



Telephone 02 6162 0834
Facsimile 02 6162 0837
Email aisact@ais.act.edu.au
Office 12 Thesiger Court, Deakin ACT 2600
Postal PO Box 225, Deakin West ACT 2600
ABN 51 980 437 786



Ms Katy Gallagher MLA
Chief Minister
Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Chief Minister

I write in support of your Minister for Education, Ms Joy Burch, and the process followed by her in granting In-principal Approval to three applications from non-government schools in late 2012.

I read with some concern your comments in a report in the Canberra Times on Tuesday 14 May that you were "open to tightening up the decision-making process" in relation to the approvals process for new or expanding non-government schools. The Association is of the view that the current process is transparent, fair and rigorous, and provides for both comment and consultation through the education and wider communities.

I am deeply troubled that the recent public complaints by representatives of two [redacted] that it should call in to question the current process.

Both the [redacted] and [redacted] would have had the opportunity to comment on the applications at the time of public consultation. The fact that there may be disagreement with the subsequent decision should not of itself therefore call into question the decision or the process on which it was based.

I would welcome the opportunity to discuss this matter and the broader issues with you.

Yours sincerely:
[redacted signature]

16 May

Cc: Minister for Education, Ms Joy Burch MLA



COPY

Katy Gallagher MLA**CHIEF MINISTER**MINISTER FOR HEALTH
MINISTER FOR REGIONAL DEVELOPMENT
MINISTER FOR HIGHER EDUCATION

MEMBER FOR MOLONGLO

[REDACTED]

Association of Independent Schools of the ACT
PO Box 225
DEAKIN WEST ACT 2600

Dear [REDACTED]

Thank you for your letter of 16 May 2013 about applications for in-principle approval for ACT non-government schools.

I welcome your comments and am glad to learn that the sector finds the current approval process for new or expanding non-government schools to be transparent, fair and rigorous.

Together with the Minister for Education and Training, I believe it is timely for stakeholders to be invited to make suggestions which could enhance and improve the processes for in-principle approval and registration of non-government schools; and make more transparent the decisions that relate to in-principle approval applications.

I understand that the Minister for Education and Training will shortly invite the Association of Independent Schools ACT and the independent school principals to write with any suggested modifications to the current process.

The ACT Government highly values the contribution made to our community by the independent school sector.

Yours sincerely

[REDACTED]

Katy Gallagher MLA
Chief Minister

17 JUN 2013

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0840 Fax (02) 6205 3030 Email: gallagher@act.gov.au Facebook: KatyGallagherMLA Twitter: @katyGMLA

Orubuloye, Chris

From: Tardif, Phillip
Sent: Tuesday, 30 July 2013 3:12 PM
To: Orubuloye, Chris
Subject: FW: AISACT response to Minister - non government school registrations
Attachments: AISACT response to Minister - non government school registrations.pdf

Chris
AIS response re non-govt schools. Needs to be trimmed and to ETD for response by Minister.
Phil

Phillip Tardif
Chief of Staff
Office of Joy Burch MLA
Member for Brindabella
Minister for Education and Training
Minister for Disability, Children and Young People
Minister for Multicultural Affairs
Minister for Women
Minister for the Arts
Minister for Racing and Gaming
T 02 6205 7402 | M 0419 978 935

From: [REDACTED]
Sent: Tuesday, 30 July 2013 10:26 AM
To: BURCH
Cc: [REDACTED] Tardif, Phillip; Emerson, Marc
Subject: AISACT response to Minister - non government school registrations

Dear Minister

Please find attached the response from AISACT to your invitation to comment on the current in-principal approval and registration process for non-government schools.

With best wishes

[REDACTED]

Association of Independent Schools of the ACT
P: [REDACTED]
PO Box 225 DEAKIN WEST ACT 2600

*AISACT – Excellence in ACT Independent Education
Independence. Choice. Diversity.*



Telephone 02 6162 0834
Facsimile 02 6162 0837
Email aisact@ais.act.edu.au
Office 12 Thesiger Court, Deakin ACT 2600
Postal PO Box 225, Deakin West ACT 2600
ABN 51 980 437 786

Ms Joy Burch MLA
Minister for Education
Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Minister

I write on behalf of the Association of Independent Schools of the ACT (AISACT) in response to your invitation to comment on existing processes relating to in-principle approval and registration of non-government schools.

The Association is delighted to have the opportunity to provide comment. At the outset, I will state that the current process is considered by AISACT to be comprehensive and both rigorous and thorough in its implementation. It allows for objective decision making taking account of the demand for non-government education and a holistic approach to the provision of education in the ACT. Comments from senior educators in the independent sector who have experience in accreditation panels for both independent and government schools indicate that the registration processes is extremely rigorous.

Your letter indicates that there has been 'recent community interest in the approval and registration process'. It would seem that public demand for such an inquiry has been generated by three interest groups:

It is the firm view of the Association that the public calls for an inquiry into the system for registration of non-government schools are driven by self-interest and an ideological position which makes it clear that those complaining of the process are inherently opposed to the development of new non-government schools, or the expansion of existing ones.

Such a jaundiced view is not new. However, such a position places those who hold it at odds with, and seemingly oblivious to, statements from the Prime Minister, Chief Minister and Ministers for Education that old battle lines between government and non-government schools no longer exist.

Demand – enrolment growth

It should be noted that initiatives to create new non-government schools, or to expand existing ones, is based on demand from the Canberra community.

The ACT Education Act 2004 is clear when it states the principles on which non-government schools are based:

- The variety of schools in the sector reflects the diversity of the community in the ACT and the preferences of parents for a particular style of education for their children
- The non-government schools sector is committed to –
 - Developing the spiritual, physical, emotional and intellectual welfare of its students
 - Innovation, diversity and choice
 - Maximizing student outcomes
 - Teacher, parent and student participation in all aspects of school education
 - Promoting the partnership between home and school
 - Preparing students for their full participation in all aspects of a democratic society

These are the principles which underpin each independent school.

There has been high demand for enrolment in independent schools over many years, and anecdotal evidence would suggest that most independent schools maintain very 'healthy' waiting lists. While it is impossible to determine whether some families have their child/ren on the waiting list of more than one school, it is instructive to look at enrolment growth in independent schools over time.

In the years since 2003, overall student population in the ACT has grown by 12.9%. Over a similar time (2002 – 2012) the ACT population increased by 16.4%. During that time, enrolment growth in ACT independent schools has increased by 29.2%. This is a staggering increase, and highlights the enthusiasm of parents to enrol their children in an independent school.

Comment on existing processes

The processes relating to in-principal approval and registration, as outlined in the Act and specified by *Registration of Non-government Schools in the ACT: A guide for applicants, proprietors, principals and registration coordinators* demonstrates clear and rigorous processes and requirements for non-government schools seeking in-principle approval and/or registration. The documentation requirements are substantial, panel visits for registration are thorough, and the engagement in registration and re-registration by school Boards, Principals, staff and community is significant. As noted above, the Association considers the practice comprehensive.

The current process, and the rigour of that process, provides the Minister with confidence that the applicant school fully meets all the requirements expected of it.

Views on how the processes might be improved; transparency enhanced; suggested modifications

It is important that the ACT community can be satisfied that the Government is regulating the delivery of education in the ACT appropriately, efficiently and fairly. It is therefore appropriate that any member of the ACT Community should be able to have an understanding of the process that the Minister will use in making a decision in respect of the creation or expansion of a school. It is also important that community members can be assured that the Minister has considered a range of information including the financial viability of a school or the possible impact of the proposed school on existing schools.

However, a change in the process already suggested by others, and one of considerable concern shared by all Members of the Association, is the suggestion to place a full copy of an application from an independent school for in-principle approval, preliminary registration or registration on the Directorate's website.

While recognising the efficiency of using electronic methods for providing access for interested members of the community to consider in their preparation of community responses, there is significant concern that items or information that a school might consider sensitive, or even commercial-in-confidence, would be more easily available and would also be able to be shared.

It is important to keep in mind the purpose for which any information is made publicly available. Certainly it is so the community can be aware of the initiative and be able to support the application. It also allows community members to be assured that proper processes are followed, and to provide responses where they consider that there may be an impact which affects them. However, this degree of analysis by an individual member of the community does not need full provision of the details of an application or the voluminous information contained in reregistration.

If an outcome of this review is that applications should be placed on the Directorate's website, the above concern must be addressed. Schools would need to be guaranteed that items sensitive to the operation of a school would not be electronically available.

It has also been suggested that, as a means to support the Minister in examining an application, a panel might be set up following the 60 day community consultation period to assist the Minister in considering the application and any community comment received. This is in addition to the support provided by the Directorate and, in essence, would add an additional layer of complexity to an already rigorous process.

However, there may be opportunities presented in such a proposal which would assist both the applicant and the Minister. If such a panel was set up to provide the Minister with the opportunity to ask questions of clarification of the applicant – for example, to seek the applicant's view on issues which may have been raised during the public consultation period – that might be seen as a credible process through

which an applicant could address claims, and the Minister clarify issues that might have arisen.

If such a process were considered, or any additional requirement placed on applicants, it ought to be acknowledged that these would create an even higher standard on non-government schools. Crucially, the composition of such a panel to assist the Minister must be a balanced representation of the Canberra education community. The Association would welcome the opportunity to consult on the composition of such a panel.

The decision of the Minister, having gone through the application process, should not be appealable, except by the applicant.

The onus should not be on independent schools to *justify* a need for the independent sector every time an application is made. The Act already acknowledges that the 'variety of schools in the sector reflects the diversity of the community in the ACT and the preferences of parents for a particular style of education for their children'. Independent schools exist out of community need, and the process of in-principal approval and registration should provide a mechanism to *validate* that need.

Yours sincerely



30 July 2013



Joy Burch MLA

MINISTER FOR EDUCATION AND TRAINING
 MINISTER FOR DISABILITY, CHILDREN AND YOUNG PEOPLE
 MINISTER FOR THE ARTS
 MINISTER FOR WOMEN
 MINISTER FOR MULTICULTURAL AFFAIRS
 MINISTER FOR GAMING AND RACING

COPY

MEMBER FOR BRINDABELLA

[REDACTED]
 Association of Independent Schools of the ACT
 PO Box 225
 DEAKIN WEST ACT 2600

Dear [REDACTED]

Thank you for your letter of 30 July 2013 in response to my request for comments on the existing processes relating to in-principle approval and registration of non-government schools in the ACT.

I have asked Ms Narelle Hargreaves and Mr Craig Curry who bring a breadth of expertise in school education and an understanding of the three ACT education sectors to assist me in reviewing current practices.

Ms Hargreaves and Mr Curry have been provided with a copy of your response. This will enable them to analyse the comments and suggestions you have provided to me.

I am confident that this review process will provide me with a clear understanding of how the current processes can be enhanced.

If you have any questions about the review process please contact the Registrar of Non-government Schools, Ms Joanne Garrisson on 02 6205 9328 or joanne.garrisson@act.gov.au.

Yours sincerely

[REDACTED]
 Joy Burch MLA
 Minister for Education and Training

22 August 2013

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0020 Fax (02) 6205 0495

Email BURCH@act.gov.au Twitter: @JoyBurchMLA Facebook: www.facebook.com/joyburchmla

100
 1 of 1
 CANBERRA



AUSTRALIAN CAPITAL TERRITORY

DEED OF GRANT

Dated

13 JANUARY 2013/4

Parties

AUSTRALIAN CAPITAL TERRITORY

**The Association of Independent
Schools of the ACT Inc**

**ACT BILATERAL SCHOOLS
AGREEMENT FOR
VOCATIONAL EDUCATION AND
TRAINING IN SCHOOLS**

Prepared by

Education and Training Directorate
GPO Box 158
CANBERRA ACT 2601

Ph: 6205 7088
Fax: 6205 9340
Ref: 2010/00799

Version

7 November 2013

CONTENTS

1.	Interpretation.....	2
2.	Payment and Use of Grant	4
3.	Grant Period	4
4.	Separate accounting for Grant.....	4
5.	GST	5
6.	Records	5
7.	Reporting of progress and expenditure.....	6
8.	Acknowledgement of Funding.....	6
9.	Intellectual Property Rights	7
10.	Insurance and Indemnity	7
11.	Termination of Grant.....	7
12.	Refund of Grant	8
13.	Dispute Resolution.....	9
14.	Variation	9
15.	General.....	10
	SCHEDULE 1	12
	SCHEDULE 2	14

PARTIES: **AUSTRALIAN CAPITAL TERRITORY**, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988 (Cwlth)* (**Territory**) represented by the Education and Training Directorate.

The Association of Independent Schools of the ACT Inc., PO Box 225 DEAKIN ACT 2600 (Recipient).

BACKGROUND

The Territory has agreed to make and the Recipient has agreed to accept the Grant for the purpose of the Funded Activity on the terms and conditions of this Deed.

The Territory has agreed to make and the Recipient has agreed to accept the Grant for VET in Schools funding allocations.

Funds are made available by the Australian Government, through the Department of Education to the ACT Education and Training Directorate (ETD) for the purpose of expanding both the number of young people undertaking vocational education and training programs during their senior secondary school years and to expand the breadth and depth of Vocational Education and Training (VET) in Schools programs offered (through Vocational Education and Training in Schools and Australian School-based Apprenticeship pathways).

IT IS AGREED by the parties as follows.

1. Interpretation

1.1 Definitions

The following definitions apply in this Deed, unless the context otherwise requires.

ABN	has the same meaning as in the <i>A New Tax System (Australian Business Number) Act 1999</i> (Cwlth).
Contract Officer	means, in relation to each party, the representatives whose names and contact details are specified in Item 5 Schedule 1 , or as notified in writing from time to time by one party to the other.
Funded Activity	means the activity described in Schedule 2 .
Grant	means the amount specified in Item 2 Schedule 1 and any interest accruing on that amount after it has been paid to the Recipient.
Grant Material	means all material created, written or otherwise brought into existence as part of, or for the purpose of carrying out the Funded Activity including all reports (whether in draft or final form), documents, equipment, information and data stored by any means.
Grant Period	means the period specified in Item 1 Schedule 1 .
GST	has the same meaning as it has in the GST Act.
GST Act	means the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth).
Invoice	means an invoice that: <ol style="list-style-type: none"> (1) is a valid tax invoice (if GST is payable in respect of any taxable supply made under this Deed); (2) clearly sets out the amount that is due for payment, is correctly calculated and is in respect of the Funded Activity; (3) sets out details of the Funded Activity undertaken or to be undertaken, and sets out or is accompanied by any other details or reports required under this Deed; and

- (4) is rendered at the times specified in **Item 2 Schedule 1** (if any) and addressed to the Territory's Contract Officer.

Special Condition means any provision set out in **Item 7 Schedule 1**.

Territory means:

- (1) when used in a geographical sense, the Australian Capital Territory; and
- (2) when used in any other sense, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth).

The Association of Independent Schools of the ACT Inc Means: those schools that are members of the AIS, not including the three non systemic Catholic Independent Schools.

1.2 General

In this Deed, unless a contrary intention is expressed:

- (1) references to "Recipient" includes any employees, agents or subcontractors of the Recipient;
- (2) references to legislation or to provisions in legislation include references to amendments or re-enactments of them and to all regulations and instruments issued under the legislation;
- (3) words importing a gender include the others; words in the singular number include the plural and vice versa; and where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (4) "include" is not to be construed as a word of limitation;
- (5) headings have no effect on the interpretation of the provisions; and
- (6) an obligation imposed by this Deed on more than one person binds them jointly and severally.

2. Payment and Use of Grant

2.1 Payment of Grant

The Territory must pay the Recipient the Grant following its receipt of an Invoice and otherwise in accordance with **Item 2 Schedule 1**.

2.2 Use of Grant

The Recipient must:

- (1) use the Grant only for the Funded Activity;
- (2) undertake the Funded Activity diligently and otherwise in accordance with this Deed; and
- (3) complete the Funded Activity by the end of the Grant Period.

3. Grant Period

This Deed is for the Grant Period unless terminated under the provisions of this Deed.

4. Separate accounting for Grant

4.1 Separately account for Grant

The Recipient must:

- (1) within its accounting system, account for the Grant separately from any other funds of the Recipient; and
- (2) if required by the Territory, deposit and hold in a separate bank account the Grant on trust for the Territory.

4.2 Bank account

If the Recipient is required to maintain a separate bank account under **clause 4.1(2)**, the Recipient must:

- (1) not cause or allow any funds other than the Grant to be deposited into that account; and
- (2) promptly notify the Territory of:
 - (a) the details of that account, and
 - (b) any change to that account.

5. GST

If the Recipient is registered under the GST Act, the Territory will, on receipt of an Invoice, pay to the Recipient an amount equal to the GST under the GST Act lawfully payable by the Recipient in respect of supplies to the Territory that are taxable supplies under the GST Act.

6. Records

6.1 Obligation to keep

The Recipient must:

- (1) keep all records necessary to substantiate expenditure of the Grant in compliance with applicable law; and
- (2) provide a complete and detailed record and explanation of:
 - (a) expenditure of the Grant,
 - (b) other income received and money spent on the Funded Activity,
 - (c) the progress of the Funded Activity, and
 - (d) any other records in respect of the Funded Activity that the Territory may reasonably require from time to time.

6.2 Retention of records

The records referred to in **clause 6.1** must be retained by the Recipient for at least 7 years following the completion or termination of the Funded Activity or the expiration or termination of this Deed, whichever occurs first.

6.3 Access

The Territory may, at reasonable times and on reasonable notice, enter the Recipient's premises and inspect the records kept by the Recipient and the progress of the Funded Activity, to audit the Recipient's compliance with this Deed.

6.4 Assistance

The Recipient must give the Territory access to those facilities and such assistance as may reasonably be necessary to enable the Territory to conduct that audit.

6.5 Copies

In conducting an audit, the Territory may at its own cost and expense take copies of any records which it reasonably consider relevant.

6.6 Territory's Auditor-General

Any of the Territory's rights under this clause 6 may be exercised by the Territory's Auditor-General, his or her delegate or any relevantly qualified person engaged to perform any functions of the Auditor-General.

7. Reporting of progress and expenditure

7.1 Progress reports

The Recipient must provide written reports to the Territory relating to the progress of the Funded Activity and expenditure of the Grant in the manner and at the times required in **Item 3 Schedule 1**.

7.2 Other notifications

The Recipient must keep the Territory reasonably informed about all matters which are likely to materially and adversely affect the timing, scope or cost of the Funded Activity or the Recipient's ability to carry on or complete the Funded Activity in accordance with this Deed.

8. Acknowledgement of Funding

8.1 Acknowledgement of Territory support

The Recipient must in relation to the Funded Activity:

- (1) acknowledge the support of the Territory in any public event, media release or media coverage; and
- (2) include an acknowledgement in the form set out in **Item 6 Schedule 1** in all documents, brochures, books, articles, newsletters, other artistic works or literary works or advertising.

8.2 Other obligations

The Recipient must:

- (1) in relation to the material referred to in **clause 8.1(2)**, promptly provide to the Territory:
 - (a) if requested by the Territory, a draft of that material at least 10 days prior to publishing or printing, and
 - (b) a copy of that material; and
- (2) on reasonable notice, invite the Territory to participate in any public event, media release or media coverage related to the Funded Activity.

9. Intellectual Property Rights

9.1 Ownership of Grant Material

Ownership of all Grant Material, including any intellectual property rights, vests on its creation in the Recipient.

9.2 Licence to Territory

The Recipient grants to the Territory an irrevocable, non-exclusive, royalty-free licence to use the intellectual property in the Grant Material.

9.3 Meaning of “use”

For the purpose of **clause 9**, “use” includes supply, reproduce, publish, perform, communicate, broadcast, adapt and copy.

10. Insurance and Indemnity

10.1 Recipient’s insurance

The Recipient must effect and maintain for the duration of this Deed:

- (1) all insurance coverage required by it by law;
- (2) public liability insurance with coverage in the amount of not less than \$20 million (or any other amount specified in **Item 4 Schedule 1**) in respect of each claim, including voluntary workers insurance cover if volunteers are engaged by the Recipient; and
- (3) any other insurance specified in **Item 4 Schedule 1**,

with an insurer having a Standard and Poor’s or Best’s Rating A- or better and must produce evidence of that insurance as required by the Territory.

10.2 Indemnity

The Recipient indemnifies the Territory, its employees and agents in respect of all claims, costs and expenses and for all loss, damage, injury or death to persons or property caused by the Recipient, its employees, agents or contractors in connection with the use of the Grant or the conduct of the Funded Activity except to the extent that the Territory caused the relevant loss, damage or injury.

11. Termination of Grant

11.1 Breach

The Territory may terminate this Deed at any time by written notice to the Recipient, if the Recipient:

- (1) is or becomes bankrupt or insolvent, enters into voluntary administration or makes any arrangement with its creditors or takes advantage of any statute for the relief of insolvent debtors;
- (2) fails to:
 - (a) commence the Funded Activity in a timely manner,
 - (b) undertake the Funded Activity diligently, or
 - (c) meet any timeframes specified in this Deed; or
- (3) commits any other breach of a provision of this Deed, where that breach:
 - (a) if capable of being remedied, is not remedied within the period specified in a written notice by the Territory, or
 - (b) is not capable of being remedied.

11.2 Termination or reduction of funding for any reason

The Territory may, at any time by written notice to the Recipient, terminate this Deed or reduce the funding for the Funded Activity for any reason, and in that event the Recipient must:

- (1) in the event of termination, comply with the notice and **clause 12**; or
- (2) in the event of a reduction in funding, continue to undertake the Funded Activity in accordance with the notice.

12. Refund of Grant

12.1 Repayment of unacquitted funds

At the end of the Grant Period, or earlier termination of this Deed, the Recipient must:

- (1) unless otherwise required under this Deed, within 30 days, provide the Territory with a statement of expenditure of the whole of the Grant; and
- (2) promptly repay any or all of the Grant that remains unacquitted.

12.2 Meaning of unacquitted funds

For the purposes of **clause 12.1**, the Grant remains unacquitted if it:

- (1) is not spent and is not contractually committed to be spent; or
- (2) has been spent in breach of this Deed.

13. Dispute Resolution

13.1 Negotiation of Dispute

If a difference or dispute (“Dispute”) arises in relation to this Deed, then either party may give written notice to the other that a Dispute exists, which specifies details of the Dispute. The parties agree that, following the issue of that notice, they will endeavour to resolve the Dispute by negotiations, including by referring the Dispute to persons who have authority to intervene and direct some form of resolution.

13.2 Mediation of Dispute

If the Dispute has not been resolved pursuant to **clause 13.1** within 28 days of the notice of the Dispute, then the parties agree that they will undertake a mediation process. The mediator will be an independent mediator agreed by the parties or, failing agreement, nominated by the chairperson of The Institute of Arbitrators and Mediators Australia, ACT Chapter. Unless otherwise agreed, the parties will share the costs of the engagement of the mediator.

13.3 No prejudice

Nothing in this **clause 13** will prejudice the rights of either party to institute proceedings to enforce the Agreement or to seek injunctive or urgent declaratory relief in respect of any Dispute.

14. Variation

14.1 Variation to Funded Activity

The Recipient must obtain the Territory’s prior written approval for any variation to the Funded Activity, including:

- (1) the Funded Activity or work programs;
- (2) the Funded Activity’s objectives or outcomes;
- (3) variation of more than 10% in expenditure for a specified item of the approved budget that forms part of the Recipient’s application for a grant for the Funded Activity; and
- (4) the Grant Period.

14.2 Variation to Deed

This Deed may only be varied by the written agreement of the parties prior to the expiration of the Grant Period.

15. General

15.1 No assignment

The Recipient must not assign the whole or any part of this Deed without the prior written consent of the Territory. In giving its consent, the Territory may impose any conditions it considers appropriate.

15.2 Conflict of interest

The Recipient:

- (1) warrants that, at the date of entering into this Deed, no conflict of interest exists or is likely to arise in the performance of the Funded Activity and of its other obligations under this Deed; and
- (2) must, if a conflict, or risk of conflict, of interest arises during the Grant Period:
 - (a) notify the Territory immediately in writing of that conflict or risk, and
 - (b) comply with any requirement of the Territory to eliminate or otherwise deal with that conflict or risk.

15.3 No employment, partnership or agency relationship

- (1) Nothing in this Deed constitutes the Recipient, or its employees, agents or subcontractors as employees, partners or agents of the Territory or creates any employment, partnership or agency for any purpose.
- (2) The Recipient must not represent itself, and must ensure its employees, agents and subcontractors do not represent themselves, as being employees, partners or agents of the Territory.

15.4 Entire Agreement

This Deed comprises the entire agreement between the parties in relation to the Funded Activity and supersedes any prior representations, negotiations, writings, memoranda and agreements.

15.5 Severability

Any provision of this Deed that is illegal, void or unenforceable will not form part of this Deed to the extent of that illegality, voidness or unenforceability. The remaining provisions of this Deed will not be invalidated by an illegal, void or unenforceable provision.

15.6 No waiver

Failure or omission by the Territory at any time to enforce or require strict or timely compliance with any provision of this Deed will not affect or impair

that provision in any way or the rights and remedies that the Territory may have in respect of that provision.

15.7 Governing law

This Deed is governed by and construed in accordance with the law for the time being in force in the Territory and the parties submit to the non-exclusive jurisdiction of the courts of the Territory.

15.8 Compliance with laws

The Recipient must comply with the laws from time to time in force in the Territory in performing the Funded Activity.

15.9 Notices

Any notice, including any other communication, required to be given or sent to either party under this Deed must be in writing and given to the relevant Contract Officer. A notice will be deemed to have been given:

- (1) if delivered by hand, on delivery;
- (2) if sent by prepaid mail, on the expiration of two days after the date on which it was sent;
- (3) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or
- (4) if sent by electronic mail, on the other party's acknowledgment of receipt by any means.

15.10 Forms and statements

The Territory may (but not unreasonably) require any form, record or statement required under this Deed to be in a particular form.

15.11 Special Conditions

In the event of any inconsistency between any Special Condition and any other provision of this Deed then, to the extent of any inconsistency, the Special Condition will prevail.

15.12 Survival of clauses

Clauses 6, 7.1, 9.2, 10.2 and 12 will survive the expiration or earlier termination of this Deed.

SCHEDULE 1

GRANT DETAILS

- Item 1. Grant Period** From 1 January 2013 until 31 December 2013
- Item 2. Grant**
- (1) The Grant is payable as a lump sum, and an Invoice for \$117,379 + GST may be rendered on or after the date of this Deed.
 - (2) Except if otherwise stated in this Deed, the Grant is:
 - a. payable within 30 days of receipt by the Territory of an Invoice; and
 - b. inclusive of GST and all other taxes, duties and charges.
 - (3) The Recipient of the Grant will acknowledge the receipt of monies in writing to the Vocational Education & Training in Schools Unit of the ACT Education and Training Directorate within 10 working days of receipt of grant monies.
- Item 3. Reporting and Acquittal**
See clause 7.1 Acquittal of 2013 funds will be received by the ACT Education and Training Directorate by the last day of April 2014.
- Acquittal form Annexure A
- Item 4. Other insurance requirements**
See clause 10.1 Not used, see clause 10.1.
- Item 5. Contract Officers**
See clauses 1.1 and 15.9 For the Territory:
- Dr Kaaren Blom
ACT Education and Training Directorate
GPO Box 158
CANBERRA ACT 2601

Facsimile: 6205 9340

For the Recipient:


Executive Director
The Association of Independent Schools of the
ACT Inc
PO Box 225
DEAKIN WEST ACT 2600

Facsimile: 6162 0837

Item 6. Form of Acknowledgement
See clause 8.1

Not used.

Item 7. Special Conditions
See clauses 1.1 and 15.11

The Recipient is not required to comply with clause 8.1 of this Deed.

SCHEDULE 2

THE FUNDED ACTIVITY

1.0 General Aims

The underpinning document from which the program is developed is the *National Agreement for Skills and Workforce Development*.

Funding will be applied to contribute to the expansion of the number and percentage of young people in their senior secondary years undertaking vocational education and training programs in the ACT and the breadth and depth of VET in Schools programs offered (through VET in Schools and Australian School-based Apprenticeship pathways).

The funding is expected to assist the ACT to achieve the outcomes of:

- enhance high quality VET in schools delivery and outcomes
- increase the sustainability of program delivery, and
- support the further integration of VET in Schools into the resourcing, operations and culture of the school systems and schools.

2.0 Key Deliverables

The priority areas for action and for reporting in the ACT for 2013 include:

- support of the ACT targets of engagement, retention and attainment of young people in education
- the establishment of VET in Schools by schools not previously involved in the delivery of VET in Schools
- expanding the range and spread of VET in Schools courses offered across industry sectors by schools already involved in the delivery of VET in Schools
- the establishment of VET in Schools courses in new industry areas and in industry areas currently not well subscribed in VET in Schools
- increasing participation in VET in Schools by particular student groups that are difficult to reach and/or service, for example, improving access for disengaged students, educationally disadvantaged students including Aboriginal and Torres Strait Islander students and students with a disability
- developing strategies to maintain quality standards in VET in Schools including professional development
- increasing participation in Australian School-based Apprenticeships or other trades related vocational courses which respond to skills shortages, and
- addressing areas of skills shortage.

3.0 Reporting and Acquittal

Acquittal of 2013 funds will be received by the ACT Education and Training Directorate by the last day of February 2014 using the Acquittal form at [Annexure A](#).

Annexure A

ACT VETiS Priority Area	Purchase of resources for training delivery		Teacher professional development		Other	
	\$	Description	\$	Description	\$	Description
Expand the range and spread of VETiS courses offered across industry areas by schools already involved in VET in Schools						
Develop and offer VETiS courses in new industry areas						
Increase participation by target groups, eg disengaged students, Aboriginal and Torres Strait Islander students and students with a disability						
Strategies to maintain quality standards of VET in schools (eg maintain vocational competence of teachers)						
Increasing participation in ASBA or other trades related vocational courses which respond to skills shortages						
Address areas of skill shortages						
TOTAL REVENUE EXPENDED						0
TOTAL REVENUE RECEIVED						
UNSPENT BUT COMMITTED BALANCE						
TOTAL						

I certify that the funds received for the project have been expended in accordance with the terms and conditions of the grant.

Name: _____ Signed & Dated: _____

AIS Representative

SIGNED AS A DEED ON 13 JANUARY 2014

SIGNED for and on behalf of the)
AUSTRALIAN CAPITAL TERRITORY)
in the presence of:)

Signature of Territory delegate

[Redacted signature area]

Leanne Wright
Print name

Signature of witness/
[Redacted signature area]
Print name

SIGNED for and on behalf of)
The Association of Independent Schools of)
the ACT Inc ABN 51980437786 by)

Signature of Recipient / or authorised officer*

in the presence of
[Redacted signature area]

*delete whichever is not applicable (see note below)

[Redacted signature area]

Signature of witness
[Redacted signature area]
Print name

Print name and position

[Redacted signature area]

Signature of second authorised officer*
*see note below

[Redacted signature area]

Print name and position

Note:

Date: Must be dated on the date the last party signs the Deed or, if signed counterparts of the Deed are exchanged, the date of exchange. Also date the cover page.

Individual: Must be signed by the individual Recipient and witnessed.

Incorporated Association: Must be signed in accordance with the Recipient's constitution, which may or may not require the common seal to be affixed. As a minimum, 2 authorised officers must sign.

Company: Must be signed in accordance with section 127 of the Corporations Act 2001 (Cwlth), for example, by 2 directors or a director and a secretary. Common seal may be affixed if required under the Recipient's constitution.



ACT
Government
Education and Training



BRIEF

Trim No: MIN14/822

**ASSOCIATION OF INDEPENDENT SCHOOLS AIS ACT
MINISTER MEETING 28 AUGUST 2014 12.00-1.00pm**

To: Minister for Education and Training

From: Deputy Director-General, Education and Training Directorate

Director: Joanne Garrisson
Branch: Governance and Assurance

Recommendation

That you note the information contained in this brief about your meeting with Association of Independent Schools (AIS).

Joy Burch MI ^



28/8/14

NOTED/PLEASE DISCUSS

Action Officer: Lynda Tooth
Branch: Governance and Assurance
Extension: x59301

Critical date and reason

Meeting date is Thursday 28 August 2014 12.00-1.00pm.

Purpose

To assist you with your discussion of the proposed agenda.

Background

The Association of Independent Schools ACT comprises the 17 registered ACT independent schools.

You will be meeting with [redacted] inc [redacted] s



You last met with [REDACTED] on 25 March 2014 to discuss the review of registration of non-government schools, [REDACTED]
[REDACTED]

On 19 March 2014 you spoke to the full board of the AIS about your views and vision for education in the ACT, and in particular for independent schools.

Issues

For this meeting, AIS has advised they wish to discuss:

1. alignment of registration and validation for ACT schools
- [REDACTED]

Information on each of these topics is attached.

Consultation

Advice was sought from AIS on a list of topics for discussion.

Financial

Nil.

Media

Nil.

[REDACTED]
Joanne Garrison.

Director

20 August 2014



ACT
Government
Education and Training



BRIEF

Trim No: MIN15/221

**ASSOCIATION OF INDEPENDENT SCHOOLS AIS ACT
MINISTER MEETING 21 MAY 2015 11.00-12.00pm**

To: Minister for Education and Training

From: Deputy Director-General, Education and Training Directorate

Director: Jane Cuzner
Branch: Governance and Assurance

Recommendation

That you note the information contained in this brief about your meeting with Association of Independent Schools (AIS).

Joy Burch



20, 5, 15
..... / /
PLEASE DISCUSS

Action Officer: Lynda Tooth
Branch: Governance and Assurance
Extension: x59301

no add to next briefing

Critical date and reason

Meeting date is Thursday 21 May 2015 11.00-12.00pm.

Purpose

To assist you with your discussion of the proposed agenda.

Background

The Association of Independent Schools ACT comprises the 18 registered ACT independent schools.

You will be meeting with



You last met with [REDACTED] on 28 August 2014 to discuss the alignment of registration and validation for ACT schools, [REDACTED]

Issues

For this meeting, AIS has advised they wish to discuss:

- Registration of Non-Government schools
- [REDACTED]
- [REDACTED]

Information on each of these topics is attached.

Consultation

Advice was sought from AIS on a list of topics for discussion.

Financial

Nil.

Media

Nil.

[REDACTED]

Steve Gniel
Deputy Director-General

20 May 2015

Agenda item	Non-government school registration
Cleared by	Stephen Gniel

Non-government schools registration manual

During 2014 and 2015 the Education and Training Directorate consulted with [redacted] and the Association of Independent Schools (AIS) to reach agreement on the content of the 2015 Registration Manual, taking account of your priorities to align the registration processes with the public school validation process and [redacted]

The final draft of 2015 Registration Manual is being discussed with [redacted] on 22 May 2015. The manual supports more transparency and more efficient consultation in the in-principle approval process and a more streamlined re registration process. It also includes reference to the annual assurance statement.

It is anticipated the manual will be finalised in the first half of June 2015. Matters on which we have not reached agreement are:

- the assurance statement and the arrangements for the AIS to report to you about principals' engagement with the assurance statement. The assurance statement below has been proposed to [redacted] as has the arrangement that the requirement for the AIS to report that independent school principals have signed such a statement be included in an MOU.

I, [name of principal] am of the opinion that [name of school] maintains evidence that the school is compliant with all relevant ACT and Commonwealth legislation, including but not limited to the ACT Education Act 2004, the Australian Education Act 2013 and ACT and Commonwealth legislation, regulations and standards relating to discrimination, privacy, health and safety and mandatory reporting.

- panel composition for independent school registrations [redacted] has queried the lack of alignment of chairs of registration and validation panels. Current practice is:
 - ACT public school principals chair independent school registration panels
 - ACT public school principals chair public school validation panels.

Review of non-government school registration processes

All review considerations coming out of the 2013 review that were the sole responsibility of the Directorate have been addressed and your requirements are now completed or nearing completion. Three considerations around planning for new schools require continuing work across ACT government directorates.

A summary statement of the progress implementing your responses to the review considerations is at [Attachment 1](#).

2013 REVIEW CONSIDERATION 1.1 - Planning

If the ETD manual was amended to require organisations to state the specific location of a proposed school or additional campus in their in-principle application, this would provide greater transparency and facilitate more authentic consultation.

Minister's review response - Support in-principle

As I note that schools may not be in a position to purchase land or lease premises until in-principle approval is given, I have asked the Directorate to work with EDD and ESDD to consider the implications of this consideration and to make changes to the guiding documentation.

Directorate's Recommendations 21/5/2014

The Chief Minister and Treasury Directorate (CMTD) has commenced a review of the government policy for releasing land to community organisations (including non-government schools). A community consultation process is commencing, and as part of this CMTD will offer meetings directly to the Association of Independent Schools, and [REDACTED]. The review has been undertaken as it considered there is scope to improve the process and outcomes achieved in releasing land to community organisations. It is expected that any changes in processes associated with releasing land to community organisations will support greater transparency and consultation on the location of new non-government schools. As part of this review, the Directorate is in discussions with CMTD and Economic Development Directorate to have a more active and strategic role in ensuring that land is made available to accommodate non-government school requirements.

Minister's response: 29/5/2014 - Noted**Progress as at 12/5/2015 - Continuing**

The Directorate continues to be in discussion with other ACT Government Directorates to identify potential locations for new non-government school sites in Greenfield areas and existing urban areas.

2013 REVIEW CONSIDERATION 2.1 - Community Demand

If the ETD manual was amended to expand on the importance of considering the potential enrolment and financial impacts on existing schools with the establishment of new schools, campuses or additional levels, this would assist in evaluating the need for a new facility. Additionally, it may also be beneficial if the manual were to be more specific about the hard, quantifiable evidence required to validate the number of prospective enrolments, the level of community interest, and the longer term enrolment projections provided by applicants applying for in-principle approval and registration.

Minister's review response - Support

I have asked the Directorate to identify the evidence required to demonstrate community demand for proposals for new non-government schools, or additional campuses or educational levels at existing non-government schools ; and amend its manual to reflect the findings.

Directorate's Recommendations 21/5/2014

Amend the manual for 2015 implementation to reflect the following requirements to demonstrate community demand for proposals for IPA of new non-government schools or provisional registration of additional campuses or educational levels at existing non-government schools:

- enrolment projections based on demographic projections for the catchment area and areas of growth. This would include information on potential and future enrolments. All documentation provided with applications must comply with relevant privacy legislation.
- supporting statements from representatives and/or advocacy body/ies providing clear support
- evidence for how the proposal provides an education option additional to those already available to parents
- evidence of the potential benefits to the local and broader educational community
- evidence of "not for profit status".

Minister's response: 29/5/2014 - Agreed

Progress as at 12/5/2015 - Completed

Cross sectoral consultation undertaken to progress the reduction of red tape and make appropriate changes to the registration manual. Changes to Registration manual includes clarified suggestions for evidence to support applications for in-principle approval. Registration Manual makes reference to the Commonwealth's requirements for schools to operate as not-for profit.

2013 REVIEW CONSIDERATION 3.1 – Communication/Consultation

Communication and openness would be enhanced if the ETD manual was to be amended to require schools to post their registration/re-registration panel reports on their own school websites, as is the practice with annual reports, with the proviso that matters of high sensitivity or confidentiality, or those pertaining to commercial-in-confidence issues, are omissible.

Minister's review response - Support

I have asked the Directorate to amend the manual to require non-government schools to post their registration reports on their own websites.

Directorate's Recommendations 21/5/2014

Amend the manual to require schools to include a "statement of registration status" in their Annual Report which is published on the school's website. The notification would state that the school was registered under the Education Act 2004 and was therefore compliant with the registration process as of (date of registration) and is due for re registration (add date) Details of how a copy of the registration report can be accessed should be included with the website notification

Minister's response: 29/5/2014 - Agreed

Progress as at 12/5/2015 - Completed

The Registration Manual has been amended to require non-government schools to include their registration status in the school's Annual Report and to advise the community of the process by which a copy of the registration report can be obtained.

2013 REVIEW CONSIDERATION 3.2 – Communication/Consultation

If the recently enhanced ETD communication and public access strategies relating to applications for in-principle approval and registration were included in the Education Act and the ETD manual, this would provide greater community awareness and confidence about these changes. In addition, if the ETD could also consider other ways of making the communication/consultation processes more 'active', this would also be seen a positive move.

Minister's review response - Support in part

I have asked the Directorate to review and improve current communication strategies (relating to applications for IPA and registration) make changes to the guiding documentation to implement the improved strategies; explore how the Queensland requirements for non-government school applicants to notify and consult with the community about how proposed developments might work in the ACT; and consider the implications of this consideration and to identify what changes would be required.

Directorate's Recommendations 21/5/2014

That the guiding documentation reflects the points below:

1. The Directorate continues to seek community comment on the proposal during a 60 day community consultation period following a notification in the Canberra Times, as already outlined in guiding documentation
2. That in addition to this, the Directorate informs the chairs of [REDACTED] of proposals at the start of the 60 day consultation period, and refers them to where additional information about the proposal is placed on the Directorate's website
3. The guiding documentation makes explicit the responsibilities of [REDACTED] members to inform their stakeholder groups, including schools in their jurisdictions, about new proposals,

the source of additional information and the mechanism for providing written comments about applications
Minister's response: 29/5/2014 - Agreed
Progress as at 12/5/2015 - Completed The Directorate will continue to seek community comment on applications for In-principle approval and registration as required under the <i>Education Act 2004</i> and enhance its communication processes by notifying the Chairs of the Education Councils notified of all applications and requiring the Chairs to inform their stakeholder groups of these applications. These amendments have been included in the new registration manual.

2013 REVIEW CONSIDERATION 3.3 – Communication/Consultation If the Minister's decision was formally communicated to community members who made written comment on an application for in-principle approval or registration, it may have the effect of enhancing public relations. It may also enhance communication if the Minister's decision was posted on the ETD website. These ETD manual could be amended to reflect these changes if they were implemented.
Minister's review response - Support in part I have asked the Directorate to communicate my decision about applications for IPA to community members who made written comment on the application; and make changes to the guiding documentation to implement the improved communication strategies.
Directorate's Recommendations 21/5/2014 1. That community members who made written comment about an application for IPA are provided with written notice of the Minister's decision and are informed of the mechanism for gaining further information about the Minister's reasons for approval or refusal (current mechanism: members may inspect this notice during business hours at the office of the Directorate). 2. That changes to the guiding documentation reflect the above recommendation.
Minister's response: 29/5/2014 - Agreed
Progress as at 12/5/2015 - Completed The Directorate has introduced the following new practices: the Minister's decisions regarding applications for in-principle approval and registration will be advised to the applicant; the Chairs of Councils; members of the community who submitted comments on the application. The Registration Manual has been amended to reflect new practices

2013 REVIEW CONSIDERATION 3.4 – Communication/Consultation It would be appropriate if the ETD manual was amended to state that the peak education bodies - the [REDACTED] Association of Independent Schools (AIS), [REDACTED] [REDACTED]) – will all be formally advised about an application for a new non-government school in the ACT, as a matter of course, and that each will have the opportunity to seek further information and, if needed, seek a formal consultation meeting with representatives of ETD.
Minister's review response - Support in part I have asked the Directorate to formally advise the [REDACTED]) and the [REDACTED] which includes representatives of key education stakeholder groups, of applications for IPA for new or expanding non-government schools.
Directorate's Recommendations 21/5/2014 1. The Directorate will inform the chairs of [REDACTED] of applications for IPA for new or

<p>expanding non – government schools at the start of the 60 day consultation period, and refer them to where additional information about the proposal is placed on the Directorate’s website.</p> <p>2. The Directorate will amend the guiding documentation to make explicit the responsibilities of [REDACTED] to inform their stakeholder groups, including schools in their jurisdictions, about applications for IPA for new or expanding non – government schools , the source of additional information and the mechanism for providing written comments about applications.</p> <p>3. The Directorate will formally advise [REDACTED] of the above changes.</p>
<p>Minister’s response: 29/5/2014 - Agreed</p>
<p>Progress as at 12/5/2015 - Completed</p> <p>The Directorate will advise the [REDACTED] in writing at the beginning of the consultation period and provide copies of applications for the information of council members if requested. The Registration Manual has been amended to reflect new practices with Chairs being responsible for informing their stakeholder groups about new applications.</p>

<p>2013 REVIEW CONSIDERATION 4.1 - Panels</p> <p>It may assist in addressing any perceptions of bias or conflict of interest if the ETD manual was made more explicit about panel membership. For example: that there is no over-representation of the school sector or religious body involved; that the chair of the panel is impartial; that the procedures undertaken by panels are transparent and their findings are evidence-based and able to be validated. These conditions could also apply to panels considering proposals for additional Catholic systemic schools or additional levels or campuses for existing systemic schools.</p>
<p>Minister’s review response - Support</p> <p>I have asked the Directorate to develop ways to align aspects of the external validation of public schools and the registration of non-government schools; develop a definition for impartiality as it would apply to all members of registration or validation panels; and negotiate with the [REDACTED] the implications of this consideration on the existing MOU.</p>
<p>Directorate’s Recommendations 21/5/2014</p> <ul style="list-style-type: none"> • That the Cross Sector Steering Group continue to provide input into the Directorate’s process of aligning of the common elements within the different processes of validation and registration. This process will address the implementation of any new reporting requirements contained in the Australian Education Act 2013 and incorporate considerations of the Australian Teaching Standards, the length of registration and validation cycles, core panel membership and training • That the existing code of conduct for registration panel members on page 6 of 25 “<i>Registration of Non-Government Schools in the ACT</i>” A guide for applicants, proprietors, principals and registration co-ordinators be enhanced by specific reference to “impartiality”. This could be achieved by adding a header statement, e.g. “Impartiality of panel members is essential. To ensure impartiality adherence to the following is required”, or by including specific reference to impartiality in the Ethics and Integrity section of the code • That consistent panel member training continue to be a priority in the ongoing process of school registration and that all aspects of the enhanced code of conduct for registration panel members on page 6 of 25 “<i>Registration of Non-Government Schools in the ACT</i>” A guide for applicants, proprietors, principals and registration co-ordinators be presented as part of training sessions <p>4. [REDACTED]</p>
<p>Minister’s response: 29/5/2014 - Agreed</p>
<p>Progress as at 12/5/2015 - Completed</p> <p>Following extensive cross sectoral consultation many of the compliance processes previously</p>

undertaken as part of non-government school registration activities have been replaced with an annual statement of assurance. This has resulted in greater consistency across all sectors regarding the requirements for compliance with legislation and will contribute to the reduction in red tape for all school sectors. The Registration manual has been amended so that the Code of Conduct for panel members clearly requires impartiality as part of the panel process. The Directorate has progressed changes to the appointment of registration panels to ensure that impartiality is evident and that panels for registration (like panels for validation in public schools) include a balance of panel members external to the school being registered and from the non-government sector. Training for panel members will continue to be conducted by the Directorate ([REDACTED]) this panel training will continue to focus on the Code of Conduct for panel members as detailed in the Registration Manual.

2013 REVIEW CONSIDERATION 4.2 - Panels

If an additional panel process was established to assist the Minister (after the 60 day consultation process) to consider an application in light of the community comment received, and to provide advice to the Minister to assist her decision-making, it may have the effect of raising standards and increasing rigour. (For example, a small, high level representative panel, perhaps chaired by a non-aligned independent from one of the universities, would receive the final paperwork from ETD, review the application, clarify any issues raised by the applicant, the panel, ETD officers and/or the community, and provide advice to the Minister.) This new step, if adopted, would need to be written into the ETD Manual.

Minister's review response - Support

I have asked the Directorate to make changes to the guiding documentation to include provision for the Minister to seek further advice when making a decision in response to applications for IPA.

Directorate's Recommendations 21/5/2014

The Directorate will amend the guiding documentation to reflect that the Minister may, as required seek further advice from others when making a decision in response to applications for IPA; and in the case where further advice is sought the Directorate will inform the applicant of the timeframe

Minister's response: 29/5/2014 - Agreed

Progress as at 12/5/2015 - Completed

The Registration Manual has been amended to confirm that the Minister may, as required seek further advice from others when making a decision in response to applications for IPA. Where further advice is sought the Directorate will inform the applicant of the expected timeframe.

2013 REVIEW CONSIDERATION 5.1 – Regulatory Issues

If the Education Act and the ETD manual were amended to require schools through the in-principle approval process and registration processes, to specify the number of days per year the school will be open for students of compulsory education age, it may assist in satisfying the Minister that schools are giving sufficient time to meet the educational needs of their students and the requirements of the Australian Curriculum.

Minister's review response - Support

I have asked the Directorate to work with all ACT school sectors to determine a minimum number of days per year for classes; and reflect these requirements in its manuals and policies.

Directorate's Recommendations 21/5/2014

Amend the manual for 2015 implementation to reflect the requirement for schools to present evidence of how the appropriate time is allocated to deliver the Australian Curriculum (this is similar

to NSW and Victorian requirements).
Minister's response: 29/5/2014 - Agreed
Progress as at 12/5/2015 - Completed Cross sectoral consultation (including with the BSSS) confirmed that only year 11 and 12 subjects required minimum hours of tuition. The Registration Manual has been amended to include matters such as the time allocation for Australian Curriculum delivery to assist panels to confirm that sufficient time is being allocated to compulsory learning areas.

2013 REVIEW CONSIDERATION 5.2 – Regulatory Issues The Minister, parents and the wider community may be given greater assurance that schools are safe places for all ACT students, if the Education Act and the ETD manual were amended to require schools to have in place explicit high standards, policies and programs governing child protection, student welfare and safety and pastoral care; and if principals and proprietors were required to declare any prior involvement in a school that has been deregistered or has been under investigation in relation to child welfare issues.
Minister's review response - Support I have asked the Directorate to make explicit the policies and programs relating to child protection, student welfare and safety and pastoral care for all ACT schools.
Directorate's Recommendations 21/5/2014 1. That all ACT schools continue to demonstrate their implementation of policies, procedures and practices aligned with the key Acts impacting on child protection, student welfare and safety and pastoral care 2. That Part 4 B.1 (page 10) of the manual be revised to include (in bold): The school must have appropriate policies, programs, procedures and guidelines, with regard to those outlined in the National Safe Schools Framework as found at http://www.education.gov.au/national-safe-schools-framework-0 , and facilities and equipment for the safety and welfare of its students 3. Following endorsement of the Safe and Supportive Schools Policy for ACT public schools, the Directorate will initiate dialogue with the AIS and [redacted] to develop ways that the Safe and Supportive Schools Policy for ACT public schools may be used by non-government schools 4. The list of relevant legislation is included as an appendix, which is reviewed as necessary
Minister's response: 29/5/2014 - Agreed
Progress as at 12/5/2015 - Completed with ongoing work scheduled regarding alignment of policy requirements. The Directorate has confirmed that the planned Assurance Statements, and Non-government School registration processes, [redacted] assurance processes, and ACT Public School compliance processes place a high priority on the safety of students. The Registration Manual has been amended to include references to mandatory reporting, the National Safe Schools Framework, the Work Health and Safety Act 2011 (WHS Act) and all relevant ACT codes of practice and standards. The Cross Sectoral Working Group will continue to consider the relevance of the ACT Public School's Safe and Supportive Schools Policy For the non-government school sector. A hyperlinked list of relevant legislation (including safety related legislation) has been included in the amended Registration Manual.

2013 REVIEW CONSIDERATION 5.3 – Regulatory Issues The Minister, parents and the wider community may be given greater assurance that each non-government school is fully complying with all regulatory and legislative requirements, if the Education Act and the ETD manual were amended to require the principal and chair of the governing
--

body of each non-government school to certify on an annual basis that this is the case, (eg using a standard proforma). In doing so, the ongoing viability (including enrolment) of the school would also be affirmed.

Minister's review response - Support

I have asked the Directorate to identify how annual certification of compliance with legislation and registration criteria, might be included in existing reporting methods such as each school's Annual Report which is required by the Commonwealth to be placed on the school's website; and reflect changes in the guiding documents.

Directorate's Recommendations 21/5/2014

1. Each year schools complete a statement of compliance with the Education Act 2004. The statement would require the signature of the Principal verifying that the school was compliant during the period of the current annual report and would be published on the school's website as an addendum to the Annual Report
2. To support schools to monitor their compliance a self audit tool will be developed as an appendix to the registration manual
3. The statement of compliance will need to reflect any additional requirements of the Australian Education Act 2013

Minister's response: 29/5/2014 - Agreed

Progress as at 12/5/2015 - Completed with ongoing work scheduled regarding the implementation of the assurance statement.

Cross sectoral work around an annual assurance statement to certificate compliance with legislation and registration criteria has been progressed and is nearing completion. The Cross Sectoral working group determined that the introduction of an universal a compliance self audit tool would add a layer of red tape that would not provide any advantages over the current processes managed by the Directorate for public schools, the CEO for Catholic systemic schools and each independent school board. The Wording of Assurance Statement includes reference to Australian Education Act 2013

2013 REVIEW CONSIDERATION 6.1 – Appeal Rights

If a prescribed process for submitting a formal objection (prior to the Minister's decision) was instigated, it may provide the public with greater assurance that a rigorous consultation process is being undertaken and would ensure that potentially affected parties have an opportunity to voice their objection to a proposal within the specified timeframe. This procedure would need to be addressed in the ETD Manual

Minister's review response - Support

I have asked the Directorate to strengthen this process (Appeal Rights) by making changes to the guiding documentation to include provision for the Minister to seek further advice when making a decision in response to applications for IPA.

Directorate's Recommendations 21/5/2014

The Directorate will amend the guiding documentation to include the provision for the Minister to seek further advice from others when making a decision in response to applications for IPA.

Minister's response: 29/5/2014 - Agreed

Progress as at 12/5/2015 Completed

The Registration manual has been amended to reflect this change.



Bowden, Julia

From: Cuzner, Jane
Sent: Thursday, 18 June 2015 5:50 PM
To: [REDACTED]
Cc: Visvanathan, Shirani
Subject: MOU AIS
Attachments: 20150618173010208.pdf; DET15795 FINAL MOU with AIS June 2015.pdf

Dear [REDACTED]

Attached please find a copy of letter from the Director-General, Education and Training Directorate inviting you to sign the attached Memorandum of Understanding.

I'm hoping you are able to print and sign two copies of the MOU and return at your earliest convenience. Thank you for all your help in getting us to this point.

Jane

Jane Cuzner | Director
Phone: 62059329 | Email: jane.cuzner@act.gov.au
Governance and Assurance | Education and Training | ACT Government
Level 6 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



ACT
Government
Education and Training

[REDACTED]
Association of Independent Schools of the ACT
PO Box 225
DEAKIN WEST ACT 2600

Dear [REDACTED]

I am writing to invite you to sign the attached Memorandum of Understanding (MOU) between the Association of Independent Schools of the ACT Inc and the Australian Capital Territory. I appreciate your contribution to the development of the MOU.

The MOU includes items relating to the annual statement of assurance and critical incident reporting.

Please sign both copies of page 9 of the memorandum and return them to me at your earliest convenience.

Once I have signed the copies, one of the copies will be returned to you for your records.

Yours sincerely

[REDACTED]

Diane Joseph
Director-General

18 June 2015



File Ref: 2015/06754 and 2015/06753
Trim No: DET 15/795

Director-General

**ASSOCIATION OF INDEPENDENT SCHOOLS ACT
MEMORANDUMS OF UNDERSTANDING**

Recommendations

That you sign the MOU at Attachment B (2 copies) between the Education and Training Directorate and the Association of Independent Schools ACT.

AGREED/NOT AGREED/PLEASE DISCUSS

Diane Joseph

Director's Name: Jane Cuzner

29/6/15

Phone: 59329

Background

In November 2013 the Minister for Education and Training conducted a review of approval and registration processes applying to non-government schools.

Following the Review the Minister for Education and Training requested consistent processes be developed for assuring all ACT schools.

During 2014 and 2015 the Education and Training Directorate consulted the Association of Independent Schools of the ACT (AISACT) and the [REDACTED] to:

- develop consistent processes for assuring all ACT schools.
- update the 2015 Registration Manual to support the implementation of the Review
- implement non-government school [REDACTED] and an annual assurance statement of legislative compliance under MOUs with each party.

The AIS and [REDACTED]

[REDACTED] The delay in releasing the manual and the agreement on alignment of assurance processes is due to the time taken for the Directorate, the Association of Independent Schools and [REDACTED] to negotiate on both matters.

GPO Box 158 Canberra ACT 2601 | phone: 132281 | www.act.gov.au

The revised manual incorporates amendments to reflect the Minister's response to the Review. It continues to ensure that the ACT non-government school approval and registration processes comply with legislative requirements. It includes improved processes to ensure better transparency, improved communication with the community and clearer information for panel members.

The manual complements the better alignment that has occurred between the registration of non-government schools and the public schools accountability and compliance reporting requirements.

Issues

[Redacted]

[Redacted] required to sign an assurance statement attesting to their compliance with all relevant ACT and Commonwealth legislation. This requirement would also be included in the MOU. The AIS agreed to the above requirements in May 2015.

[Redacted]

[Redacted]

[Redacted]

MOU with AISACT

In May, 2015, an MOU was negotiated with the AISACT that the Executive Director AISACT will:

- [REDACTED]
- annually assure the Minister that all ACT independent schools maintain evidence that the school is compliant with all relevant ACT and Commonwealth legislation, including but not limited to the ACT *Education Act 2004*, the *Australian Education Act 2013* and ACT and Commonwealth legislation, regulations and standards relating to discrimination, privacy, health and safety, working with vulnerable people and mandatory reporting.

The MOU with the AISACT does not deal with registration renewal or protocols because the Directorate addresses these matters directly with each independent school. [REDACTED], AIS, signed the MOU on 24 June 2015.

Term of the MOUs

The MOUs are for the period 1 July 2015 to 31 December 2018.

Consultation with Strategic Finance and Funding Implications

Nil

Consultation

The [REDACTED] and Association of Independent Schools were consulted on the MOU and the revisions to the Manual for Non-government School Registration.

Media

The Education Advisor has agreed that a media event be held in the week beginning 6 July 2015 to highlight the improved alignment of compliance and accountability requirements across the three sectors. He has spoken with [REDACTED] and [REDACTED] who have agreed to being part of a media event to celebrate the better alignment of assurance across ACT schools. A time will be booked in your diary or you to participate in the event.

A media release, Q&A and speaking points will be prepared for the Minister.

[REDACTED]
 Stephen Gniel
 Deputy Director-General

29 June 2015



MEMORANDUM OF UNDERSTANDING

Date

29 June 2015

Parties

AUSTRALIAN CAPITAL TERRITORY

**THE ASSOCIATION OF INDEPENDENT
SCHOOLS OF THE ACT**

Relating to:

1. Annual assurance of compliance
2. Critical incident reporting

Prepared by

Education and Training Directorate
Level 6, 220 Northbourne Avenue
GPO Box 158
CANBERRA ACT 2601
Ph: (02) 6205 9301
Email: NonGovSchools@act.gov.au
ACTGS REF: RS:620876 (161012) amended

Version

June 2015

Table of Contents

PARTIES:	4
BACKGROUND	4
1 INTERPRETATION	4
2. MOU	6
3 ANNUAL ASSURANCE STATEMENT	6
4 CRITICAL INCIDENT REPORTING.....	7
5. TERM	7
6. DISPUTE RESOLUTION.....	7
7. VARIATION	7
8. NOTICES	7
<u>Attachment 1</u> : CRITICAL AND/OR EMERGENCY INCIDENT REPORT	1

PARTIES: **AUSTRALIAN CAPITAL TERRITORY**, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth) (**Territory**) represented by the Education and Training Directorate.

THE ASSOCIATION OF INDEPENDENT SCHOOLS OF THE ACT Inc. of Unit 2, 16 Thesiger Court DEAKIN ACT 2600 (**AISACT**).

BACKGROUND

- A. This Memorandum of understanding acknowledges the relationship between the Education and Training Directorate (**Directorate**) (which regulates non-government schools in the Territory), and the AISACT (which provides support services to independent non-government schools in the Territory).
- B. The purpose of this MOU is to set out agreed arrangements for the process of:
- providing an annual statement of assurance regarding independent schools' compliance with legislative matters that relate to schooling in the ACT.
 - reporting to the Minister critical incidents that occur in independent schools

IT IS AGREED by the parties as follows.

1 INTERPRETATION

1.1 Definitions

The following definitions apply in this MOU, unless the context otherwise requires.

Association of Independent Schools (AISACT) means the association that supports the ACT independent schools that are members of the Association.

Critical Incident means an event that causes severe impact to the school, such as significant disruption to the school routine, an emergency management situation, or threat to the safety of students and staff. It may be sudden or protracted, extremely dangerous, involve police or emergency services personnel, and generally be outside the normal range of experience or expectation of the people affected.

A critical incident may involve:

- a siege/hostage situation
- terrorist activity
- natural disaster – bushfire, flood, earthquake, severe storm

- a bomb threat
- a lock down, evacuation or temporary closure
- suspicious disappearance or suspicious removal of a student
- death on campus or at a school activity.

Education Act	means the <i>Education Act 2004</i> (ACT).
Executive Director	means the Executive Director of the AISACT.
Independent school	means a school that is a member of the Association of Independent Schools of the ACT.
Registrar	means the Registrar of non-government schools in the Territory appointed under section 77 of the Education Act, or his or her nominated delegate.
Representative	<p>means, for the Territory:</p> <p>The Director-General Education and Training Directorate GPO Box 158 CANBERRA ACT 2612</p> <p>means, for the AISACT:</p> <p>Executive Director Association of Independent Schools of the ACT Inc. Unit 2, 16 Thesiger Court DEAKIN ACT 2600</p>
Term	means from the date of this MOU until 31 December 2018.
Territory	<p>means:</p> <p>(1) when used in a geographical sense, the Australian Capital Territory; and</p> <p>(2) when used in any other sense, the body politic established by section 7 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cth).</p>

1.2 General

In this MOU, unless a contrary intention is expressed:

- (1) references to "AISACT" include any employees, agents or subcontractors of the AISACT; and
- (2) references to legislation or to provisions in legislation include references to amendments or re-enactments of them and to all regulations and instruments issued under the legislation.

2. MOU

This MOU is a statement of intent and is not intended to create legal obligations between the parties.

3. ANNUAL ASSURANCE STATEMENT

The Executive Director will on behalf of each principal of an ACT independent school assure the Minister that all ACT independent schools have made the required statement of assurance indicating compliance with all legislation relevant to the running of schools including but not limited to:

- *Education Act 2004 (ACT)*
- *Work Health and Safety Act 2011 (ACT)*
- *Australian Education Act 2013 (Cth)*
- *Australian Education Regulation 2013 (Cth)*
- *Children and Young People Act 2008 (ACT)*
- *Discrimination Act 1991 (ACT)*
- *Disability Discrimination Act 1992 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *ACT Teacher Quality Institute Act 2010 (ACT)*
- *Working with Vulnerable People (Background Checking) Act 2011 (ACT)*
- *Education Services for Overseas Students Act 2000 (ESOS Act) (Cth)*
- *Education and Care Services National Law Act 2000 (Cth)*
- *Privacy Act 1988 (Cth)*
- *Information Privacy Act 2014 (ACT)*

The statement of assurance required to be signed by each independent school principal is as follows:

I, [name of principal] am of the opinion that [name of school] maintains evidence that the school is compliant with all relevant ACT and Commonwealth legislation, including but not limited to the *ACT Education Act 2004*, the *Australian Education Act 2013* and ACT and Commonwealth legislation, regulations and standards relating to discrimination, privacy, health and safety, working with vulnerable people and mandatory reporting.

The Executive Director will confirm to the Minister in writing by 31 December each year that all ACT independent schools have provided to the AISACT an assurance statement signed by the principal.

The Registrar will provide to the Executive Director a template to use as the Annual Assurance Statement for the calendar year by 31 March of that calendar year.

4. CRITICAL INCIDENT REPORTING

The Executive Director will report to the Minister each six months by 30 September and 28 February on the number and nature of critical incidents that have occurred in independent schools in the periods 1 January -30 June and 1 July-31 December respectively.

A sample reporting template which may be used by schools is at [Attachment 1](#). It is noted that this report is not required to be provided to the Minister.

5. TERM

This MOU is for the Term; that is until 31 December 2018.

6. DISPUTE RESOLUTION

If a difference or dispute (**Dispute**) arises in relation to this MOU the parties agree that they will endeavour to resolve the Dispute by negotiations, including by referring the Dispute to persons who have authority to intervene and direct some form of resolution.

7. VARIATION

This MOU may be varied or the Term extended only by the written agreement of the parties prior to the expiration of this MOU.

8. NOTICES

Any notice, including any other communication, required to be given or sent to either party under this MOU must be in writing and given to the relevant Representative. A notice will be deemed to have been given:

- (1) if delivered by hand, on delivery;
- (2) if sent by prepaid mail, on the expiration of two business days after the date

on which it was sent;

- (3) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or
- (4) if sent by electronic mail, on the other party's acknowledgment of receipt by any means.

DATE OF THIS MOU 29 June 2015

SIGNED for and on behalf of the
AUSTRALIAN CAPITAL TERRITORY
in the presence of:


.....
Signature of witness

LYNN BELL-TOWERS
.....
Print name of witness

) 
)
) Signature of Territory delegate

DIANE JOSEPH
.....
Print name of Territory delegate

29 JUNE 2015
.....
Date of signature

SIGNED by or for and on behalf of
Association of Independent Schools
of the ACT Inc. in the presence of:


.....
Signature of witness


.....
Print name of witness

) 
)
) Signature of authorised officer/ individual


.....
Print name of authorised officer/individual

24 June 2015
.....
Date of signature

Note:

Date: Must be dated on the date the last party signs the MOU or, if signed counterparts of the MOU are exchanged, the date of exchange. Also date the cover page.

Attachment 1**CRITICAL AND/OR EMERGENCY INCIDENT REPORT**

To be completed by Principal or delegate based on reporter's knowledge at time of reporting. Report may need to be revised as further information comes to hand.

SCHOOL DETAILS			
School name			
Principal name			
Email address		Telephone	
INCIDENT REPORTER			
Name of reporter of incident		Position	
Date and time incident reported		Signature	
INCIDENT DETAILS			
Date of incident		Time of incident	
Location of incident			
TYPE OF SITUATION			✓ AS APPROPRIATE
Siege/hostage situation			
Terrorist activity			
Natural disaster: bushfire, flood, earthquake, severe storm			
A bomb threat			
A lock down, evacuation or temporary closure			
Suspicious disappearance or suspicious removal of a student			
Death on campus or at a school activity			
Other (please specify)			
PEOPLE/ GROUPS AFFECTED			✓ AS APPROPRIATE
Whole school		Parent (s)/Caregiver (s)	
Teaching Staff		Volunteer(s)/Visitor(s)	
Support Staff		Other school	
Student/s		Other (please specify)	
ACTION TAKEN			✓ AS APPROPRIATE
Police/Emergency Services advised		School critical and/or emergency incident policy followed	
WorkSafe advised		School premises secured	
Child Protection advised		Counselling provided	
Mental Health advised		Other (please specify)	
INCIDENT DESCRIPTION AND SUMMARY OF ACTION TAKEN IN RESPONSE TO INCIDENT (please attach additional information as required)			



ACT
Government
Education and Training

[REDACTED]
Association of Independent Schools
PO Box 225
DEAKIN WEST ACT 2600

Dear [REDACTED]

I am writing to seek your comment on a matter regarding the *Education Act 2004*. The Minister for Education and Training is considering the benefits of amending section 92 of the *Education Act 2004*.

Section 92 (3) of the Act states that 'the proprietor of a registered non-government school must tell the registrar in writing about a change to any of the particulars of the certificate within 1 month after the day the change happens'.

It is proposed that Section 92 (3) of the Act be removed. Removing this section will clarify for non-government schools that the only way to change the essential elements of a school's registration, as detailed on the school's certificate of registration, is through the in-principle approval / registration processes prescribed in the Act.

I would appreciate your feedback on the proposed amendment by 3 November 2015. Should you wish to discuss this matter with me, please do not hesitate to call me on 6205 9329.

Yours sincerely

[REDACTED]
Jane Cuzner
Director
Governance and Assurance
22 October 2015

Minister's Meeting with the Association of Independent Schools

Cleared by

Ms Meg Brighton

Date cleared by DD-G

Background

- The *Association of Independent Schools of the ACT* (AISACT) represents all 18 independent schools in the ACT. AISACT advocates the views of member schools to government, media and the wider education sector. The board of AISACT comprises the principals and business managers of all 18 independent schools.
- In November 2013 the Minister for Education and Training conducted a review of approval and registration processes applying to non-government schools. Following the review the Minister for Education and Training requested consistent processes be developed for assuring all ACT schools were compliant with relevant legislation.
- During 2014 and 2015 the Education and Training Directorate consulted AISACT and the [REDACTED] to:
 - develop consistent processes for assuring all ACT schools
 - update the 2015 Registration Manual to support the implementation of the review
 - implement non-government school [REDACTED] and an annual assurance statement of legislative compliance under a memorandum of understanding with each party.
- The [REDACTED] around some of the Directorate's proposed actions to reflect the Minister's response to the review. As a result of the cross-sectoral consultation the 2015 Registration Manual no longer required schools applying for registration to provide an independent audit of the school's safety policies and the safety of the school site. [REDACTED] the Directorate will re-examine this issue with the view to strengthening the evidence required from schools relating to safety.
- The revised Registration Manual incorporates amendments to reflect the then Minister's response to the review. It continues to ensure that ACT non-government school approval and registration processes comply with legislative requirements. It includes improved processes to ensure better transparency, improved communication with the community and clearer information for panel members.
- The manual complements the better alignment that has occurred between the registration of non-government schools and public school accountability and compliance reporting requirements.
- In May, 2015 a memorandum of understanding was negotiated with AISACT that the [REDACTED] AISACT will:
 - [REDACTED]
 - annually assure the Minister that all ACT independent schools maintain evidence that the school is compliant with all relevant ACT and Commonwealth legislation, including but not limited to, the *ACT Education Act 2004*, the *Australian Education Act 2013* and ACT and Commonwealth legislation, regulations and standards relating to discrimination, privacy, health and safety, working with vulnerable people and mandatory reporting.

- The memorandum of understanding with AISACT does not deal with registration renewal or protocols because the Directorate addresses these matters directly with each independent school. [REDACTED], AISACT, signed the memorandum of understanding on 24 June 2015 on behalf of each independent school.

Issues



[Redacted]

[Redacted]



**Teleconference with [REDACTED] and Australian Independent
Schools (AIS)
Tuesday 15 March 2016**

Issue	Description
Annual Assurance Statement	<ul style="list-style-type: none"> • On 4 August 2015, the previous Minister for Education and Training publically announced that all ACT school principals will sign an annual Assurance Statement, to provide the Minister with assurance that all ACT schools are compliant to their legislative obligations. This was also consistent with directions to improve the consistency of accountability and compliance processes between public and non-government schools. • The annual Assurance Statement is one of the key elements of the school improvement approach. The Directorate had negotiated a new Memorandum of Understanding (MOU) with the [REDACTED] and AIS ACT in June 2015. The new MOU included the provision of an annual Assurance Statement compliance with legislative matters that relate to schooling in the ACT. • The MOU states that by 31 December each year the Executive Director of the AIS ACT and the [REDACTED] will on behalf of each principal assure the Minister that all

	<p>ACT independent schools and [REDACTED] have made the required statement of assurance indicating compliance with all legislation relevant to the running of schools.</p> <ul style="list-style-type: none">• Taking into account the Directorate's 2016 work to strengthen schools' knowledge and understanding of their accountability and the Directorate's focus on support for schools, it is considered more appropriate that public school principals sign their first Assurance Statement in respect to 2016, rather than 2015. An option to postpone was discussed with the former Minister for Education and Training and advised verbally to the AIS and [REDACTED] at the end of 2015.• It is proposed that the Directorate negotiate with the [REDACTED] and the AIS ACT to also report at the end of 2016. Aligning the signing of the Assurance Statements for the non-government school sector and public schools further strengthens the intent of the former Minister's commitment to provide annual assurance that all ACT schools are compliant to their legislative obligations.• As at 7 March 2016 no assurance statements have been received by the Minister's Office for either independent or [REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]





Ref: AISACT/2017/03/02

Ms Yvette Berry MLA
Minister for Education and Early Childhood Development
Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Minister

I write to express concern at comments attributed to you in an article written in the [redacted] which reported your wish to re-examine how the Government regulates non-government schools in the ACT (although the report quotes you are referring to the regulation of independent schools).



Independent schools in the ACT are justifiably proud of their history, their contributions to the community, and the excellent educational outcomes achieved by their students. Each school takes very seriously the requirements needed to be met under the Act, and through their registration/re-registration processes and you, as the Minister, can be confident in the compliance of each school through this regulatory process.

I look forward to discussing this issue with you further.

Yours sincerely



9 March 2017

Association of Independent Schools of the ACT Incorporated
Unit 2, 16 Thesiger Court, Deakin ACT | PO Box 225, Deakin West ACT 2600
Telephone 02 6162 0834 | Facsimile 02 6162 0837 | Email aisact@ais.act.edu.au | ABN 51 980 437 786

Bowden, Julia

From: BERRY
Sent: Tuesday, 2 May 2017 1:36 PM
To: [REDACTED]
Subject: Letter from Minister Yvette Berry
Attachments: Response from Minister Berry to [REDACTED].pdf

Dear [REDACTED]

Please see attached a letter from Minister Yvette Berry.

Kind regards,

Thomas Rosser | Office Manager
Phone: +61 2 6205 0233 | Email: thomas.rosser@act.gov.au

Office of Yvette Berry MLA | Member for Ginninderra
Deputy Chief Minister
Minister for Education and Early Childhood Development
Minister for Housing and Suburban Development
Minister for the Prevention of Domestic and Family Violence
Minister for Women
Minister for Sport and Recreation
Phone: +61 2 6205 0233 | Email: berry@act.gov.au
[Facebook](#) | [Twitter](#) | www.yvetteberry.com.au





Yvette Berry MLA

Deputy Chief Minister

Member for Ginninderra

Minister for Education and Early Childhood Development
 Minister for Housing and Suburban Development
 Minister for the Prevention of Domestic and Family Violence
 Minister for Women
 Minister for Sport and Recreation

[REDACTED]
 Association of Independent Schools of the ACT
 PO Box 225
 DEAKIN WEST ACT 2600

Dear [REDACTED]

Thank you for your letter of 9 March 2017 about [REDACTED]

Although the events referred to in [REDACTED] specifically related to the actions of the [REDACTED] school sector, as Minister for Education and Early Childhood Development I am committed to ensuring that children and young people enrolled in all ACT schools and child care facilities are safe.

It is appropriate that the government reflect on issues right across the whole education sector in response to serious events like those reported even if the reports related to just one part of the sector.

The current registration criteria for ACT non-government schools requires independent schools to have policies, facilities and equipment for the safety and welfare of students. As such I am interested in whether we need to do more to provide children and young people with every possible protection in our schools and in the wider community.

I have therefore asked the Education Directorate to work with the non-government school sector to examine the current criteria for registration and [REDACTED] with a view to strengthening registration requirements where appropriate. Ms Meg Brighton, Deputy Director-General is the appropriate directorate contact. Ms Brighton can be contacted on (02) 6205 2360 or meg.brighton@act.gov.au.

I look forward to the contribution independent schools in the ACT will make to this process.

Yours sincerely

[REDACTED]
 Yvette Berry MLA

Minister for Education and Early Childhood Development

. 2 MAY 2017

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia
 Phone +61 2 6205 0233

GPO Box 1020, Canberra ACT 2601, Australia
 Email berry@act.gov.au



Director-General meeting with CEO / AIS

14 June 2018 9:30 – 11:00 am

- Ground Floor, 16 Thestiger Court, Deakin

Attendees

Ms Natalie Howson, Director-General, Education Directorate

AIS

Ms Vicki Page, Secretariat, Education Directorate

Agenda Item	Description	Lead	Time
Welcome/Apologies		Ms Howson	2 mins

5. Expiring MOUs	Purpose: flag current MOU expires on 31 December 2018	Ms Howson	5 min
Next meeting	30 August 2018 at 11am		

EDU 18/12

Meeting with AIS and CEO – 14 June 2018

FOR MENTION

- As the current MOUs with [REDACTED] and Association of Independent Schools (AIS) are expiring at the end of this year, in July 2018 the Director of Governance and Community Liaison proposes to engage with the [REDACTED] organisations to review the terms and success of the current Memorandum of Understanding (MOU).
- Please encourage AIS and [REDACTED] to submit the outstanding 2017 Assurance Statement and [REDACTED] (as agreed to in MOUs signed in 2015) as soon as possible to avoid the Directorate having to write formally about this.
- You may wish to encourage AIS and [REDACTED] to consider if there are alternative mechanisms that they would like to propose to provide assurance to the Minister about school compliance and the [REDACTED] for inclusion in the next MOU.

ISSUE

- Despite the provision of reporting templates, and being reminded about their MOU reporting obligations, AIS and [REDACTED] have consistently failed to submit their assurance statements and [REDACTED] as agreed to in their MOUs with the Directorate. The following table shows the level of report submission from AIS and [REDACTED]

MOU 2015-2018	Due date	Document submission by AIS	[REDACTED]
<i>Assurance statements</i>			
for 2015	31/12/2015	Not required	[REDACTED]
for 2016	31/12/2016	Received 10/3/2017	[REDACTED]
for 2017	31/12/2017	Not received	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

BACKGROUND

- In 2015 a MOU was negotiated between AIS and the Directorate; [REDACTED]
- Under these MOUs the Executive Director of AIS [REDACTED] and the [REDACTED] agreed to:
 - [REDACTED]
 - [REDACTED]
- [REDACTED]

-

- Both MOUs expire on 31 December 2018.

From: [King, Ashley](#) on behalf of [EDUMCR](#)
To: [DGEDUoffice](#)
Cc: [Penglis, Katy](#); [EDUMCR](#); [Tooth, Lynda](#)
Subject: EDU18/2069 For Signature - Memorandum of Understanding with AIS and [REDACTED] [SEC=UNCLASSIFIED]
Date: Monday, 26 November 2018 2:35:00 PM

Hi

I am advised the two letters in EDU18/2069 are cleared for DG signature. Please note the below advice from Danielle.

Ashley
X59856

From: Tooth, Lynda
Sent: Monday, 26 November 2018 2:13 PM
To: EDUMCR <EDUMCR@act.gov.au>
Subject: RE: HPE Content Manager EDU : EDU18/2069 : Memorandum of Understanding with AIS and [REDACTED] [SEC=UNCLASSIFIED]

Yes
L

From: King, Ashley **On Behalf Of** EDUMCR
Sent: Monday, 26 November 2018 2:00 PM
To: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Subject: RE: HPE Content Manager EDU : EDU18/2069 : Memorandum of Understanding with AIS and [REDACTED] [SEC=UNCLASSIFIED]

Lynda

Is it ok to progress these letters to DG for signature?

Ashley

From: Krajina, Danielle
Sent: Sunday, 25 November 2018 4:30 PM
To: Nott, Georgia <Georgia.Nott@act.gov.au>; Tooth, Lynda <Lynda.Tooth@act.gov.au>
Cc: EDU, EDBSD <EDBSD.EDU@act.gov.au>; EDUMCR <EDUMCR@act.gov.au>; Hughes, RebeccaJ <RebeccaJ.Hughes@act.gov.au>; Matthews, David <David.Matthews@act.gov.au>; Krajina, Danielle <Danielle.Krajina@act.gov.au>
Subject: HPE Content Manager EDU : EDU18/2069 : Memorandum of Understanding with AIS and [REDACTED] [SEC=UNCLASSIFIED]

Hi there

Sorry for the delay with this, but I needed to review the MOU and in turn I have slightly amended the letters to AIS and [REDACTED]

Can we please alert Natalie to the following:

1. The MOU expires 31 December, however we can extend if we get agreement from the parties, so I have included that request in the letter.
2. I have suggested in the letter that due to non compliance we may need to look at alternate mechanisms which may include legislative options.

We will prepare a brief to the MO, noting the current challenges and that consideration could be given to strengthening the MOU and/or that legislative responses could also be an option.

Lynda do you mind drafting the brief to the MO for me noting the amendments I made to the letters and providing the minister with two options:

- Strengthening the current MOU and reporting obligations
- Drafting regulations that replace the MOU and formally require assurance reporting

Danielle

-----< HPE Content Manager record Information >-----

Record Number : EDU18/2069

Title : Memorandum of Understanding with AIS and [REDACTED]



[REDACTED]
 Association of Independent Schools
 PO Box 225
 DEAKIN WEST ACT 2600

Dear [REDACTED]

I am writing about the Memorandum of Understanding (MOU) between the Australian Capital Territory and the Association of Independent Schools of the ACT Inc. (AISACT), which is due to expire on 31 December 2018.

As you would be aware, on 24 June 2015, you signed (as the authorised officer of the Association of Independent Schools of the ACT) the MOU in which you agreed to:

- assure the Minister in writing by 31 December each year that all ACT independent school principals had provided to the AISACT an assurance statement confirming that each principal maintains evidence that the school is compliant with all relevant ACT and Commonwealth legislation; and

- [REDACTED]

Our records show that AISACT has submitted the following statements and reports under the term of the MOU:

	Due date	Document submission by AIS
Assurance statements		
for 2015	31/12/2015	Not required
for 2016	31/12/2016	received March 2017
for 2017	31/12/2017	Not received
For 2018	31/12/2018	Not required until 31/12/2018



I further request your agreement to extend the term of the MOU for a period of 12 months, during which time the MOU can be reviewed and consideration could be given to the effectiveness of the MOU compared to other mechanisms that may provide a greater level of assurance in relation to legislative compliance and 

Please feel free to contact Danielle Krajina, Director Governance and Community Liaison at your convenience in relation to this request. Danielle can be contacted on 6207 2990 and is more than happy to work with you to ensure compliance with the MOU.

Yours sincerely



Natalie Howson
Director-General
6 December 2018



THE ASSOCIATION OF
INDEPENDENT SCHOOLS
OF THE ACT

Ref: AISACT/2018/12/02

Ms Natalie Howson
Director General
Education Directorate
GPO Box 158
ACT 2601

Dear Ms Howson *Natalie*

Thank you for your letter of 6 December regarding the Memorandum of Understanding (MoU) between the Australian Capital Territory and the Association of Independent Schools of the ACT (AISACT).

I note your comments regarding obligations for reporting outlined in the MoU, and also your request for agreement to extend the term of the MoU for a period of 12 months, to now expire on 31 December 2019. I am happy to agree to this request, and look forward to engaging in discussions about the MoU.

For noting, AISACT will be communicating the data required by the MoU to the Minister's office this week.

Yours sincerely



12 December 2018

Cc: Danielle Krajina

Bowden, Julia

From: Abbott, Janet
Sent: Friday, 14 December 2018 6:16 PM
To: Krajina, Danielle
Cc: Nott, Georgia; Tooth, Lynda; EDUMCR; EDU, EDBSD
Subject: FAA: MIN18/1344: AISACT MoU report 2018 [SEC=UNCLASSIFIED]
Attachments: Minister Berry - AISACT MoU report 2018.pdf

Afternoon

Title/Question	FAA AISACT Memorandum of Understanding Report for 2018
Action	For Appropriate Attention/Action
Responsibility	G&CL
Response type	FAA
TRIM	Min18/1344
Date due	n/a
Clearance	n/a
Comment	Please contact Janet Abbott at EDUDLO@act.gov.au if you have questions.

Kind regards

Janet Abbott
 Education Directorate Liaison Officer
 Phone + 61 2 6205 0291 | Email: EduDLO@act.gov.au
 Office of Yvette Berry MLA
 Minister for Education and Early Childhood Development



I acknowledge the traditional custodians of the lands and waters where we live and work and pay my respects to elders past, present and future.

From: [REDACTED]
Sent: Friday, 14 December 2018 12:11 PM
To: BERRY <BERRY@act.gov.au>
Cc: Ceramidas, Joshua <Joshua.Ceramidas@act.gov.au>; Joanne Garrisson <joanne.garrisson@ais.act.edu.au>
Subject: AISACT MoU report 2018

Dear Minister

Please find attached the AISACT Memorandum of Understanding Report for 2018.

I take this opportunity to wish you a wonderful Christmas and fun filled New Year. I look forward to working with you and your office in 2019.

With best wishes

[REDACTED]

[REDACTED]

Association of Independent Schools of the ACT

Unit 4, 16 Thesiger Crt, Deakin ACT 2600 | PO Box 225 Deakin West ACT 2600



Independence Choice Diversity Excellence
www.ais.act.edu.au | [@aisact](#)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



THE ASSOCIATION OF
INDEPENDENT SCHOOLS
OF THE ACT

Ref: AISACT/2018/12/03

Ms Yvette Berry MLA
Minister for Education and Early Childhood Development
Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Minister

In accordance with the Memorandum of Understanding (MoU) between the Australian Capital Territory and the Association of Independent Schools of the ACT (AISACT), I provide you with the following information regarding annual assurance statements and [REDACTED]

- I advise that 15 ACT Independent Schools have provided to the AISACT an assurance statement for 2017 signed by the principal of the school. At three schools, new Principals who have been appointed since that time and were not in a position to sign such statements.
- I confirm that all 18 ACT Independent Schools have provided to the AISACT an assurance statement for 2018 signed by the principal of the school.

The assurance provided, in accordance with the MoU, states:

I,[name of principal] am of the opinion that [name of school] maintains evidence that the school is compliant with all relevant ACT and Commonwealth legislation, including but not limited to the *ACT Education Act 2004*, the *Australian Education Act 2013* and ACT and Commonwealth legislation, regulations and standards relating to discrimination, privacy, health and safety, working with vulnerable people and mandatory reporting.

[REDACTED]

Yours sincerely,

[REDACTED]

12 December 2018



THE ASSOCIATION OF
INDEPENDENT SCHOOLS
OF THE ACT



UNCLASSIFIED



MINISTERIAL BRIEF

Education Directorate

Tracking No.: MIN18/1170

To: Minister for Education and Early Childhood Development

From: David Matthews, Executive Group Manager

Date: Wednesday, 2 January 2019

Subject: Memorandum of Understanding between the Education Directorate and [REDACTED] and Association of Independent Schools (AIS)

Critical Date: Not urgent

Critical Reason: To provide an update on the progress that has been made in relation to the MOU

Purpose

To provide you with an update on the progress that has been made in relation to the status of MOU's with both the [REDACTED] and AIS.

Recommendations

That you:

1. Note the information contained in this brief.

Noted / Please Discuss

Yvette Bel [REDACTED]

04/02/19
...../...../.....

Minister's Office Feedback

UNCLASSIFIED

UNCLASSIFIED

Background

1. In November 2018 the directorate advised you via a weekly brief that the MOU's between the directorate [REDACTED] and AIS were due to expire by 31 December 2018.
2. The previous Director-General executed the MOU's in June 2015 to establish agreed parameters around:
 - a. Renewal of registration of schools
 - b. Annual assurance of compliance

**Issues**

3. It was noted that the [REDACTED] and AIS had not been complying with the terms of the MOU, and that further consideration needed to be given to the effectiveness of the MOU in practice.
4. The Director-General wrote to [REDACTED] and AIS (refer Attachment A and B), [REDACTED] and reminding them about their obligations to provide assurance statements.
5. Both the AIS and [REDACTED] have provided outstanding assurance [REDACTED] (Attachment C and D).
6. The Director-General also sought agreement from [REDACTED] and AIS to extend the term of the MOU for a period of 12 months during which time the MOU could be reviewed. It was also noted that we would consider the appropriateness and effectiveness of an MOU compared to other form of compliance. For example, development of regulations under the *Education Act 2004* (Attachment C and E)
7. As agreement has been obtained to extend the MOU, the MOU can continue in its current form until it can be renegotiated on or before 31 December 2019.

Financial Implications

8. Not applicable.

ConsultationInternal

9. Preliminary discussions have been held with your office and further consideration around policy options are to be investigated.

UNCLASSIFIED

UNCLASSIFIED

Cross Directorate/External

10. Limited consultation has occurred with the [REDACTED] and AIS, however both are open to further discussions.

Benefits/Sensitivities

11. There are sensitivities around further regulation of non-government schools in the ACT impacting upon their independence.

Media Implications/Media Engagement/Community Engagement

12. None with this brief, but as policy is developed in this space the AIS and [REDACTED] are likely to raise with the media.

Signatory Name: David Matthews

Phone: 6207 0384

Action Officer: Danielle Krajina

Phone: 6207 2990

Attachments

Attachment	TRIM No	Title
Attachment A	DOC18/26752	Letter from DG to [REDACTED]
Attachment B	DOC18/26751	Letter from DG to AIS
Attachment C	DOC18/26750	Letter from [REDACTED] agreement to extend and assurance
Attachment D	DOC18/26747	Letter from AIS assurance
Attachment E	DOC18/26746	Letter from AIS agreement to extend

UNCLASSIFIED



Education Directorate

UNCLASSIFIED

To: Minister for Education and Early Childhood Development

Tracking No.: MIN20/46

Date: 24/01/2020

From: Director-General

Subject: Extension of Memoranda of Understanding with the non-government schooling sectors

Critical Date: ASAP

Critical Reason: The current memoranda have expired

- David Matthews, EGM 05/02/2020

Recommendations

That you:

1. Note the information contained in this brief;

Noted / Please Discuss

2. Agree to the Director-General writing to the [REDACTED] and the Association of Independent Schools seeking agreement to an extension of the intent of the recent MOU terms through an exchange of letters;

Agreed / Not Agreed / Please Discuss

3. Note that the Directorate is continuing consultation throughout 2020 for amendments to the registration and regulation process for non-government schools, which will supersede some elements of the current MOUs when implemented through future legislative change.

Noted / Please Discuss

..... 17.02.20

UNCLASSIFIED

UNCLASSIFIED

Executive Feedback

*As discussed***Background**

1. In December 2012, Memoranda of Understanding (MOU) were signed between the Education Directorate [REDACTED] and the Association of Independent Schools (AIS).
2. In November 2013, the then Minister for Education and Training conducted a review of approval and registration processes applying to ACT non-government schools, which resulted in development of consistent processes be developed for all ACT schools relating to their compliance with legislated requirements [REDACTED].
3. In June 2015, a Memorandum of Understanding (MOU) between the AIS and the Education Directorate was signed (Attachment A), as well as an MOU between [REDACTED] and the Education Directorate (Attachment B).
4. The terms of the 2015 MOUs concluded on 31 December 2018 and were subsequently extended (without change) until 31 December 2019. In the interim the parties continue to operate within the parameters of the lapsed MOU.

Issues

5. It is proposed to seek agreement from the [REDACTED] and the Association of Independent Schools to extend the intent of the recent MOUs for a further 12 months through an exchange of letters.
6. Alongside the current arrangements enshrined in the MOU, a staged program of legislative reform is underway which includes amendments to the *Education Act 2004* through the *Education Amendment Bill 2020*, and a proposed *Non-Government Schools Amendment Bill* that will include amendments to the non-government school registration and regulation process.
7. Proposed amendments will streamline the non-government school registration and regulation process, integrate ongoing work from the *Future of Education Strategy*, as well as incorporate recommendations from the *Royal Commission into Child Sexual Abuse* through the implementation of Child Safe Standards.
8. Significant consultation with the AIS and [REDACTED] will inform and support changes to the regulatory framework relating to registration renewal as well as future proposed changes to legislation.

Financial Implications

9. Nil.

UNCLASSIFIED

UNCLASSIFIED

10.

11.

ConsultationInternal

12. Non-government Education within the Governance and Community Liaison branch and Strategic Policy have worked collaboratively on this approach.
13. Further internal consultation is required to inform the scope of amendments and consider operational impacts.

Cross Directorate

14. Nil.

External

15. Following agreement by the Minister, it is proposed to send letters (Attachments C and D) from the Director-General to the non-government stakeholders seeking in-good-faith agreement to continue with the current terms of the MOU.

Work Health and Safety

16. Nil

Benefits/Sensitivities

17. The benefit of extending the intent of the MOUs will ensure continuation of current process and operations and minimise stakeholder consultation fatigue through a planned program of consultation.

Communications, media and engagement implications

18. There are no negative media impacts anticipated from this brief.

Signatory Name: Danielle Krajina / Vanessa Attridge Phone: 72990 / 53509
 Action Officer: Lynda Tooth / Rebecca Travers Phone: 58321 / 54124

Attachments

Attachment	TRIM No	Title
Attachment A	DOC20/1396	2015 MOU with AIS

UNCLASSIFIED

Education Directorate

UNCLASSIFIED

To: Director-General Tracking No.: EDU19/2484

Date: 24/02/2020

CC: [Click here to enter text.](#)

From: Executive Group Manager Business Services

Subject: Extensions to Memorandums of Understanding with the Association of Independent Schools and [REDACTED]

Critical Date: 01/02/2020

Critical Reason: Current MOUs expire 31/12/2019 and terms of these require written agreement to extend before the MOUs expire

Recommendations

That you:

1. Note the information contained in this brief;

Noted / Please Discuss

2. Sign the attached letters.

Signed / Not Signed / Please Discuss

..... [REDACTED] 24/02/2020

Executive Feedback

UNCLASSIFIED

Background

1. Memorandums of Understanding (MOU) with the Association of Independent Schools of the ACT Inc. (AISACT) and [REDACTED] were established in 2015.
2. Under its MOU (Attachment C), the AISACT agreed to:
 - a. independent school principals making an annual assurance of their compliance with legislative matters that relate to schooling in the ACT; and
 - b. [REDACTED]

4. The 2015 MOUs expired on 31 December 2018.
5. The MOUS were extended in 2018 for 2019 only because the Education Directorate anticipated that changes would be made to the *Education Act 2004*; and that these changes would mean that the MOUs would no longer be required in their current state.

Issues

6. As changes to the *Education Act 2004* relating to non-government school registration and reporting were not completed in 2019, it is appropriate to request from AISACT and [REDACTED] an extension to the 2015 MOU.
7. An extension of two years is recommended to allow the anticipated changes to the *Education Act 2004* to be developed in consultation with AISACT and [REDACTED] during 2020 and 2021 if necessary.
8. The 2015 MOUs allow extensions to the terms of the MOUs providing written agreement to this is made prior to expire, which is 31 December 2019.

UNCLASSIFIED

UNCLASSIFIED

ConsultationInternal

9. Nil

Cross Directorate

10. Nil

External

11. Informal conversations with the Executive Director AISACT and [REDACTED] indicate that both parties will agree to the extensions.

Work Health and Safety

12. None identified.

Benefits/Sensitivities

13. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

14. The Senior Director Non-government Education apologises for this late request for your signature.

Communications, media and engagement implications

15. None anticipated

Signatory Name: David Matthews

Phone: 70384

Action Officer: Lynda Tooth

Phone: 58321

Attachments

Attachment	TRIM No	Title
Attachment A	DOC19/41035	Ltr to AIS requesting extension of MOU until 31/12/2021
[REDACTED]	[REDACTED]	[REDACTED]
Attachment C	DOC19/41039	2015 MOU with AIS
[REDACTED]	[REDACTED]	[REDACTED]

UNCLASSIFIED

Bowden, Julia

From: Flaherty, Hannah on behalf of DGEDUoffice
Sent: Monday, 24 February 2020 11:56 AM
To: [REDACTED]
Subject: Correspondence from DG EDU to [REDACTED] AIS
Attachments: Letter to [REDACTED] AIS.pdf

UNCLASSIFIED

Good morning [REDACTED]

Please find attached correspondence from Ms Katy Haire, Director-General ACT Education Directorate

Warm regards,

Hannah Flaherty | Executive Support Officer to Katy Haire, Director-General

Ph: 02 620 59156 | Education Directorate | Level 6, 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601



[REDACTED]
Association of Independent Schools
[REDACTED]

Dear [REDACTED]

I am writing about the Memorandum of Understanding (MOU) between the Australian Capital Territory and the Association of Independent Schools of the ACT Inc. (AISACT).

This MOU, which is due to expire on 31 December 2019, relates to:

- the annual assurance of compliance with legislative matters that relate to schooling in the ACT as made by principals of ACT independent schools; and

- [REDACTED]

I request your written agreement to extend the term of the MOU for a period of two years, that is until 31 December 2021.

Please advise Lynda Tooth, Senior Director Non-government Education Regulation by return email if you are agree to the extension of the MOU. Lynda can be contacted on lynda.tooth@act.gov.au.

Yours sincerely

[REDACTED]
Katie Haire
Director-General
24 February 2020



[REDACTED]
Association of Independent Schools
[REDACTED]

Dear [REDACTED]

I am writing about the Memorandum of Understanding (MOU) between the Australian Capital Territory and the Association of Independent Schools of the ACT Inc. The MOU was extended, unchanged, for 12 months to 31 December 2019 to allow for ongoing discussions in relation to proposed changes to the *Education Act 2004*.

The program of changes to the *Education Act 2004* is not yet complete, with the second phase of amendments planned for introduction into the ACT Legislative Assembly in late March 2020 through the *Education Amendment Bill 2020*. I would like to thank you for your involvement and acknowledge your valuable contributions in those discussions thus far.

Further, potential legislative changes, including to registration requirements and regulation for non-government schools, will be considered over the remainder of 2020. I acknowledge your ongoing interest in this area and welcome your continuing involvement in these discussions.

In the interim, I propose we agree, through an exchange of letters, to further extend the recently expired MOU, unchanged, for another 12 months to 31 December 2020.

Please advise Executive Branch Manager, Strategic Policy, Ms Nicole Moore by return email if you agree with the proposed approach, or contact Ms Moore on Nicole.Moore@act.gov.au to discuss this further.

Yours sincerely

[REDACTED]

Katy Haire
Director-General
24 February 2020



MINISTERIAL BRIEF



Education Directorate

UNCLASSIFIED

To: Minister for Education and Early Childhood Development

Tracking No.: MIN20/1029

Date: 02/07/2020

CC: EGM BSD

From: Director-General

Subject: Legislative Reform for Non-government School Registration, Renewal and Reporting – [redacted]

Critical Date: Nil

Critical Reason: Nil

Recommendation

That you note the approach to consultation about legislative reform of non-government school registration, renewal and reporting set out in this brief.

Noted / Please Discuss

Yvette Be [redacted]

..... 17/07/20

Minister's Office Feedback

Once Covid response becomes less of a priority please pick up on the state school engagement. Thanks.

Background

1. It has been two decades since the statutory framework for school education was last reviewed, with the most recent review commencing in 1998 and amendments notified in 2004 through the *Education Act 2004* (the Act). Since this time, there have been significant changes in community expectations of the education system.
2. A review of the registration requirements for a non-government school to operate

UNCLASSIFIED

UNCLASSIFIED

within the ACT is required to effectively strengthen, streamline and simplify registration processes, and align requirements outlined in the Act with other legislation, such as the *ACT Teacher Quality Institute Act 2010*.

3. There is an opportunity for the Directorate to:
 - a. review and revise the non-government school registration and renewal process with the aim of providing a more streamlined experience for the non-government sector, reducing red tape;
 - b. reduce the regulatory burden on government by developing a more intuitive, streamlined registration and renewal process;
 - c. improve oversight of non-government schools, by considering their reporting requirements (suspensions, exclusions and critical incidents) and the scope of the role of the Registrar of Non-Government Schools within the legislation; and
 - d. consider aligning the non-government renewal process with the government school review process, in which the Minister determines the specific focus of renewals and reviews each year (e.g. response to the Royal Commission, student wellbeing, curriculum).

Issues

4. At the request of your office, Strategic Policy has developed a process for engagement with the non-government sector regarding the non-government school registration, renewal and reporting process.
5. The engagement process was agreed to by the Education Directorate's Executive Governance Committee on 10 June 2020.
6. Engagement with the non-government sector and the regulator will assist in identifying possible amendments to the process, which will enable the development of a clear policy position to be provided to government.
7. This continued engagement will maintain collaborative partnerships with the non-government sector to assist the directorate in delivering the best possible education to children and young people in the ACT across all schooling sectors.
8. This review will continue the comprehensive modernisation of the Act which aims to meet growing community expectations for the delivery of education.

Opportunities

9. Following initial consultation with the Governance and Community Liaison Branch the following opportunities have been identified in relation to the non-government school registration and renewal process:
 - a. Consider whether non-government schools should be registered on an ongoing basis, with regular review processes focused on areas of education, rather than the current process requiring re-registration;
 - b. Consider whether non-government systems can be registered, rather than registration of individual system schools;
 - c. Review whether a three-step process is optimal for registration for a non-

UNCLASSIFIED

UNCLASSIFIED

- government school, and the timeframes for registration;
- d. Review whether the Act should require the Minister to consider, when approving registration of a non-government school, the impact of the proposed school on other schools, both public and non-government;
 - e. Consider a provision to be created to allow the Minister to resume registration of a non-government school if the registration lapses, or is cancelled, or for any other reason;
 - f. Consider a possible amendment to s 92(3) relating to non-government school registration to prevent schools from by-passing registration requirements by only notifying changes;
 - g. Consider the scope of the role of the Registrar of non-government schools in the legislation;
 - h. Review processes for complaints to be escalated through the system, particularly in relation to non-government schools, and for decisions to be reviewed.
 - i. Review whether conditions and criteria for registration and ongoing operation of non-government schools are suitable, including whether a fit and proper person criterion is required;
 - j. Review whether arrangements for the government to check, investigate and determine that a school is not meeting a criteria or condition of registration are suitable, and possible action that can be taken;
 - k. Consider attendance requirements for non-government schools and whether legislative powers need to be strengthened;
 - l. Review for what reason a non-government school can exclude a child;
 - m. Consider the need for non-government school reporting of suspensions and exclusions, as recommended by the *Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*;
 - n. Consider legislating the requirement for non-government school reporting of critical incidents to the Minister, which is currently covered by an MOU; and
 - o. Ensure consistency across the requirements of both government and non-government schools in the legislation.
10. Further opportunities may be identified through discussions with the non-government sector and comparison with the school improvement process for government schools.
- 

UNCLASSIFIED

UNCLASSIFIED

Financial Implications

17. This project will be funded utilising the existing Legislation Reform budget.

Consultation

Internal

18. Extensive internal consultation will be undertaken with branches impacted by the changes, such as Governance and Community Liaison through collaborative development of the policy position. Strategic Policy has already developed a strong working relationship with the Non-Government Education unit in Governance and Community Liaison and will build upon this through the process, to ensure that amendments made are able to easily transition back into the work of the Non-Government Education unit.
19. Active consultation will also be undertaken with School Improvement and Enrolments and Planning. Advice will also be sought from the Education Directorate's Executive Governance Committee and the Corporate Executive.

Cross Directorate

20. [REDACTED]
21. Consultation will also be undertaken with the Human Rights Commission and the Justice and Community Safety Directorate [REDACTED]. The amendments intend to support the human rights of children in the ACT by strengthening the registration, renewal and reporting processes of non-government schools.

External

22. Officials from the non-government sectors have continued to express strong interest in deep and comprehensive engagement in this reform, regardless of the timing.
23. External consultation will follow on from the relationships established and maintained as part of the first and second tranche of amendments to the *Education Act 2004* and further strengthened through the routine cross-sectoral COVID-19 pandemic video link ups.
24. EDU will continue to work closely with the non-government schooling sector,

UNCLASSIFIED

UNCLASSIFIED

- specifically the Association of Independent Schools and [redacted] to ensure a practical review of the registration and regulation processes.
- 25. Active consultation will also be undertaken with the [redacted] and the [redacted]
 - 26. Information about the project will also be provided to the [redacted] and the [redacted]

Work Health and Safety

- 27. Nil

Benefits/Sensitivities

- 28. The proposed amendments work towards the Government’s priority of ‘Education – Better schools for our kids’, which will support the rights of children to be safe and to have access to a high-quality education.
- 29. Amendments to the *Education Act 2004* will ensure that the ACT has legislation that reflects the principles of its education system: providing excellence and equity in education to all ACT children.
- 30. The legislation will be significantly reviewed and simplified, with the detail (where possible) being built within the regulations.
- 31. The legislation and the regulations will reflect the four principles outlined in the *Future of Education Strategy*: student agency, equity, access and inclusion.
- 32. Sensitivities have been considered in detail as part of a risk analysis. [redacted]
- 33. [redacted]

Communications, media and engagement implications

- 34. There are no media implications anticipated [redacted]

Signatory Name: Deb Efthymiades Phone: 59171

Action Officer: Rebecca Travers Phone: 54214

Attachments

Attachment	Title
[redacted]	

UNCLASSIFIED