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.
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.
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 Timms, 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 being 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
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 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
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 foreign 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)
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—campaigned 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
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, etc. 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, Tulloona 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
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.
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&Cs 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 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
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)
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: 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
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 HOUSSSOS:** 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 HOUSSSOS:** 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.
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 do not think that that was an appropriate response to the journalist's question.

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?
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 enrollments 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?
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
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. 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?
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.
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.