



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON EDUCATION, TRAINING AND  
YOUTH AFFAIRS**

**(Reference: School closures and reform of the education system)**

**Members:**

**MS A BRESNAN (The Chair)  
MS J BURCH (The Deputy Chair)  
MR J HANSON**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 13 MAY 2009**

**Secretary to the committee:  
Dr S Lilburn (Ph: 6205 0199)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Committee Office of the Legislative Assembly (Ph: 6205 0127).

## **WITNESSES**

<b>BARR, MR ANDREW</b> , Minister for Education and Training .....	<b>104</b>
<b>BATTENALLY, MR MICHAEL</b> , Co-President, ACT Principals Association .....	<b>90</b>
<b>BLACKBURN, MR KEITH</b> .....	<b>83</b>
<b>BRUCE, MR MURRAY</b> , Co-President, ACT Principals Association .....	<b>90</b>
<b>McGILL, MS BRIANNA</b> , Adviser, Children and Young People, ACT Human Rights Commission .....	<b>98</b>
<b>ROY, MR ALASDAIR</b> , Children and Young People Commissioner, ACT Human Rights Commission .....	<b>98</b>

## **Privilege statement**

The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings.

All witnesses making submissions or giving evidence to an Assembly committee are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution. Witnesses must tell the truth, and giving false or misleading evidence will be treated as a serious matter.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 21 January 2009*

## **The committee met at 2 pm.**

### **BLACKBURN, MR KEITH**

**THE CHAIR:** Thank you, Mr Blackburn, for coming and appearing before the Standing Committee on Education, Training and Youth Affairs inquiry into school closures and reform of the education system. I draw your attention to the privilege statement which is on the card on the table in front of you.

Even though we have got you here for only a limited time, would you like to make an opening statement before we ask questions?

**Mr Blackburn:** Thank you for the opportunity to appear before this committee. I am a former statistician; I am not a demographer. I would like to make that disclaimer right now. But I have had a long career in statistics and am very experienced in statistical interpretation.

I supported the basic thrust of the school reform agenda and the closures based on overall demographic changes; that was right from the very beginning. However, I made a statement to this inquiry because I was concerned about two things. The first one was the misuse of demographic data during the community consultation, and I want to avoid that in the future if possible. The second concern I had was about process. There was a perception that the consultation was window-dressing and that important information was glossed over and with quite far-reaching consequences for the school communities concerned. They are the only comments that I wanted to make in opening.

**THE CHAIR:** Thank you, Mr Blackburn. I will start with questions. As you have already stated in your submission, you had concerns about the demographics that were used and the data that was being used; you were using the example of Melrose, Chifley. Could you explain a little more that argument which you have presented? In particular, you note the ABS data, and I am wondering if your use of particular data led to a particular decision being made.

**Mr Blackburn:** The fundamental problem that I felt led to my concerns, and the concerns of many others, was that the data that was being used at the primary school level had been put together rather crudely, particularly in terms of the projections. Essentially what had happened for the Woden Valley was that they had applied an overall demographic set of assumptions to everyone. The consequence of that was that all suburbs were assumed to be in a state of decline.

I have a graph here which illustrates rather beautifully, I think, the nature of the problem. This graph shows the assumption that was made by Towards 2020. It is assuming that for all the suburbs of Woden the preschool age population was in decline; that there was going to be a decline of about eight per cent. This was the reality: Chifley had an increase of over 70 per cent. Some other suburbs had decreases which were much higher than the average decrease for the whole of the Woden Valley, and only two other suburbs showed an increase in actual population of preschool age children.

That is a dramatic difference in the two pictures. The concern that I had and those involved with the Melrose school had was that this information was being applied to making a decision, whereas that information was readily available, it was there in the public domain and that was what really applied.

The data that was used here had been prepared several years before the community investigations in 2006 and had not been updated on the basis of more recent information which was available. You can see that, once you bring to bear the individual suburban information, it changes the overall picture dramatically.

**THE CHAIR:** I have a quick follow-up question to that. You have noted in your submission that you and the chair of the board met with the minister and the Department of Education and Training to raise these issues. Did you get any feedback from them regarding that when you brought up the issue of the two sets of data?

**Mr Blackburn:** We raised this information in two contexts: in the context of the preschool, and it was also going to be closed, and in the context of the school. This evidence was overwhelming in terms of the preschool because all of these children were already born. There were no projections or anything involved in this. This was fact. This was based on projecting the overall demographic of that which was pretty well the same for the whole of the Woden Valley but projecting that at the individual suburban level.

Two things came up. We were concerned that if the closure of Melrose went ahead it would be the only suburb in the Woden Valley that would be at least two schools away, two suburbs away, from a government school. The other concern was the closure of the preschool. The minister responded that he would look into it. He went and visited the preschool, and the preschool, in fact, remained open. Only last year, when one of the members of the committee went to book their child into the preschool, they were told that it was already completely booked out, which vindicated well and truly the pressure that we brought to bear to have that preschool remain open. Looking further forward, the prospects for that preschool are very good.

On the other issue of the closure of Melrose primary, we raised the issue of other schools nearby, and in particular of the Lyons primary school, which was fairly shaky at the time in terms of the prospect of being able to provide the curriculum that distinguished it from other primary schools. He suggested that there ought to be approaches made to both Lyons primary and Curtin primary with a view to making Melrose a subordinate primary school, in which case it could remain open. Those approaches were made but they never came to anything. We were unable to convince the department to retain the school.

The demographic situation did not change; the children that were going to be coming in in the early stages were, as I say, already born and ready to come in. As a committee, we undertook a quite exhaustive survey of the school catchment area as it stood at that time, which was the whole of Chifley and half of Pearce. We literally went door to door; if you are interested I have actually got a copy of the questionnaire that was used there.

**THE CHAIR:** Can we also get copies of the graphs you mentioned?

**Mr Blackburn:** There are multiple copies of that.

So these children were already born. But one of the things that we attempted to do on the basis of that survey was to project forward the likely enrolments at the Melrose primary school to the point where for all children already born and within that catchment area the intentions of the parents could be taken into account, because one of the things that has to be recognised is that there will be a significant proportion of parents who choose to send their children either out of catchment or to a private school. On the basis of that survey, whereas the department was predicting a decline in the enrolment of the school to something like 55 per cent of the school's capacity by this year, we had a prediction of it increasing, in the current year 2009, to 85 per cent of capacity and to exceed capacity by about 2013.

So it was, again, disappointing to us that these very substantially based pieces of evidence appeared not to have been taken into account, particularly when you take into account the massive capital value of that school. It was one of the finest schools in the Woden Valley, and to see it closed in what we felt was a needless way was a matter of concern.

**THE CHAIR:** Thank you, Mr Blackburn.

**MS BURCH:** There is a comment in here around detailed and current data that was not used, but then you have gone on to say that the more current and detailed information did not affect the overall need for school closures. Going back to your opening statement, from my first glance at the graphs, whilst they are quite different, if you were to flatten or average them out there is still an oversupply of chairs, so to speak, across the school system.

**Mr Blackburn:** Exactly, yes. And I, right from the word go, did not dispute that and felt that there was a need for closure of some schools; the question was which. At the primary school level I think you have to take into account the local situation much more than you do where the catchments are much broader.

**MS BURCH:** On communication, I want to go back to the information you provided then—you may also have retained the preschool? Is that right? Is that what you are saying?

**Mr Blackburn:** I would like to think that our lobbying had some influence, but certainly the preschool was not closed and is now operating very well, effectively.

**MS BURCH:** What are the numbers there?

**Mr Blackburn:** I am sorry, I am not—

**MS BURCH:** But it is full, it is operating at full—

**Mr Blackburn:** It is operating and I gather that there is even a possibility of opening additional sessions, yes, so doing well.

**MR HANSON:** Mr Blackburn, thank you very much for appearing before the committee inquiry. I thought your submission was quite illuminating and the work that you have put into it was obviously quite extensive and informative, so thank you very much.

On the two comments that you raised in your initial introduction to the committee, that the demographic data had been misused and that the process was window-dressing, is your sense in any way that the process was skewed deliberately, that the decision had been made, for want of another word, or data was being used to basically validate a decision that had been made? That is the impression I got. Can you clarify that issue for me, please?

**Mr Blackburn:** It is, of course, impossible to be definitive on this but there was the feeling that decisions had been made. I certainly was not suggesting that there was window-dressing of the data. It was just sloppy in the sense that the demographic projections had not been done at an individual suburban level. In effect, a projection had been done for the whole of the Woden Valley and then it had just been prorated across each of the schools within the Woden Valley. I would be very surprised if that was done as a deliberate ploy.

**MR HANSON:** So sloppy rather than any intent?

**Mr Blackburn:** That was just sloppy.

**MR HANSON:** And you felt that the process, then, once the decisions had been made, was more one of settling in the community window-dressing rather than actively engaging? That was the impression?

**Mr Blackburn:** That was the feel. I suppose that, if there had been more feedback as to why exactly, in spite of the evidence, the school had been closed, I might have had a different impression. Without that feedback, that was the impression that I got.

**MR HANSON:** Let me ask a follow-up to that. The sort of levelling of the data that you saw in the Woden Valley—have you looked at any of the other areas in Canberra where schools were closed?

**Mr Blackburn:** No. It is a pretty major job to go in and do this across a few hundred schools. The focus of my attention, as I am a resident of Chifley, was to see what the situation was there. To give a very brief background, I attended a public meeting at which it was stated that the school was closing because of declining enrolments and that projections were that it was going to decline substantially more. To anybody living in the suburb, the proliferation of young mums with babies at the local shopping centre and so forth was such that it seemed to me to be intuitively wrong.

But being a statistician, I was not convinced until I had actually gone and looked at the data. It turned out that there was a wealth of data there from the ABS—albeit fairly difficult to access. It required creating special software on your computer, downloading what are called data cubes and then doing the analysis. Having done that, I found that it provided age by age for every suburb in the whole of Australia; it was excellent information.

**MR HANSON:** So that flattening out of the data skewed the result—in essence, treated it as a whole area to create an impression, whereas individual suburbs are quite different within it. There is a demographic catchment area is what you are saying?

**Mr Blackburn:** Yes. The only real exceptions were Hughes and Chifley at that time. Hughes showed about 14 per cent growth and Chifley over 70 per cent growth, whereas the Woden Valley as a whole was showing a decline of about eight per cent. It was only those two that were significantly affected by it.

**MR HANSON:** Although you obviously have not done the analysis for other areas, is that method of flattening out by region consistent? Do you look at the way it was done elsewhere?

**Mr Blackburn:** Yes; that was the methodology applied right across, and it is inappropriate—

**MR HANSON:** So it did that for Belconnen and Tuggeranong, in blocks.

**Mr Blackburn:** Exactly. And it is inappropriate at the level of primary schools. With high schools, I think it is more defensible, but at primary school level it is—

**MR HANSON:** If you had done that similar methodology in Belconnen or Tuggeranong, it is possible that we would have seen the same sort of thing eventuate where some had a greater argument to close and some had a stronger argument to remain open?

**Mr Blackburn:** Yes, although I suspect that all of those schools that were facing potential closure would have done this analysis—at least once it became known that we were doing the analysis in the Woden Valley. But I do not know; I had no communication with the other groups.

**MR HANSON:** All right; thank you.

**MR DOSZPOT:** Mr Blackburn, I echo my colleague's comments about your assessment of the situation: congratulations. Can I ask about the significance of 70 per cent to the eight per cent decrease in the graph shown? That is huge. When you met with the minister and with the head of DET, were they concerned about the fact that these figures were so different?

**Mr Blackburn:** They were certainly interested. I do not know what discussion subsequently took place, but they certainly felt that there was a case for the matter to be considered further. As I said earlier, the minister suggested that we have discussions about the application of one of the models that was proposed in the reform draft or outline. We did have those discussions, but I do not know exactly what their attitude to the data was.

**MR DOSZPOT:** As Mr Hanson just mentioned, obviously the presumption can be made that, if the figures were so flawed in this area, or the representation, the outcomes would be similar in other areas.

**MS BURCH:** I think that is an assumption, Mr Doszpot.

**THE CHAIR:** I will let Mr Doszpot ask the question.

**MR DOSZPOT:** It is an assumption based around the other exercise that was conducted, so I think it is a fairly fair assumption to make.

**Mr Blackburn:** I think it is completely reasonable to assume that the suburb-by-suburb pictures will be different from the broad district averages. Whether it affected any school or not—we cannot make any assumptions about that.

**MR DOSZPOT:** Okay; I appreciate that. Thank you.

**THE CHAIR:** Thank you, Mr Blackburn. I have one other question in relation to the submission you have made. You have talked about needing to have a long-term strategy for primary school provision and that if there are going to be closures there needs to be long-term mandatory notice as well. What is also proposed is the amendment to the Education Act. Do you have any comments around that process and whether six months is an adequate amount of consultation time or whether it should be longer?

**Mr Blackburn:** My own personal view is that it should be much longer than that. What we are talking about are the long-term decisions that families make in terms of purchasing houses in neighbourhoods and selling houses. These are major capital investments on the part of an individual, just like major changes in planning such as putting roads through, where very long notice is often built into legislation. I think it is completely reasonable that there should be a period of years—I have not really got a view on how many years—so that families can plan.

One of the issues that came up a number of times in the community meetings was that individuals had moved into the suburbs specifically to go to the school. They were now faced with long commutes to either Curtin or Torrens school, and naturally they were very upset. With a longer lead time, people can adjust their own future plans to take that sort of thing into account.

**THE CHAIR:** Thank you. Ms Burch?

**MS BURCH:** I have a final question, because we are running out of time. I think you have made note here of 2015 on your projections to get to capacity, but just on consultation process in a very short time—three areas of improved consultative process, if you could identify those?

**Mr Blackburn:** Three?

**MS BURCH:** Or one?

**Mr Blackburn:** One would be better—and specific feedback to groups bringing forward information as to how that had been responded to. I think with a longer lead time you would overcome some of the other problems. There was a real feeling that

things were being rushed through. The whole inquiry or consultation with the community took place in the context that the population census of 2006 was conducted in August. The results were going to become available, at least in preliminary form, towards the end of the year, but the decisions were already going to have been made. There was the feeling that those census results, which gave a five-year update, might change the position for some schools and that this was pushing through a bit too fast.

**THE CHAIR:** We are out of time. Did you have any further questions?

**MR HANSON:** No; that is fine.

**MR DOSZPOT:** I have a very quick one.

**THE CHAIR:** Just a very quick one, because we are out of time.

**MR DOSZPOT:** You have mentioned Ms Louise Evans. She also made a submission and she echoes your question that she is at a loss as to why the ACT government continued to base all of its planning on figures that were proven to be incorrect. At what stage were these meetings held? Was it early on in the consultation process or towards the end of it? Do you recall?

**Mr Blackburn:** Quite early on. I think, from memory, about August.

**MR DOSZPOT:** So there would have been adequate time for the department to recalculate the figures?

**Mr Blackburn:** Oh, yes. Yes, definitely. There is another thing on the figures. For example, the projected enrolment at the school was then shown for the current year—that is, 2006. It was out by a very substantial amount from the actual enrolment that was already there, because the figure itself, which was a department figure, was two years out of date.

**MR DOSZPOT:** Thank you.

**THE CHAIR:** Thank you, Mr Blackburn. We are out of time but we really appreciate you coming in here today and giving us your time—speaking to us and answering our questions.

**Mr Blackburn:** Thank you very much for the opportunity.

**THE CHAIR:** The transcript will be sent out to you soon and you will be able to check that for accuracy.

**BRUCE, MR MURRAY**, Co-President, ACT Principals Association  
**BATTENALLY, MR MICHAEL**, Co-President, ACT Principals Association

**THE CHAIR:** I thank Mr Bruce and Mr Battenally for appearing before the committee today. I draw your attention to the privilege statement which is on the desk if you can just be aware of that. Before we start with questions, I am wondering if you would like to make an opening statement.

**Mr Bruce:** Thank you. First of all, thank you very much for inviting us to come in and tell you our views. The indication that has been given to us is that the main thing you are interested in with regard to our views is what we think of the reforms that flowed following the school closures. The association's view is that we have a very positive view of that. We believe that the opportunity to revitalise public education, offer a range of different options for parents to choose from, respond to some of the pedagogical initiatives that are recommended at current times and all of those sorts of things were a very positive move forward for ACT public education. In a nutshell, that is our view of the reform process.

We certainly acknowledge that any decision to close the school is a very sensitive and difficult one for that particular school in that community. A lot of our members shared with their staff members, parents, colleagues and families some of the pain and difficulty of that; we went through that with them. It is inevitably very difficult for the communities that get chosen to close.

We did have a view as an association that there was a need to rationalise the use of resources in the ACT education system and that the closure of overly small schools was necessary. Of course, every one of us, if we happened to be in a small school, did not think ours was the one that should close.

In a nutshell, that briefly encapsulates the association's position.

**THE CHAIR:** Thank you, Mr Bruce. I will start with questions. The first question I have is this: what view does your association have about schools where there might be more than one campus? I know that has happened with a number of the amalgamated schools or there have been schools where that has occurred through the process. What is your view on that?

**Mr Bruce:** Mr Battenally is probably a good one to respond on that given that he is in such a school at the moment.

**Mr Battenally:** As well as being Co-President of the Principals Association, I am the new principal of Melba Copland secondary school, having previously been at Lake Ginninderra college.

It invites lots of challenges—there is no doubt—about having staff working across two campuses. It does also establish new opportunities for staff, because staff who may have previously had opportunities, say, in high school for a number of years now have the opportunity to develop skills not only in a high school setting but also in a college setting. That experience allows them some opportunities beyond where their current experience is if they wish to then follow on to a college elsewhere or to high

schools.

From a student perspective, the opportunity is to develop the curriculum and the alignment of the curriculum. Transition years have been difficult times for young people. I would even say that transition years have been difficult times for some parents. What I see in the secondary dual-campus situation is that the bridging of curriculum and the bridging of information, working with the community, will be very strong for the setting that I am in at this point in time.

As for experience in the primary sector—for Caroline Chisholm, as an example—I do not know if you would like to comment on that?

**Mr Bruce:** I think that there are the same issues and the same opportunities, really. There are opportunities for coherence in the curriculum from preschool through to year 10 in the case of Caroline Chisholm. But the challenges of being spread across two campuses, the organisational systems that have to be established for that and staffing issues are often a bit of a bone of contention. Different resourcing levels when it is a primary and a secondary campus—different resourcing levels that apply to those sectors—can create difficulties for how you allocate the staff resources for the middle school and those kinds of issues. But on the whole there are quite a lot of exciting opportunities that flow from the bigger establishment. Having a broader professional learning community that can share their expertise with each other is a good example of one of the benefits.

**Mr Battenally:** I would just add that, when you have got a multicampus school situation, you still maintain that sense of community around each of the campuses. You have got a smaller school culture evolving within those campuses, but then you have got the capacity of a bigger school to do other things. For our school, not too far down the track, it may be to purchase a bus which assists in the movement of people and students between campuses and also to engage in other activities beyond the school.

So there is a mix of things, and there is a mix of benefits and challenges. Change is a challenge, and you do have to change the way you operate when you go from single campus to dual campus.

**THE CHAIR:** Thank you. Ms Burch?

**MS BURCH:** You have made mention of being involved in some of the schools and the principals and teachers of closed schools. They have all found employment otherwise? There are two questions I have. One is on the professional opportunities for the teachers and their growth and opportunities in there. Also, is there any feedback on the educational transition from the students that have moved across schools?

**Mr Bruce:** You mean where their school closed and they moved to a new school?

**MS BURCH:** They moved to another school and they are progressing well and have got broader or deeper opportunities in the curriculum.

**Mr Bruce:** That was a very prominent issue in the whole debate around the closures and the discussion of arrangements that would be made, so there was close monitoring and there has been close monitoring of the children through the process of choosing where they were going, facilitating the schools to which they were able to go and then monitoring their progress as they were absorbed into the school and their success. So that has been monitored. And of course there was financial support available if required. Our colleagues—principals and staff—were very aware of the pastoral care required to make sure that the adjustment was eased, especially in cases where that was difficult for some children and families. On the whole, looking at it from now, my understanding would be that it has been a successful process for virtually everybody.

**Mr Battenally:** Murray has answered the question in regard to the students' transition, but there is a question I have of our system—I was speaking to colleagues about this prior to coming in—as to how many of the principals whose schools closed left the system. My understanding is that no principals left the system as a result of that. There is only one principal, I believe, who has retired—but has actually come back as a school counsellor, and was always intending to do that. From a point of view of our empathy and concern for our colleagues, that was an outcome where they moved on. Whilst that would have been difficult—saying goodbye to community—as we see them in our system, they are vibrant and active leaders in our system. That is a good thing to see as an outcome of that sort of significant change and disruption to careers.

**THE CHAIR:** Thank you. Mr Hanson.

**MR HANSON:** Thank you very much for appearing before the inquiry and for the evidence you are providing today. I think there was a sort of broad consensus in the community that education needed to evolve in the ACT and that some schools needed to close. Do you have a view, though, of the consultation process as that process went forward? Obviously we have heard a lot from student bodies and parent groups—that they felt that some of their schools should not have been closing. From the principals' side of it, have you got principals that echo those sentiments?

**Mr Bruce:** Yes. That matter was certainly under a lot of discussion within our association during the consultation process. It was interesting. There were principals who felt it was all being rushed—that it was too fast and they would have liked more time to manage it—but there were probably more who were directly affected who thought, "For goodness sake, get it over and done with. Let's finish this and move on." The process of deciding whether or not you were going to be a community where the closure occurred was a very tense and difficult one, and obviously no-one was happy when their community was identified.

So it was a time of difficulty and sadness. We certainly respect that there has to be a reasonable time for community to be consulted and all the factors brought to the government's attention, but from the principals' point of view in another way it would be good to have it quick and clean, over and done with—and to move on. There was a bit of conflict in the two views, but we recognise that there has to be a balance because there are community needs which in this case are probably stronger than our members' needs.

**Mr Battenally:** In regard to consultation, the school that I was in at the time had some strategic outcomes it had to address. That almost aligned with some of the aspects of our strategic plan in the school. But I attended consultations to get a sense of what that was about. I think that the system as such benefited from that process of finding out beyond the schoolyard what is important in the community. That has served the public system well for the future—that we learned from that change management experience and, if there were any issues that were highlighted during that time, we are now in a position to deal with that better.

Having said that, let me say that the support from a professional association point of view for principals was something we took on board. We noted the need to provide a sort of mentoring support or professional friendship support to the principals in the schools. The relationship part of change was pretty significant from a professional point of view. Having said that, that possibly also contributes to those principals who were well supported through that process—moving through.

I would like to say, though, that going through significant change like that is a significant workload increase. You have got to do everything else you did, plus you have got to do more. Currently we are going through a time with the building education revolution and all the project work that is going on. Having brought back experienced principals to provide the support in public education as an infrastructure relationship support has been a very powerful and positive thing. Maybe it is that aspect—some instances of that were used or in play during the reforms, were played out—that took us to a place where we have learnt and we do things perhaps a little bit better.

**Mr Bruce:** I would like to add to that that it worked as well as it did only because of the goodwill and extraordinary commitment of a lot of the teachers and principals in the system. There was a serious imposition in terms of the workload and pressures that could, if something like this happened in the future, be well addressed by the kind of support that Michael was just alluding to.

**THE CHAIR:** Thank you. Mr Doszpot.

**MR DOSZPOT:** We have received a number of submissions, and I would like your opinion on what I am about to read out to you:

The AEU—

the Australian Education Union—

supports the need to respond to the changing demographic profile of ACT communities—but it argues that such a response should be based on well-founded educational objectives and not on short-term demographic or economic pressures.

A number of other submissions echoed that same sentiment, basically saying that none of the schools were closed because they were found to be failing schools. As leaders, as educators, is it not a concern that some of your schools were closed not because of educational requirements but because of what appears to be short-term demographic or economic pressures? Is that a concern to your association?

**Mr Bruce:** We certainly were concerned that the whole exercise appeared—to us, anyway—to arise out of budget exigencies and pressures; it would have been much better had they been developed out of a fairly extended and considered examination of all the educational issues—along with the obvious demographic issue, and the economic things that have to go with it. We certainly strongly agree with that view that no school was targeted because it was a failing school as such. The closures were, according to our understanding, mainly related to demographic matters and to the need to have rational economic processes operating within the system. We would not want to be in a position where people looked around and found failing schools and closed them. We would not think that was a sensible or productive approach at all. Does that get to what you are wanting to understand from our viewpoint?

**MR DOSZPOT:** Yes. I understand that you are in a difficult position, but my question, just to highlight that again, is asking you this: as principals of the various schools, I should imagine that education should be high on your radar.

**Mr Battenally:** I take you back to the original comment made by Murray. We, as principals—as a collective—met, I think possibly in early 2006, in a forum in our work time, as a meeting. We ran a workshop, and one of the outcomes out of that workshop was that we needed to rationalise the number of schools. That was because it was extremely challenging for principals trying to run small schools in competition with the larger schools with the resource model package—which is how you do it.

Whilst there was not research evidence around about the educational benefits of a smaller school versus a larger school, there was a perception that it was hard to maintain the breadth of choice, curriculum and all of the activities, excursions and collaboration that go on in a bigger school to attain that. It was that professional measure that played in the support from the association’s point of view at that time. As for the net educational benefit, be it from a small school or a large school, that really was not a measure that was on the table at the time.

**Mr Battenally:** Thank you.

**THE CHAIR:** Was that in relation to—

**MS BURCH:** It is around school size and opportunities. Is there a ballpark? Some of the schools that were closed had 70-odd students and they have now been merged into primary schools of around 250-plus, 300-odd students. Is there a thought from principals and teachers around how that works? Is there a good size?

**Mr Bruce:** Yes, an ideal size. We have not articulated it in terms of a specific number as such, but there is certainly a view that you can reach a point when viability is a difficulty for you, although there is no one size fits all because some people loved their small community and the clientele were extremely happy with it—they actually wanted that kind of a setting—and the staff were fairly contented. But we also did often receive information that “there is just too much pressure, it’s too hard, we can’t do the range of tasks asked from us” and we were worried about the inequity of per capita funding that flows from having schools that are too small.

If I was asked personally to say what is a roughly ideal size for a primary school, I think around 200 to 400 is a lovely size for a primary school. When you have the P-10 setting, of course, you are doing things on a larger scale and we have already alluded to some of the advantages of that. Michael might want to make a comment on what he thinks in the secondary scene.

**Mr Battenally:** In the models that we have now there is a variation in secondary schools. But I have a funny approach to this. Sometimes it is about activities, about being able to support things like sporting teams and having a diversity of programs and activities for kids. I guess I would come from a reflection that smaller schools find it hard to engage those sorts of activities for their kids to participate in lots of things. In the secondary sector, some of the colleges, in reflection the smaller colleges—I am in one technically at the moment because of the senior campus—had difficulty fielding all of the teams that participate in some of the activities. Now I am able to work through that and deal with that quite differently.

So size in your educational enrolment is significant. But the nature of that enrolment is also significant. The nature of the complexity of the demographic might mean that a smaller school may work better because of the complexity of the demographic. Take, for example, a special school; a big special school setting would be very difficult to manage. But a homogeneous mainstream community school which is large would not be as difficult to manage. So it depends. The aspect of the nature, of the complexity, of the school is important, but certainly a school that has a breadth of capacity comparable with other schools is important.

**THE CHAIR:** Just around that, you could produce evidence either way. You could produce evidence to say that a small school is good for some students whereas a large school is good for other students. There is a body of evidence out there which you could use to support either argument. I was reading an article just yesterday about education. Queensland have done a recent study showing that some of their rural students in small schools—and it is also looking at other small schools—have actually done quite well. There is a quote about small schools that with the smaller numbers they were able to craft a program around both the skills and the aspirations of the young person and their family. So I guess you are talking about how—

**Mr Battenally:** It is quality teaching.

**THE CHAIR:** Yes. Do you have a comment around that study by Education Queensland?

**Mr Bruce:** My comment would be what Michael was alluding to, and that is that the key thing really is the teacher in the classroom who is dealing with the children. There is nothing to stop you having a carefully crafted program that focuses very closely on the needs of a child or a particular group of children within your class or in a group of classes. It certainly does not have to be done in a blanket way, although obviously you do want to get coherence and so forth in the curriculum. But we would be asking teachers to differentiate the different needs of students in a school of any size. So while I think, yes, because of the good work of teachers and communities, you can achieve excellent results in small schools, you can achieve excellent results in large schools; or the reverse can happen if it is not working so well, I guess.

**THE CHAIR:** That could also be the case with large schools as well; there are other problems that come with large schools.

**Mr Bruce:** Yes. It is quite complex and it is not just a matter of school size. But there are certainly factors that if a school gets too small then you are going to be stretched to cover the range of curriculum offerings, range of functions, staff members to do the different specialisations—all those kinds of issues that you would like kids to have access to and the opportunity to experience.

**MS BURCH:** I have a question on the consultative process. One of the things we are looking at here is some change. At the moment there was a six-month period to consult. It is on the table whether that is too short or too long. You made the comment earlier that some of the principals wanted to move on. Other comments that have come through are that if the process is too long there is seepage away from the school anyway. Do you have a comment on the process and the time around the process for these sorts of consultative processes?

**Mr Bruce:** The majority of our association would think that around six months was long enough. It would probably be a bit unreasonable if you wanted it shorter than that, looking particularly at the community perspective. Those factors, like seepage, demoralisation, all of that kind of thing, would be exacerbated if it was longer I think.

**THE CHAIR:** We probably have time for one more question.

**MR HANSON:** The regional schools in the sort of village setting, Hall and Tharwa in particular: those students I guess have moved out of that small community, where that is a cultural aspect, into a larger school setting and there is a distance involved in travel that is now quite extended. The debate that we have had around small schools and large schools: do you have a view on those two schools in particular?

**Mr Bruce:** I was actually surprised when they were identified for closure, because of the way they were identified with their particular communities, although, as I understand it, quite a few students actually came from outside of the Hall village and the Tharwa village anyway; but they came because they wanted that setting I suppose.

In terms of the transport, the reality from our observations is that most people, most children, unfortunately, are driven to school these days; not too many walk to their local school, for a variety of reasons which are unfortunate in the main. But there is a disadvantaged group; there is no question about that. Some of the poorest and most disadvantaged children and families would be the ones most adversely affected by having to travel a bit further. That is certainly a negative and has to be looked at in balance with the other factors of having a viable school that is going to be maintained and how they can be supported in that, I would say.

In the instance of the two schools you mentioned, it was complicated because it was not really a little local village school that was serving the needs like those rural Queensland schools you referred to. But some of those factors would be present and on the whole they probably were not all that disadvantaged, I suspect, in those communities either, so that the transport may not be such a difficulty for them. That

would be my understanding.

**MS BURCH:** Ten minutes drive to Conder.

**MR HANSON:** I do not want to get into a debate, but there are people who go to Hall from the regional community; they come from New South Wales. I know that there are border arrangements, but there are people now who have to come into Hall to catch a bus and then another bus, so their time has extended quite significantly. I am not just talking about the people who would walk to the local school. And it is not just the travel time; it is also the community aspect. I guess a view is that what we have done through this process is to remove choice and flexibility for a lot of parents, particularly on the fringes of Canberra. They put in a fairly strong submission, so I was just wondering if you have a view.

**Mr Bruce:** Yes, we are certainly aware of those views and sensitive to them.

**THE CHAIR:** Okay, we are out of time. Thank you, Mr Bruce and Mr Battenally, for coming here today and answering our questions. The transcript from today will be sent out to you so you can check that for accuracy.

**ROY, MR ALASDAIR**, Children and Young People Commissioner, ACT Human Rights Commission

**McGILL, MS BRIANNA**, Adviser, Children and Young People, ACT Human Rights Commission

**THE CHAIR:** Thank you, Mr Roy and Ms McGill, for coming in to the committee inquiry today. I draw your attention to the privilege statement on the desk in front of you.

Before we start, I would like to invite you to make an opening statement if you would like to.

**Mr Roy:** Yes, thank you. As you would be aware, the Children and Young People Commissioner is based within the ACT Human Rights Commission. So the submission we provided to the standing committee really came from a rights-based framework. As you would be aware from reading the submission, the general gist of our submission was not to comment at all on the closure of schools but to primarily comment on the consultative processes that surround the closure of schools.

I thought it might be useful before we start if I could just outline the basis of why we took this position. I think the submission quite clearly articulates what we think should happen, but it might be worth while if we could articulate to the committee why this should happen. I have some notes here, which I will hand to the committee later on, but I will summarise some of the key points which might be of interest to the committee and of use for further questions.

We prepared our submission on the basis that consulting with children and young people is supported in local, national and international law and also in local ACT government policy. Starting at the top, I suppose, the United Nations Convention on the Rights of the Child, article 12, states:

States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

As you would be aware, in the ACT there is an ACT Human Rights Act which incorporates the principles of the United Nations Convention on the Rights of the Child, particularly in section 30 of the Human Rights Act, which says:

So far as it is possible to do so consistently with its purpose, a Territory law must be interpreted in a way that is compatible with human rights.

So that is the link between the ACT human rights and international law. Taking that down further and more specifically to the subject of the standing committee, the Education Act itself states at section 20:

Before closing or amalgamating a government school, the Minister must—

(a) have regard to the educational, financial and social impact on students at the

school, the students' families and the general school community; and

(b) ensure that school communities affected by the closure or amalgamation have been adequately consulted during a period of at least 6 months.

Taking it down into government policy, the ACT young people's plan states a number of things, but of particular relevance it states that the government is committed to "developing approaches to increase the effectiveness of young people's involvement in government advisory and consultative processes" and, further, "developing approaches to increase the effectiveness of young people's participation in the development and evaluation of services".

The children's plan goes further and "acknowledges that children are more than just future adults—they are already active members of our vibrant Canberra community". It says that the government wants Canberra to be a place where children are "active citizens" and that the government is committed to promoting and increasing children's participation in the Canberra community. There are a number of other policy areas and research evidence that I can point to, but I think I will leave that as it is.

**THE CHAIR:** Thank you. I will start with questions. You have highlighted in your submission some ways that children could be involved in the consultation process. Could you talk about that a little bit? Also, one of the issues that have come up is about the length of time which is allowed for consultation on school closures. Would involving children in that process add time to the consultation process and how would it be incorporated?

**Mr Roy:** I would not see any reason why consulting with children would necessarily add time to the process. Six months is a reasonable time frame. I know the previous gentlemen had some comments about the length of time: is it too short, too long? I cannot see why the consultation with children process could not run parallel with consulting with families. Children are part of families; a lot of the families participating in the consultative process may well facilitate their children participating as well.

**THE CHAIR:** So you would see it then as a separate process, I guess, and that is probably around my question of what are some of the ways you could incorporate children into the consultation process and if, like you said, it would be run as almost a parallel process?

**Mr Roy:** Yes. Ms McGill can jump in, if she wants, at any time. We have outlined some of the ways in our submission. It really is reframing the current consultative process into mechanisms which are child friendly. There was a reasonably comprehensive consultative process with adults during the closure of schools. A lot of the same things could happen; they just need to be done in a way that is child friendly. The information needs to be given to children in a way that young people can understand. Groups may need to be smaller. You need to take into account the time of day, you need to take into account what language you use, and you need to take into account what questions you are asking. Obviously a child of six may not be able to comment in the same way as a child of 15 or 16 may be able to. So you need to take into account what questions you are asking to which child. But in essence it is the

same basic principle.

**Ms McGill:** It is just around making processes accessible for not just adults who are educated and articulate but children, people with disabilities. There are a lot of barriers to participating in the consultation processes, from very practical things like transport or financial barriers to language difficulties, literacy difficulties, that sort of thing. By making a process accessible to children, you make it accessible to a wider range of people in the community.

**THE CHAIR:** Thank you.

**MS BURCH:** Through that process, do you have a view on who is doing the consultation? If it is within a school, is it through the teachers and the principal or is it the departmental folk? In the adult process there were contracted organisations to do it. How do you see that working out and what would we need to be aware of to make sure that we get that right?

**Mr Roy:** I suppose it is pretty important at this stage to state that we are not necessarily here to say that we are the experts in consulting with children and young people. There is a wide range of research out there which gives guidance on how to do it. Certainly there are experts in the area and I am certainly not saying I am an expert in consulting with children and young people. The basis of our submission was that you should consult with children and young people. How you do it really depends on the questions you are asking and what information you want to find out. I do not think I can really sit here and say that you should do this or person X should do Y.

**MS BURCH:** It can be done within the school context, within the school framework, but it is the process and, again, the questions and being informed and prepared about how you go about doing that?

**Mr Roy:** Yes, and there is a significant difference between obviously engaging and consulting with a group of primary schoolchildren and engaging with a group of high school students. So, again, it depends on the child, it depends on the school, it depends on the questions, how you do it. The New South Wales Children and Young People Commissioner has extensive literature on how to consult with children and young people. There is a wealth of information there which could be very useful. We are certainly available to give guidance and we do consult with children and young people in the course of our duties, but I am certainly not saying that I am the expert in consulting with children about how to close schools.

**MR HANSON:** Thank you very much for appearing before the inquiry. Thank you for your submission. Your submission is, I guess, forward focused. As I read it, it sort of talked about how consultations should be done with young people. But if I can turn back to the school closures themselves do you have a sense—and maybe you have made it and I have missed it—of whether young people were engaged at all in the process? Was it done as part of the consultation or was it completely ignored? Do you have a view based on what has actually occurred rather than the sort of model of what should occur?

**Mr Roy:** Children are part of families and certainly families were consulted broadly.

So I think children would have been aware of what was going on and I would imagine that families probably would have spoken with the children about what was happening to them and they probably would have spoken about what they were doing throughout the consultative process. I am not saying that no child was consulted. We are just trying to highlight that in future processes we could do better.

**MR HANSON:** So your view is that it was done a bit ad hoc as part of the general consultation process rather than specifically someone saying, “Let’s actually see what the children and young people are thinking”?

**Mr Roy:** It depends what you mean by ad hoc. Consulting with children and young people is not a new concept but it is something that a lot of individuals and agencies are kind of “Oh, that sounds a bit scary. We don’t know how to do that. We don’t know what to do.” So I do not think during the process of closures people deliberately said, “We are not consulting the children and young people.” It was just something that had not, probably, been brought to the forefront of their thoughts. It is a matter of reminding people that there are policy perspectives, legal perspectives, as to why they should do it, and encourage people to do it more.

**MR DOSZPOT:** Without trying to labour that point too much, you did say that article 12 of the United Nations Convention on the Rights of the Child states that children and young people have the right to give their opinion, and that adults should listen and take them seriously. I guess we have asked this question from a number of points of view. If children were not consulted, you are saying that they should be. Did you receive any complaints from children or families, or any submissions from children in particular to say that they would have liked to give an opinion but were not consulted? Are children aware of their rights under article 12 of the United Nations act?

**Mr Roy:** I would imagine some children are certainly aware of their rights under the United Nations Convention on the Rights of the Child. It is taught quite broadly in a number of schools, which is commendable. But, no, we did not receive any direct complaints—

**MR DOSZPOT:** From children or from families?

**Mr Roy:** Or from families, no.

**MR DOSZPOT:** Thank you.

**THE CHAIR:** You have talked about some of the processes that could be used and you said you were available for advice on the way to go forward on these. Has there been an interest shown from the government in, I guess, the consultation processes around children?

**Mr Roy:** I would say yes. Since becoming the Children and Young People Commissioner in late 2008—so I have only been in the position for four months—it has been my priority to make the commission more accessible and visible to children and young people and to consult as broadly as possible with as many children as possible, which is consistent with one of my functions under the act. Obviously in

doing so I have had discussions with a number of government agencies and community agencies about how we can do that better, and there has been a positive response from a number of agencies about that.

**MS BURCH:** You have made mention of other jurisdictions that have got kits, and indeed that you are having a conversation with agencies now about developing a kit for the youth of the ACT across departments and agencies.

**Mr Roy:** We are talking about developing a kit. The New South Wales commission's kit is very comprehensive and that will do, but certainly it would not hurt for it to be tweaked to be more relevant to the local community. The Children and Young People Commissioner is here. There are two people, so—

**MS BURCH:** A large agency.

**Mr Roy:** So there is a lot to do. It is certainly on the agenda, but I am not guaranteeing anything in the near future.

**MS BURCH:** You have certainly alerted my interest to go back to this website and have a look at the kit there, so thank you.

**MR DOSZPOT:** In your role as commissioner, do you go and talk to the young people or do you respond to inquiries to your section or department?

**Mr Roy:** Both. We have a range of functions, one of which is to assist to resolve complaints, so people can approach us with complaints about services for children and young people. So certainly we do get phone calls from children and young people and from families of children and young people who have concerns. But our act also encourages me as far as possible to consult with children and young people and to listen to the views of children and young people, and I see that as a priority.

Putting aside the legal rhetoric of what the Human Rights Act and Human Rights Commission Act say, I simply say that my job is to make Canberra a better place for children and young people, and what better way to do that than to listen to children and young people. So we have been quite active in getting out and about to talk to and listen to as many children and young people as possible

**MR DOSZPOT:** But there was no general feedback about school closures from them during these processes?

**Mr Roy:** Not that we have heard, no.

**THE CHAIR:** Was there feedback on the process in terms of use of the school sites? When some of the sites had closed and they were looking at other uses for them, was any feedback received on that process?

**Mr Roy:** No. Brianna takes our inquiries, but I do not think so.

**Ms McGill:** Not specifically from youth services no. Our main contact is with youth service providers.

**THE CHAIR:** Thank you. I think we have finished short of time. Thank you very much, Mr Roy and Ms McGill, for coming here today and answering our questions; that was great. The transcript from today will be sent out to you so you can check that for accuracy.

**Meeting adjourned from 3.05 to 3.27 pm.**

**BARR, MR ANDREW**, Minister for Education and Training

**THE CHAIR:** We are actually a bit early this afternoon but we might as well start.

**Mr Barr:** A quick hearing is a good hearing, Madam Chair.

**THE CHAIR:** Absolutely Mr Barr. Thank you for coming here today and addressing the committee. I draw your attention to the privilege statement which is on the table in front of you. Before we start with questions, Mr Barr, I would like to invite you to make an opening statement.

**Mr Barr:** Thank you. I thank the committee for the opportunity to appear before you today. As I look around the room, I see that none of you were members of the Assembly when this issue was debated extensively in 2006, 2007 and 2008. Whilst this hearing is clearly focused on the past, I do welcome the opportunity to provide the committee with some information in relation to the challenges that the ACT education system was confronted with in 2006, what the government thinking was at that time and how that thinking remains in place, and to say that the policies and directions that were outlined at that time have borne considerable dividends for the public education system in the territory.

But let me go back to 2006. At that time, the territory had 170 government schools—primary schools, preschools, high schools and colleges. Enrolments in ACT public schools had fallen seven per cent from the period 2000-01 until 2006 and were in decline at a rate of about one per cent per year. The territory's population was ageing and we were seeing an increased number of students choosing to attend non-government schools. Across the public school system, the system was under capacity by more than 30 per cent, with nearly 18,000 empty desks across our school system.

At the same time as enrolments had fallen, education costs and expenditure increased by over 30 per cent from that 2000-01 financial year. Whilst we had seen massive drops in enrolments in some schools, particularly in older suburbs where demographics had changed, other schools and other regions in parts of the city were experiencing very high demand—such as schools in Gungahlin. Many of the schools were facing challenges with ageing infrastructure and, combined with declining enrolments, simply could not be sustained.

Without reform, our public education system would have continued to struggle. If trends had persisted, government schools would have fallen to be a minority of education provision in the territory. They would have catered for fewer than half of all students in the ACT.

Given that background, the ACT government accepted the challenge to renew public education. *Towards 2020: renewing our schools* was designed to deliver a public education system that was responsive to the needs of the community. Our goal—and our overarching goal—was to make public education the first choice for Canberra families.

In developing the proposal, the government considered the needs of current students in schools but also the needs of future students. As we identified at that point, the

majority of children who were entering preschool in 2006 would be in our school system until 2020. So the proposal was designed to ensure the sustainability of public education through until 2020 and beyond, to ensure that there were a range of choices, a range of educational options—middle schooling, secondary schools that offered specialist programs and technology, vocational education and the arts.

In putting together the proposal, the government took into consideration educational, social, financial and geographical issues. We looked at the provision of a range of options for families in making educational decisions for their children. We looked at the need to maintain and develop further excellence in our school system. We looked to establish better curriculum pathways from preschool to year 12. We looked to introduce a new focus on early childhood, infant schooling, middle schooling and senior schooling. We wanted to provide an alternative to the college system by reintroducing a 7-12 pathway for ACT students. And, most importantly, we wanted to ensure that each and every one of our schools, the vast majority of which were constructed in the 1960s, 1970s and 1980s, was appropriate for education through to 2020.

We looked at a range of social factors. We looked at the fact that the ACT's population was ageing and that that meant that in many suburbs educational and community needs were changing. We looked at the fact that 41 per cent—at that time—of ACT parents were choosing to send their children to private schools. We looked at the fact that families were making decisions about where their children attended school based on more than the school's distance from their home. We looked at the fact that parents were often driving their children past several local schools and dropping them off at schools closer to where they worked or where they studied. We looked at the fact, of course, that an ageing population meant that educational community needs had changed significantly and that the government needed to look strategically across the territory at where the peak enrolments were going to be—and that meant, undoubtedly, more schools where they were needed, in Gungahlin.

We looked at financial impacts and the situation for school buildings. A number of them were run down, with maintenance costs growing every year. We looked at the fact that the ACT education system cost ACT taxpayers, on average, 20 per cent more than other states and territories—and we had a number of small schools where the cost of educating a student was well above the territory average.

We looked at geographical issues. We provided a regional approach to education provision. We looked at the demographics in each region down to individual suburban level. We looked at where schools were located and at the proximity of those schools to alternative education provision.

In that 2006-07 budget, there was a significant investment—a record level of investment—in ACT schools. That has been backed up budget after budget, utilising the resources that were freed up by the changes that were made in 2006-07 to invest in a range of programs—in equity outcomes, in improving Indigenous education, in improving gifted and talented programs and in improving literacy and numeracy outcomes.

Budgets and public policy are about choices. The government took a series of

decisions and went to the community with those decisions, about how we would restructure our public education system. We had an extensive consultation over a six-month period. More than 700 meetings occurred with school communities over that period—all with a view, though, to go back to that overarching issue about how we could improve our system for all students.

It is not possible to achieve any reform in our public education system without there being some consequences, without there being some impact. You cannot make the sorts of structural changes that we did, to reform public education, without there being an impact. At no point did the government suggest that there would not be an impact. There would be transitional costs; those costs would fall on some families more than others. That is why we made available financial assistance and individual assistance for students who were transitioning between schools.

It is important to note that the number of students affected by the changes represented somewhere around five per cent of the total student population in the ACT and that the benefits that have flowed from those changes have gone to 100 per cent of students across the ACT.

I thank you for the opportunity to appear today. I look forward to the committee's questions and to a robust discussion on what I believe should be our joint goal—improving outcomes in public education for all students. Thank you.

**THE CHAIR:** Thank you, Mr Barr. I will start with questions. The first question I would like to ask is this: in your opening statement, you mentioned social impacts and the social impacts that were looked at. In the submission, too, you talk a lot about the demographics and about financial impacts and those sorts of issues. In making the decision on social impacts, as the minister and department did, I am wondering what advice you got on making this decision and what methodology was used.

Obviously, a good social impact assessment does not just include financials and demographics. You could do a financial economic impact assessment on its own, but a good social impact assessment includes things such as the impacts on community cohesion and impacts on particularly disadvantaged groups. I am just wondering what methodology was used and what advice you received—and, indeed, if it was expert advice.

**Mr Barr:** I refer you to the government's submission. It would be clear from that question that you may have not read it in its entirety. It would refer—

**THE CHAIR:** I did actually read the entire submission and I was not able to find that in there.

**Mr Barr:** All of the attachments, Madam Chair?

**THE CHAIR:** Yes, I did look at the attachments.

**Mr Barr:** Right. If you have done that, I am surprised that you are not in a position to identify all of those issues.

**THE CHAIR:** Would you like to describe it to me then? I apologise; I missed it. Would you like to describe it to me?

**Mr Barr:** They are discussed at length in the government submission and all of the attachments. I have outlined in my next statement the range of social factors that were considered.

**THE CHAIR:** I am sorry I have missed that in the attachments, but the question I am actually asking is this: when you did the social impact assessment, what advice did you get, what methodology was used and did you get expert advice to do that? As with an environmental impact assessment—you do actually need experts to undertake that, as you do with social impact. It is not something you can just go out and do on your own.

**Mr Barr:** Yes. Of course, this was a whole-of-government exercise that did involve input from other agencies. It did involve input from a range of stakeholders who contributed through the consultation process. I will refer you to the detail of each of those factors that were considered in the statements of reasons that I provided under the AD(JR) Act when requested by a number of school communities.

**THE CHAIR:** I have looked at the statement of reasons.

**Mr Barr:** They are included in detail. That would be the obvious starting point in your assessment of these issues.

**THE CHAIR:** Okay. My question—

**Mr Barr:** Meeting, of course, the full legal requirements under the Education Act.

**THE CHAIR:** Yes, it is under the act. But the question I am asking is this: I have looked through the statement of reasons and I cannot actually see in there what social impact assessment was undertaken. The question I am asking is: what was the methodology used? And, if there was a social impact analysis undertaken—I know you are saying that you utilised a range of advice across government, but what I am saying is that social impact—

**Mr Barr:** And community input.

**THE CHAIR:** Yes, but social impact is actually—

**Mr Barr:** And a range of stakeholders, yes.

**THE CHAIR:** Okay, social impact—

**Mr Barr:** And met the requirements of the Education Act.

**THE CHAIR:** Yes, and I know that. And a requirement of the Education Act is to undertake social impact assessment. Social impact assessment actually requires an expert to undertake that, as you would for an environmental impact assessment. What I am asking is whether that social impact assessment was undertaken. I have been

through the statement of reasons; I have been through your submission. I cannot actually find evidence stating the social impact that was undertaken; I cannot see that in there. If there was one undertaken—I would like as a committee member to ask that that document be provided to the committee so that we can see the social impact analysis that was undertaken.

**Mr Barr:** A social impact statement along the lines of an environmental impact statement was not undertaken.

**THE CHAIR:** So it was not undertaken.

**Mr Barr:** Nor was it required—not along the lines of an environmental impact statement. You are equating two completely unrelated studies and seeking to draw a parallel between two things that are unrelated. My point—

**THE CHAIR:** No, I am using—

**Mr Barr:** My point, Madam Chair—you have asked the question. My point is to refer you to the Education Act—

**THE CHAIR:** Yes, which I—

**Mr Barr:** The requirements under that act. You are not disputing that the requirements of that act were met clearly and the—

**THE CHAIR:** No, no. What I am asking is this: it states in the Education Act that you must undertake a social impact analysis.

**Mr Barr:** I refer you to the attached submissions, the government submission and the statements of reason.

**THE CHAIR:** I have seen the statement of reasons. It does not actually say in there—

**Mr Barr:** Madam Chair, you have your answer.

**THE CHAIR:** No, I do not have my answer. In the statement of reasons, it does not actually state at any stage that a social impact analysis was undertaken.

**MS BURCH:** On the—

**THE CHAIR:** Can I just finish my question? I am merely using the EIS as an example because—

**Mr Barr:** Well, it is a very poor example.

**THE CHAIR:** Actually, it is not.

**Mr Barr:** It was never a requirement for such—

**THE CHAIR:** I am not saying that an EIS was—

**Mr Barr:** a statement to be prepared.

**THE CHAIR:** If you just let me finish, I am not actually stating that an EIS was required. I am using that as an example, because social impact assessment is a similar form of study. I know that because I studied social impact assessment.

**Mr Barr:** I am not suggesting that you do not know what a social impact statement is. I am referring you back to the education—

**THE CHAIR:** It sounds as though you do not know, Mr Barr.

**Mr Barr:** I am referring you back to the Education Act and the requirements that were met under that piece of legislation.

**THE CHAIR:** It says that a social impact needs to be undertaken. You are saying that there is not actually a document that exists—a social impact was not undertaken.

**Mr Barr:** It was undertaken—

**THE CHAIR:** You stated before that there was not a social impact assessment; it was not undertaken.

**Mr Barr:** in accordance with the Education Act, as outlined in the statements of reasons that I provided under the AD(JR).

**THE CHAIR:** Okay.

**Mr Barr:** That is the social impact assessment.

**THE CHAIR:** So that was it. What was the actual methodology that you used?

**Mr Barr:** That, Madam Chair, is outlined in the statements.

**THE CHAIR:** It actually is not, because I have looked at that and it does not underline it.

**Mr Barr:** I have provided that information publicly, as I am required to do under the AD(JR) Act—

**THE CHAIR:** So in the statement of reasons it talks about it?

**Mr Barr:** I have nothing further to add to what was provided in accordance with the Education Act and the judicial review of administrative decisions act.

**THE CHAIR:** I just again would say that the Education Act requires a social impact assessment to be undertaken and I cannot see where that has been done.

**MS BURCH:** Just to follow on that—

**Mr Barr:** We disagree on that point, Madam Chair.

**THE CHAIR:** That is the act.

**MS BURCH:** I am looking at a notice of decision for Cook school. Under line item 3, there is “social impact”. Is that what this little argy-bargy has been about?

**Mr Barr:** It is, yes.

**MS BURCH:** So I can look at any of these and find—

**Mr Barr:** The chair and I disagree over the legal interpretation of what is required under the Education Act.

**THE CHAIR:** It is not a legal interpretation; it is actually methodology. Social impact is a particular methodology.

**Mr Barr:** The chair and I disagree over that matter.

**MS BURCH:** I can note, though, that there are social impact—

**Mr Barr:** You can, indeed, Ms Burch, note what is contained in each of those statements.

**MS BURCH:** Thank you.

**Mr Barr:** In accordance with the Education Act and the judicial review of administrative decisions act.

**MR BURCH:** Thank you, Mr Barr.

**Mr Barr:** Thank you.

**MS BURCH:** On consultation, you have made mention of the number of meetings you attended and the submissions received. Can you just tell us a bit about the process of getting a submission and how submissions then were factored into your decision making?

**Mr Barr:** Sure. It was an extensive process. It began with the release of a discussion paper in June 2006. I might add, for the benefit of committee members who were not in the Assembly, that this was a feature of my inaugural speech. I highlighted at that point, in my very first speech to the Assembly, that school closures were something that the government would be moving ahead with.

I recall a number of front pages of the *Canberra Times*, during the first six weeks I was education minister, where this issue was ventilated quite considerably. But on budget day 2006 the *Towards 2020: renewing our schools* document was released. That put forward a range of proposals to the community around education reform in each of the regions of the territory.

We then went into a series of public meetings, one in each of the regions, that included the opportunity for question and answer sessions over a period of a number of hours with each region. As a number of previous witnesses to this committee have indicated, those meetings generally went for three to four hours, and I was the last person to leave the room each time. The meetings varied in their intensity, if you like, depending on the nature of the community engagement in the consultation process. For example, some communities felt that it was appropriate to dress up as the grim reaper and stand over me whilst I was addressing community meetings and answering questions. Other communities throughout the consultation—

**MS BURCH:** Literally dressing up?

**Mr Barr:** Literally dressing up as the grim reaper. Other communities felt that it was an appropriate display of their values to pin a picture of me to a balloon, attach devil horns and set their dog on it for the TV cameras. That occurred during our consultation process. Also I received a number of threats, including in front of members of the media—WIN Television—even as late as election day last year, around not wanting me to run into them in a dark alley because I probably would not emerge alive.

That was one extreme of the consultation process. The other end was a genuine desire from a lot of school communities—a lot of teachers, principals, school board chairs and P&C presidents—to make a difference to our public education system. Whilst there were a couple of episodes that were unsavoury and unfortunate, I would characterise the overall consultation as being a very positive one for people wanting to engage in the future of public education in the territory.

There were, of course, a number of people who had particular issues with proposals that the government put forward—either supporting or not supporting particular options. But I would say that overall the most common phrase I heard was “yes, we recognise that there is a need for change; some schools have to close”. That was normally followed by “but, please, not our school”. That is difficult, obviously.

At no point did I or anyone in the government suggest that this was going to be an easy process. It was difficult, but it was carried out with a genuine intent to reform public education—to ensure that quality was put first, to look after the needs of the system and to look after the needs of all students. If I, as education minister, am not looking after the system and the needs of all students, then I worry about who is. Part of this process was setting aside some of the sacred cows in our education system and going to the heart of what we are about, and that is quality—quality teaching outcomes, quality learning outcomes and ensuring that resources are fairly distributed and targeted to those who need them.

I would just make one other statement in relation to some of the issues that the committee is considering—an argument that some students are allegedly worthy of considerably more resources than others, not on the basis of socioeconomic disadvantage or on the basis of any educational disadvantage, but on the basis of where they live or which particular school they choose to attend. From my point of view, that is fundamentally unfair and a fundamentally poor way to allocate education resources.

There were some schools in the ACT in 2006 where students were attracting twice the amount of funding as other students in the system—for no reason other than the school they chose to attend: not for an educational reason and not for a reason of socioeconomic disadvantage but because they happened to attend school X and not school Y. That had to change.

**MR HANSON:** You have alluded to the fact that there is obviously a great deal of anger and concern about the consultation process as it occurred. I would like to examine that later on, but, leading up to that, let me ask this. When you say that “we went to the community”, the fact is that at the 2004 election you did not go to the community. What happened is that you went to the people of Canberra with a policy that said “there will be no school closures” and, within weeks of that election, you started the process of working out which schools you were going to close. That started at 39 schools and then went down to 23. That may be in some part an explanation of the outrage in the community, but what I would like to know from you—

**Mr Barr:** Can I pull you up on a few errors of fact?

**MR HANSON:** Let me finish my question first.

**Mr Barr:** All right. I will wait for you to finish your question, Mr Hanson.

**MR HANSON:** What I would like to know is this: what changed between the election in 2004 and then 2006 that changed in the government’s mind that they would go from a position where no schools were going to close—as was the statement made by the government, by the spokesman from the government—to the point in 2006 where we closed 23 schools? Could you outline what changed in two years?

**Mr Barr:** Thank you. Let me correct a few errors in your opening remarks. Firstly, in 2004, in the August sittings of the Assembly, Ms Dundas asked the then minister, Ms Gallagher, a question directly in relation to school closures. Ms Gallagher’s answer at that time—I am paraphrasing here, but I am sure the committee can go and look at the *Hansard*—was that this was an issue that we would have to address in the future but that she did not believe at that time, the time that she was minister, that the issue would be considered. But it would—

**MR HANSON:** So we conveniently changed ministers to make that occur, did we?

**Mr Barr:** But it would have to be considered in the future. I refer you to the *Hansard* of August 2004. The question was asked by Ms Dundas—

**MR HANSON:** I would assert that—

**Mr Barr:** If you let me finish in response to your initial question—you then went on to make a series of assertions relating to me. I was not a member of the Assembly until 2006. So there is a two-year period, Mr Hanson—

**MR HANSON:** Let me say “your government” then, Mr Barr. Let me say “your government”.

**Mr Barr:** No, hear me out. There is a two-year period. Following the 2004 election, my predecessor, Ms Gallagher, indicated towards the end of the 2004 year and into 2005 that the issue of Ginninderra district high school needed to be addressed. That was the beginning of a community discussion. It was certainly discussed in the Assembly. Mrs Dunne, for example, who was the shadow education minister at the time, had plenty to say in 2005 in relation to the Ginninderra district proposal. At that time, that was the first proposal to close a school. Of course, the proposal was to rebuild what is now the Kingsford Smith school on that very site—but also seek to amalgamate into the new school two of the surrounding primary schools.

**MR HANSON:** That is a school. That seems a long way from the 39 that we came to.

**Mr Barr:** Sure, yes. That process was undertaken through 2005; there was an extensive consultation and a variety of views. A range of education stakeholders—the AEU, for example—very strongly supported that change, because Ginninderra district high school was seeing its enrolments drop to an unsustainable level.

Following the work that was conducted through the strategic and functional review in the lead-up to the 2006-07 budget—work that commenced prior to my entry into the Assembly and, clearly, my elevation to the portfolio, to being education minister, which occurred in April 2006—work was done within government, and that has again been very well documented, in relation to the efficient running of services in the territory. In my opening remarks, I outlined to you the situation that I faced in April 2006. I had been a member of this place for two days, and not long after that I became education minister and then had this range of challenges to confront. We then went through the process, which has been well documented, in accordance with the Education Act.

What changed, Mr Hanson? When you are in government—which you might find if you are ever lucky to be in that situation—you need to respond year in and year out to changing circumstances. That occurs. That is the business of governing, Mr Hanson. Those changes were identified by Ms Gallagher in 2004—that we would need to address this. It is not as if this issue has not arisen in the history—

**MR HANSON:** Mr Barr, the point is that at the election—

**Mr Barr:** It is not as if—

**MR HANSON:** your government clearly went to the people without a policy of school closure.

**Mr Barr:** It is not as if this issue has not been—

**MR HANSON:** Miraculously, within a number of months the whole situation had changed.

**Mr Barr:** Have you finished? Would you like me to answer a question or are you just going to talk over me?

**MR HANSON:** Is it an answer to the question or is it a lecture you are trying to give me?

**Mr Barr:** Or are you just going to talk over me? Let me finish answering your question. It is not as if—

**MR HANSON:** Answer the question rather than trying to give me a lecture on when I get into government, please.

**Mr Barr:** It is not as if this issue has not been considered at length in the history of self-government in this territory. If we are looking for the big scoop today, ladies and gentlemen, the big scoop is that there was a collective failing on behalf of this Legislative Assembly from 1989 to 2006—governments of Labor and Liberal persuasion—to address this issue. Gary Humphries and that government fell over. He could not hold his government together when he tried to undertake the sort of reform that we all know is needed and that was needed in 2006.

**MR HANSON:** So Ms Gallagher failed, knowing that this was situation, did she?

**Mr Barr:** But it was needed. Governments of all persuasions failed. This Assembly failed on this matter.

**MR HANSON:** By asserting that Gary Humphries had failed, you are asserting that Ms Gallagher, knowing that there were changes that needed to be made—

**Mr Barr:** Mr Hanson—

**MR HANSON:** failed to do so.

**Mr Barr:** Mr Hanson, would you let me finish. Governments of all political persuasions—Labor does not have clean hands on this either—going right back to 1989 should have addressed this issue. A couple tried. A couple tried, and they fell over. ACT political history is littered with this Assembly failing to deal with this issue, because cheap populist politicians who are not prepared to tackle the real issues—

**MR HANSON:** Is that Ms Gallagher? Who are you aiming that at?

**Mr Barr:** Cheap, populist politicians who are not prepared to tackle the real issues will try and run the sort of scare campaign that was run so successfully by Labor in the 1990s and by others—and attempts throughout that period. I have said that. I said that back in 2006—that there was a failing of this Assembly and of governments of both persuasions to address this.

Had a considered approach occurred over 17 years, we would not have needed the size of reform that occurred in 2006. It is not as if schools had never closed before in the territory and it is not as if schools will not need to in the future. I believe the reforms that occurred in 2006 have set public education up well for the period until 2020. But whoever is sitting in the chair as education minister at that time will need to have a look at the demographic situation in the city—will need to have a look at all of the schools and go through a considered process at that time.

My view is that the real challenge for this committee and for each of the political parties that sit in this place—whether they want this to become another political football where we defer making difficult decisions or whether we put in place a system that enables the education department to properly administer schools—is that there is a fair and sound process for when these sorts of decisions need to be made and that, as much as possible, it is free from the sort of emotional, political and highly personal attacks that occurred through 2006.

There were gravestones with my name on them through the media in 2006. There were all sorts of things that were done. I think, in hindsight, on mature reflection, some people would perhaps think, “I am not particularly proud of my involvement in that process.”

But I will say one thing to you, Mr Hanson: it was the most difficult thing that I imagine I will ever do as education minister, but it is the most important thing. If there is one contribution that I make to ACT politics in my career, it will be that, with my education department and with this government, I have reformed and made a significant difference to public education in this city. And, for the first time in more than a decade, we have seen a turnaround in enrolments in public schools.

**MR HANSON:** Fifty people.

**Mr Barr:** We were losing a thousand students a year—a thousand students a year. The equivalent of five primary schools every year was being lost to public education.

**MR HANSON:** So Katy squibbed it and you saved the day.

**Mr Barr:** That has stopped, Mr Hanson, because we have invested in quality and we have invested in the future. It was difficult—of course it was. But this is why you get into politics, Mr Hanson: to make a difference. Let us see your courage and the courage of your colleagues through this committee process—to come up with something that will set this territory up for the future.

We have made the hard decisions; we have been brave. Everyone predicted that I would not be sitting in this seat again, that I would lose my seat. I can tell you that my vote increased. I got more votes than all of the people combined who ran against me on this issue.

**MR HANSON:** Madam Chair, I have received an answer; I do not need to hear the election stump speech from Mr Barr.

**THE CHAIR:** Thank you, Mr Barr. Thank you, Mr Hanson. Mr Doszpot?

**MR DOSZPOT:** On school closures, we have received a number of submissions, as you are probably aware. The submissions are almost all identical in their condemnation of the school closures—the fact that they lacked integrity, legitimacy and natural justice and the fact that the ACT government failed to fully adhere to its own consultation process and principles as outlined by the Education Act 2004. Madam Chair was mentioning some of those issues within that.

I do not believe that you are exempt from the ACT Education Act. There are very significant issues that I guess we need some answers to. The ACT government failed to properly and adequately assess the educational, financial and social impact of the proposed school closures on students, their families and the general school community in each case; and to provide a full consultation period of six months, which is also very much part of the act. In particular, the minister failed to take account of the successful outcomes being achieved in the schools that were closed, present any evidence that closed schools were delivering unsatisfactory education or have proper regard to the learning needs of disadvantaged students in making his decision—and assess the adequacy of the curriculum in each of the closed schools. None of the schools were closed because they were found to be failing schools.

That is one of the biggest questions that need to be asked. That was a question that was asked of you. Were the decisions based on educational issues or expediency for demographic and cost-cutting issues?

**Mr Barr:** The decisions were made in accordance with the Education Act.

**MR DOSZPOT:** There lies a story; I guess we would like to hear that story.

**Mr Barr:** Dealing with educational, financial and social issues that I outlined to you in my opening statement, let me say that I am intrigued, Mr Doszpot, that, through this process, some of the organisations that have been calling for the release of educational data in relation to the performance of those schools are the very same organisations and individuals who oppose the current government's transparency agenda. It would have been very easy for me—

**MR DOSZPOT:** Careful, Mr Barr.

**Mr Barr:** to have released information in relation to the performance of those schools. Mrs Dunne FOIed that information. The Assembly has recently made changes to the FOI legislation. The ACT government has recently signed up to a range of commitments with the federal government around transparency in data and school performance.

I very much look forward to the people who have argued that case being consistent in relation to the issues that the education system now confronts. I am sure that the same people—the same people who believe that we should not be releasing the sort of data around school performance that we will be releasing in the future—will be the same people who argued back in 2006 that that data should not have been made available at that time.

**MR DOSZPOT:** Mr Barr, one of the dangers of generalising is this: as I mentioned at the outset, we received a number of submissions. I think I know what you are referring to, but what we are also talking about is the ACT Council of P&C Associations. Okay? That is an association—

**Mr Barr:** Yes. I had a direct conversation with the P&C council in relation to the release of the educational data around the performance of those schools. The council

indicated to me at that time that they did not support the public release of that data. I do not believe that their position has changed, Mr Doszpot. They have new leadership; it may well be that the P&C council now supports the public release of that data or of data that will be obtained through national testing.

**MR DOSZPOT:** Again, you are generalising, Mr Barr. What we are talking about—

**Mr Barr:** It is an interesting debate, Mr Doszpot.

**THE CHAIR:** If you just let Mr Doszpot—

**MR DOSZPOT:** What we are talking about, Mr Barr, is the legitimacy, the social justice and the integrity of the school closures. I must say what the ACT Council of P&C Associations I am referring to have stated so that we are not drawing different examples and being unfair to the organisation. The council, in their submission, stated:

Council believes that the Government must take immediate steps to re-open closed schools where the following specific circumstances apply:

—which, again, is part of the exercise that Madam Chair was referring to—

- . where the Department has failed to demonstrate to families of students previously enrolled in closed schools, that there has been no negative academic or social/emotional impact on students forced to move schools (P&C Council is unaware at this time of any studies (published or underway) that monitor this);
- . where the local communities have experienced significant disadvantage as a result of the closure of the school;
- . where closure has resulted in there being inadequate capacity in the immediately surrounding government schools for the existing demand; or
- . where there is a groundswell of local community support for the re-opening of the school.

And there is a strong recommendation:

We believe that at least three ACT communities meet these circumstances—the communities of Hall, Tharwa and Flynn.

**Mr Barr:** Thank you for quoting from that report. That is the view of the P&C.

**MR DOSZPOT:** The question is: do you intend to open those schools again?

**Mr Barr:** No. Categorically no.

**MR DOSZPOT:** Categorically no?

**Mr Barr:** Categorically no.

**MR DOSZPOT:** Without answering any of the questions that have been asked?

**Mr Barr:** I disagree with the P&C's assessment—firstly, the criteria that they have put forward and, secondly, that any of the schools would meet those criteria.

**MR DOSZPOT:** Can you table for us the criteria that you used to close those schools?

**Mr Barr:** Yes; that is in the government's submission.

**MR DOSZPOT:** It is?

**Mr Barr:** Yes. If you had bothered to read the government's submission and the attachments, Mr Doszpot, you would see and in direct—

**MR DOSZPOT:** This was asked of you by each of the people who put submissions in.

**Mr Barr:** And in direct—

**MR DOSZPOT:** They were asking—

**Mr Barr:** And in direct—yes. And each person who sought that information, particularly in relation to the legal requirements under the act and under the AD(JR)—people appealed this and took it beyond the Education Act, to the next level. They requested that information and were provided with it.

**MR DOSZPOT:** Mr Barr, if you say something often enough you think it is going to be true.

**Mr Barr:** Mr Doszpot, if you had even a remote understanding of the legal process—

**MR DOSZPOT:** At least as good as yours, I think.

**Mr Barr:** then you would have to acknowledge that the requirements of each of those pieces of legislation—which is what guides me as minister—

**MR DOSZPOT:** Madam Chair, we do not need a lecture from the minister.

**THE CHAIR:** I think we will let the minister finish.

**Mr Barr:** That is what guides me as minister, Mr Doszpot. They are the rules that I have to operate under—because to breach the legislation would clearly be a problem for me and for the government.

**MR DOSZPOT:** That is what we are suggesting, minister—that the Education Act was not followed.

**Mr Barr:** Are you suggesting that? Are you suggesting that, Mr Doszpot?

**MR DOSZPOT:** I am saying that the Education Act, according to the submissions we have received, has not been followed.

**Mr Barr:** In that case, Mr Doszpot, you are welcome—or you would have been welcome in 2006—to pursue the case.

**MR DOSZPOT:** I can use the same excuse as you.

**Mr Barr:** Mr Doszpot, I think that your attitude now stands in stark contrast to the conversation you and I had before you were in politics, when you—

**MR DOSZPOT:** Oh?

**Mr Barr:** Yes, in the Canberra Centre car park. You remember it well, don't you?

**MR DOSZPOT:** I do. I do remember it well.

**Mr Barr:** You made a point—prior to being a politician, as an active member of the Liberal Party—of coming up to me in the car park of the Canberra Centre on a Sunday morning when I was doing my shopping—

**MR DOSZPOT:** This is ridiculous.

**Mr Barr:** to tell me that—

**MR DOSZPOT:** Can I just ask what relevance this has got—

**THE CHAIR:** No, no—

**Mr Barr:** I was doing a good job in very difficult circumstances. Are you now suggesting, Mr Doszpot—

**MR DOSZPOT:** Mr Barr, you are totally misrepresenting—

**Mr Barr:** now that you are in politics—

**MR DOSZPOT:** No, no. No, I am not.

**Mr Barr:** that your views have changed?

**MR DOSZPOT:** You are totally misrepresenting our discussion and I am not impressed.

**Mr Barr:** Really? What did you say to me that day, Mr Doszpot? What did you say to me that day?

**MR DOSZPOT:** Madam Chair, can I ask what relevance this has got to our discussion?

**THE CHAIR:** It does not have relevance to the inquiry. Perhaps we will move on.

**MR DOSZPOT:** Could I just ask the question I asked, which you apparently have answered. Under what circumstances or when do you intend to re-open Hall, Tharwa and Flynn?

**Mr Barr:** The government has no intention of re-opening any of those schools. To do so—

**MR DOSZPOT:** Thank you. Thank you for the lecture and thank you for the answer.

**Mr Barr:** To do so would cost tens of millions of dollars in the long term and would take resources away from all other schools in the territory. Unless you are advocating an increase in funding—presumably taking from some other area of government—to re-open schools where there is not—

**MR DOSZPOT:** I am simply bringing the wishes of a community to your attention, Mr Barr, which I think I am totally entitled to do, and you should be listening—

**Mr Barr:** I disagree, Mr Doszpot, with your position.

**MR DOSZPOT:** Thank you; you have answered my question.

**Mr Barr:** And I think you will also need to look at the impact on other schools if you went to reopen those ones.

**THE CHAIR:** Thank you. I think the question has been answered.

**Mr Barr:** So, no, the government will not be reopening those schools.

**THE CHAIR:** Thank you, minister. I think the question has been answered. Mr Coe, did you have a question?

**MR COE:** Yes, thank you, Madam Chair. You spoke earlier, minister, about the importance of quality education, and that was very much the focus of the school closures saga. But I find that very hard to believe when you consider that those parents at those 23 schools deliberately chose those schools to send their kids to. Your saying that quality education was the focus of your policy I find very hard to believe, because that is, in effect, saying that the government knows best; the parents of the kids at those 23 schools were, in fact, wrong in their decisions and that the government knows best. Your failure to recognise the benefits of those schools I think is pretty disappointing.

If this committee does decide or does recommend that schools in places such as Hall and Tharwa, in particular, are advantageous, would you allow an independent school to operate out of those facilities?

**Mr Barr:** Out of the government facilities? It would not be my decision to make because they are no longer education assets, other than the preschools in Hall and Tharwa, which continue to operate as government preschools. The remainder of the buildings are no longer in the education department, no longer in the education

portfolio, so it would not be my decision, other than to reiterate the government position which has been that, no, we would not privatise those facilities.

**MR COE:** Would the government—and I do mean that as opposed to you as education minister—allow for the facilities to be leased out or rented out, not just completely privatised? Would they allow them to remain as a government asset but leased to a non-government provider?

**Mr Barr:** For education provision? No.

**MR COE:** Can you expand on why that is the case?

**Mr Barr:** That is a government policy decision that those facilities will be made available for uses other than education.

**MR COE:** I understand that is the policy, but why is it the policy?

**Mr Barr:** Because they are government assets and we will determine the uses for those facilities.

**MR COE:** Yes, but what is the background for that? I understand it is a policy.

**Mr Barr:** There was a detailed process that was gone through around the sorts of alternative community uses that could occur on former school sites but the government took a policy decision that we would not make them available for private education use.

**MR COE:** So even if a majority of members of this committee say that a school, in particular Hall or Tharwa, would be advantageous and should be pursued, the government would still say, “No, we are not going to free up those facilities, even if an independent provider is willing to pay market rent”?

**Mr Barr:** Any new non-government education provider would have to apply under the Education Act to register a new school. There is a formal process that has to be gone through to register a new non-government school, and the final say on allowing the registration of a new non-government school in the territory sits with the minister for education. I would need a lot of convincing that there was demand and that it would not have an adverse impact on other non-government schools and other government schools in each of those regions.

So it is not as simple a case as leasing a building to someone. Whether or not the buildings themselves are utilised, a non-government school is free at any point to seek registration and to seek to set up in Hall or Tharwa. But, if that occurred and they wanted to utilise a government building, would we let them do it? The answer to that is no.

**MR COE:** Okay. And is it the same procedure if a currently operating independent school wanted to open up another campus—

**Mr Barr:** That is correct, yes. There is also a requirement under the Education Act to

apply to extend to a new campus. There was a loophole in the Education Act where if you had one campus you could have circumvented the requirements of the Education Act, in terms of the government being able to assess the need and the impact on other schools, and set up multiple campuses around the territory. It would have been possible for private school X—theoretically, although I do not think this would ever have happened—to have established a new campus in every suburb. That loophole was closed in 2006 and so the same requirements for establishing a new campus apply to establishing a new school.

There is a formal process through the Education Act. The Education Act has that protection in place. It probably goes against some of my free market principles but nonetheless the wisdom of the Assembly, through the development of that act in 2004 and its subsequent revisions in 2006, was to put in place a mechanism to regulate the number of private schools and to assess the impact of a new private school on other schools within the territory and most specifically within the region.

There have been, for example, applications to me for new private schools that I have accepted, such as the new Catholic school in Harrison, but there have also been applications for new private schools that I have rejected where there has not been a demonstrated need or demand for that school in that location. That is all on the public record.

**MR COE:** Do you accept that schools do have a positive impact on their local community?

**Mr Barr:** Of course.

**MR COE:** If that is the case, how can you categorically rule out opening a school in Hall or Tharwa if the independent sector is going to cough up the money for it?

**Mr Barr:** What I have ruled out is utilising a government building for the purpose. If an independent school or a Catholic systemic school wanted to set up, sought a direct grant of land or a direct sale of land and had the capital to build the new building, that would be a different matter. But I would then have to assess, under the Education Act, the impact that school would have on other schools, both government and non-government, and whether there was sufficient student demand. We would then have to look at those issues.

I would argue that it is unlikely that a non-government school would want to set up in either of those locations. I cannot be absolute about that, but they have had plenty of opportunity over the last 20 years to do so. There are simply not enough students in those areas to warrant the private sector providing education in that context, particularly when you look at the data on Hall in 2006. There were 128 students in the school; 91 per cent of them came from outside of the Hall area and 64 per cent came from New South Wales. So the actual number of students who lived in Hall and who attended the Hall public school in 2006 was 12—12 of the 128. There were 28 students who lived in Hall and who could have attended Hall school, but only 12 of them did. So 16, more than half, went to another school and the majority of Hall's enrolments came from New South Wales. If a private sector operator wanted to set up a school for students coming from Murrumbateman, they would probably do it in

Murrumbateman.

**THE CHAIR:** Thank you, Mr Barr. I have a question—and you will be pleased to know that I have looked through the statement of reasons in the government’s submission—about the figure for an effective size for a primary school, quoting Professor Brian Caldwell, being 300 to 400 students. You then go on after quoting that to basically state that small schools may not offer as rich a curriculum for students.

I have looked at that document and, while it does quote a figure on school sizes, the whole document actually talks about the benefits of small schools. It is an Australian study as well, which you note in that document is actually a summary of an American study. It is slightly misleading that you are providing that figure but then not actually referring to the substance of that actual document. Also, you have got a number of documents listed in the attachment and I have looked through a couple of those documents and at some of the evidence you have got there.

I guess what I am interested in is what evidence has been used to inform that opinion that small schools may not offer as rich a curriculum, when many of the documents, particularly the Cotton document, which is referred to in the document by Brian Caldwell, actually are about the benefits of small schools?

**Mr Barr:** Sure. This is a fascinating area of debate and I found through 2006, 2007, 2008 and now 2009 that there is not a clear definition of what constitutes a small school. The overseas research that refers to a small school pretty consistently talks about schools in the size that Professor Caldwell has indicated, so between 300 and 400 for a primary school. So we would have these facile debates about what was a small school when we were in fact talking about exactly the same sized school. In the Australian and ACT context, a small school is probably less than 100 students but in any international context a small school is 300 to 400.

I would go no further, Madam Chair, than to refer you to the evidence of the principals who were sitting in this very seat only less than an hour ago in relation to the issues that confront the teaching profession when schools are too small. If you look at the size of schools, primary schools in the ACT now—and I will just get up the 2009 census—range in size from around 80 for those early childhood schools up to about 550 in the public system. In the non-government system, the smallest Catholic primary school has about 130 and the largest one has 700. So government schools and Catholic systemic schools range in size around that parameter. Three hundred to 400 is a pretty good size.

Look at the different education regions in the territory and look at areas where schools closed previously. North Canberra is my favourite example: we used to have Downer primary and Hackett primary, Watson high school and Dickson high school. Over time, recognising changing demographics, we have settled on a couple of amalgamations and a couple of closures that now mean that the schools in that region—North Ainslie primary, 295 students; Campbell primary, 327; Lyneham, 438; Ainslie, 437—are right in that ideal range. That includes their preschool components, so that is the sort of size that we want in our public primary schools. That provides the opportunity for specialist music, PE and art teachers. It means that the workload is

fairly distributed across all of the teachers in the school. It means, for example, that they can field sporting teams and have school bands. The breadth of the curriculum is on offer.

**THE CHAIR:** Thank you, yes, I am aware of all those points. I guess—

**Mr Barr:** That is an entirely different situation to a primary school with 25 students that has one student in year 6, no students in year 5, two students in year 4 and three students in year 3.

**THE CHAIR:** I do not think I am arguing against that, Mr Barr; what I am saying is—

**Mr Barr:** So, Madam Chair, are you suggesting that schools that are that small, in the context of the ACT—

**THE CHAIR:** I do not think I have suggested that at all, Mr Barr. I think you are just taking me out of context. If you would let me actually finish my point, we could have a sensible discussion about it.

You have already said that there is no clear—and this is actually from the document—agreement on the dividing line between small and large schools. I know you are using the 300 and 400 figures that have obviously come from one particular document. I think it is probably—

**Mr Barr:** Well, I—

**THE CHAIR:** If you could just let me finish—it is irrelevant, I think, to even talk about figures, particularly if we are referring to US research. They are looking at entirely different things with demographics in their school population. Of course—

**Mr Barr:** They have schools that have 3,000 students in them.

**THE CHAIR:** Yes, absolutely. I think that again we are probably talking about completely different numbers, not just in Australia but here—

**Mr Barr:** Yes, but—

**THE CHAIR:** If you would just let me finish my point—you have said your bit—we are talking about different numbers. But the point I am getting to is that this argument has been used saying “small schools do not offer as rich a curriculum to students”. We can talk about what the numbers for small schools are, but it does actually state that. The Queensland education department has just come out with a report which says that there are benefits from small schools, for students.

**Mr Barr:** How small? Are they talking about schools with 25?

**THE CHAIR:** I do not know. I did not get the exact numbers, Mr Barr, but if you could just let me—

**Mr Barr:** Well, this is—

**THE CHAIR:** No, no; if you—

**Mr Barr:** But this is the point. If we are not talking about the same thing—

**THE CHAIR:** You are not letting me finish—

**Mr Barr:** If we are not talking about the same thing—

**THE CHAIR:** Mr Barr, can you please let me finish my point? Thank you. Basically, what I am saying is this. What I am actually trying to get to here is that we are using the philosophy which has been used. I guess I am looking at what we are looking at now with the school system as well. There has been a statement made that small schools basically are not offering as rich a curriculum—not giving benefits to kids. But we have got a body of evidence here, and some Australian evidence, which says that small schools are very beneficial. This document which I have got here and the document list a multitude of reasons why they are. So what I am trying to get to is this. When you were making this statement in the document saying that it does not offer a rich curriculum, where are getting your evidence from to support that statement?

**Mr Barr:** Sure. Small schools, with less than a hundred students—so let us not call them small; let us call them tiny—

**THE CHAIR:** What evidence did you—

**Mr Barr:** Tiny schools.

**THE CHAIR:** Where is the evidence supporting that statement?

**Mr Barr:** There is a huge amount of evidence.

**THE CHAIR:** What is the evidence then?

**Mr Barr:** That is referred to in each of the submissions.

**THE CHAIR:** Sorry, which submissions?

**Mr Barr:** That is referred to in the government submission, in the work that Professor Caldwell—

**THE CHAIR:** You refer to Professor Caldwell; Professor Caldwell talks about the benefits of small schools.

**Mr Barr:** You refer to research talking about small schools.

**THE CHAIR:** No, I am referring to the document that—

**Mr Barr:** The Queensland research, yes.

**THE CHAIR:** you refer to in your document.

**Mr Barr:** You are referring to that Queensland research but we are not—

**THE CHAIR:** Mr Barr—

**Mr Barr:** getting to the point of what is a small school.

**THE CHAIR:** Mr Barr, excuse me. I just used that as one example, but I am also using the document you have used—

**Mr Barr:** There is other work, yes.

**THE CHAIR:** as an example.

**Mr Barr:** Yes, yes, and I—

**THE CHAIR:** Brian Caldwell—you have used his document entirely. The document that he has got entirely talks about the benefits of small schools. So what I am asking you to provide is evidence to support your statement to say that small schools are not beneficial.

**Mr Barr:** Sure. If you do not believe that there is enough evidence in the government's submission and the truckload of material I have provided, I will go and get the department to trawl through all of the other research. But the fundamental point—and I think that we are sort of agreeing on this, Madam Chair, on some level—

**THE CHAIR:** No, I am not sure about that, Mr Barr.

**Mr Barr:** is that a small school, as referred to in international and Australian research—and there is limited Australian research; I acknowledge that—is about numbers between about 200 and 400.

**THE CHAIR:** No, I think what I said, Mr Barr—I am actually not talking about the number—

**Mr Barr:** You are quoting, out of context, a Queensland report that refers to small schools—

**THE CHAIR:** Mr Barr—

**Mr Barr:** but not telling me—

**THE CHAIR:** Mr Barr—

**Mr Barr:** but not telling me what—

**THE CHAIR:** No, I do not know what the exact numbers are, but they are referring—

**Mr Barr:** What is the point of your argument then, Madam Chair?

**THE CHAIR:** If you would let me—

**Mr Barr:** If you cannot tell me—

**THE CHAIR:** Well, I am actually asking—

**Mr Barr:** If you cannot tell me—

**THE CHAIR:** The point of—Mr Barr.

**Mr Barr:** what size school you are talking about—

**THE CHAIR:** I am trying to give you the point of my argument. Can I give you the point of my argument?

**Mr Barr:** If you cannot tell me what size school we are talking about—

**THE CHAIR:** Well, as I said, Mr Barr—

**Mr Barr:** how can we have this conversation?

**THE CHAIR:** If you would let finish my point—as I said to you, and I am quoting from the very document which you have referred to—

**Mr Barr:** The Caldwell research.

**THE CHAIR:** it actually states that there is no agreement on the number.

**Mr Barr:** The Caldwell research. That is right; that is correct.

**THE CHAIR:** Okay. Great; we have got agreement on that. There we go.

**Mr Barr:** Yes. We have agreement on that.

**THE CHAIR:** What I am asking you is—you said—

**Mr Barr:** I think this conversation has elicited that point even further.

**THE CHAIR:** There we go. We have got agreement on the number. And I think you have agreed with me as well, so thank you. What I am actually stating is this. You have said here—and I am getting to the point—that this has been used, presumably, as a philosophy behind what has happened in our schools. I would also ask this; we have talked about this. There are some of the new schools, the P-2 schools, which have very small numbers. What I am getting to here is—

**Mr Barr:** But across a smaller number of—

**THE CHAIR:** If you would just let me finish, because you actually have a—

**Mr Barr:** levels of schools, Madam Chair.

**THE CHAIR:** I know that you said you have got a list, and there are a number of documents provided here, but quite a number of those documents—and in particular the one which you have quoted throughout the statement of reasons and you have also quoted in your submission—actually talk about the benefits. The whole document talks about the benefits of small schools. You have then made a statement—

**Mr Barr:** Sized between 300 and 400.

**THE CHAIR:** But it talks about—it actually does not—

**Mr Barr:** It does not talk about the benefits of small schools—

**THE CHAIR:** No. Actually what the document says itself—

**Mr Barr:** size 28 students or small schools—

**THE CHAIR:** Can I just—the document says—

**Mr Barr:** with 60 students.

**THE CHAIR:** The document says, before it notes about the 300 to 400, that there is no clear agreement among researchers and educators about what constitutes a small or a large school. So there you go. It says there is no agreement on that. So—

**Mr Barr:** But Caldwell then goes on to say 300 to 400.

**THE CHAIR:** It is actually not Caldwell; he is quoting another US document.

**Mr Barr:** His summary thereof.

**THE CHAIR:** Mr Barr, you have then quoted throughout the statement of reasons that the reason we are closing some of these schools is that small schools do not offer benefits to students. What we are talking about here is choice.

**Mr Barr:** Sure, yes.

**THE CHAIR:** That is what you have even said—it is about providing of choice for parents, providing a better education system. What I am asking is: what is the evidence which has been used to back up that point?

**Mr Barr:** With Tharwa primary school, with 25 kids and two classes—so about 10 or 11 kids in kinder and year 1 and a class that was a composite of year 2 to year 6, with one kid in year 6, no kids in year 5 and two kids in year 4—what sort of education program can be offered compared to a school—

**THE CHAIR:** I actually read a number of submissions from Tharwa and Hall—

**Mr Barr:** compared to a school—

**THE CHAIR:** I will just finish my question.

**Mr Barr:** Compared to a school that has—

**THE CHAIR:** I read a number of submissions by Flynn, Tharwa and Hall parents. The question is: did you ever receive any complaints from these parents and these students saying that they were not getting good educational outcomes? From the submissions I have read, they actually were getting very good educational outcomes.

**Mr Barr:** You and I can disagree on that, Madam Chair. You and I can disagree on that.

**THE CHAIR:** So you are stating that they were not getting good educational outcomes?

**Mr Barr:** I am saying that there are a range of issues that are relevant in that consideration across some of those schools that are not, or were not at the time, able to be publicly released, but, happily, as a result of—

**THE CHAIR:** I think we probably need to be careful with what you are saying there, Mr Barr.

**Mr Barr:** No. This is coming to the real point—

**THE CHAIR:** No? Yes, I think we do have to be careful.

**Mr Barr:** This is coming to the point, Madam Chair. I was not able to release some of that data, because we had agreements and because we had a range of requirements under previous legislation and a range of agreements with some of the stakeholders. I sat down with the P&C and said, “I have access to some data that, if it was released, would be confronting.” Fortunately, through the new agenda, that data will be publicly available.

**THE CHAIR:** It will be publicly available?

**Mr Barr:** Yes—not for those schools going backwards in time, but from now on, on the ACARA website, that sort of information around educational performance will be publicly available.

**THE CHAIR:** I have not seen that data, so I cannot comment on it.

**Mr Barr:** No, you cannot, and that is part of the problem. That is part of the problem.

**THE CHAIR:** I do not know if it is part of the problem, because I think again—okay, we will do that if you are saying that.

**Mr Barr:** This is the reassuring thing for me as minister and for anyone who sits in this chair again: the sort of information that people were demanding be released

around educational outcomes could not be; it will be publicly available in the future.

**THE CHAIR:** Fine; thank you. You still have not answered my question, but it does not appear that you are going to answer my question so I will move on. Ms Burch.

**MS BURCH:** There seems to me to be a very basic question. Without any preamble, where would we be if we did not close the schools? I think that goes to the thrust of it. What would have happened and where would we be if the reform of *Towards 2020* had not happened?

**Mr Barr:** None of our schools would have been refurbished—other than perhaps what the commonwealth government might have provided through the current process. We would have continued to see a bleeding of enrolments to the private sector. We would have seen the overall quality—because it is a quality versus quantity argument ultimately; that is what it boils down to. We would have continued to have seen the inefficient allocation of resources. We would have continued to see some students in the territory receiving twice as much public funding as others, not because they had an educational disadvantage and not because they had a socioeconomic disadvantage, but because they attended Tharwa, Rivett or Weston—they attended one of those schools—and were receiving \$19,000 per year from the taxpayer for their education.

My fundamental argument throughout all this is that that money is better spent on a range of other programs—for example, strengthening Indigenous education, lowering class sizes, strengthening literacy and numeracy, putting more resources into ESL, putting more resources into students with a disability, putting more resources into pastoral care, putting more resources into ICT in schools. They are the fundamental choices that anyone who sits in my chair has to weigh up. I chose to prioritise the system and to get the best outcomes for every student. If I do not do that, I do not know who is going to.

**MS BURCH:** So the benefits of the reform are being felt across the entire system as opposed to some pockets of it?

**Mr Barr:** That is right. I go back to the point I made. It would be impossible to reform the system in the way that we did without creating some disruption for some students. The gains from the reforms are then shared across 39,000 students; the pain is felt by about 1,500. That is the reality of the reforms. In raw numbers, that was the reality—that the level of resources was redistributed across the entire system into improving the quality of every school. That is not to say, as Mr Coe asserted earlier, that it is to have made some value judgement about the decision parents made around the choice of a particular school; it is around resourcing the system. If that does not come first, and the outcomes for every student—who is looking out for every student? I am.

**MR HANSON:** Bravo, mate!

**MR COE:** We are in safe hands!

**MS BURCH:** The principals made mention of—

**MR HANSON:** How many questions are you getting, Joy?

**MS BURCH:** How many have you guys had?

**THE CHAIR:** I am fine to let Joy go.

**MS BURCH:** There has been much to-do around educational standards and educational processes—opportunities in different schools. The principals made mention a short while ago that there has been monitoring of children who have transitioned into other schools. One question is this: is that being maintained and will the new reporting process highlight or inform that monitoring process, that transition and that outcome?

**Mr Barr:** Sure. Yes, the data that is available for schools, both from the previous ACTAP testing that occurred prior to the introduction of NAPLAN, and then from NAPLAN from 2008 and we are in the process of the 2009 testing—that data is available for schools, for principals and for teachers to monitor the performance of individual students through years 3, 5, 7 and 9.

The tests are different, and we acknowledge that. And there are differences in the data; obviously, when we move away from the ACT testing to the national testing, there are differences. But we are able to monitor student progress through that testing. And individual teachers who are with students every day are able to monitor. So we have a snapshot in time measurement that is NAPLAN, and then we have the work of individual teachers and individual school leaders and principals in schools every day. That is occurring.

The overwhelming feedback from students and parents is that they are very happy with their school environment and very happy with the outcomes they are getting from their schools. You see that measured through the school satisfaction surveys that are undertaken every year for students, parents and staff. That is reporting between 90 and 95 per cent satisfaction across the public education system. That is a measure, a survey, that occurs every year.

**MS BURCH:** So since 2006 they have been implemented and assessed?

**Mr Barr:** Yes, since 2006. I have had a number of parents who have come up to me in the years following the turmoil of 2006 and said, “Yes, it was tough, but we did not realise what we were missing out on. Now we are in our new school, our eyes have been opened to an amazing array of opportunities.” I have had a number of parents apologise for some of the behaviour at some of the public meetings in 2006. Again, I have had some other people who decided that they wanted to come up on election day in front of the Deputy Chief Minister and a WIN news journalist and threaten to beat me up. There is that range of community reactions.

**THE CHAIR:** Mr Hanson.

**MR HANSON:** Thank you. Minister, I will follow up on the last question I had to you. You quoted Ms Gallagher in *Hansard*. I will just quote an extract there. She says in response to that question:

The government has no plans to close any schools.

Your interpretation that she was mooted school closures is absolutely false.

**Mr Barr:** Would you read from the other parts where she referred to—

**MR HANSON:** She said:

The government has no plans to close any schools.

**Mr Barr:** Read from the other parts, Mr Hanson.

**MR HANSON:** I can do that. She says:

We do have a number of ... small schools ...

And so on. The substantive issue—

**Mr Barr:** So you are not actually going to read that out?

**MR HANSON:** No, I am not going to go through—

**MR COE:** And the benefits of small schools.

**MR HANSON:** And the benefits, indeed—

**THE CHAIR:** Mr Coe! Mr Hanson!

**MR COE:** The benefits of small schools.

**THE CHAIR:** Mr Coe!

**Mr Barr:** I will also refer you to an interview Ms Gallagher did with the *Canberra Times* around that time in August 2006.

**MR HANSON:** She talks about the positive role they play: “not only the educational impact but the role they have” in our community. So there you go.

**Mr Barr:** And would you quote—

**MR HANSON:** That is a follow-up that you have misinterpreted—

**Mr Barr:** Would you quote from the rest—

**MR HANSON:** You have quite clearly misinterpreted—

**Mr Barr:** Would you quote from the rest of that answer, Mr Hanson?

**MR HANSON:** You have quite clearly misinterpreted what she said.

**Mr Barr:** I think it would be for the benefit of the committee to note that Mr Hanson has selectively quoted—

**MR HANSON:** It gets misconstrued. Okay, I will.

**Mr Barr:** And has also—

**MR HANSON:** Of course, it is that we need to have a conversation. It gets misconstrued into “schools are going to be closed”. She said it gets misconstrued into schools are going to close.

**Mr Barr:** She was referring to the sort of cheap political populism that you—

**MR HANSON:** She said we need to have a conversation. She did not say schools were going to close.

**Mr Barr:** She was referring to the sort of cheap political opportunism—

**MR HANSON:** She actually said schools will not close—schools will not close.

**Mr Barr:** She is referring to your brand of cheap—

**MR HANSON:** And then she said that it will be misconstrued.

**Mr Barr:** of cheap political opportunism, Mr Hanson.

**THE CHAIR:** Mr Barr! Mr Hanson!

**Mr Barr:** She is referring to your brand of cheap political opportunism.

**THE CHAIR:** Mr Barr! Mr Hanson!

**MR HANSON:** Clearly you have misconstrued—

**Mr Barr:** Your brand of cheap, political opportunism.

**THE CHAIR:** Mr Barr! Mr Hanson! Can we just try and speak once so that Hansard can actually listen to what is being said.

**MR HANSON:** Indeed. It must be very difficult.

**THE CHAIR:** Thank you.

**MR HANSON:** I would assert, though, that, based on the evidence there, she made it very clear that schools were not going to close and that to suggest that—just because we were having a conversation that should not be misconstrued as the fact that schools are going to close.

Moving on, then, is the question of why schools closed between the assertion in 2004

at the election campaign that they would not and 2006 that they did. The evidence that you presented essentially is that everybody before you had squibbed it and did not have the courage but that you were the brave one who was going to make this decision. What you are missing, though, in your evidence is the impact of the budget bottom line—it was going into deficit—and the impact of the functional review.

**Mr Barr:** I referred to both of those issues in my opening remark.

**MR HANSON:** The functional review is obviously something—

**Mr Barr:** And in—

**MR HANSON:** The functional review is obviously something that we do not have the privilege of looking at to see what was in there or have access to.

**Mr Barr:** I would refer you to the 2006-07 budget papers. There is an additional budget paper in that year's budget pack that goes to the specific issues in relation to education.

**MR HANSON:** The point is that we do not have the evidence that was presented in the functional review or the information that then led to—

**Mr Barr:** You have the 2006-07 budget papers.

**MR HANSON:** and has been a major part of the government's argument to close schools.

**Mr Barr:** Which is out there in the 2006-07 budget papers.

**MR HANSON:** What I would like to know from that functional review or from any other mechanism is this: at that time, was there presented to the government any information about the value of those school sites? As part of your decision-making process, were you presented with information that said that certain school sites were valued at a certain amount, and did that inform your decision making?

**Mr Barr:** I refer you to the 2006-07 budget papers. That information in relation to the government's thinking and all of the economic issues is outlined in those budget papers.

**MR HANSON:** Mr Barr, we are in an inquiry here. To refer to budget papers—

**Mr Barr:** Your question asked me to—

**MR HANSON:** Did you present that as part of your submission?

**Mr Barr:** Yes. Your question asked me to refer to documents. I am referring you to the 2006-07 budget papers.

**MR HANSON:** No, I said the functional review that we will not be looking at—

**Mr Barr:** That is the statement the government makes every year around finances, Mr Hanson.

**MR HANSON:** What I am asking you to do is answer a very simple question: were you provided with information, either in the functional review or through other mechanisms, that provided valuations on school sites which then influenced your decision about which sites would be closed?

**Mr Barr:** Influenced my decision?

**MR HANSON:** The government's decision.

**Mr Barr:** No, I was not provided with any of those materials.

**MR HANSON:** Was the government provided with that through the functional review or any other mechanism?

**Mr Barr:** I can only comment from the point that I was part of the government, and the answer to that question is no.

**MR HANSON:** Will you take that question on notice and come back to the committee with the answer to the question "Was the government, as part of its process, through the functional review or another mechanism, provided with information about the value of school sites that influenced this decision on which school sites would be closed?"

**Mr Barr:** I can state categorically that at no point did the value of land have any impact on my decision-making process in relation to which schools were closed. I can state that categorically. What I am not sure of, because it would have been before I was a member of the Assembly, is whether any information was collected. I can state absolutely categorically that at no point did that issue even enter my head.

**MR HANSON:** Thank you.

**THE CHAIR:** Mr Doszpot.

**MR DOSZPOT:** Mr Barr, we have this afternoon met with a Mr Keith Blackburn, a statistician, who has put a submission before this committee. I quote from his submission:

After reading the Department of Education and Training's policy document I was deeply concerned that their *Towards 2020* policy was based on faulty data. The underlying data was out of date and, because of the simplistic assumptions that had been used in their preparation, the projections for some individual schools were seriously in error. Detailed and current suburb and age specific information had been published by the ABS but had not been used. The more current and detailed information did not affect the overall need for school closures. However, as this information substantially altered the enrolment assumptions that the Department had been making about Melrose—

which he was concerned about—

and as community consultation had been invited ...

He actually came and met with you?

**Mr Barr:** He did.

**MR DOSZPOT:** And also with the head of DET.

**Mr Barr:** That is correct, yes. We did meet. We discussed at some length his statistical analysis. I think it would be of benefit for the committee to get your pens ready and I will give you some data.

In relation to the suburb of Chifley, in 2003 there were 31 births and the fertility rate in the suburb in that year was 1.61, so it was less than replacement. A measure being more than two is required to have an increase in population. In 2004 there was a spike in births. It went from 31 to 52, and the fertility rate increased in the suburb of Chifley from 1.61 to 1.85. In the year 2005, the birth rate dropped back from 52 to 38; but, because of the shrinking in the size of the suburb, the total fertility rate in that year was 2.11, so it was above replacement level. In 2006, the actual number of births dropped from 38 to 36, but the fertility rate again increased, because the size of the overall suburb—the number of people in the suburb—continued to shrink. The fertility rate in 2006 was 2.25. In 2007 the number of births was 37, so there was one extra birth on the year before, but the total fertility rate dropped to 2.03.

To take any one year in isolation might present a misleading picture in relation to the number of births in that suburb. I acknowledged at the time of meeting with the gentleman that the birth rates in Chifley were higher than the overall number for the Woden region, but it is worth looking at what this would mean in practice—what it would actually mean, the practical implications. Melrose primary school had an enrolment of 82 students in 2006, as outlined in the *Towards 2020* document and in the 2006 school census.

**MR DOSZPOT:** Mr Barr, the question is—

**Mr Barr:** I am answering your question, Mr Doszpot. You are either interested in the answer or you are not.

**MR DOSZPOT:** I am; carry on.

**Mr Barr:** The enrolment was 82. Of the students who lived in the priority enrolment area—so the total catchment for Chifley for that school—38 per cent went to Melrose primary. So 62 per cent who could have gone to the school bypassed it and went somewhere else.

If you accept the premise that, for that period when there was a spike in births in 2004, when there were about 21 more births than in the year before, yet it dropped and has stayed at around the mid-30s since that time—even if you accept that there was a population bubble at that point, then, with the school capturing only 38 per cent of the enrolments in the area, you were going to get only four in 10 of that increase in births.

If there were 20 more, then, if you stuck with the same trend, you would have got eight—eight extra enrolments. So the school could potentially have gone from 82 to 90.

**MR DOSZPOT:** Mr Barr—

**Mr Barr:** Looking at the history of that school—when it was at its peak in 1974, there were 553 students at that school, so it has gone from 553 down to 82, with 62 per cent of the suburb bypassing their local school to go somewhere else. What do you think all of those figures combined tell you?

**MR DOSZPOT:** Mr Barr, the question is that the information that was available to the department was not all utilised. That was what Mr Blackburn's assertion was. He brought it to your attention and you are referring to one specific suburb—

**Mr Barr:** We analysed the data in relation to Chifley.

**MR DOSZPOT:** Just let me finish now. In relation to Chifley, what we are talking about, what I am asking you is: why were the questions that Mr Blackburn brought to you or the answers, the fact that there were other facts to be taken into consideration, not then recalculated for all of the other areas as well? You still keep referring to the *Towards 2020* document. He is saying that that document was based on wrong information.

**Mr Barr:** He has asserted in relation to the suburb of Chifley—

**MR DOSZPOT:** That was one area, but he is also talking about the same faulty material—

**Mr Barr:** Mr Doszpot, he is incorrect to assert that the regional—in fact, he said, and he was sitting in this very chair, that the regional assumptions were correct. He said that there might have been an argument in relation to Chifley, where the birth rates were significantly different. My point is that statistically they were not and that any good statistician would know, based on a sample size that small, that the margin for error is so large that to suggest, as he has, that that would throw out the calculations for projected enrolments across the entire school system is a leap too far. He has also acknowledged very clearly that there was an issue in Woden in relation to the demographics of that area.

**MR DOSZPOT:** He also acknowledged that it would have been prudent to have a look at the other areas in light of what he was doing.

**Mr Barr:** Each of the enrolment projections is robustly tested every year by the department, so there was also involvement by the territory demographer in the Chief Minister's Department at that time in relation to population projections—updated and enhanced by information that is available from the ABS. Of course, there is a lag in when ABS information is released—such that the data I have now in relation to births by suburb that goes to that detail for 2007 was not released until Tuesday, 28 October 2008.

**MR DOSZPOT:** The detailed and current suburb and age specific information had been published by the ABS at that point but had not been used.

**Mr Barr:** The ABS updates that data under the document *Births, Australia*. It has a code and it is released in October each year. In terms of the time that this information was presented, the latest population projections were utilised. The changes were not significant—certainly not statistically significant. If you drill it down to its practical implication, even if you accept every element of the gentleman’s argument, you are talking about a maximum addition to the school population of eight.

**MR DOSZPOT:** Mr Barr, I am causing a bit of angst for Ms Burch here, so I will move on. Thank you.

**THE CHAIR:** We have got limited time. Mr Coe, perhaps you can just ask a quick question and then I will throw it to the committee for the final question.

**MR COE:** Thank you, Madam Chair. Minister, you said earlier that successive governments since 1989 have struggled with this issue and have failed. You actually made mention of Gary Humphries. I assume you mean when he was Chief Minister.

**Mr Barr:** No, when he was education minister. In that first alliance government, it fell apart.

**MR COE:** So for five or six years he failed to make the structural reform in education that you said was needed?

**Mr Barr:** Yes.

**MR COE:** Yet we had a speech from Ms Gallagher in 2004, which Mr Hanson quoted earlier, saying that there were no plans to close any schools. However, you are saying that successive governments knew and, indeed, tried to make the structural reforms. So, if there has been this 16 or 17-year lead-up to closing the schools, firstly, I am curious as to why she would say, “We do not plan to close any schools.” Personally I think that there were plans to close the schools and that the substantive decisions had been made well before the consultation took place. You have said yourself that structural reform had to be done and that successive governments failed to do it. For 16 or 17 years people knew about this. So I put to you—

**Mr Barr:** Yes. Well, some schools did close during that period.

**MR COE:** Excuse me, Mr Barr. I put to you, and I would like your comments, that the substantive decisions had been made well before the consultation process and the consultation process was just a sham. It was an excuse to comply with the act and it was an excuse for your political reasons, and in actual fact you made the decisions behind closed doors beforehand.

**Mr Barr:** No. I reject that assertion, Mr Coe. The process that was undertaken in 2006 put forward a range of options for reform, some of which were taken up, some of which were modified and some of which did not go ahead. The Education Act requires the minister of the day to put forward a proposal, so there must be something

to consult on. It is interesting in the context of discussion in this place in the last week or so that there have been accusations flying thick and fast. I heard your leader on the radio the other day saying, “Well, you can’t go and consult unless you’ve got something to talk about.” Well, the Education Act required me, as minister, to come forward with a proposal.

**MR COE:** And that is the point: you only did it because you were obligated to do it and because you wanted to save face politically. The fact is that you had the decisions done well before you consulted with the community, and when you consulted with the community you were only doing it to comply with the act and to save political face.

**Mr Barr:** Mr Coe, if I was into the business of saving political face, I would have taken the coward’s way out and not sought to close any schools. I would have—

**MR COE:** Well, you minimised the political damage by consulting.

**THE CHAIR:** Mr Coe, I think we have got the point there.

**Mr Barr:** Mr Coe, I would have sought to take the Gary Humphries option and watch—

**MR DOSZPOT:** The Katy Gallagher option.

**MR COE:** But you had six years to do it. Why did you wait till 2006 and not 2001?

**Mr Barr:** and sit back, Mr Coe.

**MR COE:** Why did you wait six years?

**Mr Barr:** and delay—

**THE CHAIR:** Excuse me. Can we please just have one person speaking at a time— not all at once? Thank you.

**MR COE:** Why did you delay six years, minister? If it was an issue—

**MR HANSON:** You cannot pin it on Humphries and not on Gallagher—

**MR COE:** during the 1995 to 2001 governments, why did you wait till 2006? Why did the government wait until 2006 to do this if it was a pressing issue from 1989?

**THE CHAIR:** Mr Coe, I think you have made your point.

**Mr Barr:** I acknowledge that. I think it was a collective failure of the Assembly and of governments of both political persuasions over the period from 1989 up until this decision. It was tried in 1990 and 1991 and the government fell apart, Mr Coe. It lost office. It was voted out because it split on this issue. A number of decisions were made at that time.

Schools have closed prior to self-government and during self-government. If we want

to have a mature look at this, we must get beyond the cheap political stunts. You can try and score as many points as you want off me. But nothing will alter the fundamental reality that this reform was needed. I have now faced the electorate on this reform. My vote went up.

**THE CHAIR:** I think we have already covered this ground between Mr Coe and Mr Hanson. I have a question. Hopefully we might be able to hear from some of the other people who came here today. It is a quick question about the statement of reasons. We have also got a copy of the student transition plan and it refers to children with disabilities and that these individual plans were prepared for students with disabilities. Obviously I appreciate that it may have been done within particular schools, but have any of these transition plans been evaluated at any stage since 2007? Have they been successful and have there been good outcomes for the students with disabilities that these plans applied to?

**Mr Barr:** Thank you for the question, Madam Chair. Yes, they have. Receiving schools have of course been working with those students. I cannot speak highly enough of the dedication and passion of the teachers who have been working with students who have been displaced that—

**THE CHAIR:** I do not doubt that, but my question was whether or not they had been evaluated?

**Mr Barr:** Yes, that is correct. Yes, they have. I am not publicly releasing that information; it is private—

**THE CHAIR:** No. I am not asking for that.

**Mr Barr:** but that certainly has occurred. Individual schools, principals, teachers, school leaders have been working very closely with each of those students to ensure not only that the process of transition to the new school was smoothly managed and that there was a range of supports in place but also there has and will continue to be follow-up at an individual school level with those individual students.

**THE CHAIR:** So there has been a formal evaluation of the plans?

**Mr Barr:** Formal at a school level, not formal as in a report to a minister or formal as in will ever be publicly released.

**THE CHAIR:** No. That is not what I am asking.

**Mr Barr:** But, yes, that is correct, of course; it would be remiss of us not to.

**THE CHAIR:** Wonderful to hear.

**MS BURCH:** Just a final question from me. There has been some false comment made around the consultation process, saying it was a sham. So my questions are around the consultative process about what methods, what processes, what options were available for people to make comment and how did that comment change or help you in your decision-making processes?

**Mr Barr:** There was a variety of different ways of engagement. Obviously there were the large public meetings that in hindsight were probably the least constructive form of consultation. I visited nearly every school in the territory, not just in the public system, not just those that were directly affected in relation to 2020. I met with school boards, school P&Cs, with delegations of parents. I met with SRCs. I had a series of meetings with the Youth Advisory Council and the college SRC council, seeking to engage not only with parents and teachers but also directly with students through this process.

There were more than 700 meetings conducted. I did not personally attend all 700. I am very pleased that the directors of schools were in schools every day, every week throughout this process. It is again a credit to the professional nature and clear compassionate position that was put by each of the school directors through this process that they worked very closely with schools. The fact that we have had such positive outcomes for students across the board is as a result of the dedication and professionalism of these two officers and Joanne Howard from Schools Central, together with many other members of the education department who have worked tirelessly over a long period to ensure that these reforms were smoothly implemented.

Not everything went right. In any process of this nature there are always going to be things that do not go according to plan. But where problems were identified they were quickly resolved and done in a thoughtful and compassionate way. As a new minister at that time I cannot speak highly enough of the professionalism of the Department of Education and Training in managing a very difficult reform process.

**MS BURCH:** Could I ask that question again around some sort of vignettes, just so I am really clear that what was given to you from community really informed and directed your decisions?

**Mr Barr:** A range of ideas was put forward in relation to, for example, the early childhood structures from organisations, including the preschool association, that we should align the early childhood provision with the new curriculum framework, so rather than a P-3 model move to a P-2 model for early childhood provision.

There were some suggestions around how to strengthen the middle schooling provision around the territory that were accepted and adopted. The Australian Education Union put forward a particular proposal in relation to Kambah high that was accepted by the government as part of the consultation process. The residents of Giralang put forward a proposal to incorporate the preschool that was offsite into their primary school building, and in fact I have the pleasure tomorrow of going to the first anniversary of that Giralang preschool contained within the primary school building.

Yarralumla primary put forward a range of options, particularly around strengthening language provision, that we were able to pick up. We successfully relocated the Italian bilingual immersion program from Lyons to Yarralumla that has seen that program grow and be open to more students.

A range of innovative ideas were put forward during the consultation process, many of which related to individual schools, changing the way they market and promote

themselves to ensure that they were capturing a greater number of local enrolments.

I go back to my opening remarks that 50 per cent, nearly half, of all students enrolled in public schools were not enrolled in their local school. That speaks volumes for the diversity of the public education system and for the flexibility that parents need. It was raised with me during the consultation process that we should move to a zonal system. That would mean that students could only attend the government school in the area in which they lived. I explicitly rejected that. That was one policy proposal that was put forward. I understand that it has been put forward again to the committee. I think parents would react badly to that. A range of circumstances and situations necessitate parents choosing other schools, be it proximity to work or study, and they should be entitled to do that. So I do not support, for example, that change to restrict access to other government schools.

What I would say overall, Madam Chair, is that it was a difficult process. At no point have I suggested it was not. There was considerable community angst, most particularly concentrated around parents and children who were going to have to undertake a change. But, following on from those difficult decisions, there have been significant gains for the public education system and we have been able to do a whole range of really important things, like enhancing pastoral care, like enhancing Indigenous education outcomes, like enhancing resources for English as a second language, like enhancing resources for literacy and numeracy, like lowering class sizes, like investing more in the arts, in languages and in PE. We have made some significant gains. For the first time in more than a decade we have seen an increase in the enrolments in public schools—long may that continue.

**THE CHAIR:** Mr Barr, thank you. I think we have heard all that before. We are out of time. Mr Barr, are you prepared to stay for five minutes for one further question?

**Mr Barr:** No, unless it is a very quick question; I have other commitments.

**MR HANSON:** As a final question, if I may, I would just like to make the comment that—

**Mr Barr:** It is already five minutes past the time.

**MR HANSON:** As part of your answer to the last question you expressed your admiration for the staff in your department, the administrative staff and the teachers in the schools, and I would like to echo those sentiments. Despite any, I guess, political points of difference that we have, one point that we do agree on is our admiration for the hard work of staff, and obviously this has been a very difficult process for them through this—

**Mr Barr:** I thank you for that comment, Mr Hanson. I am sure I speak on behalf of all of the officers in acknowledging that.

**MR HANSON:** This has been a hard process.

**Mr Barr:** This is a highly political process but our public servants have done the territory proud and I am very pleased that there is that acknowledgement.

**MR HANSON:** And I would just like to echo that shared sentiment and thank you for your attendance here today.

**Mr Barr:** That is a happy bipartisan note on which to end this very political meeting.

**THE CHAIR:** Thank you, Mr Barr. Thank you to everyone who came today. I am sorry you did not all get to speak, which you are probably happy about. The transcript will be sent to department officials.

**The committee adjourned at 5.04 pm.**