

IN-CAMERA REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE CLOSURE OF PUBLIC
SCHOOLS**

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

At Sydney on Thursday 20 August 2015

The Committee met at 9. 15 a.m.

PRESENT

The Hon. P. Green (Chair)
The Hon. L. Amato
The Hon. G. Donnelly
The Hon. B. Franklin
The Hon. C. Houssos
Dr J. Kaye
The Hon. N. Maclaren-Jones

GINA GOULDER, Parent, Martins Creek Public School, and

SUE COUTTS, Parent, Martins Creek Public School, sworn and examined:

CHAIR: Would either of you like to make an opening statement?

Ms COUTTS: Yes. I want to thank everyone for letting us be here today to be able to put this forward. I want to make a speech about the boy _____, who suffers from _____ trauma. He is a very delicate little boy and he really needs to be in the environment he is in. He has come a long way. He is still on a journey of recovery. I wanted to make that clear to everybody. I have two pictures of _____ that I would like to table to show what he looked like when he first came to us and where he is at now.

CHAIR: Could you table those now? It would be great if the Committee members have a picture in their minds of who we are talking about. Are there any further statements? We can lead you through this.

Ms COUTTS: That is fine. Thank you.

CHAIR: I need you to be succinct in your answers because of our time restraints.

Ms COUTTS: Yes.

CHAIR: I will not be rude but I will try to guide you to ensure that the Committee is getting the information it needs to write its report. I am glad you told me about your child _____. Tell us about his educational needs and _____ where he is up to.

Ms COUTTS:

I chose Martins Creek Public School because it is small and because my daughter, who has Down syndrome and high complex needs, attended the school. I thought it was a good place for him to be. I knew the staff. _____ enrolled there in the beginning of 2013. First of all his teacher's aide was able to sign fluently with him and take him through that.

Communication is one of the biggest things for _____. He has come so far in his ability to communicate. He has grown. He can express himself, he can laugh, he can cry. He feels he is in a safe environment in this school because it is so small. From where he has come from, it has been an incredible thing. He has suffered a lot.

has a lot of

issues that we have to work through. My fear is that if we move this child from this school, he is not going to be able to cope. He cannot cope in situations that are—he just cannot cope. We went to a school function the other day and when we got there he could not go in. It was a different school and he could not go in. He sat on the path and I said to him, "It is okay, we can go. We do not have to be here. We can go." He could not move. We could not get him to move to go back to the car. We had to physically carry him back to the car. He was hyperventilating and we had to sit on the side of the road rocking him backwards and forwards.

CHAIR: Tell us how Martins Creek Public school—

Ms COUTTS: Works for

CHAIR: —works for a special needs child such as

Ms COUTTS: It is five minutes from home so I get to take him to school every day; we do not have to transport him. I get to liaise with the principal. It is a small school, there are not many children there. There is no bullying. They could not bully because it is such a small environment. Because of the different ages—you have children in year one and children in year six—there is a lot of very good positive peer support there. This is what is learning. He is learning incredible things. He is learning to speak and to socialise and to interact because the behaviours he is learning from those other children are positive behaviours. There is not much noise in the school. Because of the trauma that suffered he has difficulty with high frequency noises. Children suffering trauma tend to block out those noises. Martins Creek is very quiet so his hearing has improved. He can engage in activities at school. He engages in everything. He participates in everything, from sport to—

CHAIR: How do the other children embrace him and his difficulties?

Ms COUTTS: The other children are absolutely fantastic with him. In fact, when the speech therapist wrote a letter to go in my submission, she said she witnessed one of the children sitting down next to and signing with him when he had difficulty understanding something. He is just one of the kids. He is . He is not seen as a child with a disability. If has a trauma trigger and sits under the table, they carry on as normal; there is no disruption to the classroom. The staff are well equipped to handle that. He has a good, strong relationship with the children and the teachers in the classroom.

CHAIR: Help us understand the staff structure. Is there one principal? Does he have a special needs assistant?

Ms COUTTS: He has got a teaching principal and he has got the special teacher's aide five days a week. He has a second one that comes in every second week for one day and he had a lot of trouble adjusting to that. He had a lot of trouble adjusting when she came in. We have various different teachers that come and go that teach sport, but I think that he is very close to his teacher's aide. This group manages to be able to go on little excursions and things like that because as a group he feels safe within it. It is like his family. He feels safe within that group

CHAIR: There is obviously an understanding that the Government is looking to close Martins Creek Public School. What are your fears for your child going to another school?

Ms COUTTS: will not cope. First of all, I will not be able to take him because I will have with me and it is just going to be too difficult for me to transport him every day, so he will have to go in a private vehicle to school. He will not cope with that.

CHAIR: Currently you drive him to school and pick him up?

Ms COUTTS: I drive him to school and I pick him up from school. I can liaise with the teachers and the staff. If there is an issue or a problem I am five minutes away and they can contact me.

CHAIR: But otherwise a special needs taxi or service would pick him up? How far away from you is the proposed new school that they are talking about?

Ms COUTTS: We were looking at the possibility of sending him to _____ which is about 20 minutes away, but there were a lot of issues that came up with _____ that we could not even address. He could not go there. If he was to go to a special school or a support class that would be at least half an hour away either way in Dungog or Maitland. He just would not cope in the car.

CHAIR: Let us go back to your fears of what _____'s world would be like if he was sitting in a class of, say, 20 or 30 students.

Ms COUTTS: He would shut down. He would just shut down.

He just looks away or he looks down. You could not make eye contact. If he is afraid of anything he will shut down. He will just sit there and shut down. He will become very frightened and also very hypervigilant. He will be very afraid of what is going to happen to him. He could become aggressive and most likely he would become aggressive because he will fight and he will run away.

CHAIR: My understanding is that he was assessed by the department's psychologist.

Ms COUTTS: No.

CHAIR: What was the assessment process to say that we are going to close this school and we realise there is a child _____ with special needs? Talk us through how the department processed this special case of your child.

Ms COUTTS: They didn't. I asked his treating psychologist to write a supporting letter, which he wrote, asking that they look at a minimum two-year transition to an optimal five years. The best time to transition him would be transitioning him into high school and that would take approximately two years.

CHAIR: From year 6 to year 7?

Ms COUTTS: Yes, so we would probably start that in about year 4.

CHAIR: If the Government came to the decision that Martins Creek was going to close after having taken all factors into account would you be open to us at least seeing _____ term out until the end of year 6? Would that be an option that this inquiry could consider?

Ms COUTTS: It would have to be an option for me because otherwise the only other option for— I have spoken to a psychologist just last week about this, _____ who did the independent observation of _____, and she said to me—

CHAIR: What year is _____ in now?

Ms COUTTS: He is in year 2.

CHAIR: We are talking about years 3, 4, 5 and 6. So it would actually be four educational years.

Ms COUTTS: Yes. The problem is too that if we look at two years minimum we would be finishing that and then immediately trying to transition him into high school, so he would be going from one to the other. The Department of Education [DEC] requested that I meet with them, with my _____ and with _____ treating psychologist and their two top DEC psychologists. I was opposed to doing that. They were not going to meet with _____. They never went to his school. They never observed _____.

CHAIR: Were you happy with how the department assessed your child and, if not, what are your concerns about times when there may not have been engagement either with you as the primary carer or the

school or the assessment process? What are your observations of where you think the department's approach maybe fell through the cracks? Either of you can answer that.

Ms GOULDER: I think you really need to understand the seriousness in technical and layman's terms of this child's situation because what has happened is he has been dismissed as one of the 90,000 children with special needs in this large and complex system, but he is actually one child and he has unique needs. He suffers from trauma which is resulting from . This is very distressing. It is something I do not like to contemplate and do not usually contemplate. This child was . That is not my opinion; he has been treated in the

Ms COUTTS: Yes,

Ms GOULDER: This is all quite well established. Possibly he was

You have to understand that this is not someone you can just dismiss with a "we have policies and procedures in place for all these children". This is not all these children; this is this one child and this is what he has actually suffered.

With the process that we went through, which was a very unsatisfactory process, there was a committee formed. The department's intention was always to close the school but when we declined to close the school what was supposed to happen was a consultation process. There was supposed to be extensive community consultation where the pros and cons of this school were weighed up and on balance a decision was made by the director whether the school should or should not close. This did not happen. There was no consultation worth the name at all. The consultative committee's report was in fact written—at a time when the consultative committee was not functioning—by approximately 14 members of the Department of Education, including the executive director for whom it was to serve as a briefing and it was substantially unchanged thereafter.

The section on in that report was written by another member of the Department of Education who knew nothing whatsoever about him. First my husband was at the consultative committee as a parent representative and then Sue was there and I was there at the three meetings in total that the consultative committee ever held. was never discussed. We have an email from the director leading the process that says that the consultative committee would take 's needs fully into account before a determination was made. The consultative committee did not address ever. We have another email saying that once the determination was made then the parents would be contacted about addressing the needs of their children. Those two things are completely conflicting. That means that was not actually taken into account. He did not influence the decision because he was not even looked at before the decision was substantially made, and there was this assumption that the school would close.

The only things that were ever addressed about were how long it would take to get him out of there. That is the only thing that was ever discussed. That is the only thing that there has ever been toing and froing about: how long will it take to get him out of there? We should a long time ago have gone back to square one and asked on balance given and given all the other things should anybody be getting out of there? Should we be closing this school? That was not a question that was ever asked. It is not a question that was ever answered. There was never any evidence sought or presented that would support any decision on the school. It was tokenistic, it was window dressing.

But where fell through there was that it was not until 2 September 2014, which is almost a year into what was supposed to be extensive community consultation, that a meeting was ever held to hear what Sue and and s long-term treating psychologist had to say. That meeting was held and the psychologist said that there are serious issues here, serious short- and long-term issues and this child suffers from trauma. There is a huge body of research on trauma. The big thing with trauma is that these are very and the first stage to recovery is being at rest, feeling safe and having stability. Moving the child from this school is disruptive of the first stage, which is the stage is in. That is an issue by itself.

These are, I would suggest, quite material factors on deciding right at the start: "Is the closure of this school warranted?" Taking it all in all, that has got to be a series of factors that is quite important, not something you address after the decision is made. And yet, unfortunately, they were not taken into account; they were not heard until the decision was made, really.

Then all the department seems to talk about is the necessary length of transition. We have never established that a transition can be made. We have certainly not established that a transition should be made. We need to go back to that at some point, but they are talking about the necessary length of transition. Now, no-one has established that a transition would succeed, and the people closest to —his —, his treating psychologist, another treating clinical psychologist, an observing clinical psychologist, an occupational therapist—have all said there is a very real prospect that the transition could not be made to another school. And that would mean probably one of two things: that would be suspended from the school, because, with the best will in the world, a school might not be able to put up with disrupting all its other students long enough to get him to settle, so he would have to go to a special unit

or no-one would have him and he would have to be home schooled, and that would be excessively difficult because of the child he is and the supports he needs.

So we actually have a very serious situation here which was not taken into account and seems to have, after all that, come down to: "Can he be transitioned in nine weeks or can he not, if we put things in place?" It is not even the question we should be asking. And what is more, with these two department psychologists—and we do not even know what their role is; we do not think they practice as psychologists but they are obviously very much involved in transitions of children, behaviour management and that sort of thing—it was not their purpose to say that he could go anywhere; it was not their purpose to say that the school should be closed or that should move on; it was not their purpose to say, "Everything will be fine if he moves on." And they did not so say, so if anybody tells you, "We had two psychologists come in and they said everything would be fine if we only took six months," this is not actually the case. You have the report. It has a list of very general recommendations about what a transition might look like if he had to undergo it, but they did not say that he would have to, that he could, or that he should. So—

Dr JOHN KAYE: If I may interrupt you there, they were purely brought in to assess what would happen in a transition—or not even that but how a transition could occur? That was the only advice sought from them; that is the only advice they gave?

Ms GOULDER: That is correct. They came in and they said—because I was there—

Dr JOHN KAYE: Whereas Ms Coutts has evidence, and you presented evidence to us, that a transition would be catastrophic.

Ms COUTTS: Yes.

Ms GOULDER: Yes. It could be catastrophic. No-one can predict the future—

CHAIR: It could be.

Ms GOULDER: but on balance it looks pretty bad.

Dr JOHN KAYE: There is a significant risk that it would—

Ms COUTTS: Yes.

Ms GOULDER: There is a very high risk.

Dr JOHN KAYE: I ask another very quick question.

, but there are five other children currently enrolled at Martins Creek. Can we talk briefly about those children: What would happen to those children? Would they go to Vacy?

Ms GOULDER: No, none of them would go to Vacy.

Dr JOHN KAYE: Paterson?

Ms GOULDER: No, none of them—or one of them might go to Paterson. My son is one of them. I have to say, frankly, that because of the experiences that I have had with the department here, I would not send him to another government school. He would go to an independent school.

Dr JOHN KAYE: So the department in their evidence suggests that opposition to the closure of the school is centred on the additional support needs of one student, Would it be fair to say that there was opposition coming from other parents, not just out of solidarity, if you like, for Ms Coutts's child but also because of concern for the educational future of their own children?

Ms GOULDER: Yes, I think that would be very fair to say. As I say, I have one child there. He is probably at the opposite end of the spectrum. He is a clever child. The department has been at some pains to suggest that the school does not cater for children educationally as other schools could do, but this is quite untrue. As I say, they have not sought or obtained any evidence of anything that they have said about the school. But in my son's case he achieved the highest year 3 National Assessment Program—Literacy and Numeracy [NAPLAN] score in Australia, because he got a perfect score, so you do not get better. I mean, other children did it too, but you do not get better than that. Now, the neighbouring school that we were at one time under some pressure to move our children to consistently scores very poorly in NAPLAN and below all indicators, so I would say that on balance educationally the children are doing fine and there is no evidence that they would do better at a neighbouring school, because our—

CHAIR: Okay. I need to focus on another part of the inquiry that is quite important and the reason we have called the inquiry. There are allegations towards the processes and persons playing roles and they are quite strong issues. The inquiry wants to make sure that the system of closing down of public schools is solid and that parents are taking a part in the process and are not an implication to the process. Could you very bluntly, very consistently address Mr Potter's role in the potential closing of the school—well, it is going to close, according to the information we have—and role? Could you deal with those two things? I believe that you have some evidence about the fact that you made complaints and how those complaints were handled. We want to look at the complaints system.

The Hon. GREG DONNELLY: Mr Chair, can I interpose?

CHAIR: Yes, please.

The Hon. GREG DONNELLY: Thank you both for coming in. It is greatly appreciated. I thank you both for your very detailed submissions and the great deal of time that has obviously gone into putting those submissions together. My point is: reference to the department's protocol. In answering the question of the Chair, could you refer to either the following of the protocol or the failure to follow the protocol of the department as you understand it? It is one of your annexures—the protocol titled "Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered".

CHAIR: We specifically also want comments about when you lodged a complaint, how that was handled and what your thoughts and feelings were on that matter.

The Hon. GREG DONNELLY: I have it here, if it helps.

Ms COUTTS: Yes, I think I have got it here.

The Hon. GREG DONNELLY: It is on the letterhead of the department.

Ms COUTTS: Okay. As I have said here, we believed that it was going to be a fair process. We had no reason to believe otherwise. I think that I had reason to believe otherwise, so I was the one who advised that it

would probably be best to send a parent representative in instead of all the parents going in for that meeting with the director. That very first meeting that was held at the school with the director was all wrong from the start. I actually wrote to _____ the director, and asked him if he would meet with council. I made arrangements for him to meet with council because I thought that was the best place to start: "Let's look at the demographics; let's look at what is happening within the village of Martins Creek." And he wrote back and refused to do that—he was not going to do that. He said that there would be plenty of time to do that later on. Well, we never did it at all; we never met with council. I did not attend the meeting—Gina's husband was the parent representative—but we certainly could feel when we arrived at the school that afternoon after the meeting it was very heavy and that they had certainly been hammered, if you like, in what they were told about the school and how it was not providing the necessary things for the children in their social development and their education. A consultative committee was formed, but my understanding is that they had nowhere else to go. David said that—we had to form this consultative committee.

Dr JOHN KAYE: Sorry, David who?

Ms COUTTS: David Allingham, Gina's husband—Dr Allingham. And he said we had to form this committee. And it was very heavy, very sad. We found out that _____ was on the committee who was from the Primary Principals Association. We questioned that: "Why is he on the committee?" We were told he was on the committee because he was the principal _____ support person. We found that very hard to understand. Well, first of all we were not told that, were we? We were told that he was there—

Ms GOULDER: No, he was the Primary Principals Association representative.

Ms COUTTS: Yes. First of all he was on there as the Primary Principals Association representative, and we questioned that and had issues with that.

Ms GOULDER: Because it is not on the protocols. There is no such position, but that is the position we were told he occupied.

Ms COUTTS: He held—yes. And then when we questioned it we were told he was there as _____ support person because he was Primary Principals Association. And then of course _____ had no choice in the matter—he was the support person and that was it. But then we later found with Wollombi as well—did you want to?

Ms GOULDER: This was a bit of an odd situation. He does have a close working relationship with _____ He would have tipped the balance so there were more department of education people on the committee than not. And the funny thing is that the protocols say the principal is on this committee "with access to support" from their relevant professional association. It does not say that they have a support person present or as a committee member, so that was a bit of a misreading—

CHAIR: Thanks. I really want you to focus on Mr Potter's role and _____ role, and particularly the controversial issues.

Ms COUTTS: Okay. I initiated a meeting with _____ in March to talk purely about _____ I had written a number of emails in November and December to Mr Potter and to _____ talking about _____ . I was constantly told that _____ s needs would be addressed, we would look at _____ needs in the committee—that is what the committee was for and that is what they would do. I was concerned that they did not understand _____ needs so I asked _____ for a meeting. The meeting was very hostile towards me. In fact, I ended it. I just said, "Look, this is really getting nowhere, so I don't want to be here anymore. I am going to leave." I was told things like: "That's your opinion." He was very hostile towards me. I did make a complaint about a number of things.

I had a meeting at the school and a representative from the department of education came in to discuss _____ s needs—it had nothing to do with the closure; it was just about _____ needs. I had behavioural management plan there, which is very heavy stuff. It is very confidential, very, very heavy stuff. And this particular person said she did not have a copy, so she actually took the principal's copy from her and I sat and shared my copy with the principal. And when it came time to leave, she took it. It only dawned on me afterwards that she had taken the copy with her. So I rang up the school counsellor and said, "Are you aware that this person has taken this back to district office?" And she said no, that she was not. So I rang her up and said, "You had no right to take that confidential information back to district office with you." She acknowledged

that and said, "I've got it here in my hand. I'm going to put it in the shredder now." I asked her why she took it and she said she wanted to put it on his file. And I said, "Why, when the school counsellor has a copy on the file?"

And in my complaint, that was one of the things I addressed. I addressed a number of things in the complaint. My complaint went to the Hon. George Souris who was my local member at the time. He acknowledged it and said he sent it on to Mr Potter to deal with. Then somehow that complaint managed to get lost—it went by the wayside. I wrote to Mr Potter and said, "Do you have my complaint?" And he said he was not aware of any complaint. I think what probably—

CHAIR: Do you know the date of that written complaint?

Ms COUTTS: 8 April. I also sent a copy to the Hon. Adrian Piccoli, the Minister for Education, as well and I think that might have been where I sort of had thrown a spanner in the works, if you like, with Mr Potter because he clearly was not aware that I had sent two of the same complaint. I got a letter from _____, Mr Potter's secretary, saying that she had received the complaint and it was being dealt with. When I had not heard anything I wrote to Mr Potter and he said he was not aware of any complaint. So it seemed to drag out; even with the Minister for Education I was not getting any response from that. I was ringing up the Minister's office and speaking to various people there; I think I spoke to _____ and _____ and they were sort of saying they were chasing it up for me and yes it was here, it was ready to go, it just had to have one more thing signed off and it was ready to go.

I did not get it and I rang back a week later and I said, "I thought you said it was ready to go", and she put me straight on to _____ Gina was there; we had him on speakerphone and he was very hostile towards me. He said, "I'm aware that you had the complaints handling process. I was aware that you were given that but you should have gone through that". He said, "Didn't you? Didn't you?" and I did not answer him. He said it about three times and I said, "Yes, _____ I did get the complaints handling process but are you aware that I got it some weeks later after this complaint had gone in?" and he said no he was not and then he hung up on me, he put the phone down on me, which we thought was very odd.

Ms GOULDER: It was also odd that he professed to have had numerous conversations with people in the department about that complaint. It was a funny saga that complaint. Because of the way it went, although it was a letter of complaint and it said "This is a letter of complaint about the Department of Education" it was, in fact, treated as an RML, so it did not go through the normal complaints procedures.

CHAIR: RML?

Ms GOULDER: Response to a ministerial letter. So it did not go through the normal complaints process and Sue was never contacted about it or asked to clarify the complaints.

CHAIR: Just for the sake of time, can we get back on the track because I want to get to where you made a complaint to the Ombudsman. We have only got 15 minutes and I am very aware that I have not even given the Opposition a fair chance.

The Hon. GREG DONNELLY: It is going okay. Please proceed.

Ms COUTTS: A lot of the complaint was about Frank Potter. When I did receive the RML some months later it did not address anything about what I have suggested about Frank Potter. I wrote to the Ombudsman and he wrote back—well, he didn't; he left a message, I think, saying, "Can we chat?" He ended up emailing me and sort of saying he would not look at it because it had to do with a Minister and they could not deal with those sorts of things; they could not look into a Minister. So we took everything out about the Minister and I said, "Well okay, we will just deal with the complaint itself. We have got two so we will deal with this complaint now" and he would not deal with it. He said he was not going to deal with it. I said to him, "Could you at least tell me who is handling my complaint? Please tell me who is handling my complaint" and I got an email back from the Ombudsman and it just sort of said that Mr Frank Potter,]Mr W_ and _____ were handling my complaint. I wrote back and I think I said something about]O t Y _.

Ms GOULDER: That came a little further on. The issues with this complaint were (a) it was about Frank Potter and (b) it went back to Frank Potter to deal with, which does not seem like a good complaints handling process. The bit about Frank Potter personally was neither acknowledged nor addressed. The

Ombudsman declined to address it for various reasons, and then in the end his final decision was he would not address it because it involved a Minister, and in fact it did not. Then, as part of another complaint, that matter was raised by me. It went to Frank Potter to be dealt with, again, and Frank Potter appointed someone he said was independent to deal with it. This someone was a woman named JOuY_ Frank Potter and JOtY_ formed part of this complaint. That did not look very independent and it was not, because although this matter was raised and raised again, this original complaint about Frank Potter which involved JOtY_ when she did her determination of this complaint—

Dr JOHN KAYE: "She" being JOuY_?

Ms GOULDER: "She" being JOuY_—there was no mention that any complaint had ever been made then or previously about Frank Potter and JOtY_. This did not seem all that good so I eventually went to the Ombudsman with that and Sue asked for a review of the original complaint because this just escalated, this silly matter escalated. It took it must have been nearly six months to have my complaint dealt with by the Ombudsman. Although I wrote "This is a complaint about Frank Potter and JOuY_", neither of those people was addressed in what the Ombudsman chose to address and, again, the same person who had dealt with Sue's complaint and declined to handle it was dealing with this, and when it came back there was no wrongdoing found, nothing that I asked to be addressed was addressed—just some things that were not relevant at all. And, again, there was no mention that any complaint had ever been made about Frank Potter or JOuY_.

I rang _____ at the Ombudsman's office—and it was a very hostile phone call; I take full responsibility for that—and I asked him had he ever made any adverse finding about any member of the Department of Education and he could not recall a single instance. Some very funny things happened. When my complaint was being processed by the Ombudsman I asked about this JOtW_ and JOuY_ business: Was this impartial? Were they related? The person handling the complaint at the Ombudsman's office said to me, "They are not related, I have satisfied myself of this, and they did not work together". I had documents that we got in the call for papers showing that (a) they were related and (b) they did work together. I sent those documents to the Ombudsman; they went astray. Apparently they arrived at the Ombudsman with no address, no envelope and no covering letter and no-one could work out where they were supposed to go, except they went to the person who had handled Sue's complaint—

Ms COUTTS:

Ms GOULDER: They then disappeared for long enough for the person handling my complaint to decide that nothing had happened, and then _____ tells me that he sent them on to her because he knew to whom they were addressed all along.

Dr JOHN KAYE: Who did he send them on to?

Ms GOULDER: A woman called _____ who was handling my complaint. But he was directing her, apparently.

CHAIR: Did you mention the relationship between JOuY_ and JOtY_?

Ms GOULDER: I believe she is JOtY_'s sister-in-law.

CHAIR: You would have a fear of a conflict of interest in this matter.

Ms GOULDER: I would have a fear, and I would think that it was amply substantiated by the fact that despite repeated requests on my part she did not even mention that I had ever made a complaint about Frank Potter or JOtY_ even though she was investigating a complaint in which I complained about these people. It is not just that they do not get addressed; anything involving Frank Potter is not acknowledged. A very strange matter is that Sue finally got another review of that. We just spent so much time on these odd red herrings. Sue finally got that complaint reviewed and acknowledged, and it was found that Frank Potter had not done anything wrong because he had, according to him, resolved her complaint to her satisfaction 12 days before she had actually made it.

CHAIR: Could you table all the complaints and those documents with the Committee at some stage, if you have not already in the submission, particularly emails and those sorts of things?

Ms COUTTS: Yes.

Ms GOULDER: Yes.

CHAIR: We are going to run out of time. I just want to ask a pretty important question. At any time did you feel marginalised or manipulated that if you actually pushed forward with any of these issues you would be somehow made worse off in any way, shape or form?

Ms COUTTS: Yes.

CHAIR: Could you articulate that to the inquiry?

Ms COUTTS: This is going to come into it but we would like to table one more picture of with his teacher's aide, because this has been the pressure that has been applied on, . This is with his teacher's aide that he has had since he started school.

Document tabled.

We are dealing with here; this should not apply. Frank Potter has now personally approved the transfer of s teacher's aide to a high school five days a week beginning next year. This woman is lifeline.

Ms GOULDER: There were what we considered to be vindictive reprisals made. When the call for papers happened last year, apparently Frank Potter had already written, before the process had finished, a recommendation that the school close in 2016, which did seem to be taking s needs into account up to a point. He subsequently held this meeting with the department's psychologists, learning engagement officers or whatever they actually were, and apparently—although no-one has seen it, to my knowledge—wrote a recommendation that the school be closed one year earlier. That looked fairly vindictive. This year, when this parliamentary inquiry was announced, two transfers immediately took place. There are processes for transfers when a school is closing; however, in exceptional circumstances a director may do a personal transfer for whatever reason—it is usually an emergency. But contacted staffing and staffing rang the general assistant at home and said, "Your position has ceased; it has been transferred. You cannot stay at Martins Creek unless they employ you as a casual". That has since all fallen in a heap.

Frank Potter—this is the executive director and he has some 600 schools under him; he has three regions and 600 schools—he has been involved on a daily basis with this school for nearly two years and presumably was clocking up \$1 million in staff costs at this point. He personally arranged a transfer for aide. The one thing we have all agreed on is that needs his aide if he is to move on at all. Whether he should or should not move on is another thing, but if he is to make a transition he needs his aide, and Frank Potter personally arranged a transfer to a high school full-time starting next year for his aide, which would take her out of life permanently, full-time.

CHAIR: I am mindful of the time, and the Committee members have been very gracious about the time. I want to ask one final question. By the time this session has ended, which will be in two or three minutes, can you please note anything that you want the inquiry to know, if you think we have missed something that is pretty important to you?

The Hon. GREG DONNELLY: Ms Goulder, in your submission it is quite evident that you have, very usefully, made it your business to make a network of contacts with various individuals and smaller schools that may be facing the prospect of closure in the future. Without going through each example, can you give us your overall impression of the management, if I can use that word, of the potential closure of small schools in this State, drawing on what clearly is your experience of making contact with a range of schools around the State?

Ms GOULDER: Since that submission I have contacted at least two other schools, which has been very instructive as well. Firstly, any school which enters this consultation process, which is supposed to be open ended, does not survive—they all close. Secondly, consultation is very limited. Thirdly, these are not all small schools. They started out, a year or two ago, as P5 schools. Four of the schools we are discussing have been two-teacher schools. Something has happened—there is a weakness in the school or there is a change of principal—and numbers start to drop. Sometimes the principal is implicated in that and sometimes there is just a lack of support by the department. The department never supports these schools. The department then moves in and finishes them off. They do not survive. There is no consultation.

People who fight for their schools find it very distressing. You have to have the human elements—these are people's schools and communities. It is very distressing—it is personally distressing. A number of people have consistently said two notable things to me. They have said, "These people lied to us; the department lied to us." I have had a lot of people independently say that. They also say, "This was a distressing process. I had to give it up because my family and my health were suffering."

The Hon. GREG DONNELLY: Without wishing to cut you off, I have one final question. In your view, and given your experience of speaking to people from schools around the State that are facing a similar prospect to that of Martins Creek, is the official Department of Education and Communities protocol for dealing with such schools, which we referred to earlier, being followed? Or is it not being followed? If it is not being followed, would you care to comment on how you think the whole thing should be looked at? Perhaps it should be given a complete makeover? I am sorry but this is a very large question covering a range of things. Firstly, is the consultation protocol being followed? Secondly, what are the major flaws that you think could be improved?

Ms GOULDER: No, it is not being followed because it is not usually an open-ended process. When they seek approval to consult locally, the reason given is to move towards closure of the school. So the protocol is not serving the purpose of being open minded or open ended. There is usually very little consultation. They do not look at research. They do not hold the meetings. They do not assess data. Data and research, if they appear at all, are things which come from the department. They are not substantiated. They are often just vague things like "children will have access to a broader range of staff at larger schools". Nothing is ever done to substantiate that, and in many cases it is actually false. There is an inequality of power. The NSW Teachers Federation originally did not approve these. Their nickname for these was "build your own gallows", because the whole thing was about control. The department has control. The department has sufficient control to pervert this process. I think they were structured in that way.

Dr JOHN KAYE: I have one very quick question. What happened at Martins Creek in 2012 that caused enrolments to fall by a factor of three? Enrolments went from 17 to six from 2012 to 2013.

Ms COUTTS: We lost about four students in year 6. A parent who had three children at the school, and another one coming in who had significant special needs, said to me at a birthday party that approached her and said, "Your children are going to do a lot better at Xce. They're going to get a lot more funding if they go there."

Dr JOHN KAYE: Who is

Ms COUTTS: She is the learning and engagement person—the same lady who took the documents from that meeting. That was what the parent said to me.

Dr JOHN KAYE: So the department was sending the message?

Ms COUTTS: That parent said to me that said to her that her child would get more funding.

Dr JOHN KAYE: When did they stop new enrolments at Martins Creek?

Ms GOULDER: December 2013.

Dr JOHN KAYE: So it was before they began the consultation process?

Ms GOULDER: Yes.

CHAIR: I have a couple of final questions. Where did the teacher's aide who was moved on who you spoke about earlier go? Which high school is she at now?

Ms COUTTS: She has not yet.

Ms GOULDER: This is effective from January next year. I think she is going to Rutherford Technology High School.

CHAIR: I said I would give you a further chance to add anything more to add to your evidence. Do you have anything to add?

Ms COUTTS: Probably too much for the inquiry to take right now.

CHAIR: You can certainly put more information on notice.

Ms GOULDER: I have some recommendations here that I would like to table.

Document tabled.

CHAIR: I thank you for your time. I know this has been an incredibly long journey, which some members have been part of—hence we have this inquiry. I would like to make it very clear that we have called this inquiry because we want to make sure that the community gets a fair go in this matter. It is blatantly obvious from the evidence we are receiving that some community members do not feel that they have had a fair go. You in particular seem to have had a rougher ride than most. I put on the record that I am thankful for the Government's support in this inquiry, and I know Government members have been very helpful to the cause and in making sure that we hear your evidence in full. So I acknowledge the hand of the Government members in that. Government members waived their time for questioning so that the Committee could give you more time to share your story.

Ms COUTTS: Thank you very much.

CHAIR: Thank you for your time. We will be hearing from the Department of Education and Communities this afternoon. If you have any comments about your evidence, please contact the Committee secretariat. Thank you for travelling down and for sharing with us your stories, and particularly the stories of . He is one special kid.

Ms COUTTS: He is a very special little boy.

CHAIR: We will see what we can do to assist his future development, wherever that may be.

The Hon. GREG DONNELLY: I would like to express, and I am sure I speak on behalf of Committee members from all sides of politics, our sincere thanks for the kindness, the support and the love that you have given to the two boys; and, of course, Sarah, who is now deceased. It is a wonderful example that you are setting for the community. It is outstanding. We would like to express our appreciation for what you are doing.

Ms COUTTS: Thank you. That is really very nice to hear, because we do not hear that very often. So thank you.

The Hon. BEN FRANKLIN: On behalf of the Government, I would like to echo everything that the Hon. Greg Donnelly has just said.

Ms COUTTS: Thank you very much.

The Hon. GREG DONNELLY: Ms Goulder, the support you have given, in standing side by side, has obviously been of great assistance.

Ms COUTTS: Yes, it has been.

The Hon. GREG DONNELLY: So thank you very much.

Ms GOULDER: . But I can help.

The Hon. GREG DONNELLY: That help, I am sure, has been greatly appreciated.

CHAIR: We need more people like you in the community. Thank you very much for your evidence.

(The witnesses withdrew)

IN-CAMERA REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE CLOSURE OF PUBLIC
SCHOOLS**

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

At Sydney on Thursday 20 August 2015

The Committee met at 9. 15 a.m.

PRESENT

The Hon. P. Green (Chair)

The Hon. L. Amato

The Hon. G. Donnelly

The Hon. B. Franklin

The Hon. C. Houssos

Dr J. Kaye

The Hon. N. Maclaren-Jones

PARENT A, Parent, and former parent representative, Department of Education and Communities consultative body, Wollombi Public School, and

PARENT B, Former President, Parents and Citizens Association, Wollombi Public School, sworn and examined:

PARENT C, Parent, Wollombi Public School, and

PARENT D, Parent, Wollombi Public School, affirmed and examined:

CHAIR: Good morning. I welcome our witnesses. Thank you for accepting the Committee's invitation to appear at the in-camera hearing for the Inquiry into the Closure of Public Schools in New South Wales. The Committee has decided to hold this hearing in camera in order to provide you with the freedom to speak candidly with us about your experience whilst protecting your privacy and that of your children. Please note that, as this is an in-camera hearing, you are bound by the confidentiality of today's proceeding. The Committee will consider publishing your evidence, having regard to your family's privacy as well as the sensitivity of other matters that may be discussed today. I have been advised that you are in agreement with the Committee's intention today.

After the hearing, the secretariat will consult with you regarding the potential publication. However, the decision as to what is or is not published rests with the Committee. While this hearing is covered by parliamentary privilege, I remind you that Committee hearings are not intended to provide a forum for people to make adverse comments about others. I therefore request that witnesses focus on issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. Does anyone have an opening statement? If not, we will go straight to questions.

PARENT A: Firstly I would like to thank you for the opportunity to come here today and present what we experienced last year. I will try to maintain the focus on the treatment that we received at the hands of the Department of Education and Communities and the process that was involved in what we believe ultimately resulted in the closure of our school. I trust that all the evidence we provide will do something to stop other parents from going through the same experience that we have had in 2014, which was really an annus horribilis for us. Thank you, again, for considering all the information we put forward.

Dr JOHN KAYE: I will put these questions to you. I am not sure who will want to answer them. It seems from your written evidence that the consultation process was not in accordance with the Department's protocols. Can you briefly outline why that is the case?

PARENT A: I guess I was the one involved with the process. I believe that there was a predetermined decision from 2013. There is paperwork that will support that: the fact sheet, plus information and emails. The substantive position was not advertised, as such.

Dr JOHN KAYE: What was the substantive position for?

PARENT A: For Wollombi's principal. At the end of 2013, when that was advertised I questioned why it was not advertised as a permanent position but rather it was put out as an expression of interest for a relieving principal. They did not really answer that. They basically said that it was a temporary position. So it was predetermined from the start that the school was foreshadowed to close. The consultative process kicked off in March 2014. Throughout that process we felt that the area director was taking us down paths that he was not really going to explore. It was just a cursory referral. For example, he would talk about the hub and spoke and then when we started talking about it we would be cut off with, "But this has not been union ratified as yet."

When we looked at school options for possibly splitting between a primary and an infants school he said, "I don't really favour this approach because I do not think it is for the benefit of the children." So all the time there was this endless going down paths that really amounted to nothing. The process seemed very tokenistic as far as community engagement went. Meetings that had been promised with the community from the end of 2013 by the Executive Director did not come to fruition. Throughout the process, they were dismissive of—

CHAIR: Do we have a name for the Executive Director?

PARENT A: Frank Potter.

Dr JOHN KAYE: What is the name of the Area Director?

PARENT A: . Sorry, I misunderstood I thought I should not mention—

CHAIR: That is okay. I just wanted to put it on the record so that we are all on the same page. We are having these people here this afternoon.

PARENT A: So do you prefer that I name them, throughout?

CHAIR: If it is at that level, yes. But if it is at a sub-level be mindful of defamation issues. If it is fact, and you can back it, it is not a problem.

PARENT A: Throughout the process we experienced some issues with the relieving principal. Those issues were represented first to the relieving principal, then to the Area Director on three separate occasions. His attitude was very dismissive. We felt that the issues were quite serious. It got to the point that we were getting nowhere with the Area Director so we represented them as formal complaints to the department. The department basically dismissed all of those complaints. We then asked for an internal review and we got basically the same responses. We had a feeling of being totally whitewashed and ignored.

CHAIR: In terms of the internal review, do you know who handled that? Do you have names of who was in charge of that internal review? If you have, could you table them.

PARENT A: The internal review would have been by the Executive Director.

PARENT B: He is from the Illawarra region, I believe.

PARENT A: There were two formal complaints. One was about the process and the procedures and what we saw as flaws in that process. That was handled by Frank Potter, who came out to clear his name on the day, with PARENT B and me. As he saw it, it was more about him being misrepresented. I think his exact word was "misrepresented". The rest of the issues were then handled by the Executive Director. The complaints about the principal were handled by an area director called . Once again, all of our concerns were totally dismissed—every single one of them. I think she mentioned there were 35 complaints. Not one of those was upheld.

Dr JOHN KAYE: Just to go back to the process, you were saying that the consultation process was inadequate because it was ignored. Do you have other evidence that it was ignored because there was a predetermined outcome?

PARENT A: The interesting thing is that the whole process was not minuted. The Area Director suggested, from the beginning—

Dr JOHN KAYE: He suggested that it not be minuted?

PARENT A: Yes.

CHAIR: Could you once again tell us who that person is?

PARENT A: suggested that.

Dr JOHN KAYE: He said that it should not be minuted?

PARENT A: His wording was, "We don't really need to take minutes. If everybody is happy to take their own minutes and notes we could leave it at that."

Dr JOHN KAYE: So this was a consultation process with no formal record of what the consultation was.

PARENT A: No formal records exist. No.

Dr JOHN KAYE: The consultation process ran through 2014. Is that correct?

PARENT A: From March. I think he contacted me on 20 March.

PARENT B: May I say that the consultation process really only began because we made so much representation to the department after we got our closure notice—the "death notice" as I refer to it—in November.

Dr JOHN KAYE: You got that notice in November 2013?

PARENT B: November 2013. The acting Area Director came out six weeks prior to the school finishing up for the year saying that in the worst-case scenario the school would be closed by the end of the year.

Dr JOHN KAYE: Was that the first you had heard of the closure of the school

PARENT B: Yes.

PARENT C: A representative from the department suggested that that was not the first time we had heard of a recommendation for closure. They seemed to recall that they sent somebody out earlier in the year to tell us that closure was on the agenda. But that was never, ever discussed—no once.

PARENT A: That was a question posed to Executive Director Frank Potter and , when they came out in April 2013. They came out saying that they were concerned about the educational outcomes for the students with a cohort of only four at the time—because we had lost a few—and also the social interactions. When we all stated, as parents, that we were content with the educational provision at our school—

PARENT B: We were content at that time

PARENT A: It changed later; at the time we were happy with what was happening. Then they seemed to hone in on the social aspects, saying that with that many students there was not enough social interaction.

Dr JOHN KAYE: Did the interaction that we are talking about now take place in 2013 or 2014?

PARENT A: April 2013.

PARENT B: April 2013.

Dr JOHN KAYE: Before they had given you the death notice?

PARENT A: That is right.

PARENT C: That is what they considered their pre-notice.

PARENT A: At that very meeting I posed to Frank Potter, "Are you going to close the school?" His answer was, "At the moment there is no political will," and left it at that.

The Hon. COURTNEY HOUSSOS: I just wanted to go back, PARENT C to a comment you made. Apparently somebody was sent out to the school to inform the parents. Can you talk through what the process is, in terms of informing the parents? Is a formal notification provided?

PARENT C: After it happened they said, "But we told you in April that we would be closing the school."

The Hon. COURTNEY HOUSSOS: When they said, "We told you," what was the format? What actually occurred?

PARENT C: It was verbal.

PARENT A: They say that they commenced the consultation process in 2013, which is not true.

PARENT B: That was an out-of-the-blue visit by Frank Potter and to the school. We were summonsed to a meeting.

The Hon. COURTNEY HOUSSOS: During school hours?

PARENT B: Yes.

The Hon. COURTNEY HOUSSOS: You were summonsed as the P&C?

PARENT A: All parents were invited.

The Hon. COURTNEY HOUSSOS: So they were notified of a meeting.

PARENT B: They were notified of a visit.

PARENT B: The intention of the visit was never stated.

The Hon. COURTNEY HOUSSOS: That is fine. I just wanted to find out what the notice was that was provided to parents.

PARENT C: The notice was, "Could you come into school today; the area executive is here."

PARENT B: It was just, "We'd like to meet with you. There was no real agenda."

The Hon. COURTNEY HOUSSOS: That answers my question.

The Hon. GREG DONNELLY: It is in the first paragraph of your submission, PARENT B. It was that meeting of 13 November.

PARENT A: No, this was still in April.

PARENT B: It was in April. That 13 November may not be correct, in hindsight. During the November week the acting Area Director was sent out with that notice.

CHAIR: Do you have a name for that person?

PARENT A

Dr JOHN KAYE: And that was the formal closure notice?

PARENT B: That was the formal closure notice—worst-case scenario, by the end of the year.

Dr JOHN KAYE: At that point was there a permanent principal or was there a relief principal?

PARENT B: There was.

Dr JOHN KAYE: The substantive principal left at what point?

PARENT A: At the end of 2013.

Dr JOHN KAYE: Do we know why that substantive principal left?

PARENT B: She accepted a transfer.

Dr JOHN KAYE: She was offered a transfer. Was that a promotion?

PARENT B: No.

PARENT A: Actually, it was a demotion.

PARENT B: It was absolutely not a promotion; she accepted a transfer.

Dr JOHN KAYE: A relieving principal was brought in at that point.

PARENT C: That was on an expression of interest. There was no merit selection or anything like that. She had never been a principal at all.

Dr JOHN KAYE: Please go on, PARENT C.

PARENT C: The person who came in to replace her in an acting position had never been a principal before. She would not have got the job on merit, but it was not offered on merit. It was purely as advertised as an expression of interest.

Dr JOHN KAYE: As a parent of the school, how would you describe the impact of that relieving principal?

PARENT C: I do not know where to begin.

Dr JOHN KAYE: Generally it was adverse, was it?

PARENT C: Absolutely. Yes. There was no effort to improve numbers at the school. After being told in November that we had a ticking time bomb we felt that we had to try and increase numbers at the school. So at the beginning of 2014 we had increased the numbers. We had 11. It was not four it was 11, and we were going to get more.

CHAIR: Were enrolments formally suspended at any time, do you know?

PARENT A: They were actively discouraged, we believe.

CHAIR: Do we have any evidence of that.

PARENT C: No, but when we asked for a banner to be put at the front of the school—as every other school has—they said, "We do not have one." We said, "We had one last year; can you just bring out last year's banner?" We were told, "No. We will have to print a new one and that will take some time." They did not put the banner up until October. That was handy, when the school was about to close in November.

PARENT B: A brand new banner.

Dr JOHN KAYE: In October 2014, the banner went up.

PARENT B: A brand new banner, at a cost of \$400.

Dr JOHN KAYE: When you were given the information in early 2013—

PARENT C: That was not information.

Dr JOHN KAYE: That was informal discussion. Was there, at that stage, any engagement with you by the department on the idea of building numbers at the school?

PARENT C: No.

PARENT A: Not in eight years that we have been associated with the school have they ever come to discuss what is happening at the school, why the enrolments were so low or what we could do to increase them.

Dr JOHN KAYE: Have you ever put forward propositions for increasing enrolment?

PARENT A: Yes.

PARENT C: Absolutely, constantly.

Dr JOHN KAYE: Can you describe what they were and when they were done.

PARENT C: I suggested that we had a people drive at the election that was held in 2013. The school is a place for a voting booth, and I recommended that we had a big drive—kind of an open day on that day with a barbecue and all those sorts of things. That was quashed. I was given absolutely no encouragement to do so, at all.

Dr JOHN KAYE: Were you discouraged from doing so?

PARENT C: It takes a lot to stop me from doing something, so I must say, well—

PARENT B: It is difficult when we do not have the support of the management.

PARENT A: They would not support it, no.

Dr JOHN KAYE: Without the support of the school, it was not possible to do it.

PARENT B: No, we did not have support. There was one principal in our time, in our eight years there, that I remember just her style. She was actively encouraging enrolments and our enrolments lifted. She was actively encouraging. There has been no other.

CHAIR: I am sorry? She was actively—

PARENT B: Encouraging enrolments—

Dr JOHN KAYE: This is the previous principal?

CHAIR: The previous principal?

PARENT B: —in the time that she was the re. Through our time, we have had five principals in seven years, so this was the first in our experience, yes

CHAIR: The principal who came in, do you think they might have been instructed that they were on a closing school model?

PARENT B: Absolutely.

PARENT A: Absolutely.

PARENT D: I believe so.

The Hon BEN FRANKLIN: Do you have any evidence of that?

PARENT B: Do you firmly deny?

CHAIR: It is a question I need to ask.

PARENT B: Of course.

PARENT C: She would have been made aware of the fact that in November in 2013 we had been given the information that, worst-case scenario, the school will close. She would have been coming with that around her shoulders. She knew that when she came.

Dr JOHN KAYE: It is fair to say that she did nothing to encourage parents?

PARENT C: Actively discouraged parents.

PARENT A: Discouraged.

CHAIR: Actively discouraged?

PARENT A: Yes.

PARENT C: When people rang to ask about enrolling their child, "Don't bother. The school is closing." This is in the beginning of the year, and deliberately not putting up—

Dr JOHN KAYE: That is in the beginning of the year 2014?

PARENT C: Yes.

PARENT A: Yes.

PARENT C: —and deliberately not putting up a banner until October 2014 and that was because at every parents and citizens [P and C] meeting we insisted that she get one and put it up.

Dr JOHN KAYE: Can I just go back one step? She was actively discouraging enrolments—

PARENT C: Yes.

Dr JOHN KAYE: —at the beginning for the enrolment for the year of 2014.

PARENT C: Yes.

Dr JOHN KAYE: If she had not done that, do you have a sense—it is a small community; you know who has children—of what the enrolments might have been at the Wollombi Public School?

PARENT C: I can tell you now because my son now attends the other—what is now his local school.

Dr JOHN KAYE: That is Laguna, is it?

PARENT C: Yes, it is. He did attend his local school, but now that local school does not exist. Laguna has just taken the entire catchment area that was Wollombi's. It is now just automatically Laguna's. Millfield did not get any. Broke did not get any. It just all went straight to Laguna. This year alone the school, not just from the three students that went there from Wollombi but other enrolments—new people to the area—

PARENT D: Babies growing up.

PARENT C: Yes, babies growing up but also unexpected mid-year intakes. Laguna school is growing rapidly and a lot of those children live in what was the Wollombi catchment area.

Dr JOHN KAYE: Do you have a sense of how many of the children at Laguna live in the Wollombi catchment area?

PARENT C: About 35.

Dr JOHN KAYE: So there was potential for an entrepreneurial principal to build that school up.

PARENT B: Yes.

PARENT A: Absolutely.

Dr JOHN KAYE: Even to the point of becoming a P5 perhaps.

PARENT C: Yes.

PARENT A: Absolutely.

PARENT B: We believe so.

PARENT C: I encouraged—I went to a market day in early 2014 and I saw a man who used to live in the area with his four children at the market day. I said, "Are you back in town?" He said, "Yes." I said, "What are you doing with the kids?" He said, "Oh, I haven't really decided. We might homeschool." I said, "Well, before you homeschool, why don't you try coming to Wollombi school." So his three children—the youngest one was too young—enrolled at the school. But I think that they were not put on the books and the school photograph was taken after they left.

Dr JOHN KAYE: What year was this, please?

PARENT C: It was 2014.

Dr JOHN KAYE: In 2014?

PARENT C: Yes—no encouragement for them to stay.

Dr JOHN KAYE: You said you had five principals in seven years.

PARENT B: Yes.

Dr JOHN KAYE: Do you know why there was such a turnover? Principals are generally more stable than that. Denying why there was such a high turnover?

PARENT A: Well, it was a bit—

PARENT B: We believe—

PARENT A: We have been informed—

Dr JOHN KAYE: Tell us what you believe. Why do you think that happened?

PARENT A: We have been informed—and I cannot reveal sources—

PARENT B: We believe that others had been given a mandate to close the school.

PARENT A: To close the school—way back.

Dr JOHN KAYE: All of those five principals, a number of them were given a mandate to close the school?

PARENT A: All except for, perhaps, one.

Dr JOHN KAYE: They left because they do not want to execute that mandate.

PARENT C: Yes.

PARENT B: Absolutely.

PARENT A: The first one—I think I mentioned it my written evidence—

CHAIR: Your submission?

PARENT A: Yes. There was a principal who came in and she fell in love with the school, we believe, and could not close the school. She was moved on fairly quickly. A young acting principal was then put in place and she began. She was very popular with the community, had a wonderful rapport with the kids and

was an excellent teacher who was starting to build the school. Within her first term there she attracted five additional kids. Then for some unexplained reason the SED at the time, who was

Dr JOHN KAYE: The school education director?

PARENT A: That is right, yes—had decided to advertise that position, which seemed pretty odd to us at the time considering she had only been in the position acting for three months. We also are of the opinion and belief that that SED had an agenda for the closure of that school and she had actually made plans for its utilisation once that was closed. When the position was advertised, the position was taken up by an incentive transfer from out west, and that basically could not be opposed. We believe that she came with good intentions but, from our experience, we believe that at some point she was told as well to close the school.

Dr JOHN KAYE: So there was a "getcha" notice out on that school?

PARENT B: Absolutely.

PARENT A: Yes.

PARENT D: Yes.

PARENT A: From very early on.

Dr JOHN KAYE: Thank you for that. Can I go back to the consultation process. You say in your written submissions that the consultation process was fed inaccurate or misleading information. Could you elaborate on that for us, please?

PARENT A: The demographics data is of particular concern because it was never actually provided. All we got were, like, the fact sheets, which just had their summation on the front. There was no evidence as to how they came about. When we asked about having a look at that, firstly they said that there were privacy issues because they apparently sourced them through Medicare records. We said, "We don't need to see the records of whose names they are. We just want to see the data." They said, "Well, we can get you the data." But it never came. I think you can see from one of the submissions in there the representation about the data, not from me but from another person who had a lot of interaction with the department on this, and it was never provided. His submissions, which were two documents, I believe, were not actually responded to by the department.

Dr JOHN KAYE: You are saying that the demographic data that was provided to you not only was not justified but was inaccurate?

PARENT A: It was never actually formally produced.

PARENT D: We never saw it.

PARENT A: The community at the community meeting asked for it, but it was still not produced, even in the consultative process. It never surfaced.

Dr JOHN KAYE: I attended a community meeting in 2014.

PARENT C: Can I just say that the community meeting that you attended was not held by the Department of Education.

Dr JOHN KAYE: I know it was not.

PARENT C: It was held by us.

Dr JOHN KAYE: What I observed there was a community which had a large number of people of childbearing age, or of child-rearing age I should say. Would it be fair to say that the demography as you understand it, as long-time local residents, is not reflected in the information or the data that was provided in the fact sheet?

PARENT A: Absolutely.

PARENT D: Yes, definitely.

PARENT A: Definitely. There are also instances throughout 2014 where people were interested and they would approach us and they would approach the department, and they were always knocked on the head. For some reason or not, they were not allowed to actually—they put them through hoops, basically, which would make it difficult.

Dr JOHN KAYE: To stop them from enrolling their children.

PARENT A: Yes, absolutely.

Dr JOHN KAYE: That was a continuous process throughout 2014.

PARENT A: Yes.

Dr JOHN KAYE: What about 2013?

PARENT B: In 2013—well, the school has had a bad reputation for some time because of difficult principals.

PARENT C: Having five principals in seven years.

PARENT B: In a small community, those rumours are very strong and we would fight it. We were already up against the wall trying to attract new people to our school. I think it is interesting that at the end, while we were being given our death notice, the joyful ringing from the Laguna community was that they were to receive a new teacher and a new demountable in the new year. It was exactly the same timing and it was quite extraordinary when you think about the resource management in our area. We had a perfectly wonderful little school—well resourced, well staffed, well supported—and the department made a decision to put extra resources into the neighbouring school at the same time that they were giving us that death notice.

PARENT C: The extra demountable building apparently was because their numbers ticked over and after put them into the next category so that they could use another demountable building. The two new enrolments were from the Wollombi catchment area.

Dr JOHN KAYE: How many demountables are there at Laguna?

PARENT C: I think they have reached capacity now. They cannot fit another one in, which is a shame because they will spill it. There is nowhere else to go now. They have one, two, three.

Dr JOHN KAYE: If another family with children seeking public education moves into Wollombi and those children have to go to Laguna, what will happen to Laguna?

PARENT C: At the moment, it is okay, but if it keeps happening, it will—there are only three children in year 6 who are about to leave. It is growing from the bottom up.

Dr JOHN KAYE: It has got a bulge in it?

PARENT C: Yes.

Dr JOHN KAYE: I will put these questions to the department this afternoon and we will see what we get out of that.

PARENT B: When that situation was put to Mr he said, "We just put one on top. We will just put a demountable on top."

PARENT A: You know, he said, "We will get a two-storey one."; that was his answer to me in the consultative process.

PARENT C: When there are perfectly good sandstone buildings in Wollombi.

CHAIR: Order! One person should speak at a time.

Dr JOHN KAYE: Can you briefly describe the Wollombi Public School? Some of the Committee members might not have actually seen it.

PARENT A: It is a wonderful heritage-listed historical school. It was the most wonderful environment for children to have an education in. The quality of the education was always good. I must say, no matter who the principal was. The quality, except for the last year, was always excellent. Everyone that came into that school blossomed. We watched them. There was a mentoring in the school that was very, very strong. You could see the little ones were looked after by the older kids. As they grew up in the others moved on, they reversed the roles; they became the new mentors.

Dr JOHN KAYE: Can you describe the role that the Wollombi Public School played in the community, apart from education—how the roles are played in the community?

PARENT A: It is just me, I am sorry?

Dr JOHN KAYE: I am happy to hear from anyone.

PARENT A: It was used for a lot of community events throughout the year.

PARENT B: He has already mentioned the electoral processes.

PARENT A: PARENT D has mentioned a few.

PARENT C: It housed the preschool as well.

PARENT A: Preschool is held at two days a week at the school, which is still there in operation today. It is on a temporary—

PARENT C: They have been given to the end of this year.

PARENT B: They have no tenure beyond this year.

Dr JOHN KAYE: There was a consultative committee formed in early 2014. Is that correct?

PARENT B: In March.

Dr JOHN KAYE: In March 2014 the department formed a consultative committee.

PARENT B: Yes.

Dr JOHN KAYE: Who were the representatives of the community on that committee?

PARENT A: It was only the P and C representatives—one from Laguna and one from Wollombi.

Dr JOHN KAYE: One from Wollombi only?

PARENT A: Yes.

Dr JOHN KAYE: Who were the department representatives?

PARENT A: and the relieving principal, plus the principal from the Laguna school. For some reason they saw the need to draw us into a conflict between the Laguna community and the Wollombi community. It made it an education provision for the valley, as such, which really pitched the community against one another because they were all told from the start, "We're looking at the closure of one school"—well, they did not actually say "closure"; "We're looking at—

PARENT B: Amalgamation.

PARENT A:—"amalgamation.", yes.

PARENT B: I do not know that they mentioned amalgamation, but when we made such a fuss after that death notice, Frank Potter met us in Newcastle. We travelled to see him and he told us that the decision had been made that there was only room for one school in the valley."

PARENT D: It would not support two schools.

PARENT B: The department would not support two schools. They had not decided which school.

Dr JOHN KAYE: I am sorry, PARENT B, when did he say that to you?

PARENT B: In November.

Dr JOHN KAYE: Of?

PARENT B: Of 2013.

Dr JOHN KAYE: Before the consultative committee was formed—

PARENT B: Absolutely, yes.

Dr JOHN KAYE:—he told you there would only be one school, and clearly that would be Laguna.

PARENT B: Yes, clearly.

Dr JOHN KAYE: Not—

PARENT A: On the numbers.

PARENT C: Based on the numbers.

PARENT B: No, we are not talking about that. We are not saying—"We hadn't decided which school", he said. Subsequently he said that the review would be set up; so, really, they would have preferred not to have a consultative process, in my view They would have liked to have just—

Dr JOHN KAYE: He told you before the beginning what the outcome was going to be.

PARENT B: Yes .

PARENT A: Yes.

PARENT C: He seemed to be—

PARENT B: The three of us were there.

PARENT C: He did seem to be quite disappointed in us for going against, not the final decision, but the implication that the school would close. They told us on 1 November that the school was very likely to close. If the few parents who were there had said, "Oh, well, that's the end of it", and walked away, they would not have had to do any of the consultative processes at all.

PARENT A: That is what they were hoping for.

PARENT B: Absolutely—they were hoping we would.

PARENT C: But because we objected, that really irritated them and then they had to go through the processes. They had to print out the processes to know what they were.

Dr JOHN KAYE: Were they relying—and I think you know what I am saying when I say this—on subsection 10 of section 28 of the Education Act?

PARENT A: Absolutely.

Dr JOHN KAYE: They were declaring you to be a one-teacher school.

PARENT A: A one-teacher school, which I have actually represented to the department. They still have not clarified it because in their own system, the Australian Curriculum, Assessment and Reporting Authority [ACARA], it shows that we are a 1.3. From the department we always get—

Dr JOHN KAYE: I will just slow you down here a bit for the sake of *Hansard*. Section 28 (10) exempts one-teacher schools from all of the processes that are in the rest of the school-closure process.

PARENT A: That is my understanding, yes.

Dr JOHN KAYE: You are saying that the Australian Curriculum, Assessment and Reporting Authority [ACARA], or whatever it is—

PARENT A: It is the department's—

Dr JOHN KAYE: No, it is Federal; it is the Commonwealth. So the Australian Curriculum, Assessment and Reporting Authority's [ACARA] website says you are a 1.3 teacher school?

PARENT A: That is correct, yes, and I represented that to them.

Dr JOHN KAYE: And they responded by saying?

PARENT A: They believe a one-teacher school—Frank Potter's words were 26 students, or something.

PARENT B: It is regarded as a one-teacher school.

PARENT A: I asked this of Michele Bruniges and I never got a response from her.

CHAIR: Did you ask her formally?

PARENT A: Yes via email.

CHAIR: Could you table that?

PARENT A: No I did not.

CHAIR: Could you?

PARENT A: Yes, I can.

Dr JOHN KAYE: Provide it to the Committee at your convenience.

CHAIR: If you could provide the Committee with that sort of correspondence, it would be helpful.

Dr JOHN KAYE: Did you feel that the consultative committee that was set up in any way adequately represented the community of Wollombi?

PARENT A: No. We asked for inclusion of a teacher who works at both schools and has been there for 31 years who has valuable input to the school and what it needed to grow, and that was not approved.

Dr JOHN KAYE: You were the representative, were you, PARENT A?

PARENT A: Yes.

Dr JOHN KAYE: Through that Committee, did you ask for financial data?

PARENT A: Absolutely.

Dr JOHN KAYE: Were you provided with that financial data?

PARENT A: No, it was denied the whole time. I should not say denied the whole time; it was avoided the whole time. It was actually raised early and was also represented at the community meeting. At that meeting, he said, "Yes, I will get that data to you", which I believe is the H1 and H 2, which is income and expenditure for both schools. I have plenty of correspondence requesting this and it never came through. How can you actually provide a true cost benefit analysis of which school is the best option when there are many facts that would actually point out that Wollombi is the best option for the department? When Mr Potter attempted to close our school in November 2013, I represented to him that it would make more economic sense to actually plug more students into Wollombi than to purchase a demountable. For an extra two students, it cost the taxpayers \$300,000-odd. It cost \$150,000 for the building, \$27,000 for its installation, \$105,000 for a new teacher when they could have plugged 21 students into Wollombi Public School at virtually zero cost to the department.

PARENT C: Can I add also that those 21 students could easily have been taken out of Laguna because they were not in Laguna's catchment area in the first place.

Dr JOHN KAYE: You are saying that if you had been provided the data, you could have supported the argument that the cheaper option was to keep Wollombi open, still operating as a P6 school, as it was, so there would have been no increase in cost? The total cost to run Wollombi would be what it was and the costs to run Laguna could have been avoided.

PARENT C: Except they had already put in the new demountable with great pomp and ceremony because they presumed our school, Wollombi Public School, would be closing at the end of 2013.

Dr JOHN KAYE: When did they do that?

PARENT C: They put the demountable in during the summer holiday of 2013 and 2014 so it was ready for school on day one of 2014. I believe they did that because they presumed that Wollombi Public School would have closed, but it did not close.

The Hon. GREG DONNELLY: Thank you for coming along today and for the detailed work you have put into your submissions that have been presented to the inquiry. This may have been covered in all your documentation, and forgive me for asking the question if it has. There is a formal NSW Department of Education and Communities document titled "Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered". Did that document ever form part of the formal process with respect to what you have described has taken place at the school?

PARENT A: Yes.

PARENT C: Yes.

The Hon. GREG DONNELLY: If it did, will you explain when it was introduced and were you told this was to be followed in a particular way? Give us an overview of how it was being used.

PARENT A: It was basically presented. There was no real in-depth explanation as to what was required of us.

The Hon. GREG DONNELLY: Can you recall if this was early on in the piece?

PARENT C: Can I just say, they introduced it in 2014 because we objected to the school being closed in 2013, but they said that some of the measures in the document had already been met in April the year before when they came to the school to tell us that they were thinking of closing it down, which they did not do.

The Hon. GREG DONNELLY: I will pass this document up through the Chair. I am sure we are talking about the same document.

PARENT C: They felt we were at number 7 already because they had done all these, but they had not really done—

PARENT A: The version we used was one that appeared to be hurried through in February 2014.

Dr JOHN KAYE: That is the one that does not mention the NSW Teachers Federation, is that correct?

PARENT A: This is the older version by the look of it.

The Hon. GREG DONNELLY: If you flip it over to the back page it cites 2013.

PARENT A: I saw that, yes, but the one we used was the February 2014 version.

PARENT B: By the time this was presented to us all at the parent meeting in November—

The Hon. GREG DONNELLY: 1 November?

PARENT B: Yes, by the area director, we were already at step 4, unbeknownst to us, were we not?

PARENT A: Yes, it came out later that is where we were at.

PARENT B: And the acting area director was off to see the member of Parliament to fulfil part of the step process, but he did not make it that day because we had held him up with our concerns. He had already arrived and someone said, "What step are we at?" We were at five or something. I cannot recall, it was some time ago. It was just extraordinary. This was laid to rest. Obviously we all had a copy of it and it was laid to rest over the holidays when we were assured of the review process. We did not know what that would mean, what that looked like.

PARENT C: And we started the new year with 12.

PARENT B: In the new year we started by meeting our new principal with plans for growth, plans for all sorts of things and, by March, the committee was formed with step—whatever you started at, I am not sure. It was referred back to in time because was ticking boxes every step of the way.

The Hon. GREG DONNELLY: I will skip to another area. Have you got your submission, PARENT A?

PARENT A: I do not have a copy but I can probably remember most of it.

The Hon. GREG DONNELLY: I am sure you can. There are comments at the top of the eighth page about the matter involving the Ombudsman and the whole process of contacting the Ombudsman. I note you have a comment that Martins Creek were pursuing a similar line. Give us an overview of why you did it, how you did it, were you directed to do that or was it suggested, and what your summary of the response was?

PARENT A: The reason was that we were getting nowhere with the department. We felt that our concerns were being trivialised vertically all the way through the organisation, and there was no other option. When Mr Potter spoke to us, when he came out to clear his name, as such, I would say, we talked about the formal processes. "If we are not happy with the result of this first complaint, what do we do next?" He said, "Then you can have an internal review and then after that you can go to the Ombudsman or the discrimination board." We went through the process where we made a formal complaint. It went through then to the internal review process and from there we decided this is still getting nowhere. To us it was very clearly a whitewashing exercise, so we went to the Ombudsman and it seems that that was also whitewashed in the Ombudsman's department.

The Hon. GREG DONNELLY: In fact, you are quite frank about that in your statement in that top paragraph. You state, "Interestingly, in the call for papers, the education department [ED] states not to be concerned as he has the Ombudsman's responses covered."

PARENT A: Yes.

The Hon. GREG DONNELLY: "He" being?

PARENT A: Frank Potter.

The Hon. GREG DONNELLY: You go on, "When looking at the employee's names in DEC emails, and those at the Ombudsman's office there appears to be some correlation."

PARENT A: Can I name people?

CHAIR: If you think it is appropriate and you have evidence, it is not a problem. If you have no evidence, be cautious. I think there is an understanding that there is always going to be hearsay about the directors and those above, but below that you must be cautious about who you are naming

PARENT A: We could see from the call for papers that some names correlated with names within the department and I believe that with the Martins Creek experience, they also noticed the same thing.

The Hon. GREG DONNELLY: There is an implication you are drawing that discussions were taking place and that perhaps—

CHAIR: On this occasion, in light of the context, if you feel it would assist our inquiry in joining the links you can name those people.

PARENT A: There is the name [W] and the name

CHAIR: Can you be more specific with the name [W]? We have had two [W] names. We would like to clarify which one it was. Was it male or female?

PARENT A: [Mr W].

PARENT B: [Mr W] and [Ms W].

PARENT A: [Ms W] is another one who has been named, yes. We have heard of these names in correlation. I cannot prove anything.

CHAIR: There has been a comment that I am concerned about. Do you think there has been a conflict of interest in any shape or form with those two persons by the name of [W]?

PARENT A: In my personal opinion, yes.

CHAIR: Can you make any link in respect of your evidence why you think that?

PARENT A: Well, when you look at our submissions as complaints I think that they are quite strong from a community perspective, quite strong from us as individual parents. The fact that they have been whitewashed all the way along—the inference from Mr Potter was, "Well, if you are not happy with our response within the department, you can always go to the Ombudsman." There was an air of "it's not going to go anywhere."

PARENT B: Try it if you like. Try us on.

PARENT A: Yes, try us on. In fact, even when I challenged that section 28 has not been challenged anywhere, he said, "Go ahead", knowing full well that I am not in a position to do that. Anyway, I am going off track again.

The Hon. BEN FRANKLIN: PARENT C you were saying that there are 21 students at Laguna Public School who are out of their original catchment.

PARENT C: Yes.

The Hon. BEN FRANKLIN: Is that now or was that in 2014?

PARENT C: No, I would imagine it is even more now.

The Hon. BEN FRANKLIN: You were talking about 2014 when the figure of 21 came out?

PARENT C: It would have been, yes, throughout the process that we were trying to figure out who belonged to which catchment area.

The Hon. BEN FRANKLIN: During 2014 there were approximately 21 students at Laguna who you believed were out of area?

PARENT C: Were out of area, yes. Not all of them were coming from the Wollombi catchment area.

The Hon. BEN FRANKLIN: That was going to be my question: How many would have been from the Wollombi area?

PARENT C: Also, nothing was discussed about the children in the Wollombi catchment area that chose to go to Millfield Public School.

The Hon. BEN FRANKLIN: I understand. Do you have figures for either of those?

PARENT C: Not on me.

The Hon. BEN FRANKLIN: I am happy for you to take it on notice.

PARENT C: We will take it on notice, if you do not mind.

PARENT A: We will take it on notice just to be accurate.

The Hon. BEN FRANKLIN: That is fine. I am quite alarmed at the figure of five principals in seven years.

PARENT A: Unbelievable, is it not?

The Hon. BEN FRANKLIN: You suggested that the principals had been told or given instructions in writing to basically shut the school down. Some of them were unhappy about that, obviously, and you suggested that they moved on. Did any of those five principals ever tell you they had been instructed to shut the school down?

PARENT A: Not directly, no.

PARENT B: Family members have told us.

PARENT A: The reliable source of family members, yes.

PARENT C: Family members.

The Hon. BEN FRANKLIN: Their family members told you?

PARENT B: Yes.

The Hon. BEN FRANKLIN: Close family members?

PARENT B: Yes.

PARENT A: I do not want to name them, but yes.

The Hon. BEN FRANKLIN: That is fine. I mean immediate family.

PARENT A: Immediate family.

PARENT B: After the fact. Immediate family.

The Hon. BEN FRANKLIN: Thank you very much.

Dr JOHN KAYE: Wollombi Public School, has been shut, sadly, for eight months. Do you have any view what will happen to that land?

PARENT A: The land was gifted to the community for educational purposes by a citizen

PARENT C: Two citizens.

Dr JOHN KAYE: When was that?

PARENT C: 1850 something.

PARENT A: Quite a long time ago.

PARENT C: 1858, I think it was.

Dr JOHN KAYE: So prior to the Public Instruction Act of 1880.

PARENT B: That is right.

PARENT C: Yes, gifted specifically for educational purposes in the valley.

PARENT A: We are trying to maintain it in the community.

Dr JOHN KAYE: Can I take you somewhere else. What do you view now as the likely destination of that land?

PARENT B: The department refuses to respond to us about their plans for the site. We have set up a trust this year to try to keep that school site in community hands and we have put a lot of energy into that. We have requested some information from the department and it is not interested in responding or letting us know what their plans are.

Dr JOHN KAYE: Your concerns are—

PARENT B: We are concerned that it will be sold.

Dr JOHN KAYE: Would it be high value land?

PARENT C: Yes, very high value.

PARENT A: Prime.

PARENT C: It is four blocks of land—

PARENT A: Five titles.

PARENT B: Four titles.

PARENT C: —that are long, skinny blocks of land. The old residents' building, which was also a school building, is in one of the long blocks; the main school building is in another of the long blocks; the next two blocks are between that and the property next to it. I do believe that they are high in value.

Dr JOHN KAYE: Do you see this as a tourist facility or residential or agricultural?

PARENT D: Most likely as tourist.

CHAIR: What is the land use? Is it prime agricultural land?

PARENT A: It is prime land.

PARENT D: It is prime urban land in a small historic and very popular village. If you are a developer wanting to set up a very cool little bed and breakfast hotel, wine outlet, it is perfect.

PARENT C: Tourist, yes.

Dr JOHN KAYE: It would have high value as a boutique tourism outlet?

PARENT A: Absolutely. It would be worth a fair bit.

CHAIR: But there are five parcels?

PARENT B: Four with separate titles.

CHAIR: Do you know roughly what size each block is?

PARENT C: I cannot remember.

PARENT A: It is 10 acres.

The Hon. NATASHA MACLAREN-JONES Going back to your comments about the complaints process, I understand that you took complaints to the Ombudsman. Is that correct?

PARENT A: Yes.

The Hon. NATASHA MACLAREN-JONES: What was the response and how do you think the complaints process could be improved from beginning to end?

PARENT A: I thought I provided a copy of the Ombudsman's response in my submission. In that you can see that she has selectively chosen to only look at a few points and I do not believe that they have been to a standard. I think they are basically not wanting to take on the case.

PARENT B: The too-hard basket.

PARENT A: Maybe they have put it in the too-hard basket, maybe for whatever reason. I will not go there. But it definitely does not seem like it has received the attention that we feel it deserved.

The Hon. NATASHA MACLAREN-JONES: Can you think of any ways to improve the complaints process in general? I am happy for you to take that on notice.

PARENT A: It is the department interviewing the department really, is not it? Maybe if someone from outside or a neutral person—it was really basically vertically integrated through the organisation and across to another government department that seemingly has connections.

The Hon. NATASHA MACLAREN-JONES: My other question relates to PARENT C's comments about your initiatives to encourage increased student enrolments. I am interested to know if over the past decade or more there have been any incentives from the department not only for these schools but also that help the local community as far as you are aware.

PARENT C: No.

PARENT B: We are not aware of any. It seems to befall, particularly at a small school, the teaching principal, who has a fairly varied and hefty load generally. If you are interested in taking that on— usually those people that we see who are motivated to do that and want to do that will do it under their own steam.

PARENT C: The school that has attracted all of Wollombi's catchment area now, which is Laguna Public School, did until last year have the same principal for 25 years, which is very unusual. But I would also like to question the fact that five principals in seven years is also unusual. Having had that principal retire, now is the time to see whether the mix might change because, as we know, parents are fickle. That is why they do not send their kids to the local school and they do not have to. My child will go to whichever school I want to send him to from now on because I am never going to be told I have to go to whichever area I have to go to because I know it is not true.

Dr JOHN KAYE: Learning support was withheld from Wollombi Public School. When did that happen, what were the consequences of that and what do you think the motivation for that was?

PARENT A: I will just say one thing and then I will hand over to PARENT B because she is probably a bit more familiar with it. I felt that one family was specifically targeted by the relieving principal and the area director. They had a child that was requiring some learning support. This child was doing very well in our school and was well supported by his peers but this family also had five children, two at school and three new enrolments to come. One was starting the following year. It was very clear that this family had been targeted to be removed from the school. When they actually broke down in tears and said that they were going to have to move on because they needed something more for their child because the department was not able to provide it, the response from the relieving principal was, "Oh, so does that mean today's your last day or do you have to come back on Monday to pick anything up?" That is the kind of level of—

PARENT C: And when they came on the Monday to pick up their things the parents said, "This is such a sad day", and the acting principal said, "Is it?"

PARENT A: Try to put yourselves in our shoes if you had children at a school like this.

PARENT B: I had a lot to do with this mum, who was not able to be with us today because she has got her five children. She left the school in tears. It broke my heart to see that poor woman demoralised and humiliated. I know that we should not go there but our relieving principal—

PARENT A: Had a role to play.

PARENT B: The relieving principal's behaviour was abhorrent. I tried to support this lady through the time. She chose our school over having to travel to the Steiner School system that she loved. But she chose our school, she was really happy with our school and her children were very settled at the school. I feel it was a very targeted approach by the principal.

Dr JOHN KAYE: It was a deliberate attempt to reduce the enrolments?

PARENT B: It was a deliberate attempt because when I tried to support this lady and give her a view of how the public education system would work she had repeated appointments and consultation with the principal to no avail. She came out empty handed constantly. The principal apparently said—I did not sit in. Had I known I should have gone in as a support person for her because I think that the information she received was not helpful. She was told that her son was receiving the support that he needed in the classroom. However, no program was put in place. She never saw a program. On holidays I think she was disbanded, discarded with a wad of information to do some extra work at home. There was nothing in class. There was nothing on board that I could see. When we tried to support her and represent her to the department and to it was dismissed because they were not eligible for extra support, apparently. It was all to be provided—

PARENT C: He was not retarded enough.

PARENT B: This woman left in tears on NAIDOC Day when we had 600 people at the school. The principal was not in attendance at that meeting. She had organised the counsellor to meet again with this

mum and this mum was told that there was nothing the department could do for her. She was very surprised that the son was even functioning in daily life. I saw the mum that day and she was in tears and beside herself. She stayed to support us through the day. She stayed to assist and volunteer and she left soon after absolutely demoralised. It was disgusting.

PARENT A: In that scenario, if the child was to move to the Laguna school they could have learning support.

Dr JOHN KAYE: They were told by the department—

PARENT B: By the inference was.

Dr JOHN KAYE: told this family that if they moved their child to Laguna they would get support; if they kept their child at Wollombi there would be no support. Is that correct?

PARENT C: And they were in Wollombi's catchment area.

Dr JOHN KAYE: Is that correct?

PARENT A: That is correct.

CHAIR: Is there any evidence to support that?

PARENT A: You would have to speak to the mum because that is where it came from

CHAIR: Is it possible that the mother could write a letter to the inquiry to endorse your comments?

PARENT B: We will take than on notice.

CHAIR: Thank you. I can see that you want to put something on record so I will give you one minute to make some concluding remarks. We have tried to be wide and varied but om time has come to a close. If you have something that you want to table with suggested r commendations or if you would like to make a quick comment you can do so now.

PARENT A: Can I make a quick comment? It was going to my opening.

CHAIR: You can table it, but you can also make a quick conmlent right now.

PARENT A: Throughout 2014 as President of the Parents and Citizens Association I observed— maybe I should table it.

CHAIR: This is an emotional thing so perhaps you should table it.

PARENT A: I will read one paragraph. I observed and experienced firsthand the distress and humiliation of my own child, of valued staff members dedicated to ow school and families who were often reduced to tears by the unnecessary and abhorrent behaviour dished out by the management of om school and condone by the department all the way. Whilst I am fully aware of the sometimes difficult financial decisions the Department of Education is required to make regarding resource allocation and school closures, the actions of the department in om case were deplorable. Right now many parents in om school region are struggling to come to grips with the very same actions in what appears to be a rerun of a very sad story that we lived at Wollombi. I refer to a neighbour's nearby school.

Last week om local newspaper published a story of distressed parents at a nearby school which has now lost a third of its students due to the behaviour and actions of its leadership--formerly our leadership, formerly om relieving principal, who has been awarded with a principal position at a nearby school. I believe that was her reward for her year at Wollombi. There was inappropriate and ineffective consultation and communication. Unf0ltunately, my letter to the editor in response to this article was unable to be published this week. I wanted to read this but I will not, I will table it. It summarises briefly my sentiments on behalf of ow families that wanted to offer support. I did not see anybody come away happy from that school and everybody was reduced to tears by this particular person, condoned by and supported by Mr Potter.

CHAIR: We will also table the newspaper article that you mentioned. Thank you for coming to give your side of the story. I make it very clear that this inquiry is about getting both sides of the story. The indications are that we need to look into the system and make it a bit more transparent and independent. We already have some ideas of what we can do. Thank you for giving your story. I am sorry that your experience has been a bit traumatic to say the least. Being a husband and a father of six kids I know that when your kids are unsettled everything is unsettled, so I appreciate where you are coming from. Your time has not been wasted, it has been invested. You will have 14 days to reply to any questions you have taken on notice. You may receive some further questions in the next 24 to 48 hours. Thank you very much for your input.

(The witnesses withdrew.)

(Short adjournment)

IN-CAMERA REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE CLOSURE OF PUBLIC
SCHOOLS**

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

At Sydney on Thursday 20 August 2015

The Committee met at 9. 15 a.m.

PRESENT

The Hon. P. Green (Chair)

The Hon. L. Amato

The Hon. G. Donnelly

The Hon. B. Franklin

The Hon. C. Houssos

Dr J. Kaye

The Hon. N. Maclaren-Jones

JOAN HALL, Community member, Harrington, before the Committee via teleconference, sworn and examined:

MARGARET WARD, Community member, Harrington, before the Committee via teleconference, affirmed and examined:

CHAIR: Good morning, Joan. It is Paul Green, the Chair of the inquiry into the closure of public schools in New South Wales. If you have any issue hearing us, let us know. I have with me Dr John Kaye, MLC, from The Greens; the Hon. Greg Donnelly, MLC, from the Australian Labor Party; the Hon. Courtney Houssos, MLC, from the Australian Labor Party; the Hon. Ben Franklin, MLC, from The Nationals; the Hon. Lou Amato, MLC, from the Liberal Party; and shortly the Hon. Natasha Maclaren-Jones will be joining us. Just quickly, I have a little conflict of interest there, and that is I asked my wife to marry me in Harrington.

Ms HALL: Oh, did you?

CHAIR: At that beautiful little Chinese restaurant across from the caravan park near the wall. There was a beautiful fire, an intimate moment—I surprised her. It was the biggest surprise she got of her life. Boy did she get a catch. You can get some good catches in Harrington. My wife got me and of course lots of other people get some good fish on that wall.

Ms HALL: Yes, they do too.

CHAIR: I figured that was why you were phoning in—I thought you might be fishing on the wall.

Ms HALL: No.

CHAIR: Okay. Let us carry on with the formalities then. Thank you for accepting the Committee's invitation to appear at this in camera hearing for the inquiry into the closure of public schools in New South Wales. The Committee has decided to hold this in camera in order to provide you with the freedom to speak candidly with us about your experience whilst protecting your privacy and that of any children that you may mention. Please note that as this is an in camera hearing you are bound by the confidentiality of today's proceedings. The Committee will consider publishing your evidence, having regard to families' privacy as well as the sensitivity of other matters that may be discussed today. I have been advised that you are in agreement with the Committee's intention here. Is that correct?

Ms HALL: That is right.

CHAIR: After the hearing, the secretariat will consult with you regarding potential publication. However, the decision as to what to publish rests with this Committee. Whilst this hearing is covered by parliamentary privilege, I remind you that the Committee hearings are not intended to provide a forum for people to make adverse comments about others. I therefore request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. Please state whether you are representing anyone.

Ms HALL: I have actually done the submission myself. In the process over the last 12 months or 18 months I have been involved in the Harrington Community Action Group, but this submission was done by me.

Ms WARD: My submission was done by me. It was how I felt about things. Nobody else was telling me to write it or anything.

CHAIR: Does anyone want to make an opening statement?

Ms HALL: I would just like to say that the process and what went on was, I believe, very untransparent. People were not listened to. I believe that the way the whole system was done over a number of years—not just two years; a long time before that—leaves a lot to be desired. It was not good as far as the children or the school were concerned. I believe that the system that was done to close the school should be looked at—and with the people listened to.

CHAIR: Thank you. Margaret, do you want to say anything?

Ms WARD: Yes, I have a short statement to make. I was concerned that when I found out that the school was going to be closed I had no idea who was the person, who was the department or what the procedures would be to approach somebody about what was happening.

CHAIR: In the . submission there was a comment saying, "For over two years the closure of the school hung over the heads of all staff, students and parents. Students I believe were the main ones affected". That is not a very positive environment. Can you explain why that comment is there?

Ms HALL: Because that is I believe what happened. I even found out—it is all hearsay—this went on longer than two years.

CHAIR: Could you explain that comment?

Ms HALL: It is hard to explain, but just that inference was there the whole time and they knew it was going to happen. When they said the school is going to close the Government spent all this money on doing a BER room, which is Federal funding, and they also got another grant and they erected a kitchen with three cooking bays. This was done in the last two years of the school. That gives a different inference to the students that the school would not close and then the school closes. They spent all this money and it is sitting out there now.

CHAIR: BER was the Building the Education Revolution?

Ms HALL: Yes.

CHAIR: In the next paragraph it says, "It appeared that the principal of the school was given a hard time by the department and in the end of the first or second term went on sick leave and then retired". Can you walk us through what happened there?

Ms HALL: I do not know the full details but when we met out at the school he was with the director of that area for New South Wales schools; he was at the school but he was not at the meeting. I had had a couple of conversations with him and he did go on leave. But after that I did hear some other things, which it was all second-hand so I cannot repeat that, but it means that what I said and had the impression there could have been other things involved that caused that, which is contrary to what I believed when I wrote that information.

CHAIR: You talk about some grandparents requested their grandson be allowed to go to Crowdy for the first three months of the term. You suggest that the director of the area would not allow the boy to attend.

Ms HALL: That is right. This young boy lost his father, his father died, and his grandparents were raising him and he was being bullied at the school by the students because they thought it was funny his father had died. So the grandparents asked if that boy could go there—it would have been three-quarters in the year—go out to Crowdy to finish the year out and then he went to high school. But that was not allowed. It would not have affected the numbers for the closure of the school or anything. I think they did home schooling, but I am not 100 per cent sure.

CHAIR: In terms of the closure, you make a fairly strong statement saying it was very underhanded and deceitful. I wonder if you can run us from top to bottom through the process that you underwent in terms of consultation and where you think the holes were and if you do remember the persons that were maybe at the top level of that you might want to mention their names as you are telling us who said what.

Ms HALL: All I can say is that we were not involved with the P and C or anything like that; we got interested as a group and we did not get involved in it until the beginning of 2014. There was a lot going on before that. Then we got talking to some of the parents and different people and this is why we had a meeting with [The Director] and discussed the issues, to try and find out if they could not close the school. I have a list of the issues that we raised with him when we met. Before we met with him we were writing to our local member and we were writing to the education Minister and then they referred us to different people, and they all kept coming back that they did not know about the school closing. That went on for months.

Then we got the meeting with [The Director] at the beginning of February when we met with him face to face at Crowdy school. We had a chat and we found out that some students—well, we knew before that some students from Crowdy were going to Harrington but they would not allow Harrington students to go to Crowdy. When we met with [The Director] we raised a number of issues: we checked about the heritage of the school; we checked about the capacity of Harrington school; we asked could the school perhaps be put in recess for 12 months before it was closed, to look at maybe there might be more people come into the area; then we asked if the school could be used for community use. Years ago children used to come from out west and come to the school and they would stay at the surf club and they would look at all the nature things along the beaches and everything. That did not happen recently but it did happen.

Then we were concerned about the role of the student government policy, which had not been reviewed since August 1997, in view of them not allowing students to come from Harrington to Crowdy and the way they were making the decision. In checking about the capacity of Harrington school we were concerned about if they got more students and they dropped in another classroom, a demountable, the amount of playground available to the children. We are very concerned to this day about the amount of playground that the children have at the Harrington school.

CHAIR: I heard you on radio talk about the removal of the amenities block I am mindful that in coastal regions where your population swells at tourism times that that would have a big impact, would it not?

Ms HALL: In what way do you mean?

CHAIR: In terms of public amenities there is not a lot there in Crowdy and Harrington so one would think that those amenities blocks would serve a greater purpose than just the school purpose.

Ms HALL: Well, it did not; it was just for the school. There are a couple of toilet blocks in Crowdy. We did not have a disabled toilet but that is being rectified at the moment. Later this year we hope there is a new toilet block constructed with a disabled toilet. But there are some other toilets in Crowdy Head. It now means we have a school there that they have gutted inside. There is a group that is looking to do something with that if they can. They have taken the demountable toilet away which was pretty old, and they have taken it to Walgett. They have taken all the back-to-the-grid plates away and they have gutted the inside. There is this beautiful kitchen with three cooking bays still there and you have got a beautiful BER room sitting there with a beautiful playground and play gym—incredible.

CHAIR: Has there been any talk in any shape or form of any sale of the land for any particular purpose? Who owns the land and do you know who donated it?

Ms HALL: We have got this working group that have been trying to work to get a licence perhaps because there is an Aboriginal land claim that has been put on the land which stopped the sale until such time as the Aboriginal land claim is decided. It goes back to Crown land because somewhere back in the 1950s or eighties or something it was loaned to the education department—or before that. It has been a school on and off at Crowdy for over 100 years. Back in the nineties it was made Crown land loaned for education purposes; so the land has to go back to Crown land. I am waiting for an answer from the local Crown Lands office but I found out early this week that the education department have just said that it is surplus, but Crown Lands do not know whether it has to be gazetted or not because there are a couple of different avenues they may need to take. At one stage Crown Lands were saying they did not want it, they wanted to save a certain section in the education department. But the land has to come back to Crown land.

The Hon. GREG DONNELLY: Ms Hall, it is Greg Donnelly, a member of the Committee. I will ask my question coming out of some comments which have been made in your submission. With respect to the consultation process in regard to the school closure, and I am talking about over the calendar year 2014, I understand that the action group that you are associated with were involved in some consultation. What about the consultation with the parents of children at the school? Was that consultation going on in conjunction with the consultation with you or was your action group meeting separately with the parents?

Ms HALL: We did not actually meet with the parents; we met with [The Director]. He did have various meetings with the P and C, although we did go to one meeting. I think it was in the third term we did go to a meeting at the school with the acting principal, who was very pregnant, and [The Director] and I think there might have been about three parents there and about four of us from the action group there and they were

discussing about subsidising the children for their uniforms to go to other schools. So I believe there were other consultations with [The Director] and parents along the way.

The Hon. GREG DONNELLY: Just so we are clear: The action group that you are associated with, your primary concern is obviously the fact that the school has closed but your particular eye is on what is going to happen to the property now. Is that the primary concern that you have?

Ms HALL: We were primarily concerned about the school closing because that school over the years has filled a big niche for children. In this area you get a bit of a floating population and some of the students needed some one-on-one teaching and that is what has happened with students for a number of years. I think I put in my submission that it has helped a lot of children where they would have been lost in the system. That was our first concern about the school closing and losing that niche for this area, because children can come from further afield than just Harrington—they can come from Cooperook—and that was one of our first concerns about that niche was gone.

The Hon. GREG DONNELLY: In your discussions—and I do not want you to express second-hand views or statements you are not directly familiar with—with the parents who had children at the school, how were they concerned about this whole prospective closure? Were they upset and concerned that this would impact on their children's education? How were they feeling about what was happening in front of their eyes?

Ms HALL: They just did not want it to happen; they did not want the school to close, and a couple of parents refused to take their children away, I believe. This is something I found out just recently on talking to a lady and it is second-hand: One lady was a grandmother and her daughter had children out there and she just said she was not taking her children away from there because these children were fine but they did not need to be in a big mainstream school, they needed that one-on-one type thing. All the parents associated with that school, and even before, all felt the same about the school closing and they stated their views for a long time and they were not listened to.

The Hon. GREG DONNELLY: Did those parents express to you in any conversations that they were feeling that they were not being listened to?

Ms HALL: Yes, of course. When Rob Oakeshott and Peter Besseling were around we went to a couple of things out there where they presented them with things. They spent a lot of time on that school. They helped that school a lot and got them some grants—do not ask me what they were. They got them some new facilities and some money for different things. That then fell by the wayside. Later on the local member was busy trying to get Lake Cathie up.

The Hon. GREG DONNELLY: My final question is in regard to the children who were at the school. Were you aware that any of those children may have had any special needs or special requirements?

Ms HALL: Yes, they were not actually disabled or that type of thing but rather that they came from homes where there were problems at home. I know of one student whose parent had been on drugs. They came from broken homes. Some were Department of Community Services [DOCS] children. It was that type of thing. They needed that extra assistance—one on one.

The Hon. GREG DONNELLY: Thank you. I pass now to my colleague the Hon. Courtney Houssos.

The Hon. COURTNEY HOUSSOS: Good morning and thank you very much for your time. I have one question to ask of Mrs Ward. I am referring specifically to your submission and the access of community groups to the Crowdy Head school site. Do you currently have access to the site so community groups can use it?

Ms HALL: The working group had a meeting out there a few weeks ago with a senator from The Greens. The woman who is coordinating this committee got permission from the Department of Education and Communities to go onto the school site. We used the patio outside the kitchen to have our meeting.

The Hon. COURTNEY HOUSSOS: So that was for a meeting of the working group. What about other community groups? Do they have access to regularly use the facilities?

Ms HALL: No, it is closed; and actually it is going to deteriorate very quickly.

The Hon. COURTNEY HOUSSOS: Thank you. And if we are declaring our interests then I should say that my grandparents did, and my grandmother still does, live at Harrington. She has lived there for a very long time. It is a beautiful part of the world.

Ms HALL: It is a beautiful part of the world.

CHAIR: Does she fish? That is the key question.

The Hon. COURTNEY HOUSSOS: My grandfather used to.

The Hon. BEN FRANKLIN: Good morning. I want to ask one question not specifically about Harrington but thinking about that experience at a broader level. What do you think can be done in terms of the consultation process when there is a consideration about the closure of small schools to make the process better and more appropriate for the community?

Ms HALL: I think the community should be listened to and their concerns taken on board. We should think of the needs of the area and what is best for the area and not just look at the dollars. We should forget the dollars—I mean I know that is a big part of it, and you have to have money to do things, but sometimes you have to look at what is best for the area and best for children, because they are the future. I think the Government has not been transparent. The school did not really know until very close to the end of their last term that the school was actually closing. That is devastating, I believe. They have to listen to the people and they have to be more transparent; and not give people the run-around.

The Hon. BEN FRANKLIN: Mrs Ward, would you like to add anything?

Ms WARD: No, everything that Joan has said covers how I myself feel. I am also a member of the action committee. As I said earlier, I have submitted this submission by myself—it covers my own feelings about it. I was mainly concerned half way through last year because I had heard through the grapevine that the school was closing. It is on such a beautiful piece of real estate that I was concerned they were going to sell it to developers and that this beautiful land would be developed out there on the point of Crowdy Head. So I took it upon myself to write a little note to the people I knew who lived at Crowdy Head and inform them that I had heard the school was closing. I told them I was concerned that maybe the land would fall into the hands of developers. I told them that if they had any concerns themselves then they should contact our local member.

The Hon. BEN FRANKLIN: Thank you so much, Mrs Ward.

CHAIR: Margaret and Joan, we are coming to the end of this session. Is there anything else that you would like to put on the record?

Ms HALL: No, I think we have basically covered it. I have basically said what I believe. I just think the whole thing has been devastating, and even now with this working group we are getting the run-around.

CHAIR: Thank you both for giving evidence today. Margaret, if the land comes up for sale then let us all know because it is a beautiful piece of the earth up there.

Ms WARD: Okay, thank you; and I do have something to add. I think they need to review that 1997 rule which states that children have to attend their nearest school. It might work in the city but it certainly does not work in that country. Seeing that rule was made in 1997 it is about time it was reviewed.

CHAIR: Yes, thank you. I am aware about that zoning issue. We will take that on board. Thank you both for your time. I am sure the day is beautiful up there so do enjoy the rest of it. Thank you for putting in your submission and for making your voice count for your community.

(The witnesses withdrew)

(Short adjournment)

REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE CLOSURE OF PUBLIC
SCHOOLS**

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

At Sydney on Thursday 20 August 2015

The Committee met at 12.10 p.m.

PRESENT

The Hon. P. Green (Chair)
The Hon. L. Amato
The Hon. G. Donnelly
The Hon. B. Franklin
The Hon. C. Houssos
Dr J. Kaye
The Hon. N. Maclaren-Jones

CHAIR: I welcome you all to the first public hearing of the Select Committee on the Closure of Public Schools Inquiry into the Closure of Public Schools in New South Wales. The inquiry is examining the processes, policies, procedures, accountability and decision-making surrounding the closure of public schools in New South Wales. Before we commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay my respects to the elders past and present of the Eora nation and extend that respect to any Aboriginal people who may be here with us today or who may be following this inquiry. This hearing today is the first and only hearing we plan to hold for this inquiry. We will hear from representatives from the Federation of Parents and Citizens Associations, the NSW Teachers Federation and the NSW Department of Education. Before we commence, I will make some brief comments about the procedures for today's hearings.

In terms of broadcasting, and in accordance with the broadcasting guidelines, while members of the media may film or record members and witnesses, people in the public gallery should not be the primary focus of filming or photography. I also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of evidence given at this hearing. I urge all witnesses to be careful about any comments you make to the media or to others after you complete your evidence as such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

I remind everyone that Committee hearings are not intended to provide a forum for people to make adverse comments about others under the protection of Parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. Similarly, in the interests of privacy I would also request that everyone refrains from using the names of individual children. There may be some questions that witnesses could only answer if they had some more time or if they had documents at hand. In those circumstances witnesses are advised that they can take the question on notice and provide an answer within 14 days. The delivery of messages and documents to witnesses or members of the Committee should be done through the Committee staff. I ask everyone to turn off their mobile phones or turn them to silent.

JASON VIALS, President, Federation of Parents and Citizens Associations of New South Wales, and

TERRY TIMMS, Executive Councillor, Federation of Parents and Citizens Associations of New South Wales, sworn and examined:

CHAIR: Would either of you like to make an opening statement?

Mr VIALS: Yes, I would. The Federation of P&Cs represents associations of parents and citizens across New South Wales. We are committed to a free public education system, open to all, and we advocate strongly for effective partnerships between schools and the communities they serve because we know that these partnerships make our schools stronger and better able to deliver for our children. Small schools are special places. They have played, and continue to play, a valuable and vital role in remote, regional and metropolitan communities. They have done that for more than 150 years. Small schools are valued by the communities they serve—as educational centres but also as community hubs, providing services and access to agencies which support families and their communities. How long is an appropriate bus ride for a five-year-old to get to school each day? How does a family cope with having to find two hours a day to get their children to and from school?

The federation has some concerns about the reclassification of small-school principals, which might mean the creation of larger school hubs and may substantially impact on the ongoing viability of a number of our schools around the State. Our members worry that these changes will lead to a loss of local decision-making and that that would weaken the partnership between the school and the community they serve. We know that schools have a strong and proud heritage. We know that they are valued as effective places of learning, and also that parents choose these smaller, welcoming and nurturing communities because they know their children's education will flourish. In conclusion, we support very strongly parents' right to choose what is going to work best for their children, and are concerned about any change to policy that threatens parents' choice—and, in this case, the long-term viability of small schools.

CHAIR: While we have not had a huge number of submissions there seems to be a very clear theme about the consultation process involved with the closures of public schools. Do you have any evidence about that or a view on whether the current processes are appropriate or flawed?

Mr VIALS: There is a fairly detailed process that I understand the department goes through.

CHAIR: That is correct.

Mr VIALS: As always, I guess it is a case of whether actions match words. There is a lot of talk about consultation. I certainly do not have any evidence that consultation is not taking place. At the moment there are a number of small schools that are in trouble. My understanding is that the consultation is happening. So, yes, I believe they are following those guidelines.

CHAIR: Are you hearing that that consultation is one way?

Mr VIALS: It is driven by the department.

CHAIR: Driven?

Mr VIALS: Yes, the department is driving the process.

Mr TIMMS: Our submission argued that maybe the consultation could be expanded to include the wider community, not just the school community, including the local council. The view that we hold is that the schools—the small schools in particular—are an important part of the local community.

CHAIR: You are saying that the closing of a public school has a broader social impact.

Mr TIMMS: Yes. At the moment the 11-step consultation process is quite extensive. We do not have any evidence or complaints about that process, as long as—as Jason said—it is done in that spirit. We would argue that it could be expanded to include the wider community and the local government council.

CORRECTED

Dr JOHN KAYE: You would be aware, I think, that section 28 of the Education Act prescribes the formation of a school closure review committee. You would also be aware that 28(10) exempts a number of situations, one of which is a one-teacher school—what we would now call them P6, with some arguments around the edges. Do you support that exemption or do you think that should be changed?

Mr TIMMS: When I read that I wondered why you would exempt a one-teacher school and what the rationale was behind that exemption.

Dr JOHN KAYE: I have to tell you that I was not in Parliament when that went through. We probably would have moved an amendment and voted against that particular section of the Education Act. So I am probably the wrong person to ask that question. I am really asking you: do you have a view on that?

Mr TIMMS: Our view would be that all schools should be treated equally and all communities should be treated equally. The fact that the school is a one-teacher school should not warrant it being treated differently to a two- or three-teacher school.

Dr JOHN KAYE: Do you think that that creates a vulnerability for one-teacher schools?

Mr TIMMS: You are looking at a smaller involvement in the consultation process. That would mean that, yes, it does create vulnerability.

CHAIR: Can I just clarify? In order to treat every school equally would you not have to treat some differently?

Mr TIMMS: You would. I agree with that.

Dr JOHN KAYE: In your submission you made reference to values beyond the simple economic values of how much it costs to run a school. You talk about the community value of small schools in small communities—the value of the small schools to the entire community. Could you elaborate on that a bit for the Committee? What do you see as the role and contribution of a small public school to its community?

Mr VIALS: For many small communities, the school is the community. It is what is left. We all know that over the years a lot of small towns have lost banks, post offices and health facilities. So for many of them the school is the hub of the community. When you see these schools potentially being closed you see people coming from everywhere. People who do not necessarily have children at the school are concerned that what they see as the hub of their community is about to go.

Dr JOHN KAYE: In the processes for school closures are you aware that the alternative options for keeping the schools open have been comprehensively explored?

Mr VIALS: We are referring, there, to the consultation process.

Dr JOHN KAYE: Yes.

Mr VIALS: Schools are given the opportunity—for example—to look for more students, and whether there are more students coming into that school in the next year or two years. Other than that consultation process that we have spoken about—

Mr TIMMS: Probably we could look at the multi-use of the school facilities by the community. There is an opportunity there for schools to be used for other community uses apart from a prime education facility. I could see value in exploring other avenues for the use of the school site.

Dr JOHN KAYE: The Government has a process for the closure of schools. There has been a long-held view that that process is very narrowly focused on enrolments and costs to the Government, and that it does not capture the full benefits for the community of keeping the school open. Do you have a view on how we could recommend changes to the Government that captured those values?

Mr VIALS: A lot of the things we are talking about are hard to quantify. We have 40 kids at my schools so hopefully we are not anywhere near being in trouble. Our school is the hub. It is a voting place.

CORRECTED

When we have community meetings the school can be the venue for that. It is where the community meets; it is where we get together. I do not know how you put a price on that.

Mr TIMMS: It is a little bit like putting a price on heritage. I come from the Far North Coast and I know that when you walk into a lot of the small local schools you see the honour boards for people who served in the First World and the Second World War. They are the polling booths. It is where the P&C and the school community interact with the local community. They participate in community functions. They provide meeting places for a host of community organisations. The facilities are opened up at night for meetings. I know that schools have even opened their grounds up to provide parking for festivals and things like that. There is a host of connections that, as Mr Vials has pointed out, are hard to put a dollar price or a value on. When they disappear, people notice and people complain.

CHAIR: Some would say that the closure of a local public school in that situation is a death notice to its potential economic growth. There has been some amalgamation of councils and some people are saying that if they lose their local council they will lose their economy and the opportunity for people to relocate in those regions. Would you be of the view that shutting a local school is basically the last opportunity for growth in a regional or rural area?

Mr TIMMS: I would argue that it has a big impact. First of all you are looking at the employment of teaching staff, ancillary staff and cleaning staff. And you are looking at the provision of services such as postal services and courier services for the delivery of products to that school. Commercial entities around the State are vying to sell product to that school, and there are network hubs.

There is another impact on a community if there is no educational facility. Parents and families make choices about whether to reside in that area. As I think we are all aware, parents view access to a quality education facility as an important thing when they choose where they live. I believe—and I think the federation believes—that the closing of a school has a dramatic impact on local communities. It is something that we would argue needs to be thought through. All the implications need to be weighed up and well thought out.

CHAIR: So access to quality education does not necessarily mean a big school.

Mr TIMMS: No.

Mr VIALS: Absolutely not.

Mr TIMMS: We would argue that a lot of our members choose a small school because it offers an alternative service to a large school. The families of children with disabilities, who have difficulties with large, impersonal environments—I am thinking of children with autism—really value a small-school facilities that operates as a big family, with peer support. The parents and the staff know each other. They offer a really viable choice for a lot of our parents.

Dr JOHN KAYE: You started your introduction by asking the question: how far can you send a kid on a bus? I want to ask you, as representatives of parents, how you feel about five-year-olds being on a bus for 25, 30, 50 or 60 minutes there and back each day? How do you feel about the safety and security of those kids, and how do you feel about the impact on their learning and the impact on them physically?

Mr VIALS: The federation has pushed very heavily, over the years, for safety belts on school buses. Kids in rural areas are driving 100 kilometres. Five-year-olds being five-year-olds probably are not sitting carefully in their seats all the time. Most of you, I assume, would have had children who have started school. For those first few years, the time from 9.00 to 3.00 is exhausting enough for them. All of a sudden we are asking them to get on buses at 8.00 and not get back from school until after 4.00. That would impact on their opportunity to get out and play, particularly in winter. By the time they get home they would not want to do homework or whatever else they have been given to do.

Their families are impacted too. If they are not willing to get on the bus, then mum or dad has to drive them in and back, and then drive them in and back. Younger siblings are being put in cars for two hours a day, as well. So it is not just the child. Obviously the child is the most important thing but it impacts on the whole family. Just to add to the point we were talking about before—the impact on the local community—if you are driving your child to a bigger centre to go to school then that is where you will shop, that is where you will get

your paper and your milk. The small corner shop—probably the only facility in the small town—would be at risk.

The Hon. GREG DONNELLY: Thank you for coming along today and thank you for your submission. Mr Vials, I think in your opening statement you said that it was your understanding that there may be a number of schools in trouble in terms of potential closure. Could you tell the community by what you mean by that?

Mr VIALS: There are schools that are potentially going to be closed this year.

The Hon. GREG DONNELLY: I want to get a bit of context. We are looking at the whole issue of school closures. If you are aware of any specific plans, or new plans that have been announced or you have received briefings on about the whole issue of school closures, we would appreciate some insights into that.

Mr VIALS: I am not sure if I am answering your question, but I will give it a go. There are a number of schools that are currently—hundreds of them—going through the process of potentially been closed under the current system. In my local area, there are two I know of, for example. They are down to a very small number of students and I do not know if they will survive. We have a bigger and longer-term concern as well in that the Government has changed its industrial arrangements around principals of small schools. There is potential for, rather than having a principal running a small school, they will be called an associate principal with some of the functions of the principal sent out to another school, a larger school. That, for the federation, puts at risk a much larger number of small schools because it puts at risk at that special arrangement that a small school is of, once again, being part of and tied into your local community.

The Hon. GREG DONNELLY: Yes. Following on from that, you specifically refer to own area with which you are familiar and a couple of schools.

Mr VIALS: Yes.

The Hon. GREG DONNELLY: But from the federation's prospective, would it be the case that this is the situation around the State of New South Wales?

Mr TIMMS: I would say yes.

The Hon. GREG DONNELLY: That there are a number of schools are slated for potential closure?

Mr TIMMS: Our understanding would be that, under the current processes and policies, we would be looking at falling enrolments as the main instigator of closing a school. When it becomes non-viable because of falling enrolments, then the 11-step process looks at future enrolments. The point that we are trying to make in our submission and here today is that we see the changes to the reclassification of principals' positions and the changing relationship between an associate principal compared to a principal in his local community will put a lot more schools—something like 600 small schools in the State—in that situation. They are moving from having an on-site manager, a principal, to having an associate principal and coming under the auspices of a hub of schools where the manager will be off-site at a larger school.

Our concern, and the concern we are picking up from our members, is: How will that impact on our relationship with our school? If we have a concern, who do we talk to? Do we go and speak to the associate principal who has been reduced from being the on-site manager, controlling the budget and the welfare of the students, or do we go into the big school at the next town and talk to that school? Our concern is that if that process continues and plays out, people will be saying, "Well, why did we go to this small school when, if we have an issue, we have to go to the large school to discuss it?"

The Hon. GREG DONNELLY: Thank you. That has been very enlightening. In terms of this new procedure or arrangement with the associate principals, as you have just described, is that something—forgive me, I probably should know the answer to this but I do not—that actually has commenced and is currently being rolled out?

Mr TIMMS: The process has started, with some exemptions for existing principals to maintain their status. My understanding is that from 2016 all vacancies will move into this new process of being filled by associate principals. But our concern is that there is not a lot of information about how it is going to work: the

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relationship between the community and the associate principal, and the balance of power between the hub school and the associate principal. That is the concern that we see it is important for this Committee to focus on. What impact is that going to have on school closures? At the moment we have a small number of rural schools and some metropolitan schools that are threatened with closure because of falling enrolment numbers. We can see this process—and we are hearing from our members across the State—could have a much bigger impact and could threaten the viability of a lot of small schools.

The Hon. GREG DONNELLY: Did I hear you correctly? Did you volunteer a number of schools potentially caught up with the number of associate principals?

Mr TIMMS: My understanding is it is about 600 P5 and P6 schools in this State.

CHAIR: How many, I am sorry?

Mr TIMMS: I think it was about 600. I am not—

The Hon. GREG DONNELLY: That can be clarified.

Mr TIMMS: Yes.

The Hon. GREG DONNELLY: But that is ballpark.

Mr TIMMS: I think that is about a third of our public small schools.

The Hon. GREG DONNELLY: A third of our public schools?

Mr TIMMS: Small schools.

Mr VIALS: Our small schools. I probably should clarify that what has happened is that a principal realignment is underway. The department has stated that there will be consultation before a school would go from a principal to an associate principal. But, once again, it has been extremely hard to find any information about what that would actually mean, and how it would actually work.

CHAIR: I hope it is not the consultation that we are hearing that is being handled for the closure. I am sorry, that is a tongue-in-cheek shot.

Mr VIALS: No comment.

The Hon. GREG DONNELLY: Thank you. That has been very informative. I have just one more question before I pass questioning to my colleague. It is about the issue of the 11-step process. I may in fact be getting my procedures conflicted here, so please forgive me, but as you probably know we have had submissions and evidence earlier today from people representing some specific small schools that have been impacted. We spoke to them at least in part about their understanding of the formal procedure that the Department of Education and Communities has to be followed through a series of steps to deal with the prospect of the closure of a school. I did not actually count the steps so I do not know whether it is the same 11 steps to which you refer, but my specific question is this: In answering one of the earlier questions about the procedure or the process with respect to the closure of schools, I got the impression—and please correct me if I am wrong—or I understood you to say, effectively, you believe that it works reasonably well; that the process is there; the process seems to be generally working.

Can I just put this to you? It is just a contrast that I think I really want to draw. With respect to the witnesses today—and I concede that they gave their evidence in camera so I am not at liberty to go through it in detail—they felt that in large measure the decision to close the school effectively had been made at some level. Then, following that was a process or procedure which, by the end of it, virtually all of them felt quite dissatisfied and indeed quite cynical that they were being almost taken as mugs for going through a process when in fact they honestly believed a decision about the future of the school had already been made. That is to some degree contrasts with what you said. My question is: Would you care to comment on that?

Mr TIMMS: Yes, I would, and I thank you for the opportunity. I think I can probably clarify what Mr Vials and I were referring to, which was the 11-step process. Looking at the document in front of me, it is up

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to step four—the decision and the consultation is within the department; then it is step five—a local consultation is approved. Our understanding is that by that stage decisions have been made and the direction has been set. I can understand that communities involved in that process would be feeling, "Okay, we've been called in to be told 'This is the pathway'." We probably misrepresented our views out of naivety, but we were talking about the 11-step process as being quite clear-cut and out there. I think Mr Vials referred to, if the consultation is genuine and two-sided, then we did not have a problem. We do not have that knowledge at the moment about those local schools and how they see that consultation going, but by looking at the document now I can see that, yes, the pathway, the direction and the runway could be set and the local community is called in, and the power of personalities and politics and bureaucracy could lead us down that path.

CHAIR: We will pass to questions from Government members shortly, but, Mr Timms, could I just ask: Would you eat a bowl of soup with a hair in it?

Mr TIMMS: No.

CHAIR: No. The process is set, but there is a little twist to it. On this occasion the consultation seems to be flawed, although the 11 steps look like the right recipe.

Mr TIMMS: Yes. That is what we were talking about.

CHAIR: What I am saying is that if the 11 steps were followed—

Mr TIMMS: But having a beard, I have eaten a bowl of soup with hair in it.

Dr JOHN KAYE: I hear you, brother.

CHAIR: No more boasting, Mr Timms!

Mr TIMMS: I just thought I would make the point that, under those things, that stuff can happen.

The Hon. BEN FRANKLIN: I would like to stay with the 11 steps, if that is all right, and respectfully disagree with the contention that by the fourth step the decision may have been made. Step one is basically having a discussion about what might happen. Step two is seeking approval to talk about the issue. Step three is actually advising people that we would like to talk about the issue. Step four is developing a fact sheet. I just think that they are the logical things that you would do at the beginning stages, if there was a discussion to be had. I guess I respectfully disagree, but sometimes I do not know. We will be hearing from the department this afternoon but I think I would agree with the Chair that the process seems to me to be reasonable.

What I want to talk about is that in your submission, both verbal and written, you are quite firm on the fact that you think there should be more consultation with the local community, not just with the school. I am wondering if you might consider that perhaps in step six, where the school consultative group organises the staff and the parent community then has meetings and discusses the school's role and various things like that, it might be appropriate—would you suggest, perhaps—to broaden step six to include representatives of the community as well. Is that the sort of thing that might assist in dealing with similar concerns you have about the communities being involved?

Mr VIALS: Yes, I think so.

Mr TIMMS: Yes. That is what we argued for in our submission—the wider community and also local government because they have an input too.

The Hon. BEN FRANKLIN: Okay, great.

The Hon. NATASHA MACLAREN-JONES: I am interested in school enrolments and where over many years there has been some decline in some communities and areas. I am interested in your perspective and the work that you do across the State. Obviously, small schools are not unique to just rural and regional areas. There have been inquiries that have looked at metropolitan schools as well. I am interested in what you do when working with the local community and schools to help them to boost enrolments or to engage more broadly around that school precinct to get more students to enrol.

Mr VIALS: As you say, it is very difficult because every school, obviously, is different. When we are talking about remote schools, it is challenging. There are a lot of places where small schools are thriving near larger regional centres where parents are actively choosing a small school education for the children. There is a whole range of things that people are doing.

The Hon. NATASHA MACLAREN-JONES: Would you have any examples? It would be good for us to know.

Mr VIALS: It is things like getting a bus route, for example. We are getting a situation where kids are actually now being bussed from larger communities out to schools. That always seems to help. Some small schools will, for want of a better word, specialise—it is not the right word. If your principal is heavily into music, for example, then that school will have a love of music and a focus on music and that may draw people in. But—once again I use my school as an example purely because it is front of my mind—we have attracted school students out of Orange—our school is about 10 kilometres out of Orange—for a myriad of reasons. Our National Assessment Program—Literacy and Numeracy [NAPLAN] results are substantially above the State average, for example.

We have gifted and talented children joining us because a small school gives them the chance. For example, if you are in year four and you are doing year five maths, that is a major drama in a large school; but in a small school, where you have a three-to-six class, it is no issue. Equally, when kids who are really struggling come to a small school, they get that individual attention. Attention is not drawn to the fact that they are struggling because they are still in their class cohort. They are not being held back, if you like, but they are getting that extra treatment. Mr Timms already has mentioned kids with issues like Asperger's. Once again at our school, a child with Asperger's by the end of their time there is making speeches and they are in the choir. They are special places. I guess that one of the main reasons I put my hand up to join the federation is because I want to protect those special places.

The Hon. NATASHA MACLAREN-JONES: Are there any initiatives that the federation is involved in where you are connecting in with communities and schools to share those good news stories, or is that not a role for the federation?

Mr TIMMS: The Federation is actively involved in sharing good news stories and promoting best practice. We are running statewide forums at the moment where we bring parents and citizens associations together and discuss issues at schools, so we publish hard bulletins and online bulletins and share best practice and share good news stories, so we are actively promoting that. The thing about small schools is we have a lot of parents who actively seek out a small school. They will bypass their local large school because the small school offers their child, in their belief, a different alternative education. They seek it out. I guess the reverse happens. Some parents might bypass a small school to go to a large school. We support parents' choice that is why we support the small schools.

The Hon. COURTNEY HOUSSOS: In your submission you have spoken extensively about the move from principals to associate principals and the dangers that that entails for small schools. I draw your attention to where in your submission you say there are some reforms that are happening within the Department of Education that may impact on school sizes, enrolment numbers and site management. Are there any other so-called reforms that are being implemented that are endangering small schools that you would like to speak about?

Mr VIALS: Fundamentally it goes back to the associate principal role.

The Hon. COURTNEY HOUSSOS: That is the key one?

Mr VIALS: For me, that is the key. We talk about resourcing, so we do not know. At the moment the small school gets its allocation of resources under the resource allocation model and the principal in that school makes decisions. That is local schools, local decisions. That is what it is all about. If that small school is now connected to a large school, who controls the revenue? Could revenue be moved from the small school to the larger school? The obvious example is if both sets of toilets need refurbishing, there are 40 kids using this one and there are 400 kids using that one. Obviously—I would anticipate; I may be wrong—the larger school would draw some of those funds for those sorts of processes.

Mr TIMMS: The other concern we have is when the school has a parents and citizens association meeting, who is going to be at that meeting? Is it the associate principal and the hub principal from the big school, or will they just look at the minutes of the meeting? How many schools is the principal of the large school going to have in the hub? How many schools are they going to be controlling? Who is looking after the interests of that school community? In the past the model that we have had that has made small schools so strong and so valued in the community is that the principal is the onsite manager. He or she is the person who interacts with the school community and carries forward the wishes and the interests of that community. The question mark for our organisation and our associations is, in the future, where does that relationship with associate principals go? Who looks after the interests of that local school? We are arguing that if that is weakened, it weakens the viability of those small schools.

Mr VIALS: Then enrolments drop and then we get into the eleven-step process.

Mr TIMMS: Then you get more schools under a system of falling enrolments.

The Hon. COURTNEY HOUSSOS: When you are talking about these networks of schools, they can include larger schools? It is not a way of supporting a number of small schools that may be in a similar area, it is linking small schools to a larger school?

Mr VIALS: At the moment it is our understanding that the larger school would take on some of the responsibilities. We have to be honest: Principals are under a lot of pressure at the moment. There is an awful lot of things that they are being asked to do. Our understanding is that it would be a large school taking on some of those responsibilities. Whether they are looking after one small school as well, we just do not know.

The Hon. COURTNEY HOUSSOS: I understand.

Mr TIMMS: Part of the rationale was to free up the teaching principal from administrative duties so it is hard to see that there would be a network of small schools controlling each other. It seems that the rationale that has been delivered to our communities is that we want to free up the teaching principal to teach, take away the administrative roles. But the danger for us is it takes away the ownership of the school and the connection with the community.

CHAIR: Some of that is probably in light of the Government's agenda. It is doing that across different agencies, health, local councils. There is some resource sharing that does not need to be in those facilities that can be done at a larger level to free up the front-end services. I will not get into a political debate. It is an approach that can be made.

The Hon. GREG DONNELLY: We are sitting next week, Paul.

Mr TIMMS: If we come back to that, the point for our organisation is that change threatens the viability of small schools and ties into the question of your inquiry into the closure of small schools. That is the difference.

CHAIR: Like I said, it is not one size fits all.

Dr JOHN KAYE: This is a critical issue. You talk about what happens to the land once schools have been closed. You recommend to "not dispose of land which becomes available due to school closures". This should be on notice because it is a complex question. How do you see that being managed where, for economic or social reasons, a community is genuinely disappearing and a school site will be left? Do you see it operating universally or only in places such as Wollombi where, for example, the community did not disappear but the school did?

Mr VIALS: It partly goes back to the fact that, once again, we are seeing these school grounds or school buildings as community facilities. If there is a community there then potentially the community wants to be able to continue to use those facilities, although that becomes a problem because the Department of Education is funding stuff that is not Department of Education stuff anymore. I guess the key is when the school goes into recess, it should not be flogged off at the first opportunity. We would like that recess period to be as long as possible to give the opportunity for a community to rally and try to get back their school.

Mr TIMMS: Yes, regeneration.

CHAIR: With the Government's plan to relocate and move people out of the city to ease the housing pressures, it is crazy to wipe out the little schools when there is potential for a whole suburb to be relocated. My final comment is this: when I was once mayor, a playground was nearly null and void and only one parent was fighting to keep it. I am glad we fought to keep it. We kept it and two years down the track the whole suburb turned back into a family orientated suburb and we did not need to build a new playground. We had the common sense to realise there are ebbs and flows and the same approach applies to these little schools. We have to be wise about which ones we close and why, and what is the future potential for those areas and are there relocation opportunities. Thank you for your time. If you have taken questions on notice, you have 14 days to reply. You may get some questions from members in the next 24 to 48 hours. The community staff will help you if you need it. Once again, thank you for your input. It is an incredibly important issue for lots of different communities in New South Wales.

Dr JOHN KAYE: It is good to see the parents and citizens association back.

Mr VIALS: Yes, it is good. We are definitely back.

Dr JOHN KAYE: After you have been in recess.

Mr TIMMS: We have been regenerated.

(The witnesses withdrew)

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JOAN LEMAIRE, Senior Vice-President, NSW Teachers Federation, and

JACK GALVIN WAIGHT, Organiser, NSW Teachers Federation, and

JOHN PRATT, Country Organiser, NSW Teachers Federation, affirmed and examined:

CHAIR: Would anyone like to make an opening statement?

Ms LEMAIRE: I would like to make a brief statement. First, I thank the Committee for changing our time. I was travelling back from Lismore this morning; my work takes me all over the State. From the NSW Teachers Federation point of view, we believe that public education is an essential facet of our life and every community has the right to accessible, high quality public education—and that is every community—as part of a public education system with schools not competing against each other but delivering the very best for their local community.

CHAIR: That is it? Thank you.

Ms LEMAIRE: I can keep going, but I recognise there are time limits.

CHAIR: Thank you for your submission. It covers a lot of the concerns we are hearing about. It seems to be that the consultation process of closing a school is broken while the clinical steps look fine. Do you have any evidence or representation that this process is flawed?

Ms LEMAIRE: If I can begin and then I will ask the two organisers to comment because they both have examples. From the point of view of the NSW Teachers Federation, there were a number of closures and decisions around recess last year that caused significant problems for our members but most particularly for local communities. The NSW Teachers Federation believed at that time that the protocols that existed were flawed. There was no transparency around decision-making. There was a perception by communities that decisions had already been made before consultation was entered into, and we believe there needed to be some significant changes to the protocols. The NSW Teachers Federation then met with the Department of Education and discussed the protocols and suggested some quite, I believe, significant changes.

We now have protocols which are much more clearly set out in respect of requirements of consultation, not only at the closure committee review stage, which is legislated that there will be consultation, but early on in setting up a local consultative group and that type of thing. There is the issue that has been raised in the submission. It is our understanding that in step 5 are the words "if local consultation is approved". If that is really based on a decision that the school is deemed to be viable and that it will continue, then there will be no consultation. But to remove any doubt, we believe if there is any decision—and I think this is really important—not just about closure, but about amalgamation and/or offering an alternative model, then there should be very clear, transparent consultation that is adequately informed by all appropriate data.

CHAIR: Thank you. Does anyone else want to add to that?

Ms LEMAIRE: John and Jack can give examples of what they felt was the bad practice before the end of 2014 when these protocols came into effect.

CHAIR: That would be helpful.

Mr GALVIN WAIGHT: It is difficult to report because we were not part of the processes and we have highlighted the inadequate consultation with the NSW Teachers Federation. I can report what was reported to me by teachers and concerned parents. They felt the processes were designed to close the school, that there was a predetermined outcome and other factors like demographics and the social impact on the community was not considered. I think in two instances there were special needs students as well in the community. At Martins Creek the special needs of a student or students was definitely a concern. Also at Wollombi Public School the alternative setting that was chosen was on an incredibly steep slope. It is probably the steepest slope I have seen. If there was a student that did require disability assistance I do not think there would be any kind of long-term arrangements around that. Regarding the transparency in the processes, again teachers and the community reported that data was not being looked at that would actually allow the school to stay open or provide a different model.

Mr PRATT: I would concur with what Mr Galvin Waight has said. My information is largely from the Grong Grong Public School, which was closed. There was a fairly significant campaign waged by the local community around that school and it continues, I hear. As Mr Galvin Waight said, the consultation was questionable at best. The specific word from the members in the school was that the consultation was a sham and from the parents' representative it was that the consultation was purely symbolic. That concurs, as I said, with what Mr Galvin Waight has said. These are from a period before the existing protocols were put in place. I think it is a positive step forward that we do have these protocols now, but the transparency just simply was not there. Decisions were being made on behalf of the school that the parent body and the staff felt they had no input into. It was preordained, is what they felt.

CHAIR: Are you aware of any schools that have gone onto a closing list and been able to get off it?

Ms LEMAIRE: I can give you an historical perspective on that but not recently.

Dr JOHN KAYE: How far back do you have to go?

Ms LEMAIRE: In 2001 Erskineville Public School—I think this is a very important example—had 42 students. In 2015 it has more than 370 students. There was a strong campaign to close Erskineville down. The community—and the federation was part of it too—campaigns to keep it open. We believe that we are particularly concerned about the number of small schools and the small schools listed and the closures of small schools in rural areas, but there are also small schools in regional and metropolitan areas too. Certainly, given the projected increase in enrolments, it is really important that that is taken into consideration around any decision to change educational provision.

Dr JOHN KAYE: The Government tells us in its submission that between 2000 and 2015, over a 15-year period, 83 schools were closed. That is an average of 5.5 schools being closed each year. In 2015 there were 20 public schools closed, four times the average over the previous 15 years. Are you seeing that on the ground? Are you seeing more schools under threat of closure?

Mr GALVIN WAIGHT: This is probably my third year in the role so it is a little bit hard to have the historical perspective, but there are three schools in my area that have gone through that process in the last year. It is definitely a massive increase in a short period of time.

Mr PRATT: You would hope that the actual closure follows a period of review, so I do not know what number of years would take place before we get to the 2015 closure period. It would be a review of, hopefully, several years. There are a number of factors in areas that I have covered which do influence that. I think in Wollar with the expansion of the coalmine, Errowanbang with expansion of the Cadia gold mine—these areas take the residential capacity out of the local community. The houses are bought up by the mines, that is where the families were. This is an accelerated process in recent years with mining and the economy. There is a shift that I have been informed of by a parent at Grong Grong in that historical movement away from towns in the 1980s, 1990s and early 2000 has been reversed and we are having families return. Second generations or the generations who left the community, went to university and worked in the city or whatever are coming back now to work on the family farm with their families. It is essential that there is somewhere for those kids to go.

Dr JOHN KAYE: You would support the Parents and Citizens Federation's viewpoint that when a public school is closed the land should be banked and held against a future population growth and a future demand for that facility?

Mr PRATT: One of the great concerns that has been raised by our schools—and Mr Galvin Waight will also suggest this—is that there seems to be no provision for reversing the nature of closure or recess. This is what concerns the communities. If we are recessed or if we are closed we have no future because there is no process to come back.

Dr JOHN KAYE: Am I correct in saying that the Rural and Remote Education Blueprint, which is being implemented progressively, includes the role of associate principal and a hub and spoke for small schools?

Ms LEMAIRE: The associate principal role is there as a possibility, and it is being incorporated into the award provision that there is a possibility for a school to become a school with an associate principal as a

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position. However, there is also a recognition that that cannot be imposed on a school and that there has got to be community consultation and agreement for that to happen.

Dr JOHN KAYE: Does the federation have reservations about what that would mean for a small school?

Ms LEMAIRE: We have reservations but there is also potential that it could be of benefit. The clear model of what it might look like does not exist. From my understanding, it would have to be negotiated. Certainly, we would oppose any attempt to just say this role will be imposed. Certainly, the department has said that current teaching principals will remain teaching principals but can have a choice. It will depend upon the model. Really from our point of view the model would have to be very carefully negotiated and have the agreement of the staff and the community before it goes ahead.

The Hon. GREG DONNELLY: I am not quite sure which witness made a comment about refinement of the consultation process. There were some difficulties last year that led to some discussions between the federation and the department. Was I correct in hearing you say that you believe if the new process, procedure or protocol is followed now and honoured in its intended spirit it should work better than what it has replaced?

Ms LEMAIRE: Yes, we believe so. Obviously, if we have problems still with it then we would go back and renegotiate it. But essentially we believe there is a lot more clarity. If you look at appendix B, the Simple Fact Sheet, a lot of complaint to us was about the fact that people were not always advised of clear reasons as to why a school would be placed in recess, et cetera. It did not necessarily have all the information around enrolment trends. To actually have a very clear fact sheet like this should assist. Similarly with the flow chart and the process for saying we need to set up a consultation committee early and begin the consultation with representatives. But that committee is not the only consultation. It is intended that there would be broader consultation. But I guess we have also got to see the process continuing on.

The Hon. GREG DONNELLY: Are you aware of any schools that are in a scenario at the moment in which the issue of their future is being considered and that procedure is being worked through?

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.

The Hon. GREG DONNELLY: If you could do that, please.

Ms LEMAIRE: We have raised with our organisers whether there are any current issues around this and we have not heard. It could be that one is just starting but I just need to get further information around that.

The Hon. GREG DONNELLY: I am not intimately familiar with the procedure, but in terms of looking ahead for a period of 12 or 24 months or another defined period does the government inform the federation about its planning with respect to potential closures of schools or is it something that you find out about on the grapevine, so to speak?

Ms LEMAIRE: I think prior to these protocols it was more that when the issue was raised locally we found out and we believed it would have been better not to do it that way. This process may begin elsewhere with a discussion around viability but 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.

Dr JOHN KAYE: As of September that will be formally at step 3 of the process?

Ms LEMAIRE: Yes, but it is not owning a decision as to whether a school is viable or not. It is if they decide that they are going to begin the process that is it. We believe that that is an important step there.

The Hon. GREG DONNELLY: You may not know the answer to this and please feel free to say so. With respect to the Department of Education and Communities planning for the closure of schools into the future are you aware of an enhanced effort by the Government to scrutinise the viability of a number of small schools at this time, or is what we are facing just part of an ongoing process of review that has almost always been going on? That is notwithstanding the fact that there was a spike last year.

Ms LEMAIRE: There have always been school closures but I am not aware of any political intention or not about it.

The Hon. BEN FRANKLIN: In the evidence of the previous speakers it sounded to me like the associate principal process was a lot further down the track. From your evidence it sounds like we are still in the very early stages of determining how that will work and what will happen. Is that right?

Ms LEMAIRE: I think there is a lot of concern particularly by small school principals that a model may be imposed on them. We have certainly taken that up with the department again and the department has said it will not be imposed.

The Hon. BEN FRANKLIN: But there is not a final model now on the table?

Ms LEMAIRE: No.

The Hon. BEN FRANKLIN: We are still in the consultation process.

Ms LEMAIRE: And again we would argue very firmly that it should not be imposed. It has got to be negotiated because it might look different in different places. It will have implications that will need to be negotiated and not just consulted about in terms of various conditions and rights of staff as well.

The Hon. BEN FRANKLIN: There has been a lot of discussion about the new 11-step process. My understanding of your evidence is that you are quite comfortable with that process but want to make sure that it is implemented appropriately. Is that fair?

Ms LEMAIRE: Yes. I mean, we believe it is a significant improvement and we would take it on board. If people then followed these steps and there were significant problems we would obviously take it back for renegotiation. But for us it has been a significant improvement because a lot of the issues around transparency, information, et cetera, have been addressed and are clearly specified in this document.

The Hon. BEN FRANKLIN: Thank you. This is my final question. Mr Pratt, you remarked that when schools are closed or put into recess there was an implication that that was sort of it and they were not necessarily going to open again. I would like to suggest that in terms of the recess issue that may not be the case. For example, Tullooona Public School, which is a little school between Moree and Croppa Creek—you might know it—had six students in 2014 and only one student this year, so it was put into recess, but it has just been announced that it is going to be reopened next year with six students again, which I think is a fantastic outcome and one supported by the community. I guess what I am asking is: Do you see that model, if it actually works in the way that it did in this case, as something that could be a way forward in a beneficial way for schools that are so low that they are unviable but potentially can bounce back in the future?

Mr PRATT: I think any process which allows for the return of a school which is recessed is valid and viable—as I say, my comments come from the community members who felt that there was no chance of reversibility, that once the school was recessed that was effectively it—and I think anything that will reassure those communities that, yes, there are genuine possibilities. As I say, Grong Grong had the numerical figures there to say that, yes, we have these children—I think it was 24; some say 24, some say 28—living in the village itself under four years old set to come to the school, but from the recess period the closure period still went ahead against the wishes of the public. So if there is some genuine chance of reversibility and the community is aware of it and the processes they must follow in order to see it achieved, then that will have to be seen as a positive.

The Hon. BEN FRANKLIN: Thank you very much.

The Hon. LOU AMATO: I ask a supplementary question. If a school had to go into recess, what sort of time frame would you envisage as fair to a community?

Ms LEMAIRE: I think you need a reasonable period of time, but it also would depend a bit on the demographics too—what you know about the demographics of the area and the town—because if you knew that there was a family with children or families moving in, then obviously that would change the area. I think generally the review period is at least one school year. Certainly that should not be shortened. Clearly, if it

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appears that there might be some reason for a change in demographics, that should go on too. It should not only be considered in terms of small schools. We would be concerned in terms of talking about population growth and other things that it might be seen to be viable to close one school somewhere and then make another school a whole lot bigger, when really we need the resource everywhere. I think that is quite important too.

The Hon. LOU AMATO: Thank you.

The Hon. NATASHA MACLAREN-JONES: Thank you very much for coming today. I have a couple of questions, one following on in relation to the protocols. The information that is there is quite detailed. Is there an average time for how long the process would take from the beginning of review to the end? It is not unique for one school or another. I am interested in your view. I understand that they have only been in place for a short period of time.

Ms LEMAIRE: We would not support it being on a particular time frame, because obviously for it to be genuine consultation there needs to be sufficient time for a committee to be set up and to go through the process of discussing the issues and meeting and all that sort of thing. If you tried to condense it to a particular time frame or if people felt the time frame was inadequate and they were not being consulted properly then that would not be consistent with the protocols. Clearly it would be a really big flaw to suggest that any consultation should be limited to quite a short time frame, particularly when the impact is so significant on the local community.

The Hon. NATASHA MACLAREN-JONES: So it is fair to say one size does not fit all—it is case by case.

Ms LEMAIRE: Yes. But I do not think it should be a rushed process either.

The Hon. NATASHA MACLAREN-JONES: Who is on the committee? Do you think there should be others involved?

Ms LEMAIRE: From my understanding, when we look at the setting up of the school consultative group there are a number of representatives. But there is also to be the much broader consultation, so it is like a steering group committee or something like that, that opens out the consultation. I think that is fairly extensive, but obviously if there was another group then we would consider that. Clearly that has a number of people and it does not rule out the more important broader consultation which, if you look in step 6, is that a consultative group organises staff, parents, community, parents and citizens [P&C] to do a range of things. And P&C really is a very broad grouping—you know, local community and everything else. So we feel that that is covered there. If there are significant problems then people will raise that with us and we will go back and suggest another thing. The importance is having a set of rules that make it very clear that this is a requirement and should be followed. It should not be left to any chance that there be proper consultation. It should be a very clear thing.

The Hon. NATASHA MACLAREN-JONES: Thank you.

Dr JOHN KAYE: I am aware that in the case of Wollombi Public School the consultative committee was made up of the principal—or the acting principal—who was pro-closure, the principal of the school that was going to benefit from the closure of Wollombi Public School, the director, a P&C member from that other school, a P&C member from Wollombi and one of the department's bureaucrats. That is to say there was one person who was representing the local community. The remaining four were in a position to want to close that school. Are you concerned about that data?

Ms LEMAIRE: That was before these protocols—

Dr JOHN KAYE: No, that is not correct.

Ms LEMAIRE: Isn't it? I thought it was.

Dr JOHN KAYE: I am sorry, that committee was set up after these protocols were set up.

Ms LEMAIRE: Sorry.

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Dr JOHN KAYE: I think I am right in saying that was set up in March of 2014 and the first version of these protocols which have not substantially changed was in February of 2014.

Ms LEMAIRE: No, these protocols are December 2014.

Dr JOHN KAYE: September. But—

Ms LEMAIRE: They are December 2014. And the group did not involve the Teachers Federation at that time.

Dr JOHN KAYE: If I may, the protocols that were operating were the February 2014 version. It is confusing because there are three versions floating around. There is a February 2014, a September 2014 and a December 2014 and, as the department would operate, they are all labelled "final", so it is kind of complex. But the substantive structure of the consultative committee has not changed—

Ms LEMAIRE: We believe there was a change—

Dr JOHN KAYE: Not to the—

Ms LEMAIRE: with the organiser and the federation being informed.

Dr JOHN KAYE: I am looking at the two versions here. I beg your pardon. The one change that has happened is that now a local organiser is on that committee. You are quite right—the local organiser is on that committee. In the case of Wollombi, there would have been two voices on that committee—the P&C's representative and Mr Galvin Whaight, but they would have been substantially outnumbered by people who were arguing in a different direction.

Mr GALVIN WAIGHT: We did not have any consultation towards those first protocols. That was negotiated without us. The next set of protocols were negotiated from us as organisers raising massive concerns that teachers and community members reported to us.

Dr JOHN KAYE: Are you satisfied that the sorts of committees that would be set up under these protocols in, for example, a future version of Wollombi Public School—in another location, of course; it is too late for Wollombi—would operate in a better fashion?

Mr GALVIN WAIGHT: Better—I am not sure if it would be perfect but definitely better.

Ms LEMAIRE: And certainly we believe having the Teachers Federation there and aware of the changes does allow for more understanding of the community and also the staff and the student needs too. The first set of protocols you talked about did not have federation representation.

Dr JOHN KAYE: In the new protocols you come in at step 3 after there have been discussions between the principal, the director and the executive director about what they want to do, then before anything else happens the Teachers Federation is brought in—is that correct?

Ms LEMAIRE: They are to be advised and then the consultation committee set up and the fact sheet developed.

Dr JOHN KAYE: At step 3, you are contacted along with the local member, the primary principals and the secondary principals executives, then you are provided with the fact sheet at step 4, and you are involved in step 5 as having your organiser on the committee. Is that adequate, do you think? Is that going to turn this around?

Ms LEMAIRE: At the moment we believe it is. If it becomes problematic then we will follow that up, but at the moment we believe that that is an improvement and that would allow better consultation than the models that we saw before that.

Dr JOHN KAYE: What we heard in Wollombi—I know that Jack is aware of this—and it is very clear from what is in the public domain about Wollombi and what has been said in the public domain about Wollombi, is that the department was absolutely committed to closing down Wollombi Public School; likewise

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with Martins Creek; likewise with a number of these schools. What do you see as a mechanism for stopping the department setting out to undermine a school by, for example, destabilising the permanency of the principal, appointing a principal who is there with a brief to destroy the school, closing off when teachers and the community come forward with a mechanism to improve enrolments—the department frustrating that? How can we turn that around?

Ms LEMAIRE: I believe there is certainly the opening for the community. The consultative committee are not the only people who get consulted.

Dr JOHN KAYE: Sure.

Ms LEMAIRE: And they become a conduit for the consultation and for the whole community. That is why we felt it was important to have a role in that consultative committee to ensure that the information gets out to the community more broadly and that there are discussions more broadly with the community. We think that makes a difference. As to the intention of Government, the department or particular people, I cannot speak to that, but this certainly facilitates community organising around an issue. Given that the consultative committee has a P&C representative and a federation representative, that is a much clearer stance than what existed previously.

Dr JOHN KAYE: And more opportunity to stop, for example, the spread of false information by the department?

Ms LEMAIRE: Potentially, yes.

Dr JOHN KAYE: Thank you.

CHAIR: We are going to conclude there if that is okay, unless the Government has a pressing question. Thank you for your evidence today. It has been helpful. It is nice to get the diversity of information that we are getting. It all seems to be streaming one way in terms of saying that we can do things better. We will see how we go with that interpretation of the evidence. We appreciate what you do for your organisation and for the teachers. Keep doing your good work helping them. You have 14 days to return information in response to questions on notice. The secretariat will be glad to help you. Some members may put further questions to you in the next 24-48 hours, but once again the secretariat will help you.

(The witnesses withdrew)

(Luncheon adjournment)

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BRYAN CAMPBELL, Director, Public Schools NSW

ANDREW EASTCOTT, Director, Public Schools NSW

FRANK POTTER, Executive Director, Public Schools NSW

MICHELE BRUNIGES, Secretary, NSW Department of Education, sworn and examined:

GREGORY PRIOR, Deputy Secretary, School Operations and Performance, NSW Department of Education, affirmed and examined:

The Hon. GREG DONNELLY: Thank you for coming along this afternoon. I would like to ask some questions about the issue of the protocol and the procedure for dealing with the assessment of schools, in terms of their future. I have the department's submission here. On page 2 of the submission, underneath the table it says:

Section 28 of the Act deals with school closures and anticipates two separate regimes for closing a school:

- Procedures described in Section 28(1) – (9)
- A separate process for those schools described in Section 28(10) a)-(c).

I will come to Section 28 (10) (a) to (c) in a moment. If you go to the next paragraph it says:

Since 2011, no public schools have been closed using the procedures outlined in Section 28(1)-(9) of the Act.

My question, so that I understand the context and the continuity, is: Was there a policy decision taken back then only to go down one path as opposed to another path in terms of dealing with these matters? I am trying to understand why, in 2011, we had a particular procedure set aside, and then the utilisation exclusively of another section to deal with the matter of schools.

Dr BRUNIGES: The Act has not changed.

The Hon. GREG DONNELLY: Indeed.

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 Hon. GREG DONNELLY: I understand that.

Dr BRUNIGES: 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.

The Hon. GREG DONNELLY: My question was about Section 28 (1) through to (9). That has not been used since 2011. Was there a decision taken back in 2011 not to use that?

Dr BRUNIGES: Not to my knowledge. I have been here since September 2011, and there has been no policy decision taken one way or the other.

The Hon. GREG DONNELLY: Okay, that is fine. If we then turn to page three, underneath point No. 9, there is a paragraph that states: "Procedures described in section 28A (10) (a) to (c). This is a separate process described in the section for (a) of one-teacher school; or (b) those schools where a majority of the parents of children attending the school approval of the closure; or (c) those schools where the Minister is satisfied there are exceptional or emergency circumstances which require an earlier closure of the school." The next paragraph then states: "The majority of public schools are approved to close under section 28 (10) (b) when the majority of parents of children attending the school agree to the closure." You are saying that that is essentially and specifically what is being used now as a determination—this decision of the majority of parents. We have the procedure and the protocol of steps to be followed, but you are saying that you are relying on when the majority of parents of children attending the school agree to the closure. That is a defining position. Is that what you are saying?

Dr BRUNIGES: No. The actual Act says there are three conditions, (a), (b) and (c).

The Hon. GREG DONNELLY: I understand that, yes.

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.

The Hon. GREG DONNELLY: Right.

Dr BRUNIGES: Have I answered your question?

The Hon. GREG DONNELLY: That is the key one that you have been relying on.

Dr JOHN KAYE: No, that is what happens. It is not what she relies on. It is what happens.

The Hon. GREG DONNELLY: Sorry, that is what happens. It is the case that the closures are taking place because we have a situation where the majority of parents are actually in agreement. Is that what the position is?

Dr BRUNIGES: That has been the fact. The majority of public schools have been approved for closure under 28 (10) (b).

The Hon. GREG DONNELLY: Yes. With respect to that, I understand that the procedure or the protocol that is used was refined over the course of time and I think there have been some iterations—probably two or three iterations. I have one that is dated December 2014. Is that the current one that is in place?

Mr PRIOR: That is it, yes.

The Hon. GREG DONNELLY: Before we get to step number one, inside the Department of Education and Communities itself what work is being done and by whom about making the assessment of the viability of schools? In other words, it obviously does not start at step one where the director and the principal discuss options. Obviously, if I may use this phrase, there is back-of-house work being done to make assessments about the viability of schools. How is that done? Who does it inside the department?

Dr BRUNIGES: I will ask Mr Prior to answer that because it is usually driven by directors of schools at a local level. I will ask him to give you some details.

The Hon. GREG DONNELLY: What happens before we get to step one?

Mr PRIOR: Thank you. Just from an operational point of view, often the discussion, as Dr Bruniges has said, is actually either initiated by the director. We have 66 directors across the State and they are working with the relationship with their principles and their communities. Sometimes, because part of their role as monitoring the school and working with the principals and communities, the conversation is initiated by a director with a principal about how the enrolments are and what the forward trends are looking like—that sort of conversation. It can also come the other way: Often principals who are in small schools sometimes are concerned about parents, but then again with demographics changing and the situation changing they might be starting to see falling enrolments and they have concern about their own future in the schools, so they might initiate a conversation.

It is really an operational expectation that directors know these schools, they know their communities, and they are constantly monitoring that, looking for the changes that might initiate a conversation. It might then precipitate coming to say, "Well, we really think we need to have a look at what is the best educational provision in this setting." Then we have instituted the protocols to work over the top of the Education Act to try to give a clear and transparent process and also to try to provide some consistency of approach across the State.

The Hon. GREG DONNELLY: In terms of the maintenance of the information about looking into the future of the viability of schools, with your submission you have provided tab A and tab B. Where within the organisation is this information maintained? What part of the organisation looks after the receipt and examination of this information about the ongoing viability of schools?

Mr PRIOR: What is contained in the tabs in the submission is part of the protocol process.

The Hon. GREG DONNELLY: Yes.

Mr PRIOR: Again, that is to try to facilitate a consistency across the State. One of the attachments you may be referring to is, like, the fact sheet. We require a fact sheet coming into my office through the directors and executive directors. After those initial conversations have occurred, the director picks up some of the demographic information, picks up some of the local contextual information. That actually then starts to come into a second step of our protocols because what we were very clear about in, I suppose, some of the early days of these conversations is that there was not a visibility with some of the senior officers where conversations were going on locally. Often expectations might have been raised in communities that were not going to be fulfilled. By developing the protocols and putting the transparency around that process, they could have a local conversation.

Step two was then seeking, through my authorisation then, the ability to go into a more formal local consultation so that we have some visibility at the State level. I provide that information and process through both to the fact sheet for my senior executive. We keep that on the file. I also have an agreement with the Teachers Federation. We have now brought them in as well as the principals, both the Secondary Principals' Council [SPC] and the Primary Principals' Association [PPA] in partnership with that. We provide a copy of that as well so they also know from a wellbeing point of view of staff and their local organisers that they also have that communication that is going on at the local level across the State.

The Hon. GREG DONNELLY: That is happening in the background, so to speak, and then the formal process starts as step number one. There is this work that is being done in the background on an ongoing basis—monitoring things, discussions with the directors knowing about the schools, talking with principals. All of that is going on, then the formal process is step number one, and then it flows from there.

Mr PRIOR: That is when the protocols and the steps—the expectation of the protocol steps—are then followed through that process. I might just want to add that these protocols are an agreed protocol to try to get that transparency. The Education Act is the Act and the legislation that this is enacted upon.

The Hon. GREG DONNELLY: Indeed. Absolutely. I appreciate that.

Dr JOHN KAYE: But the Act is embedded in the protocols at steps nine and 10.

Mr PRIOR: We have tried. Steps nine and 10 actually reflect directly and are linked directly to the Act.

The Hon. COURTNEY HOUSSOS: I have a couple of questions leading on from that. At the top of the protocol it states: "Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered".

Mr PRIOR: Yes.

The Hon. COURTNEY HOUSSOS: However, when you read the sample fact sheet that is at step four of the process, it states the whatever school site "will be placed in recess at the end of the school year". My question is: Is this consultation process designed to be a discussion about whether the recess, closure or amalgamation is to occur, or is it simply to assist the parents and the students who are in the schools that are to be closed in that process? I guess I should just ask one question at the end: Are there any schools that have started this protocol that have come out the other side and stayed open?

Mr PRIOR: Can I answer that by going back up, I think, to your first question—if I may, Chair—because it says very clearly what these protocols are meant to do, regardless of the size of schools. It is also to be applied not just for closure but to have conversations around amalgamations, recess or continuation, or closure depending on—

The Hon. COURTNEY HOUSSOS: So continuation is an option.

Mr PRIOR: Continuation is an option. There are some examples of each of those in our submission that we can certainly draw out. There are examples of where we have gone into this process: Gateshead-Gateshead West is an example of where we have amalgamated two schools, and Wyong-Wyong

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Grove as a result of this process. We have had quite a number of examples where a school has gone into recess but then reopened as a change in the demographics occurred. One is—

CHAIR: Can you table those different schools for the last five years?

Mr PRIOR: Yes. I am happy to do that.

Dr JOHN KAYE: 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: Yes, Wollar.

Dr JOHN KAYE: Not amalgamated and not shut down.

Mr PRIOR: I am sorry, Dr Kaye, I was just giving and the broader breadth of what the protocols are used for. But, my apologies: 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.

Dr JOHN KAYE: What dates were those?

Mr PRIOR: Wollar was actually this year. There has been some consultation. Blackville has been this year. But I can double check those dates for you, Dr Kaye.

CHAIR: How many students are there in both those schools at this current time?

Dr JOHN KAYE: They are both mining towns.

Mr PRIOR: I will need to get that detail for you. The recent example is Tulloona, and only yesterday we made a decision to reopen that this year. Currently it has no students but next year we know that there will be five students. That has been in recess but will reopen next year because of the change in demographics.

The Hon. COURTNEY HOUSSOS: Just one final question on the fact sheet. According to step four, the fact sheet is for the information of the Department of Education Communities [DEC] senior executive and the Teachers Federation. Is that circulated any further within the broader community, or is it purely an internal circulation?

Mr PRIOR: No, it is an internal document that forms part of the documentation to work through the protocol process.

The Hon. COURTNEY HOUSSOS: But you would understand when you use the words "will be placed into recess" that implies the decision has been made before consultation with the local community.

Mr PRIOR: In some cases we have actually had the consultation start with the community when there have actually been no enrolments in a school; it actually is in recess. We have worked with the community in some circumstances to actually canvass a broader spectrum to see whether there are any future enrolments or whether enrolments could actually be encouraged to come into the school. Again, it is very site-specific about how we work with these protocols. Again, there are examples right across the board that have shown in some cases that that has been unsuccessful, but in other cases you might attract some students back into maintaining an educational provision in that place.

CHAIR: We might break with protocol and take questions from the Hon. Ben Franklin, who will have to leave us.

The Hon. BEN FRANKLIN: My apologies. I have a plane to catch, based on the original finishing time. We heard some evidence today about the condition of a school that had been closed relatively recently. I am interested to understand what the process is when a school site is vacated. What happens? Does it just fall apart? Does get sold off to developers? What you do? How does that work?

Dr BRUNIGES: The department continues to have management of the closed school site. That means maintaining the site, buildings, and keeping the grounds tidy. We do have responsibility for that. We would

organise in those cases or in some cases a distribution of resources, so that would go to furniture, books, equipment, playground equipment and heritage items in line with local agreements. In some cases we will relocate buildings in good condition to another school in the area. Depending on what is at the school—if there are photovoltaic cells in the schools we will also look at placing those somewhere else. We decommission all information technology and communications [ITC] and infrastructure services. We also organise for delivery of waste and continuity there.

If there was a situation where you had an agreement under local consultation processes that the site would be available for community use, then what happens is that our assets management unit draws up a leasing agreement to be entered into between the department and a local community group. That might mean, for example, a local historical society or it might be a local preschool group, or something. That would come under a lease agreement. So depending on the situation and what is at the site, there are different strategies that we have to maintain them.

The Hon. BEN FRANKLIN: You mentioned local consultation processes. Is that formalised in any way, or is it a case-by-case basis? How would that normally work?

Dr BRUNIGES: My understanding is that it is normally a case-by-case basis. Sometimes there are community groups who use part of the facility already and they want to continue to use that, so we are very cognisant of community use of facilities and making sure there is continuity of those services if that community group wish to continue. So it is really site-specific and what exists there. In other cases there might be some other community groups who wish to gain new access to the facility. When you think about the numbers—7,400 schools being opened and more than 5,000 being closed over the history of public education in this State—those numbers are fairly big and so is trying to keep up with the demographics of what we are doing, so we have to be agile and responsible.

The Hon. BEN FRANKLIN: Everything is—

Dr BRUNIGES: Every one is different.

The Hon. BEN FRANKLIN: Did you want to jump in?

CHAIR: In your question on notice can you identify what is the intent for the sites of those 20 schools that closed in 2015? I want to know whether they have been sold, whether they are going to trust, whether they are being managed, or whether the department is retaining them.

Dr BRUNIGES: Certainly, we are happy to take that on notice.

The Hon. BEN FRANKLIN: As a National, I am particularly concerned about rural and regional communities where there are often very small schools but often times they are the only schools within 50 kilometres or whatever. Could you give me some indication of what the process is with smaller rural schools? Is there a minimum enrolment number and are the triggers different when there is another school three kilometres or 10 kilometres away?

Dr BRUNIGES: Under the Education Act, in public education we have to provide universal access to public schooling. You have situations in respect of distance where if there are very small numbers of students and you have to travel—distance has to be a consideration—to those schools, then they should exist. If you go into parts of western New South Wales we will have very small schools and the universal access provision to get to the next school may be 100 kilometres or more, and that has to be a consideration in looking at the universal provision. There are other places where we have a series of other schools that have different distances and the provision of schools within that area are clusters of small schools. Certainly we want to be cognisant of the distance that we are asking students to travel to access public education so that distance does not become a barrier for the provision of education under the Act.

The Hon. BEN FRANKLIN: You would keep open a school in circumstances where there was another school five kilometres away that had closed and then utilise that provision accordingly?

Dr BRUNIGES: Absolutely.

The Hon. GREG DONNELLY: With regard to steps 5 and 6 of the procedure, the school consultative group, in terms of maintaining an understanding or a record of what has been discussed at these meetings involving the various people in that group, do you place a requirement for minutes being maintained or some record being kept about what is discussed or decided, or is it dealt with in a more informal way?

Mr PRIOR: If I may respond to that. Initially when the protocols were drawn up there was no stipulation about record keeping, as such. Certainly as we have used these protocols and I suppose reflected on some of the cases that we have looked at, we continually try to improve mechanisms all the time. Certainly it is my strong view that one of the improvements around the use of the protocols should be the consistent use of record keeping. They have varied from working groups to a whole range of loose documentation through to formal minutes, but certainly it would be my view in the future that there should be a formal record keeping of the consultative group meetings.

The Hon. GREG DONNELLY: Without being specific, it came out in some evidence earlier today that there are concerns that there were fluid discussions and meetings and then people had difficulty recalling what was said and not said. I think the idea of maintaining a solid record of what has been discussed and decided is verified.

Dr BRUNIGES: Before the protocol document, we did not have one. So if you look back in the history of public education in the State, we only had the Act.

The Hon. GREG DONNELLY: I understand.

Dr BRUNIGES: The protocol document is a way, as Mr Prior said before, of trying to get consistency and transparency into our process. If there are areas that we need to improve with that protocol, we would welcome those such as the minutes.

CHAIR: This is what the issue is. There was a question put to Mr Timms earlier that really it is a bowl of soup with a hair in it. The recipe is right, the soup is good, but the inconvenient truth is the consultation process. It seems it is purpose driven regardless of the majority of parents saying, "We do not want to shut it down." They are told, "You will do what you are told. These are the options. These are the reasons." We have your presentation about Grong Grong school, why small schools are terrible and some advantages, but most of the presentation is driven to say why small schools are bad and that students will be better off in a bigger school. There is better education and better sporting activities, which is fantastic, but if you are a parent who wants your child to be in a small community school, it is too bad.

It seems that even though the process is clinically right and you are trying to improve it, the inconvenient truth is that if the majority of parents do not want a school closed, it is too bad. It seems that on some evidence that we have received that some of those decisions to shut the schools were made somewhere in Sydney and then outworked through a protocol, and those people are brought in at step 5 rather than step 1, so the community gets no say. It is a clinical decision made in another office. The evidence that I am receiving from the community through submissions, which is certainly anecdotal, is: You are welcome to have something to say but we are going this way. You either get on the bus or you get off. That is the sort of heavy-handedness response we are hearing about.

I know the Department of Education does not want that situation to arise, but it has arisen. We have initiated this inquiry and it is amazing how many people right across the State have responded in an anecdotal way because they do not want to put evidence forward. They have been told, "You can get on the bus at stage 8 because the bus is leaving and this school will close. You will adapt and you will do what you are told." Can you understand, when we have a community issue such as that, it is unacceptable. We must embrace the community at bus stop 1 and take in bus stop 10. If the department finds out at bus stop 5 that the community does not want to go the same way, that is where the process breaks down. Do have a reflection on that?

Dr BRUNIGES: I do. When we get to section 28 (10)(a), (b) and (c) in the Act—as I said before, in most of our public schools we have gone with the majority of parents' agreement. In the case of a one-teacher school, or a PP6, where you have relatively small numbers of students and schools in close vicinity, it presents a different context than some other sites that we have just discussed. I hear what you are saying. I too think the way in which we do our business is incredibly important. We are public servants and I have no doubt that that is to serve the public. I am very clear in my mind to do that. At the end of the day we need to collect the evidence.

CORRECTED

We need to use our educational judgement and we need to put a recommendation to the Minister with frank and fearless advice from an educational perspective.

CHAIR: I applaud and understand that. Once again, we are receiving evidence that there are scenarios that when the bus is going this way and the school will be shut, the evidence of the passionate parents is, "We were not given the time of day when it comes to our data collection and our desire". As you know, they are passionate. They mow the lawns, they paint the building. They do everything at the school to keep it going because they want to stay in the area and they want their kids to go to school in the area. When we have the situation that the department is hell-bent on closing a small school, it does not matter if the consultation is coming at step 1 or step 10; you are already writing it off. I am not saying that happens with every school. As you noted, 5,000 schools have closed over time.

There are a handful of schools where parents are saying, "Please do not do this", but then we find there is a comment that you have suspended the enrolments of those schools. They are trying to increase the school's enrolments but because there has been a predestined outcome for the school, you have shut the door. You have given the instruction to the principal at the time, "We are closing this baby. No more enrolments. We are not open for business. I need you to start the process that closes this school." What I am expressing is coming from the heart of the communities that have come to us. They are really disappointed when they find out that regardless of putting up a banner outside the school or trying to get more kids to the school that the department is purpose-driven to close it.

Dr BRUNIGES: I hear what you are saying.

Dr JOHN KAYE: In that spirit, can I ask you, Dr Bruniges, to respond to an email of 6 February 2014 in which Andrew Eastcott, who is here today, asks a question of Frank Potter, who is also here, and Sven Wright. In this email, Mr Eastcott is responding to Emma Swain, who is a journalist with the *Maitland Mercury* who asked a question about what was then the proposed closure of Martins Creek. Mr Eastcott says, "Will I answer this question with the usual line of investigating the education provision for students in the area?" Then he says, "I guess the problem is that unless a great storm strikes, the school will close and you can be sure that this person will revisit whatever we say here." Can we be clear: Mr Eastcott was acknowledging to Mr Potter that Martins Creek was going to be closed. In your opinion, is that professional public service behaviour?

Dr BRUNIGES: I do not think that that was an appropriate response to the journalist's question.

Dr JOHN KAYE: It is not the response to the journalist's question that I am worried about. I think you have missed my point. The fact is that on 6 February 2014, while your then brand new, hot-off-the-press, first cab off the rank process was going through—and this goes to the Chair's point—a senior public servant in your department was saying "unless a great storm strikes, the school will close". It had already been determined inside your department that the school would close. Can you understand why I, the Chair, the community and so many other people feel that is not professional behaviour from Mr Eastcott?

Dr BRUNIGES: I can.

Dr JOHN KAYE: What will you do about it, Dr Bruniges?

Dr BRUNIGES: I make it very clear to public servants that consultation is consultation and until the Minister takes a decision, no decision has been made. I cannot be any clearer than that, Dr Kaye.

Dr JOHN KAYE: Today is 20 August 2015. We have your word that never again will it happen that a school is put under review through your protocols and possibly under section 28 of the Act, and that the bureaucrats, the public servants will say, "Let us go through this tick-box process, but the reality is we are going to close it anyway"? From now on it will always be an open-minded decision?

Dr BRUNIGES: My expectations are very clear. It needs to be open consultation and no decision is made until the Minister takes a decision. My expectations of public servants are that they serve the public and that consultation is done in the spirit in which it was meant.

Dr JOHN KAYE: Have Mr Potter and Mr Eastcott been educated in this process or given any professional development?

CORRECTED

Dr BRUNIGES: I am sure if they have not to date they have been by this hearing preparation, Dr Kaye.

Dr JOHN KAYE: Thank you.

CHAIR: To be clear, is economic rationalism a part of the reason that small schools close?

Dr BRUNIGES: Financial considerations are not given. If you look at the research and the costs—I think the Save Our Schools submission by Trevor Cobbold is particularly salient on this issue. I know the author very well. He does a great deal of research in this area. The financial gain through closing small schools is very minimal. We should be totally focused on the educational benefits, and rightfully so. When you think about moving students, it does not matter how big the school is. Your teaching workforce is the lion share of the resource and that is based on a per capita enrolment system. That is where the salary is. If I look at my education budget, you have probably got \$14.2 billion for the last financial year and \$10.1 billion is teachers' salaries. The teachers' salaries follow the students, so at a macro level the lion share of resources is based on enrolments per capita and that has to follow the students.

Through our resource allocation model, funding to students, the characteristics of student matters, some of that is targeted and indeed follows students no matter where they are. As we work towards 2016 with the rollout of the base in our resource allocation model, that will take other factors into consideration. The financial savings are really minimal in respect of the school and not considered in that. People will argue that a financial cost benefit analysis should be done. We have never used financial information to take decisions over school closures in my tenure. I can speak to that. It is very important that the education needs are front and centre.

CHAIR: I hear that. I think the problem here is that it is number one on your radar, which it should be because that is your portfolio, but can I say there is a little thing over the top of that called family and social impacts on not just the immediate family but also the economic benefits of that little community. As we noted earlier, sometimes when you are closing a school you are signing a death notice for that town because it takes away a lot of the people who may want to come and contribute to that town. One of the first things they are going to say is, "Is there a school?" I appreciate there is probably one 20 or 40 minutes down the road, but it really does start to sterilise the economic opportunities of that little community. That is another thought that we have.

One of the community observations is that it is always an economic impact issue and that the government is shutting down a school for an economic benefit, whether that be the school, removing the students and putting them in a bigger setting or selling off the property. There is a comment in the *Daily Telegraph* that talks about Mr Piccoli and the botched billion dollars for the Learning Management and Business Reform [LMBR] rollout to 2,000 or more schools. The article says:

His office yesterday confirmed money may have to be taken from school maintenance or even delay the construction of new schools to pay for the program.

Are you closing any schools whatsoever to make savings to patch the budget hole created by that? Secondly, does the U-turn on the Ultimo school have anything to do with patching the budget in terms of that?

Dr BRUNIGES: No to both. I have to be very clear, since my tenure here the budget is the budget and each of the last four years that I have had the privilege of leading the department we have come in on budget. We have achieved what we have needed to do and that has been independent of any school closures or any hole. We had efficiencies like every other department. We worked very, very hard to achieve those and I am very proud of our staff being able to bring the budget in each of the four years I have been here.

Dr JOHN KAYE: Dr Bruniges, to summarise you just said that this is not about economics, it is about educational provision. Why then on 3 June 2014 did Mr Andrew Eastcott email Mr Anthony Rodwell and ask him, "The second item I would like is an estimate of the sale value of Martins Creek site"? If this was not about economics or money, before the school had been closed and while it was still in your brand new process why was Mr Eastcott asking his financial people what the estimated sale value of Martins Creek was?

Dr BRUNIGES: I do not know the answer to that. I think we would have to refer that to Mr Eastcott.

Dr JOHN KAYE: Mr Eastcott, you have heard your boss. Tell me, why did you at that point feel the need to ask for the sale price of Martins Creek if this was about education and not about money?

CORRECTED

Mr EASTCOTT: Part of the process, as I mentioned earlier, is to negotiate or to speak with Asset Management Unit to ascertain all the information relating to the school closure. It was in relation to providing information for the report.

Dr JOHN KAYE: I think this is to you, Mr Prior. For every school that goes through would you expect the relevant director of public schools to get the asset price of that school?

Mr PRIOR: I think the answer, Dr Kaye—

Dr JOHN KAYE: That is at stage one I think of the process too.

Mr PRIOR: I think you alluded to this being earlier in the process. I had mentioned earlier that some of the directors working on these protocols were in early days and we have refined a lot of the processes. My expectation is very clear around the consultation: this is about educational outcomes, it is not about any fiscal benefit. Part of that process though is once it looks like you are starting to get to forming the final briefings that are coming through for recommendations to the Minister it is a requirement of our briefing system that we do put financial implications on. That often picks up looking at what the salary costs are in the school and what the asset costs might be. We provide that information as part of a balanced view of that approach.

Dr JOHN KAYE: Does that not contradict what Dr Bruniges just said where it was all about education?

Mr PRIOR: No, not at all. The decision is based on educational outcomes, not on the financial. But I think as a matter of a public service providing information in a briefing to a Minister it is prudent to still be able to look at—

Dr JOHN KAYE: So it is irrelevant information?

Mr PRIOR: It comes back into the other processes also that when we start to transition if a decision is made we then look at the transition of our staff to make sure that they are placed under our procedures. We look at how the assets on site are maintained. We look at how resources in the school are redistributed to appropriate educational settings. We look at what we referred to earlier—

Dr JOHN KAYE: Mr Eastcott was not coy about this. He said, "What's the sale value of Martins Creek site?" I am sure if I looked hard enough I would find a similar email about Wollombi Public School.

Mr PRIOR: With due respect, Dr Kaye, I think there is a difference between gathering information about a potential sale asset from Asset Management Unit [AMU] to alluding to that being the driver around why we would be looking beyond the educational—

Dr JOHN KAYE: So it is common practice to collect information you are not going to use and you get AMU to go and get a price on the site?

Mr PRIOR: The reality I think if you actually look again is it comes back to the conversation we have had earlier that the notion of economics in this space is not a consideration. In many of these smaller settings, as you would be very much aware, these sites from an asset point of view do not hold a great value.

Dr JOHN KAYE: With respect, Mr Prior, I was already struggling with your answer; I have now departed from you entirely. I have seen a number of these sites that are quite high in value.

Mr PRIOR: I will correct that, sorry. That was a broad general statement because it is not a consideration in the decision-making about a determination of the future of these schools.

CHAIR: There is no financial risk assessment done when you are closing a school? Is that what you are saying?

Mr PRIOR: When we are actually looking at working through the consultation and the protocol processes we are driven from an educational perspective about what is the best educational provision for the

CORRECTED

students. The financial consideration is not part of the decision-making process whether that school goes into recess, whether it is closed or whether it continues operations.

Dr JOHN KAYE: In your submission you say: "Between 2000 and 2015, 83 public schools have closed." My maths says that is 5.5 public schools a year on average. Then you say that in the past 12 months 20 public schools have been approved for closure. Why is this year at a four-fold higher rate than previous years? Is there a sudden educational change?

Mr PRIOR: I think it has been part of the processes that have been in use with directors and principals working with communities. I think it has been seen around the decisions of many communities that they have actually elected to pursue the educational provision in surrounding schools. If you go through those closures, as we said earlier in our submission, many of those actually came to a conclusion under the Education Act section 28 (10) (b), which was with the consensus of the parents.

Dr JOHN KAYE: I understand that.

Dr BRUNIGES: Indeed, Dr Kaye, some of those had no enrolments.

Dr JOHN KAYE: Sure, but it does seem strange that suddenly they are higher.

CHAIR: Were they suspended though?

Dr JOHN KAYE: As the Chair says, possibly they had no enrolments because they were in suspension or recess

Dr BRUNIGES: Yes, that is true. Some of them may have been in recess in declining number—

CHAIR: Some of the evidence we have heard is that you told a school to suspend and then the information given in any new phone call was, "Sorry, this school is going to be closing."

Dr JOHN KAYE: I have personally received allegations from a number of closed schools that the permanency of the principal has been undermined. That is to say, an opportunity has been taken to shift that principal of a small school somewhere else and put in a temporary principal. To put it bluntly, Dr Bruniges, that principal in many cases has looked like they were acting to wreck the school. We are going to call them the "wrecker temporaries" that are put in. It seems to us, given the evidence we have here, that in a number of cases the department set out to close those schools. How do you respond to the allegation coming from the community very loudly and strongly that specific principals were put in to discourage enrolment in that school, to reduce the quality of that school and to drive parents away to create the statistics that you use to then close that school?

Dr BRUNIGES: My first response to that is if there are any allegations we should take them as complaints and allegations and have them investigated.

Dr JOHN KAYE: What if you had received such complaints?

CHAIR: The problem with that is we are getting as evidence that the allegations and the complaints are falling on deaf ears. Out of 35 complaints not one was verified. That does not give the community confidence that they have been heard, with all due respect.

Dr BRUNIGES: I would have to look at each one of those in detail. I understand a set of those went to the Ombudsman as a different statutory officer who reviewed those complaints and came out with some findings on a number of those. If there are any more allegations I would hope that the professionalism of my principals in place is as high as you would expect in the public servants and Teaching Service Act. It would be extremely disappointing to me if they were confirmed allegations. Indeed, it would be a code of conduct issue under our public service to see if they have acted in a—

Dr JOHN KAYE: What about the situation where it appeared to the community in a number of cases that their directors and the people above them were holding out career inducements to them and promotional opportunities for doing that?

CORRECTED

Dr BRUNIGES: They are serious allegations and there is a place and time for those to be investigated. I would welcome if the Committee forwards any of those allegations to me and I will ensure that they are followed up appropriately.

CHAIR: I will ask two very clear questions. Why are you closing Martins Creek?

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 and curriculum breadth—my recommendation was based on that those opportunities would be enhanced by the students moving to schools that were seven or 12 kilometres down the road.

CHAIR: I am not questioning your desire for those kids to be able to embrace opportunities. But your professional view comes above the majority of the parents at that school saying, "No, thank you. I am happy with my child receiving the education they get. I appreciate the safety, the community and the way that it is done here more than your particular desire for my children."

Mr POTTER: My view is based on the majority of parents in the area had taken that view already and they were in a larger setting. But it is my view that the educational benefits and the curriculum breadth and capacity to work in larger environments is to the benefit of the young people.

CHAIR: I ask a second question: Why are you closing Wollombi?

Mr POTTER: For very much the same reasons: that for a long time there have been small numbers of students, that the opportunities of a school close by would provide enhanced curriculum opportunity and social benefits for those young people.

CHAIR: Can I ask you why you are reopening Wollar?

Mr POTTER: Because the enrolments were increasing and there was significant distance to the next school.

CHAIR: How many students are there at Wollar?

Mr POTTER: We are up to about five I think from memory at the moment.

CHAIR: One minute you want to get rid of five to a bigger, better opportunity. The next minute you are starting to open a recess school to put five back.

Mr POTTER: If I can refer to the Hon. Ben Franklin's comment about the distance, the distance from Wollar to the next nearest school is significant. When it was discussed by the director at that stage it seemed that there would be no enrolments. That is why the view was to put it into recess, but enrolments grew and so it was continued in terms of its operation because it would disadvantage those young people and particularly because the enrolments that came were kinder and year 1 children.

CHAIR: That is our point. If you did not suspend enrolments on some of these small schools they would be growing. You are affording that to Wollar but you are not affording it to these small schools. I understand, as you say, that there are indicative matters that you have to take into consideration. I would argue that Martins Creek has one of those unique situations. Are there any further questions?

The Hon. NATASHA MACLAREN-JONES: Obviously a decision to close, put into recess or amalgamate a school is not made overnight. There is a long consultation process, as we have heard in some of the evidence put forward. I am interested to know if there are any initiatives or processes in place from the department to help schools to develop their enrolments. Where you have identified a school that might have less strong enrolment or is losing students, are the principals in training or is something done to help those schools?

Mr PRIOR: Thank you for that question. Again, we work with individual schools around that. I think there have been examples—I cannot give you direct ones off the top of my head.

The Hon. NATASHA MACLAREN-JONES: We are happy for you to take that on notice.

Mr PRIOR: Certainly in recollection there have been examples where we have worked with communities to either do advertising campaigns to try to attract people into the communities and try to give some sustainability to that—in some cases successfully, in other cases unsuccessfully. I take the Chair's point around the notion that if a school is made to go into recess and we may not be attracting enrolments directly into that school at that time. Certainly, if there is enough evidence around that there is enough movement in the demographics and the population during a recess time, we would reconsider that.

CHAIR: Can you quantify what that likely situation is in your protocol—what that evidence is? Because it seems that some people are trying to give you evidence saying that a school can have life, but you are pushing it aside because it does not fit into the criteria. Let us go back to the community, because they have lost confidence in the process, because when they give data it does not seem—from the evidence—that it is being undertaken. Let us show them what a successful opportunity looks like to actually revive your school.

The Hon. GREG DONNELLY: I have a final question to the secretary about the process, pursuant to the Act, of making the recommendation to the Minister as to the final outcome of whether a school will be closed or placed into recess or otherwise. Is that a discussion that you have with the Minister? Do you present a formal report and he effectively adopts the report? I am just trying to understand, given that there were a number of schools impacted last year and there will be others in the pipeline in future. Could you explain for the Committee's benefit how that works with the Minister?

Dr BRUNIGES: It is normally a submission to the Minister with a recommendation. The paperwork would come up from the deputy secretary of operations with the consultation report and material attached to a submission to the Minister.

The Hon. GREG DONNELLY: And does the Minister usually adopt the recommendations?

Dr BRUNIGES: I would have to look through the report, but normally yes. He may question, he may ask for a meeting, he may ask for additional information—the Minister can choose what he does in response to the submission that the department writes.

The Hon. GREG DONNELLY: But in the main he is guided by the recommendation contained in the briefing that is provided to him.

Dr BRUNIGES: I would think yes.

The Hon. GREG DONNELLY: Well, you would think yes. You are saying, "Yes, he does."

Dr BRUNIGES: We can do it case by case. I am happy to take that on notice and do it case by case if that is helpful.

The Hon. GREG DONNELLY: If you could, for 2014-2015.

Dr BRUNIGES: I am happy to do that.

The Hon. GREG DONNELLY: Thank you.

The Hon. LOU AMATO: When a school is placed in a recess, is there a maximum time frame?

Mr PRIOR: No. Again there is no defined maximum time frame for a recess. Again we look at the site specifics. We look at the local context and what is happening there. Usually after a 12-month period, if it looks like there will be no change, there may be a decision made at that point, but there could also be examples of where we might extend it if we are seeing things that extend—

The Hon. LOU AMATO: But usually it is 12 months.

Mr PRIOR: Usually around 12 months after we have gone into recess we would consider the closure of that school if it looks like there would be no change to the community.

The Hon. LOU AMATO: Thank you.

CHAIR: I make a final comment on that comment: once again from evidence we have found that some of that has been within the 12-month window. You may have had dialogue outside that 12-month window, but it does not seem that all schools receive that dialogue with the community being totally informed within that 12 months. Many parents—and I will try and help you realign—are grieving. You have shut their school; you have cut off a part of their community. They are grieving and I think they need some compassion and understanding from the department. I appreciate you have a big job to do, but we need to get in their world and understand that this is removing something that is very dear to them. Hence their response, as grieving, can be quite aggressive, agitated or a whole bunch of other emotions, because a person is losing something that is very dear to them. That is my understanding of what I have seen in some of the evidence.

If you are not going to consult, do not call it consultation. Just say, "We are shutting the school. You are welcome to be part of a discussion as to how we do that." Call a spade a spade, but if you are going to call it consultation, do not set people up to fail. If you are going to ask them what they genuinely think about their school and how they are going to contribute to it or to the opportunity of growing it, please do that. But if you are going to shut it, tell them you are going to shut it and at least have a real dialogue about how you are going to do that. At the end of the day I would suggest that there may need to be a culture shift in the department as to how to talk to some of these parents and communities and lead them through such closures.

I thank you for your time. It has been very frank. It has been very transparent and helpful, I am sure. At the end of the day I think we will end up where you want to end up, and that is with a stronger opportunity for our kids to be educated. Whether that is in small schools, big schools or being home schooled, so be it, but it is in the best interests of the kids. I thank you for what you do and I do genuinely know you care for kids and you want the very best for them, so we do have the same goal, which is fantastic. Thank you for taking time out of your busy schedule for this inquiry. You have 14 days to reply to questions on notice. We may also put some further questions to you. The secretariat will be glad to help you. Once again, I genuinely thank you for your time and fronting up. It is really helpful to the process.

(The witnesses withdrew)

The Committee adjourned at 4.05 p.m.

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20 AUGUST 2015.

IN-CAMERA REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE CLOSURE OF PUBLIC
SCHOOLS**

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

At Sydney on Thursday 20 August 2015

The Committee met at 9. 15 a.m.

PRESENT

The Hon. P. Green (Chair)
The Hon. L. Amato
The Hon. G. Donnelly
The Hon. B. Franklin
The Hon. C. Houssos
Dr J. Kaye
The Hon. N. Maclaren-Jones

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20 AUGUST 2015.

BRYAN CAMPBELL, Director, Public Schools NSW

ANDREW EASTCOTT, Director, Public Schools NSW

FRANK POTTER, Executive Director, Public Schools NSW

MICHELE BRUNIGES, Secretary, NSW Department of Education, sworn and examined:

GREGORY PRIOR, Deputy Secretary, School Operations and Performance, NSW Department of Education, affirmed and examined:

CHAIR: Thank you for fronting up to the inquiry; it is very helpful to us and the issues we are facing in this inquiry. I note that we are doing a 15-minute section in camera to enable you to respond to some of the earlier evidence. We will use some of that evidence in answer to the questions, because obviously that is the whole reason for the inquiry, or at least a large part of it. If you would like me to run through the protocol of what in camera is, I will, but I figure that most of you would know to be careful of defamation issues or naming someone inadvertently, although, you will have the opportunity to go through the transcript of the in-camera evidence before we publish anything. Given the fact that we are in camera, I will invite the secretary to give a short opening statement.

MS BRUNIGES: I thank the Committee for the opportunity to be here today. The Department of Education is proud of its commitment to provide quality education in all public school settings. It is our responsibility to ensure that all children in New South Wales have a supportive school environment. To fulfil this responsibility, the department must respond to the changing demographics across the State; this includes regular opening and closing of schools to meet the needs of students in our communities. Since 1848, as communities have changed, more than 7,400 schools have opened in New South Wales and more than 5,000 have closed. The decision to close a school is made by the Minister under Section 28 of the Education Act 1990. The department makes recommendations to the Minister about full closure, recess or amalgamation on the basis of what is in the best educational interests of students, and before making a recommendation to the Minister the department consults with parents, the community and school staff.

There is an opportunity for people to have their say about the future of their school. The department pays particular attention to the concerns of parents and carers of students at school. Where a decision is made to close a school the department provides support to families to assist children's transition to a different school. We have provided a submission to the Committee providing information in relation to the terms of reference, and I am happy that my colleagues and I can be here today to provide any additional information that the Committee may require in relation to this inquiry.

CHAIR: I am happy that you are here today, because it gives the Committee an opportunity to hear your side of the story, which is very important to this inquiry. I note maybe a slight emphasis on the best education. Would be of the view that the best education is determined by the Education Department, or by the parents on the wishes for their child?

MS BRUNIGES: I think that is a combination of factors you would want to consider. I think in partnership with parents it is incredibly important that, from a schooling provision, from a curriculum, personal development, social and emotional point of view, we work in partnership with parents.

CHAIR: The Education Act says it is the primary responsibility of the parents, so my point is that at the end of the day a parent's heart for their child and their education interests is pretty important above that of the goals of the Education Department. I might have different views on that, but we are here because numerous parents believe and hold in high regard their children being educated in a small school; that is the best thing for their children. Hence, their views on not closing small schools.

We have a situation in Martins Creek—I want to be very clear because we want to get the answers as quickly as we can because we are in camera—which is a unique situation, with a [student] with special needs. It is of great concern that maybe the cost benefit of looking after their child, the current safety of that small school, being able to offer that [student] the very best opportunity to thrive in life, has been overlooked for the sake of closure and the outcomes the department has over and above what the parent probably has in that case, or some parents in that case. Mr Potter, I note that you have probably carried most of this, so I would not mind if

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you could respond in terms of your side of the story of how that has come about, the way that you have ushered that situation through with that special needs and [a registered psychologist with the NSW Department of Education] response to her assessment of that [student].

Mr POTTER: In our system we cater for many children with significant disabilities and disorders, and they are catered for either in a mainstream school or a specialist setting. In the case of the [student] at Martins Creek, the information that was coming through the consultation process was a little bit inconsistent in that it talked about that if there was to be a transition to another setting it would range from 2 plus years to five years. When it came to the point of considering what decision needed to be made, because there was an inconsistency I wanted to explore what was in the best interests of this [student], knowing that the view of the [parent] was that she was hoping that he would move towards independence at some stage and trying to provide what would be the best environment for him. I actually went to a clinical psychologist independently and provided the information—

CHAIR: Do we have a name for that person?

Mr POTTER: Yes, we do; it was . I did this independently because of the inconsistency of information that was coming, and without revealing the name of the [student] or anything of the setting, just the—

CHAIR: We are trying to avoid that, if that is possible.

The Hon. GREG DONNELLY: So he did not reveal it?

CHAIR: No, he did not.

Mr POTTER: —text of the information that was provided by the [student]'s psychologist. I asked for a view of what would be an appropriate transition, knowing that the five-year transition would have put him in high school. A two-year plus transition was also mentioned. The strong view that was provided to me on the basis of the diagnosis that she identified and the information from the treating psychologist was that anything over six months would be counterproductive. In order to confirm that I asked [a registered psychologist with the NSW Department of Education] to meet with the [student]'s psychologist and the [redacted] to further explore that. I did not tell her that I had that information around six months, and as—

CHAIR: Sorry, what is the six months?

Mr POTTER: The six-month period of transition from the current setting to another setting. Because what we have in working with the learning engagement staff is that anything over six months is often inappropriate and counterproductive because once you start transitioning someone from one setting to another, once they get used to that second setting it is counterproductive to keep them going back to the initial setting. But I wanted to explore so that I could have the correct information to make a recommendation. So I asked [a registered psychologist with the NSW Department of Education] to meet with the [parent] and the [student]'s psychologist, because the [student]'s psychologist had talked about a two-year plus transition.

Dr JOHN KAYE: I am a little unclear. You are talking about a period of time in which this particular [student] would be part of the time at Martins Creek and part of the time at another school. You are not talking about how long until the transition begins. You are talking about a transition period.

Mr POTTER: We are talking about the actual transition from one setting to another of no more than a six-month period.

Dr JOHN KAYE: Where he is some time at one setting and some time at another.

Mr POTTER: Or he would move to become oriented in one setting, to become familiar with that setting. It would be dependent upon the transition process and how that was structured.

The Hon. NATASHA MACLAREN-JONES: Is that the usual procedure, there is a transition time frame?

Mr POTTER: Yes.

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CHAIR: Are you aware that a number of health professionals stated that moving him to a larger school would cause him to regress? If a student regresses, I put it to you that it would cost the State far more in excess of what it is trying to achieve there with the issue of the school and the economic rationalism at that school. It would be far more financially prudent to keep that [student] in a safe spot where he was able to continue to thrive, as he is now.

Mr POTTER: I am aware of that and we took into account all the recommendations and the discussion. In one of the discussions with our senior psychologist—

CHAIR: Who was?

Mr POTTER: [A registered psychologist with the NSW Department of Education]. When [a registered psychologist with the NSW Department of Education] went to meet with the psychologist of the [student] and the [parent], and other professionals that the [parent] chose to—

CHAIR: Where did the psychologist meet the [parent]?

Mr POTTER: In _____ rooms. _____ was the—

CHAIR: Did you do a home assessment at all in the [student]'s environment?

Mr POTTER: No. There was no home assessment, but there had been assessments carried out in the school by our learning and engagement staff. So she met with them and I asked also for another senior psychologist to also attend that meeting. And on the basis of that, their view was that this [student] would be able to transition to another setting that would be appropriate in terms of his development at no longer than a six-month period.

CHAIR: I do not mean to be crude, but those clinical psychologists made that judgement whereas the [parent] was of a totally different view—that this would smash this [student]'s world.

Mr POTTER: That was the view she put forward, certainly. But these psychologists are used to dealing with things on the basis of assessments.

CHAIR: Did the Department of Education and Communities perform a risk assessment for this situation?

Mr POTTER: At this point in time, because we have not been able to identify a school to which the [student] would transition if he were to transition, we have been unable to do a risk assessment—though there have been discussions by our learning and engagement coordinator with local schools to which he may possibly transition. At this point, until we have some firm view of what location it could be we cannot proceed with that.

CHAIR: None of those assessments have been done so therefore the [parent] is not aware of what sort of assessments he would be in for. Has the department had any contact with the [support] organisation

Mr POTTER: Yes, with _____. I have had discussions with the manager and met with the manager. Our learning and engagement coordinator has had significant contact with _____.

CHAIR: Were they of the view that transferring this [student] to another situation could be devastating for his wellbeing?

Mr POTTER: I am not aware that they have made any comments of that nature.

CHAIR: Are you aware of whether the department has had any conversations with the [support] organisation about whether or not they would put in a submission to this inquiry

Mr POTTER: I am not aware of that either.

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CHAIR: Obviously one of the big issues is the complaints. We heard evidence earlier that the complaints handling around this matter and other things through your particular authority has not been satisfactory for the complainants. Some of them mentioned the ombudsman. I think on one occasion 35 complaints were made to the ombudsman, who found that none of them really had any grounds. Is that correct? And that was to do with Wollombi.

Mr POTTER: There have been a number of complaints, which have been reviewed by more senior officers and the ombudsman. None of them have been found to have substance.

CHAIR: As I understand it, one of those complaints came back to you even though the complaint was about you.

Mr POTTER: It came back to me. It was directed to me, and because it was about me I sought advice and another person handled that complaint.

CHAIR: Who was that?

Mr POTTER: That was [Ms W]. She handled that complaint, and then I think that complaint was reviewed as well.

CHAIR: And she found that that complaint had no grounds?

Mr POTTER: That is correct.

CHAIR: Do you work with a [Mr W]?

Mr POTTER: Yes, I do.

CHAIR: What is his role and his relationship to you, whether personal or professional?

Mr POTTER: [Mr W] is my professional support officer. I have two professional support officers. They assist me in my work. Their role is to help manage the day-to-day affairs that come my way and to provide advice. He is located in the Tamworth office.

CHAIR: Is that unusual, given the fact that that complaint was handled by [Mr W]?

Mr POTTER: I sought advice from one of my executive director colleagues as to who would be an appropriate person, with the skills and understanding around disability programs, to best manage that complaint. [Ms W] was the person suggested.

CHAIR: What relationship does she have with [Mr W]?

Mr POTTER: She is his sister-in-law.

CHAIR: Did you not think that there was maybe a conflict of interest there?

Mr POTTER: At the time, no, I did not.

CHAIR: Have you since reflected on that?

Mr POTTER: I did not make the connection at the time because clearly [Mr W] had nothing to do with the complaint—the complaint was about me and it was being managed by an independent person.

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CHAIR: Mr Eastcott, one of the comments was that you have since transferred that [u]w[f] gpv's aide to a new position?

Mr EASTCOTT: Once a decision was made to close the school at Martins Creek the school staffing unit identified appropriate placements for all the permanent staff at Martins Creek.

CHAIR: So when would her position cease with that [u]w[f] gpv_ and that school?

Mr EASTCOTT: The agreement was made that she would be appointed from the beginning of 2016 to a new appointment. But an agreement has been made with the principal of that school to allow the aide to remain with the [u]w[f] gpv_ as long as required.

Dr JOHN KAYE: So the aide is currently with the [u]w[f] gpv_?

Mr EASTCOTT: Correct.

CHAIR: Until when?

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Mr EASTCOTT: Until she is no longer required to be with the Juwfw gpv_

CHAIR: When is that? December, October or the closing of the school?

Mr EASTCOTT: She will stay with the Juwfw gpv_ throughout 2016—that is an agreement that has already be brokered with staffing.

The Hon. COURTNEY HOUSSOS: What about after that?

Mr EASTCOTT: Everything would need to be reviewed at the end of 2016 so I cannot comment on what will happen after that.

CHAIR: If Martins Creek were to suddenly find favour with the Minister and he were to choose to keep it then that aide will stay in that position until the end of 2016?

Mr EASTCOTT: My understanding is that the aide will stay with the Juwfw gpv_ for 2016 wherever the Juwfw gpv_ is placed.

CHAIR: I have a couple of questions for Dr Bruniges. Coming back to the perceived conflict of interest that Mr Potter had to adjudicate on, you said that you had an independent review of [Ms W]'s report, is that right? Who did that independent review? Was that someone in the department or someone outside?

Mr POTTER: Yes, it was managed by a person more senior.

CHAIR: Who was that?

Mr POTTER: I think it was [Executive Director, Public Schools NSW].

CHAIR: Dr Bruniges, how do you see this now knowing what you know and hearing what you have heard? Do you think there may have been a conflict of interest in this complaints handling process in hindsight?

Dr BRUNIGES: Choosing an independent officer to conduct a review is a process we undertake all the time. We use the person with the most appropriate expertise to do that review. If there is another appeal, it normally goes to a senior officer. On the details, I would hope that the integrity and professionalism of the public service in selecting the reviewer of the case would be independent of any relationship. We have husbands and wives who are teachers in the same school. We have principals with children in other schools. There are a whole host of things like that. So I would hope that if the responsible officer doing the review felt conflicted then they would put up their hand and declare that they felt as though there was a perceived conflict of interest. In this case that did not happen.

CHAIR: Currently we have a State issue with a Royal commissioner. Some have questioned his professionalism. Any perceived conflict of interest has to pass the sniff test. So I think it comes back to what is perceived in any conflict of interest here. Was there no perception, given Mr Potter had a close association with [Mr W], that there may be a conflict of interest with [Ms W] adjudicating this case? I understand what you are saying about professionalism, and I am not questioning that at all. But what about the perceptions of the person who put in the complaint and them feeling that they got a fair go. Would you accept that they could see a potential conflict of interest?

Dr BRUNIGES: You are talking about the person who put the complaint in?

CHAIR: Yes.

Dr BRUNIGES: Yes, there could be a perception of a conflict of interest; but it would come down to [Ms W] feeling as though she could act impartially and do that irrespective of who her brother-in-law was.

CHAIR: I am not questioning [Ms W]'s integrity.

Dr JOHN KAYE: You said "feeling as though" not whether she did.

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Dr BRUNIGES: I mean whether she did.

Dr JOHN KAYE: You said "feeling as though".

Dr BRUNIGES: Let me correct the *Hansard* and say that if [Ms W] believed she was in a position of perceived conflict of interest or actual conflict of interest, my expectation of public servants would be for them to declare that immediately.

Dr JOHN KAYE: But if she did have a conflict of interest, isn't she the last person to call that out? Surely her line manager should have recognised that conflict of interest—it is her brother-in-law after all that we are talking about. She was adjudicating on the behaviour of her brother-in-law. Could you adjudicate on the behaviour of your brother-in-law?

Dr BRUNIGES: No, she is not adjudicating on the behaviour of her brother-in-law. Her brother-in-law was on the support staff of Mr Potter. The complaint was not about her brother-in-law.

CHAIR: It is one removed.

Dr JOHN KAYE: Let me ask you this, Dr Bruniges, and you are a highly respected public servant, if your brother-in-law was a close associate of somebody against whom a complaint was levelled and had been involved in the matters do you think you could adjudicate without a conflict of interest?

Dr BRUNIGES: Yes, I do. I think I would be very clear that my job as a public servant would be to uphold the integrity of the office of public servant and do that in the most impartial way.

CHAIR: What is the position of [Mr W]?

Mr POTTER: He is a professional support officer.

CHAIR: And he is under your direction?

Mr POTTER: Yes, he is.

The Hon. COURTNEY HOUSSOS: I have a couple of quick questions for Mr Potter. In your testimony you outlined that the information you have received—that the [uwf gpv] in question at Martins Creek would require a minimum of six months to transition to an alternative setting. Given that according to your submission Martins Creek is due to close at the end of 2015, what procedures have been put in place to transition this [uwf gpv] to another setting.

Mr POTTER: At the beginning of the year we attempted to have communication with the [r ctg pv] about the most appropriate setting for this [uwf gpv] so we could begin to plan for the transition, because planning for the transition is as important as the transition itself. Our view was that that transition planning will take place in terms one and two of this year. However, we have been unable to engage with the [r ctg pv]. So we have not been able to produce a firm plan at this point in time. We have a view of the sorts of things that would need to be in a plan. But in order to firm that plan up it needs to be done in consultation with the [r ctg pv] and the [r ctg pv]'s professionals, as well as our professionals, working together.

The Hon. COURTNEY HOUSSOS: Was the advice you received from the child psychologist you spoke to that a minimum of six months would be required?

Mr POTTER: No, it was a maximum of six months. Anything past six months would be counter-productive.

The Hon. COURTNEY HOUSSOS: So anything past six months would be counter-productive?

Mr POTTER: Yes.

The Hon. COURTNEY HOUSSOS: Given that we are now in August and well into that six-month time frame, what is your current plan of action for transitioning this [uwf gpv]?

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Mr POTTER: When we were approaching the six-month period I approached to ask them to help us precipitate a decision about where the [juwf gpv] would go so that we could begin the transition planning process. The response I received was they would not allow anything to be done that was not in the [juwf gpv]'s best interest, but would work with the [rctgpv]. As nothing then came forward, I went to the

The Hon. COURTNEY HOUSSOS: So the current status is that the school is still scheduled for closure at the end of this year. There is currently no plan in place for the [juwf gpv] to be transitioned elsewhere. No-one involved has an alternative plan, and the clock is ticking.

Mr POTTER: There is no transition plan in place at this point in time because we have not been able to determine a place where the [juwf gpv] can go next year.

. Wherever he would go, part of the transition process would be to determine what accommodations and adjustments needed to be made to the site in order to meet his needs.

CHAIR: That is the point with respect to the cost benefit. His world is safe where he is and he is thriving educationally.

The Hon. BEN FRANKLIN: I have a couple of questions on the issue of the aide, with whom the [juwf gpv] obviously has a close relationship. You would agree with that?

Mr POTTER: Yes.

The Hon. BEN FRANKLIN: I appreciate what has been said: the aide will stay with him for a year. Let us assume that the school does close and he goes to a new school. How likely is it that the aide would stay with him for longer than a year?

Mr POTTER: At the moment the [juwf gpv] has a full-time aide. Fifty per cent of the funding comes from integration funding, which is allocated to people with disabilities who are in a mainstream setting. The other 50 per cent is provided by the school. With the transition to a new school, I made the decision to guarantee that there would be funding for the full year for the aide. At the end of that year it would be reviewed. The needs of the [juwf gpv] would be reviewed in relation to a full-time aide or a part-time aide depending on his progress and where he was in terms of his development.

My view is that we would be able to manage the aide's permanent appointment to an alternative location for as long as she wanted to maintain contact with the [juwf gpv]. So if that was to go beyond 2016 we would manage that so it would be able to occur.

The Hon. BEN FRANKLIN: Who would make the decision about whether she stayed on longer or not?

Mr POTTER: That is her decision.

The Hon. BEN FRANKLIN: So if she wants to stay on longer, your guarantee is that you will fund that. Thank you very much.

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Mr POTTER: I cannot guarantee that it would be funded full time. The Juwf gpv_ would be entitled to integration funding, and that is determined in terms of his development and the degree of disability that he has. If there was a need for further aide time that would have to be determined at that point in time, and then the funding would have to be sourced, dependent upon what that funding would need to be.

Dr BRUNIGES: If the need is the same the funding will remain the same.

Dr JOHN KAYE: Fifty per cent of the funding will remain the same.

Dr BRUNIGES: Yes. I would say that, from the department's point of view, it would be really important to work from the point of view of the student's needs. We would look at other sources to support that student's needs so that it was not disruptive and continuity was there.

The Hon. BEN FRANKLIN: If the student needs to maintain the aide, and the aide is happy to stay with the student, the department will find the funding to make sure that that happens.

Dr BRUNIGES: That is correct.

Dr JOHN KAYE: One hundred per cent of the funding?

Dr BRUNIGES: Yes, Dr Kaye. I am sure we would do that in support of the student with the need.

The Hon. NATASHA MACLAREN-JONES: I have one question in relation to the consultative committee and discussions that are held at that committee in relation to the students. Is it standard practice to discuss each individual case of children or was this Juwf gpv_'s discussed at all at that committee? If not, why not?

Mr EASTCOTT: Originally submissions were put about the Juwf gpv_"and the Jr ctgpv_ of the Juwf gpv_ made it very clear that submissions were to remain within the consultative committee but not pushed out further. I encouraged the Jr ctgpv_ in the interests of making a final decision, that the people up the chain who would make the decision could be informed about the content and the issues that surrounded the "Juwf gpv_.

CHAIR: Who has met this Juwf gpv_?

Mr POTTER: I have met him.

CHAIR: How long did you spend around this Juwf gpv_?

Mr POTTER: Probably the best part of an hour or an hour and a half. I met with the Jr ctgpv_ and—

CHAIR: Has anyone else met the Juwf gpv_?

Mr CAMPBELL: I have met the Juwf gpv_.

CHAIR: How long did you spend with him, Mr Campbell?

Mr CAMPBELL: Short periods of time when I visited the school.

CHAIR: Just observing from a distance.

Mr CAMPBELL: Observing from a distance.

CHAIR: Anyone else?

Mr EASTCOTT: I have observed him from a distance. I have not met him one on one.

CHAIR: But his mum, who lives with him day and night—virtually 24/7—and who looks after him and knows his fragilities, has come in and tried to have some consultation in the committee area. She is absolutely deeply concerned that this guy's fragility is as fine as a hair if we get it wrong. In this inquiry in camera our concern is that we do not want to get it wrong for this one. We would ask you to consider this carefully. We would like to think that we could help this Juwf gpv_ keep his world together and give him every

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opportunity. One of the things is that we can come out of the other side of this process. Keeping the school open until the Jun 17 finished year 6 and transitions at year 7 may be an option. How would you see an option like that in a recommendation?

Dr BRUNIGES: Across the State in public education we have 90,000 students who have a disability. Each one of them is unique. I am absolutely confident that our staff and the department do all that they can to support those students to enhance their learning and so that they may become the very best they can. Looking, at a particular case, as I said before, we will do everything we can in the transition to support that student. If the importance of the relationship with the aide is a significant lever to enabling continuity then that should be carried on.

For the other 89,999 students across the State, the transition strategies that we have when they move from primary to high school, from school to school or from a special unit into mainstream—all of those things—are done with individual plans and care, with the students' needs right at the centre. In the volume of students that we have, I think we have a pretty strong track record of putting the students in the centre of what we are doing in making sure that those transition stages work for students.

CHAIR: I am not for a minute trying to take away from that. Having lived in a situation like this in my own family I would say this: You do not mop up the mess. Normally the mum, the carer or the family mops up the mess if that little guy's world explodes. We will leave it there.

Dr JOHN KAYE: Dr Bruniges, can you give us an assurance that nobody in your department contacted the _____ at any stage and asked them to put pressure on not to make a submission to this inquiry?

Dr BRUNIGES: Not to my knowledge, at all; that has not happened.

Dr JOHN KAYE: Mr Potter, can you give us an assurance?

Dr BRUNIGES: Not to my knowledge.

Dr JOHN KAYE: Mr Eastcott?

Mr EASTCOTT: Not to my knowledge.

Dr JOHN KAYE: Mr Campbell?

Mr CAMPBELL: Not to my knowledge, no.

Dr JOHN KAYE: Mr Prior.

Mr PRIOR: Not to my knowledge.

Dr JOHN KAYE: Dr Bruniges, would you take it on notice, and give us an assurance that that is not the case.

Dr BRUNIGES: I am happy to do whatever diligence is needed, through the schools portfolio, to ensure that nothing like that has occurred, and I will get back to you.

CHAIR: Because Dr Kay has put that question to you, I will put this question on notice. Similarly, did anyone contact Ms Nancy Snow to ask her to put in a submission in any shape or form? She put in a submission. I was just wondering whether anyone—

Mr EASTCOTT: There was an email by an unknown person that was distributed widely. It encouraged submissions. Three or four principals contacted me and asked me whether I knew the source of the email and whether they were able to make submissions. My response was that they were.

(Conclusion of evidence in camera)