



# Legislative Assembly

## Save Erskineville Public School Bill

05/09/2002

### Hansard Extract

#### Second Reading

Mr O'FARRELL (Ku-ring-gai) [10.14 a.m.]: I move:

That this bill be now read a second time.

The notice of motion for this bill, which I gave on Tuesday, was the first act I undertook in my new role as shadow Minister for Education and Training. I am proud that it was so, because I hope it underscores my commitment as the shadow Minister to public education. As a local member of Parliament, like every member in this Chamber I have dealt closely with fine public schools that exist in my electorate. One of the differences in seats such as mine and that of the honourable member for Epping is that our public schools compete with fine private schools. In both instances, they do so well. I am a strong believer that our system of free, compulsory education has made a significant contribution to the development of this State and nation. I practise what I preach, now that my son attends a local public school.

This bill seeks to save the 120-year old Erskineville Public School following a decision by the Carr Government, which was first announced last year, to sell the school building. The Coalition is committed to re-establishing a public school on the site, if the land has not been sold before next year's State election. This legislation is essential and urgent because as the House has been sitting this week developers have been on site discussing the sale. That is despite the commitment by the Minister for Education and Training six weeks ago that nothing would happen. I received a letter from Mr Mark Haines, treasurer of the Erskineville Public School parents and citizens association, which drew my attention to the fact that the school is under imminent threat. In part, he says:

Additionally, in a meeting with the Minister only 6 weeks ago, he [the Minister] personally stated clearly that no decision would be made regarding the site until after December 19. Last week, a group of Developers arrived unannounced with site plans in hand. They then proceeded to advise the Principal that they were there to inspect the site as they'd been told it was for sale at the end of the year. Clearly, then someone is lying and treats the matter as a *fait accompli*.

Regrettably, that sort of deception and failure to honour promises characterises what has gone on in relation to Erskineville Public School since the first announcement. I refer briefly to the history of this matter. In March 2001 the Sydney newspapers informed school communities around this city of the Government's decision to close or relocate 10 public schools. It was not a government announcement, it was leaked through the media. Within days the then Minister for Education and Training had told everyone who was concerned about the closures—teachers, parents and students at schools such as Erskineville Public School—that the decision was "not negotiable". So hasty was the Government and the Minister for Education and Training in making these announcements that they broke the law.

The Government ignored section 28 of the Education Act, which requires public consultation in the event of a decision to close a school. The Minister was forced to establish a consultative committee, the School Closures Review Committee, as prescribed by the Act. That committee, however, in no sense of the imagination was a serious attempt to consult. It was simply an attempt to dot an "i" and cross a "t" after a decision had been made, supported by the Premier and referred to by the then Minister as not negotiable.

A few months later, whilst that review by the School Closures Review Committee was ongoing, the parents of Erskineville Public School understood, for the first time, just how tricky and deceptive this Government could be. The Government had lied to them. Two months before the Department of Education and Training marked the school for closure they had been told that it would not close. In a letter from Port Jackson District Superintendent Jack Baseley dated 18 January, Erskineville Public School council was told that no review was being undertaken at the school. That sort of deception has no place in government; it has no place in public administration, and it is certainly not the sort of example we want to set for children, whether they be in the public or the non-public education system.

In September the School Closures Review Committee reported, not surprisingly, that it found in favour of closure. It found, four to three, in favour of closure. The three members of that committee, who may well be regarded as independent representatives, the parents and citizens association, the Teachers Federation and the Local Government Association all came out against closure. They called on the department to develop new plans to retain schools like Erskineville and Redfern public schools. In a joint statement they accused the Government of "cannibalising public schools to provide funds for other public schools". That is not the way to fund public education across the system. The public education system should not have to be sold at one end to finance improvements at the other end. The three members of that committee went on to state:

Evidence to the committee showed that property values, not educational need, was the main reason for the school closures.

That underscores this whole sorry saga. The view, the feeling in many cases, which is now documented, is that it was all to do with property and medium density developments that could occur on some of these sites that drove the department and the Government and forced Ministers to so vigorously respond in these situations. In November last year the former Minister for Education and Training was finally pushed aside. That move was months overdue. However, enormous damage was done, particularly in the latter part of his term as Minister for Education and Training.

In November last year we had a new Minister for Education and Training, the honourable member for Ryde, who had an opportunity to have a fresh look at all these issues. There was some hope that he would do so. But at the outset he said, "The decisions about school closures will not be revisited." We have all had dealings with government. We have probably had dealings with private sector organisations where wrong or unjust decisions are made. Whilst it should be a simple device to get those decisions overturned to get commonsense and justice to prevail, it seems almost impossible to achieve it. In those instances I think the best managers, the best public servants, are those who can take a step back and say, "Let us assess this from the start."

That is what the present Minister for Education and Training should have done when he assumed the portfolio in November last year. He failed to do that. In July this year an upper House inquiry into this affair released its report. Its chairman, Reverend the Hon. Fred Nile, made the point that closing schools like Erskineville Public School would limit choices for parents and students. He made the point that the parents and teachers had not been properly consulted over the plan and he said there was widespread evidence that the Government had decided to close the schools without taking on board the concerns of parents and teachers. On the same day the Minister for Education and Training again said that there would be no backing away from the plan. He said:

It's a decision that was painful to make 15 months ago but the decision will stand.

This Government will have us believe that it is open, accountable and accessible. But any analysis of its dealings with Erskineville Public School or other public schools affected by this policy demonstrates something to the contrary. Once the decision was made in private, secretly—at a time when parents, teachers and students were told that no such decision was under consideration—from that moment every effort was made to achieve the original purpose irrespective of any circumstances, conditions or facts brought to the attention of those in authority. That is not the way anybody is meant to administer any portfolio in any Parliament.

The Minister for Education and Training is pressing on. The parents, students and teachers of Erskineville Public School are bearing the cost of that. That is why this legislation is necessary. In the letter that I have referred to from the parents and citizens association even commitments that were given six weeks ago by the Minister appear to be worthless in this case. This legislation is designed simply to prevent the disposal of the site. The outline of provisions in the bill states:

Clause 4 declares that Erskineville Public School and its grounds cannot be lawfully granted, sold, leased, mortgaged, charged or otherwise alienated or encumbered, except as provided by the proposed Act.

Clause 5 restricts development of Erskineville Public School and its grounds. The restrictions allow them to be used only for the purpose of a government school and only with development consent.

Clause 6 allows the buildings and grounds to be leased and for a person to be licensed to use the buildings and grounds for up to 10 years, but only after the public has an opportunity to comment on the content of the proposed lease or licence.

Clause 7 saves any leases or licenses that affected Erskineville Public School or its grounds immediately before the Bill for the proposed Act was introduced into the Legislative Assembly.

Clause 8 provides that the proposed Act does not affect the application of the Heritage Act 1977 to Erskineville Public School.

Last year an editorial in the *Sydney Morning Herald* made two points about the Government's handling of this issue and education generally. First, it said:

While regarded as a prime Labor concern, public education is seen to have withered during the Carr Government's watch...

In relation to these proposals it went on to state:

They emanated from a highly secretive department determined to press on regardless.

The article referred to "the bureaucracy's stranglehold on Government thinking". Governments are in charge of departments and governments set priorities. If governments do not have those priorities, departments will wander all over the place. This Government claims to have great education credentials. When this Government was elected the Premier called himself the education Premier. As we saw in the House yesterday, this Government has presided over a fall in literacy and numeracy for people applying for trades-based apprenticeships with Integral Energy. This Government has been prepared to close schools without consultation with communities. This Government has been prepared to close schools on the basis of property valuations and not educational means.

This Government can find millions of dollars of funds for projects of little benefit, but it is happy to

cannibalise the education system, allegedly to support other aspects of the system. This Government is prepared to set one lot of teachers, parents and students against others. As a Liberal I believe strongly in choice in education. I firmly believe that we cannot have choice in education unless the public education system provides a quality outcome. I commend this legislation to the House. It is urgent and it is necessary. We have to save schools such as Erskineville Public School. We have to stop developers getting their hooks into such schools. Come 22 March next year, a Brogden government—and I am pleased the Leader of the Opposition is in the House—will be committed to re-establishing a public school on this site if the land has not been sold. This legislation would prevent that land from being sold.