



**EDUCATION (GOVERNMENT SCHOOL CLOSURES AND  
AMALGAMATIONS) AMENDMENT ACT 1998**

**No. 80 of 1998**

**SUMMARY OF PROVISIONS**

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**CLOSURE OR AMALGAMATION OF GOVERNMENT SCHOOLS**

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**ELIZABETHAE II REGINAE**

**A.D. 1998**

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**No. 80 of 1998**

**An Act to amend the Education Act 1972.**

*[Assented to 24 December 1998]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Education (Government School Closures and Amalgamations) Amendment Act 1998*.

(2) The *Education Act 1972* is referred to in this Act as "the principal Act".

**Amendment of s. 9—General powers of Minister**

2. Section 9 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) Subject to Part 2A, the Minister may close or amalgamate Government schools.

**Insertion of new Part**

3. The following Part is inserted after Part 2 of the principal Act:

**PART 2A  
CLOSURE OR AMALGAMATION OF GOVERNMENT SCHOOLS**

**Application of Part**

14A. (1) A Government school cannot be closed or amalgamated with another Government school except in accordance with this Part.

(2) However, this Part does not apply—

(a) to the temporary closure of a Government school in an emergency or for the purposes of carrying out building work; or

- (b) to the closure of a Government school if—
- (i) a majority of the parents of the students attending the school; or
  - (ii) where the school is wholly or principally for adult students—a majority of the students attending the school,
- indicate that they are not opposed to the closure.

**Process for closure or amalgamation of Government schools**

**14B.** The following provisions apply in relation to a closure or amalgamation of Government schools to which this Part applies:

- (a) schools cannot be closed or amalgamated except after a review has been conducted under this Part in relation to the schools;
- (b) a review under this Part is to focus on all of the Government schools within an area determined by the Minister and is to address the question whether all those schools continue to be required and, if not, whether a school should be closed or amalgamated with another school;
- (c) the Minister must give written notice of a proposed review under this Part to—
  - (i) the head teacher; and
  - (ii) the presiding member of the school council,
 of each of the schools subject to the review;
- (d) the Minister must, within 21 days of giving notice under paragraph (c)—
  - (i) appoint a committee to conduct the review; and
  - (ii) provide the committee with details of the Minister's reasons for the review.

**Review committee**

**14C.** (1) A committee appointed by the Minister under this Part will consist of—

- (a) at least two (but not more in total than the number gained by multiplying the number of schools being reviewed by two) persons nominated by the Minister (one of whom will be appointed by the Minister to be the presiding member); and
- (b) —
  - (i) if the schools are situated within the area of a council or councils constituted under the *Local Government Act 1934*—the mayor or chairman of each of those councils (or a person nominated by each such mayor or chairman); or

- (ii) in any other case—a person nominated by the Minister for Local Government; and
  - (c) the Director-General (or a person nominated by the Director-General); and
  - (d) a person (not being a teacher at a school that is subject to the review) nominated by the Australian Education Union (S.A. Branch); and
  - (e) the head teacher of each of the schools subject to the review; and
  - (f) a nominee from the school council of each of the schools subject to the review.
- (2) The Minister must appoint a member of the committee, nominated by the presiding member, to be the deputy presiding member.
- (3) The terms and conditions of membership of the committee will be as determined by the Minister.
- (4) The quorum for the transaction of business at a meeting of the committee is determined by dividing the number of persons entitled to attend and vote at the meeting by two, disregarding any fraction, and adding one.
- (5) Each member of the committee is entitled to one vote on any question arising for decision by the committee.
- (6) A decision supported by a majority of the votes cast by members of the committee present at a meeting of the committee is a decision of the committee.
- (7) The presiding member or, in the presiding member's absence, the deputy presiding member will preside at any meeting of the committee.
- (8) The person presiding at a meeting of the committee has, in addition to a deliberative vote, a casting vote in the event of an equality of votes.
- (9) The committee may act despite a vacancy in its membership or a defect in the appointment of a member.
- (10) Subject to this Part, the committee may determine its own procedures.

#### **Conduct of review**

**14D.** (1) A committee, in conducting a review in relation to the Government schools within a particular area, must—

- (a) call for submissions relating to—
  - (i) the present and future use of Government schools within the area; and
  - (ii) the likely effect on Government schools outside the area in the event of the closure or amalgamation of schools within the area; and

- (b) in relation to each of the Government schools within the area—
  - (i) invite submissions from and meet with—
    - (A) the school council; and
    - (B) teachers and parents of students of the school; and
  - (ii) invite submissions from representatives of local communities likely to be affected by a decision to close the school or to amalgamate it with another school.

(2) In making a recommendation relating to the closure of a school or the amalgamation of a school with another school, the committee must have regard to the educational, social and economic needs both of the local communities likely to be affected by the carrying out of the recommendation and of the State as a whole.

#### **Report on review**

**14E.** A committee must, no later than a date specified by the Minister (being a date falling not less than three months after the date on which the committee was appointed), submit to the Minister its report on the review and the recommendations of the committee as to the retention, closure or amalgamation of the schools subject to the review.

#### **Minister's decision as to closure or amalgamation**

**14F.** (1) The Minister may close a Government school or amalgamate two or more Government schools after giving due consideration to the report and recommendations of a committee that has conducted a review under this Part in relation to the school or schools.

(2) The Minister must, as soon as reasonably practicable after making a decision to close a school or amalgamate schools, give written notice of the decision and of the reasons for it to the head teacher and school council of each of the schools affected by the decision.

(3) If the Minister makes a decision that a school should be closed or that schools should be amalgamated contrary to the recommendations of a committee, the Minister must, within three sitting days of giving notice under subsection (2), cause a copy of the committee's report and recommendations and a statement of the reasons for the Minister's decision to be laid before each House of Parliament.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor