

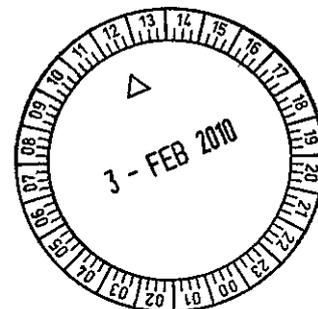


PUBLIC

Minister for Education; Tourism

Our Ref: 28-15433:RG:SE1481R-10 (2009/18795)

Hon Brian Ellis MLC
Standing Committee on Environment
and Public Affairs
Parliament House
PERTH WA 6000



Dear Mr Ellis *Brian*

**PETITION NO 45 – ESPERANCE ANGLICAN COMMUNITY SCHOOL –
REGISTRATION FOR YEARS 11 AND 12**

I refer to your recent letter requesting comments on Petition 45, which was tabled by the Hon Wendy Duncan MLC in the Legislative Council on 24 September 2009.

The condition of registration imposed on Esperance Anglican Community School related specifically to powers conferred on me as Minister for Education under section 165(1)(b) of the *School Education Act 1999*. I was required under the Act to focus solely on the condition imposed on the school by the then Minister in 2006.

The condition was very specific and I had to be satisfied that removal of the condition would “not have a detrimental effect on the ability of an existing school to function as a school”; in this case, on at least the upper secondary program (Years 11 and 12) at Esperance Senior High School.

I sought submissions from and consulted with key stakeholders. I considered all of the information gathered, including an alternative option put forward by the Anglican Schools Commission, in April 2009, whereby the first cohort of students at the school who would be able to progress through to senior secondary level would be the Year 8 group of 2011. I concluded that if I were to remove the condition on the registration of Esperance Anglican Community School, it would have had a significant detrimental effect on the upper secondary program at Esperance Senior High School. I was therefore not satisfied the registration standard associated with section 160(1)(f) of the Act had been met and therefore I decided that the condition on the registration for Esperance Anglican Community School must remain.

The Anglican Schools Commission subsequently requested a review of my decision under the appeals mechanism available under the Act. As required under section 168 of the Act, I established an independent Non-Government School Registration Advisory Panel, chaired by Emeritus Professor Lesley Parker AM, to undertake the review and to provide me with a report.

During the course of the review, the Anglican Schools Commission (ASC) revised the student projections for the school downwards from those on which the Department of Education had based its assessment of the effect the proposed extension would have on Esperance Senior High School.

I have now carefully considered the Panel's report and have made a further decision about this matter—restricting my decision, as required by the Act, to an assessment of the effect the proposed extension would be likely to have on the senior secondary program at Esperance Senior High School and not the matter of choice in education, as raised in the Petition.

I am concerned that the demographic projections for Esperance suggested by the ASC will not be sufficient, in the short-term, to support senior secondary school programs at both Esperance Senior High School and Esperance Anglican Community School, particularly with the "half-cohort" moving through senior school in 2013 and 2014.

Under section 168(6) of the Act, there were three options available to me – to confirm, to vary, or to reverse the original decision to refuse the school's application for registration for the proposed senior secondary school program.

I have decided to lift the existing condition of registration for Esperance Anglican Community School, and place a cap (at the levels indicated in the Commission's revised projections) on the number of students allowed to enrol at the school until 2015, after which the "half cohort" of students will have moved through the secondary school system.

I have also confirmed my decision in writing to the Hon Wendy Duncan MLC, Member for the Mining & Pastoral Region and the Hon Dr Graham Jacobs MLA, Member for Eyre.

Yours sincerely



Dr Elizabeth Constable MLA
MINISTER FOR EDUCATION; TOURISM

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