite staggeringly, in my view, _____ says that "The local Teachers Federation Organiser is invited to be a part of the consultation process but given that he is responsible for a significant area of the state is frequently just kept informed by the Director, Principal and teaching staff. In this instance I have kept _____ the relieving Country Organiser informed." So the commonsense meaning of this is that the Teachers Federation is "invited", does not have to accept, is not automatically part of this process. That is untrue. The commonsense meaning of that "frequently" is not one hundred percent clear. It suggests that school consultations are frequent occurrences in this area and the local organiser sometimes takes part but frequently doesn't. That is clearly nonsense, since these protocols have been in place for less than one year and the Teachers Federation is officially unaware of any school falling under their provisions, but it does appear to be what she is suggesting, since she says that in this case the relevant person is _____, and she is keeping him informed. If she is, he is not keeping his bosses informed. The other option, not so plausible, is that she is "frequently" keeping him informed about this one school. In one way it matters, and in one way it does not alter the fact that someone has lied, the Teachers Federation is not doing its job, and schools are being badly treated. The usual combination of dishonesty and ineptitude is alive and well.

The protocols themselves are the most graphic illustration of this. They consist of the most vague, inept and tendentious document it is possible to imagine. The protocols prescribe very little about the consultation process and prescribe nothing which the DEC must do with the results, if any, of that process. The Consultative Group organises meetings to discuss various things in no particular format with no particular purpose. There are no specifics. It is not prescribed that any discussions must be recorded, or that the consultative group itself must be present at the meetings it arranges. There is no outcome of these discussions foreseen. No kind of report or recommendation is prescribed. If anything were recorded, it could be subsequently ignored. No action is either prescribed or proscribed: there is nothing to prevent the consultative group from writing down the result of discussions, putting them on the fire and floating them up to Santa. It is unlikely that the DEC would introduce any process which would lessen its control, and this document leaves full control with whoever is in charge of the process - which is the DEC. Steps 9 and 10 are of particular concern. They are based on s 28 (10) of the Act, with all its pitfalls in the hands of inept persons. In the protocols the same position of schools where parents agree to closure and one-teacher schools is reproduced and then perverted. I would have thought that step 9, which is ostensibly determined by s 28 of the Act, might have been one of the reasons for the Teachers Federation dubbing the protocols "build your own gallows" but the problem remains in the current set. I think the problem has arisen from inept drafting rather than cunning, but the result has been to leave one-teacher schools without protection. The commonsense meaning of step 9 is that regardless of the outcome of the

consultation process the executive director moves towards the closure of schools a) if the parents agree or b) if the school is a one-teacher school. This step appears to do what s 28 (10) of the Act does not do, and MANDATES the closure of these schools. (This is what Michele Bruniges should have said, rather than referring to s 28 (10)b of the Act in the mistaken belief that it made her sound knowledgeable at a level commensurate with her salary.) Then in step 10 of the protocols those surviving schools may maintain operations at the discretion of the director, or undergo further processes which are only applicable to larger than one teacher schools. There is no “maintain operations” option for one-teacher schools. One wonders if this was intended. Certainly in all cases where the protocols have applied the outcome for one-teacher schools has been closure. The Teachers Federation had the opportunity to amend the protocols and did so by including a representative on the consultative group, only in practice he doesn’t actually turn up, and it seems he has not read the protocols. The glaring holes in the document, the dead bodies in the back yard, you might say, were left untouched. Perhaps this is explained by Ms Lemaire’s assumption, expressed before the committee, that if approval to consult locally is not given then schools are viable, but if it is given then they are not and must go, and all that remains to be discussed is what will happen after that becomes official – since the approval to consult, aka the conclusion on viability, drawn by Greg Prior at present, is unquestionable and set in stone, and could not possibly either be wrong or made in bad faith. The protocols actually support her – there is no point in going into consultation, since Step 9 tells us that after filling in some time the one-teacher school WILL be closed. however, you will seldom hear that from the DEC, which has an official line that “no decision has been made” even when only one decision can be made. I do not except Blackville or Wollar from this, as the people concerned there say that the process was simply suspended or postponed. It does not matter that the Teachers Federation is ill-informed and inactive: schools do not need the Teachers Federation, which is just one more layer of opposition to small school survival. No-one is going in to bat for schools or communities except, at this point, Mrs Coutts and myself. (I have just – 7/09/15 – received the following from :

“I have been working closely with Director of Public Schools Orange Network regarding this process.

has contacted the Federation Organiser regarding the consideration of educational provision at both schools.

has provided the Federation Organiser with fact sheets regarding the future educational provision at both schools.

has invited the Federation Organiser to attend the consultative group meetings. Unfortunately I have not been able to attend due to prior commitments.

Federation Organiser has passed comments to regarding the future provision at both schools in relation to many items including; student population, school demographics, town demographics, school location, town location, neighbouring school location. has informed me of comments made by other members of the consultative group. has informed me of proposed arrangements.

Again, I thank you for showing interest in this matter and to ensure policy is followed.

Kind regards

Last Friday in conversation with Mrs Coutts _____ professed to know about these schools but not to be working with _____ on them as he was too busy and his only role was to support the principal. No committee member at Wyangala or Euchareena has heard of him, or has heard anything he apparently said to _____. Being informed of "proposed arrangements" comes at step 7, when the meetings and consultation are over. the other committee members were not aware that the meetings and consultation had begun, much less were over. The Teachers' Federation was sure that their wonderful protocols would make this process transparent and above board, but why they thought this I cannot imagine. As I have said, someone is lying here, and it isn't the parents.

Apropos of the Act and step 9 of the protocols, I am in one sense surprised that Michele Bruniges does not appreciate these distinctions, given her position and her published salary of \$500,000 per annum. In another sense I am not surprised. The story from Mr Potter was always that the minister made the decision on our school, although effectively it was Mr Potter's decision. The protocols limit the minister's role to those situations where no parental consensus has been reached, or the school is not a one-teacher school. The Act limits the minister's active role to larger schools, although s 28 (1) is actually unclear in its application to s28 (10). My information from the Parliamentary counsel's office on 26/03/14 was that the Education Act neither mentions nor prescribes any actions for one-teacher schools apart from the exemption in s 28 (10). in fact "one-teacher school" is not defined in the Act. (That sounds like common sense, but is not, as there are actually no one-teacher schools any more in NSW. they are all 1.3 teacher schools due to a relief from face to face teaching entitlement. This is an obvious opportunity for a judicial challenge to the Act at some point unless tidied up, and shows that there is nothing that adds up about education in NSW, not even its eponymous Act.) There is no evidence that the minister needs to be involved with the closure of one-teacher schools except for a possible untested presumption in s 28 (10)1. Michele Bruniges does not make the role of the minister clear in schools where parents agree – it is to be presumed she did not know, and did not realise that there was a question there. In practice of course it is up to the department as the minister merely signs recommendations made by executive directors and has no knowledge of or involvement with the matters contained in recommendations. If I were involved with education, either as minister or in some relevant capacity in the department, I would clarify the role of the minister vis a vis one-teacher schools, but no-one has ever done so. It is curious that the department closes such large numbers of schools without anyone being precisely aware of what is happening, who needs to do what, and what applies.

My own experience with Department of Education officers has given me the impression that the Department's culture is hostile and dishonest, and that the Department's officers are not fit for their positions. They are promoted schoolteachers, who have no public service ethic and a limited skill set. They have few administrative or legal skills. They neither perform nor interpret research. They have come through a closed system with its own peculiar set of rules and an authority structure unlike any other public sector agency. Teachers function at an unusual level in their working lives and in the main interact with people no older than 17. The authority of teachers over their young charges is not paralleled in any other public sector agency. Their outlook is not modified as they

are promoted, and they seem not to develop any conception of their agency as accountable to the public or subject to external legal, ethical or professional standards not controlled by the Department. The effect of having administrative positions exclusively filled by internal applicants is to make a closed shop more closed: since senior officers appoint their underlings, who will become their heirs and successors, from among their colleagues, the DEC is virtually run on dynastic lines. I adduce as an example the appointment by Frank Potter of [redacted] to the local director role at Maitland upon Mr Potter's becoming the relevant regional director, following their association in the Gosford area, and Graham Kahabka's appointment of [redacted] to Orange network. A search among organisational charts for repeated appearances of the name [redacted] is also instructive. The culture which senior staff have embraced over time has been set in stone. The administrative structure of the entire Department is not appropriate for a 21st century public sector agency. Accompanying information will make it clear to the committee why I hold these views.

Wyangala Dam school is also instructive. On 25 August the parent representative in the consultation at that school contacted us to say that the director, [redacted], had that day informed the school community that she would be recommending that the school close at the end of the year. The community there supports the school and has made some very practical efforts to increase the local population and thus increase the school population. I have previously forwarded the emails which the parent representative, [redacted], sent to me. The parent representative had never heard of the protocols until he contacted us on 25 August and Mrs Coutts informed him of their existence. The only committee formed at that school consisted of the principal and the parent rep and a community member, which is not in accordance with protocols. The Teachers Federation rep has since contacted the principal but it is unclear when and how he became involved. No School Consultative Group as such was set up. [redacted] had made herself offensive to parents and the community and earned herself a pejorative nickname, as at the other two schools. The usual concealment and obfuscation appears to have been out in full force, and the informal consequences of these processes have also been evident. Rumours of closure have circulated, reportedly spread by employees of the Department, and parents have not chosen to enrol children in a doomed school. This is one way in which "consultation" often becomes a self-fulfilling prophecy.

No-one in the DEC seems to have any understanding of the protocols and their relationship to, or their difference from, the Education Act. On 21 March 2014 _____, in our case, was still insisting to Mrs Coutts that the protocols didn't apply to one-teacher schools, despite having been professedly following them for four months.

As far as I am aware this is not so, but the DEC is employing its usual "transparency" in trying to keep all transactions with the school secret. This was also tried with us at Martins Creek, to the point where the parent representative on the consultative committee was forbidden to reveal any part of the consultation to the parents he represented, and told that the consultative committee's public report would not be available to Mrs Coutts without a GIPA! but we refused to recognise any obligation of confidentiality.

The process at Wyangala is odd. The role of the Teachers' Federation is mysterious. The committee set up is not that mandated by the protocols. The existence of the protocols was concealed from the community until 25 August, on which date _____ had already announced "her" recommendation on the school. (In our case we were told that the Executive Director made the recommendation, and the consultative committee a) made recommendations to the parents and then b) did not make recommendations at all because their report was confidential and Frank Potter had decided none should be made.)

Every single "consultation process" is equally odd. The composition of the school consultative group, which is quite clear at step 5, has differed at every single school where it has been formed. Every process has been marked by anger, confusion, concealment and hostility. Every process has followed a different set of steps, as the protocols make possible. Every process has ended in school closure. The protocols do not even envisage any other outcome for a one-teacher school, and the process they describe is so imprecise that it is open to every kind of perversion, subversion and bad faith. Every process has given rise to distress, complaints and angry protest. Not one complaint has ever been upheld, and in fact most complaints have not been acknowledged. I myself wrote some 40 letters of complaint to [redacted] and Frank Potter, Michele Bruniges and Greg Prior, and one (1) was acknowledged as a complaint – oddly, it was one I had not written as a complaint. It was not upheld either. I would not say that either the Department or its protocols was doing very well.

This utter shambles must be going on and have gone on elsewhere: it is only by dint of perseverance, hard work over more hours than we can count, ingenuity and luck that Mrs Coutts and I have been able to find so many schools. We have many more on our list we deem to be in danger, but we must have missed and will miss many more. This is a system with major problems.

I must also note that [redacted] has been unfairly singled out by this committee. I found him hostile, incompetent and dishonest to a high degree, but he is not an exception. The "great storm" email of 6/02/14 to which Dr Kaye refers was written to Frank Potter and [redacted]. Michele Bruniges agrees it is "unprofessional" but I did not hear Frank Potter confessing that it was written to him and that that is the way he communicates and permits others to communicate. There are other emails from [redacted] to [redacted], director of media, to [redacted], and to [redacted] which are slighting of Mrs Coutts, disparaging of [redacted], and which talk quite openly of manipulating the media, directing them to the cost per student of running Martins Creek and Wollombi rather than letting them pursue the truth about the consultation process. There are emails giving instructions on how to "counter" and misrepresent Mrs Coutts's concerns, and admitting that "the most effective educational provision" is a "usual line" to be followed if all else fails and stories still run. These are reflective of the DEC's actual policies and the courses of action they pursue. I have already forwarded the correspondence between [redacted] and [redacted] disparaging a principal and discussing how best to express the number of curricular and extra-curricular offerings at the school so as to make it appear as incompetence and laziness on the part of staff rather than enrichment for the students. I have forwarded the emails from [redacted] and [redacted] to Frank Potter calling Mrs Coutts and myself "the usual suspects trying to pull the wool" and referring to complaints as "more ramblings." They are the ways in which Frank Potter and others, including Greg Prior, habitually correspond and the attitudes they hold. Nor do I understand Michele Bruniges's surprise at this. I copied her into complaints written on 30/11/2013 and 7/08/15. I am aware that Wollombi parents did also. I cannot see how these unprofessional attitudes among her staff, so openly expressed and obviously sanctioned, can have escaped her. I further know that Greg Prior's secretary asks [redacted] for an update on Martins Creek on 21/7/14 for Michele Bruniges as she gets regular "site-specific" updates on all schools. If so, she should have been able to put two and two together and realise that there were problems. She professes not to know that there were

suggestions that some principals are “closers”, despite the volume of complaints about principals and the fact that these complaints were accompanied by catastrophic falls in enrolments and school closures, and despite being aware that a number of such complaints had been sent to the ombudsman. I can understand that she would wish to distance herself from the widespread unprofessional behaviour of her staff, but I cannot see how she can have failed to realise that it existed. Given that it was so evident, she must either have sanctioned it or failed dismally to do anything about it.

On the subject of closer principals, I note the further career of [redacted] from Wollombi, who was promoted after that fiasco – and the halving of a school’s enrolment and its subsequent closure must always be a fiasco – to a P5 school. I refer you to an article in the Cessnock Advertiser regarding her achievements², and note that the DEC is still defending her and insisting that there is nothing untoward going on. That school has lost 30 students and is heading towards the loss of a teacher. As a two-teacher school it will be very vulnerable to closure, as the majority of recent school closures have been in the very recent past two-teacher schools. Perhaps this is a situation Michele Bruniges may like to look into.

Michele Bruniges is proud of her record in managing the DEC’s budget, but I wonder if she is being quite truthful, as I assume that the reported \$900 million cost of the new LMBR technology must have come within her orbit. Is that a separate budget from the one she prides herself on meeting? It is curious that Mr Piccoli should be the one to bear the blame for this cost overrun and the inefficiencies in the system. He is ultimately responsible for his department, but they, after all, are supposed to do the practical work. He is not responsible for paying schools’ phone bills. Department staff under the governance of Michele Bruniges, Greg Prior,

It has been very clear to me through this process that public sector employees are exempt from scrutiny. Complaints are seen as criticisms of the public sector agency, and there is obviously an informal policy that this is not tolerated. The individual’s behaviour is excused and upheld no matter what, even if it involves wilful blindness or direct lies at every level of the agency. Elected representatives are subject to public scrutiny and may ultimately suffer at the ballot box, but public servants are invulnerable. There are even certain agreements in sections of the media which protect these servants from criticism. We have been informed by our local paper that certain things may be printed about the DEC and certain things may not, and that at all times the DEC has the right of reply. There can be no criticism of the DEC’s replies, and some reporters have been reprimanded for upsetting [redacted] and [redacted]. This is definitely not in the public interest.

I further quote:

“We are missing Ms Houssos’ question. She asked you has any school, or have any of its predecessors, gone into this process and come out the other end intact?....

Mr Prior:... Wollar Public School is an example that has gone into this process and as a result has continued operating. Blackville Public School is another example that has gone into this protocol.”

²<http://www.cessnockadvertiser.com.au/story/3271282/host-of-changes-leads-parents-to-pull-children-out-of-school/>

This is not true. I have been in contact with community and staff members from both Wollar and Blackville. They have not been through this process and come out at the other end with a decision to “maintain operations.” Neither has adhered to the process as laid down in the protocols, let alone pursued it to a conclusion. My information is that Wollar school was the subject of a private meeting with parents (approximately step 4.5 of the protocols). There were significant issues with the principal of Wollar school, and my information is that following actions around these issues the “consultation process” did not proceed. It did, strictly speaking, go into the process, but its continued operation was not “as a result.” Neither parents nor community members are quite sure where they are in this process, but there is a general expectation that actions by the owners of Wilpinjong mine will eventually doom the school. The situation is complicated by the fact that properties around Wollar are virtually unsaleable until the mine decides to buy them, which means that there is something of a stalemate there at present. Mr Potter was sure it was staying open because of the distance to nearby schools. The closest school is Ulan, which is 27 km away and takes less than 30 minutes. Euchareena school has young children in the community coming up, and it is 17 km from Stuart Town public school, which is not on a bus route, or 45 km to Orange, or – the preferred option according to _____, who placed the Molong principal on the School consultative group – Molong, which is 32 km as the crow flies but 84 km by bus route. At Martins Creek the special needs child cannot be accommodated in nearby schools and would need to go 26 km to the nearest suitable school, which is at the limit of his tolerance for car travel. Numeralla to Cooma is 20 km. Wyangala Dam is 22.5 km from the Bigga school as the crow flies, but 78 km by road, or 31 km to Woodstock school. Mallan school was closed in 2012, and is 30.9 km to Moulamein school. Pooncarie school was also closed in 2012 and is, I believe, 123 km to the nearest NSW government school. Mr Potter is raising two questions here – what is so special about this school that the distance matters here and not elsewhere, and what really are the grounds on which schools are reviewed?

Parents and staff at Blackville are also adamant that they did not go through the process as laid down by the protocols. They state that a community meeting was held – which is not in accord with the protocols – and while staff have seen the protocols they state that the school did not “get that far.” The school had fallen to one enrolment before the community meeting, which was large, vocal and hostile towards the Department. Enrolments shortly thereafter rose to 7, and the position of principal, currently a relieving position, is being advertised for next year as a substantive position. My own prediction is that the substantive principal for next year will be a “closer” who will reduce the enrolment and make it so untenable that any remaining parent will be forced to accept its closure, and this will be a punishment for the effrontery of the community in defying the DEC over closure, but I hope that I may be wrong.

Blackville is therefore not precisely an example of a school which has gone into this process, and certainly did not “come out the other end intact.” Mr Prior either did not know the details of these situations or was not being frank with the committee.

The question of what goes on in the background before approval to consult locally is given was asked at one of the hearings before this committee. What actually happens is that Frank Potter and his counterparts maintain an “under 10 list” (email attached.) An application is made for approval to consult, and some thought goes into that as it must be made in such a way that approval is most likely to be given. (email attached.) It is foreseen

that small schools will generally be easy, though occasionally they are not “as simple as we first thought.” (Email attached.) Parents are given a standard pep talk by the local SED. I have given a description elsewhere of the appalling picture painted of Martins Creek by [redacted], a picture which could not be substantiated and which he would not repeat or put on record for parents to refute. Nor did his notes or powerpoint presentation on the subject make it into the papers returned to the Legislative Council in last October’s call for papers. As you will note from an attached email from Euchareena parent [redacted], exactly the same spiel was used at that school – poor socialisation, poor results at NAPLAN, no team sports, and so on. I am informed that precisely the same wording was used at Grong Grong, so it is a standard document presented at all schools to convince parents to close schools.

A timeline is also prepared, which states in every case that the director and principal have met and agreed to close the school. If a principal is “on side” this meeting and agreement may have taken place. At Wollombi and Martins Creek no such meetings or agreements actually happened, but they were written down anyway. [redacted], and Frank Potter were aware that these documents were falsified, but appear unperturbed.

Frank Potter believes that the “community” at Martins Creek had already made their feelings plain about the school, but is not curious about it, and does not consider what the situation might be or if this is odd or undesirable. 12 sets of parents were contacted to find out why they did not send their children to the school, and Mr Potter appears to think that these parents’ views outweighed the 76 people who signed letters of support for the school as well as outweighing the views of the parents who supported the school. The DEC also had some hand in turning parents away from the school. Among the views given by these 12 parents were several which were complimentary to the school. I was told this by the parents in question, as the DEC did not record the compliments. I do not believe that the DEC has ever tried to help a small school to rebuild enrolments, or certainly not over the past decade. My husband asked [redacted] at the parent information session of 27 November 2013 what the DEC would be prepared to do to rebuild the school’s enrolments and was told that it was out of the question as it would a) impinge upon “parent choice” and b) not be in accord with the DEC’s “position” that socialisation was “inadequate” at small schools and that their continuation was undesirable. It is notable that “parent choice” ceases to be sacrosanct when the parents choose to enrol their children at a small school. I also raised with [redacted] the possibility that school zoning should be enforced, not only at schools where there was no capacity, but at schools where there was excess capacity and their viability was under threat. He dismissed that as “not relevant”, though I do not know what he meant.

The Minister also dismissed “parent choice” at Grong Grong as there were approximately – numbers given have varied – ten children who came on the bus from Narrandera to Grong Grong. This could not be allowed to happen. I understand that approximately ten children went by bus from Grong Grong to Narrandera daily, but this seems to have been perfectly acceptable. The concept of “parent choice” always goes this way.

Mr Prior also advanced the view that more schools had closed in recent times because the communities themselves were abandoning them. There is even a smidgin of truth in this, but that must be seen in the context of the DEC’s own abandonment of these schools,

the DEC's own encouragement of this attitude, and the DEC's tendency to destroy its own schools/swoop on schools immediately and close them as soon as they are perceived as vulnerable, which is a relatively new development.

I also refer to the reopening of Tulloona. If I were cynical I would say that the decision to reopen the school was made on 19 August in view of the hearing before this committee on 20 August. I do not think that unlikely. I am aware of only 2 schools which have been placed into recess and reopened since 2006. Marra Creek was placed into recess in 2006 but reopened in 2007. Burruga was in recess in 2007 and 2008 and reopened in 2009. In 2010 its enrolment was initially 3, but it has maintained an enrolment of 9 or 10 since 2012. I do know of another school, Burraboi, which was placed into recess and reopened as part of a Wakool-Burraboi amalgamated school.

It is a pity that the department has become increasingly punitive towards small schools. Given time, even without support from the Department, small schools can recover from low numbers. Chandler Public School fell to a low of 7 in 2011 and 2012 but remained operative and now has 16 students. Bullarah fell to 4 students in 2007 but now has 16. I use these schools as examples because it would be unusual for such schools to be allowed to survive now. The development of the protocols – even if they are seldom used and have never been properly used – heralded a much more savage attitude by the Department towards small schools. In recent years a school falling to 4 students would be swooped upon and “demographic data” produced to “prove” that it would never grow again, where in the past schools were sometimes given time and reasonably frequently did grow. Blackville is a rare example of a surviving school, and I am unable to find out why the process of review there was so hastily dropped when schools elsewhere are pursued by the DEC at great cost and in the face of great resistance and evidence that their closure is not warranted or desirable. I would adduce Martins Creek as an example of the latter. I have been unable to find any school in the last 4 years where the DEC has done anything to boost enrolments. Any evidence which Mr Prior may give you to the contrary would, I submit, warrant careful scrutiny and a hefty dose of scepticism. I would refer you to Grong Grong school, where the community had projected enrolments of approximately 18 students for the following year, and yet this was dismissed by the DEC. At Wyangala Dam school the community is rallying with very practical measures, such as renting empty houses only to families with school age children, and the DEC has actively tried to put a stop to this.

I have attached the response from _____ to _____. In some respects it is surprisingly indeterminate, but you will note that the complaint made about _____ personally and discussed by phone has not made an appearance. This is DEC policy – complaints about certain officers must not be acknowledged, like the love that dares not speak its name.

I further attach a letter from _____ to _____ at Euchareena. Note that the Teachers' Federation member of the school consultative group is kept informed by _____ as to enrolments, issues, etc. The parent representative on that committee has not been kept informed of these. _____ believes that the Teachers Federation rep has the job of supporting federation members – which I assume is a confusion of the support from the relevant professional association given to the principal and the separate position held by the Teachers' Federation representative. If the principal is not a member then are we to assume that the Federation rep loses his position in the consultation group?

As the DEC has already decided in most cases that the relevant professional association is the PPA, á la ' , how can the position be occupied by two people? Although the parent rep and the federation rep are both appointed to the consultative group, does not envisage that they will have any contact with each other. How does a committee consult if two of its members cannot talk to each other, and the other two, the principal and the Teachers' federation rep, consult officially but confidentially and no-one knows what they say to each other? Where does this fit in with what the consultative group does? In fact, does anyone know what the consultative group does? This is ridiculous.

4 Complaints and Frank Potter

I attach an outline of the career of a complaint sent by Mrs Coutts to George Souris on 8 April 2014. I attach the complaint itself. Accompanying documents will make the convolutions of this most astonishing affair clearer, but I am not sure that I can ever make it entirely clear to the committee how significant this was. It had to be lived through, with all the other extraordinary, unremittingly hostile and obstructive occurrences and utterances of the last two years. Almost every document produced by the DEC and every contact with Frank Potter, Greg Prior,

and others could form a multi-page story. The interrelationship of so many things that were said and done, the utter corruption, the hostility and the staggeringly childish and yet sinister dishonesty of everyone involved in this matter is beyond explaining and would certainly require more time than the committee could hope to commit to it.

A copy of the complaint was also sent to Adrian Piccoli on 13 April. I further received evidence from (who handled another complaint) and the department's Employee performance and conduct Directorate (EPAC) that complaints sent via members of parliament to the Department are dealt with under the complaints handling guidelines. Unfortunately, since Mrs Coutts sent a copy to Adrian Piccoli and it was also returned to Frank Potter's office, he took the opportunity to deal with the minister's letter as an RML and discontinued the "investigation" into the actual complaint. There are obvious advantages in this approach, as the authors of an RML can remain anonymous (valuable if you are an author and the complaint is about you personally) and the person making the original complaint does not need to be contacted, allowed to clarify matters or in any way considered.

I do not know whether he made this choice at once or whether he was confused that there were two copies of the complaint, and one had come from the minister: possibly at one time he forgot that there were two copies. When he realised that, of course, he tried at different times to pretend that a) there had only been one copy and it was a ministerial letter and b) the copy forwarded by George Souris was ineligible for complaints handling processes and had to be sent to the minister as this was the process mandated for complaints forwarded by MPs, which is untrue.

However, we do know that George Souris forwarded Sue's complaint, which began "This is a complaint" to Frank Potter, and received a response which gave him to understand that the matters raised were currently receiving attention. Then the second copy arrived from the minister, and the matters which were receiving attention suddenly became confidential and could not be discussed with Mrs Coutts.

I have attached a chronology of things which happened next, as well as documents which show that Frank Potter, and were having some difficulty finding suitable answers for the minister. That part of the complaint relating to Frank Potter was not discussed, at least in the documents to which we have access. I suppose it may appear in the privileged documents. It related to a phone conversation with Mrs Coutts in which he professed to have persuaded/compelled then regional director to allow Sarah Coutts to remain at Martins Creek school. Mrs Coutts was distressed by this conversation, as Sarah is no longer alive. Initially she believed Mr Potter, but then began to doubt him and to think that he had used Sarah as a means

of winning her confidence and overcoming her opposition to the closure of Martins Creek school. She thus complained about this. Mr Potter's sincerity must be in doubt, as he has never acknowledged Sarah's death or apologised to Mrs Coutts for any distress his remarks may have caused.

Mrs Coutts expected to be contacted about her complaint and asked to elucidate or discuss matters therein, but this did not happen. The complaint was mysterious: knowledge of its existence was denied by Frank Potter, and he refused to admit to having investigated it. [redacted] was also involved in discussions surrounding it, but he would not divulge any information about it to Mrs Coutts. [redacted] (Frank's secretary?) carefully points out that Mrs Coutts sent a "letter" to George Souris and this has led to confusion as it is not recognisable as a complaint. She still will not answer the question as to who handled the complaint/letter. Mrs Coutts was treated as though she had no right to know anything about her own complaint, as it has become a secret document belonging to the minister and the DEC. Later questions to Frank Potter as to whether he had handled the matter were ignored. There was extraordinary secrecy around a fairly ordinary complaint.

When the response finally came via George Souris it was not very satisfactory. It was the usual DEC document with a lie and an evasion and an omission and a conclusion that the DEC consisted of jolly fine chaps. All complaints are treated this way. They are not looked into: the DEC closes ranks and defends its position, reinterpreting, misrepresenting and omitting facts as needed, and sliding from one thing to another in order to give the impression that two unrelated things are related. I have given an example of this in [redacted] reply to questions about staff transfers and in a previous document where Mr Green's question as to whether assurances of [redacted] not being harmed by school closure have been obtained. DEC officers never tell the truth and never admit any mistake or misdoing, whether this serves a useful purpose or not. So paranoid are they about covering up complaints that they do so in advance of the complaint. Frank Potter professes to be "on top of the ombudsman's response" (2 May 2014, email, Potter to [redacted]) regarding a threat I had made to refer the matter to the ombudsman – but I never did so. Frank Potter even nudges me in that direction at a later date, (email 8 August, Potter to Goulder) presumably because he knows that the outcome will exonerate him, or perhaps because he doesn't want to waste the response he has prepared to a complaint that has not been made. There is an absolute obsession in the DEC with proving that they have never done anything wrong, even long in advance. I attach the email from Potter to [redacted] of 7 July 2014 regarding the proposed "independent" investigation. He refers to a Gosford Primary School matter [redacted] and an "independent" investigation which showed [redacted] as blameless. It was done by [redacted] formerly Associate Regional director of the area which includes – you guessed it – Gosford. He was not independent. He suggest [redacted] do an "independent" investigation into Martins Creek complaints, and he knows in advance that the "investigation" will show that there is no substance to the complaints. He might well: [redacted] hostile personal relationship with parents at Martins Creek during his tenure as a SED, and his failed attempts to close the school, make him an ideal investigator from the DEC's point of view. "Independent" does not have its usual commonsense meaning in the DEC. It looks very much as though everything is rigged. In July 2014 it is clear that a response to an "investigation" necessitated by several ministerial letters has been prepared, although they will be able to refine it once they know "who is doing the investigation." Sadly that

response, due to _____ on 22 July, was wasted as the ministerial letters were subsumed by my complaint on behalf of the parents on the occasion of their withdrawing from the consultative process at Martins Creek.

Mrs Coutts complained to the ombudsman, represented by _____ who variously refused to deal with the complaint on the grounds that there was no wrongdoing/it involved a member of parliament/he didn't want to. He did however tell her that Frank Potter and _____ had dealt with the matter.

Eventually the matter was referred to EPAC. They referred it to Greg Prior who appointed Frank Potter's colleague Murat Dizdar to "review" the matter. Actually this review was not legitimate, as it is only when a complaint has been made and handled that a review is possible, and the DEC has always denied the existence of a complaint per se. After some months Mr Dizdar provided a response. There were some issues he would "not be able to respond to", but though we would like to know what they were the answer to that is in the privileged documents.

He not only found Frank Potter and _____ blameless, he found that their behaviour was extra good. He glossed over the odd affair of _____, and having found out from the ombudsman that the cat is out of the bag and Mrs Coutts knows that Frank Potter did in fact handle at length a complaint/letter he professed not to be aware of, he explains that Mr Potter was just seeking clarification when he denied knowledge of a "formal" complaint. He also states that the letter/complaint was treated as an RML and there is no obligation to tell anyone who handles an RML. This would seem to ignore the fact that Mr Potter went to great lengths to conceal the fact that her complaint had been treated as an RML and deliberately concealed his own involvement – which is not quite the same thing, but which was the issue. The most glaring problem with it is that the complaint should not have been handled as an RML. Once the complaint had been handled as a complaint, a response could have been given to the minister's letter. Complaints should be handled as complaints. Some skulduggery took place there, and it was deliberately concealed for months. The copy which went to the minister did not disqualify the original complaint from being properly handled in accord with very clear and detailed procedures.

You will also note that _____ tells Mrs Coutts that she has been given the link to the complaints handling process, but has chosen not to use it. I'm still at a loss to understand his meaning. The complaints handling process is a description and set of guidelines for what should happen to complaints, but which did not, in Mrs Coutts's case. It largely consists of guidelines for people who handle complaints. It does not prescribe anything that a complainant must do. What Mrs Coutts should have "used" it for has me in a puzzle. I can only assume that _____ thought that there was only one copy of the complaint, the one which had gone to the minister, and did not then know that the original copy had gone, via George Souris, exactly where it should have gone. I have since thought that Frank Potter must deliberately have fostered that belief in order to avoid using "the complaints handling process" himself.

The most astonishing feature of Murat's document is that he assures Mrs Coutts that Mr Potter's remarks about Sarah were not intended to be offensive – but that does not extend to apologising for them – and have been ignored because Mr Potter had settled the problem of the complaint about those remarks to Mrs Coutts's satisfaction some 12 days before the

complaint was made. He appears to find that perfectly plausible. As evidence he adduces an email sent by Mrs Coutts on the day the remarks were made. In it she thanks him for his care for Sarah – but this is written in an emotional state after the conversation and before she begins to contemplate Mr Potter in light of the current situation, the fact that he was never involved with Sarah in any way and was subordinate to [redacted] and began to smell a very big rat. Murat Dizdar cannot have believed that Frank Potter could annihilate space and time. He must have known that something was wrong about that evidence: Mrs Coutts would know whether the complaint was resolved before it was made, so why not ask? Alternately, commonsense would make one think that something must have happened to turn an amicable exchange into grounds for a complaint, so why not ask? No-one ever did. It was not a question – necessarily – of wrongdoing. Why did Frank Potter not own up and apologise, and lay it to rest? Frank Potter spent the best part of a year trying to avoid any acknowledgement that that complaint had even been made. I would sincerely question Mr Potter's mental fitness for his position, and since he was appointed by Greg Prior, who apparently sanctioned Murat's preposterous conclusions, I would also wonder about him.

This same complaint serves to illustrate a few more problems with complaints handling. Mr Potter never acknowledged at any time that he had received a complaint, mind you, but if he HAD, just hypothetically, yes, he would handle it. That seems undesirable. For school-based staff there are procedures which mean that complaints about them would always be handled by their superiors. This may not be impartial, but it means that they don't handle their own complaints. For staff at a higher level, the "officer class", complaints about themselves or matters which they oversee and for which they are directly responsible are handled by themselves.

When the parents at Martins Creek, for various reasons, felt that they should withdraw from the process pending resolution of certain issues, Frank Potter professed to have appointed [redacted] to do an independent investigation of their grievances. This, as so much said by Frank Potter, was not true, and was dodgy. Emails show Frank Potter talking to [redacted] on 29 July, the day I sent the parents' grievances (written by me and hereafter referred to as "my complaint") to various interested parties, at 9 and 10 am. I sent the parents' grievances off at 11.35 am on that day. Unless Frank was annihilating time and space again, he was already working with [redacted] on something.

It appears that he was indeed working with her on a stack of RMLs, mostly prompted by me, which had prompted an "investigation." The response to the matters arising was due to [redacted] by 22 July, and they had already outlined their response before the "investigator" had been appointed. Perhaps Frank Potter appointed [redacted] for this purpose, and then it was decided by person or persons unknown to combine the RMLs, which all raised similar issues, with the parents' grievances and do the lot at once as a complaint. This is not unprecedented, but interestingly it appears to be unprecedented to do the converse, ie combine a complaint and an RML which cover the same ground and ditch the COMPLAINT in favour of the RML, which is what Frank Potter did in the case of Mrs Coutts's complaint, presumably to get out of acknowledging the part relating to himself.

In any case it seems he was less than truthful in telling me he had appointed [redacted] to look into my complaint. He had little choice in the matter, since SOMETHING

had to be “investigated” for the records, and _____ had already been appointed. Whether he had chosen her or not is unclear. He says he did so, but earlier emails make it look as though officially someone else had already done so. Why he could not be truthful about this I do not know, but it seems to be a policy rather than common sense.

_____ also happened to be the sister-in-law of _____ Frank Potter’s right hand man and the author of most documents sent out under Frank Potter’s signature. Complaint or no complaint, it seems that Frank Potter and _____ had already written a couple of drafts of the eventual response to my “complaint” well before _____ ever spoke to me about the parents’ grievances. It’s just the way they do things.

Part of that complaint referred to Mrs Coutts’s complaint of 8 April and the oddities thereof. I had singled it out for comment and had noted that Frank Potter had not acknowledged the part relating to himself. I sent another letter to _____ making the same point and betting her that she wouldn’t acknowledge the complaint about Frank Potter either. She didn’t. It was for many months as though it had never been written. As I have said, _____ at the ombudsman would not touch it either, and his repeated refusals were always couched in such terms that he never once acknowledged that any complaint had been made about Frank Potter. Mrs Coutts wrote him a terse letter pointing out that apparent lies and concealment had taken place and yet in his view there had been no wrongdoing. He refused to address the matter in writing and insisted that he must discuss it with her, which I have since learned is a situation to be avoided, but even in conversation he did not acknowledge that Frank Potter had been named in her complaint.

_____ response to my complaint, in the meantime, found that on the whole the DEC had been just fine – she did offer a token protest about using NAPLAN results, which was ignored, and as a response to the charge that Frank Potter and _____ should have taken _____ needs into account fully before contemplating making any decision on the school she did suggest that they should have been more “empathic” early on and assured Sue that she would be “supported”, presumably when the closure of the school without regard to _____ needs took place. This last was a common feature of the uncountable protests at the DEC’s concealment and downplaying of _____ needs. It displays the usual sleight of hand, dealing with the “support” and the processes and resources to be “put in place” for _____ and ignoring the fact that the actual complaint was that no assessment of the school and _____ needs had ever been done with a view to deciding whether anything should be put in place, or whether, on balance, the school might better stay open.

I eventually made a complaint about _____ and Frank Potter to the ombudsman. It was dealt with by _____, but apparently it was overseen by _____ and he thought, for some reason, that I knew this. I attach documents to show what the complaint contained. _____, in conversation with me, assured me that _____ and _____ were “distantly” related and had not worked together on my complaint. She also strongly resisted the idea that she should look at emails between Frank Potter and _____, which I knew to exist, (and which are available to committee members in the privileged documents returned in October 2014). I objected to this, and proposed to send her some documents which would shed a different light on the matter. I suggested that I would send her all 700 documents I had which were relevant. This offer was prompted by the fact that in DEC and ombudsman complaints the initial complaint is the only thing taken into account. It took long and painful experience to teach me that complaints

handling does not involve any sort of investigation. The ombudsman looks at what you have said, and if you offer to expand on that and provide further documents they ignore that. They then formulate whatever complaint suits them, send it to the other party and ask for a response. The other party says they didn't do it, and reinterprets whatever you have said so another construction can be put on it. The ombudsmn then says they didn't do it and since you didn't provide a signed confession everyone is innocent, and ticks a box. They then add another number to the 4,000 complaints they "successfully resolved" this year.

To cut a long story short, _____ asked me not to send her any documents until she contacted me again, and never contacted me again. She professed to be going to speak to me again once the DEC had provided her with a response so we could discuss further steps, but she did not do so. I think at this time _____ had taken over and was giving her tips on evading complaints, and I am afraid that she got a bit above herself and became openly insolent. I sent, in hard copy, some documents which shed some light on the roles of _____ and the long, vexed question of the BER building, which remains shrouded in mystery to this day. The documents were not acknowledged.

_____ took them, or was given them, and contacted Mrs Coutts about them, for what reason has never been made clear. He professed to have been given them by mistake as they were not addressed to anyone, nor had they a covering letter. Leaving aside the question of how Australia Post managed to deliver them, _____ and _____ who was _____ and _____ supervisor, both told me in separate conversations that _____ had given the documents to _____ because he had somehow known that they were addressed to her. She did not use them. In conversation with _____

I suggested that he had taken them because he thought he was _____, but had given them to her once he realised that he was really the Prince of Wales, but he was not amused. Nor, for that matter, was I.

I did not hear from _____ for 13 weeks, and so tried to contact her supervisor, _____ was unavailable, but the receptionist informed _____ of my call, and the next day I received a hastily-constructed response. It was very insulting, addressed only matters which I had not specifically raised, and, surprisingly for a "complaint about Frank Potter and _____, did not acknowledge any issue with, or name, either person. It must have been put together in a short time, and significant parts of the responses are cut and pasted from a letter written by Frank Potter. I attach it and a response which I wrote but did not send.

I believe that complaints were made to the ombudsman by parents at Wollombi, Carcoar and Grong Grong. They were not upheld. I have a copy of a complaint made to the ombudsman by Helen Vocalan regarding Gosford Primary school. She received no reply. I also quote a parent who fought the Department for many years over misconduct and whose children were allegedly treated very poorly because of it. I have heard from a number of parents who have been vocal and active critics of the DEC that their children have been targeted at school. One child was bullied by the principal at Wollombi and one child at Gosford was constantly reprimanded and given detention, while his/her parent was reported to what was previously the truant officer when the child was hospitalised. I quote a parent (Mrs C_____) who fought the Department for many years over misconduct and whose children were allegedly treated very poorly because of it; it concerns

It should be noted that I lodged a complaint with the Ombudsman on 16 July 2006. In documents produced under FOI there is an internal email from the Educational Measurement Directorate to the Selective Schools Unit and Ors dated 23 August 2006 that states:

"Gillian. This is good news.

You may be aware that Mrs C_____ sent a lengthy complaint to the Office of the Ombudsman concerning our 'systematic bias' victimisation, vilification, discrimination, bullying, misconduct, neglect, manipulation of documents and test results, corruption and fraud and a conspiracy to cover up.

After two lengthy telephone conversations with (Ombudsmans Office), I have been provided with a verbal indication that the Ombudsman will decline Mrs C_____ 's appeal in strenuous terms.

She can still appeal the Ombudsmans decision, bu[t] this is a huge step forward for us."

We did not receive a response to our complaint until March 2007, 8 months after we lodged the complaint. We thought they were investigating. That is what we were lead to believe. Yet after 2 phone calls and within five weeks the Ombudsman had already told the DET that they were going to decline the appeal?"

I do not know of anyone who has had a complaint upheld by the DEC or the ombudsman. The process is simply an opportunity for those bodies to close ranks and defend their position against the complainant. It is an adversarial process and the body looking into the complaint is ranged on the opposite side to the complainant with the intention of getting the best of the encounter. At best complaints processes are tokenistic. There are no avenues, apart from judicial processes, which are neither accessible nor affordable, by which any public sector agency can be taken to task or directed to do anything. Even if the ombudsman were not corrupt, which I have no hesitation in proclaiming it to be, it would still be powerless. Its powers are limited to making recommendations which are not binding. The Human Rights Commission has no enforceable powers. The Information commissioner has no enforceable powers. Public sector agencies have no oversight and no accountability. It is not even possible to put them on trial by media, as the media have arrangements with public sector agencies. Elected politicians, yes, private sector agencies, religious bodies, all can be attacked by the media without fear or favour, but not public servants. We have found this repeatedly. It is interesting that the Cessnock Advertiser published an unusual attack on _____ and Paxton school: it is even more interesting that there were consequences, and I have been advised that that newspaper no longer prints stories which criticise department personnel. As I have said elsewhere, it is surprising to me that Mr Piccoli, ultimately responsible though he may be, has been given the blame for the LMBR inadequacies. There must be individual and systemic failures which have brought about the problems, but I have seen no media attempt to locate the source(s) of the practical problems and weaknesses. I do not think any CEO of a private or listed company would escape scrutiny as does Michele Bruniges. I would also think

that two years, 80 staff and thousands of hours of staff costs, travel costs and legal fees being spent in order to get rid of a special needs child and close a small school would be huge news in the independent system, but is of no interest to the media when the DEC is responsible.

Frank Potter has presided over this mess, and has been protected by his superiors and by the ombudsman. I do not know why, but it reveals an extremely worrying public sector culture. Mr Potter, [redacted] and Greg Prior seem to me to be not simply unfit for their positions, but astonishingly so. These people are not simply incompetent and dishonest, but very poorly evolved as human beings. Their ethical and moral standards are exceedingly low, as is the standard of their discourse.

I will give you some examples of Frank Potter's behaviour. At a meeting between Sue Coutts, [redacted] and Frank Potter on 23 September, Mr Potter saw [redacted] briefly – the only time he has done so. He assured Mrs Coutts that he could see just by looking at him that [redacted] would not go into a special unit. It was an opening conversational gambit, not an assessment, yet it is actually illustrative of the depth of Mr Potter's professionalism. He does make judgements on that sort of evidence. Although the meeting was to discuss [redacted] situation on the assumption that "no decision had been made" and [redacted] would be a factor in that decision, Mr Potter tried to address himself exclusively to the regional manager of [redacted] and engage her on the topic of "working with" her to ensure [redacted] needs were met. He also told Mrs Coutts that she would have to work with a learning and engagement officer from Maitland office, as [redacted] would not work directly with her. What he said only makes sense if you accept that the school is closing and "working with" someone will be necessary to move [redacted] on. Mr Potter tries to wriggle out of this with his customary blend of dishonesty, ineptitude and childish smart-mouthedness by saying that Sue can't prove he meant that the school was going to close: he could have meant they would work together to get him into high school. He knows he's lying, she knows it, he knows she knows it – but Mr Potter thinks he's the winner because she can't prove it.

In rather combative conversation between Sue and Mr Potter, Mr Potter further stated that keeping the school open "was never going to be part of my recommendation." It was "not part of" his "vision for the school." Lack of existence is not much of a vision, but perhaps appropriate to Mr Potter. He dismissed the consultation process as being an "just" an opportunity for people to "have their say" rather than a process which would reveal information which he would have to take on board. He also said that [redacted] needed to be given "the opportunity to grow" and "move forward with his life" as he had at some

point to “deal with the real world.” Mr Potter professed to feel that he had a “responsibility to _____” It is difficult to express everything that is wrong with this. Mrs Coutts in fact is so angry and distressed about this that she could not write or talk about it to the committee. The committee knows _____ situation. It is serious and complex.

Mr Potter’s sense of responsibility seems to take the form of thwarting people who know/have control of their own children. It is not evident in any other sphere. In his professional opinion the children would be better off “7 and 12 kilometres down the road”. In the parents’ professional and personal opinions, they would not. Academic and sporting achievements and personal knowledge of the children (the facts) support the parents. These parents will not send their children 7 and 12 kilometres down the road, because they prefer a local, personalised, small-school experience. So if Mr Potter closes the school, the children will not be doing what he personally would prefer that they did, but he has thwarted current and future parents whose preferences differ from his own. They will then find it harder to satisfy their requirements for their childrens’ schooling. Is this the outcome envisaged by the consultation process?

Mr Potter defended his predetermined decision on the school to Mrs Coutts by saying that he had a – you guessed it – “responsibility” to the other students. He professed to have figures to show that they were not doing well at the school. He has no such figures. He has _____ GIGA analysis of NAPLAN which was repeatedly discredited, even by _____ Mr Potter did not read the information discrediting that analysis, as it was not relevant to him, but he knew it existed. It simply had no reality for him. The 2014 NAPLAN figures had no reality for him. I do not think anything outside Mr Potter’s mind has any reality for him.

Mr Potter further told Mrs Coutts that she had not wanted to be part of the consultative process, and had he so chosen he could have scuppered the whole process and made his recommendation on the school as soon as the parent representative withdrew. He actually did try to have the “briefing” written for himself and accepted by himself without parent involvement, but _____ did not complete it in time. He further told her that he had “invited” her back on to the committee, which was untrue. He invited no-one on to the committee, and when I took exception to this he told me that there remained a place for a parent on the committee, but the process would go ahead without them, and that my husband’s attendance at one pointless meeting which had no bearing on anything which followed was sufficient representation. He further said petulantly to Mrs Coutts that she “didn’t want _____ on the committee” and “didn’t want the principals on the committee”, making it clear that these grievances still rankled. The ridiculous matter of _____ put Mr Potter and _____ squarely in the wrong. He should not have

been on the committee. They offered at least two different explanations for his presence. They lied about this at the time and for long after. They wanted him there because he was a personal friend of [redacted] and was helping [redacted] and Mr Potter with the closure of Martins Creek school. As the principal was “not to be trusted” to help close the school, [redacted] needed to be there to keep her in her place and make another pro-closure member on the committee. This was wrong, and it was found out and pursued until it stopped. It is a poor measure of maturity or moral development to be caught out in misdeeds and then to be, not remorseful for your misdeeds, but resentful of the person who has caught you out. Mr Potter still blames Mrs Coutts for the loss of [redacted] from a committee on which he should never have appeared.

Mr Potter’s lack of maturity appeared in the matter of the “nominated student” referred to in emails between [redacted]. This email was included in the Martins Creek papers tabled last October, apparently attached to a set of NAPLAN results, but it appears that it may have related to another school. [redacted] is interested in a particular child – the “nominated student” and he and [redacted] are cagey about this child’s results. If it had really been a Martins Creek child, it could be identified as my son, or two others. I demanded to know who it was and why this child had been singled out. Mr Potter must have ascertained that the document related in fact to Mt Kanwary school and had been included by accident, but he did not tell me so. Instead he spent some months making unavailing efforts to induce me to report the matter to Legal Services. I asked him repeatedly to tell me if it was my child, and to make sure that the parents of whichever child it was were informed of [redacted] interest, but he would not. He affected not to know where the attached NAPLAN results could be found. He tried again to induce me to report the matter to Legal Services. (This is the same clumsy frivolity which informed his ridiculous answer to [redacted] regarding the composition of the consultative committee and the same clumsy frivolity indulged in by [redacted] and Mr Potter when they refused to provide the criticisms of the school aired at the parent information session, explained in detail that the minutes did not contain these criticisms and why, and then explained that there was no hard copy of these criticisms and Mrs Coutts should seek details of them in the minutes.) He must have ascertained at the very beginning that the student was not at Martins Creek – if this story was true, which I actually believe it may be – but he would not tell me because he enjoyed stringing me along and wanted me to make a fool of myself. It must also have been a novel situation to have been accused of something of which he was actually innocent. This is his level of professionalism.

I attach Mr Potter’s answer to a question of my own about an unsigned recommendation that the school close in 2016. This was included in papers returned to the Legislative Council in October 2014 even though it is dated 17 October and only documents which were created up to 15 October were required. He defends its inclusion on the grounds that it was written earlier and postdated, and then is in a bit of a pickle because on 17 October [redacted] has assured me that no recommendation has yet been written. I include it because it is a good illustration of how inept Mr Potter is, how convoluted his actions are, and how complicated excuses can be when you have woven a tangled web and are neither willing to unravel it nor competent to weave a bit more. This is the man in charge of 700 schools and an unlimited and uncounted amount of public money to perform and then cover up his own dirty work.

And yet Mr Potter keeps on with his misdeeds, and no-one checks him. The DEC is still retaining solicitors to keep abreast of the consequences of Mr Potter's misdoings. Every time something new happens, Mr Potter, Mr Prior,

, the Legal Services Directorate and a couple of external legal advisors work out how to respond. There is no limit to the costs which can be incurred. There is no limit to the amount of staff time it takes up. In a responsibly-administered department this insanity would have been stopped long ago.

5 Privacy and Honesty

On 3 August Mrs Coutts sent to Greg Prior a copy of a letter written about by his treating clinical psychologist . . . She provided the letter because it detailed significant concerns about . . . from an impeccable source, and because she felt that Greg Prior's subordinates were unable and unwilling to take note of concerns about wellbeing. Mrs Coutts's accompanying letter was marked "confidential."

Mr Prior did not respond. He sent the letter to . . . who is on the lowest rung of authority in the matter of Martins Creek and who has no involvement with . . . assessment or needs. . . wrote back rudely and dismissively, sending Mrs Coutts a copy of a letter written to me earlier about staffing concerns with a bit tacked on to the end, and calling . . . invariably does this – he was unable to call my husband Dr Allingham on most occasions. I think the response was meant to be an insult. . . and . . . are not of sufficient importance to warrant Greg Prior's or even Frank Potter or . . . notice.

There was, however, an issue of confidentiality. The letter from . . . was provided to Sue to be used by her in clarifying . . . situation and needs. Who would see that letter was to be determined by Sue, naturally, as the owner of the letter . . . whose medical information was in that letter. The Department has guidelines as to who may access this type of information. . . is not one of the people who is generally allowed access to such information about children. Mrs Coutts questioned Mr Prior as to why she had sent him a confidential email and received a reply from . . . The response, again from . . . was received today (4 September.)

There are real concerns with this. The rude and almost criminally dismissive nature of . . . reply is of grave concern in such a serious matter. . . is unqualified to assess . . . letter or understand it, even if Sue had authorised him to access it. Mr Prior treated a serious matter in the unprofessional and contemptuous manner so often used by DEC officers. The reply, however, is untruthful. I do not think Mr Prior consulted Legal Services until Mrs Coutts questioned him about giving the document to . . . This would account for the delay in responding. The argument seems questionable in any case, but what is not questionable is that . . . would not manage or be involved in . . . transition, were it to happen. There has never been any suggestion that he would "manage" the process, and the DEC has stated explicitly several times who would be involved and that the process would be managed by . . . does not get involved in such things – Learning and Engagement and disability personnel do so. The team of persons and their manager have already been appointed by the DEC. . . has no role to play.

So Greg Prior's rudeness and lack of professionalism and knowledge of his responsibilities led him to pass on to . . . a document which he should not have passed on. When Mrs Coutts pointed this out, Mr Prior contacted Legal Services and concocted a story which would just about do, except that . . . did not fit into it as he was not a logical or appropriate person to share the document with. That being an insurmountable hurdle, the two of them chose to lie blatantly and preposterously and substitute . . . for . . . for the purposes of getting out of a hole. I am often angered and despairing to the point of physical illness by the dishonesty and

corruption, the ineptitude and ill-will of the DEC officers. There are no lies too blatant and there is no stupidity or unprofessionalism too great for these people to embrace. I would think this was a serious matter now, having been lied about in this manner. it would have been no great matter had Greg Prior confessed and apologised, but that is not DEC practice. However they must twist and lie, they always defend the DEC's position such that no complaint is upheld and nothing is admitted. It will go to the Information Commissioner, but I hold out no hope of any particular diligence or honesty on the part of that individual, as it has not been our experience that complaints about the Department of Education can be upheld by anyone.

7 Law and Finance

Mrs Coutts has today 8/09/15 received an email from [redacted] Crown Solicitor's office, representing the Department of Education. The subject is a meeting, of no prescribed structure, which is to take place between Mrs Coutts and myself on one hand and officers of the DEC on the other. Nothing more definite has been foreshadowed. The email tells Mrs Coutts that the DEC has engaged [redacted] as a mediator. She appears to believe that Mrs Coutts will accept this. The meeting is not prescribed or controlled by the DEC. No permission has been sought or obtained to put the meeting under the control of a mediator, and Mrs Coutts has not agreed to the presence of a mediator or agreed to be bound by any utterance or action of this mediator.

If this cheekiness was not enough, the mediator is [redacted] SC, barrister-at-law. The fee for his attendance cannot well be less than \$10,000 for briefing, travel from Sydney and the meeting. Since when did the DEC begin to employ Senior Counsels to be present at what were supposed to be informal meetings with parents? Since when were barristers needed to protect the DEC from the truth about a small disabled boy from Martins Creek? Since when did it become within the bounds of reason to employ a barrister to protect Frank Potter from two unfriendly but reasonably civilised parents who want to talk about the "most effective educational provision" for a child? Since when did the DEC believe that parents were so gullible that they would agree to mediation at a meeting which was supposed to be quite informal? Since when did the DEC believe it was ethical not to inform parents that there was no compulsion on them to agree to the presence of a mediator at a meeting arranged as a forum for discussion between equals? And what kind of legal liability were we going to discover attaching to this meeting if we did hold it? Or was that niggling doubt the thing which was supposed to silence us?

In mediation it is customary for each party to pay a fee to the mediator. So are they going to stick us with a bill for five thousand dollars, or are we to assume that the mediator is "their" mediator, employed on their behalf? Is the impartiality problem with this obvious to everyone?

Is Frank Potter so terrified of Mrs Coutts, myself and the truth about [redacted] that he needs a barrister present before he will enter the room? If so, who is so terrified of Frank Potter that they will agree to foot the bill for this kind of indulgence? The man earns three hundred grand a year, and can't hold an informal meeting with parents without bringing along a barrister, an SC no less? How effective is this fellow, and how accountable is he? At this rate the million dollars spent on the Martins Creek "consultation" will soon be two million. Does anyone remember something about "there are no financial implications in continuing the consultation process at Martins Creek"?

Perhaps Michele Bruniges may like to explain to her officers what is and is not reasonable behaviour.

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