



Australian Capital Territory

Education Amendment Act 2010 (No 2)

A2010-22

An Act to amend the *Education Act 2004*

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

1 Name of Act

This Act is the *Education Amendment Act 2010 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Education Act 2004*.

**4 Establishing government schools etc
Section 20 (5) and (6)**

substitute

- (5) Before making a decision to close or amalgamate a government school, the Minister must take the following steps:
- (a) tell the school community that the Minister is considering closing or amalgamating the school and the reasons why;
 - (b) obtain a report from the committee established under section 20A to use in consultation with the school community under paragraph (c) that—
 - (i) comprehensively assesses the impacts of closing or amalgamating the school on the school community; and

Note For what impacts must be assessed, see s 20B.

- (ii) identifies alternatives to closing or amalgamating the school;

- (c) consult with the school community for at least 6 months on the educational, economic, environmental and social impacts of, and identifying alternatives to, closing or amalgamating the school;

Note For how the Minister must undertake consultation, see s 20A.

- (d) publish in a daily newspaper—
 - (i) notice of a proposal to close or amalgamate the school; and
 - (ii) details of where a copy of the report mentioned in paragraph (b) can be obtained;

Example

a website operated by the administrative unit responsible for this Act

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

- (e) give written notice of the matters mentioned in paragraph (d) to—
 - (i) the parents and citizens association; and
 - (ii) the chairperson of the school board; and
 - (iii) the principal of the school.
- (6) Not less than 12 months after telling the school community that the Minister is considering closing or amalgamating the school, the Minister must—
 - (a) publish notice of the final decision in a daily newspaper; and
 - (b) give written notice of the decision to—
 - (i) a parent of each student at the school; and
 - (ii) each member of the school's parents and citizens association; and

- (iii) each member of the school board; and
- (iv) the principal and each teacher at the school; and
- (c) explain to the school community the reasons for the final decision and how the following have been taken into account in making the final decision:
 - (i) the school community's views;
 - (ii) the relevant general principles of this Act under section 7;
 - (iii) the principles on which chapter 3 is based under section 18.

5 Section 20 (7) (b)

substitute

- (b) consultation should be open, equitable, respectful and transparent;

6 Section 20 (7) (d) (i)

substitute

- (i) relevant information is provided in a timely, equitable and accessible way to enable maximum community participation in debate about the proposal; and

7 New section 20 (8) and (9)

insert

- (8) The Minister must not close or amalgamate a government school before the later of—
 - (a) 6 months after the final decision was made; and
 - (b) the end of the school year in which the final decision was made.

- (9) In this section:

school community, in relation to a school that is proposed to be closed or amalgamated, means the members of the community affected by closing or amalgamating the school, including students at the school, students' families, the school board, the principal and teachers at the school and the local community.

Examples—local community

residents, local businesses

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

8 New sections 20A and 20B

insert

20A Independent committee

- (1) The Minister must establish an independent committee.
- (2) The functions of the committee are to—
 - (a) prepare the report mentioned in section 20 (5) (b); and
 - (b) undertake the consultation on behalf of the Minister under section 20 (5) (c).
- (3) The committee must consist of 3 people selected after consultation with the appropriate standing committee.
- (4) In this section:

appropriate standing committee means—

 - (a) the standing committee of the Legislative Assembly nominated by the Speaker for this section; or
 - (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the consideration of educational issues.

20B Impacts of closing or amalgamating schools

- (1) An assessment under section 20 (5) (b) must include information about the following educational, economic, environmental and social impacts in relation to closing or amalgamating a school:
- (a) the following educational impacts:
 - (i) the range, quality and depth of education programs;
 - (ii) the age and condition of school infrastructure, facilities and resources;
 - (iii) teaching resources and workloads;
 - (iv) social and learning environment for children;
 - (v) extracurricular activities;
 - (vi) parent participation in school;
 - (vii) out-of-hours school programs;
 - (viii) findings of research studies on school size;
 - (ix) student literacy and numeracy outcomes;
 - (x) other educational outcomes;
 - (xi) student outcomes, especially those of parents who have a low income, are Indigenous or from a non-English speaking background or with disabilities;
 - (xii) access to public education;
 - (xiii) school enrolments;
 - (b) the following economic impacts:
 - (i) recurrent and capital savings and costs, including one-off savings and costs, of closing or amalgamating the school for the Territory, including—
 - (A) staffing and resources; and

- (B) school bus transport; and
- (C) traffic and safety arrangements; and
- (D) building maintenance and security;
- (ii) financial impact on parents, including transport and travel time;
- (iii) financial impact on local business including ongoing viability;
- (iv) a comparison of the cost, per student, to operate the school with the cost, per student, to operate other ACT government schools and average cost across all ACT government schools;
- (c) the following environmental impacts:
 - (i) traffic congestion;
 - (ii) air pollution;
 - (iii) greenhouse gas emissions;
 - (iv) noise levels;
 - (v) open green space adjacent to the school site;
- (d) the following social impacts:
 - (i) demographic projections of parents with school-age children, including taking into account expected land releases;
 - (ii) implications for parents who have a low income, are Indigenous or from a non-English speaking background or of students with disabilities;
 - (iii) safety of children walking or cycling to school;
 - (iv) neighbourhood community facilities;
 - (v) access to recreational and leisure facilities;

- (vi) provision of government services;
 - (vii) community support networks;
 - (viii) local employment;
 - (ix) heritage values of school buildings.
- (2) An assessment may include information about any other impacts in relation to closing or amalgamating the school.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 December 2008.

2 Notification

Notified under the Legislation Act on 6 July 2010.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Education Amendment Bill 2010 (No 2), which originated in the Legislative Assembly as the Education Amendment Bill 2008 and was passed by the Assembly on 23 June 2010.

Acting Clerk of the Legislative Assembly

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