



## Shortchanged schools?

Are state schools being shortchanged in the rush to finalise building works funded as part of the Commonwealth government's \$14.7 billion Building the Education Revolution program? No, Victorian Minister for Education Bronwyn Pike told ABC TV *Stateline Victoria* reporter Helen Brown in June. 'We've developed quite a large range of templates that have been offered to schools, and in a lot of places that means they can get their facilities up quickly,' Pike explained. 'They've already been designed. They're tried and true, tested models.'

As Victoria's Beaconsfield Upper Primary School council president Gavin McGill told *Stateline*, though, 'There seems to be a huge disconnect between the funding that's provided and the buildings that we're allowed to choose from.' As McGill observed, 'The options that have been given to us for \$2 million of funding have been costed at \$900,000, so...where's the other \$1.1 million going?'

It was a brave strategy, as McGill admitted. 'Obviously, the community was concerned and the staff at the school were concerned that, if we refuse the offer..., we end up with nothing,' he said.

The good news, as Beaconsfield Upper principal Nick Karanzoulis wrote in the school newsletter after the *Stateline* report was broadcast, was that the school's proposal for a full-size gymnasium, with dressing rooms, kitchen, function room, toilets and store rooms, was fully approved by the Victorian Department of Education and Early Childhood Development. 'I would like to thank our school council and specifically president Gavin McGill for the support that I have received in pursuing what we have been entitled to...as part of the Building the Education Revolution program from the Rudd Government,' Karanzoulis wrote.

## Cadet death Call for inquest

A FEDERAL COURT JUSTICE CALLS FOR AN INQUEST INTO THE DEATH OF A SCOTCH COLLEGE STUDENT. **STEVE HOLDEN** REPORTS.

The Commonwealth of Australia has been found liable for the death of Nathan Francis, a 13-year-old Year 9 student at Melbourne's Scotch College, who died after being issued with a satay beef food pouch containing peanuts or peanut protein at a cadet camp in March 2007.

While Nathan's death occurred on a school-run Army cadet camp, the case was against the Commonwealth because, as Federal Court of Australia Justice Tony North observed, 'the Commonwealth was the employer of members of the Australian Army Cadets for all acts performed in connection with cadet activities.'

In fining the Commonwealth \$210,000, Justice North observed that the requirement to penalise the Commonwealth when the Commonwealth was the wrongdoer was irrational and 'cries out for some alteration.' 'Its absurdity is reflected in the terms of the order which must be made, namely, that the Commonwealth pay a pecuniary penalty, which penalty is to be paid to the Commonwealth,' he concluded.

Justice North noted that the case brought by Comcare focused on the responsibilities of the Commonwealth on the basis that an investigation of the training or knowledge of the teachers and staff at Scotch College would have been beyond its statutory power, but in his closing recommendations he observed that, 'it has become clear that there is need for a wider enquiry into the deficiencies which led to Nathan's death. The operation of the cadet unit is a joint responsibility of the school and the Army.'

'It is my strong recommendation that the (Victorian) Coroner conduct an enquiry into this matter,' Justice North added. 'There has so far been no opportunity for the role of

Scotch College in the death of Nathan to be examined in public. The court invited its contribution in this proceeding. In the end the participation of Scotch College was limited. Given the scope of the proceeding before the court that is not surprising and no criticism can be levelled at the school for its actions in that regard. The court has been confined to examining the liability of the Commonwealth. However, the finding that the Commonwealth is liable...does not mean that no other person or body was responsible for Nathan's death. The circumstances presented to the court raise a question whether Scotch College through its teachers and staff bear some responsibility for these events. That is a question which requires examination.'

Two other Scotch College students besides Nathan were also given a satay beef food pouch which contained peanuts or peanut protein, despite the school having been informed that they were allergic to peanuts.

According to evidence given by Nathan's father, Brian Francis, 'Gordon Donaldson, who was the headmaster at the time..., had no understanding of the ramifications of an allergic reaction to peanuts. The school had no peanut allergy policy, so there was no...ban on any peanut products whatsoever. The school was utterly ignorant to the consequences of ingestion of peanuts to someone who had an allergic reaction to it.' Current Scotch College principal Ian Tom Batty told the *Age* the school now has peanut allergy guidelines.

At the same cadet camp, six Scotch College cadets were lost in the bush for 18 hours without radio communication, in breach of the Commonwealth *Occupational Health and Safety Act 1991*. Justice North agreed to adjourn that case until April 2010.